



**REPORT ON  
HUMAN RIGHTS FORESIGHT,  
RESILIENCE AND PREPAREDNESS  
DURING TRANSFORMATIONS  
IN SOCIETY**

# **Report on human rights foresight, resilience and preparedness during transformations in society**

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## Report on human rights foresight, resilience and preparedness during transformations in society

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**Publisher:** Human Rights Centre

**Author:** Lauri Sivonen

**Language:** Finnish

Amidst the uncertainties caused by many overlapping crises, operating methods using foresight have become more common in central government and other areas of society. Security and crisis management, preparedness and strengthening society's resilience have been brought up in a wide range of contexts. Although foresight has not previously been part of the toolkit in human rights work, human rights actors also need to adapt and respond to changes in their operating environment and to challenges posed by global developments and trends. Foresight helps decision-making today by providing means to examine the uncertainties of the future and prepare for them.

The Human Rights Centre's report on human rights foresight, resilience and preparedness during transformations in society explores foresight in the field of human rights and describes foresight methods and the Finnish foresight system. In the report, different human rights scenarios are outlined for the year 2040 and the impacts of megatrends on human rights regulation are assessed. The human rights scenarios are built on the basis of the scenarios presented in the 2023 Government Report on the Future. Participation in making decisions on future prospects, foresight in legislative drafting and the rights of future generations are also among the topics highlighted in the report.

The report identifies threats faced by human rights actors. By preparing for these threats, it is possible to strengthen the resilience and independence of human rights actors. In addition to the national human rights actors, the report discusses the level of individuals, the structures of the rule of law, civil society and international cooperation with regard to strengthening preparedness and resilience. The report focuses especially on the situation in Finland, but it also has international dimensions.

The report is targeted at human rights actors and experts and is aimed at enhancing foresight capacities and resilience. It provides tools both for human rights foresight and for consideration of human rights in general foresight activities and images of future. The report emphasises the importance of inclusion for the effectiveness of human rights foresight, the need to monitor the changes in the international operating environment and the role of human rights in strengthening the resilience of society.

## Selvitys ihmisoikeusennakoinnista, resilienssistä ja varautumisesta yhteiskunnan murrosaikana

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**Tekijä:** Lauri Sivonen

**Kieli:** Suomi

Monien päällekkäisten kriisien aiheuttamien epävarmuuksien keskellä ennakoivat toimintatavat ovat yleistyneet valtionhallinnossa ja muualla yhteiskunnassa. Turvallisuus- ja kriisinhallinta-ajattelu, varautuminen ja yhteiskunnan resilienssin vahvistaminen ovat nousseet laajasti esille. Myös ihmisoikeustoimijoilla on tarve mukautua ja vastata toimintaympäristön muutoksiin ja maailman kehityskulkujen haasteisiin, vaikka ennakointi ei ole aiemmin kuulunut ihmisoikeustyön työkalupakkiin. Ennakointi tarjoaa keinoja tulevaisuuden epävarmuuksien tarkasteluun ja niihin varautumiseen nykyhetken päätöksenteon apuna.

Ihmisoikeuskeskuksen selvitys ihmisoikeusennakoinnista, resilienssistä ja varautumisesta yhteiskunnan murrosaikana kartoittaa ihmisoikeusennakoinnin kenttää ja kuvaa ennakoinnin toimintatapoja ja suomalaista ennakointijärjestelmää. Raportissa hahmotellaan erilaisia vuodelle 2040 sijoitettuja ihmisoikeusskenaarioita ja arvioidaan megatrendien vaikutuksia ihmisoikeussäätelyyn. Ihmisoikeusskenaariot rakentuvat valtioneuvoston vuoden 2023 tulevaisuusselonteon skenaarioiden perustalle. Tulevaisuusnäkymistä päättämisen osallisuus, lainvalmistelun ennakointi ja tulevien sukupolvien oikeudet ovat myös raportin korostamia aiheita.

Selvitys tunnistaa ihmisoikeustoimijoiden kohtaamia uhkia, joihin varautumalla voidaan vahvistaa toimijoiden resilienssiä ja riippumattomuutta. Kansallisten ihmisoikeustoimijoiden lisäksi selvitys kytkeytyy yksilötasoon, oikeusvaltiorakenteisiin, kansalaisyhteiskuntaan ja kansainväliseen yhteistyöhön varautumisen ja resilienssin vahvistamisen osalta. Selvitys keskittyy erityisesti Suomen tilanteeseen, mutta sillä on myös kansainvälisiä ulottuvuuksia.

Selvitys on suunnattu ihmisoikeusasiantuntijoille ja -toimijoille ennakointivalmiuksien ja muutosturvavuuden kehittämiseksi. Se antaa eväitä niin ihmisoikeusennakointiin kuin ihmisoikeuksien huomioimiseen yleisessä ennakoinnissa ja tulevaisuuskuviissa. Selvitys korostaa osallisuuden merkitystä ihmisoikeusennakoinnin vaikuttavuudelle, kansainvälisen toimintaympäristön muutosten seurantaan ja ihmisoikeuksien asemaa yhteiskunnan kokonaisresilienssin vahvistamisessa.

## Utredning om framsyn kring mänskliga rättigheter, resiliens och beredskap under en brytningstid i samhället

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**Människorättscentrets publikationer 4/2023**

**Utgivare:** Människorättscentret

**Författare:** Lauri Sivonen

**Språk:** Finska

I en osäker tid som orsakas av många överlappande kriser har verksamhets sätt med fokus på framsyn blivit vanligare inom statsförvaltningen och på andra håll i samhället. Säkerhets- och krishanteringstänkandet, beredskapen och stärkandet av samhällets resiliens har lyfts fram i stor utsträckning. Även människorättsaktörerna behöver anpassa sig och svara på förändringar i verksamhetsmiljön och utmaningar i utvecklingsförloppet i världen även om framsyn inte tidigare har ingått i verktygslådan för människorättsarbetet. Framsyn erbjuder metoder för att granska osäkerheter i framtiden och förbereda sig för dem och bidrar till att fatta beslut i nuet.

I Människorättscentrets utredning om framsyn kring mänskliga rättigheter, resiliens och beredskap under en brytningstid i samhället kartläggs fältet för framsyn kring mänskliga rättigheter och beskrivs tillvägagångssätten för framsynen och det finländska systemet för framsyn. I rapporten gestaltas olika människorätts scenarier för 2040 och megatrendernas inverkan på människorättsregleringen bedöms. Människorätts scenarierna bygger på scenarierna i statsrådets framtidsredogörelse 2023. Andra teman som betonas i rapporten är delaktighet i beslutsfattandet om framtidsutsikterna, framsyn kring lagberedningen och kommande generationers rättigheter.

Utredningen identifierar hot mot människorättsaktörerna och genom att ha beredskap för dessa kan man stärka aktörernas resiliens och oberoende. Utöver de nationella människorättsaktörerna har utredningen också en koppling till individnivån, rättsstatsstrukturerna, medborgarsamhället och det internationella samarbetet i fråga om att stärka beredskapen och resiliensen. Utredningen fokuserar särskilt på situationen i Finland, men den har också internationella dimensioner.

Utredningen riktar sig till människorättsexperter och -aktörer som vill utveckla sina färdigheter i framsynsarbete och sin flexibilitet att förändras. Den ger vägledning både i fråga om framsyn kring mänskliga rättigheter och för att beakta de mänskliga rättigheterna i den allmänna framsynen och framtidsbilderna. I utredningen betonas vikten av delaktighet för en effektiv framsyn kring mänskliga rättigheter, uppföljningen av förändringar i den internationella verksamhetsmiljön och de mänskliga rättigheternas ställning i stärkandet av samhällets övergripande resiliens.

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# Foreword

The year 2023 marked the 75th anniversary of the adoption of the Universal Declaration of Human Rights. Over the decades, the building of the human rights system has continued in a determined manner at the international, regional and national levels. One of the trends has been the establishment of independent national human rights institutions and increasingly close networking between them around the world. This year, the UN Paris Principles Relating to the Status of National Institutions will reach the age of 30. The European Network of National Human Rights Institutions ENNHRI, of great importance to us, recently celebrated its 10th anniversary. The ENNHRI has developed its operations and increased in importance very rapidly in recent years. The network is an important reference group for the Finnish Human Rights Centre when we take an active part in international human rights cooperation.

Over the decades, the human rights system has faced many kinds of difficulties. Nevertheless, it has been able to cope with difficult situations by turning the attention to future challenges. Continuous development is built into the human rights system. In the midst of today's crises and wars, we should consider all possible ways to strengthen human rights and the resilience of human rights actors. None of the parties that strongly challenge and question the significance of human rights have been able to propose any better-functioning alternatives.

Human rights, the rule of law and democracy are interdependent, and the voices questioning them have clearly intensified. Climate change and biodiversity loss erode the whole planet's ability to survive: environmental human rights also require imposing restrictions on human activities. Artificial intelligence is developing rapidly. This has generated new needs for comprehensive human rights regulation and multi-stage risk and impact assessment of AI systems.

Foresight provides human rights actors with long-sightedness and means to combine human rights work with broad global development trends. Foresight enables us to understand the status and situation of human rights in the long term and to consider how they should be developed and reformed. Foresight can be used to define both future risk factors and opportunities. Resilience means anticipatory flexibility for change that we can strengthen by examining changes in our operating environment and preparing for different scenarios and megatrends. Although the use of foresight in human rights work is still new, the understanding of how useful it could be is increasing.

The Human Rights Centre's report shows that foresight has already become part of the current task description of human rights actors. Impact assessments included in law drafting are an example of foresight. The trend of taking the rights of future generations into account



in human rights work is becoming stronger. Changes in the security situation have made crisis preparedness a routine activity for many human rights actors.

At the Human Rights Centre, we have tried to build strategic foresight by monitoring changes in our operating environment, planning our activities over the long term and defining priorities and competence development needs. In this work, extensive international and national cooperation and networks have strengthened us. More weight must be given to environmental human rights and the rights of future generations. We must also enhance the involvement of young people of our time - as well as that of older people - in human rights work. Building the future resilience of human rights and the rule of law requires deepening the perspective of democracy.

The foresight capabilities of human rights actors must be improved in cooperation with foresight experts. Promoting participation and inclusion in foresight is a shared challenge for human rights actors and foresight practitioners. Everyone must be able to find themselves in the future images of society.

I would like to emphasise the importance of the preparation process of the report made by Lauri Sivonen at the commission of the Human Rights Centre. It included a great deal of reflection, ideas, discussions, numerous interviews,

a foresight workshop of the Human Rights Centre's Human Rights Delegation and discussions with the Human Rights Centre's staff. In other words, the report has already raised the futures awareness of many human rights actors and given foresight experts new ideas about the role of human rights in foresight work.

The Human Rights Centre will continue its foresight work in many different ways. We use foresight for strategic long-term planning and developing our work. In addition, we put into practice human rights foresight in broader foresight activities and share human rights foresight with international networks. They have already shown great interest in this work.

We want to express our gratitude to the interviewees and all those who contributed to this report in different ways. Our warmest thanks to Lauri Sivonen, who conducted the very thorough research work. The report began as an assignment that we developed further, together and separately, along the way. Sivonen's objective and determined work on the new topic has been of great importance for the entire Human Rights Centre as it strives to promote human rights and improve the realisation of those rights for everyone in the future as well.

Sirpa Rautio  
Director of the Human Rights Centre

# 1 Introduction

Amidst the uncertainties caused by many overlapping crises, operating methods using foresight have become more common in central government and other areas of society. Security and crisis management, preparedness and the need to strengthen society's resilience have been brought up in a wide range of societal contexts. Foresight has not been part of the toolbox for human rights work before. However, in times of transition, the opportunities it can provide for human rights actors have made it a topical question. Human rights actors

also need to adapt and respond to changes in their operating environment and the challenges posed by global developments. Foresight helps decision-making today by providing means to examine the uncertainties of the future and prepare for them.

The topics of the "Report on human rights foresight, resilience and preparedness during transformations in society", commissioned by the Human Rights Centre, and its preliminary content were determined in November 2022:

- Foresight as a method and organisations performing foresight work in Finland;
- Earlier foresight work related to human rights;
- Inclusion, power to define futures and influencing in human rights foresight;
- Human rights foresight during transformations in society: megatrends, weak signals and potential human rights developments (scenarios);
- The concept of resilience in general and in human rights work in particular;
- Preparedness: strengthening human rights and rule of law structures and actors;
- Implementation of human rights during transformations in society: the human rights dimension of climate change and biodiversity loss; the importance of social rights; challenges to protection of privacy; and the application of transversal human rights principles; and
- Conclusions on human rights foresight and its usefulness.

The work began in November 2022 with research of relevant literature. The key sources included foresight literature, and publications of the Government and its analysis, assessment and research activities. The interviews related to the study, of about one hour in duration, started in December 2022. The last one was conducted in May 2023. A total of 15 experts on foresight and human rights participated in the interviews (see Appendix 3). The aim of the interviews was to map out Finnish foresight work, its structures and links to crisis management, as well as foresight and futures work with particular significance for human rights. The interviews also clarified the opportunities provided by foresight for human rights work.

Alternative future developments are often depicted by using different scenarios. The Finnish Government Report on the Future 2023 was published in January 2023.<sup>1</sup> This provided an opportunity to build alternative human rights scenarios based on the general scenarios described in the Report on the Future. The Human Rights Centre's staff participated in the preparation of the human rights scenarios provided as Appendix 1 to this report. Two discussions on the topic were arranged for them at the beginning of the year. The human rights scenarios and other foresight methods were tested at the foresight workshop of the Human Rights Centre's Human Rights Delegation in April 2023. The writing of the report began in March, and its finalisation continued as a staff member in the Human Rights Centre in summer 2023.

The report on human rights foresight draws on the Human Rights Centre's earlier reports on national human rights actors and the impacts of the coronavirus pandemic.<sup>2</sup> Those reports already highlighted the need for foresight among human rights actors, increased resilience and guarantees for independence. As regards preparedness and strengthening resilience, the

report refers not only to national human rights actors but also to the individual level, rule of law structures and civil society.

The study focuses particularly on the situation in Finland, but human rights scenarios and megatrends have a strong international dimension. The description of the adaptation of human rights regulation related to megatrends mostly refers to the development of European and international standards.

The structure of the report mainly follows the order of the original topics of the study. At first, it focuses on foresight and, later, on the concept of resilience and preparedness. The chapter on an era of transformation in human rights regulation was placed in the middle of the report. The conclusions emphasise the key findings of the report and provide guidance for the next steps in human rights foresight. The human rights scenarios are provided as an appendix to the report.

The report is targeted at human rights experts to enhance the foresight capacities and resilience of human rights actors. It can also be used as a bridge between human rights work and foresight. The report can be used both for human rights foresight and for taking account of human rights in general foresight activities and images of the future.

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1 Government (2023a).

2 Human Rights Centre (2022a); Human Rights Centre (2022b); Human Rights Centre (2020).

# 2 Foresight

## 2.1 What is foresight?

Foresight is a field and method of futures research. It means organised and inclusive production of knowledge and shared understanding of alternative futures. Foresight supports today's decision-making and preparedness and brings people together around future-oriented activities. Its time span is usually long – often ten years or more – but the future paths begin from the present moment. Foresight does not mean the same as predicting the future. Instead, it helps us to understand the future as a variety of future possibilities, the shaping of which we can actively influence. We should emphasise not only the outputs of foresight work but also the importance of the participatory process that produces them.<sup>3</sup>

Foresight usually produces futures information from the perspective of a specific actor or sector. National foresight supports the decision-making of public administration. One of its key objectives is to systematically examine the uncertainties related to changes in our operating environment and help us prepare for them and adapt to them. Today, we are facing complex crises and transformation processes. Therefore, it is not surprising that it has become a common practice in central government to use foresight for building awareness of uncertainty

factors and managing them. Alternative future developments are often described by mapping out different scenarios and their impacts. The scenarios may be likely or unlikely, desirable or ones to be avoided, or plausible or incredible.<sup>4</sup> Five human rights scenarios for 2040 have been attached to this report as Appendix 1.

Foresight is often motivated by awareness of the need for change. The current situation is not considered sustainable, and we want to exert positive influence on future trends. Foresight is primarily aimed at building future resilience, i.e., the ability to cope with the challenges, crises and surprises that we will have to face. But one of the goals is also to learn from them and make reforms. Understanding changes and outlining different kinds of futures will help us to take action towards the preferred future. Even in the midst of deep transformation, we must be able to think about a better future and use the opportunities of the future for implementing it.<sup>5</sup> Foresight requires imagination, courage, insight and a visionary approach. If we modify the images of the future we have today, it will affect the way different actors behave and thus also the future.<sup>6</sup>

3 Poursu & Minkkinen *et al.* (2020), 9 and 17-18.

4 Airos & Ahlqvist *et al.* (2022), 30-31. The Government Report on the Future 2023 presents four broad-based scenarios of possible futures prepared in collaboration between ministries: Government (2023a).

5 Dufva & Rekola (2023), 64-66.

6 Aalto (2022), 347-358.

Foresight is becoming part of good governance. The Organisation for Economic Co-operation and Development (OECD) is building a new anticipatory innovation governance model. It responds to the challenges of the current period of particularly high uncertainty by outlining future opportunities. The OECD has issued comprehensive recommendations to Finland on the use of foresight in central government and in the preparation of policy measures in a systematic and inclusive manner.<sup>7</sup>

The National Audit Office of Finland (NAOF) has examined the current state of foresight activities in the central government in accordance with the recommendations of the OECD report. The NAOF emphasised the importance of futures knowledge as an essential part of the knowledge base of strategic decision-making. However, it noted that the definition of foresight in administration still remained ambiguous. It recommended embedding common practices of producing and utilising foresight information in the activities of ministries and supplementing the knowledge base of policy measures with foresight information.<sup>8</sup>

Futures knowledge can be used for solving problems of short-sightedness in administration and political decision-making. Foresight is related to long-term steering across parliamentary terms. It is not linked to today's challenges only, but it also allows us to assess long-term trends and drivers of change.<sup>9</sup>

Outlining the megatrends of societal development promotes the understanding of complex development paths and placing a certain actor, sector or individual phenomenon in a broader context. This can also help us avoid building silos if we use a multidisciplinary and phenomenon-based approach. Megatrend analysis and many future scenarios apply broad basic concepts of global developments for de-

fining and classifying changes. They stem from the checklists used by the business world in the 1960s to analyse the operating environment. The often-used PESTE (or STEEP) framework employs five basic concepts: political, economic, social, technological and environmental trends or drivers of change.<sup>10</sup>

## 2.2 Who are working on foresight in Finland?

According to the OECD, Finland has one of the most highly developed strategic foresight systems in the world.<sup>11</sup> Its national foresight network is coordinated by representatives from the Prime Minister's Office, Sitra, the Finnish National Agency for Education, the Futures Research Centre and the Association of Finnish Local and Regional Authorities.<sup>12</sup> The foresight and competence of government agencies is also supported by the peer network of foresight experts led by the State Treasury.<sup>13</sup> Futures research can be studied at several universities in Finland.

At the level of national decision-making, the dialogue on the future between the Government and Parliament is one of the cornerstones of the Finnish foresight system. The Parliamentary Committee for the Future was established in 1993. Since then, the Government has submitted a Report on the Future to Parliament

7 OECD (2022a).

8 National Audit Office of Finland (2022).

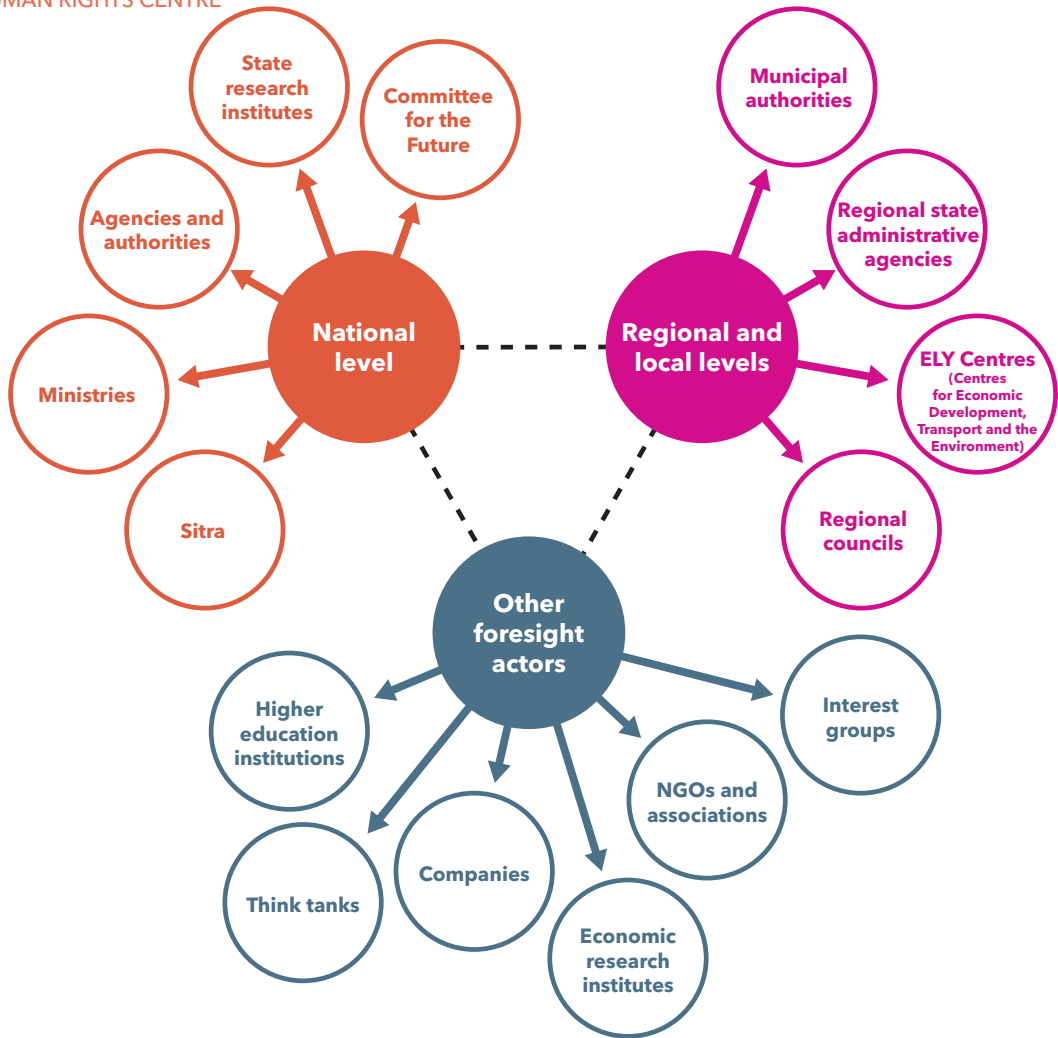
9 Airos & Ahlqvist *et al.* (2022), 30-31.

10 There are many kinds of variations of the PESTE categories (political, economic, social, technological and environmental). Additional categories may include cultural, legal or security. In its Megatrends 2023 report, Sitra uses the following expressions for the PESTE categories: power, economy, people, technology and nature. Dufva (2022a); Dufva & Rekola (2023).

11 OECD (2022a), 86-87.

12 The website of the national foresight network: <https://www.foresight.fi/>.

13 Project website of the peer network: <https://www.valtiolla.fi/hanke/ennakointikyvykkyden-vahvistaminen/>.



**Figure 1.** Different actors in the national foresight system<sup>17</sup>

each parliamentary term. The Government’s latest Report on the Future was issued in January 2023. It contained four detailed scenarios prepared in collaboration between the ministries on the possible futures of the world and Finland until 2040. The scenarios are to be used in the joint foresight work of the ministries.<sup>14</sup> The Committee for the Future prepares reports in response to the Government.<sup>15</sup> It also pub-

lishes studies and reports on anticipated future developments.<sup>16</sup>

The Prime Minister’s Office leads the ministries’ joint foresight work. The ministries’ foresight working group participates in the preparation of the Government Report on the Future and the futures review of the ministries.<sup>18</sup> The

14 Government (2023a).

15 The report in response to the Government’s Report on the Future 2023: Parliamentary Committee for the Future (2022).

16 Publications of the Committee for the Future are available on its website: <https://www.eduskunta.fi/FI/valiokunnat/tulevaisuusvaliokunta/julkaisut/Sivut/default.aspx>.

17 Figure from the book: Pouru & Minkkinen *et al.* (2020), 25 (figure 6).

18 The futures reviews of the ministries are published each parliamentary term. In 2022, they were published together. Government (2022c).

Government Foresight Group, operating under the auspices of the Prime Minister's Office, consists of experts in foresight. It supports the Government's work on the future and the work of the national foresight network. It serves as an advisor in the preparation of the Government Report on the Future and the futures review of the ministries.<sup>19</sup>

The foresight work carried out by the ministries and their administrative branches is deepening. The Ministry of the Interior<sup>20</sup> and the Ministry of Defence<sup>21</sup> have been doing foresight work relating to the security environment and threat scenarios for a long time. The goal of the Ministry of the Interior's joint strategic foresight model development project 2021–2022 was to respond to the challenges posed by the increasing significance of and need for foresight. The Ministry uses a digital foresight platform in the joint foresight work of the administrative branch.

The Ministry of Justice's strategy emphasises the importance of foresight, and the Ministry has strengthened its foresight expertise. The Ministry's foresight is related to its knowledge-based management policies introduced in spring 2023. They emphasise the support strategic foresight provides for comprehensive management of information and decision-making and for a judicial administration prepared for future transformations and changes in the operating environment.<sup>22</sup> Workshops that apply foresight methods are arranged for different

actors and projects in the organisation. Scenario reviews were prepared under the Security Committee for the purposes of the reform of the Emergency Powers Act led by the Ministry of Justice.<sup>23</sup> The preparation of the evaluation memorandum of the working group of administration of justice was supported by means of foresight and following megatrends.<sup>24</sup> The latest impact assessment guidelines for law drafting also refer to foresight and scenario analysis as methods of impact assessment.<sup>25</sup>

The Ministry of Finance has its own foresight network. The Ministry cooperates with the OECD to develop anticipatory innovation governance of the state.<sup>26</sup> National dialogues are part of the promotion of open government. They are aimed at finding signs of potential issues that may emerge in the future.<sup>27</sup> Statistics Finland produces information used in foresight. The Finnish National Agency for Education anticipates qualitative and quantitative competence needs of the future.<sup>28</sup>

Centres for Economic Development, Transport and the Environment (ELY Centres) are involved in preparing outlooks of regional development.<sup>29</sup> Special future scenarios have been prepared for security of supply purposes.<sup>30</sup> Business Finland has prepared alternative scenarios for the future until 2030.<sup>31</sup> The Finnish

19 Website of the Government Foresight Group: <https://vnk.fi/en/foresight/government-foresight-group>.

20 See, e.g., Ministry of the Interior (2023); Ministry of the Interior (2017); Government (2021).

21 See, e.g., the Security Committee's description of foresight on the Committee website: <https://turvallisuuskomitea.fi/en/security-strategy-for-society/foresight-and-preparedness/>.

22 The website of the Ministry of Justice on knowledge-based management and research: <https://oikeusministerio.fi/tiedolla-johtaminen-ja-tutkimustoiminta>.

23 Security Committee (2021); Branders (2021).

24 Ministry of Justice (2022c).

25 Government (2022b).

26 See the website of the Ministry of Finance on anticipatory innovation governance: <https://vm.fi/valtion-ennakoiva-ohjaus>.

27 National Dialogues website: <https://kansalliset-dialogit.fi/en/>.

28 Competence Foresight Forum. <https://www.oph.fi/fi/palvelut/osaamisen-ennakointifoorumi-oef>.

29 Ministry of Economic Affairs and Employment (2022).

30 National Emergency Supply Agency (2020).

31 The scenarios are available on Business Finland website: <https://www.businessfinland.fi/en/for-finnish-customers/strategy/business-finland-scenarios>.

Environment Institute uses many foresight methods in its work.<sup>32</sup> Foresight work is also carried out at the level of regional and local authorities.<sup>33</sup>

Sitra, established by Parliament, is a future-oriented fund that has played a key role in developing foresight and promoting future-oriented thinking in Finland. It publishes megatrend reviews, futures barometers and other futures tools that are widely used.<sup>34</sup> Finland Futures Research Centre, operating under the auspices of the University of Turku, is the largest academic research institute specialising in futures research and foresight in the Nordic countries.<sup>35</sup> Foresight work is also carried out by think tanks<sup>36</sup>, NGOs<sup>37</sup>, foundations<sup>38</sup> and companies<sup>39</sup>.

It is likely that the implementation of the recommendations of the National Audit Office to central government and the increased professionalism in the foresight cooperation between ministries increase the administration's foresight work as part of knowledge-based administration and make it more systematic.<sup>40</sup> A report prepared as a background paper for

the Government Report on the Future on the rights of future generations provides detailed recommendations for continuous foresight in law drafting.<sup>41</sup>

The EU foresight activities provide an important framework for Finland. For the EU, long-term decision-making is of key importance, and it produces a great deal of futures knowledge.<sup>42</sup> The European Commission publishes an annual strategic foresight report on the trends it considers to be of key importance from its viewpoint.<sup>43</sup> A more extensive foresight review prepared for the 2023 Strategic Foresight Report includes four detailed foresight scenarios of a sustainable EU in 2050.<sup>44</sup> One of the European Commission's internal tools for better EU regulation is strategic foresight.<sup>45</sup> The Commission has set up an EU-Wide Foresight Network. It has meetings at two levels: at the levels of the Ministers for the Future and senior officials.<sup>46</sup> It also supports the activities of the European Foresight Platform.<sup>47</sup> UN Secretary-General António Guterres has proposed that a Strategic Foresight and Global Risk Report to UN Member States be presented every five years.<sup>48</sup>

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32 Finnish Environment Institute's website on foresight and scenario work: [https://www.syke.fi/fi-FI/Tutkimus\\_kehittaminen/Tutkimusmenetelmat\\_ja\\_kokeilut/Ennakointi\\_ja\\_skenaariotyota/SYKE\\_ennakointi\\_ja\\_skenaariotyota\(43064\)](https://www.syke.fi/fi-FI/Tutkimus_kehittaminen/Tutkimusmenetelmat_ja_kokeilut/Ennakointi_ja_skenaariotyota/SYKE_ennakointi_ja_skenaariotyota(43064)).

33 Airikkala & Castrén *et al.* (2022); Jäppinen & Pekola-Sjöblom (2020).

34 Dufva & Rekola (2023); Sitra foresight website: <https://www.sitra.fi/en/themes/foresight-and-insight/>.

35 Website of Finland Futures Research Centre: <https://www.utu.fi/en/university/turku-school-of-economics/finland-futures-research-centre>.

36 An example of scenario work done by Demos Helsinki: Björk, Neuvonen & Attalla (2022).

37 An example from the child welfare sector, Pesäpuu ry. Kauppinen (2022).

38 For example, the Deaconess Foundation's inclusive work on the future. Deaconess Foundation (2023).

39 Pouri, Dufva & Niinisalo (2019), 84-91.

40 National Audit Office of Finland (2022), 6.

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41 Airos & Ahlqvist *et al.* (2022), 166-174.

42 Vogt & Pukarinen (2022).

43 European Commission (2023b); European Commission (2022a).

44 Matti & Jensen *et al.* (2023).

45 European Commission (2021a), 155-158 (Tool 20).

46 EU's strategic foresight website: [https://commission.europa.eu/strategy-and-policy/strategic-planning/strategic-foresight\\_en](https://commission.europa.eu/strategy-and-policy/strategic-planning/strategic-foresight_en).

47 European Foresight Platform: <http://foresight-platform.eu>.

48 UN Secretary General (2021), 65.



# 3 Earlier human rights foresight

## 3.1 Foresight focused on human rights

In human rights work, foresight is only just beginning. Although, there are already examples of it at both international and national levels. Since 2022, the EU Agency for Fundamental Rights (FRA) has been using strategic foresight related to fundamental rights, the monitoring of changes in the operating environment and scenarios in its internal planning and preparedness. Using foresight, it aims to identify risks and challenges and respond to expected changes in the fundamental rights environment. The EU Agency for Fundamental Rights also takes part in providing foresight information for the EU's annual Strategic Foresight Report. This way, it develops specialised human rights foresight and the human rights dimension of foresight work in general.<sup>49</sup>

In its strategic plan for 2023–2028, FRA presents alternative scenarios for fundamental rights developments based on megatrends. They are used to identify future challenges to the realisation of fundamental rights, including:

the wide-ranging impacts of the Russian war of aggression against Ukraine; a probable economic downturn in Europe and the consequent widening of economic and social disparities; accelerating climate change with potentially devastating consequences for all aspects of life and future generations; and social and political trends leading to growing inequalities and the rise of movements that question basic fundamental rights and the rule of law. One of the objectives of FRA's strategic priorities is to carry out foresight research that helps EU institutions and Member States anticipate threats related to the enjoyment of fundamental rights and promote fundamental rights resilience.<sup>50</sup>

UN High Commissioner for Human Rights Volker Türk has stressed the importance of strategic foresight in the actions of the human rights community when faced with new challenges. Rapidly evolving technologies, global health challenges, economic downturns, changing demographics and the consequences of overlapping crises continue to reveal new and

49 EU Agency for Fundamental Rights (n.d.), 24, 76 and 78; EU Agency for Fundamental Rights (2023a). In 2022, FRA organised a meeting of human rights leaders and experts. The report from the meeting is a forward-looking description of the operating environment of the European human rights system. EU Agency for Fundamental Rights (2022b).

50 EU Agency for Fundamental Rights (2023b), 8-18 and 23. The strategic plan describes seven megatrend areas related to fundamental rights: challenges to justice and the rise of a security-based agenda; threats to democratic values; deepening inequality and increased discrimination; changing patterns of migration; economic and social trends; digital transformation and artificial intelligence; and climate change.

complex human rights challenges that we are not necessarily prepared for. Volker Türk has called for creativity, innovation and a contemporary understanding of the concepts of the legal framework and of concepts of justice in our responses to current and future challenges. UN Secretary-General António Guterres has also stressed the need for strategic foresight in the UN's long-term decision-making.<sup>51</sup>

In 2020-2023, the Informal Strategic Foresight Network operated under the UN High-level Committee on Programmes (HLCP). It was tasked with promoting and supporting the foresight capacities across the UN system.<sup>52</sup> The United Nations Development Programme (UNDP) has been particularly active in developing foresight.<sup>53</sup> Human rights have also been highlighted in UNDP's foresight work. The report on new categories of rights published by the Strategic Foresight Network of the UNDP Regional Bureau for Asia and the Pacific uses foresight to reassess and broaden the conceptions of human rights. The report emphasises the role of forward-looking human rights work in creating more just economic futures, respecting the rights of future generations, and building digitally inclusive and deliberative societies.<sup>54</sup>

In the UN system, foresight has also been used to protect refugees and defend the rights of the child. The Office of the UN High Commissioner for Refugees (UNHCR) in North Macedonia applied foresight and anticipatory governance process to design a futures-focused country strategy and to develop the foresight capabilities of the agency and its UN partners.<sup>55</sup>

The Office of Research - Innocenti of the United Nations Children's Fund (UNICEF) develops participatory foresight from the perspective of the rights of the child. UNICEF's Global Outlook 2023 report was based on foresight, and a group of UNICEF Youth Foresight Fellows were involved in preparing the report. The organisation has a special programme for young foresight practitioners.<sup>56</sup>

Some future generations commissioners have been appointed at a national level to defend the rights and interests of future generations. The position resembles the ombudsman institutions. However, the tasks, combining foresight and human rights, have a long-term future focus. There are future generations commissioners in Hungary and Wales - and earlier there was one also in Israel. UN Secretary-General António Guterres intends to appoint a Special Envoy for Future Generations to facilitate linkages between the national future generations institutions and UN treaty bodies and special procedures of the Human Rights Council.<sup>57</sup>

Human rights experts have drafted the Maastricht Principles on Human Rights for Future Generations.<sup>58</sup> In Finland, the Prime Minister's Office has published a report on strengthening foresight and the role of future generations in Finnish law drafting.<sup>59</sup> The second part of the Government Report on the Future 2023 also focuses on the topic.<sup>60</sup>

The Norwegian National Human Rights Institution has published a report on the virtual Metaverse and human rights. It is based on future scenarios of the development of the

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51 UN High Commissioner for Human Rights (2022); UN Secretary General (2021), 44-45, 60, 65, 73 and 76.

52 Foresight Network, UN System Chief Executives Board for Coordination. Website: <https://unsceb.org/foresight-network>.

53 UNDP Global Centre for Public Service Excellence (2018).

54 Raman (2022).

55 Krishnan & Sandri (2020).

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56 UNICEF (2023b); UNICEF (2023a).

57 Airos & Ahlqvist *et al.* (2022), 87-89; United Nations (2023b), 13-14.

58 Maastricht Principles on the Human Rights of Future Generations (2023).

59 Airos & Ahlqvist *et al.* (2022).

60 Government (2023a).

Metaverse.<sup>61</sup> The youth event organised by the Human Rights Centre in May 2023 discussed the “right to the future”, referring specifically to environmental human rights.<sup>62</sup>

The Finnish Guidelines for Impact Assessment in Law Drafting refers to foresight as one of available methods. The Ministry of Justice’s guide Assessment of Fundamental and Human Rights Impacts in Law Drafting refers to assessment of long-term impacts in law drafting.<sup>63</sup> However, the anticipation of longer-term impacts has remained rather limited in law drafting, and alternative futures are not clearly reflected in these processes.<sup>64</sup>

NGOs specialising in human rights have also launched foresight activities.<sup>65</sup> For example, OpenGlobalRights, Justlabs and Save the Children have published foresight manuals.<sup>66</sup> The International Women’s Development Agency (IWDA) has organised foresight workshops on women’s rights.<sup>67</sup> Pesäpuu ry in Finland has held Futures Frequency workshops with Sitra to promote the reform of child welfare legislation.<sup>68</sup>

### 3.2 Foresight touching on human rights

When discussing the issue of human rights foresight, it is important to ask whether human rights are included in foresight at a more

general level. Are human rights considered part of the field of foresight? How will human rights work affect future trends? So far, human rights have been rarely addressed directly in broader foresight activities, and the perspective on them has remained narrow.

A report submitted to the Parliamentary Committee for the Future analyses future phenomena emerging in the 20 key foresight reports selected by researchers.<sup>69</sup> Human rights were examined as a separate phenomenon in three reports: the ESPAS report on global trends in 2030, the Global Risk Report 2019 of the World Economic Forum and the Rand Corporation analysis made for the European Commission on societal trends affecting the EU until 2030.<sup>70</sup>

The ESPAS report anticipates uncertain times in the development of the rule of law and human rights as authoritarianism is rising and the shared values and the middle class are becoming more brittle. It highlights the EU’s interest to promote democracy, the rule of law and human rights in the international system. The future shock of “No rights left” listed by the World Economic Forum underlines the fragmentation of values. It emphasises the growing tendency of letting breaches of human rights go without consequence by linking it to the spread of illiberalism. The Rand Corporation analysis describes the realisation of human rights as one area and criterion of advancement of society, although it also points out the high disparities between nations.

Gender equality is highlighted to a significant extent in four reports among the 20 reports reviewed. The report on wild cards<sup>71</sup> submitted to the European Commission describes

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61 Norwegian National Human Rights Institution and Norwegian Board of Technology (2023).

62 Human Rights Centre (2023b).

63 Government (2022b); Rönty (2022), 25 and 27.

64 The Government proposal for the Climate Change Act HE 27/2022 vp. included futures information in the assessment of fundamental and human rights impacts. Airos & Ahlqvist *et al.* (2022), 66, 126 and 130.

65 Gomez (2021b).

66 Gomez (2021a); Save the Children & School of International Futures (2019).

67 IWDA (n.d.).

68 Kauppinen (2022).

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69 Ahvenharju & Pouru-Mikkola *et al.* (2021).

70 European Strategy and Policy Analysis System (2015); The World Economic Forum (2019); Rand Europe & the European Union (2013).

71 A wild card is a driver of change that emerges unexpectedly and suddenly and makes the course of events uncertain.

surprising future developments. These include empowerment of women into leaders of a patriarchal society. The report also refers to the possibility of women refusing from positive measures aimed to promote female scientific careers as a patronising activity.<sup>72</sup> In the State of the Future review of the Millennium project, the status of women is described as a driver of development in accordance with the objectives of the 2030 Agenda for Sustainable Development.<sup>73</sup> The Rand Corporation report also uses equality as a driver of change. Sitra's 2020 megatrend report takes the strengthening of the position of girls and women into account as part of the megatrend related to the population.<sup>74</sup>

In addition to the foresight reports analysed by the Committee for the Future, other examples should also be mentioned. The European Commission's 2021 Strategic Foresight Report highlights the importance of human rights in the EU's external relations and in strengthening the resilience of institutions.<sup>75</sup> Its 2022 Strategic Foresight Report refers to social rights as part of the implementation of the green and digital twin transitions.<sup>76</sup> The 2023 Strategic Foresight Report makes no reference to human or fundamental rights at all, even though FRA had provided fundamental rights information for this purpose.<sup>77</sup>

The Finnish Government Report on the Future 2023 often refers to the state of human rights and fundamental rights, equality and the rule of law in different scenarios. The second part of the report focuses on the rights of future generations.<sup>78</sup> Sitra's Megatrends 2023

report mentions human rights in the context of expanding corporate responsibility and in the comments of the point of view sections.<sup>79</sup> Business Finland's scenarios with a Covid-19 update refer to questions related to human rights being set aside in international cooperation in 2030. This would supposedly allow the international community to focus on managing major crises without the undertones of advancing Western values or specific ideologies.<sup>80</sup>

In the classification of phenomena used in the report drafted for the Committee for the Future, the most interesting categories in terms of human rights are: global decision-making, challenges to democracy, popular discontent, inequality, well-being, ethical issues related to technological development, changes in values and gender equality. The phenomena under these themes are particularly directly linked to the realisation of human rights, even if the foresight reports did not use human rights terminology to describe them.

It should be noted that most of the categories of future phenomena can be linked to human rights in one way or another. Both foresight and human rights are broad-based frameworks for action and thinking. Therefore, bridges may be built between them through many different themes. All PESTE categories of change frequently used in foresight can be of significance for human rights.<sup>81</sup> With the PESTE classification, individual human rights phenomena can be linked to broader foundations and megatrends of global developments.

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72 European Commission (2011), Blue Sky Policy Alert 18 - Empowerment of women and Blue Sky Policy Alert 41 - Female-centric projects a turn-off for women.

73 Millennium Project (2017).

74 Dufva (2020), 22.

75 European Commission (2021b).

76 European Commission (2022a).

77 European Commission (2023b).

78 Government (2023a).

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79 Dufva & Rekola (2023), 40, 56, 59 and 63.

80 Business Finland (2020), 15.

81 Political, economic, social, technological and environmental changes. In addition to these five PESTE categories, the report made for the Parliamentary Committee for the Future used categories related to culture and security to describe phenomena. Ahvenharju & Pouru-Mikkola *et al.* (2021).

# 4 Inclusion in foresight

## 4.1 Power to define futures, futures literacy and futures consciousness

The inclusion of different people and parties is essential in foresight. Producing a shared understanding of alternative futures requires diverse involvement. The images of the future reflect the experiences, views and prejudices of those who create them. Extensive participation in work on the future strengthens its credibility and promotes actions towards the preferred future. The concepts of power to define futures and futures literacy are central to the inclusion in foresight approaches.

The power to define futures means the power to outline visions of the future. It focuses attention on the processes of describing futures and especially on who is involved in the work on the future and whose views are represented in its outputs. The interfaces between work on the future and subsequent decision-making on measures to follow are related to the power to define futures: how will visions of the future affect the actions that build the future? Extensive participation in foresight empowers groups of people that have not participated in foresight activities before. It promotes diversity of views and creation of versatile images of the future in which everyone can identify themselves. It also enables decision-making that takes everyone's wishes and needs into account.<sup>82</sup>

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82 Dufva, Mikko (2022b).

The United Nations Educational, Scientific and Cultural Organization (UNESCO) defines futures literacy as a useful competency for all people that allows them to better understand the role of the future in what they see and do. Future literacy empowers imagination and enhances our ability to prepare, recover and invent as changes occur. Enhanced futures literacy may democratise the generation of the images of the future.<sup>83</sup> Futures literacy helps us understand alternative futures, understand our own activities and responsibilities in building the future, and examine work on the future critically.<sup>84</sup>

The concept of futures consciousness partly overlaps with futures literacy. It describes the capabilities and properties that individuals, groups of people, organisations or states have to process futures information and create images of the future and to guide their own activities. Futures consciousness is considered to consist of five dimensions: 1) time perspective, 2) agency affecting the future, 3) openness to alternative futures, 4) perception of connections between systems and the cumulative

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83 UNESCO website on futures literacy: <https://en.unesco.org/futuresliteracy/about>.

84 Futures literacy website of the Finland Futures Research Centre at the University of Turku: <https://www.utu.fi/en/university/turku-school-of-economics/finland-futures-research-centre/collaboration/futuresliteracy>.

impacts of decisions, and 5) understanding the broad human scope of individual responsibility.<sup>85</sup>

## 4.2 Promoting inclusion in foresight

The national foresight work in Finland has usually been very expert- and official-centric. Members of Parliament have been involved in work on the future, especially if they have been members of the Parliamentary Committee for the Future. Efforts have been made to expand inclusion in foresight through stakeholder discussions, events and online surveys. The purpose of involving citizens has been to collect futures information rather than to engage them in foresight-related decision-making. In recent years, efforts have been made to involve young people and immigrants in particular in work on the future.<sup>86</sup> As regards young people, we have recently started to realise the importance of futures literacy as an enabler of effective participation. Elements of the basics of futures research have been included in the national core curriculum for upper secondary education since 2019.<sup>87</sup> The Committee for the Future puts special emphasis on hearing young people in their work.<sup>88</sup>

In the preparation of the Government Report on the Future 2023, efforts were made to enhance inclusion. This was done by arranging 50 future dialogues using the principles of the Timeout<sup>89</sup> dialogue method. In the dialogues, people discussed the possible future of Finland in 2040 based on the participants' own experiences and observations related to the present and the past. The focus of the discussions was on issues that generate hope or cause concern.

The particular topics that emerged included equality, inclusion, education, gender equality, courage, innovation, security and the Finnish nature.<sup>90</sup>

The people who participated in the dialogues led by the Timeout Foundation and various organisations around Finland were not required to have any special futures literacy skills. The Antti Tuisku song "My Finland" was played as an introduction to the discussions. The aim was to involve people from as varied backgrounds as possible. The participants included young people, immigrants, Sámi people, persons belonging to sexual and gender minorities and sign language speakers, among others. In the future dialogues, the majority of the participants were concerned about increasing inequalities, social exclusion, mental well-being problems and climate change. In addition to these issues, minorities were also very concerned about the respect of their fundamental rights and the possibilities of pursuing their own livelihoods or practising their culture.<sup>91</sup>

As part of its futures observatory work, the Deaconess Foundation has held discussions on the signals of a future which respects human dignity. They have been attended by clients of the Deaconess Foundation in Finland and abroad. The people involved in the 21 futures discussions held by the Deaconess Foundation included young people, city dwellers, older people, people with disabilities, substance abuse rehabilitees, the Roma, victims of torture, and staff from the Deaconess Foundation. The discussions were held according to specific guidelines, which were presented in a video produced for the purpose. The discussions were linked to the megatrends of our time and, in many cases, to their impacts on the implementation of human rights. The results of futures discussions were shared with the Ministry of Finance as part of the open government pro-

85 Ahvenharju & Pouru-Mikkola (2022), 389-399.

86 Kurki (2021).

87 Ahvenharju & Pouru-Mikkola (2022), 390.

88 Parliamentary Committee for the Future (2023).

89 For more information of Timeout dialogues see <https://www.timeoutdialogue.fi/whats-timeout-about/>.

90 Government (2023a), 265-270 and 326-328.

91 Lahtinen (2021).

ject to provide support for decision-making and thus to build the preferred future for society. The Deaconess Foundation intends to continue futures discussions on a permanent basis.<sup>92</sup>

Sitra has played a key role in disseminating futures consciousness and futures literacy in Finland. It has produced versatile foresight material which is freely available on its website. Sitra's megatrend reports are launched with a large online event. Several futures workshops are also organised in connection with it. Sitra has developed a Futures Frequency workshop method for building alternative futures. In 2022, Sitra hosted the Finnsight foresight forum under the theme power to define futures. Several foresight studios were organised in connection with the event.<sup>93</sup>

The Futures Day is an annual event which disseminates futures consciousness and futures literacy using easy-to-understand tools. In 2023, the Futures Day was organised by the Futures School of the Children and Youth Foundation. The distance learning lessons included in the programme were aimed specifically at schools and educational institutions.<sup>94</sup>

The Timeout dialogue method used in the futures discussion was originally developed by Sitra. Later, a separate Timeout Foundation was established for the purpose. It is worth noting that, today, the Timeout method is also used to increase inclusion in decision-making, for example when developing local government services.<sup>95</sup> Participatory foresight work targeted

at decision-making has potential for both building the preferred future and promoting the modes of operation of deliberative democracy. National dialogues are regularly used for developing the Finnish open government system. Their results are taken into account in ministries' decision-making. National dialogues are also used for finding today's weak signals on issues that may emerge in the future.<sup>96</sup>

National dialogues can be examined as part of the broader development of a deliberative democracy, which includes deliberative mini-publics and various citizens' panels. They are considered particularly useful when dealing with long-term issues, complex problems and difficult value-related issues. Key principles applied to the process include representativeness and inclusiveness of the participants as well as the transparency of the discussion process, knowledge-based approach and accountability linked to decision-making.<sup>97</sup> Citizens' assemblies can also be used in the consultation processes of legislative drafting.<sup>98</sup> The development of deliberative democracy as a tool for future-oriented decision-making is a highly topical issue. Sitra is testing the new Polis platform as an instrument for involving citizens in broad-based decision-making.<sup>99</sup>

### 4.3 Inclusion in human rights foresight

Participation and inclusion are human rights and cross-cutting principles in human rights with essential importance for foresight. The right to participate in public activities is closely

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92 Deaconess Foundation (2023).

93 Sitra's Futures Frequency website: <https://www.sitra.fi/en/projects/futures-frequency/>; Finnsight 2022 website: <https://www.sitra.fi/tapahtumat/189655/>.

94 Futures Day and Future School websites: <https://tulevaisuuspaiva.fi/>; <https://www.nuori.fi/toiminta/tulevaisuuskoulu/>.

95 See, for example, how Timeout dialogues are used in the municipal preparation in Lempäälä on the website: <https://www.eratauko.fi/lempaala/> and in the transport and traffic planning of the Tampere region: <https://www.eratauko.fi/tampereen-kaupunkiseudun-liikuminen/>.

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96 National Dialogues website: <https://kansallisedialogit.fi/en/>; Alhanen & Henttonen (2022).

97 OECD (2020); Council of Europe (2023).

98 The section on working together (3.2) on the website of the consultation guide for legislative drafting: <http://kuulemisopas.finlex.fi/3-menettelmat/3-2-yhdessa-tyoskentely/#jakso-3-2-2-tyopajat>.

99 MacKenzie, Setälä & Kyllönen (eds.) (2023). Sitra website on the Polis platform: <https://www.sitra.fi/en/projects/polis-platform-experiments/>.

linked to other rights, such as equality and non-discrimination, freedom of opinion and expression, and freedom of assembly and association. The right of access to information as part of the freedom of expression is an enabler of inclusion and participation and a prerequisite for openness, transparency and accountability. Wide accessibility of participation may also require special accommodation measures.<sup>100</sup>

It is still difficult to assess the current state of inclusion in human rights foresight, as the use of new practices is only just beginning. In its scenario work, FRA has organised stakeholder consultations which have been attended by European national human rights institutions and civil society organisations.<sup>101</sup> The foresight work carried out by the UNHCR office in North Macedonia involved, in addition to the members of the office staff, the foresight network of UN organisations operating in the country and representatives of national authorities and NGOs.<sup>102</sup> UNICEF's foresight work involves the Youth Foresight Fellows and a more broad-based network of young foresight practitioners.<sup>103</sup> The examples of NGO activities in drafting and distributing foresight tools referred to in the previous chapter are signs of the potential that NGOs have for enhancing futures literacy and futures consciousness.

A more recent goal in the Finnish foresight work is to include people who have not previously participated in foresight, which is very well suited for human rights foresight. In this way, the processes of human rights foresight and the futures information produced by them may succeed through broad inclusion. Futures literacy and consciousness can be learned by taking part in foresight activities in practice if there are suitable tools and guidance available.

The futures discussions attended by the clients of the Deaconess Foundation, mentioned above, show how valuable personal and group-based foresight can be for the implementation of human rights. The accessibility of foresight and the accommodation measures and adjustments for different groups of people it requires are important for effective inclusion.

Human rights work highlights groups central to the implementation of human rights who should be involved in foresight. The right to participate in public affairs requires, in particular, promoting the inclusion of people who are discriminated against or marginalised.<sup>104</sup> The inclusion in human rights foresight should reflect the diversity of society. Gender equality is one of the starting points, and different age groups are another (especially children, young people and older people). People with disabilities, indigenous Sámi people, the Roma and other ethnic and linguistic minorities, migrants, refugees and sexual and gender minorities are population groups whose human rights often remain unrealised. Groups in vulnerable situations which do not usually participate in foresight can also include people who experience poverty, people with long-term illnesses, victims of human trafficking, sex workers and silent agents who rarely participate in any societal decision-making and drafting of laws related to them.<sup>105</sup>

Democracy thinking normally assumes that the persons bound by societal decision-making also have the right to participate in making the decisions (all bound principle). This usually refers to a group of people living in a certain area, such as a state. When dealing with the rights of future generations, a particularly long-time horizon must also be taken into

100 UN High Commissioner for Human Rights (2018). Participatory rights are referred to in the following sections of the Constitution of Finland: sections 2.2, 6.3, 14.4 and 20.2.

101 EU Agency for Fundamental Rights (2023b), 8.

102 Krishnan & Sandri (2020).

103 UNICEF (2023a).

104 UN High Commissioner for Human Rights (2018).

105 The SILE project has focused on involving silent agents and the realisation of their fundamental rights: website <https://www.hiljaisettoimijat.fi/?lang=en>. Consultation guide for legislative drafting is a useful tool for determining the level of inclusion needed in foresight: <http://kuulemisopas.finlex.fi>.



account in decision-making. Generations yet unborn cannot participate in today's decision-making, even if it would have impacts on their lives (all affected principle). Decision-making that safeguards the interests of future generations can use long-term foresight in the impact assessment of decisions and rely on human and fundamental rights, the content of which will also apply to future human rights holders. In addition, the interests of future generations can be monitored by special commissioners, as referred to in the previous chapter.<sup>106</sup>

The human rights foresight as a whole should be extensively inclusive. However, how inclusion is designated in different foresight tasks depends on how the foresight topic, object, geographical area and time perspective have been defined. Building general human rights scenarios requires extensive participation of human rights actors, experts and human rights holders. Foresight focused on a particular group of people must naturally involve the targeted group (the "nothing about us without us" principle familiar from the UN Convention on the Rights of Persons with Disabilities). Otherwise, there are many options for how inclusion is determined. Foresight may also be carried out on an individual basis, which makes it possible to take intersectionality into account, among other things. By combining group and individual foresight approaches, gaps in the inclusion of foresight can be filled.

Foresight focused on individual human rights requires special expertise and the participation of groups of people affected by the selected human right. Foresight may also be part of internal strategic planning of a human rights actor. In this case, the participants include the organisation's own members and possibly its stakeholders and foresight experts.

More extensive foresight requires cooperation between many human rights actors. The Human Rights Centre's Human Rights Delegation is an inclusive national cooperation body that has the prerequisites for various kind

of foresight tasks. Its members are supreme guardians of legality, specialised ombudspersons, NGOs that defend different groups of people and human rights, experts and other human rights actors.<sup>107</sup> From the point of view of the rule of law, the judiciary and the National Prosecution Authority are also key human rights actors who should be involved in foresight.

In addition, cooperation between human rights foresight, the foresight of national authorities and foresight experts should be developed. National foresight activities are well networked. The scenarios presented in the Government Report on the Future 2023 are intended as shared tools for them. The Government Foresight Group led by the Prime Minister's Office also heard human rights actors - especially the Chancellor of Justice - about the rights of future generations in connection with the preparation of the Government Report on the Future.<sup>108</sup>

The likely increase in foresight in the impact assessment of legislative drafting and other central government activities will increase opportunities for cooperation between the foresight of authorities and human rights foresight. The participation of human rights actors in national foresight networks improves the visibility of human rights in general foresight and in the tools used. Human rights foresight should observe the development of national foresight, maintain contacts with foresight experts and promote the foresight awareness and expertise of human rights actors.

Promoting inclusion in foresight processes is a common goal. It is supported by both the right to participate and the principles of deliberative democracy. Human rights actors have an opportunity to foster the development of inclusion in national foresight towards a human rights-based direction.

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107 Composition of the Human Rights Delegation on the Human Rights Centre website: <https://www.humanrightscentre.fi/about-us/human-rights-delegation/members/>.

108 Government (2023a), 333 and 336-352.

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106 Airos & Ahlqvist *et al.* (2022), especially 27-29.

# 5 Methodology of human rights foresight

## 5.1 National foresight methodology

There are countless methods for anticipating and examining the future.<sup>109</sup> According to a survey among those involved in foresight work, the most common methods used in national foresight are monitoring the change phenomena in the internal and external operating environments, futures workshops, statistical analysis, preparation of alternative scenarios and expert surveys (e.g., Delphi). The use of quantitative and qualitative modelling, gamification methods, and simulations are considerably less common. There are links and overlaps between different methods.<sup>110</sup>

Monitoring changes in the operating environment (or *horizon scanning*) builds an overall picture of the events, developments, dependencies and emerging phenomena related to the target of observation. Horizon scanning includes the mapping and examination of trends, megatrends, weak signals and wild cards. The operating environment is usually related to an organisation (e.g., a public authority, NGO or the media) whose interaction with the surrounding circumstances and actors is assessed. The PESTE classification, i.e., a breakdown into political, economic, social, technological and

environmental drivers of change, is often used to trace an overall picture of the changes.<sup>111</sup>

The futures reviews of the ministries are an example of a national analysis of the operating environment. The first part of the Government Report on the Future can also be considered a rather extensive overall description of the operating environment.<sup>112</sup>

Trends are developments that indicate the direction of change in the present day. Megatrends are more common - often global - developments consisting of various trends. Sitra analyses trends and builds megatrends based on them. Its five megatrends published in 2023 (Figure 2) use the PESTE framework with slightly modified terminology: *the battle for democracy intensifies* ("power", or political changes), *economic foundations are cracking* ("economy" or economic changes); *growing well-being challenges* ("people", or social changes), *competition for digital power gears up* ("technology", or technological changes) and *nature's carrying capacity is eroding* ("nature", or environmental changes). Sitra also analyses the linkages and tensions between these megatrends, which helps in defining the key challenges.<sup>113</sup>

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109 Halicka (2016).

110 Pouru, & Minkkinen *et al.* (2020), 37.

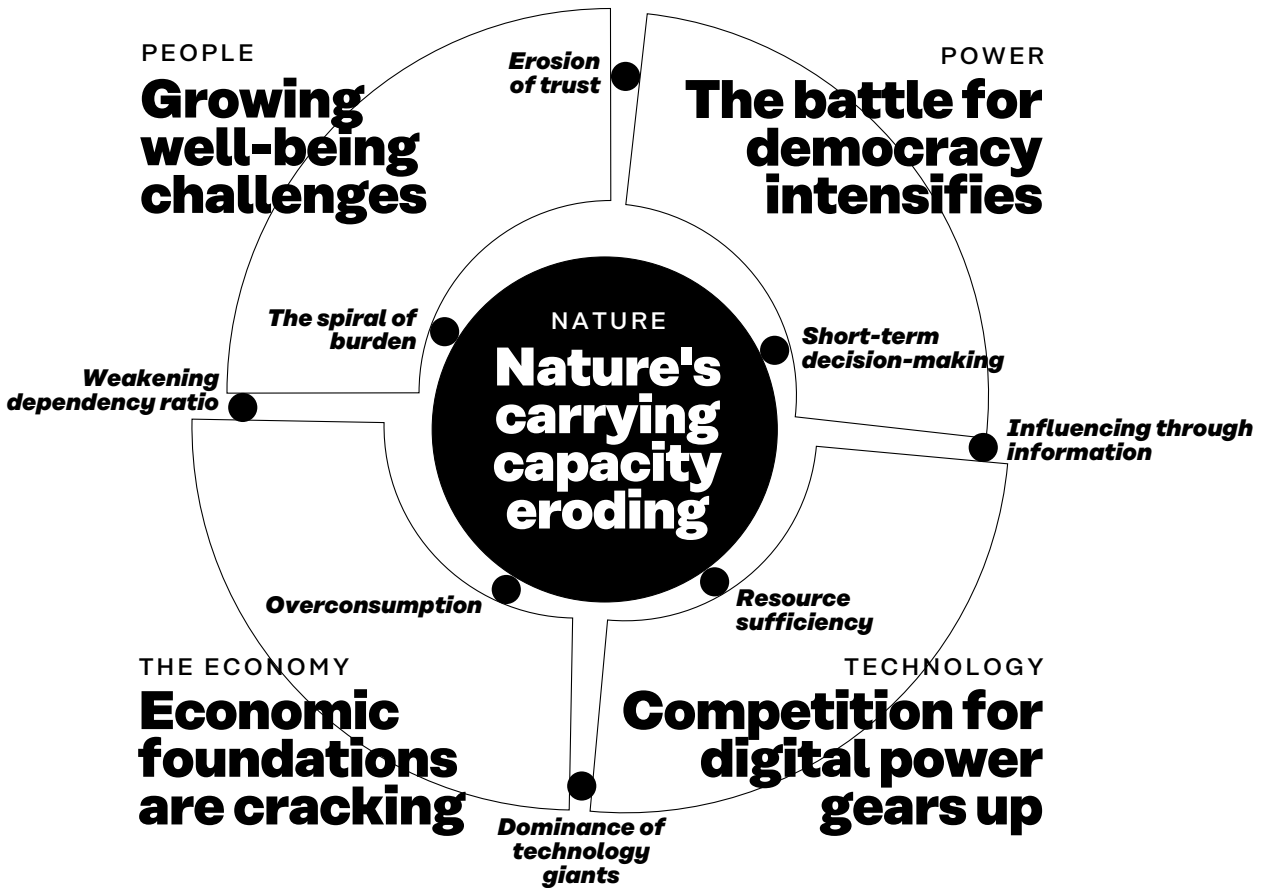
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111 Dufva (2022a), 105-112; Rubin (n.d.).

Toimintaympäristön muutosten tarkastelu.

112 Government (2022c); Government (2023a).

113 Dufva & Rekola (2023).



**Figure 2.** The big picture of change and challenges to be addressed – Dufva & Rekola (2023), 8.

Trend analysis can also be used to outline future opportunities that offer solutions to challenges and form a preferred image of the future (Figure 3). Sitra uses the Futures Triangle developed by Sohail Inayatullah to outline the issues that may influence potential futures (Figure 4). The sides of the triangle represent the weight of the past, the push of the present and the pull of the future. Together, they all affect how the future turns out. The pull of the future covers our images of the future, be they

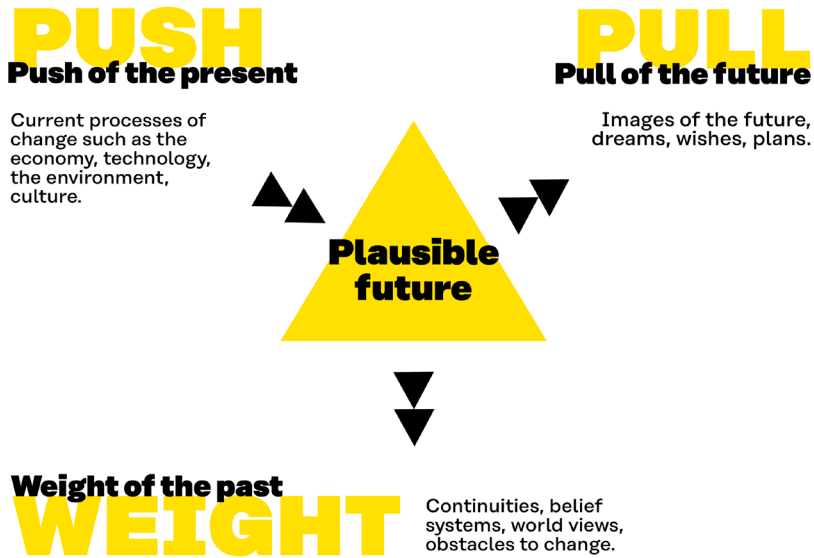
utopian, dystopian or something in between. Views of desirable futures drive us forward to find solutions to challenges. Threat scenarios, on the other hand, lead us to consider what is important to us and what we do not want to lose.<sup>114</sup>

A weak signal – such as a surprising piece of news, event or story – is the first symptom of change or a sign of an emerging phenomenon

<sup>114</sup> Dufva & Rekola (2023), 10-12; Inayatullah (2008), 4-21.



**Figure 3.** The big picture of future opportunities – Dufva & Rekola (2023), 65.



**Figure 4.** The Futures Triangle (adapted from Inayatullah’s triangle) – Dufva & Rekola (2023), 11.

that could become significant in the future. The element of surprise or the level of strangeness of the weak signal depends on the position of the person interpreting them and their distance to the phenomenon being examined. Weak signals help us identify and challenge our own and others' assumptions and views of the future. They complement trends by bringing more surprising trends under scrutiny and leading us to think about discontinuities and to ask "what if" questions. Monitoring weak signals helps us identify early developments and influence their direction.<sup>115</sup> A wild card is a driver of change that emerges unexpectedly and suddenly and makes the course of events uncertain. It is unlikely to occur, but if it happens, its negative or positive impacts on future developments will be significant.<sup>116</sup>

Futures workshops and foresight workshops are flexible, inclusive and interactive methods used in work on the future. Their key elements include reflecting on futures and sharing future-related views, learning and cooperation, and generating new solutions and ideas. Futures workshops are used both as independent entities and as part of more extensive development processes employing a variety of methods. People participating in foresight workshops do not necessarily need to be aware of the foresight approach or the different futures research methods being used in advance. The workshops can produce new futures information and empower participants to building the future. Sitra has developed a widely used Futures Frequency Workshop method with related materials for building alternative futures.<sup>117</sup>

Statistical data and its future projections strengthen the knowledge base for foresight.

It is applied to foresight at both national and regional levels. The statistical indicators of regional development in Finland focus on the following topics: population, regional economy, employment, business, competence, health and well-being, housing, transport and environmental sustainability.<sup>118</sup> In addition to its general tasks, Statistics Finland produces targeted information of the implementation of UN 2030 Agenda indicators for sustainable development.<sup>119</sup> The Finnish National Agency for Education's statistical service collects information on education and the placement of students after studies in different fields, research conducted in higher education institutions, the educational structure of the population and the socio-economic background of students.<sup>120</sup> For example, foresight has been applied to anticipate the problems related to the sufficiency of social welfare and health care personnel with the help of very versatile statistical data.<sup>121</sup>

An image of the future is an image-like set of ideas held by a person or a group of people about a future state of affairs. It can be formed of any topic. It can describe any kind of future in terms of time, geographical location, opportunity, probability or desirability. Private images of the future are visions related to one's own

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115 Dufva & Rowley (2022), 7-10.

116 Rubin (n.d.). Villit kortit. Examples of wild cards are compiled in the paper: European Commission (2011).

117 Armanto, Lauttamäki & Siivonen (2022), 222-236. Sitra Futures Frequency website: <https://www.sitra.fi/en/projects/futures-frequency/#>.

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118 The Ministry of Economic Affairs and Employment website on monitoring and forecasting regional development: <https://tem.fi/en/monitoring-and-forecasting-regional-development>; see also the list of data sources of the Southwest Finland Foresight Academy's statistics database: <https://ennakointiakatemia.fi/tilastot/tilastopankki/>.

119 Statistics Finland website UN indicators for sustainable development - Agenda2030: [https://www.stat.fi/tup/kestavan-kehityksen-yk-indikaattorit-agenda2030\\_en.html](https://www.stat.fi/tup/kestavan-kehityksen-yk-indikaattorit-agenda2030_en.html)

120 The education administration's reporting portal (vipunen): <https://vipunen.fi/en-gb/>.

121 The Ministry of Social Affairs and Health website on the knowledge base and foresight regarding the adequacy and availability of social welfare and health care personnel: <https://stm.fi/sotehenkilosto/tietopohja>. Ministry of Social Affairs and Health (2023).

future. They may be very different from the general views the same people hold of the future of the world. Images of the future reflect the values and prejudices of the people who have created them. Shared images of the future are common and often public views of a specific group of people. The image of the future is a basic concept in foresight. The ability to use imagination is an important force affecting the future as images of the future are considered to affect people's current actions.<sup>122</sup>

Scenarios are descriptions of potential future states tied to a specific point in time and the expected courses of events leading to them. They may be probable or unlikely, desirable or ones to be avoided, or possible or they may seem unbelievable. Scenarios are used to describe many different future options, i.e., prospects of what could happen in the future. They are used to identify uncertainties, collect information needed for current decision-making and preparedness, test the functioning of strategies in different scenarios, challenge thinking and reveal new opportunities. Scenarios can be prepared for by assessing their impacts on different actors and organisations and by developing strategies that work as effectively as possible in many scenarios.<sup>123</sup>

Although credibility and internal coherence are part of the assessment criteria of scenarios, they should also include new and surprising things that arouse the imagination of those using them. Scenarios are often built using futures tables to define key uncertainties, or drivers of change. By changing the elements of development in the tables, it is possible to build different images of the future. They are based on both the information currently available and ideas about the possibilities of how things could be different. The four scenarios of the Government Report on the Future 2023 are

based on an analysis of 35 drivers of change that follow the PESTE classification. 20 of them are listed as uncertainties in the futures table. Operating environment analysis is also one of the methods used in building scenarios. Trends and drivers of change are concepts that are close to each other. Both of them can be integrated into the analysis through PESTE classification.<sup>124</sup>

The expert Delphi survey is a communal process for building futures knowledge. It is based on several rounds of steered interaction between a panel of experts. The selected experts exchange views on the probability, desirability, feasibility, importance, risks and uncertainties of different measures, technologies and change processes. The Delphi survey can be used to seek consensus or diversity of views by preparing different future options and scenarios. The justifications experts provide for the options they choose lie at the core of the method. Although the method has traditionally been highly expert-centred, the inclusiveness of the Delphi process can be enriched, through crowdsourcing for example.<sup>125</sup>

## 5.2 Developing methodology of human rights foresight

Human rights work and foresight are both extensive fields of operation that have links to all kinds of societal activities. In principle, all national foresight methods can also be used in human rights foresight, although practical experiences of this are still rare.

César Rodríguez-Garavito has stated that, in their work, human rights actors tend to have a very short-term focus and anchor their activities

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122 Mäkelä, Karjalainen & Parkkinen (2022), 105-112; Heikkilä & Nevala (2019).

123 Lätti & Malho *et al.* (2022), 313-336; Airos & Ahlqvist *et al.* (2022), 31.

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124 Lätti & Malho *et al.* (2022), 313-336; Government (2023a).

125 Linturi & Kuusi (2022), 178-196; Santonen & Kaivo-oja (2022), 202-221. A recent example of inclusive use of the Delphi method: Mattlin & Breslin *et al.* (2023).

on one- to three-year plans. In the context of the uncertainties of our time, he has emphasised the need for long-term strategic planning and scenario work within the human rights community if it wants to have any relevance in the future. This would also help today's actions for addressing the challenges of our time. By applying systems analysis, Rodríguez-Garavito has identified five key external challenges to human rights: geopolitical changes in international order, rapid changes in new technologies, the political challenge of populist authoritarianism, the ecological challenge of the climate and environmental crisis, and the socio-economic challenge of growing inequalities. These challenges can be easily linked to the PESTE classification of foresight.<sup>126</sup>

### Human rights scenarios and foresight workshop

As part of this study, the Finnish Human Rights Centre organised a foresight workshop for the Human Rights Delegation in spring 2023 to test various foresight methods. The foresight workshop was a futures workshop, which considered potential developments in human rights until 2040 and the future opportunities for human rights actors and means they could employ to prepare for the continuous transformation of society. To perceive changes in the operating environment and different futures, the workshop used images of the future for different groups of people, weak signals related to human rights and specialised human rights scenarios.<sup>127</sup>

The human rights scenarios used in the foresight workshop depict the time in 2040.

They were built based on the four scenarios of the Government Report on the Future 2023 and they use the same titles (*1 the world of cooperation, 2 the world of accelerated competition, 3 the Eastern world and 4 the disintegrating world*).<sup>128</sup> In addition, a fifth experimental scenario (*5 the world of climate emergency*) was prepared. It complements the opportunities of identifying means of preparation and surprising developments. The human rights scenarios were prepared by the author of the Human Rights Centre's Foresight Report in cooperation with the Centre's staff. These five scenarios and their future paths can be found as an appendix to this report (Appendix 1).

The human rights scenarios 1–4 combine material from the scenario descriptions of the Government report with the descriptions of potential futures related to human rights corresponding with each scenario. The scenarios of the report were used as the starting point to anticipate their expected impacts on the human rights situation. The human rights scenarios can be read independently or in parallel with the scenarios and the uncertainty factor analysis of the Government report. The experimental human rights scenario 5 is not directly related to any of the scenarios in the report. However, in terms of structure, it is a similar entity of general and human rights-centred foresight.

The descriptions of human rights scenarios are grouped under eight themes combining human rights and more general images of the future. They also represent the broad variables, or uncertainty factors, of the scenarios: 1) *the global human rights system*, 2) *the rule of law*, 3) *civil society*, 4) *equality and gender equality*, 5) *well-being*, 6) *artificial intelligence and technology*, 7) *the environment and future generations* and 8) *the economy and corporate responsibility*. The different variables overlap in part. Especially equality and gender equality have their own dimension in all variables. The themes 2–8 emphasise the situation in Finland.

126 In this case, the slightly adapted PESTE categories are: international politics, technology, politics, the environment, and the combined category of society and economy. Rodríguez-Garavito (2021), 328–347.

127 The foresight workshop of the Human Rights Delegation, lasting three hours, was held on 24 April 2023. Human Rights Centre (2023a).

128 Government (2023a).

Like the uncertainty factors in the Government report, the variables used in the classification of human rights scenarios are linked to the PESTE categories. Due to a more detailed description of human rights situations, three variables (global human rights system, the rule of law and civil society) can be combined under the category of politics, i.e., power in Sitra's classification of megatrends. Two variables (equality and gender equality, and well-being) are related to the societal category, i.e., people. Artificial intelligence and technology constitute a technological driver of change. The environment and future generations belong to the category of environment and economic and corporate responsibility to the category of economy.

The alternative developments in human rights scenario variables, i.e., uncertainty factors, are described in Appendix 2 in the same way as the uncertainty factors in the Government report. They can be compiled into a futures table to build different human rights scenarios. The table can be found at the end of Appendix 2. The elements included in the futures table are different manifestations of the variables used in the human rights scenarios. None of the Government's future scenarios or human rights scenarios will materialise as such. Instead, they describe the scope of future possibilities in Finland and the world and help prepare for different futures.

The first scenario can be seen as the kind of utopian future the human rights community wishes for. It is based on a steady positive development of the human rights situation from this day forward. Scenario 2 appears as the projection of a negative continuum of the current situation into the future. Scenario 3 reflects China's growing global influence and the European trend of building its own bubble and upholding fundamental rights for the time being. Scenario 4 is dystopian and conflict-ridden, largely placed in a post-human rights era. The experimental scenario 5 is also dystopian. It combines themes related to the emergency

and safety measures brought about by the accelerated destruction of the environment in a partly surprising manner.

The human rights scenarios 1-4 can be placed as part of the Government scenario framework and, therefore, share the same strengths and weaknesses. The Government scenarios were built in cooperation between ministries and experts done in an unprecedented scale. Efforts were made to enhance inclusion in the process through participatory futures dialogues. The scenarios form a solid and multidimensional platform that analyses uncertainty factors for the joint work on the future of the ministries and even more extensive national work on the future. Human rights scenarios can thus serve as a bridge between the foresight work carried out by central government authorities and the foresight of human rights actors. Human rights foresight benefits from the knowledge base of more extensive foresight of the authorities. It enables clearer embedding of human rights into images of the future provided by more general foresight.

On the other hand, the Government scenarios have their own limitations that reflect their preparation processes. In its expert consultations assessing the Government report, the Parliamentary Committee for the Future noted, for example, that the scenarios presented the current economic structures and continuous growth as strong unchanging assumptions. Therefore, models and forms of the economy, growth and work that would genuinely differ from the present ones do not come up, even though they could be used to solve some environmental problems highlighted by the scenarios. The consultations underlined the need to build scenarios that question the assumptions related to the current state continuing as it is and combine variables in more surprising ways. The committee, therefore, proposed the preparation of a new fifth scenario to complement the report with surprising elements and visionary views.<sup>129</sup>

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129 Parliamentary Committee for the Future (2022).



The Human Rights Delegation's foresight workshop noted that the human rights scenarios did not address all groups of people important for the implementation of human rights. The building of political and geographical global blocs described in the scenarios also ignores many countries that could play a role in future developments. For example, the internal diversity of the EU is not usually visible. The blocs and the countries that lead them are perhaps described as too unified entities. On the other hand, in the scenarios, Finland appears surprisingly isolated from the developments in the rest of the world. Some contradictions can also be observed in the scenarios, and the future paths do not always seem quite credible.

### Megatrends and weak signals

Although the human rights scenarios built upon the Government scenarios provide an extensive framework for anticipating the development of human rights, it can be complemented by using megatrend tools produced by Sitra. They also bring new tones to the images of the future. The big picture of change in megatrends (Figure 2), the big picture of future opportunities (Figure 3), the futures triangle (Figure 4) and the trends related to the megatrends compiled by Sitra are tools for creating a vision of preferred futures, crafting strategies, assessing risks, broadening your thinking and thinking about the future in general.<sup>130</sup> They can also be used to examine changes in the operating environment of human rights actors and trends affecting them.

Trends related to the battle for democracy and the challenges in well-being (see Figure 2) are particularly close to the traditional field of human rights, but the trends of nature, technology and economy also have a human rights dimension. Chapter 6 of this report discusses means of adaptation in the field of human

rights related to changes in nature, the economy and technology. The PESTE classification helps to combine the variables of human rights scenarios with Sitra's frameworks. Sitra's Future Frequency Workshop method can also be used in human rights work. It has already been applied in an inclusive manner in the reform of child welfare.<sup>131</sup>

Weak signals as first symptoms of potential major future trends bring more surprising and perhaps atypical developments under examination, with emphasis on discontinuities. The weak signals compiled by Sitra can be used to identify and prepare for any new human rights challenges that may arise from them. For example, surprising application of new technologies may raise difficult questions about privacy and data protection.<sup>132</sup>

Sitra's 2022 report on weak signals contains many examples of the use of artificial intelligence in relation to decision-making and democracy. From the present-day perspective, they are close to becoming a mainstream trend. The report also mentions the status of a legal person given to the Whanganui River in New Zealand as a weak signal related to nature conservation.<sup>133</sup> The river was given legal personhood back in 2017 as part of the implementation of the indigenous rights of the Maori. From the Finnish point of view, the matter may still seem surprising. Another weak signal related to the same theme could also be the increase in environmental litigation and, in particular, climate trials concerning the future generations, children and young people. They have become a global trend but are only just begin-

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131 Sitra Futures Frequency website: <https://www.sitra.fi/en/projects/futures-frequency/#>. Kauppinen (2022).

132 Dufva & Rowley (2022).

133 *Ibid.*

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130 Dufva & Rekola (2023).

ning in Finland.<sup>134</sup> In Finland, though, appeals on official activities related to the environment can also be filed with the supreme guardians of legality.<sup>135</sup>

The foresight workshop for the Human Rights Delegation raised three weak signals related to human rights. The implementation of human rights in sport is an emerging theme, which also requires building a preferred future. Signs of school segregation in Finland may accelerate regional segregation when people select their area of residence on the basis of schools. High-quality education available to all is a key means of preventing social inequality. In Finland, climate refugees are still a new phenomenon, even though, from a global perspective, this has already become a trend.

### Images of the future

The images of the future of various groups of people offer plenty of opportunities for human rights foresight. They can also be presented in the form of scenarios with their future pathways. Human rights are of a human-centric nature. They describe people as holders of human rights that pose obligations on states and authorities. Discriminated and marginalised groups of people and people in vulnerable situations must be given special attention, as the equal implementation of their human rights requires targeted measures. With inclusive future scenarios for various groups of people, we can anticipate potential developments for them in accordance with different variables and assess

which measures are needed for the implementation of human rights. Personal images of the future focusing on a person's own future are important indicators of diversity within groups of people and revealers of the consequences of intersectional discrimination.

The foresight workshop of the Human Rights Delegation discussed images of the future from the perspectives of people with disabilities, gender diversity and future dialogues. The image of the future for people with disabilities until 2040 emphasised preventing the social exclusion of the growing group of older people with disabilities through the promotion of accessibility. The image of the future for gender diversity emphasised the trend that the topic is becoming an increasingly common issue affecting all people and different structures of society. The images of future produced by participatory futures dialogues held for the Government Report on the Future 2023 complemented the Government scenario work and highlighted the shared value base needed for building the future.

General human rights scenarios cannot accurately cover all groups of people in need of special attention. For this reason, the images of the future of various groups of people and individuals play an essential role in complementing the scenario work. This makes it possible to take into account, in particular, the views of people discriminated against and people in vulnerable situations about future changes and opportunities. The work on the future carried out with the clients of the Deaconess Foundation is very valuable from this perspective.<sup>136</sup>

Inclusive foresight focusing on children and young people is a good example of the images of the future of different groups of people.<sup>137</sup> In Finland, future scenarios of adapting to ageing have also been made from the perspective of fictitious personal histories.<sup>138</sup>

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134 O'Donnell & Talbot-Jones (2018); Airos & Ahlqvist *et al.* (2022), 80–86; Edilex (2022). In June 2023, the Supreme Administrative Court dismissed the appeal against a climate decision filed by Greenpeace and the Finnish Association for Nature Conservation but did not rule out the possibility of climate trials in the future. Supreme Administrative Court. Supreme Administrative Court's Yearbook Decision, KHO:2023:62. 7 June 2023.

135 Chancellor of Justice. Long-term climate change plan in accordance with the Climate Change Act. Decision OKV/987/10/2022, 5 August 2022.

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136 Deaconess Foundation (2023).

137 UNICEF (2023b); UNICEF (2023a); Kauppinen (2022); Heikkilä & Nevala (2019).

138 TELA & SOSTE (2023), 11–23.

## Knowledge base

The knowledge base of human rights foresight can be enhanced with general statistical data and, in particular, data describing the development of the human rights situation. Statistical data can be interpreted from a human rights perspective, especially if it is disaggregated by different groups of people. Statistics enable trend analysis and comparisons between different groups of people.<sup>139</sup> Statistical data compiled using the UN 2030 Agenda for Sustainable Development indicators is particularly useful for human rights monitoring. The aim is that the collected data can be disaggregated, i.e., broken down into data concerning specific groups of people.<sup>140</sup> The statistics compiled by the Finnish Institute for Health and Welfare, the Social Barometer, the Youth Barometer and the Future Barometer are also important sources of information.<sup>141</sup> The principles of human rights-based data collection emphasise the participation, self-determination and respect for privacy of the groups targeted by data collection in the process.<sup>142</sup>

The factsheets developed for human rights monitoring are key sources of information for human rights foresight. Finland uses national fundamental and human rights indicators to

compile monitoring data.<sup>143</sup> The Human Rights Centre's monitoring data and the fundamental rights barometer prepared in collaboration with the Ministry of Justice can also be mentioned in this context.<sup>144</sup> In addition, the knowledge base of human rights foresight can be accumulated by means of expert surveys related to human rights to map future developments and opportunities, and science sparring. However, the principle of inclusion in foresight should not be forgotten.<sup>145</sup>

## 5.3 Foresight in legislative drafting

Foresight in connection with law drafting does not usually emerge as a specific foresight method, but the impact assessments of legislative proposals are also a form of foresight. Many human rights actors participate in legislative drafting by making statements and participating in consultations. Their representatives may also be members of the bodies preparing the laws. In recent years, the futures perspective of law drafting has emerged especially in relation to the rights of future generations, but the impact assessment of legislative proposals offers more versatile opportunities for foresight as well.

Alternative solutions and their different positive and negative impacts on the target groups are mapped out already at the stages of preliminary preparation and regulatory drafting of legislation. A government bill must specify the main alternative solutions originally considered for each objective and compare their estimated impacts. After the solution has been selected, the impact assessment will continue in regula-

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139 Office of the UN High Commissioner for Human Rights (2012), 56–64 and 126–132.

140 Statistics Finland website UN indicators for sustainable development – Agenda 2030: [https://www.stat.fi/tup/kestavan-kehityksen-yk-indikaattorit-agenda2030\\_en.html](https://www.stat.fi/tup/kestavan-kehityksen-yk-indikaattorit-agenda2030_en.html). Danish Human Rights Institute (2017); Office of the UN High Commissioner for Human Rights (2018b).

141 Statistics websites of the Finnish Institute for Health and Welfare: <https://thl.fi/en/web/thl/statistics-and-data/statistics-by-topic> and <https://thl.fi/fi/web/sukupuolten-tasa-arvo/tietolahteita/tasa-arvotilastoja>; Social Barometer website: <https://www.soste.fi/ajankohtaista/tutkimus/sosiaalibarometri/>; Kivijärvi (ed.) (2023); Lähdemäki-Pekkinen & Rekola *et al.* (2023).

142 Office of the UN High Commissioner for Human Rights (2018a).

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143 Government (2022d).

144 Human Rights Centre's website related to monitoring: <https://www.humanrightscentre.fi/monitoring/>. Nenonen & Kivelä *et al.* (2021).

145 Science sparring is a dialogical support action for science between different administrative sectors and researchers. Airos & Ahlqvist *et al.* (2022), 154.

tory drafting. Once the consultation round has been completed, the impact assessment will be reviewed based on the comments received in continued drafting. Once the law has been enacted, the realisation of anticipated impacts and unforeseen impacts will be assessed in monitoring and ex-post evaluation. In addition to the legislation in force, the monitoring may focus on the regulatory environment.<sup>146</sup>

The impacts examined may be direct or indirect and their impact chains long and meandering. It is possible that the time span of the impacts will even extend all the way to future generations. The impacts may include, for example, uncertainties that are difficult to predict in terms of the operating environment. They require that the risks and disadvantages are identified. The scope of the impact assessment depends on the project.<sup>147</sup>

The Government Guidelines for Impact Assessment in Law Drafting refer to “scenario analysis, risk analysis, foresight methods and other exploratory methods and those describing uncertainties” as means available for impact assessment. They also include logical deduction of how impact chains are formed, monitoring and descriptive analysis of statistical data and indicators, and statistical or mathematical modelling, such as simulated models. This way, foresight is strongly highlighted in the impact assessment toolbox. Guidelines for law drafting within the EU also refer to foresight and, in particular, megatrend and scenario analysis.<sup>148</sup>

With a view to the rights of future generations, long-term environmental impacts of legislation are of great importance from the perspective of the fundamental right to a healthy environment. The impact assessment

guideline for law drafting makes references to impacts on human health, living conditions and comfort of living under different environmental impacts. Health and well-being impacts can also be found under other societal impacts. The rights of future generations are mentioned in connection with the impacts on fundamental and human rights. On the other hand, the impact assessment guidelines specify a separate category for different groups of people, also addressing equality and gender equality in a more extensive manner. Democracy and the rule of law developments are mentioned as a separate section under other impacts on people and society.<sup>149</sup>

The way the impacts have been outlined in government bills varies according to the content. For example, the Government proposal for a new Climate Change Act (HE 27/2022) assessed impacts on the health of different groups of people as part of environmental impacts and as part of other societal impacts. A separate section on the impacts on fundamental and human rights referred to the rights of future generations and the child, Sámi rights, participation rights, gender equality, and fairness of climate action. Although the impact assessments were made in the long term and mentioned some uncertainty factors, they did not actually present alternative future outlooks.<sup>150</sup>

The Ministry of Justice’s guide on the assessment of fundamental and human rights impacts does not directly refer to foresight as a means of impact assessment, as it has already been mentioned in the general impact assessment guidelines for law drafting. On the other hand, the guide refers to the assessment of long-term impacts as well as the duration and probability of the impacts and the examination of the risks associated with the probability. It also emphasises that the assessment should

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146 Government (2022b), 14–24; Airos & Ahlqvist *et al.* (2022), 125–128; Government (2023b), 14–15, 23 and 28. Website on the guidelines for drafting government bills: <http://helo.finlex.fi/iv-hallituksen-esityksen-perusrakenne/sisallys/#cycle-5-1-options-and-their-impacts>.

147 Government (2022b), 14.

148 Government (2022b), 36; European Commission (2021a), 155–158 (Tool 20).

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149 Government (2022b), 36; European Commission (2021a), 155–158 (Tool 20).

150 Government proposal for Climate Change Act. HE 27/2022 vp.

highlight concrete impacts on the everyday lives of individuals and groups of people. The guide does not refer to futures information as source material for assessment, but it does mention the use of statistics and indicators.<sup>151</sup>

The foresight methods and sources of information described in this report can help in assessing the impacts on fundamental and human rights. For example, scenario and operating environment reports were prepared under the Security Committee for the reform of the Emergency Powers Act led by the Ministry of Justice.<sup>152</sup> So far, the anticipation of longer-term impacts has been relatively rare in Finnish law drafting.<sup>153</sup>

In its statement to the Parliamentary Committee for the Future on the utilisation of foresight information, the Finnish Council of Regulatory Impact Analysis stated that the Government proposals address risks, uncertainties and different alternatives with their assumed impacts from a too narrow perspective. According to the council, taking future generations into account in law drafting does not necessarily require new measures. Instead, it requires compliance with the current law drafting guidelines, development of the management of law drafting, and enough time and resources.<sup>154</sup>

The officials and experts who participated in the workshop of the project on the rights of future generations in 2022 emphasised that the foresight capabilities of law drafters have improved in recent years and that their awareness of the need for a dialogue on the future has increased. However, they found that the political nature of law drafting, and its short-term approach and volatility weaken the use of foresight data. In the participants' view, more qualitative information should be used in foresight work of law drafting alongside numerical data. The use of scenarios and weak signals

should also be increased in order to identify different future options.<sup>155</sup>

The report prepared by the project for the Prime Minister's Office contains many recommendations on the development of foresight in law drafting. Operating methods should be created for the drafting of laws that could be used for considering different future alternatives, such as foresight thinking and scenarios. It is essential to ensure that uncertainties become more visible than they are today and to outline the different time spans of impacts. Foresight data should be used at all stages of legislative drafting, supported by futures workshops, trend and scenario analyses and expert interviews. Foresight should be practised in continuous and cross-sectoral cooperation. This would enable maintaining a continuous shared situational picture between ministries.<sup>156</sup>

The report notes that the competence and cost thresholds for foresight activities should be lowered by organising small-scale training that seeks effective and common methods for the administration. Easy-to-use models are needed for sharing foresight information. Parliamentary committee reports and statements should specify future impacts in more detail and justify how the rights and interests of people living today should be implemented in relation to the rights of future generations. In consultations related to legislative drafting, people should be asked to give their views on long-term impacts, and deliberative mini-publics should be used. The report emphasises the important role of OECD and EU recommendations when developing anticipatory governance and law drafting. The increase in foresight in central government and law drafting, as outlined in the report, would open up many opportunities for human rights foresight among authorities and human rights actors.<sup>157</sup>

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151 Rönty, Hanna (2022), 24–30.

152 Security Committee (2021); Branders (2021).

153 Airos & Ahlqvist *et al.* (2022), 126 and 130.

154 Parliamentary Committee for the Future (2022), 25.

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155 Airos & Ahlqvist *et al.* (2022), 158–159.

156 *Idem*, 166–172.

157 *Ibid.*

# 6 Era of transformation in human rights regulation

Human rights foresight can be applied to describing the development of the legal frameworks for the protection of human rights. This section briefly examines examples of adapting the content and means of implementing human rights to future developments. The starting point are three megatrends of our time described by Sitra: those related to nature, the economy and technology. The focus is on changes in human rights regulation that make it possible for human rights to respond to future challenges and opportunities.

## 6.1 Human right to a healthy environment and the rights of future generations

Sitra's Megatrends 2023 focus on the erosion of the carrying capacity of nature, i.e., the ecological sustainability crisis. The climate is heating up, biodiversity is declining, and natural resources are being over-exploited. Human activity places a burden on nature beyond its carrying capacity and threatens the very basis of our economy and well-being. As an opportunity for the future, Sitra emphasises the urgency of the need for ecological reconstruction and its preconditions: transgenerational decision-making, sustainable lifestyles, a digital green transition, and shift to a circular economy.<sup>158</sup>

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158 Dufva & Rekola (2023), 9 and 65–66.

The human rights system is being developed to adapt and respond to the ecological sustainability crisis. The rights of future generations and intergenerational justice have become an important part of anticipatory human rights work. In addition, environmental law is being fixed closer to human rights.<sup>159</sup>

The mandate of the UN special rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment was established as far back as in 2012. The UN special rapporteur on the promotion and protection of human rights in the context of climate change began his work in May 2022.<sup>160</sup> In July 2022, the UN General Assembly declared the right to a clean, healthy and sustainable environment a human right. The UN General Assembly resolution is a soft law instrument which describes the links between sustainable development, environmental protection and the eradication of poverty and the implementation of human rights for current and future generations. It highlights the vital role of human rights in the protection of the environment and, on the other hand, the negative implications of the sustainability crisis for the effective enjoyment of all human rights

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159 Airos & Ahlqvist *et al.* (2022).

160 The websites of the special rapporteurs: <https://www.ohchr.org/en/special-procedures/sr-environment> and <https://www.ohchr.org/en/special-procedures/sr-climate-change>.

by present and future generations.<sup>161</sup>

The “greening” of traditional human rights is one way of responding to the climate emergency. The erosion of the carrying capacity of nature causes violations of human rights (e.g., rights to life, health, food, water, housing and development). States have a responsibility to take effective climate action that requires respecting, protecting and fulfilling human rights for all people. This ensures that the impacts of the climate emergency and climate action are examined from the perspective of the traditional human rights system and its obligations.<sup>162</sup>

The transgenerational human right to a clean, healthy and sustainable environment promotes the development and introduction of new concepts, interpretations and standards. This new human right is articulated in more specific terms through national and international environmental litigation and the development of the norms of fundamental environmental rights. These also clarify the practical importance of the rights of future generations. The state’s obligation to take action to mitigate climate change to the maximum extent possible regardless of any climate action taken by other states is one of the principles being developed. The concept of rights holders is expanding through the time horizon of the rights of future generations and the rights that extend beyond humans, such as the rights of nature and its components.<sup>163</sup>

Human rights experts have specifically mapped the rights of future generations as human rights in the Maastricht Principles on Human Rights for Future Generations.<sup>164</sup> In March

2023, the UN General Assembly requested an advisory opinion from the International Court of Justice on the obligations of States in respect of climate change.<sup>165</sup> The EU proposal for a directive on corporate sustainability due diligence emphasises the responsibility of companies to anticipate the human rights and environmental impacts of their operations.<sup>166</sup>

The rights of future generations will clearly bring an anticipatory and collective dimension to human rights, aiming at preventive climate action to safeguard the rights of future generations. It is not surprising that many climate trials have been initiated by children or young people. They place the negative climate impacts they are subjected to more in the future than in the present.<sup>167</sup> The fundamental right to a healthy environment also raises the question of how useful the categorical division between people and nature actually is. John Knox and David Boyd, UN special rapporteurs on the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, have stressed the need to combine human-centred and nature-centred approaches when it comes to environmental human rights. Knox has proposed the possibility of interpreting the right of humans to live in a healthy environment to include the right of the environment itself to be healthy.<sup>168</sup>

The rights and legal capacity of components of nature, such as rivers, animals, forests, seas and ecosystems, are already being developed in many countries in the context of norms of environmental law and environmental litigation. In part, this work has involved the promotion

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161 United Nations (2022). The UN Human Rights Council issued its own resolution on the subject on 8 October 2021. UN Human Rights Council (2021b).

162 UN Human Rights Council (2018); UN Human Rights Council (2016).

163 Rodríguez-Garavito (2022).

164 Maastricht Principles on the Human Rights of Future Generations (2023).

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165 United Nations (2023a).

166 Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence. Proposal. 23 February 2022 COM(2022) 71 final.

167 Rodríguez-Garavito (2022); Columbia University Climate Change Litigation Databases: <http://climatecasechart.com/>.

168 Boyd (2017); Knox (2020), 79-95.

of the rights of indigenous peoples. In Finland, a citizens' initiative has been submitted on the inclusion of the fundamental rights of animals in the Constitution of Finland. Concerns about the realisation of the rights of future generations and the development of nature's own rights as part of the human right to a healthy environment help us understand the interaction between the environment and human rights and set boundaries for the current scope of application of human rights. The implementation of human rights should be in balance with the sustainable development of the world.<sup>169</sup>

In Finland, the Chancellor of Justice has stated that the rights of future generations and intergenerational justice are related to several fundamental and human rights through a temporal dimension and to the use of natural and other resources in general. The provision on the fundamental right to a healthy environment of section 20 of the Constitution of Finland supports the application of the rights of future generations. They are also referred to in the preparatory documents of the constitution. With regard to the environment and natural resources, the decisions being taken today must not restrict excessively the lives of unborn generations. The Chancellor of Justice emphasises that safeguarding the diversity of nature, the right to a healthy environment and the related extensive rights of participation are fundamental and human rights of increasing importance in international human rights thinking and in the fundamental rights system of the EU and Member States.<sup>170</sup> In Finland, the rights of future generations have been discussed in detail in connection with the development of foresight in legislative drafting.<sup>171</sup>

## 6.2 Economic and social rights as promoters of equality

One of the megatrends published by Sitra in 2023 is the cracking of the economic foundations. The concentration of wealth, the growth of global inequalities and the ecological sustainability crisis create the need to reform the economy. Increased extreme weather events and the overburdening of the carrying capacity of nature are eroding the operating capacity of the economy. The current economic system is not sustainable for people and nature, and the need to reflect on its role, importance and the assumption of perpetual economic growth is great. Sustainability has extended from individual environmental issues to human rights issues, human well-being and improving the state of nature. As an opportunity for the future, Sitra emphasises a restorative and regenerative economy, the handprint of which is larger than its footprint. It can be measured by means of ecosystem accounting, which takes account of the benefits created by nature's ecosystem services and the adverse impacts on nature caused by human activity.<sup>172</sup>

Inequality means that, in particular, economic and social rights, or the rights to work and decent pay, social security, a satisfactory standard of living and health and education, are not implemented on an equal basis. The objective of implementing economic and social rights is also to eradicate poverty.

In 2020, in the midst of rising inequalities and many crises, Philip Alston, the Special Rapporteur on extreme poverty and human rights, mapped out new steps to eradicate poverty. Alston emphasises that poverty is a violation of human rights. By referring to the works of Thomas Piketty and Joseph Stiglitz, critics of classical economics, he underlines that the failure to take the necessary steps to eradicate poverty is a political choice. He argues that the views of mainstream economists and lead-

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169 Rodríguez-Garavito (2022); O'Donnell & Talbot-Jones (2018); Citizens' Initiative. The rights of animals to the Constitution. 27 February 2023.

170 Pöysti (2023), 336-352.

171 Airos & Ahlqvist *et al.* (2022). Cf. Part 2 of the Government Report on the Future 2023. Government (2023a).

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172 Dufva & Rekola (2023), 9, 57-58 and 66.



ing international organisations on economic growth as the engine to lift people out of poverty are not credible. Measures that in principle promote economic growth, such as lower corporate tax rates, labour reforms, deregulation, cuts to public services and privatisation, can have devastating effects on people living in poverty and on the state's capacity to reduce poverty.<sup>173</sup>

Alston's recommendations to reduce poverty and inequality underline redistribution of wealth, fair taxation, debt forgiveness for developing countries, universal social protection as a human right, centring the role of government, participatory governance and adopting a multidimensional international poverty measurement. The Center for Economic and Social Rights (CESR) has supported the adoption of similar measures focusing on economic and financial policy with its rights-based economy model. It aims to guarantee for all people the necessary material, social and environmental conditions to live with dignity. The rights-based economy model also emphasises fair wages, the recognition of the value of providing care at home, corporate regulation and alternative corporate models, and respecting planetary boundaries and the rights of future generations.<sup>174</sup>

A more visible role of the economic policy in human rights work is a new development. The criteria traditionally applied to the enjoyment of many economic and social rights have included the achievement of a certain minimum level or basic security, not reducing inequalities as such. The means leading to the implementation of a specific minimum level have been largely left to the discretion of the state, even though the UN system imposes an obligation to promote human rights through the full application of available resources. The obligations under economic and social rights are consid-

ered neutral with regard to the state's economic system. On the other hand, it is good to remember that the protection of property is one of the human rights, especially in the European human rights system, and it is also enjoyed by companies.<sup>175</sup>

Clearer efforts to promote economic equality by implementing economic and social rights have generated a debate on the relationship between human rights and the neoliberal market economy and globalisation. The strengthening of the international human rights system in the 1990s coincided with the spread of the neoliberal market economy. In terms of the credibility of the implementation of economic and social rights, it is problematic that the progress of the human rights system during that period failed to reduce economic inequality. Instead, the inequalities increased considerably. It may not be possible to verify the role human rights played in the spread of the neoliberal economic system. Still, the temporal linkage between them has rendered human rights vulnerable to the hostility against globalisation stemming from populism and nationalism. In the light of the situation, many researchers have considered ways to strengthen the implementation of economic and social rights.<sup>176</sup>

Determining the root causes of inequality requires that human rights actors conduct a structural analysis of the ability of the economic system and the state to promote economic and social rights. What are the state's possibilities for redistributing resources to promote equality? How are wages, which support equality, secured in the long term? How are corporate responsibility and human rights realised in the value chains of international trade and when pricing products? To understand the interac-

173 UN Human Rights Council (2020b).

174 *Ibid.*; Christian Aid & Center for Economic and Social Rights (2020).

175 UN Committee on Economic, Social and Cultural Rights (1990); Michelman (2022); Emberland (2006).

176 Alston (2017), 1-15; Moyn (2018), 173-220; Bonadiman & Soirila (2020), 301-328; Whyte (2019), 198-242; Koskenniemi (2021), 51-61.

tion between the economic system and human rights, human rights actors need economic expertise and cooperation with labour market actors. The human rights community should also recognise that these issues are not only legal but also political in nature. Nevertheless, human rights actors should be able to participate in the discussion that seeks new opportunities for both the economic system and the implementation of human rights.<sup>177</sup>

Economic and social rights are closely linked to environmental rights. Alston has said that climate change is devastating for people living in poverty and that it exacerbates inequalities. Adapting to climate change will require deep structural changes in the world economy. A controlled transition to a green economy requires a robust social safety net, the protection of workers, the creation of good jobs and compliance with international labour standards. Alston emphasises that growing inequality and even greater levels of deprivation associated with the climate crisis will likely stimulate nationalistic, xenophobic and racist responses.<sup>178</sup>

Rodríguez-Garavito has proposed that the economic, social and environmental rights be implemented in a coordinated way. In addition to questions related to material well-being and equality, those responsible for implementation of economic and social rights should consider how compatible the economic policy is with a climate and biodiversity suited for living. For example, the monitoring of economic and social rights should be critical of countries whose economic redistribution policy is funded with oil or coal or by other carbon-intensive and climate-disrupting industries.<sup>179</sup>

### 6.3 Human rights regulation of artificial intelligence

The acceleration of competition for digital power is one of the megatrends defined by Sitra in 2023. Technology is developing rapidly, and new technologies are being introduced in new areas of life. Increasing amounts of data are being collected and used to provide new customised services to individuals and organisations. At the same time, there are disputes about the digital power – about who will collect and use data –, the rules of the digital world, the resources required by new technology and, more generally, the direction of technological development. There are growing concerns in Europe about our ability to innovate and develop rules for the data economy based on European values. A significant part of our daily activities is already taking place in an environment whose rules are effectively decided by a handful of multinational technology companies. Markets can be made fairer with stricter legislation that balances the interests of individuals, companies and society, for example, by means of everyone’s right to control their own data.<sup>180</sup>

The human rights impacts and regulation of artificial intelligence have become a key societal issue due to the rapid development of AI and the expansion of its areas of application. As a learning and self-directed system, AI challenges human-centric modes of operation and causes uncertainty about future developments. The aim of AI regulation is to anticipate its development, to seek protection against its negative effects through risk assessment and to build future-proof regulatory means. Regulation is preventive and technology-based in nature.

For a long time now, attention has been paid to the implications of artificial intelligence on privacy and data protection, freedom of expression, the right to information, and equality and non-discrimination.<sup>181</sup> The rights to work,

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177 Bonadiman & Soirila (2020), 301-328; Koskenniemi (2021), 51-61; Kapczynski (2018); Goldston (2019).

178 UN Human Rights Council (2019).

179 Rodríguez-Garavito (2022).

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180 Dufva & Rekola (2023), 9, 45-49 and 66.

181 UN General Assembly (2018); UN Human Rights Council (2021a).

education, social security, a satisfactory standard of living, health, food and good governance, and human dignity, freedom of assembly, access to justice, and consumer protection have also been emphasised in this context. Since AI is applied in most areas of life, it makes no sense to limit the examination of its impacts to only a part of human rights. Dunja Mijatović, Commissioner for Human Rights of the Council of Europe, has said that the human rights impacts of artificial intelligence should be assessed in a holistic, multi-faceted and inter-sectional manner. Human rights norms must be considered technology-neutral and applicable to all contexts.<sup>182</sup>

The holistic approach emphasises the application of human rights principles to the use and regulation of AI. They often overlap with actual human rights. The UN High Commissioner for Human Rights has underlined participation, accountability and transparency, in addition to equality and non-discrimination. The Principles chapter of the Council of Europe's working draft of the Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law includes six principles of design, development, use and decommissioning of artificial intelligence systems: 1) transparency and oversight 2) accountability and responsibility 3) equality and non-discrimination; 4) privacy and personal data protection; 5) safety, security and robustness; and 6) safe innovation.<sup>183</sup>

Amendments adopted by the European Parliament on the proposal of the European Commission for the Artificial Intelligence Act includes six general principles applicable to all AI systems: a) human agency and oversight; b) technical robustness and safety; c) privacy and

data governance; d) transparency; e) diversity, non-discrimination and fairness; and f) social and environmental well-being. They largely overlap with the working draft of the Council of Europe on the agreement.<sup>184</sup>

The UNESCO Recommendation on the Ethics of Artificial Intelligence also emphasises the principles of proportionality and do no harm as well as AI awareness and literacy as its principles.<sup>185</sup> A reference to AI literacy can also be found in the European Parliament's proposals on the EU Artificial Intelligence Act. The Council of Europe's working draft of the Framework Convention on Artificial Intelligence refers to digital literacy.<sup>186</sup> The Recommendation of the OECD Council on Artificial intelligence includes the principle of human-centred values and fairness, which also include human rights.<sup>187</sup>

The procedural safeguards of the draft Council of Europe AI Agreement include specific rights related to the use of AI. They are presented in the form of rights of the individual. These include the right to know that one is interacting with an artificial intelligence system and the option of interacting with a human in addition to, or instead of, such system. The UNESCO Recommendation provides the principle of explainability in the context of the principle of transparency. It includes informing people about how the AI system and the algorithms used by it function.<sup>188</sup>

The Framework Convention on Artificial Intelligence prepared by the Council of Europe

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182 EU Agency for Fundamental Rights (2020), 57-82; UN Human Rights Council (2020a); UN General Assembly (2019); Council of Europe Commissioner for Human Rights (2023), 5-6.

183 UN Human Rights Council (2021c), 10 and 14; Council of Europe Committee on Artificial Intelligence (2023), articles 7-12.

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184 European Parliament (2023), Article 4a. The European Parliament proposes that the OECD definition of artificial intelligence system be used in the Artificial Intelligence Act. European Parliamentary Research Service (2023), 9; OECD (2022b), I.

185 UNESCO (2022), 20-23.

186 European Parliament (2023), article 4b; Council of Europe Committee on Artificial Intelligence (2023), article 20.

187 OECD (2022b), article 1.2.

188 Council of Europe Committee on Artificial Intelligence (2023), article 14; UNESCO (2022), 22.

reaches beyond human rights by referring to the functioning of democracy and observance of the rule of law as objectives of regulation, in addition to respect for human rights. Human rights, democracy and the rule of law are closely linked and interdependent. Parties to the Convention shall take the necessary measures to ensure that artificial intelligence systems are not used to undermine the integrity, independence and effectiveness of democratic institutions and processes, including respect for judicial independence and the principle of the separation of powers. Preservation of the environment must also be taken into account in risk management.<sup>189</sup>

According to the amendments adopted by the European Parliament on the proposal for EU artificial intelligence regulation the purpose of the regulation is to “promote the uptake of human centric and trustworthy artificial intelligence and to ensure a high level of protection of health, safety, fundamental rights, democracy and rule of law and the environment from harmful effects of artificial intelligence systems”.<sup>190</sup>

The draft Framework Convention on Artificial Intelligence of the Council of Europe sets out an obligation on states to protect human dignity and individual autonomy. People must be able to reach informed decisions free from undue influence or manipulation through the use of artificial intelligence systems in the context of equal and fair access to public debate and democratic processes. This requires protecting the freedom of expression, freedom of assembly and the freedom to seek, receive and impart information.<sup>191</sup>

Companies play a key role in the development and use of artificial intelligence. The

general guideline for corporate AI regulation is the application of human rights due diligence throughout all the phases of the life of AI systems, in line with the UN Guiding Principles on Business and Human Rights. This includes the assessment of human rights impacts.<sup>192</sup> The responsibility of companies to exercise human rights due diligence is also part of the Corporate Sustainability Due Diligence directive prepared by the EU.<sup>193</sup> The Council of Europe’s working draft of the Framework Convention on Artificial Intelligence and the proposal for an EU Artificial Intelligence Act regulate the development and use of artificial intelligence by both private and public actors.<sup>194</sup>

Risk and impact assessments are key means of regulating AI. The EU Artificial Intelligence Act under preparation is based on a four-level classification of risks associated with AI systems: 1) banning AI practices harmful to people; 2) regulating high-risk AI systems through risk assessment and risk reduction systems; 3) limited-risk AI systems require transparency obligations; and 4) low- or minimal-risk AI systems can be used without any additional legal obligations.<sup>195</sup>

The draft EU Artificial Intelligence Act, as proposed by the European Parliament, prohibits many uses of AI that interfere with human rights and discriminate against people. These include the use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces and making risk assessments or predicting occurrence of criminal behaviour of people based on profil-

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189 Council of Europe Committee on Artificial Intelligence (2023), preamble and articles 1, 6 and 15.

190 European Parliament (2023), preamble, recital 1.

191 Council of Europe Committee on Artificial Intelligence (2023), articles 1 and 6.

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192 Office of the UN High Commissioner for Human Rights (2011), 17-24; UN Human Rights Council (2021c), 16.

193 Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence. Proposal. 23 February 2022 COM(2022) 71 final.

194 Council of Europe Committee on Artificial Intelligence (2023); European Parliamentary Research Service (2023).

195 European Parliamentary Research Service (2023).

ing or data analysis based on personality traits and characteristics. AI systems that would be used to detect the emotional state of individuals in law enforcement, border control or educational institutions would also be prohibited. In addition, technologies that weaken the decision-making capacity of individuals and manipulative subliminal techniques, the use of AI systems that exploit vulnerable groups, the use of AI systems for the social scoring evaluation or classification of people would be prohibited.<sup>196</sup>

High-risk AI systems may create adverse impacts on people's safety or their fundamental rights. They would be subject to specific requirements and should be registered. The European Parliament proposes that an obligation to carry out a fundamental rights impact assessment be imposed on those deploying a high-risk system in the EU. It must take into account vulnerable groups, environmental impacts and the views of stakeholders subject to the use of AI. The European Parliament's proposals designate a high risk, for example, for AI systems intended to be used for influencing the outcome of an election or the voting behaviour of people, as well as AI systems used by large social media platforms in their recommender systems.<sup>197</sup> If an AI system infringes any rules of the Artificial Intelligence Act, the case can be appealed to a national supervisory authority.<sup>198</sup>

The European Parliament's proposals would extend transparency obligations to AI foundation models, which may include applications such as ChatGPT. A provider of a foundation model shall identify, reduce and mitigate risks to health, safety, fundamental rights, the en-

vironment and democracy and the rule of law posed by their use.<sup>199</sup>

The draft Framework Convention on Artificial Intelligence of the Council of Europe uses a risk-based regulatory approach and outlines the general framework for risk and impact management in the development and use of AI. Parties to the Convention must take measures to identify, assess, prevent and mitigate risks and impacts on human rights, the rule of law, democracy and the preservation of the environment. The Council of Europe is developing general guidance on AI system impact assessments with regard to human rights, democracy and the rule of law. The EU Agency for Fundamental Rights has stated that learning from data protection impact assessments could be useful for AI impact assessments.<sup>200</sup>

Understanding the human rights dimension of AI regulation requires new expertise and foresight from human rights actors and cooperation with experts in technology and other fields. The risk and impact assessment, which is part of the use of artificial intelligence, raises interrelated wide-ranging questions about human rights, the rule of law, democracy and preservation of the environment.

The European networks of national human rights institutions and equality bodies have stressed the need for close cooperation with future independent national control mechanisms for AI regulation. The identification of oversight mechanisms among existing institutions or the establishment of new ones will probably have an impact on the mandates of human rights actors and their mutual and stakeholder cooperation.<sup>201</sup>

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196 European Parliament (2023), article 5; Ministry of Economic Affairs and Employment (2023), 6-7; European Parliamentary Research Service (2023).

197 European Parliamentary Research Service (2023); European Parliament (2023), article 29a and Annex III (Amendments 739 and 740).

198 European Parliamentary Research Service (2023); European Parliament (2023), article 68a.

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199 European Parliamentary Research Service (2023); European Parliament (2023), articles 28b and 52.

200 Council of Europe Committee on Artificial Intelligence (2023), articles 2 and 15; Council of Europe Committee on Artificial Intelligence (2022); EU Agency for Fundamental Rights (2020), 87-98.

201 ENNHRI & Equinet (n.d.).

# 7 Resilience

## 7.1 The concept of resilience

The anticipatory dimension of the concept of resilience is becoming stronger. Resilience means the ability of individuals and communities to adapt and remain functional in difficult transformations and to recover and learn from them. The term resilience is partly used in the same sense as crisis resilience, which is defined as the ability to withstand and overcome crises.<sup>202</sup> The concept was originally used in psychology, where it refers to the ability of individuals, especially children, to cope with and recover from traumatic events.<sup>203</sup> In natural sciences, resilience is linked to the ability of organisms and systems to cope with major fluctuations in environmental conditions. This has made resilience thinking part of the foundation of sustainable development of an ecosystem.<sup>204</sup>

The changes encountered are usually sudden or long-lasting disruptions. Systemic resilience may be resilience that restores former capacity to function, i.e., preservative resilience, or regenerative resilience that helps to achieve a new state of equilibrium after a disruption. Regenerative resilience emphasises the importance of learning and the opportunity to adapt to a new preferred state of equilibrium. Strengthening resilience requires preparing for

changes and anticipating them.<sup>205</sup>

Resilience made its entry into the language used by the UN, and the UN 2030 Agenda for Sustainable Development in particular, through disaster risk management. In the Sendai Framework for Disaster Risk Reduction, the definition of resilience follows ecological resilience thinking. In post-disaster recovery and reconstruction, the framework emphasises the approach to “build back better”. It is a good example of regenerative and learning resilience.<sup>206</sup>

In the UN 2030 Agenda for Sustainable Development, resilience is already widely used as a term describing not only disaster risks but also the living environment, infrastructure, cities, people living in poverty, agriculture, climate change and marine regions. In practice, the agenda uses resilience almost synonymously with sustainability.<sup>207</sup> The UN’s general guidelines for building a resilient society published in the midst of the COVID-19 crisis define resilience as a very broad capacity aimed at

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202 TEPA term bank of Finnish Terminology Centre: <https://termipankki.fi/tepa/en/search/resilienssi>; Kielitoimiston sanakirja (Dictionary of Contemporary Finnish) of the Institute for the Languages of Finland: <https://www.kielitoimistonsanakirja.fi/#/resilienssi?searchMode=all>; Laine & Keskinen (2018).

203 Masten (2014).

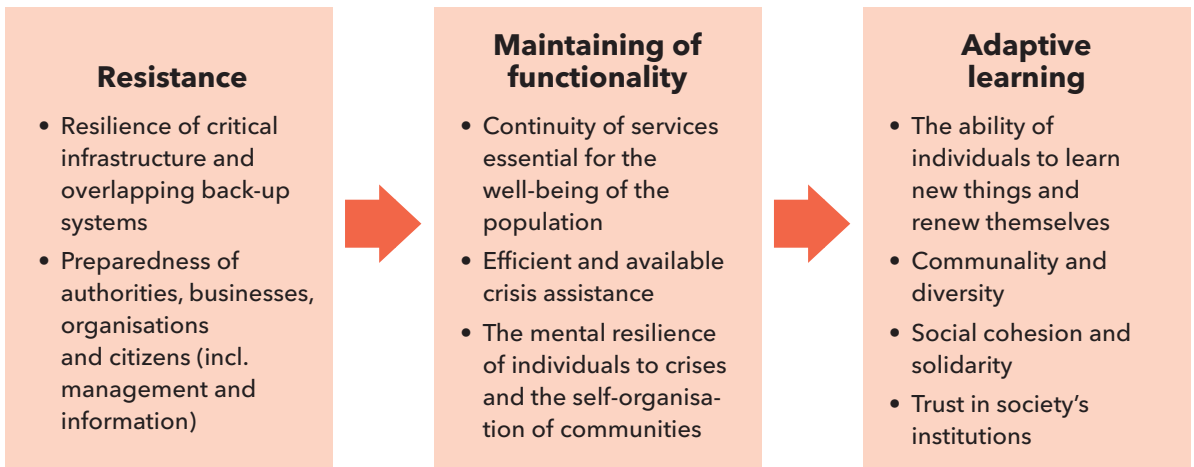
204 Folke (2016).

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205 Laine & Keskinen (2018).

206 Definition of resilience in the Sendai Framework: “The ability of a system, community or society exposed to hazards to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions”. United Nations (2015a).

207 United Nations (2015b). The unofficial Finnish translation of the Agenda did not find only one match for the term resilience. It referred to resilience with the Finnish terms “kestävyyss”, “kestokyky”, “sopeutumiskyky”, “joustavuus” and “selviytyminen”, or simply left the word untranslated. The Finnish translation is available on the [kestavakehitys.fi](https://kestavakehitys.fi/agenda-2030) website: <https://kestavakehitys.fi/agenda-2030>.



**Kuvio 5:** Resilience as a process, Hyvönen & Juntunen *et al.* (2019), 20.

preventing risks that requires anticipative capacity. The definition underlines that building resilience should not jeopardise the realisation of human rights.<sup>208</sup>

Resilience was developed as an overarching collective term that was used to guide the building of security strategies in the United States and Great Britain in the 2000s and, later, in Finland as well.<sup>209</sup> In Finland's Internal Security Strategy from 2017, the definition of resilience is closely linked to foresight:

*The world has become less predictable in terms of security needs as well. Complex security challenges therefore require resilience, the ability of systems to function flexibly in case of disruption, recover from them rapidly and, after a crisis, develop by learning from them. Preparing for the future is becoming increasingly difficult. It is therefore necessary to anticipate, to map out possible futures and ways to act in them.*<sup>210</sup>

208 "Resilience is the ability of individuals, households, communities, cities, institutions, systems and societies to prevent, resist, absorb, adapt, respond and recover positively, efficiently and effectively when faced with a wide range of risks, while maintaining an acceptable level of functioning without compromising long-term prospects for sustainable development, peace and security, human rights and well-being for all." This definition was used by the UN System Chief Executives Board for Coordination already back in 2017. United Nations (2020), 30-35.

209 Hyvönen & Juntunen *et al.* (2019), 13.

210 Ministry of the Interior (2017), 29.

This was also emphasised in the midst of the COVID-19 crisis in the report of the crisis follow-up group: "A useful concept to be used in this context is resilience, i.e., the ability to cope, recover and learn from changes or the ability to anticipate, cope and learn from changes." The report raises the concept of resilience to the level of the democratic system in general and describes the population's trust in society and its institutions as key characteristics of crisis resilience. It refers to democracy, the rule of law and fundamental and human rights as value base for the social order and as factors that maintain trust.<sup>211</sup>

Regenerative and learning resilience reaches beyond immediate crisis resilience and can be characterised as adaptive capacity or flexibility for change. It is part of the concept of comprehensive resilience developed for the cross-administrative cooperation model of comprehensive security in Finland. Comprehensive resilience is defined as a three-step process and a characteristic comprised of resistance, maintaining of functionality and adaptive learning (Figure 5). The comprehensive resilience of society and the democratic system is established through coordination at four levels between the resilience levels of the individual, community, state institutions and international connectivity (Figure 6).<sup>212</sup>

211 Government (2020), 59-61.

212 Hyvönen & Juntunen *et al.* (2019), 1 and 15; Security Committee (2017).

Levels of comprehensive resilience	Description
<b>Individuals</b>	Psychological characteristics, tendencies, knowledge and skills of individuals; the impact of the social environment on individuals' mental capacity to withstand the impact of crises and to adapt to the new post-crisis situation.
<b>Communities</b>	Community characterising the immediate social circle of life of individuals; interaction with local communities and participation at the local level; perceived living environment and its quality.
<b>Institutions</b>	Social policy - social, health and education policies in particular - affecting resilience at the individual level; key critical infrastructures in society and the functioning of the political system; preparedness of central government, including the regional level; trust in key societal institutions.
<b>International connectivity</b>	External relations and international cooperation networks; material continuity management of society and security of supply policy based on international cooperation; transnational networking of civil society; anticipation of global governance trends and an understanding of the ability of the international community to maintain international order and solve problems.

**Figure 6.** Four levels of comprehensive resilience, Hyvönen & Juntunen *et al.* (2019), 22.

Comprehensive resilience is not a response to any specific threat, but it relates to a more general ability to adapt to disruptions and crises or changes, regardless of their exact nature. It is a framework for examining issues related to security across sectors that combines different actors. These may include resource and environmental issues, democracy, inclusion, social trust and the prevention of increasing inequality and polarisation. Resilience must be promoted from a comprehensive societal perspective through long-term activities. This is done especially by strengthening societal safety nets for children and youth, channels for demo-

cratic participation, and social and health care services. Enhancing the resilience of individuals and groups in vulnerable situations is a key part of comprehensive resilience.<sup>213</sup>

Building the resilience of society and individuals is part of the preparedness policy. Resilience that emphasises foresight and flexible preparation in the face of uncertainties and increasingly surprising threats can be called an-

<sup>213</sup> Hyvönen & Juntunen *et al.* (2019), 1-3, 19-25, 54-62 and 83-84. The Youth Barometer 2022 addressed the resilience of young people in particular. Kivijärvi (ed.) (2023).



ticipatory and flexible preparedness. Foresight, preparedness and adaptation are mutually supportive and enhance the measures to influence the root causes of uncertainties and threats.<sup>214</sup>

In connection with foresight, the concept of future resilience has entered common use. It refers to ability not only to cope with challenges, crises and surprises, but also to reform and learn from them. The concurrent adaptation and reform included in future resilience requires understanding current changes, imagining different futures and actively working towards a desirable future. The key is how and in what shape society emerges from crises and how the factors that have led to them can be identified and controlled. Instead of returning to the pre-crisis situation, we should focus on anticipating and planning which new direction society could take.<sup>215</sup>

Resilience is usually built guided by former historical experiences and impacts.<sup>216</sup> Anticipating the future is also based on knowledge of the past. In addition to it, foresight produces information on the challenges and opportunities of different futures. This way, we do not only prepare for disruptions we have already experienced, but we also make efforts to enhance resilience for responding to new kinds of future challenges and changes.

What counts is the ability to imagine preferred futures as a means of regenerating resilience. As it is often impossible or even undesirable to return to the previous situation, we must be able to build different kinds of futures. In other words, the purpose of future resilience is not to make us resistant to all changes in society. Instead, it should be capable of supporting democratic societal development that respects human rights.<sup>217</sup> Instead of producing unavoidable crisis scenarios, anticipatory and flexible

preparedness must aim to address the regenerative opportunities offered by the future.

## 7.2 Resilience of human rights

The use of the concept of resilience in the context of human rights is related to the spread of security and crisis management thinking. Security issues also have a strong human rights dimension. Human rights, the rule of law and democracy are the set of societal values on which security, crisis resilience and trust are built. The Finnish Government Report on Internal Security 2021 emphasises that a key objective of internal and external security measures is to safeguard fundamental and human rights. The assessment of human rights impacts is an essential part of internal security operations.<sup>218</sup>

The concept of comprehensive resilience linked to comprehensive security can be applied to describe the long-term efforts to enhance the resilience of individuals and society that also promotes the realisation of human rights. The concept of comprehensive resilience combines the levels of actors central to human rights and helps to understand their mutual impact. Resilient institutions support individual resilience, and individual resilience is channelled into what characterises the national population and society.<sup>219</sup> This report focuses especially on enhancing the resilience and preparedness of human rights actors (see Chapter 8).

In human rights work, the concept of resilience has traditionally been used in the context of the well-being of human rights defenders and, in particular, their mental health. This is related to the original definition of resilience as the ability of individuals to withstand and recover from traumatic events. Many human rights defenders suffer from post-traumatic

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214 Hyvönen & Juntunen *et al.* (2019), 5, 41 and 64.

215 Heinonen, Sirkka (2020), 21-29; Dufva & Rekola (2023), 64.

216 Hyvönen & Juntunen *et al.* (2019), 12-13.

217 Human Rights & Democracy Network (2017).

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218 Government (2021), 8-9.

219 Hyvönen & Juntunen *et al.* (2019), 23-24.

stress disorder, depression, burnout and stress caused by the stressful content of their work. The incidence of post-traumatic stress disorder among human rights defenders in the world is estimated to be 19.4 per cent.<sup>220</sup> Human rights defenders encounter severe human rights violations and experience hate speech and targeting and shaming. The number of studies on the well-being of human rights defenders is increasing. Efforts are being made to make support measures to strengthen their resilience, such as counselling, psychological therapy, peer assistance and adjustments at the workplace, more widely available.<sup>221</sup>

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has developed guidelines and tools for strengthening the resilience of national human rights institutions and responding to threats. The guidelines apply the concept of organisational resilience, for which an ISO standard has been set up. Organisational resilience is defined as the ability of any organisation to anticipate, prepare for, respond and adapt to changes and sudden threats so as to continue the delivery of services and meet stakeholder expectations.<sup>222</sup> The concept has previously been applied in corporate risk management in particular. Combining it with foresight is something new. Foresight related to organisational resilience refers to the ability to observe internal and external developments, the ability to identify critical developments and

potential threats, and to prepare for unexpected events.<sup>223</sup>

The aim of OSCE/ODIHR guidance is to help human rights institutions build and maintain long-term resilience. This requires the preparedness to respond to threats that diminish or eradicate the capacity of human rights institutions to fulfil their mandate independently and effectively in accordance with international standards. There has been an increase in the scope and intensity of threats in recent years. Threats include reducing the powers, budget and staff cuts, smear campaigns, verbal and physical attacks against leadership and staff, obstruction of investigations, and infringements in selection and appointment procedures of staff. They are related to the wider challenges of our time facing democracy, the rule of law and human rights. Human rights institutions are often vulnerable to the exercise of state power when it comes to their resources, appointments and mandate.<sup>224</sup>

The guidelines recommend detailed approaches to strengthening the long-term resilience of human rights institutions with the help of 12 key factors: effectiveness, efficiency, relevance, building alliances and stakeholder engagement, communications, use of financial resources, institutional integrity, human rights competence, institutional morale, prestige of the NHRI, leadership and culture, and legal powers and mandate. The guidance also contains practical methods for combating different threats. Resilience can be systematically built by means of a specific risk management plan and a separate action plan for threat response.

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220 Joscelyne & Knuckey *et al.* (2015); EU Agency for Fundamental Rights (2017), 48-49.

221 Satterthwaite & Knuckey (2019), 443-554. The websites of Human Rights Resilience project partners: <https://chrj.org/focus-areas/human-rights-movement/human-rights-resilience-project/> and <https://hri.law.columbia.edu/our-work/transformation-and-empowerment/human-rights-resilience-project>.

222 OSCE/ODIHR (2022), 53. ISO Standard 22316:2017.

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223 Duchek (2019), 215-246. OSCE/ODIHR guidance includes Appendix 3 (p. 52) of the 3-stage Endsley model for situational awareness, which has links to Duchek's description of the role of foresight in organisational resilience.

224 OSCE/ODIHR (2022), 8-14.

Checklists and other tools presented in the guidelines help human rights institutions to strengthen their resilience.<sup>225</sup>

As crisis awareness spreads in Finland, human rights actors have started to use the concept of resilience in broader meanings of crisis resilience, adaptation and preparedness. They, on the other hand, are linked to both the concepts of organisational resilience and comprehensive resilience. The Human Rights Centre's publications contain several references to resilience. The Human Rights Delegation's recommendations on the impacts of the coronavirus pandemic in 2020 already emphasised the need to enhance the crisis preparedness of human rights actors.<sup>226</sup>

The report on national fundamental and human rights actors uses the concept of resilience to describe the crisis resilience of fundamental and human rights actors, in other words, their ability to cope with the challenges and threats that they have encountered or may encounter. Organisational resilience as a form of adaptability to changes in the operating environment is one of the research questions in the report.<sup>227</sup> The report on the Human Rights and Equality Institutions in Europe refers to the impact of fragmentation on the resilience of institutions.<sup>228</sup>

The report on national fundamental and human rights actors notes that the actors had been able to adapt fairly well to the challenges caused by the coronavirus crisis. The resilience of the actors is enhanced by such factors as the possibility to reorganise tasks in a flexible manner through, for instance, inhouse substitute arrangements, versatile job descriptions of the staff and remote work. The development

of information and communication technology and digitalisation is a general change in the operating environment that requires that the actors are given more tasks and mandates, and the legislation is strengthened. New expertise and resources are also needed to monitor the development and prepare for possible threats. From a broader perspective, the report deals with many other topics related to organisational resilience to develop structures and tasks and to safeguard the operating conditions.<sup>229</sup>

President Kari Kuusiniemi of the Supreme Administrative Court of Finland has stated that the trust of the population in the courts of law and legislation generates cohesion in society and promotes its resilience in the midst of multiple crises.<sup>230</sup> He has underlined the importance of the independence of the courts as a precondition for credibility and called for vigilance in monitoring the trends in society to avoid the risk of a gradual erosion of the rule of law.<sup>231</sup> These observations are clearly linked to the societal trust required by comprehensive resilience.

Ombudsman for Children Elina Pekkarinen has emphasised that preparedness for crises should be updated to meet the children's needs. She describes preparedness for various accidents and crises. The aim of preparedness is to ensure the continuation of people's everyday activities and the functioning of society with minimal disruptions in crisis situations. The Ombudsman for Children has also emphasised the importance of foresight in preparedness. In crisis conditions, children's right to measures necessary for their development must be safeguarded and their participation and access to information must be ensured.<sup>232</sup>

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225 OSCE/ODIHR (2022), 17-52.

226 Human Rights Centre (2020), 12 and 27.

227 Human Rights Centre (2022b), 12 and 169.

228 Human Rights Centre (2022a), 6-7 and 42.

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229 Human Rights Centre (2022b), 80 and 141-142.

230 Kuusiniemi (2022a).

231 Kuusiniemi (2022b).

232 Ombudsman for Children (2022), 9-11.

# 8 Preparedness and enhancing resilience

## 8.1 Crisis preparedness

Preparedness means preparing for future events. It is therefore anticipatory in nature. It can be used to enhance the resilience of people, organisations and society. Traditionally, preparedness has meant preparing for crises, i.e., actions to ensure that people can carry out their tasks with as few disruptions as possible and that exceptional measures can be taken in case of disruptions under both normal and emergency conditions. National risk assessments and reporting on changes in the security environment anticipate events and actions Finland may be subjected to that require authorities to take exceptional measures. Preparedness planning, continuity management, advance preparations, training and preparedness exercises are typical contingency measures.<sup>233</sup>

The preparedness obligation of the authorities is based on the Emergency Powers Act and the Rescue Act. One of the purposes of the Emergency Powers Act is to safeguard the legal order, and fundamental and human rights in emergency conditions.<sup>234</sup> Finland is in the process of implementing the EU Critical Entities

Resilience Directive (CER), which also applies to public administration.<sup>235</sup>

Crisis preparedness is part of the work of national human rights actors and a means of implementing human rights as effectively as possible in disruptive circumstances. The OSCE/ODIHR has published a reference tool to guide the actions of national human rights institutions during states of emergency and emergency situations in society. It emphasises the oversight role of human rights actors in relation to the actions taken by the authorities.<sup>236</sup>

The COVID-19 pandemic emphasised the importance of crisis preparedness among an increasing number of actors. For example, in its preparedness planning the preparedness working group of the Office of the Parliamentary Ombudsman aims to define the critical tasks of the Parliamentary Ombudsman and the Human Rights Centre that they should be capable of implementing under any circumstances. The development of crisis preparedness, scenario thinking and training are part of these activities, even though the preparedness obligation laid down in the Emergency Powers Act does not

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233 Security Committee (2017), 9; Ministry of the Interior (2023); Government (2022a).

234 Sections 1, 12 and 13 of the Emergency Powers Act (1552/2011).

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235 Directive 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC.

236 OSCE/ODIHR (2020).

apply as such to the Office of the Parliamentary Ombudsman. Preparedness planning and risk management have also become part of the work of the judiciary.<sup>237</sup>

It is necessary to draw on the lessons of previous disruptions for the purposes of crisis preparedness. The Human Rights Centre's reports show that national human rights actors were able to adapt to the challenges caused by the coronavirus crisis. However, crisis preparedness should be further strengthened. For example, it is part of the Ombudsman's tasks to inspect closed institutions. However, during the pandemic they could not be inspected normally, even though methods for remote inspections were developed to replace physical inspections. The number of complaints to both the Ombudsman and the Chancellor of Justice and their own-initiative investigations relating to the actions taken by authorities grew high during the pandemic. The coronavirus crisis emphasised the central role of the Chancellor of Justice in supervising the legality of Government activities and providing legal advice during states of emergency and emergency situations.<sup>238</sup>

Lessons can also be learnt from the crisis preparedness work carried out by human rights actors in conflict situations. The way the activities of the Ukrainian Parliament Commissioner for Human Rights were adapted to the wartime situation serves as an essential example of this. Protecting the staff from hostilities in both the capital and regional offices, and safeguarding their work and, in particular, communication in civil defence shelters are constant challenges in addition to resource issues and the general accessibility of the institution.<sup>239</sup>

The wartime has brought new thematic priorities to the Commissioner's work. They include tasks related to the protection of those fleeing the war and survivors and advising them; promoting the return of children subjected to forced displacement or illegal transfer; monitoring the treatment of prisoners of war; and maintaining the transparency of the management of official information. The Commissioner now participates in many official mechanisms related to security and defence. International relations and support provided by European networks of human rights actors are important means of crisis management, which in turn require special communication skills.<sup>240</sup>

## 8.2 Preparedness for changes

In times when we are exposed to threats and changes that have a holistic and long-term impact on the functioning of society, we must increasingly approach preparedness from a perspective broader than that limited to crisis preparedness. Adaptation to climate change is an example of anticipatory preparedness for new types of non-military threats that requires extensive awareness of the impacts and cooperation between different administrative sectors.<sup>241</sup> National human rights actors, the rule of law structures and NGOs can prepare for potential developments in society by strengthening their resilience. Versatile preparedness also helps in adaptation to the realisation of unforeseen threats. Human rights structures can take preparedness action at the level of individuals, national human rights actors, rule of law structures, civil society and international cooperation, or based on interaction between them.

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237 Ministry of Justice (2022c), 126.

238 Human Rights Centre (2020), 12-13; Human Rights Centre (2022b), 142; Farzamfar & Salmiinen (2022).

239 Extracts from the discussion event organised by the Human Rights Centre with the Ukrainian Parliament Commissioner for Human Rights on 7 June 2023.

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240 *Ibidem*.

241 Hakala & Erkamo *et al.* (2021), 13 and 105-106.

### 8.2.1 Preparedness at the level of individuals

In the comprehensive resilience model, resilience at the level of individuals refers to psychological characteristics, tendencies, knowledge and skills as well as the impacts of the social environment on the ability to adapt to changes.<sup>242</sup> The individual level is linked to organisational resilience through the membership of a work community. The key factors of particular significance for individuals specified by the OSCE/ODIHR organisational resilience guidance tool include human rights competence, staff morale and rewarding. They put emphasis on careful selection of personnel, development of human rights competence and crisis preparedness of the staff, continuous training, engagement, empowerment, rewarding and work-life balance. The evaluation memorandum of the working group of administration of justice emphasises the need to develop and deepen the competence of judges and other judicial staff.<sup>243</sup>

Taking care of the personal well-being, safety and working conditions of human rights workers plays a significant role in enhancing human rights resilience. The work of human rights defenders, which covers very difficult issues, is made even harder by the hate speech, and targeting and shaming they experience. Society's disregard for and hostility towards human rights can further complicate the situation. The Finnish court system and the National Prosecution Authority have acknowledged the risk of exhaustion caused by large workloads and the potential risk of the personnel being subjected to inappropriate behaviour or targeting and shaming. The resilience of human rights workers can be improved not only by measures related to the working environment but also by strengthening legislation that safeguards and

promotes the work of human rights defenders and by effective intervention by the authorities in the problems they encounter.<sup>244</sup>

Strengthening the resilience of human rights defenders also requires changes in the human rights culture and organisational management. Too often, human rights work valorises martyr and saviour mentalities at the expense of the well-being of employees. Consequently, the need to adapt the workplace or provide tailored well-being services gets easily ignored. In addition, human rights organisations must be able to address equality and gender equality issues emerging in their own work, such as sexism, racism and other forms of discrimination.<sup>245</sup>

### 8.2.2 Preparedness of national human rights actors

The preparedness of national human rights actors is related to the institutional level of comprehensive resilience. It refers to the preparedness of the central government and the functioning and reliability of society's key infrastructures.<sup>246</sup> With regard to human rights, this concerns national and independent human rights actors, i.e., the supreme guardians of legality<sup>247</sup>, the Human Rights Centre and the Human Rights Delegation, specialised ombudspersons and the National Non-Discrimination and Equality Tribunal. The preparedness of the courts is described below in connection with the preparedness of the rule of law structures. In line with the concept of organisational resilience, national human rights actors should develop their capabilities for anticipating, preparing for, responding to and adapting to any changes and threats affecting them.

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244 OSCE/ODIHR (2014); Ministry of Justice (2022c), 125-126.

245 Satterthwaite & Knuckey (2019), 537-539.

246 See Figure 6.

247 The Chancellor of Justice and the Parliamentary Ombudsman.

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242 See Figure 6.

243 OSCE/ODIHR (2022), 47; Ministry of Justice (2022c), 140-141.

The Human Rights Centre's report on the national human rights actors emphasises the need to strengthen the resilience of human rights structures in the midst of changes in the European and international operating environment. The challenges faced by the democratic system and the rule of law erode their foundations. The independence of courts, the freedom of the media and the space of civil society have narrowed in many countries. Extremist movements have become stronger, and the amount of hate speech and online harassment has increased. The report mentions problem areas in the guarantees of the independence and autonomy of Finnish human rights actors, the adequacy of resources reserved for maintaining statutory functions, the fragmentation of structures and the realisation of the diversity of personnel. Human rights actors play an important role in maintaining democracy and the rule of law and as indicators of how well they function.<sup>248</sup>

The European Network of National Human Rights Institutions (ENNHRI) has identified a variety of ways in which the NHRIs could come under threat that reveal their vulnerability to the use of power by states or the actions of non-state groups: political pressure; reduction of formal independence; changes in mandate, statute or other legislation; reduction in funding; organisational changes; removal of office holders; trumped-up charges or arrest of office holders or staff; verbal, written or physical attacks and death threats; defamatory media campaigns and reputational attacks; electronic surveillance; restrictions on the freedom of movement; restrictions on holding of rallies; and administrative or judicial harassment.<sup>249</sup>

OSCE/ODIHR has also mentioned obstruction of investigations, and infringements in selection and appointment procedures. These threats apply more broadly to different

independent human rights actors as well.<sup>250</sup>

National human rights actors can anticipate and prepare for many of the threats of our time described by ENNHRI by enhancing their resilience using, for example, the guidance tools developed by OSCE/ODIHR.<sup>251</sup>

The Human Rights Centre's recommendations for developing the structures and operating conditions of fundamental and human rights actors will contribute to building long-term resilience. To guarantee an equal level of protection for all people, the development and resourcing of human rights structures must take into consideration the field of human rights actors as a whole. A functioning balance must be found between centralisation and fragmentation of human rights actors. Cooperation between actors can be further deepened in areas such as sharing monitoring data and providing advice and information on legal remedies.<sup>252</sup>

Strengthening the independence and autonomy of the supreme guardians of legality at the constitutional level is also part of the recommendations. The independence and autonomy of specialised ombudspersons and the National Non-Discrimination and Equality Tribunal in relation to the Ministry of Justice can be increased and harmonised. The adequacy of resources must be assessed using transparent criteria. The involvement of external experts in the selection and appointment procedures would strengthen the legitimacy of the procedures. The National Human Rights Institution in its entirety and its different parts should be

<sup>248</sup> Human Rights Centre (2022b), 8-9, 120, 123 and 132-142.

<sup>249</sup> ENNHRI (2020), 5.

<sup>250</sup> OSCE/ODIHR (2022), 8-14.

<sup>251</sup> The 12 key factors that contribute to NHRI resilience listed in the OSCE/ODIHR guidance tool: effectiveness, efficiency, relevance, building alliances and stakeholder engagement, communications, use of financial resources, institutional integrity, human rights competence, institutional morale and rewarding, prestige of the NHRI, leadership, and legal powers and mandate. OSCE/ODIHR (2022), 17.

<sup>252</sup> Human Rights Centre (2022b), 148; Human Rights Centre (2022a), 37-42.

enshrined in law.<sup>253</sup> The importance of the expertise of human rights actors in strengthening comprehensive security must be recognised. The lack of diversity of personnel mentioned in the report can be responded to by promoting diversity. This would enhance human rights competence and the trust of minorities in human rights actors.<sup>254</sup>

The foresight workshop of the Human Rights Delegation and the scenarios it used also emphasised other possibilities for strengthening the resilience of human rights actors. For example, artificial intelligence can enhance the working methods of human rights actors. The regional visibility and presence of actors can be improved through mutual cooperation and participation. Anticipating threats and preparing for and combating them requires cooperation and new alliances. The national political leadership and human rights actors should regularly examine the state and implementation of human rights. Efficient communication plays a key role in defending human rights and fighting smear campaigns against human rights actors. The actors' environmental footprint can be reduced with common procedures. The scenarios also mention the possibility of setting up a special commissioner for future generations.

### 8.2.3 Preparedness of the rule of law structures

#### Courts of law

Public trust in the functioning and independence of the court system and the national prosecution authority is a fundamental element of the rule of law. The preparedness for changes of the courts of law means strengthening their organisational resilience. It is related

to the institutional level of comprehensive resilience. Changes in the operating environment of courts are described using foresight methods in the evaluation memorandum of the working group of administration of justice. It anticipates the long-term impacts of societal megatrends on the functioning of the court system. These megatrends include the ageing of the population, urbanisation, globalisation, future employment and well-being, digitalisation, climate change, economic transformation and the polarisation of society and trust in the judiciary.<sup>255</sup>

The trends of change in society affecting the functioning of the judiciary are not necessarily new, but the pace of development has accelerated. The opportunities brought about by digitalisation and artificial intelligence in particular are considered significant. The increase in digital services requires a digital leap in courts of law. Artificial intelligence raises new legal problems and its application in administration of justice is considered high-risk. However, AI offers new opportunities for extensive data collection and reporting, which can be used in knowledge-based management. It could also be used for creating completely new types of AI-assisted judicial processes.<sup>256</sup>

Climate action will be reflected in legislation. The rights of future generations will bring new types of cases to courts for assessment, which may cause congestion. The polarisation of society has an impact on to what extent the population trusts the functioning of the judiciary. Fairness and the reliability of judicial practices are key elements of the rule of law. They require that the provision of legal protection is speedy, affordable, coherent, legally certain and predictable. The evaluation memorandum also refers to the risk of politicisation in judicial proceedings.<sup>257</sup>

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253 The Finnish National Human Rights Institution is composed of the Human Rights Centre, the Human Rights Delegation and the Parliamentary Ombudsman.

254 Human Rights Centre (2022b), 120 and 148-149.

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255 Ministry of Justice (2022c), 74-85, 99 and 130-148.

256 *Idem*, 79-81 ja 99.

257 *Idem*, 81-85.



The evaluation memorandum recognises the key development needs in the court system: secure funding to reduce the duration and cost of trials; strengthen the independence of the judiciary; distribute workloads evenly; and benefit from digitalisation. The memorandum underlines that, in the light of dissuasive external examples, courts must be protected from efforts to yield inappropriate influence on them. In Poland and Hungary, for example, the independence of courts has been interfered with by reducing the age of resignation of judges, changing the number of judges, intervening in appointments of judges, dismissing chief judges and making structural changes.<sup>258</sup>

The threats arising from changes in the European operating environment have not been overlooked by Finland's highest judges. They have announced the need for regular maintenance of the rule of law in order to strengthen the constitutional guarantees of the independence of courts. They have also stressed the inadequacy of the basic funding for courts. Kari Kuusiniemi, President of the Supreme Administrative Court, has considered it unlikely that any political interference with the independence of courts would happen in Finland in the near future. However, he has emphasised how useful it is to prepare even for very unlikely future images, as the crumbling of the rule of law can begin with minor cracks. He has stated that the general trust and credibility enjoyed by the courts could be improved by making the grounds for their decisions clearer and more convincing.<sup>259</sup>

According to the evaluation memorandum, the resilience of the courts could be enhanced by defining the number of judges in the highest courts and the mandatory retirement age at the constitutional level and by strengthening the role of the Judicial Appointments Board and the Supreme Courts in the appointment

of judges. The legal status of judges in transfer situations and the related legal remedies could also be enhanced. Furthermore, the current procedure by which municipal councils select lay members to district courts does not meet the requirements for the independence of the courts or law. The Ministry of Justice has appointed a working group tasked with assessing what kind of amendments would be needed to the Constitution and other legislation from the perspective of securing the strong independence of the judiciary. It shall also make proposals on the necessary legislative amendments by 28 February 2025.<sup>260</sup>

The evaluation memorandum presents the preferred future for the operation of the judiciary in 2040, without forgetting the possibility of more negative developments. As development objectives until 2040, it gives strong independence of the judiciary, high-quality legal protection and user-orientation. High-quality legal protection requires the maintenance of in-depth competence, sufficient resources, well-functioning structures, even distribution of work, suitable procedures for the diversity of judicial processes, and a professional and anticipatory management system. User-orientation means developing administration of justice as a service with the help of technology. Technological solutions can support equal access to justice and make an impact on the duration and the cost of legal proceedings.<sup>261</sup>

### **Parliamentary Constitutional Law Committee**

The constitutional oversight of legislation exercised by the judiciary and the Parliamentary Constitutional Law Committee is an essential part of the functioning and resilience of the rule of law. A study on the rule of law made for the Government describes the risk of politicisation of the constitutional interpretation process in

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258 *Idem*, 93-124.

259 Kuusiniemi (2021a); Kuusiniemi (2021b); Lepänen (2021); Kuusiniemi (2022b).

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260 Ministry of Justice (2022c), 101-104.

261 *Idem*, 130-148.

Finland. This concerns especially the ex-ante supervision of the Constitutional Law Committee, which is of great importance for the administration of justice. The study on the rule of law states that, despite its nature underlining the role of external experts, the Constitutional Law Committee is a body consisting of members of Parliament that cannot be considered politically neutral and independent in legal matters on the basis of the case-law of the European Court of Human Rights.<sup>262</sup>

The Group of States against Corruption (GRECO) of the Council of Europe has drawn attention to the high threshold for bringing charges against a minister in Finland and the fact that the consideration of charges is carried out by a political body instead of the prosecutor.<sup>263</sup> The Ministry of Justice has prepared a background memorandum on the subject.<sup>264</sup>

Although most decisions of the Constitutional Law Committee are based on consensus, the risk of politicisation increases when it comes to politically loaded issues. In matters where divergent views are filed, they sometimes lead to voting following the political division of groups within the committee. Maija Dahlberg has stressed that, in the case of the Constitutional Law Committee, questions of legalisation of politics or politicisation of the law are genuinely at stake. The pressure of traditional and social media on the Committee's work increases the risk of politicisation. Timo Harjuniemi, Maija Dahlberg and Anu Kantola have pointed out that the Committee's actual operations are in part based on unwritten conventions. This is why its culture of publicity also relies on unofficial practices and not on clear regulation at the level of legislation - contrary

to the precise regulation on the publicity of the courts of law.<sup>265</sup>

Referring to the threats against the rule of law in Europe in our time, Outi Suviranta has underlined the capacity needed by constitutions to protect themselves from reforms that may lead to the erosion of the rule of law, the rise of authoritarian systems and the restriction of minority rights. She has said that the means of strengthening protection mechanisms should be considered early enough, under peaceful conditions, because, in times of political instability, it may be too late. Suviranta raises the question of the possibility that, in times of political instability, the Constitutional Law Committee could be composed in such a manner that in certain individual questions that raise political passion it would be prepared to accept outcomes problematic in relation to the rule of law.<sup>266</sup>

The requirement of an evident conflict with the Constitution, restricting the ex-post monitoring of the constitutionality of laws by the judiciary (section 106 of the Constitution of Finland), increases the impact of possible politicisation in the Constitutional Law Committee. Generally, if the Committee has already issued a statement on a subject, it is interpreted as an indication of there being no evident conflict. The supreme judges, the Human Rights Centre, the report made to the Ministry of Justice on the functioning of the constitution, and many experts have lent their support for the removal of the requirement of an evident conflict from the Constitution. This would strengthen the role of the judiciary in the ex-post control of the constitutionality of laws and reduce the impact of possible politicisation of the Constitutional Law Committee. Courts of law can also strengthen their constitutional oversight by referring to EU law and international human

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262 Raitio, Rosas & Pohjankoski (2022), 147-151; European Court of Human Rights. *Mugemangango v. Belgia*, judgment of 10 July 2020, no. 310/15, sections 97-98. Cf. Hidén (2019), 15.

263 Group of States against Corruption (GRECO) of the Council of Europe (2018), 30-32 and 53.

264 Ministry of Justice (2022b).

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265 Raitio, Rosas & Pohjankoski (2022), 147-150 ja 161; Dahlberg (2022), 1070 and 1078-1079; Harjuniemi, Dahlberg & Kantola (2022), 1-23.

266 Suviranta (2021), 357-364.

rights obligations that take primacy over the requirement of evident conflict. In addition, they may request preliminary rulings or advisory opinions from the Court of Justice of the European Union and the European Court of Human Rights.<sup>267</sup>

Kaarlo Tuori has assessed the operating conditions of the Constitutional Law Committee by stating that the fulfilment of its tasks requires sufficient resources and expertise, certain independence from political pressure and the necessary authority and prestige in the Parliament, among political actors, in the judiciary and among the general public. He perceived threats causing concern in these matters at the time of the publication of his article in 2018. Tuori emphasises that problems in law drafting also affect the activities of the Constitutional Law Committee and that its workload can be alleviated by developing the drafting of legislation and the ex-ante control of constitutionality by the administration. This perspective underlines the importance of a competent and impartial administration in the implementation of the rule of law.<sup>268</sup>

### 8.2.4 Preparedness of civil society

In the model of comprehensive resilience, the preparedness of civil society belongs to the institutional level of society, but it also promotes resilience at the level of local communities and individuals and maintains the general trust of the population in society (see Figure 6). The resilience of NGOs is part of organisational resilience in particular. Major changes and crises have shown the central role of civil society actors in strengthening society's resilience, safeguarding inclusion and supplementing the activities of the authorities.<sup>269</sup>

The Advisory Board on Civil Society Policy (KANE) has described changes in the operating environment affecting civil society. These include global megatrends (ageing, population diversity, regional segregation and digitalisation) and the impacts of today's crises. Growing authoritarianism and declining democracies reduce the space of civil society. On the other hand, civil society becomes diversified and individualised, often turning informal and operating online. The unpredictability of funding increases the steering of funding providers, which emphasises the responsibility requirements of NGOs (transparency, accountability and non-discrimination). At a more general level, inequalities in the social participation of the population and cross-cutting marginalisation are likely to increase.<sup>270</sup>

According to a report made for the Government on the state and future of civil society, hybridisation has brought private and public sector modes of operation to civil society. This can be seen in the rise of "customer thinking" and the increase in steering by public funders. Civil society activities will become more professional and more clearly linked to goals set by the public sector and the project work funded by it. These developments hinder the associations' flexibility and their ability to promote reforms, critique the state and innovate. On the other hand, fourth sector civic action oriented towards the use of the internet and social media is becoming more common. It is characterised by network-like structure, informality, the lack of an official organisation, desire for openness and often direct action.<sup>271</sup> When moved online, conversations may bubble up into activities between like-minded people, which challenges the diversity of the organisational field.<sup>272</sup>

The EU Agency for Fundamental Rights (FRA) has identified threats to civil society in

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267 Raitio, Rosas & Pohjankoski (2022), 152-154 and 161; Human Rights Centre (2021); Hidén (2019), 29 and 31.

268 Tuori (2018), 103-111; Rönty (2022).

269 Hyvönen & Juntunen *et al.* (2019), 54-55 and 58-60; Ministry of Justice (2022a), 15.

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270 Ministry of Justice (2022a), 12.

271 Ruuskanen & Jousilahti *et al.* (2020), 9-11.

272 Ministry of Justice (2022a), 15.

the EU area. NGOs and human rights defenders face physical and verbal threats and attacks both online and offline. The threats include police surveillance, vandalism in the workplace, criminalisation of the organisation's work, harassment with court cases, online attacks, negative media campaigns, physical attacks and verbal threats against staff. There are also problems with the recognition and registration of NGOs, equal access to financing, carrying out demonstrations and realising rights to participate in public activities. The OECD has emphasised the impacts of the spread of intolerance, discrimination, hate speech and hate crimes on Finnish civil society.<sup>273</sup>

Human rights NGOs can prepare for many threats by applying, for example, the tools prepared by OSCE/ODIHR for NHRIs to strengthen their organisational resilience.<sup>274</sup> Specific security guidelines have also been developed for human rights defenders to help identify threats and respond to them. They address issues of organisational and digital security and personal well-being. Situation analyses based on PESTE categories can be used to identify threat scenarios.<sup>275</sup>

The report on the state and future of civil society provides recommendations to strengthen the autonomy and vitality of civil society. They aim to reduce the dependence of organisations on the funder's goals, to strengthen the voices of civil society in government grant activities and legislative drafting, to harmonise the government grant practices, to allow single-entry accounting up to a certain limit, and to enable the introduction of a managing director body.<sup>276</sup> The new funding model for

NGOs entered into force in January 2024. The Parliamentary Advisory Board on financing and developing activities of non-profit communities began its activities in February 2023.<sup>277</sup>

In its strategy, the Advisory Board on Civil Society Policy (KANE) emphasises the need for the autonomy of civil society organisations from administration and official activities. It also notes that the common values and objectives of the organisations may relate to the promotion of democracy, the rule of law, fundamental and human rights, environmental rights, welfare and cultural inclusion. Funding for civil society should be based on the promotion of citizens' agency as part of strengthening democracy, inclusion and resilience. KANE recommends a broader application of deliberative democracy, citizens' panels and resident panel experiments and participatory budgeting. Strengthening the fairness of the green transition, eradicating hate speech, consultation with vulnerable groups and equality planning require special attention.<sup>278</sup>

KANE states that polarisation, transgenerational social exclusion and the accumulation of deprivation leave population groups outside civil society activities. Civil society participation and competences accumulate to those already active in society. The inclusion in civil society can be influenced by strengthening civic competence, i.e. the ability to understand events in society and assess its functioning. This ability develops already at a young age, and it is linked to the level of trust in the institutions of society experienced by individuals. It is therefore particularly important to promote democracy, human rights and media literacy in schools and educational institutions in cooperation with civil society. Social trust plays a key role in building comprehensive resilience.<sup>279</sup>

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273 EU Agency for Fundamental Rights (2022a); OECD (2021), 35-41.

274 OSCE/ODIHR (2022).

275 Higson-Smith & Ó Cluanaigh *et al.* (2016); Higson-Smith & Ljubinkovic *et al.* (2016). Huri-docs Holistic Security Webinar: <https://huridocs.org/2017/03/community-discussion-holistic-security-in-practice/>.

276 Ruuskanen & Jousilahti *et al.* (2020), 66-77.

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277 European Commission (2023a), 21-22.

278 Ministry of Justice (2022a), 17-20.

279 Idem, 14; Hyvönen & Juntunen *et al.* (2019), 60-62.

### 8.2.5 International cooperation

International cooperation in preparedness is related to the international level of comprehensive resilience (see Figure 6). It includes international cooperation networks, the transnational networking of civil society and an understanding of the international community's ability to maintain international order and solve problems. Changes in the operating environment at the international level may affect the resilience of national human rights actors.

From the perspective of long-term resilience, international cooperation is an essential part of the support network of human rights actors. In the OSCE/ODIHR guidance, the international dimension plays a key role in building alliances, securing legal powers and mandate and responding to threats.<sup>280</sup> More generally, the pressure created by international human rights monitoring supports the efforts of human rights actors to carry out national human rights reforms.

Finnish national human rights actors, the judiciary and NGOs cooperate with international organisations working in the field of human rights, such as the UN, the OSCE, the Council of Europe and the EU. One of the Human Rights Centre's statutory tasks is to participate in European and international cooperation in the promotion and protection of fundamental and human rights. International organisations have developed international standards for independent national human rights actors that can be used to assess and defend their status and activities.

The standards include the UN Paris Principles Relating to the Status of National Institutions,<sup>281</sup> the Recommendation of the Council of Europe on National Human Rights

Institutions,<sup>282</sup> and the Council of Europe Venice Commission's Principles on the Protection and Promotion of the Ombudsman Institution.<sup>283</sup> Equality bodies are addressed in the General Policy Recommendations of the European Commission against Racism and Intolerance of the Council of Europe and the recommendations of the European Commission on the theme.<sup>284</sup> In December 2022, the European Commission published proposals for directives on standards for equality bodies.<sup>285</sup> Provisions on independent data protection supervisory authorities are laid down in the EU's General Data Protection Regulation.<sup>286</sup> The Council of Europe has issued a recommendation on the independence, efficiency and responsibilities of judges.<sup>287</sup>

International organisations monitor the implementation of the standards and intervene when human rights actors come under a threat. They can provide assistance in the preparation of national legislation on human rights actors. The Paris Principles also apply to the international recognition, i.e., the accreditation, of national human rights institutions in cooperation with the UN and the Global Alliance of National Human Rights Institutions (GANHRI). Although most of the standards are not legally binding, the norms and their monitoring support the status of human rights actors and draw extensive attention to threats targeted against them. The EU's General Data Protection Regulation is a legally binding regulation on Finland.

The participation of human rights actors in the cooperation of international peer networks can strengthen their resilience. The cooperation

280 OSCE/ODIHR (2022), 21-22, 28-29 and 40-41.

281 United Nations (1993). The implementation of the principles is clarified by the guidelines issued by the Global Alliance of National Human Rights Institutions (GANHRI). GANHRI (2018).

282 Council of Europe (2021).

283 European Commission for Democracy through Law (Venice Commission) (2019).

284 European Commission against Racism and Intolerance (2018); European Commission (2018).

285 European Commission (2022b).

286 EU General Data Protection Regulation 2016/679 of the European Parliament and of the Council.

287 Council of Europe (2010).

provides an opportunity for assessing the operating environment and exchanging information on possible threats and preparing for them. Some networks provide support when threat scenarios are realised. The European Network of National Human Rights Institutions (ENNHRI) has published Guidelines on ENNHRI Support to NHRIs under Threat.<sup>288</sup> The peer networks include international and European cooperation bodies of national human rights institutions<sup>289</sup>, equality bodies,<sup>290</sup> ombudspersons for children,<sup>291</sup> ombudspersons,<sup>292</sup> independent data protection authorities<sup>293</sup> and supreme courts.<sup>294</sup>

NGOs and human rights defenders can participate in the cooperation mechanisms and human rights monitoring of international organisations and in the international activities of their own umbrella organisations. The Council of Europe's recommendations on strengthening the functioning of civil society and the legal status of NGOs are examples of European standards that can be applied in strengthening the resilience of civil society organisations and human rights defenders.<sup>295</sup> International

organisations also have separate mechanisms for supporting and protecting human rights defenders.<sup>296</sup>

The effectiveness of international cooperation depends on the ability of the international community to maintain multilateral order and solve problems. The growing strategic competition between states and creation of blocs challenge the multilateral cooperation and its traditional arenas, which are an integral part of international human rights architecture. Alternative channels of cooperation, such as different G-groups formed by states and new regional configurations, seldom focus on human rights issues. The EU has continued its efforts to strengthen the multilateral system and acts as a human rights advocate. On the other hand, it is of concern that the latest foresight report of the European Commission does not even mention human and fundamental rights.<sup>297</sup>

The human rights scenarios appended to this report (Appendix 1) also describe developments in which the UN has lost its role as a promoter of human rights, but the development of fundamental rights continues within the EU. The human rights community must be prepared for a situation in which the universal dimension of human rights is seriously threatened. The scenarios mention the strengthening of Nordic human rights cooperation and the development of NATO's human rights and human security dimension as new opportunities for multilateral human rights work.<sup>298</sup>

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288 ENNHRI (2020).

289 European Network of National Human Rights Institutions (ENNHRI) and Global Alliance of National Human Rights Institutions (GANHRI).

290 European Network of Equality Bodies Equinet.

291 European Network of ombudspersons for children (ENOC).

292 International Ombudsman Institute (IOI), its European network IOI Europe and the European Network of Ombudsmen (ENO).

293 The European Data Protection Board is an independent European body which brings together the data protection authorities from the states belonging to the European Economic Area.

294 The Network of the Presidents of the Supreme Judicial Courts of the European Union, the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe), and the Superior Courts Network (SCN) of the European Court of Human Rights.

295 Council of Europe (2018); Council of Europe (2007).

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296 For example, the UN Special Rapporteur on the situation of human rights defenders.

297 Jokela & Creutz *et al.* (2023), 97-106; European Commission (2023b).

298 See also Government (2023a), 42-44.

# 9 Conclusions

## Foresight during transformations in society

In the midst of rapid changes and multiple crises, we easily perceive the world as an increasingly complex, contradictory and chaotic place. We challenge old models of thinking and encounter surprises, discontinuities and conflicts. Sitra's megatrend reports call such developments post-normal times. The concept of "normal" becomes increasingly meaningless and there seems to be no "return to normal" or "the new normal" in sight. Crises are not just a temporary disturbance, but a symptom of a deeper transformation underway. Post-normal times challenges the perception of the future as a continuum of the present. It emphasises the building of alternative futures based on the actions we take or do not take today. The uncertainty during times of transition may also provoke strong emotions, such as anxiety, fear and hatred.<sup>299</sup>

In Finland, the administration's foresight work is at a turning point. In the midst of crises and uncertainties, foresight supports adaptation to the situation. At the same time, foresight is becoming more mainstream and professional. It is becoming part of good governance and knowledge-based management. Foresight networks support the development and harmo-

nise modes of operation. The futures reviews prepared jointly by the ministries, Government scenarios and the megatrends outlined by Sitra provide a framework for continuous and interactive foresight. Efforts will be made to promote inclusion in national foresight and the power to define futures through national dialogues and deliberative mini-publics.

Human rights work is also undergoing a transformation. It seeks ways to respond to changes in the operating environment and strengthen resilience. Traditionally, foresight has not been an instrument used by human rights actors, but the situation is changing. The actors have started using it in strategic planning and preparedness to identify future challenges and opportunities for human rights. Foresight can also be used to assess the flexibility for change of the content of human rights standards. The increasing examination of the rights of future generations in law drafting emphasises the need for foresight. Deepening work on the future by the authorities creates an opportunity to develop the foresight of human rights actors through cooperation.

Building a bridge between human rights foresight and broader foresight activities increases the visibility of human rights in national foresight. The implementation of human rights will be promoted by taking human rights into account in general foresight work. Usually, they have not been clearly embedded in such work.

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<sup>299</sup> Dufva & Rekola (2023), 7, 73 and 83; Dufva (2020), 54-55.

Human rights are part of the binding basic values of society. Bringing them up in anticipatory decision-making plays an important role in building a democratic and equal society. Participatory foresight that includes human rights also helps to identify and correct prejudices that may be associated with the basic assumptions of foresight.

### **Foresight and security**

The increased use of anticipatory practices in government activities and human rights work is related to security-oriented thinking brought about by crises and conflicts. The foresight of authorities has traditionally focused on assessment of security risks and crisis preparedness. Foresight plays an important role in Finland's comprehensive security cooperation model. Crisis preparedness has already become part of the work of many human rights actors. It underscores the need to maintain critical capacities under any circumstances. Viewing resilience as flexibility for change reaches beyond crisis preparedness. In this sense, it emphasises the need for innovative adaptation to increasingly different changes in society.

One of the objectives of national security measures, whether internal or external, is the protection of fundamental and human rights. The realisation of human rights promotes personal safety and a sense of everyday safety. Anticipatory human rights impact assessment is thus part of security work, which requires recognising the importance of human rights expertise in strengthening comprehensive security. International security cooperation also has its human rights dimension.

### **Developing human rights foresight**

Both foresight and human rights are frameworks that view societies from a broad perspective and can be used as tools for building preferred futures. All foresight and futures methods can be useful for human rights work,

even though our experience of applying them is still rather limited. In human rights foresight, the inclusion of different people, groups of people and actors is essential for its effectiveness and credibility. This lies at the heart of the right to participate and deliberative democracy.

Monitoring changes in the operating environment is the starting point for foresight. The observed changes can be linked to the fundamental developments in society and the directions they may take. Extensive human rights foresight should cover the international situation, so that we can avoid describing Finland's situation as an island of its own. For example, examining developments related to the rule of law in European countries has sparked an anticipatory discussion and planning of measures on the preparedness needs of the Finnish human rights and rule of law system. The reality of the universality of human rights and the effectiveness of monitoring mechanisms are also linked to the developments in the multilateral world order.

Alternative future trends are usually depicted as different scenarios. The human rights scenarios appended to this report are based on the scenarios used in general national foresight.<sup>300</sup> They can be used as frameworks for human rights foresight or as sources for mapping the futures of human rights in broader national foresight.

Human rights actors can also directly apply national future scenarios or megatrend descriptions when examining their activities and working environment. This may result in specific human rights scenarios that describe the different futures of a human rights sector, an organisation or a group of people. It is useful for human rights foresight to apply the information produced by foresight targeting different groups of people, even if it were not generated from the perspective of human rights. Human

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300 Excluding scenario 5 "The world of climate emergency".



rights foresight must aim to highlight impacts on the lives of groups of people and individuals.

Foresight uses sources of information that support a variety of alternative developments. However, the importance of imagination should not be forgotten when building human rights scenarios. Imagining different futures emphasises agency and the opportunities offered by the future. Future paths may not necessarily be drawn in a straightforward manner from the present moment. It is useful to consider how often we content ourselves with placing the problems of our time in future scenarios. Or could we succeed in anticipating issues that we do not yet really know or recognise?

### **Enhancing resilience**

Resilience is enhanced through preparedness. Building the comprehensive resilience of society requires promoting the trust, social cohesion and solidarity of the population. The efforts combine human rights, the rule of law and democracy as the basis for a safe society for all. The diversity of human rights scenarios expands the field of future opportunities and threat scenarios and the range of means for preparing and adapting to them. Effective preparedness strategies are aimed at preparing for several scenarios at the same time. Utopian scenarios emphasise the opportunities for renewal, whereas dystopian ones focus on threats and preparedness aimed at preserving things as they are.

Enhancing the resilience of human rights actors is often linked to organisational resilience, which emphasises preparedness for threats detected in the operating environment. It focuses especially on improving the resilience to threats and maintaining the organisation's functional capacity and independence in difficult situations. The social trust enjoyed by human rights actors is central to their long-term resilience. This requires continuous organisational development and readiness to adapt to changes in

society.

The resilience of the human rights system is supported by many conventions of trust in society's institutions. They can be called the human rights and the rule of law culture, or a consensus on the essential importance of human rights and the rule of law for society. These practices also include modes of operation not enshrined in law that aim to safeguard the autonomy and independence of human rights actors and the rule of law structures in matters such as appointments, the determination of resources or even the assessment of the constitutionality of legislation. The human rights and rule of law system can be strengthened by enshrining these practices in law or constitution. That, too, is building resistance to threats.

### **Developments in the human rights system**

In this report, the chapter on the era of transformation in human rights regulation describes how the human rights system has already been adapted to meet the challenges of the world's megatrends in the areas of nature, economy and technology.<sup>301</sup> This will allow us to outline some developments for the future of the human rights system.

The interdependent, interrelated and overlapping nature of human rights is receiving increasing attention. The development of environmental human rights in particular emphasises the comprehensive application of environmental rights, economic and social rights and civil and political rights. Comprehensive implementation of human rights clarifies the overarching conditions for the human rights system and strives for a balance with sustainable development. The case-law of international and national courts will play a key role in the holistic interpretation of interdependent human rights norms.

The application of human rights principles and the use of impact assessments are increas-

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301 Chapter 6.

ing in human rights regulation. The models developed for the regulation of AI apply a number of human rights principles in the steering of AI systems that affect the entire field of human rights. The significant role of such principles blurs their differences from individual human rights and emphasises the importance of interpretation in the assessment of the risks and human rights impacts of AI systems. Risk and impact assessments require foresight. In addition to human rights, the assessment of the impacts of AI systems is linked to compliance with the rule of law, the functioning of democracy and the protection of the environment as regulatory objectives and norms.

Giving strong emphasis to the rights of future generations expands the time dimension of human rights and the number of holders of human rights. The status of foresight in the implementation of human rights and legislative drafting is gaining more weight. The protection of components of nature and ecosystems by developing their rights and legal capacity is making progress.

Human rights work is more clearly intertwined with wide-ranging trends in societies. Its links with the rule of law, democracy and environmental resilience are better understood. This and the questioning of traditional ways of thinking related to times of transition bring human rights actors closer to political debate on the future directions of society. Politics may become legalised, and rights may become politicised. Managing large entities of issues requires the development of multiple skills among human rights actors and cooperation with experts from several fields. Human rights actors must be able to use the expert languages of fields other than the human rights arena and make human rights knowledge affecting decision-making understandable and meaningful to different sectors of society.

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# Appendix 1: Human rights scenarios

The human rights scenarios are placed in the year 2040. The future paths leading to them are found after each scenario. None of the future scenarios will materialise as such, but they outline the scope of future opportunities and help prepare for different futures. The human rights scenarios are based on the scenarios of the Government Report on the Future 2023, except for the experimental scenario 5. Chapter 5.2 “Developing methodology of human rights foresight” describes how the scenarios were developed. The variables used in human rights scenarios and the related futures table are presented in Appendix 2.

## 1 The world of cooperation 2040

“In **the world of cooperation scenario**, societies develop as open and safe environments towards a sustainable well-being of the economy, nature and human beings. The implementation of the Paris Agreement on Climate Change has been successful. The Sustainable Development Goals (SDGs) have largely been achieved. The green transition and the circular economy have made a global breakthrough. The global warming has been stopped at 1.5 degrees. In this scenario, the countries of the world cooperate multilaterally. Together, we have been able to respond to global challenges, such as safeguarding biodiversity. Digitalisation and advanced technology make people’s lives easier. The development leading to inequalities has stopped. In addition to material well-being, people’s lives are enriched and their quality of life is improved by intangible values and acting in accordance with them. Thriving ecosystems are tolerant to stress, strengthen carbon sinks and produce well-being.”<sup>302</sup>

Human rights are the cornerstone of international cooperation. Their monitoring works efficiently and the norms are being developed. The environmental perspective is linked to the implementation of human rights as it sets limits for human activities. Finland’s rule of law structures are independent and they have sufficient resources. Citizens’ trust in society is strong. Human rights are implemented equally throughout the country and serve as one of the frameworks used by NGOs. The population enjoys public services provided by the welfare economy. The public services promote the realisation of economic, social and cultural rights. Artificial general intelligence is regulated in compliance with human rights, but the standards cannot always keep up with the pace of AI development. The digital information environment is safe. Companies are committed to the regulation of corporate social responsibility, the implementation of which is supported by well-informed consumers.

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302 Government (2023a), 198-199.

## 1.1 The global human rights system

The United States has maintained its status as the world's leading country. The EU acts as a pioneer in introducing common standards. The UN has been reformed. China, Russia and India are actively involved in its activities. The African economy has risen, and the continent is integrated into a bloc of its own. The importance of military force has diminished. NATO, to which Finland and Sweden belong, has developed into an organisation of wide-ranging cooperation. Finland has been a key contributor to the development of NATO's concept of human security. It has expanded to cover many human rights and environmental issues. Finland is a strong supporter of rules-based and multi-lateral cooperation. It served as a respected member of the UN Security Council from 2029 to 2030.

The UN human rights system works effectively. It has been influenced by the development of communication technology, enabling a more frequent and reliable international discussion through platform communication and 3D meetings. Human rights defenders from practically all countries are involved in UN activities. The UN and European organisations have taken their activities to the national level through multi-location work. The monitoring of human rights is comprehensive, continuous and anticipatory. It is no longer based on the monitoring cycles of individual control mechanisms. Inexpensive satellite technologies are used to assist the monitoring of environmental human rights, crisis situations, movement of refugees and poverty. Human rights reporting is transparent and quickly understandable thanks to new reporting methods that utilise artificial intelligence and which can be easily adapted to different situations.

The favourable development of democracy and the rule of law in Europe has given a new boost for the Council of Europe and its Court of Human Rights. Russia has again joined the organisation in 2040 after the entry into force of the new Constitution and democratic elections. The monitoring of human rights practised by the Council of Europe is coordinated by three Commissioners for Human Rights working in different thematic areas. This has promoted the flexibility of the modes of operation and the continuity of monitoring. The Protocol to the European Convention on Human Rights on the right to a healthy environment entered into force in 2035. In the same year, the EU joined the European Convention on Human Rights. It clarified the corresponding roles of the European Court of Human Rights and the Court of Justice of the European Union.

The EU is a strong promoter of human and fundamental rights at international level and in the EU's internal legislation. Its basic values support human-centred decision-making. The EU has contributed significantly to the rule of law development in many African countries and China. The EU Agency for Fundamental Rights is Europe's leading provider of human rights information and promoter of human rights education on its digital platforms. Its overall focus is on cooperation with various human rights and fundamental rights actors and the adaptation of fundamental rights to environmental and climate law. The EU supports European networks of independent human and fundamental rights actors and creates standards for them within the framework of EU law and the Charter of Fundamental Rights.

The OSCE was a key international actor in Russia's new democratisation process in the aftermath of the UN special war crimes tribunal on the Russian war of aggression against Ukraine. The OSCE is the key forum for civil society in Europe and North America. Civil society organisations have increased their influence thanks to new interactive channels of deliberative democracy.

## 1.2 The rule of law

As regards Finland, democracy and the rule of law indicators have been moving in a positive direction for a long time. The traditional separation of powers between Parliament, the Government and the judiciary functions well. Democracy has become stronger through the innovations of deliberative democracy. Management based on knowledge and foresight is emphasised in the administration. The new Constitution entered into force in 2030. It defined modes of operation for direct democracy and strengthened the independence of courts and their role in the application of the Constitution. An amendment to the Constitution in 2035 outlined the overarching conditions set by climate and environmental law for the functioning of society.

The use of environmental perspective as a principle of interpretation is linked to the implementation of human and fundamental rights by setting limits for human activities. The case-law of the European Court of Human Rights referring to the Environmental Protocol guides litigation concerning climate actions. The right of appeal has been extended in relation to various measures. This causes congestion and slowdowns in administrative court proceedings, even though AI has already accelerated many practices. Claims for compensation related to a just green transition keep many courts busy. In 2030, the Commissioner for Future Generations began their work. The Commissioner is tasked with combining foresight information, human rights and the principles of sustainable development. The Commissioner's annual report is presented to the Parliamentary Committee for the Future.

Finland's human rights situation is very good according to the results of the UN and Council of Europe monitoring. Finland is also a loud advocate of democracy, human rights and a rules-based world order in international arenas and in bilateral cooperation. The independence of the supreme guardians of legality, specialised ombudspersons and the Human Rights Centre has been strengthened at the constitutional level, and a model of effective cooperation sets the pace for their activities. Individual complaints are received centrally and distributed according to the powers of each instance and the agreed rules. Regional visibility and inspection visits are promoted through mutual participation. The actors' resource development and transparency of recruitment are monitored in a comprehensive manner by the Human Rights Delegation's subcommittee, applying a range of standards.

## 1.3 Civil society

The channels of deliberative and direct democracy have increased in administration and the work of Parliament. Digital platform-based thematic citizens' panels have become a part of everyday life. This has strengthened the influence of civil society in legislation and politics as well as in monitoring the activities of the administration. The channels are easy to reach and accessible. All age groups participate in their activities. The foresight and futures skills have become stronger. Citizens' panels also lodge complaints with the supreme guardians of legality. General trust in society and social well-being have strengthened, which boosts the overall resilience of society.

The media is pluralistic and independent from the Government. The level of media literacy is high and equally distributed among the population. Misinformation, disinformation, hate speech, and online targeting and shaming occur. In addition to AI filtering, many NGOs provide services for communication platforms to eradicate such behaviours. This has become one source of funding for civil society. New forms of work and different sources of income enable active participation in soci-



ety and voluntary work. People have moved towards accepting the full pluralism and diversity of the population. People consider the society to be open, inclusive and safe and believe it to be based on gender equality and broader equality. Its ethnic and cultural diversity is seen as a resource.

NGOs often use human rights as a framework for their activities. The difference between human rights defenders and other NGOs has thus become blurred, and a wide range of coalitions between organisations has emerged. This has promoted awareness of intersectional discrimination. Environmental human rights defenders are respected, and their voices are heard in many forums. Physical demonstrations rarely lead to coercive measures by the police, but online demonstrations sometimes have unpredictable effects on telecommunications. Understanding of gender diversity has spread, and anti-gender movement is declining. LGBTI organisations and organisations for people with disabilities often act as bridge builders between different coalitions, citing the universality and interdependence of human rights.

#### 1.4 Equality and gender equality

Society is inclusive and different groups of people are equal throughout the country. Human rights are being implemented comprehensively. In most cases, society is accessible to all and without barriers. The principles of design for all are followed in the construction of both physical and digital environments. Another aim is sustainable development, which leaves no one behind. This also applies to crisis preparedness and provision of crisis information. Inclusive comprehensive schools, and human rights and environmental education produce results manifesting themselves as changes in attitudes and strengthening social cohesion. The employment rate of people with disabilities is high. The Non-Discrimination Ombudsman's extensive and partly regionalised supervisory task related to workplaces reduces discrimination and has started to have a positive impact on intersectional discrimination as well.

Gender is not recorded on electronic identity cards or passports. Awareness of gender diversity has led to legislative reforms related to the definition of gender and alternative methods of registration in the Population Information System. Without breaching data protection rules, the data is used as an indicator of social development and for preventing gender-related violence. The status of trans and intersex people has also developed positively due to change in attitudes. Since 2035, violence against women has been declining. The responsibility for care is divided more equally. Compulsory defence and crisis preparedness service offers many options and is gender neutral.

#### 1.5 Well-being

The well-being of people living in Finland is at a high level. Economic, social and cultural rights are implemented equally among the population. Complaints regarding any problems in their implementation can be lodged with the Administrative Court. A sustainable but growing welfare economy based on digitalisation covers public health services, basic education and social security for all. The availability of services for people with disabilities is good.

The employment rate is high. Work is often carried out remotely in multiple locations and in a pay-independent manner. This is enabled by many forms of activity and sources of income. It is easy for young people to find employment. Poverty and homelessness have been left in the past thanks to a simplified basic income system. People's well-being strengthens their trust in social justice.

Population growth in the world has stabilised and immigration has decreased. Work-based immigration to Finland has been made easy, but remote work across borders is also common. In a peaceful world, the number of refugees is small, and EU countries have an effective agreement on the division of responsibilities on refugee issues. The Finnish population is ageing but in good health. The demographic dependency ratio is becoming more stable, but there is still room for improvement. A high employment rate and technological innovations in treatment and care facilitate a positive trend.

Mental health problems are declining in all age groups. Human rights are respected in social and health care services. Extensive health-related disruptions, such as pandemics, are prepared for through cooperation between the authorities and civil society. It anticipates situations that may put people to a vulnerable position and result in a need for personal preparedness plans.

## 1.6 Artificial intelligence and digital leap

Artificial General Intelligence (AGI) is applied in all areas of life and administration as a system that mimics human thinking and problem solving. It is often used to guard the interests of people in need of help or support. The energy efficiency of AI has significantly improved thanks to the extensive introduction of new generation quantum computers and innovations in superconductivity.

Human rights are respected in the system of norms to regulate artificial intelligence. Large technology companies are also committed to complying with them. The EU Artificial Intelligence Act, the Council of Europe's AI Convention and the International Convention for the Development and Use of AI are key standards. The assessment of human rights impacts, protection of privacy, human agency, inclusion, equality and transparency serve as starting points for regulation. Risk analysis of AI systems determines the permissibility of their use. Impacts on the rule of law, democracy and the environment are assessed as part of the regulation.

However, the sets of norms do not always respond to the problems caused by the rapid development of AGI. Solutions to the challenges posed by hybrid forms of human and artificial intelligence, transhumanism and singularity are fervently sought through extensive international cooperation. These topics are often highlighted in public debates and in the work of human rights actors.

The digital information environment is secure, and most data sources can be identified in real time using block chain technologies. Digital competence is strong, and services are easily accessible. Information protection and right to privacy are respected. Misinformation and disinformation are filtered with artificial intelligence in accordance with common rules.

Space technology is developed sustainably in accordance with agreed rules. Satellites, combined with AI, are used in the monitoring of climate and environmental legislation and human rights. Space transport rules refer to respect for extraterrestrial intellectual life.

## 1.7 The environment and future generations

Finland has achieved ecological, social and economic sustainability. The Paris Agreement on Climate Change holds. The Sustainable Development Goals have been achieved with a reasonable delay. Food and water supply are in order. The human right to a clean, healthy and sustainable environment is a clear part of the 2035 Constitution, which underlines the rights of future generations. The opinions of the Parliamentary Constitutional Law Committee and the case law of the courts of law have strengthened the trend focusing on the environment in Finland. The trend enjoys extensive trust of the population. By weighing the overarching ecological conditions of human activities, it is possible to reasonably restrict the implementation of other human rights. The green transition has been implemented fairly by using compensation and conciliation mechanisms.

The concept of property rights protected by human and fundamental rights has shifted. New emphasis is put on sustainability and usufructuary rights related to land and nature, especially from the perspective of joint ownership. With the support of a public guardian, it has been made possible for nature conservation sites to gain legal capacity. The ecological human rights trend has promoted finding solutions to issues related to the land use and traditional livelihoods of the indigenous Sámi people. The right of the Sámi to community-based self-determination was enhanced in the Constitution of 2035. Negotiations have begun on the Nordic autonomy of the Sámi across borders.

## 1.8 The economy and corporate responsibility

Finland has become a sustainable circular economy linked to the platform economy of large technology companies. The leap in artificial general intelligence acts as driver of rapid and green economic growth. It also affects the transformation of work and contributes to multi-local work. Transport services related to the platform economy are often automated. Rapid economic growth supports the financing of general services. The ecological change in attitudes has made consumers responsible and aware, which is reflected in the business world and marketing.

Companies and other non-state actors are intertwined with and committed to international, European and national regulation. The EU Corporate Due Diligence Directive and the UN Convention on Sustainable Social Responsibility have brought human rights and business closer together and strengthened legal remedies. In addition to states, the UN Convention has been signed by transnational companies. Corporate social responsibility and the assessment of human rights and environmental impacts are taken for granted, and they are part of the value chains of innovation-oriented business. Comprehensive social support networks respond to the social security challenges of platform economy employees and new forms of employment.

## Future path of the world of cooperation scenario

The future path is based on the phasing of the scenarios in the Government Report on the Future 2023 and the description of human rights scenarios. The timeline has been shifted to begin from 2025 instead of 2022.

### Global developments

The implementation of the European Green Deal is well under way, and so is the zero-emission strategy. The EU Biodiversity Strategy 2030 is rapidly taking the Member States towards comprehensive non-deterioration of nature.

The EU Artificial Intelligence Act and the Corporate Due Diligence Directive enter into force. Major further investments are made in developing human-centric AI competence. Infrastructures for digitalisation are being built rapidly.

The EU directive addressing violence against women is adopted.

As a result of the peace process and the special war crimes tribunal following Russia's war of aggression against Ukraine, Russia demonstrates its readiness for international cooperation and compliance with its rules.

The EU exceeds its emission reduction target of 55% and is moving towards a net improvement of environmental conditions.

The results of international democracy and rule of law indicators are moving in a better direction, also in Finland.

The Council of Europe's Artificial Intelligence Agreement enters into force.

The EU Directive on standards for equality bodies enters into force.

International consensus prevails on space transport rules. They refer to respect for extraterrestrial intellectual life.

Russia is implementing reforms to strengthen the rule of law with the assistance of the OSCE.

Finland serves as a non-permanent member of the UN Security Council in 2029-2030.

## 2025

### Situation in Finland

Finland agrees on a strong climate law. Just transition supports making of emission reductions. Green investments continue to grow. Ecological compensation and environmental restoration are being introduced to legislation.

The new Emergency Powers Act enters into force. The grounds for its application and responsibility issues have been clarified.

The Disability Services Act enters into force.

The ex-ante assessment of fundamental and human rights impacts in the drafting of legislation is strengthened by improving the human rights training and foresight capacity of officials.

The Service Office of Specialised Ombudspersons commences its operation.

## 2030

Consumption of natural resources has started to decline as the circular economy progresses. The carbon footprint of consumption has halved.

Digitalisation is being used everywhere; public administration structures support operations implemented in an ecosystem-like manner.

The nature of work has changed, and the livelihood of many people comes from several different sources. A simplified basic income system is introduced. More than 50% of young adults have higher education. Equality in education increases. The employment rate of people with disabilities is beginning to rise.

The new Constitution defines the modes of operation of direct democracy and strengthens the independence of courts, supreme guardians of legality, specialised ombudspersons and the Human Rights Centre.

The Sámi Parliament Act is amended to strengthen group identification.

The Commissioner for Future Generations begins their work.

Cooperation between the supreme guardians of legality and specialised ombudspersons is intensified with regard to the processing of individual complaints and inspection visits.

## Global developments

2035

The EU is an influential global political and economic actor with a large network of partners. The EU gets new member states in the Western Balkans. The EU accedes to the European Convention on Human Rights. The EU Corporate Due Diligence Directive and the UN Convention on Sustainable Social Responsibility bring human rights and business closer together.

The election campaign in Russia is open and democratic. There have been reforms in China to strengthen the rule of law.

Global differences in technological and economic development have levelled out. The African economy is growing rapidly.

The Protocol to the European Convention on Human Rights on the right to a healthy environment enters into force.

A major leap has been made in the development of artificial general intelligence. Its energy efficiency has improved. The International Convention for the Development and Use of Artificial Intelligence is ratified.

## Situation in Finland

Finland becomes a carbon neutral and resilient circular economy. The transport is electrified, and renewable forms of energy are becoming more common.

The concept of property rights is shifting in the direction of strengthening general usufructuary rights. The legal capacity of nature conservation sites is possible with the support of a public guardian.

The transformation of work and property rights has changed the tax base. Public services can be arranged in a responsive and equal manner. Continuous learning is mainstream.

The fundamental right to a clean, healthy and sustainable environment is part of the Constitution. The Sámi people's communal right to self-determination is enhanced.

Violence against women is declining.

The gender-neutral compulsory defence and crisis preparedness service begins.

2040

Climate change has been stopped at 1.5 degrees.

The role and mandate of the UN in the system of rules guaranteed by the great powers are significant. Multilateral cooperation is strong and anticipatory. Non-state actors are integrated into international cooperation.

Russia joins the Council of Europe again after the entry into force of the new Constitution and democratic elections.

The comprehensive non-deterioration of nature has been achieved and extensive areas have been restored. It means that ecosystems are tolerant to stress, constitute strong carbon sinks and provide large well-being benefits.

Finnish companies are significant global players. Competitiveness is built on renewal based on competence and RDI.

People have high capacity to work and function. They take good care of their physical and mental well-being.

Negotiations on the Nordic autonomy of the Sámi begin.

Gender is not recorded on electronic identity cards or passports.

## 2 The world of accelerated competition 2040

“In **the world of accelerated competition**, competition between superpower blocs, societies, companies and individuals is fierce. The world is divided into two groups: the majority of democratic states led by the United States – to which the EU and Finland also belong – and the group led by authoritarian China. The global economy divides the world, societies and individuals into winners and losers, and well-being is unevenly distributed. There are major differences in climate change mitigation and adaptation between countries.”<sup>303</sup>

The UN human rights monitoring system is not being reformed, and it is ineffective. The resources of the European human rights system are being cut. The Finnish rule of law structures are independent, but they are becoming fragile. There are major regional differences in the implementation of human rights. Accessibility and services are centred in the largest cities. Disinformation, hate speech and discrimination spread and the population is becoming polarised. NGOs rarely base their activities on human rights. Artificial narrow intelligence (ANI) is applied with a limited set of norms. Finland is adapting to climate change, but the sustainability transition is not just. Large companies play a key role. Social responsibility is realised on their terms. The tax base for maintaining public services is narrow.

### 2.1 The global human rights system

The EU is a member of the group of democratic states led by the United States, although there are major differences in the sets of values of its members. The UN is ineffective, and its operations reflect the struggle between the great powers. No common solutions can be found to major problems of the world. International cooperation is focused on the regional level and bilateral arrangements. Part of Africa has a close relationship with China. The relations between India and China are tense. Russia is in a state of transition. Its democracy, rule of law and civil society have developed in a positive direction, but Russia does not belong to any group of states. Military influence and hybrid operations are among the means used in international power policy. Finland belongs to NATO, whose human rights dimension is limited to protecting the civilian population.

The UN human rights monitoring process has slowed down. Its operating methods and norms have not been reformed. The Human Rights Council rarely meets and is usually unable to decide on measures. The number of its special procedures has been reduced drastically. Volatile voluntary funding affects the activities of the UN Human Rights Office. It has had to close down country offices. Human rights defenders meet in connection with UN meetings but focus more on planning their non-UN activities and building alliances.

The EU has maintained its human rights-focused values, even though weak economic development has led to growing inequalities between Member States. Some Member States follow the lead of Chinese authoritarianism. The EU continues to report on the rule of law, but the results it presents

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303 Government (2023a), 199.

have a limited impact. The funding of the Fundamental Rights Agency has been frozen in connection with cuts in the EU budget. Solidarity and the promotion of human rights remain central elements of EU foreign policy, but the rule of law programmes outside Europe have been reduced. Support is given to networks of independent human rights actors in the EU. The focus of their operations has shifted from the UN to Europe.

The Council of Europe is reducing its activities and restricting the scope of thematic human rights monitoring. The Court of Human Rights emphasises the principle of subsidiarity in its decisions. The number of cases admitted before the court is decreasing. The development of human rights norms continues, especially in the fields of AI and the environment, but the new regulation remains at the level of loose recommendations. The OSCE focuses on the broad concept of human security. The OSCE/ODIHR supports the development of the rule of law in Russia. Civil society actors come together in the OSCE's human dimension meetings. This strengthens the connection between European and American NGOs and think tanks. The Nordic Council opens a human rights office in Oslo.

## 2.2 The rule of law

The EU's 2040 Rule of Law Report for Finland is concerned about access to justice due to long processing times and rising legal costs. Legislation against corruption requires clarification. The constitutional reform in 2035 opened up new channels for civic participation and clarified the rights of future generations. The opinions of the Constitutional Law Committee on new legislative proposals in reference to amendments to the Constitution are often issued after a tight vote. The number of environmental court cases is increasing, but the right of appeal has not been significantly extended. The compensation decisions related to the green transition continue to be appealed to the Administrative Court. The supreme guardians of legality observe growing problems in the drafting of legislation and the processing times of administrative measures. Individual cases of corruption are being investigated.

In its human rights monitoring concerning Finland, the Council of Europe identifies a trend of increasing regional inequalities. It underlines that Finland has no significant projects promoting the state of human rights under way. Finland is under special monitoring by the enforcement mechanism for the judgments of the European Court of Human Rights due to long delays in the national implementation of judgments. People who have suffered from problems with access to justice and compensation for the green transition are losing their trust in society and its institutions. Finland emphasises the importance of human rights in the work of both the EU and the Council of Europe and continues its steady voluntary funding to the Council of Europe.

The workload of the supreme guardians of legality, specialised ombudsmen and the Human Rights Centre is increasing. The number of complaints and inspections is growing. The Human Rights Centre's indicators for Finland show a downward trend, and it proposes measures to improve the situation. Independent human rights structures are not able to hire new staff due to the administration's cost-saving measures. However, they succeed in performing their duties by intensifying cooperation and using narrow AI. Artificial intelligence is used in compliance with government AI guidelines. International cooperation between national human rights actors focuses on European networks and strengthening Nordic connections.

## 2.3 Civil society

New channels of deliberative democracy are managed by the central and local governments. The activities are regular but mainly listening in nature. Participation is not very comprehensive. This reduces trust in the state, especially among young people. Civil society is not fixing itself into state decision-making models but focuses on its own activities and social media instead. Through responsible consumers, it has considerable influence in environmental decisions of businesses and politicians alike. Civil society is also internationally active. The voice of American activism is often heard in Finland.

The media environment is open and independent of the Government. Societal inequality is increasing, and the polarisation of public debate is deepening. People's values and attitudes are drifting further apart, leading to unrest in the population. Antagonism between generations is often evident in the allocation of resources. Increasingly heated demonstrations, misinformation, disinformation and hate speech are spreading. Hate speech in social media cannot be effectively filtered with narrow AI, and the police do not have sufficient resources to eradicate it. The safety of exercising the freedom of assembly is usually ensured. The importance of traditional trusted media is diminishing, and their financial situation is tight. Cuts have been made in the funding of the Finnish Broadcasting Company (YLE) for a long time. Technologically, it cannot keep up with the commercial media and is losing its audience.

NGOs are spending a great deal of their time trying to find funding, which pushes them in the direction of managerialism. Gaps in thematic funding provided by the state are closed with private funding and support from the public. The share of funding from foreign sources has increased. With the exception of large human rights organisations, NGOs rarely use human rights as a frame of reference unless it facilitates access to funding. Anti-gender movement has become stronger, which is disrupting the organisational field. Environmental human rights defenders have a solid crowd of supporters but protests often lead to clashes with counter-demonstrators.

## 2.4 Equality and gender equality

Regional differences in the implementation of human rights between the largest cities and other regions are increasing considerably. Large cities invest in accessibility and provide the best public services and jobs. From the perspective of access to services and accessible environment, the place of residence has become a key source of inequality and discrimination related to individuals. There is a high risk of social exclusion for people with disabilities and older people living outside large cities, as well as for young people and children. Discrimination against people with disabilities and ethnic minorities on the labour market is widespread. Social cohesion and inclusion of the population are eroding.

The quality of basic education is becoming regionally differentiated and it no longer promotes the development of gender equality and broader equality. Inclusive teaching does not receive sufficient resources. Artificial intelligence provides more teaching methods, but it also creates a deeper digital divide for those whose digital literacy is insufficient. Sectorial gender differentiation in education and working life remains unchanged. The reinforced anti-gender movement calls into question the implementation of sexual and reproductive rights and the status guaranteed by law for trans people.



## 2.5 Well-being

Well-being is unevenly distributed. Public and private health, social and education services are centred in the largest cities. They also provide employment and try to promote accessibility. Differentiation in the availability of services and their quality is increasing between well-being services counties. The social welfare base and level of education are crumbling, which reduces trust in society and the significance of human rights. This feeds the popularity of extremist movements.

Work is available for highly educated and digitally skilled people, but real skills and jobs seldom meet. Working life is divided into winners and losers. Public support networks are becoming thinner because of government cost-cutting measures. People wanting to live in large cities make the suburbs grow, but the services there do not meet their needs. Homelessness is increasing. New forms of work and activity do not materialise, and pension security becomes endangered. Many people end up in a spiral of intergenerational transmission of disadvantage that is centred in certain residential areas.

Many people have mental health problems. Waiting lists to treatment are long, and the guarantee for access to care is not realised. Unhealthy lifestyles are increasing. Air pollution deaths also occur in Finland. The functional capacity of people living with basic security is deteriorating. An ageing society needs more care staff, but the minimum staffing level is not met. The supreme guardians of legality report on growing problems in the implementation of health and social services. Deficiencies in services for people with disabilities and in child welfare are particularly blatant. Regular immigration is increasing, but the competition for cross-border labour is fierce. So, the dependency ratio of the population is not improving to a sufficient extent. The risk of pandemics persists, and the preparations made for them remain insufficient.

## 2.6 Artificial intelligence and digital leap

The use of artificial narrow intelligence (ANI) spreads in different areas of life and administration. Technology develops in silos on the terms of large companies. Traditional user interfaces are generally and equally available in cities, but access to them varies outside cities. Data protection, accountability and human rights issues are discussed by area of application, not on a comprehensive basis. Companies play a key role in developing sector-specific standards. The EU Artificial Intelligence Act is used in regulation, but less attention is paid to other European and international norms. The impact of human rights as a guideline is shrinking outside the administrative sector. Data and privacy protection is not realised in the collection and application of personal user data.

Western online communications and information environments are open and integrated. Access to services and information is free. The supervision of information environments is limited. There are hardly any punishments for behaviour damaging others. Misinformation, disinformation and hate speech spread. Instead of state-sponsored channels of deliberative democracy, people take their active civic dialogue to private platforms. There are growing differences in people's digital education related to education and regions.

Space is utilised by both state and private actors. The use of satellite technology in data collection is increasing. It is also used by large human rights organisations and environmental human rights defenders. Space activities are poorly regulated, which leads to an increase in space accidents.

## 2.7 The environment and future generations

There are major differences in biodiversity loss and climate change mitigation and adaptation between the regions and states of the world. Technology- and market-driven compromises are reached at the regional level. But in the absence of strong international guidance, the environment becomes more fragile and unusual natural phenomena become more common. The number of climate refugees is increasing. International climate and environmental conferences are organised, and information is exchanged, but they fail to confirm any sets of norms. The rights of future generations are referred to in the negotiations. EU standards promote adaptation. Companies are taking steps forward, but the sustainability transition has not happened in a just manner in most countries.

Bioeconomy, the circular economy and clean technologies have spread in Finland and the Nordic countries. The majority of the population supports the sustainability transition as responsible consumers or environmental human rights defenders. However, attitudes have become polarised. Finland has adaptability and standards, but climate change and biodiversity loss cannot be controlled sustainably. The Arctic region is developing in the fields of industry, technology and transport. The right of the Sámi to self-determination is seeking its direction in Arctic economic development.

## 2.8 The economy and corporate responsibility

The global economic growth is uneven. The overall growth is limited. In Finland, the intangible platform and sharing economy, and the environmental technology industry utilising artificial intelligence and space technology are becoming stronger. They act as drivers of exports. The economy is led by large companies, whose weight in international politics is greater than that of most countries. The Finnish and EU economies are dependent on the United States.

Finland's state-of-the-art digital competence improves its competitive opportunities. However, the deteriorating basic education and inequalities undermine the foundations of competence. Gaps in international regulation have a negative impact on export markets. Competition in corporate taxation between countries keeps the tax base limited, which weakens the funding of basic welfare services in Finland.

Responsible consumers are pushing companies and the state to take climate action. Corporate social responsibility is part of the operations of companies, but companies implement it in accordance with their own operating models. The EU listens to both businesses and consumers when developing its corporate responsibility standards. However, the standards do not differ much from the American business-oriented operating models.

## Future path of the world of accelerated competition scenario

The future path is based on the phasing of the scenarios in the Government Report on the Future 2023 and the description of human rights scenarios. The timeline has been shifted to begin from 2025 instead of 2022.

### Global developments

The EU climate policy is progressing, but the international policy is not. Environmental problems accumulate in certain areas and cause migration. Conflicts in the neighbouring areas of the EU are easing, and the rule of law situation in these countries is improving.

The cooperation between democratic states improves. The United States continues its strict policy towards China. Russia's war of aggression against Ukraine has eroded the international trust in Russia. It focuses on managing and developing its internal situation.

The EU Artificial Intelligence Act and the Corporate Due Diligence Directive enter into force. Infrastructures for digitalisation are being built rapidly.

The EU directive addressing violence against women is adopted.

The EU exceeds its 55% emission reduction target. Rich pioneer countries have imposed carbon duties and natural resource taxes. Food and water crises emerge around the world, and the number of environmental refugees is growing.

Voluntary funding of the UN human rights system is declining, and country offices are being closed down.

The EU integration stops. The OSCE/ODIHR supports the development of the rule of law in Russia. China blockades Taiwan.

The number of ratifications of the Council of Europe Artificial Intelligence Convention remains limited.

The American companies continue to dominate the technology sector. There are two world markets for technology standards and ecosystems: the US system and the Chinese system.

Changes in the EU corporate due diligence standards echo the US business-oriented approaches

### Situation in Finland

## 2025

There is no desire to commit to common environmental and climate objectives at the national level. Some of the regions and municipalities are pioneers in the green transition, while others have their brakes on.

Investments are made in national security. The new Emergency Powers Act enters into force.

The efforts to launch development measures in education and RDI fail. Lack of competence and digital skills starts to polarise people, and the need for support services increases. Inequalities are growing as the economy is emphasised at the expense of welfare.

Finland is placed under special monitoring by the enforcement mechanism for the judgments of the European Court of Human Rights.

The Service Office of Specialised Ombudspersons commences its operation.

The funding of the Finnish Broadcasting Company YLE is cut.

## 2030

Ageing of population, urbanisation, small-scale burning of wood and transport keep the number of air pollution-related deaths high.

Finland has not succeeded in raising the level of competence and education. Inequalities continue to grow. This is observed by the Council of Europe's human rights monitoring concerning Finland. New earnings logic divides people into winners and losers, and income inequalities increase significantly. Society receives a large share of its funding from sources other than the taxation of labour.

The supreme guardians of legality report on growing problems in the implementation of health and social services.

There are no major projects under way to promote human rights. Anti-gender movement is getting stronger.

## Global developments

2035

## Situation in Finland

Climate change mitigation mainly takes place in democratic states. The Nordic countries have succeeded in reducing their emissions and enhancing their resilience, but large countries are divided into those with progressive climate policies and declining nations. Climate migration has accelerated and there are food and water crises in the world.

The growth of the global economy is slow. Economic integration of the African Union is deepening. The large EU Member States strengthen their own foreign and security policy. China and its sphere of influence have a closed information network of their own.

The UN is ineffective, and its agencies mainly serve as arenas for continuing great power competition. The Human Rights Council rarely meets, human rights monitoring is slowing down, and its mechanisms are being reduced. Russia holds democratic elections.

The funding of the EU Agency for Fundamental Rights has been frozen. The European Court of Human Rights emphasises the principle of subsidiarity in its decisions. The number of cases admitted before the court is decreasing. The focus of European networks of independent human rights actors has shifted from the UN to Europe.

Attempts to manage the climate crisis globally fail. Regional agreements exist, for example, in the EU and the Nordic countries, but international agreements are missing or weak. Major differences exist between countries that have adapted to climate change and those that have not.

The world is divided into blocs led by the United States and China, which both have increased their self-sufficiency. Regional trade arrangements and differentiated technology standards prevail. In Europe, the EU Act is still used as a general framework of norms for artificial intelligence.

Russia is at the crossroads, internally and externally. Its rule of law development has been positive.

National interests and turning in on oneself make multilateral cooperation difficult. Countries often ignore international standards, and no agreement can be reached on new rules. The UN Human Rights Council is unable to make decisions.

The Council of Europe reduces thematic monitoring of human rights, and the development of its standards remains at the level of loose recommendations. The Nordic Council opens a human rights office in Oslo.

Different sectors promote their emission reductions and the circular economy in a business-driven and uneven manner. While the state of waters is improving in some places, nature-based solutions have not become very common everywhere.

Finland's competence level is deteriorating, and resources are becoming more scarce. Traditional paid work is giving way for new forms of work. The advancing development of social exclusion is serious. The residential areas are divided into preferred and abandoned ones.

The constitutional reform opens up new channels for civic participation and clarifies the rights of future generations. However, civil society is not fixing itself into state decision-making models but focuses on its own activities and social media instead.

2040

The environmental targets are weak and cheap compromises that lead to unjust sustainability transformation and social unrest.

Society has become polarised: some people are doing well, while others are doing very poorly. Competence and RDI are not reformed fast enough to support employment and productivity growth. Supplementary education and training are insufficient and unequal.

The EU's 2040 Rule of Law Report for Finland is concerned about access to justice due to long processing times and rising legal costs. Legislation against corruption requires clarification.

The number of environmental court cases is increasing, even though the right of appeal has not really been extended. There are growing problems in the drafting of legislation.

## 3 The Eastern world 2040

"In the **Eastern world**, China has become the political and economic leader of the global system. It has tied many countries to its sphere of influence. China has increased its self-sufficiency in almost all critical industries and key technologies. China promotes its own values and objectives in the United Nations (UN) from within the system. Global challenges are addressed effectively if China considers the actions to be in its own interest. The United States has turned in on itself. The EU integration has deepened in the contexts of the internal market, and security and defence policy. The efforts to limit global warming do not work sufficiently quickly."<sup>304</sup>

China uses the UN human rights system to promote its own interests. The EU maintains its fundamental rights system but is no longer able to promote human rights globally. In Finland, the rule of law is being developed as part of comprehensive security, with emphasis on the EU fundamental rights standards. The status of human rights actors and the rights of future generations are strengthened at the constitutional level. New forms of deliberative democracy maintain the shared values and rules of society. The investments in education and training supported by the EU lead to high employment, but labour shortage causes gaps in public services. Artificial intelligence, regulated by EU standards, is used unevenly. European companies are involved in developing corporate responsibility that is limited to Europe.

### 3.1 The global human rights system

The EU is balancing between the East and the West. Investments made in education and technology strengthen its position. Cooperation with a compromise-oriented China is possible, although there is a clear difference in values. China, the United States and the EU convene in the new global group G3. Human rights are not discussed in its meetings; defending them can lead to economic sanctions. However, the G3 maintains the cold basic pillars of the world order, referring to the national security and sovereignty of states. Compromises are also made on environmental and climate issues, but most often at a regional level. NATO has become Europeanised into the EU defence dimension. Finland, Sweden and Norway raise human rights issues related to security in their NATO cooperation. The conditions for applying AI in the operation of autonomous weapon systems is one of such issues.

The development of the rule of law in the United States has suffered a setback as populism is rising again. China's authoritarianism and increasingly clear leadership position undermine the democratic development of many Asian and African countries, which the EU has been supporting. The relations between India and China are normalised. The authoritarian Russia is oriented towards China, develops its military capabilities and uses methods of hybrid influencing. A conflict is simmering between the rulers of Russia and the people. The relations between the EU and Russia are tense.

China's voice is strongly heard in the UN operations. The UN human rights monitoring focuses on issues of interest to China, such as social rights and the right to development. China is supported by the majority of the Human Rights Council. One of its special procedures is focused on the hu-

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304 Government (2023a), 199.

man rights situation in the United States. China is the largest voluntary contributor to the UN human rights system. Its satellites produce monitoring data that AI transforms into an aggregate picture. Africa is the focus of operations. Asian and African human rights defenders participate actively in UN events.

The EU has adjusted to the world situation. It maintains its internal fundamental rights system even though it has lost its international role as a human rights defender. The EU role in the UN human rights system is small, and it is not a major voluntary contributor.

The EU Agency for Fundamental Rights and the Ombudsman have opened joint offices in all Member States. The application of the Charter of Fundamental Rights in the implementation of EU legislation is one of the key objectives and good governance practices of the European Commission. Country offices remain in continuous contact with national human rights actors. Data protection and artificial intelligence issues are always on the agenda. The rule of law reporting shows how the fascination with authoritarianism has spread, leading to the erosion of the functional capacity of the rule of law structures in many Member States. The issue is intensely debated in the European Parliament, whose approval is needed for decisions on financial consequences. The number of Court of Justice decisions interpreting fundamental rights is increasing. They are developing the innovative application of human rights.

European networks of independent human rights actors receive EU assistance. Their accreditation at the European level takes place in accordance with EU standards. The UN accreditation system has become politicised. The annual event of the EU Agency for Fundamental Rights is the mega meeting of the European human rights community. The fundamental rights platform maintained by the Agency serves as a channel for continuous discussion among human rights actors.

The EU is the largest voluntary contributor to the Council of Europe. The number of national rule of law development programmes is increasing. There are gaps in the Council of Europe's basic funding, but the support of the Member States' human rights coalition balances the situation. The monitoring mechanisms intensify their cooperation, and the reporting system is harmonised with the assistance of AI. The Office of the Commissioner for Human Rights is strengthened by a Deputy Commissioner, who focuses on interventions in the Court of Human Rights. The OSCE's human rights activities have withered, and no agreement has been reached on the OSCE/ODIHR budget. It has not been possible to appoint a new High Commissioner on Minorities for a long time.

### 3.2 The rule of law

Anticipatory development of security and comprehensive resilience is one of the directions in which the rule of law is developing in Finland. National defence and security budgets take up resources. Finland is preparing for the consequences of Chinese and Russian authoritarianism and their hybrid influencing. The rule of law is maintained, and Finland is a defender of democracy and human rights in the EU and the Council of Europe. In its UN activities, Finland remains passive.

The constitutional reform of 2035 promoted the effective application of the Emergency Powers Act by strengthening the Government's position in emergency situations. This was counterbalanced by setting up new platforms of deliberative democracy with a possibility to respond to government activities with visibility and rapid legal remedies. The requirement of an evident conflict with the Constitution, restricting the ex-post monitoring of the constitutionality of legal acts by the judiciary, has been removed from the Constitution. The independence of the supreme guardians of legality, specialised ombudspersons and the Human Rights Centre was guaranteed at the constitutional level

in accordance with EU standards. Clearer provisions on the rights of future generations were enshrined in the Constitution. Climate and environmental legislation has been tightened, and the right to appeal has been extended.

The EU Rule of Law Report 2040 underlines the open and efficient actions of the Finnish central government which applies knowledge-based management and foresight. The application of the Charter of Fundamental Rights in the implementation of EU legislation is being developed. The European Court of Human Rights processes denials of entry for those seeking entry at the border fence between Finland and Russia. In its decisions, it emphasises Finland's margin of appreciation. On the other hand, the Court of Justice of the EU underscores that refugees must have an effective opportunity to seek protection. Finland amends the practices of applying the Emergency Powers Act at the border with the assistance of the European Border and Coast Guard Agency.

Finland strengthens the implementation of human rights in line with the recommendations of the Council of Europe's monitoring mechanisms. The assessment of the human rights impacts of legislation has been improved. The operational conditions of the supreme guardians of legality, specialised ombudspersons and the Human Rights Centre are good. Their operations are facilitated by the introduction of artificial intelligence in accordance with good governance. The number of individual complaints is growing in a reasonable manner. They are often related to the activities of security authorities, information security problems, discrimination against minorities and access to health services. The number of inspection visits and regional visibility is increased by alternating the regions focused on.

### 3.3 Civil society

Deliberative democracy has progressed with the help of digital citizens' panels. They also have an official position in the monitoring of the Government's activities during times of emergency. NGOs are important influencers in society, which promotes the sense of solidarity and comprehensive resilience of the population. There is still room for improvement in the active participation and inclusivity of citizens' panels. They do not reach all the bubbles of values and attitudes that are strengthened on social media platforms. Majority consensus prevails on the rules of society and human rights, even though Finland is subjected to authoritarian hybrid influence from Russia and China.

Misinformation, disinformation, hate speech and online targeting and shaming are actively responded to. Anti-gender movement remains in its own bubble. The state is capable of guaranteeing internal security. The media is pluralistic and independent from the Government. The operating conditions of the Finnish Broadcasting Company YLE have been secured with continuous funding. People trust its news broadcasting. Media literacy is good.

Human rights are one of the frameworks used by NGOs in their operations. The views about the movements and demonstrations of environmental human rights defenders are divided, and it is common for the police to intervene in them. The state is a key provider of funding for organisations through operational and project funding. Government support channels have been harmonised and they no longer follow the divisions between ministries. Larger NGOs actively collect money from the public and businesses and receive substantial assistance from EU sources. The influence of European alliances of civil society organisations in the European Parliament has increased through new channels of debate. Their voice is also heard in Finland.

### 3.4 Equality and gender equality

Equal implementation of human rights among the population is promoted by investments supported by the EU in Finnish education and regional development, even though expanding defence expenditure has an effect on the state budget. Finland's comprehensive and internal security policies refer to fundamental and human rights as key foundations of society's sense of solidarity and resilience. The implementation of human rights is considered to promote people's sense of personal security. However, many people belonging to minorities who encounter discrimination and hate speech do not feel that human rights are realised in their lives. Although inclusion in basic education is supported, the accessibility of society is not systematically realised. This makes it more difficult for people with disabilities to find employment.

The implementation of the Finnish Action Plan for Gender Equality succeeds in reducing sectorial gender differentiation in education and working life. The resources for combating violence against women are increased. The recognition of gender diversity by providing three alternatives for entering gender in personal data systems and identity cards has been implemented. The anti-gender movement, acting in its own bubble, has not succeeded in changing the general positive attitude towards the change. The recognition of the overall diversity of the population requires further eradication of prejudices. Promoting gender equality and broader equality is part of the human rights education included in basic education.

### 3.5 Well-being

The state takes care of the well-being of the population by maintaining basic services. Strong investments in early childhood education and care, education, training and research have promoted technological innovation and support economic growth and the tax base. The employment rate is high, which increases solidarity and communality among people close to each other. Youth unemployment has been reduced by means of improving the level of education. This has narrowed polarisation between generations.

Workforce is also sought from abroad, but it is not available to a sufficient extent due to hard competition, despite the growth of the world population. The EU Member States are trying to prevent the entry of unskilled people. Irregular immigration and the number of people seeking international protection are increasing in Finland. The reception system is under pressure, but the necessary integration measures do not seem to overwhelm the available capacity.

Some of Finland's highly educated experts move to Asia for work. The population is decreasing as a result of net emigration, and the dependency ratio is deteriorating. Efforts are being made to alleviate labour shortages by digitalising activities and using artificial intelligence. However, gaps in the workforce needed for health services and support services for older people and people with disabilities cannot be filled. Respect for human dignity, the right to self-determination and the right to live in a community are not sufficiently realised. The issue of homelessness has been tackled successfully. A high employment rate improves the sustainability of the pension system. Pandemics and other crisis situations are prepared for through anticipatory planning and maintaining security of supply.



### 3.6 Artificial intelligence and digital leap

There are major differences in the level and scope of application of AI between different regions of the world. Chinese defence, technology and platform companies develop AI innovations rapidly without the rule of law regulation and human rights steering. The major investments in education and digital technology made by the EU strengthen Europe's independence and competitiveness. The energy efficiency of AI and digital technology has been improved by the extensive deployment of new generation quantum computers and the sustainable heat recycling systems of data centres.

Large companies are developing their own standards and rules. The EU involves not only states but also companies and consumers in decision-making to regulate artificial intelligence. The Charter of Fundamental Rights is applied to directives and acts. Responsible and human-oriented use of AI is part of European good governance. Means of appeal and legal remedies related to AI are regularly reformed. The Data Protection Ombudsman plays a key role in these. The implementation of the Council of Europe's Artificial Intelligence Agreement remains at a general level.

Online communication environments are closed bubbles that are regulated and monitored within the EU firewall area. Misinformation and disinformation, online targeting and shaming, and hate speech are addressed in Finland by using artificial intelligence, even in violation of the protection of privacy and information security. Influencing attempts that pass through the firewall occur. Access to information and services may be restricted on the grounds of security. Digital literacy is at a high level.

European space activities are limited. The use of satellite data is expensive. The scope of commercial activities in space is small because space is dominated by China and the United States.

### 3.7 The environment and future generations

The realisation of the original climate objectives of the Paris Agreement has succeeded partially, and the world is adapting to climate change. Attempts to set new global climate targets have failed. The UN emphasises the traditional right to development. Finland decouples itself from the overconsumption of natural resources and becomes a country of sustainable development with a sharing economy. However, this does not prevent global unsustainable trends. So, Finland also becomes accustomed to repeated floods, heat waves, heavy rainfall and wildfires. Independent human rights structures reduce their carbon footprint through a joint programme of ecological modes of operation.

Clearer provisions on the rights of future generations were enshrined in the 2035 Constitution. Climate and environmental legislation has been tightened, and the right to appeal has been extended. Climate trials have become commonplace. Legal action is often taken by environmental human rights defenders. The implementation of the EU's green transition policy is not progressing as expected, as the just transition compensation scheme is stuck in the Court of Justice in the midst of disputes between businesses and the Commission.

Climate change in the Arctic region is accelerating as temperature is rising at an increased speed. The strategic importance of the change is growing due to the tense relations between Russia and Europe. The mining industry is active in the region, and the Northeast Passage has become a key maritime route for trade in Asia and Europe. The right of the Sámi to self-determination is not realised under the pressure of economic interests. Their opportunities to pursue their traditional livelihoods are shrinking.

### 3.8 The economy and corporate responsibility

Finland is a country of digitalised data economy and a sharing economy. Its economy is based on sustainable development. The recycling and use of materials are efficient. Investments in research, education, training and innovation activities maintain good economic growth and high-standard expertise. Exports of sustainable and green technologies to Europe benefit from EU regulation. Exports to the United States and Asia are more difficult because there are no common rules for international trade. The tax base for maintaining the basic services and safety of society can be maintained.

Large technology companies play an important role in defining standards and policies. They participate in the development of internal European social responsibility standards and commit to complying with them. However, the scope of application of European corporate responsibility is limited, which undermines its credibility. Making international trade value chains conditional on human rights may lead to economic sanctions. Responsible consumer behaviour affects the operation of businesses in Europe.

## Future path of the Eastern world scenario

The future path is based on the phasing of the scenarios in the Government Report on the Future 2023 and the description of human rights scenarios. In this scenario, the phasing concerning Finland is very limited in the Government Report. The timeline has been shifted to begin from 2025 instead of 2022.

### Global developments

## 2025

### Situation in Finland

Green recovery measures are being taken. The objectives of the European Green Deal have been agreed upon, but their implementation is slow. The transformation of the material world and innovations have become the prevailing trends, even though fossil energy remains competitive. Tensions over the ownership and use of natural resources are growing.

The inability of taking the necessary multilateral political decisions is growing. The US-China trade war is accelerating. China is the leader in AI without the rule of law regulation. Russia's aggressive actions generate widespread instability. Russia is dependent on the Chinese market.

The EU Artificial Intelligence Act and the Corporate Due Diligence Directive enter into force. The EU directive addressing violence against women is adopted.

The United States is going through the second wave of populism and turning in on itself. The great powers and the EU are enhancing their economic and military self-sufficiency. The defence expenditures of EU Member States have grown significantly.

Russia is increasing its military presence at the border of Finland, on the Baltic Sea and in the Arctic region. The Finnish defence expenditure is rising.

The development of the education and RDI policy continues. Public finances are not in balance. Indebtedness remains high.

The new Emergency Powers Act enters into force. The Service Office of Specialised Ombudspersons commences its operation.

The support channels of state funding for NGOs are harmonised.

## 2030

The demand for rare and critical natural resources has been multiplied by digitalisation.

The G3 Forum between the US, China and the EU is set up to agree on "major issues". China's influence in the UN is increasing. NATO is Europeanised when the United States State is increasingly turning in on itself. The rule of law situation in the United States is deteriorating.

The EU loses its international role as a human rights defender but continues to develop its fundamental rights system. The number of Court of Justice decisions interpreting fundamental rights is increasing. The EU launches a massive programme of investments in education and technology linked to the Green Deal.

The EU Directive on the standards applicable to equality bodies enters into force.

The Council of Europe's Artificial Intelligence Agreement enters into force, but its implementation is left under the shadow of the application of EU standards.

Finland benefits from EU education and technology funding and regional aid. New innovations are created relating to sustainable development.

The resources for combating violence against women are increased. Gender diversity is recognised by providing three alternatives for entering gender in personal data systems and identity cards.

## Global developments

## Situation in Finland

### 2035

At the global level, natural resources are consumed in an unsustainable manner. No advances are made in climate change mitigation measures, so the focus is shifted to adaptation measures.

China and its sphere of interest are self-sufficient in almost all critical lines of production and key technologies. China has become the largest contributor to the UN, and it has a great deal of influence over UN human rights monitoring. One of the Human Rights Council's special procedures is focused on the human rights situation in the United States.

The EU withdraws from the UN human rights cooperation. It develops European standards for the accreditation of independent human rights actors. The EU Ombudsman and the Agency for Fundamental Rights open joint offices in all Member States.

The infrastructures of many developing countries have been placed under the control of creditors. The elections in Russia are fully controlled. The EU protects its information network with a firewall.

Finland is a pioneer in bioeconomy, the circular economy, the sharing economy and industrial data economy.

The constitutional reform emphasises the effective application of the Emergency Powers Act by strengthening the Government's position in emergency situations. This is counterbalanced by the possibility of new platforms of deliberative democracy to respond to government activities with visibility and rapid legal remedies.

The requirement of an evident conflict with the Constitution, restricting the ex-post monitoring of the constitutionality of legal acts by the judiciary, is removed from the Constitution.

The independence of the supreme guardians of legality, specialised ombudspersons and the Human Rights Centre is strengthened at the constitutional level in accordance with EU standards. Clearer provisions on the rights of future generations are enshrined in the Constitution. Climate and environmental legislation is tightened, and the right to appeal is extended.

### 2040

The prevailing global trends are unequal and unsustainable economic growth and inadequate management of the global economy.

China's position as the leading economic power has strengthened. It uses its position to expand its sphere of influence seeking self-sufficiency. Russia is an authoritarian control state with a strong military, where a conflict is simmering between the citizens and the state. The relations between the EU and Russia are tense.

The EU operates in a fairly united manner as one of the poles in a fragmented and competitive system of states. The security and accuracy of information in the online communication environment is regulated and supervised in the EU area. NATO has become a military dimension of the EU.

The EU's rule of law reporting shows that authoritarianism is rising and the rule of law eroding in many Member States.

The Finnish climate has warmed up by about 3 degrees compared to pre-industrial times. Finland decouples from the overconsumption of natural resources and undertakes to become a country with genuinely sustainable development.

The relations between Finland and Russia are tense and cooperation is difficult.

The EU Rule of Law Report 2040 underlines open and efficient government actions applying knowledge-based management and foresight. Sectorial gender differentiation in education and working life is starting to diminish.

## 4 The disintegrating world 2040

"In **the disintegrating world**, global consumption and production are unsustainable and global warming is approaching 5 degrees. Climate migration and exodus of people are massive as the collapse of ecosystems is destroying living environments. Multilateral cooperation does not function. The role of the UN has collapsed. Global challenges are responded to reactively or through internal actions taken between groups of states. Disputes are resolved with force, and global security has deteriorated dramatically. Inequalities within and between countries have grown to record levels, and societies are at a breaking point. People's mental and physical resources are exhausted by efforts to secure their livelihood and cope with their everyday lives."<sup>305</sup>

The rules-based international system has collapsed. The traditional international human rights systems are paralysed. Finland as a state cannot guarantee internal security or the realisation of human rights. Corruption is spreading, the independence of the judiciary is faltering, and human rights actors lack resources to carry out their duties. The Government rules by means of the Emergency Powers Act. Civil society is withering. Communities are fragmented into bubbles hostile against each other. The accessibility of society is eroding. Racism, xenophobia, discrimination and hate speech come into the open. Funding for public services is in crisis. The power of large companies is considerable, and the sovereignty of states is faltering.

### 4.1 The global human rights system

The multilateral system is unable to take any decisions. The blocs have turned in on themselves and are only seeking their own short-sighted advantage. The risk of serious conflicts remains constantly high. Human rights, the rule of law issues and sustainable development are ignored. The powerful China and its global mega technology company "China Corporation" lead the bloc of vassal states kept under their authoritarian control. The United States has been ravaged by crises and focuses on its national security. The EU has lost its ability to function. It is divided into northern and southern blocs. The internally restless Russia is conquering areas that it considers to belong to its sphere of interest. India's relations with China and Pakistan are hostile. Authoritarianism and military build-up are increasing all around the globe.

The UN focuses on recording the changes happening on the world map. Its human rights system no longer exists – empty terminology is all that is left of it. The EU's decision-making capacity is paralysed. Greece, Italy and Spain adopt their own currencies and agree on hard measures against irregular immigrants and refugees. Poland exits the EU. China and Russia are influencing the political life in many European countries. Populism is spreading in Europe, eroding the EU's fundamental values. The Court of Justice of the EU is congested, and its judgements often remain unenforced. The Council of Europe is grouped around the Court of Human Rights but only few of its remaining

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member states participate in the enforcement mechanism of the Court's decisions. The OSCE has terminated its operations. NATO is no longer operational, and no trust remains in its treaty obligations.

Traditional international organisations are replaced by new eastern and western alliances, whose membership, permanence and powers remain unclear. Military tensions spread into space and the Arctic region. The Nordic countries are trying to build their own security cooperation. The statements they give still have some echoes of human rights. Nordic independent human rights actors maintain their mutual contacts.

## 4.2 The rule of law

The internal security situation in Finland has deteriorated fundamentally. Crime and extreme movements are growing, and they are also influencing the economy and politics. Corruption is spreading. The capacity of the security authorities is very limited due to the scarce resources. Security services are also provided by private and community-based service providers. Some of them are in criminal hands. The feeling of insecurity among the population is high and its trust in the central government and its institutions have collapsed. Finland is trying to strengthen its defence capability and comprehensive security in the face of military and hybrid threats. Border control is increased, and irregular immigration is intervened in with hard measures. The protection standards for refugees are no longer respected, the application of refugee status at the border is prevented and no support for integration is provided.

Undemocratic practices are becoming more common across the board. The central role of the state and its human rights foundation are forgotten. A growing number of all kinds of matters is decided in courts, leading to the progress of issues slowing down. On the other hand, many people cannot afford to go to court. There is no trust in the impartiality of administration. The separation of powers between Parliament, the Government and the courts is eroding as the government constantly uses emergency powers legislation as an instrument of power. The independence of courts has been undermined by appointments of supreme judges against tacit rules, changes in the composition of courts and decline in salaries in a time of galloping inflation. The supreme guardians of legality have intervened in corruption cases in courts.

The number of individual complaints with the supreme guardians of legality and specialised ombudspersons is increasing rapidly. The decreasing resources are not sufficient to process all of them. Inspection visits are made very rarely. Annual reports are not presented at parliamentary sessions. The grounds given for the appointments of specialised ombudspersons are vague, and the selection procedures are not transparent. No references to the old international and European standards applied to independent human rights actors are made any more. Since the international human rights system has broken down, the Human Rights Centre has been renamed the Centre for Fundamental Rights. It focuses on Finland's internal norms and the prevailing situation in which all indicators are on red.

### 4.3 Civil society

Citizens' trust in democracy and the rule of law has broken down. The reliability of knowledge acquired through research is questioned, the number of voters shrinks, and political activity culminates into populism. Communities are fragmented into mutually hostile interest groups and bubbles. Decisions are not made on the basis of shared information, things do not progress, and people get frustrated. Many segments of the population do not feel that they belong to society. Deprivation increases along with the feeling of insecurity. The search for easy scapegoats starts with "the others". No unifying sets of values are found in human rights.

The room to manoeuvre of traditional NGOs is limited. There is little state funding available. The population is becoming poorer. Funding from private parties is conditional on the content of activities. Some NGOs are persevering with volunteer workforce. Without an international support network, human rights organisations have withered in a hostile environment. The decreasing number of the members of the Fundamental Rights Centre's Fundamental Rights Delegation meet irregularly. Environmental human rights defenders become radicalised and do not hesitate to use violence and hacking in their activities. Fragmented groups find cohesion among other non-state actors: gangs, criminal organisations, military groups and political extremist organisations.

The media environment is polarised and confined to bubbles. Misinformation, disinformation and hate speech spread without any filters. Hybrid influencing is common. The media is privately owned. The weakened media platforms of the Finnish Broadcasting Company YLE act as channels for the Government's political and crisis communications. Access to verified information and news is expensive. Such sources are used by companies and the elites.

### 4.4 Equality and gender equality

The State is unable to implement fundamental and human rights. Inequalities spread to all areas of life. The state only provides light basic services that do not promote equality. Accessibility of society deteriorates. Basic education is not inclusive. The Convention on the Rights of Persons with Disabilities is no longer applied at all. Polarisation between groups of people and regions is coming to a head. Racism, xenophobia, discrimination and hate speech come into the open. The feeling of insecurity and unrest among people are growing. Disputes between groups of people are increasing. Violence and other crimes against minorities are spreading.

Gender equality is shattered, and it is not promoted in teaching. Strict binary division of gender roles is becoming more common in the population as authoritarianism and militarism become stronger. Violence against women is rising, and it is not being addressed. Support services run by volunteers are only available in a few localities, and they are not safe. The realisation of sexual and reproductive rights is at stake. The situation of immigrant women and girls in a xenophobic environment is particularly serious. Homophobia and transphobia are spreading.

## 4.5 Well-being

The welfare society has disappeared. Funding for basic public services is in crisis, and they are being cut dramatically. Private service providers and volunteer work replace lost services, but only few have access to them.

Public health, people's standard of living and the quality of life have collapsed. People's ability to work has deteriorated significantly. The incidence of mental health problems has grown exponentially in all age groups. Child mortality is rising. The prevalence of pandemics and climate-related diseases is increasing. Poverty and homelessness are becoming more common. Disadvantage is transmitted from generation to generation. Economic, social and cultural rights have become the prerogative of a minority of the population. The position of people in need of special support is alarming. Even the minimum core obligations of rights and the last-resort minimum security are not realised for everyone.

Access to basic education is limited, and alternative and interest-related forms of teaching are created. The importance of formal education and qualifications is questioned. A small group of technology and digital experts have permanent jobs in companies, while most of the population is unemployed or in weak employment relationships. Unemployed young people often join criminal and political extremist organisations. The middle class is narrowing rapidly. Only the wealthiest can secure their well-being and standard of living. Segregation between groups of people is becoming more common.

## 4.6 Artificial intelligence and digital leap

Technological development is driven by large companies, and it happens in a closed manner. Technology is used to maintain basic functions, security and military capabilities. Space technology is mainly military. European activity in space is decreasing. The use of new technologies by the population is limited. People are not in an equal position when it comes to the development of digitalisation. New Luddism is spreading with many people stopping the use of digital technology altogether. Digital competence becomes rare, which increases unemployment and deepens the digital divide.

The benefits of technological development are accumulated by large global companies. They also play a key role in relation to the central government. They do not comply with privacy or data protection rules when collecting and using data. EU standards are no longer applied. Technology and knowledge are tools of power and control, and they are not open. Technology is used to monitor people and manage information. Companies also provide security services. The modified reality based on deep fakes created by using AI is employed in information influencing.

Online communication environments are built into closed bubbles. Access to information and services and opportunities to interact are regulated arbitrarily. Misinformation and disinformation are not filtered, and the origin of information is not easy to identify. There are no common rules. No control is exercised over behaviour harming others.



## 4.7 The environment and future generations

The Finnish climate has warmed up by about 3.5 degrees. The tipping point has been passed. Climate change causes significant environmental changes. The loss of biodiversity continues. The depletion of natural resources and other resources has a direct impact on the well-being and health of the population and causes security threats. Finland's natural resources, water and forests in particular, as well as the resources available in the Arctic region, are of interest to the rest of the world. This increases the risk of conflicts. The volume of maritime transport in the Arctic region has doubled. The practice of traditional Sámi livelihoods and culture has become endangered and their right to self-determination is not respected.

Finland has amended its climate and environmental legislation from time to time. Still, as the Paris climate targets have not been met, Finland has had its share of the negative developments. Climate trials remain rare because the right to appeal was kept restricted. The activities of environmental human rights defenders have become radicalised along with the accumulation of environmental problems. In practice, the responsibility for environmental measures has become part of corporate responsibility. The environmental responsibility of large companies exercising significant power is voluntary and variable. The collapsed purchasing power of consumers does not give them the opportunity to influence the operations of companies.

Climate migration in the direction of Europe is growing rapidly. Border control is invested in, and entry is usually denied. The old obligations of international protection are not respected. Irregular immigration is on the increase, but integration is almost impossible due to the rampant hostility and discrimination against immigrants.

## 4.8 The economy and corporate responsibility

The digitalisation of the economy is progressing, but no comprehensive green transition has taken place. Growth and productivity are weak around the globe. Innovations remain insignificant. The borders between blocs have diminished global trading. Localisation, exchange economy and small-scale production are increasing in some areas. The grey economy flourishes. The central government tax base remains small. The funding of public services is in crisis.

The power of large companies is considerable. Most countries are unable to challenge their power. Large companies play a key role not only in developing technologies but also in controlling the information environment and provision of societal services. They are intertwined with the defence industry. A large part of society's infrastructures is private, and they are crumbling due to a lack of investments and factors related to climate change. This also reduces accessibility.

Because of the collapse of global regulation, there are no common rules that would be binding on large companies. Self-regulation is possible, but it is arbitrary and takes place on the company's own terms. In the absence of global and regional environmental agreements, voluntary corporate responsibility is one of the rare climate actions taken. In technology development and information management, large companies do not comply with privacy and data protection of data subjects.

## Future path of the disintegrating world scenario

The future path is based on the phasing of the scenarios in the Government Report on the Future 2023 and the description of human rights scenarios. The timeline has been shifted to begin from 2025 instead of 2022.

### Global developments

International climate negotiations fail. The EU climate policy is not moving forward. Too large share of the recovery measures is targeted at fossil fuels.

Severe local storms, wildfires and droughts occur. The number of climate refugees is increasing. Italy, Greece and Spain agree on strict measures against irregular immigrants.

The international instability that started from the Russian war of aggression against Ukraine is increasing. International cooperation is becoming crippled. The functioning of the UN human rights system is slowing down. There are cracks in the mutual Western cooperation. Russia is engaged in a constant hybrid war against the West.

The EU Artificial Intelligence Act enters into force. No agreement can be reached on the Corporate Due Diligence Directive.

The world economy is stalling, even though the Chinese economy still grows. The economic growth of the EU is weak. The grey economy is getting stronger. The low economic growth in the United States is eroding its economic dominance. Protectionist economic policies prevail. States are seeking self-sufficiency.

Failure to act in climate matters is beginning to cause expensive damage. The price of emission reductions is increasing year by year.

China is aggressively expanding its sphere of interest in Asia. Frequent military incidents and individual armed conflicts occur on the neighbouring areas of Finland.

The UN Human Rights Council rarely convenes. Its special procedures gradually terminate their operations.

Southern and northern groups have been formed within the EU. EU decision-making becomes deadlocked. The resources of the EU Agency for Fundamental Rights are diminishing.

The Council of Europe's activities are being cut drastically. It fails to complete its AI Agreement.

## 2025

### Situation in Finland

Politics lack any long-term vision. The efforts to tackle environmental threats fail. Even though the Emergency Powers Act has been reformed, Finland fails to respond to the requirements of national security to a sufficient extent.

Crises have wide-ranging impacts on the Finnish economy and the energy sector. Finland fails to manage the post-crisis well-being debt. The collaboration between administrative sectors is difficult. No comprehensive view on how to secure welfare can be established.

Funding for public services is beginning to go into crisis. The investments in competence and research are insufficient.

The impacts of the COVID-19 pandemic and the general feeling of insecurity become visible in the well-being of the population in the form of malaise and social exclusion of young people and poor functional capacity of older people.

Finland is placed under special monitoring by the enforcement mechanism for the implementation of the judgments of the European Court of Human Rights.

The Service Office of Specialised Ombudspersons commences its operation.

## 2030

The national operating environment is unstable. Security and trust in the central government are diminishing. People feel that they are left outside the services of society. Equality in education is crumbling, and the level of competence and education is falling.

Courts are congested with all kinds of civil and criminal cases. Corruption is spreading in the administration.

The number of climate refugees is growing, and human trafficking is increasing.

## Global developments

## Situation in Finland

### 2035

The intensification of climate change drives increasing numbers of people on the move. Droughts and floods cause famines and conflicts. Some of the countries in the world have drifted under corporate ownership due to indebtedness.

The UN focuses on recording the changes happening on the world map. The UN human rights system is no longer operational. Russia is a very closed, militarily aggressive society. It practices continuous hybrid influencing.

Populist governments undermine the EU's rule of law base. China and Russia are influencing the political life in many EU Member States and Balkan countries. Greece, Italy and Spain adopt their own currencies. Poland exits the EU.

The Court of Justice of the EU is congested, and its judgements often remain unenforced. Only a few remaining Council of Europe member states participate in the enforcement mechanism of the judgments of the European Court of Human Rights.

The separation of powers of the state is crumbling. The Government uses the Emergency Powers Act as an instrument of power. The compositions of courts change rapidly. People do not trust in the impartiality of administration and the independence of courts.

Finland does not attract experts or companies, so the shortage of experts and expertise is becoming deeper. A large share of tax revenues remains uncollected from work done.

Disparities in the health, well-being, competence and wealth of the population are deepening rapidly. Disadvantage is inherited. Only people with a high income can buy services suited for them.

Segregation between groups of people is becoming more common. Unrest and conflicts between population groups are increasing. Violence and other crimes against minorities are spreading.

### 2040

Global security has deteriorated dramatically. Conflicts, hybrid influencing and wars are common. The OSCE has terminated its operations. NATO is no longer operational.

Ecosystems and societies are collapsing. The number of refugees and migrants is growing constantly.

The Chinese economy is growing, and it exerts considerable influence. The United States has lost its leading position to China. There are recurring crises in the United States, and it is unable to defend its old allies.

Russia is aggressive and acting threateningly. It suffers from internal power struggles.

The EU's decision-making capacity is paralysed, and its functional capacity is weak. Fundamental rights are not on the agenda. The Nordic countries are trying to build their own security cooperation. The statements they give still have some echoes of human rights.

The Finnish climate has warmed up by 3.5 degrees. Air pollution has gotten out of hand. Extreme weather events have become more severe.

Internal security in Finland has collapsed. Finland is isolated and with scarce influence at the international level. Finland seeks membership of different groups and partnerships with individual countries and blocs.

The supreme guardians of legality and specialised ombudspersons are unable to process the complaints addressed to them. Without an international support network, human rights organisations have withered in a hostile environment.

The Finnish welfare society has disappeared. Funding for public services is in constant crisis. Mental health problems have increased exponentially. The last-resort minimum security of social rights is not realised for everyone. Child mortality is rising.

## 5 The world of climate emergency 2040

In the **world of climate emergency**, climate is approaching a tipping point. This has a direct impact on human health. The biodiversity loss has progressed far. Most countries have been forced to join their forces to continue the environmental measures that were earlier lagging behind. The EU, the United States, China and India find each other around the same table. Russia withdraws behind its own authoritarian firewall, nuclear deterrence and fossil energy sources. The drivers of the world economy are a mixture of something old and something new. However, the will to advance towards a restorative circular economy is strong.<sup>306</sup>

Environmental human rights have become the highest norm of human rights. They are monitored closely. Adaptation measures are being implemented in an unjust manner. The right to a healthy environment is the primary norm in the Finnish Constitution. The Government declares an environmental emergency in the aftermath of a violent public movement related to environmental measures. It bolsters its power permanently by means of the Emergency Powers Act and severely restricts the scope of application of human rights. The composition of the courts changes rapidly, and human rights actors are not listened to. Environmental issues polarise the population, and the Government uses artificial intelligence to shape media reporting. The state practices ecosystem accounting and strives to reduce material consumption. This often means economic degrowth. The funding of the well-being services provided by the state is not satisfactory.

### 5.1 The global human rights system

UN forums lead international climate action. Progress is being made in building compromises. The strictness of new climate and environmental standards gives hope for opportunities of adaptation. Russia does not commit to them and does not take part in UN activities. Green solidarity is a support policy the international community practices in Africa. NATO is overshadowed by environmental measures, but it starts a dialogue with China and India. Defence appropriations are transferred to climate action.

The intergenerational human right to a clean, healthy and sustainable environment is the cornerstone of the UN human rights system. Other human rights are examined from its predominant point of view. The monitoring system acting at the grassroots level has been reformed with an emphasis on the environmental theme. Environmental human rights defenders are the backbone of monitoring. The versatile reporting formats use artificial intelligence. Monitoring networks have regular remote meetings based on regional groups. Their results are weighed in the UN Environment and Climate Forums. The pressure to promote adaptation measures is strong. The Environmental Security Council may send implementation teams to speed up national environmental actions.

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<sup>306</sup> This experimental scenario is not based on the scenarios of the Government Report on the Future 2023. It was prepared for the Human Rights Centre to complement the range of alternative human rights scenarios from the perspective of preparedness.

The EU regulation on environmental protection and green adaptation has been tightened rapidly. It does not enable just adaptation. The environmental protection article of the Charter of Fundamental Rights has become a subjective right in the interpretation of the Court of Justice of the EU. This has extensive impacts on national case law. The EU Agency for Fundamental Rights collects and standardises environmental human rights information produced at the grassroots level. The latest EU standards for independent fundamental and human rights actors emphasise the importance of climate and environmental rights. The EU support for networks is subject to compliance with environmental requirements.

The protocol to the European Convention on Human Rights on the right to a healthy environment places this right above any other rights of the Convention. The Council of Europe Commissioner for Human Rights has become the Commissioner for the Rights of Future Generations, focusing on environmental law cases brought before the European Court of Human Rights. Many European countries apply emergency legislation in their environmental activities, which increases the powers of governments on a permanent basis. The European Court of Human Rights does not usually intervene in the matter, citing a permanent climate emergency.

## 5.2 The rule of law

The Government and the President of the Republic of Finland have declared an environmental emergency. Parliament has approved the adoption of the decrees on the use of powers under the Emergency Powers Act. The right to a healthy environment and the rights of future generations have been given priority status in the Constitution of 2035. The amendments to the Finnish Constitution and the Emergency Powers Act enable the Government to play a central role and allow it to rule through decrees under emergency conditions without the continuous supervision of Parliament and the courts. In 2035, the new channels of deliberative democracy provided by the Constitution do not apply during emergency conditions. The positive statements of the Parliamentary Constitutional Law Committee on the central role of the Government during the drafting of the Constitution restrict the activities of courts. Their role in interpreting the Constitution has remained limited in other respects as well. The majority of Parliament members continues to support the Government.

The declaration of emergency conditions was preceded by extensive public movements related to the state of the environment. Groups of people who opposed unjust adaptation measures and environmental defenders clashed in violent conflicts in many cities. Deaths and injuries could not be avoided. In the Helsinki Metropolitan Area, the unrest culminated in a partially successful attempt to seize the Government Palace by those opposed to the adaptation measures. The police could not have resolved the situation without the assistance of the Defence Forces.

The Government is intensifying security measures. The use of coercive measures by the police is expanded, the electronic surveillance of the population is increased, and internal intelligence activities are intensified. The assistance provided by the Defence Forces is made permanent in the guarding of the key locations of Parliament and central government. Freedoms of movement, expression and assembly and protection of privacy are restricted. The eastern border is almost completely closed, and the reinforced border fence is closely controlled through cooperation between the Border Guard, the Defence Forces and NATO. Refugees are not received at the eastern land border.

The implementation of climate and environmental legislation is strict. The police participate actively in its monitoring. The official penalties are hard. The Government appoints new senior officials who do not hesitate to implement the Government's environmental and security policy. Regional State Administrative Agencies operate under the guidance of the central government's Environmental Security Executive. The State Communications Centre established by the Government under the Emergency Powers Act coordinates the authorities' information activities and monitors the media environment and provides directives for it.

Administrative courts are flooded by appeals related to official measures, and the processing times are long. Leading politicians target and shame some judges in connection with judgments passed by them. New judges are appointed without observing the tacit rules of appointment, and the retirement age of judges is reduced. The composition of courts changes considerably within a short period of time. The Government does not propose to Parliament any increases in appropriations for the court system.

The supreme guardians of legality and specialised ombudspersons receive many complaints about the activities of the authorities, but the Government does not comply with their decisions. The Government quickly appoints new specialised ombudspersons to replace those whose term has ended using non-transparent application procedures. The Constitutional Law Committee changes its practices in the assessment of applicants to the position of Parliamentary Ombudsman. Funding for independent national human rights actors is cut.

### 5.3 Civil society

New channels of deliberate democracy are not used during the environmental emergency. The population has become polarised in environmental issues, and the violent movement of groups of people has not completely calmed down. Misinformation, disinformation and hate speech spread in social media. The police intervene in hate speech selectively.

The State Communications Centre uses artificial intelligence to manage social media narratives and strives to shape media reporting, invoking state security and emergency conditions. The Finnish Broadcasting Company YLE is the Government's platform for environmental security communications. Some of the private media also repeat the Government's viewpoints. The media environment is becoming considerably less pluralistic. The compulsory subject of environmental security studies is added to comprehensive school teaching. The often-changing platform content used for the purpose is under the strict supervision of the Ministry of Education.

The Register of Associations is transferred to the Ministry of the Interior. The police monitor the activities of associations with the help of new reporting requirements and surveillance measures. The establishment of new associations requires environmental security approval. Ministries only fund organisations that are close to the Government and deemed to be environmentally safe. Foreign funding is under special monitoring. Some organisations are designated as anti-environmental, and their operations are suspended. The right to a healthy environment is the main guideline of the remaining human rights organisations. Environmental defenders are organised in a paramilitary manner under the Government direction and organise paradelike demonstrations. The police intervene harshly in any counterdemonstrations. World Environment Day is a flag day.

## 5.4 Equality and gender equality

Civil and political rights are restricted during the emergency, referring to environmental security. During the emergency, the authorities have a considerable power of discretion, which is subject to political steering. Due to the weakened status of the court system, it cannot be ensured that the restrictions of fundamental rights are implemented without discrimination.

Regional disparities in the implementation of human rights increase as services and accessibility is centred in large cities. Climate change and extreme weather events affect the condition of society's infrastructure, eroding accessibility. Public buildings and transport are accessible in large population centres, but separate transport services for persons with disabilities are rarely available.

Efforts are made to maintain basic education for everyone, but inclusion in schools suffers from the scarcity of resources. Outside large population centres, a large part of the comprehensive school education is completed remotely using artificial intelligence. Environmental security studies is a compulsory subject in which human rights are interpreted from the perspective of environmental protection. General environmental service is compulsory for all. People can apply for an exemption from its security training section.

Due to cuts in welfare services, the responsibility for home care and the care for family members usually falls on women. Domestic violence against women is increasing. The employment of men is expanding in central and local government. The Government aims to limit population growth to reduce material consumption. Easy access to contraception, sterilisation and abortion is part of the basic health services. No child benefit is paid from the third child onwards. Organisations of the anti-gender movement which are opposed to the right to abortion are not granted environmental security approval.

## 5.5 Well-being

Growing environmental and pollution problems have a direct impact on human health. Water use is regulated, and self-sufficiency in food production is promoted. The polarisation of the population and violent movements have left their marks on people's mental health. The right to self-determination in care is not realised, and coercive measures are increasing. Health and social services are mainly produced by the state, but their funding is limited. High-quality services are concentrated in the well-being services counties of large population centres. Differences in access to services are increasing. The maximum waiting time guarantee for access to care cannot be complied with. Services for older people and people with disabilities and child welfare services are being cut. Informal and voluntary care is increasing. Immigration to Finland is strictly restricted. The dependency ratio of the population continues to deteriorate.

Employment is fragmented. Reducing material consumption reduces the need for labour. Central and local government are key employers. Work is often part-time remote work or voluntary work. Multi-location work is possible, even though the best jobs can be found in large administrative centres. Earned income is decreasing, but wage differences are not rising blatantly. The social security system has been simplified, and benefits have been cut. Their baseline is being maintained. Contingency plans for pandemics are based on closing borders and monitoring and limiting the movement of population.

## 5.6 Artificial intelligence and digital leap

Artificial intelligence is developed by universities' multidisciplinary collegiate bodies and state research institutes. States play a key role in determining the direction of AI development and rules on its use. Companies act as subcontractors. The energy efficiency of AI has improved considerably thanks to next-generation quantum computers and the development of superconductivity.

Environmental protection applications of AI are in common use. Advances in ecosystem accounting at the Ministry of Finance are based on using AI. Digital administration is dependent on artificial intelligence. Security authorities use AI to monitor population and telecommunications. Exceptions from data and privacy protection norms related to environmental measures and state security have become a standard European practice. Most coercive measures do not require court approval. European AI regulation is implemented through EU acts.

Online communication environments are open, but they are actively monitored by security authorities. Misinformation, disinformation, online targeting and shaming, and hate speech are addressed if the authorities so decide. The State Communications Centre and its subcontractors strive to shape online discussions and the use of information search engines in accordance with Government steering. People have to be active themselves if they want to develop their digital literacy. Russia is surrounded by a tight firewall.

Manned missions to space are prohibited by a UN convention for climate reasons. States use microsatellites to monitor the environment.

## 5.7 The environment and future generations

The global climate is approaching the tipping point. In Finland, the environment has changed significantly, and nature is becoming fragile. Extreme weather events have become more common. Health impacts are evident, for example, in the form of increase in vector-borne diseases and waterborne epidemics. The international and European climate and environmental standards are strengthened out of necessity in the UN arenas and in the EU. This also happens through strengthening the rights of the components of nature. However, climate refugees are not welcome to Europe.

The environmental and adaptation measures led by the Government are strict and mandatory. Environmental defenders report on their grassroot-level results in the common arenas of the EU and the Council of Europe. The implementation of environmental and climate legislation and the related penalties are tightened regularly. The activities of companies and people are severely restricted. Adaptation takes place in an unjust manner, and the compensations paid are small. The legal remedies are ineffective. Equality is not realised in adaptation measures. This causes polarisation and unrest in the population. The right to a healthy environment and the rights of future generations are given priority in the Constitution.

The Arctic region has been declared a nature reserve in all Nordic countries. Only the Sámi have the right to practise their traditional livelihoods in the area under state control. The remaining population is small.



## 5.8 The economy and corporate responsibility

The State practices precise ecosystem accounting. The recording of environmental impacts plays a crucial role in central government budgeting. In its actions, the Government underscores moving towards a restorative circular economy and reducing material consumption. In practice, it often means economic degrowth. The central government's tax base is weakening.

The central government is the key wielder of power in Finland. The economy and business activities are regulated by environmental conditionality requirements, which are part of the European and national standards on social and environmental responsibilities. The corresponding UN regulation is slightly less stringent. Green technology companies and small companies engaged in sustainable development are favoured in ecosystem accounting. The overall environmental impacts and consumption dependency of the digital economy are regularly assessed.

Large international companies have been broken down into smaller units by means of conciliation procedures of international trade. State-supported environmental NGOs closely monitor the activities of companies and bring forward any issues in their activities. The State Communications Centre amplifies the observations made by the organisations. International trade in materials is restricted for environmental safety reasons. Finland's self-sufficiency is promoted.

## Future path of the world of climate emergency scenario

This future path of the experimental scenario is only partly based on the phasing of the scenarios of the Government Report on the Future 2023.

### Global developments

The objectives of the European Green Deal have been agreed upon, but their implementation is slow. The use of fossil energy remains high. Tensions over the ownership and use of natural resources are growing.

The inability of taking the necessary multilateral political decisions is growing. The US-China trade war is accelerating. Russia's aggressive actions generate widespread instability. The United States is going through the second wave of populism and turning in on itself.

The defence expenditures of EU Member States have grown significantly. The most rapid development of artificial intelligence is carried out by large companies of the platform economy.

The EU Artificial Intelligence Act and the Corporate Due Diligence Directive enter into force.

The EU directive addressing violence against women is adopted.

## 2025

### Situation in Finland

Politics lack any long-term vision. The efforts to tackle environmental threats fail. There is no desire to commit to common environmental and climate objectives at the national level. National security consumes resources.

The new Emergency Powers Act enters into force. It emphasises the role of the Government in crisis management.

Finland fails to manage the post-crisis well-being debt. Malaise is increasing among young people. The functional capacity of older people is weakening. The cooperation between administrative branches is difficult. The operations of the new well-being services counties fail to fulfil their promises.

The development of education and RDI activities slows down. Differentiation of competence and lack of digital skills polarise people. The need for support services is increasing.

The Service Office of Specialised Ombudspersons commences its operation.

## 2030

International climate negotiations and the EU's climate actions do not progress. Nature becomes more fragile, and unusual natural events become more common. Failure to act is beginning to cause expensive damage. The number of climate refugees is growing.

NATO has become weaker with the United States increasingly turning in on itself. The rule of law situation in the United States is deteriorating. The Chinese economy is growing and its influence in Asia and international organisations is becoming stronger.

The operations of the UN Human Rights Council are slowing down, and its decision-making becomes easily conflicted.

Climate change and biodiversity loss cannot be controlled sustainably. The sustainability transition is not effectively implemented. No agreement can be reached on reasonable compensation for environmental actions. The Arctic region is developing in the fields of industry, technology and transport.

The national operating environment is unstable. Corruption is spreading. Security and trust in the central government are diminishing.

Equality in education is breaking down and the level of competence is falling. Youth unemployment is rising. Anti-gender movement is getting stronger.

## Global developments

2035

## Situation in Finland

Climate change is accelerating due to faster melting of polar ice caps than expected. Droughts and floods cause famines and conflicts. The water level is rising and many island states are drowning. Estimates of the speed of climate change must be renewed.

The EU, the United States, China and India find each other out of necessity in the UN's environmental fora. The strictness of the new standards gives hope for the possibilities of adaptation. Russia does not commit to them but remains behind its own authoritarian firewall.

The human right to a clean, healthy and sustainable environment is the cornerstone of the UN human rights system. Other human rights are examined from its predominant point of view. The pressure to promote adaptation measures is strong.

Floods and droughts become prolonged. The safety of water supply weakens, and the food chain is endangered. Finland's Arctic region is warming up particularly rapidly.

The Government initiates strict climate action by tightening environmental and climate legislation. The adaptation measures are not just. The right to a healthy environment and the rights of future generations are given priority status in the 2035 Constitution.

The amendments to the Constitution increase the Government's prerogatives during emergency conditions and open up new channels for deliberative democracy.

The serious state of the environment and the feeling of insecurity among the population lead to extensive public unrest. Groups opposed to unjust adjustment measures and environmental defenders clash violently. The Government intensifies security measures.

2040

The impact of tight climate measures is slow. The melting of the Arctic ground releases viruses and bacteria with extensive health impacts. Sea level continues to rise, and extreme weather events are common. Global transport is becoming difficult.

Negotiations on the UN Convention on the Rights of the Components of Nature begin.

The EU regulation on environmental protection and green adaptation is tightened. It does not enable just adaptation. The article on environmental protection of the EU Charter of Fundamental Rights becomes a subjective right. The Corporate Social and Environmental Responsibilities Directive enters into force.

The protocol to the European Convention on Human Rights on the right to a healthy environment places this right above any other rights of the Convention.

Many European countries apply emergency legislation in their environmental actions.

The environment has changed significantly, and nature is becoming fragile. Growing environmental and pollution problems have a direct impact on human health. Vector-borne diseases and waterborne epidemics are increasing. Water use is regulated.

The Finnish Government and the President of the Republic declare an environmental emergency. The 2035 amendments to the Finnish Constitution and the Emergency Powers Act enable the Government to play a central role and allow it to rule through decrees under emergency conditions without the continuous supervision of Parliament and the courts.

The use of coercive measures by the police, electronic surveillance of the population and internal intelligence activities expand. Freedoms of movement, expression and assembly and protection of privacy are restricted.

The Government appoints new senior officials who do not hesitate to implement government policies. Regional State Administrative Agencies operate under the guidance of the central government's Environmental Security Executive.

The composition of courts changes considerably within a short period of time. The Government does not comply with the decisions of the supreme guardians of legality and the specialised ombudspersons.

## Appendix 2: Variables in the human rights scenarios

The descriptions of human rights scenarios are grouped under eight themes combining human rights and more general images of the future. They are composed of the broad variables, or uncertainty factors, described in this appendix. The elements of the futures table found at the end of this appendix are different manifestations of the variables used in the human rights scenarios. How the scenarios and their variables were developed is explained in chapter 5.2 "Developing methodology of human rights foresight".

## 1 The global human rights system

### Uncertainty factors:

- The role of great powers in international relations
- States' commitment to international and European human rights organisations
- The role of the EU as a defender of human and fundamental rights
- International rule of law developments
- The development needs of the human rights regulation system.

### Alternative developments until 2040

**Just humanity:** Human rights are a cornerstone of international cooperation. Almost all countries recognise their universality. The monitoring by the UN and regional human rights systems works effectively. They try to anticipate new challenges by enhancing their standards. The support measures of international organisations contribute to the rule of law development in many countries.

**Declining globality:** The United States leads a group of democratic countries with a non-uniform value base. The UN human rights monitoring system is not reformed, and it is ineffective. The European human rights system is declining as its resources are being cut. The concept of human security reduces the space of human rights.

**European human rights:** China leads the world and uses the UN human rights system to promote its own interests. The EU is maintaining its fundamental rights system. NATO has become Europeanised. Global geopolitics is based on the compromises made between strong countries. Human rights are not discussed at the great tables.

**The setting of the common sun:** The rules-based international system and security have collapsed. Matters are not agreed upon using common standards or in common arenas. Traditional international organisations are no longer operational or they are paralysed. They are replaced by weak alliances. Nordic cooperation still bears an echo of human rights.

**Forced environmental community:** In order to adapt to changes in the environment, the international community comes together out of necessity. Environmental human rights are the highest standard of human rights monitoring. Russia stays outside the community. Many European countries apply emergency legislation in their environmental actions. The prerogatives of governments are increasing.

## 2 The rule of law

### Uncertainty factors:

- Status of the state as a security provider
- Access to justice and the independence and resources of courts and human rights actors
- The functioning of the separation of powers
- Human rights orientation and efficiency of administration
- Public confidence in the rule of law and its institutions.

### Alternative developments until 2040

**Society of rights:** The rule of law structures are independent and have sufficient resources. The separation of powers is respected. Human rights and fundamental rights are respected, and their national standards are developed to respond to new challenges. Knowledge-based and anticipatory administration complies with the law.

**Declining rule of law:** The rule of law structures are independent, but access to justice becomes more difficult, and resources become fragile. The political steering of the administration expands. There are gaps in the equal implementation of human and fundamental rights, and their systematic promotion is difficult. The separation of powers is strained.

**Security and rights:** The rule of law structures are developed as part of comprehensive security, strengthening the resilience of society. The significance of EU fundamental rights standards is increasing at a national level. National human rights actors are independent and effective. The results of the European monitoring mechanisms are respected in Finland.

**The disappearance of the rule of law:** The central government is unable to guarantee security and loses its legitimacy. The separation of powers is crumbling. The Government rules by means of the Emergency Powers Act. Administration is perceived as biased. The independence of the court system is undermined. Corruption is spreading. Independent human rights actors do not have the resources to perform their duties.

**Continuous state of emergency:** The right to a healthy environment is the primary norm in the Constitution. The Government declares a state of environmental emergency and bolsters its power on a permanent basis by means of the Emergency Powers Act. Civil and political rights are severely restricted. The composition of the courts changes rapidly. The Government does not respect the decisions of independent national human rights actors.

### 3 Civil society

#### Uncertainty factors:

- Financing and independence from the state
- Human rights orientation and capacity to cooperate
- Pluralism of the media
- Trust in the central government and the channels and innovations of deliberative democracy
- Polarisation of society.

#### Alternative developments until 2040

**Innovative democracy:** Democracy innovations deepen democracy. The media environment is pluralistic, and misinformation and disinformation are addressed. Citizens' trust in society is strong and its diversity is appreciated. Human rights serve as a framework for non-governmental organisations. Civil society has a sustainable funding base.

**Disintegrating citizens' movement:** The channels of deliberative democracy are opened, but participation in them remains limited. The media environment is independent of the state. Misinformation and disinformation are not effectively addressed. The population is becoming polarised. NGOs rarely base their activities on human rights, and state funding for them decreases.

**Citizens of trust:** New forms of deliberative democracy increase comprehensive security and maintain shared values and rules in society. Misinformation, disinformation and online targeting and shaming are addressed. The role of public media is strong. NGOs are funded from public sources.

**Shattered communality:** Citizens' trust in democracy and the rule of law is breaking. Communality is shattered into hostile bubbles. Civil society is wilting. The support networks of human rights organisations disappear. Other non-state actors become more active. The media environment has become polarised. Access to verified information is subject to a fee.

**Steered citizens:** The population has become polarised in environmental matters and violent movements occur. The channels of deliberative democracy do not function during a state of emergency. Emergency measures are used to shape media reporting. The activities and public funding of NGOs are restricted. The Government steers organisations positively inclined to them as their support groups.

## 4 Equality and gender equality

### Uncertainty factors:

- Shifts in attitudes and values
- Accessibility of society and inclusion in basic education
- Equality of care responsibilities and violence against women
- Understanding gender diversity.

### Alternative developments until 2040

**Pluribus in unum:** Groups of people are equal and included throughout the country. Society and its infrastructure are accessible. Discrimination decreases and gender equality progresses to a new stage through the recognition of gender diversity. Violence against women decreases, and the responsibility for care becomes more evenly distributed.

**Eroding inclusion:** There are major regional differences in the implementation of human rights. Discrimination is increasing. Accessibility and services are centred in the largest population centres. The equalising power of education is weakening. Sectorial gender differentiation in education and working life does not get any narrower. Attitudes about gender equality become polarised.

**Equality brings security:** EU-supported investments in education and regional development promote the realisation of human rights. However, human rights are not realised equally among different minority groups. Security policies emphasise the importance of implementing human rights for the sense of solidarity and resilience of society. Gender equality is progressing.

**Collapsed equality:** The State is unable to implement fundamental and human rights. Inequalities spread to all areas of life. Accessibility of society deteriorates, and teaching is not inclusive. Racism, xenophobia, discrimination and hate speech come into the open. Strict division into binary gender roles is becoming more common. Violence against women is not addressed.

**Barriers to equality:** Emergency restrictions on civil and political rights are not implemented equally. Climate change hampers the accessibility of society and the availability of services. Regional disparities in the implementation of human rights are increasing. The inclusion of basic education suffers. Cuts in support services transfer care responsibility to women.



## 5 Well-being

### Uncertainty factors:

- State of public health
- Employment and immigration
- Realisation of human dignity and self-determination
- Pandemic preparedness
- The economic basis of the welfare society.

### Alternative developments until 2040

**Everything is well:** The population is doing well. It is capable of working and enjoys public services of a welfare economy. The services promote the realisation of economic, social and cultural rights. Finland's demographic dependency ratio is stabilising. Finland benefits from high employment and technological innovations. Mental health problems are decreasing. Human rights are respected in social and health care services.

**Well-being for the few:** Well-being is divided unevenly between regions as well as between those who succeed in the labour market and the disadvantaged. The availability of services becomes differentiated, and differences in their quality increase. Public support networks become thinner. The foundations of social welfare and the level of education are crumbling. Mental health problems are increasing. Workforce for the care services for older people is sought from abroad.

**Labour shortage gaps:** High employment and education levels enable the well-being of the population. However, not all services can be provided due to labour shortages. There are deficiencies in health care and services for

older persons and people with disabilities. Technological innovations are not enough to solve problems in a way that would respect human dignity.

**Collapsed well-being:** The welfare society has disappeared. Public health and people's standard of living and quality of life have collapsed. Funding for basic public services is in crisis. The unemployment rate is high. Economic, social and cultural rights have become the prerogative of a minority of the population. Basic education is becoming differentiated. Only the wealthiest are able to secure their well-being and standard of living.

**Scarce state services:** Growing environmental problems have a direct impact on human health. The state provides well-being services, but there are gaps in their funding. The high-quality services are centred in large population centres. Immigration is restricted, and the dependency ratio of the population is deteriorating. Central government is a key employer. Simplified social security maintains basic benefits.

## 6 Artificial intelligence and digital leap

### Uncertainty factors:

- Development and regulation of artificial intelligence
- Challenges related to information security, data protection and right to privacy
- Ownership, availability and transparency of technology
- Openness and security of the information environment.

### Alternative developments until 2040

**Smarter Intelligence:** Artificial general intelligence is everywhere, and it is energy efficient. Artificial intelligence is regulated in compliance with human rights, but the standards cannot always keep up with the rapid pace of development of AI. The digital information environment is safe, and personal information can be protected. Satellites are used in human rights monitoring.

**Poorly regulated technology:** Artificial narrow intelligence is in common use. It is applied using weak public and sector-specific corporate standards. The impact of human rights on the regulation of technologies is narrowing down. The online communication environment is open, but misinformation, disinformation and hate speech are spreading. Digital education is not distributed equally.

**Uneven use of AI:** Artificial intelligence is used unevenly. The development is driven by large companies whose level of corporate responsibility varies greatly. The EU is developing European standards that respect fundamental rights. Compliance with the rules of closed network environments is monitored on security grounds, but at the risk of not respecting privacy.

**Technology is power:** Technology is developed by large companies in a closed manner. They also reap its benefits. Technology is used for basic functions, security and defence. The population has fallen behind in technology. Technology and information serve as instruments of power. Online communication environments are closed bubbles. There are no common rules.

**An artificially intelligent state:** States play a key role in determining the direction in which AI is developed and the rules for its use. Digital administration and ecosystem accounting are dependent on artificial intelligence. The state uses AI to shape online activities and monitor population and telecommunications. Online targeting and shaming, and hate speech are addressed if the authorities so decide.

## 7 The environment and future generations

### Uncertainty factors:

- Taking the rights of future generations into account in the legal system
- Trends in the development of property rights with reference to the environment
- Fairness of the green transition or adaptation
- The future paths of the Arctic region and the status of the Sámi people.

### Alternative developments until 2040

**Environment first:** Environmental and climate protection plays a central role in the rules system. The norms and standards work, and nature recovers. The human right to a healthy environment is realised. The green transition is implemented in a just manner. The concept of land ownership is shifting towards usufructuary rights, promoting the Sámi people's right to self-determination.

**Adaptive consumers:** Finland adapts to environmental and climate change. International regulation is not developed further, but, in Europe and the Nordic countries, compromises buy time. The sustainability transition is not just. As responsible consumers, citizens promote climate action. The Sámi people's right to self-determination seeks its direction.

**National sustainability bubble:** Finland becomes a country of sustainable development and a sharing economy. Legislative amendments enable environmental trials. Global changes in the climate cause extreme weather events. The strategic and economic value of the Arctic region increases, which has an adverse effect on the rights of the Sámi people.

**Point of no return:** The tipping point of climate change has been exceeded. The climate has changed permanently. The changes have a direct impact on the well-being and health of the population and pose security threats. Environmental measures have become a matter of volatile corporate responsibility. The number of climate refugees is growing. The right of the Sámi to self-determination is not respected.

**The necessity to adapt:** In Finland, the health impacts of environmental changes are obvious. Adaptation measures restrict businesses and people severely and unfairly. Unrest and the polarisation of population are increasing. The Sámi have the sole right to engage in their traditional livelihoods in the Arctic.

## 8 The economy and corporate responsibility

### Uncertainty factors:

- Mutations in the basis of the economy and changes in the tax base
- The role of large global companies in the world and in societies
- The levels of regulation of corporate social responsibility and accountability
- Consumer responsibility and influence.

### Alternative developments until 2040

**Fair companies:** A sustainable circular economy is realised. Artificial intelligence boosts rapid and green economic growth led by large platform economy companies. Companies are committed to international, European and national regulation of corporate social responsibility. Consumer awareness supports the implementation of corporate social responsibility.

**Corporate power:** The intangible platform and sharing economy is becoming stronger in Finland, but the tax base is tight. Large companies play a key role in the economic system and international politics. Increasing inequalities in education undermine the foundations of high digital competence. Enlightened consumers are pushing companies towards responsibility and climate action. Corporate social responsibility is implemented on companies' terms.

**European corporate responsibility:** Finland is a country with a data economy and a sharing economy. Investments in education and green innovation maintain economic growth and competence. European technology companies have influence and contribute to the develop-

ment of corporate social responsibility standards that are limited to Europe.

**Arbitrary self-regulation:** Growth and productivity are weak. Funding for public services is in crisis. The power of large companies is considerable, and the sovereignty of states is faltering. Due to the collapse of international regulation, large companies do not have binding common standards. Self-regulation is arbitrary.

**Government ecosystem:** The State practices ecosystem accounting that emphasises environmental impacts. The direction is towards a restorative circular economy. Reducing material consumption means economic degrowth and weakens the tax base. Corporate responsibility subject to environmental conditions regulates the activities of companies. The power of large companies is restricted by dividing them into smaller units.

**Futures table:**  
**Alternative developments of the variables in**  
**the human rights scenarios**

<b>Variables</b> (uncertainty factors)	<b>Scenarios</b>				
	<b>The world of cooperation</b>	<b>The world of accelerated competition</b>	<b>The eastern world</b>	<b>The disintegrating world</b>	<b>The world of climate emergency</b>
<b>Global human rights system</b>	Just humanity	Declining globality	European human rights	The setting of the common sun	Forced environmental community
<b>Rule of law</b>	Society of rights	Declining rule of law	Security and rights	The disappearance of the rule of law	Continuous state of emergency
<b>Civil society</b>	Innovative democracy	Disintegrating citizens' movement	Citizens of trust	Shattered communality	Steered citizens
<b>Equality and gender equality</b>	Pluribus in unum	Eroding inclusion	Equality brings security	Collapsed equality	Barriers to equality
<b>Well-being</b>	Everything is well	Well-being for the few	Labour shortage gaps	Collapsed well-being	Scarce state services
<b>Artificial intelligence and digital leap</b>	Smarter intelligence	Poorly regulated technology	Uneven use of AI	Technology is power	An artificially intelligent state
<b>Environment and future generations</b>	Environment first	Adaptive consumers	National sustainability bubble	Point of no return	The necessity to adapt
<b>The economy and corporate responsibility</b>	Fair companies	Corporate power	European corporate responsibility	Arbitrary self-regulation	Government ecosystem

## Appendix 3: Interviews

The following persons were interviewed in the context of the report.

**Toni Ahlqvist**, University of Turku

**Laura Arikka**, Timeout Foundation

**Minna Branders**, Ministry of Justice

**Mikko Dufva**, Sitra

**Ari Evwaraye**, Ministry of the Interior

**Katju Holkeri**, Ministry of Finance

**Maria Höyssä**, Secretariat of the Parliamentary Committee for the Future

**Kristiina Kumpula**, Finnish Red Cross

**Jaakko Kuosmanen**, Finnish Academy of Science and Letters

**Vava Lunabba**, Ministry of Justice

**Aleksi Neuvonen**, Demos Helsinki

**Janne Salminen**, University of Turku

**Leena Seitovirta**, Ministry of the Interior

**Jaana Tapanainen-Thiess**, Prime Minister's Office

**Kaisa Tiusanen**, Ministry of Justice

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