

FINLAND

Questionnaire:

A – The role of CSOs and rights defenders in ensuring the effective implementation of the Charter at national level

1. How do CSOs contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.

Over the years, Finland has put more focus on strengthening the role of CSOs, it is seen as the backbone of our society and contributes to the checks and balances. The latest government programme also includes a series of pledges to citizens on policy reforms related to democracy, human rights and openness¹. These include commitments to a “new kind of interaction” with citizens and civil society, including via a cross-sectoral approach to the preparation of decision making, developing ways to engage a broader group of stakeholders in reforming society, involving people more strongly in public administration, and searching for and testing new ways of interacting.

According to our knowledge and experience, not many Finnish CSOs however focus on the Charter per se. The general principles of human rights are enshrined by many CSOs but only a few have anything specifically regarding the Charter. Human Rights Centre (NHRI) has expertise on the Charter and provides for example an online training on the subject matter, to which everyone has an access. During the Finnish Presidency of the EU Council, Human Rights Centre had a stronger focus on the Charter.

It can only be speculated, why CSOs do not tend to put more focus on the Charter. According to our knowledge, to many CSOs this is often a question of prioritizing, lack of resources and on the other hand the complexity of the field of appliance of the Charter makes it often difficult to grasp.

CSOs have limited resources and the fact that the Charter has overlapping rights with the international human rights treaties and agreements and with the Constitution or other national legislation. Furthermore, the field of application, as it is laid down in Art. 51 of the Charter, is based on the EU institutions taking into account the principles of subsidiarity, proportionality and the existing case law, which can be a bit complicated to apply and CSOs find it simpler to focus on international human rights treaties or the Constitution – especially as the resources are scarce.

2. In which areas do CSOs contribute the most to the protection of fundamental rights?

According to our understanding, most Finnish CSOs are focusing more on the international human rights and national legislation rather than fundamental rights, as it is often a question of prioritizing and resources. There are CSOs in Finland covering many different areas in the protection of fundamental rights, although the angle might be focusing national legislation or UN treaties – but the rights are overlapping. We see that the protection of fundamental rights is quite well covered and the CSO sector is vivid and active.

¹ Government of Finland (2019), *Programme of Prime Minister Sanna Marin's Government 10 December 2019: Inclusive and Competent Finland – A Socially, Economically and Ecologically Sustainable Society*, Publications of the Finnish Government 2019:33, Helsinki, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161935/VN_2019_33.pdf?sequence=1&isAllowed=y.

There are some CSOs providing information, material and training specifically on fundamental rights, such as the Finnish League for Human Rights and Human Rights Centre (NHRI). In addition, specialized CSOs, such as Inclusion Finland KVTL², an organization advocating for intellectual disability rights, mention that their foundation lies on the UN Convention of the Rights of Persons with Disabilities, but they also have information on the fundamental rights and the Charter of the webpage.

3. How do rights defenders, including NHRIs, Equality bodies and Ombuds-institutions, contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.

Publicly funded independent oversight mechanisms are a fundamental and long-established part of Finland's architecture to protect individual rights. The system comprises a range of Ombudsman's offices including the Ombudsman for Equality, the Non-Discrimination Ombudsman, the Consumer Ombudsman, the Data Protection Ombudsman and the Ombudsman for Children, who provide accessible "low -threshold legal remedies" for the public³.

The two supreme institutions involved in safeguarding fundamental liberties and rights are the **Chancellor of Justice** and the **Parliamentary Ombudsman**, which have very similar wide-ranging functions in terms of overseeing the activities of public authorities and civil servants, in addition to monitoring the legality of the exercise of public office in a wider sense. The Constitution of Finland (Sections 108-113) is the basis for their extensive oversight functions, which are elaborated in several laws⁴. Furthermore, both offices monitor the implementation of fundamental rights and human rights and they are widely respected in Finland.

The Parliamentary Ombudsman, that is part of the National Human Rights Institution, whose primary task is to investigate complaints from the public, had a budget of EUR 5.95 million, a staff of 68 in 2019. The office engages in a wide range of activities, including assessments of the need for pre-trial investigations, making reprimands, providing legal opinions, making recommendations, undertaking independent inspections, and making proposals on the development of legislation and redressing legislative errors⁵.

Other Ombudsman's offices support the implementation of human rights in accordance with their particular area of expertise. The **Data Protection Ombudsman** is the national supervisory authority on compliance with data protection legislation, for example. In practice, this means that it oversees the application of more than 700 laws. It can impose administrative fines and, in some cases, a rectification of a data violation⁶. Since 2018, as a result of the EU's Gender Data Protection Regulation, its services are

² Inclusion Finland KVTL webpage: [About us \(in English\) | Tukiliitto](#)

³ Office of the Non-Discrimination Ombudsman (2018), *The Report of the Non-Discrimination Ombudsman to the Parliament 2018*, K 6/2018 vp, Non-Discrimination Ombudsman, Helsinki, <https://rm.coe.int/fin-the-report-of-the-non-discrimination-ombudsman-to-the-parliament/16808b7cd2>.

⁴ Ministry of Justice (1999, latest amendments in 2018), *The Constitution of Finland*, Ministry of Justice, Helsinki, <https://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>.

⁵ Parliamentary Ombudsman of Finland (2020), *Summary of the Annual Report 2019*, Parliamentary Ombudsman of Finland, Helsinki, <https://www.oikeusasiamies.fi/documents/20184/39006/summary2019/b16cd626-e627-46fa-b5c2-5c0e4861d544>.

⁶ Ministry of Justice (2018), *Data Protection Act*, 1050/2018, Ministry of Justice, Helsinki, <https://www.finlex.fi/en/laki/kaannokset/2018/en20181050.pdf>.

considerably more in demand and its budget has increased as a result. In 2017, it instituted 3957 cases and resolved 3438, whereas in 2018 it instituted 9617 cases and resolved 6716⁷.

Similarly, the **Ombudsman for Equality**'s main role is to supervise compliance with the Act on Equality between Women and Men⁸. The office issues non-binding legal opinions and statements. Enquiries and requests for information make up the majority of matters handled on suspected cases of discrimination in relation to gender, gender identity and gender expression. In addition, **the Non-Discrimination Ombudsman**'s mandate is to promote equality and tackle discrimination, in addition to monitoring the realization of the rights of minorities, acting as the National Rapporteur on Trafficking in Human Beings, and monitoring the removal of foreign nationals from the country. The office provides non-binding legal support to individuals who have experienced or witnessed discrimination based on personal characteristics, in line with the Non-Discrimination Act⁹.

Human Rights Centre (NHRI) has organised training on the Charter both during Finnish presidency and earlier and the material can be found on the webpage¹⁰ for anyone to use. Updates to the lecture will be published before the summer 2022.

Human Rights Centre is an independent expert in the monitoring committees of the EU funds for the programming period 2021–2027: the Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI). In connection to these, Human Rights Centre offers, as requested, training on the Charter and other human rights instruments and questions to several ministries.

In relevant submissions, the Human Rights Centre refers to the Charter, when it gives additional value in addition to the use of the ECHR and other human rights conventions, esp. with regard asylum questions and rights of older persons.

4. In which areas do right defenders contribute the most to the protection of fundamental rights?

In Finland there are right defenders contributing to the protection of a vast variety of fundamental rights, as the CSOs have a long history of being supported. During the past years there has been a lot of visibility for environmental protection especially the young people are participating and being active – this phenomenon is apparent everywhere in the European Union. Another topic worth mentioning is digital and data rights, especially as during the pandemic our societies have taken gigantic steps towards digitalization. To conclude, fundamental rights and all their variety are being fought for in Finland, thanks to vivid and active CSOs with their different prioritization and expertise.

B – The work of the Member States to protect CSOs and rights defenders

⁷ Office of the Data Protection Ombudsman (2019), *Annual Report 2018*, Office of the Data Protection Ombudsman, Helsinki, <https://tietosuoja.fi/documents/6927448/10717840/Toimintakertomus+2018/92ffcd7-1e06-2c5e-003e-7fa53aaa72f2/Toimintakertomus+2018.pdf>.

⁸ Ministry of Social Affairs and Health (1986, latest amendments 2016), *Act on Equality Between Men and Women*, 609/1986 (amendments up to 915/2016 included), unofficial translation, Ministry of Social Affairs and Health, Helsinki, <https://www.finlex.fi/fi/laki/kaannokset/1986/en19860609.pdf>.

⁹ Ministry of Justice (2014), *The Non-Discrimination Act*, 1325/2014, unofficial translation, Ministry of Justice, Helsinki, http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=101088.

¹⁰ Human Rights Centre, training on the Charter: <https://www.ihmisoikeuskeskus.fi/ihmisoikeuskoulutus/luentosarja/luento-4-perusoikeudet-euroopan-/lisatietoja-euroopan-unionin-per/>

5. How do you ensure that CSOs and rights defenders work in a safe and enabling environment?

Finland is taking concrete steps towards tackling hate speech and online shaming that has increasingly become a problem for human rights defenders. On 20 May 2020, the Ministry of the Interior appointed a working group to prepare three to five concise proposals for measures to combat online shaming more effectively. The working group examined online shaming broadly as an activity targeted at different authorities, decision-makers, companies and opinion leaders. The outcomes of the examination were presented in a report¹¹ and were the following: a research project will be carried out to determine the extent of online shaming; the position of the victims should be bettered and the realization of their rights in police work; and some guidelines or tools for employers should be developed for them to be able to support their employees in the event of online shaming in adequate manner.

Finland has also taken measures to tackle hate speech and will do so in future. Finland has, along with the measures agreed in the EU Anti-racism Action Plan 2020-2025, started an action programme against racism and for good relations and the programme is in the implementation phase. Finland has however, some reservations on more harmonization on the EU level on tackling hate speech and hate crimes as criminal acts, but all new initiatives will be decided on individually.

In general, Finland supports a more informative and supportive approach, instead of more harmonization in the field of criminal matters. The Commission could collect and provide the Member States information on the different type of assault in Member States along with suggestions and proposals on the models how to tackle these issues and encourage Member States to take action.

6. Please explain the main features of the legal framework applicable to CSOs (for example, rules on declaration/registration/dissolution, rules governing the exercise of their activities, court decisions relating to the application of this legal framework, etc.). Please add relevant references to such rules.

Legal frameworks governing civic space are well established in Finland and are protected by a series of publicly funded and widely respected ombudsman institutions and other independent oversight bodies, in addition to the court system. Core protections, such as freedom of speech or expression, freedom of assembly, freedom of association, and the right to equality and protection from discrimination are protected in Finland's Constitution, as well as in national legislation. Upholding these freedoms is also part of Finland's obligation as a European Union (EU) member state and as a state party to the European Convention on Human Rights.

The Finnish Constitution applies to anyone present in Finland, as well as all Finnish citizens and residents of Finland not present in Finland¹². The rights therein are not absolute, but any exceptions or exemptions must be set out in law. For example, the right to freedom of expression exempts illegal forms of hate speech, the right to assembly can be limited for the sake of health or security, freedom of association does

¹¹ Publication of Ministry of the Interior 2021:3, Working group report on Measures to combat online shaming more effectively, link:

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162834/SM_2021_3.pdf?sequence=1&isAllowed=y

¹² Ministry of Justice (1999, latest amendments in 2018), *The Constitution of Finland*, Ministry of Justice, Helsinki, <https://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>.

not include the right to form militias, and the right of privacy can be limited for the purpose of investigating certain crimes.

Finland's Supreme Court and the European Convention on Human Rights have ruled on several limitations to constitutionally protected freedoms. The legal requirement for all exemptions and exceptions is that they are proportional and prescribed by law; that the laws are precise and carefully defined; and that the limitations are acceptable and do not derogate from the essence of a fundamental freedom or right, constitute an adequate legal protection, and are consistent with Finland's human rights obligations. Often, limitations to one constitutionally protected right are the result of another constitutionally protected right. For instance, the right to freedom of expression is limited by the right to privacy.

There are exemptions to the right of freedom of assembly, including in the Public Ordinance Law, the Contagious Disease Act, the Emergency Preparedness Law and the Criminal Code. Freedom of association may also be limited by law. The requirements and limitations for when an association may be formed are set out in the Finnish Associations Act, which states that: an association must not be "contrary to law or proper behaviour" (Chapter 1, Section 1); members always have a right to leave the association (Chapter 3, Section 13); and an association may be dissolved if it "acts substantially against law or good practice" or if it "acts substantially against the purpose defined for it in its rules" (Chapter 8, Section 43)¹³.

Furthermore, since an amendment to the Assembly Act in 2019, Finnish police must be notified of outdoor meetings, such as demonstrations in public places, 24 hours before they start. The police website now instructs people that: 'Notification of a public meeting arranged outdoors must be made either verbally or in writing to the local police at least 24 hours before the meeting is planned to begin. Notifications made later than this may also be considered valid if the meeting will not cause undue disturbance to public order'¹⁴.

7. Do you have in place a system for reporting and monitoring threats or attacks (including physical attacks) on CSOs activists and rights defenders? If yes, how does it work?

If CSOs activists and rights defenders face threats or attacks, they should report the offence in a similar manner as any other crime or offence. In Finland, the work for improving monitoring of the hate speech and hate crimes is still ongoing, however the Police has a special code for hate crimes and some statistics are available. For example, Police University College¹⁵ in Finland is collecting data on the hate crimes and further develops the data collection, reporting, monitoring and all aspects related.

CSOs have also created a tool¹⁶ 'Together Against Hate' together to collect data on the incidents; however, this is not a substitute for reporting a crime. One can report a hate incident whether either experienced or witnessed.

8. Do you provide for, support, or finance an alert mechanism and/or supporting services in case of physical and on-line attacks to CSOs activists and rights defenders?

¹³ Ministry of Justice (1989, latest amendments 2016), Finnish Associations Act, (503/1989), unofficial translation, Ministry of Justice, Helsinki, <https://www.prh.fi/en/yhdistysrekisteri/act.html>.

¹⁴ Police of Finland (n.d.), "Public meetings and demonstrations", web page, Police of Finland, Helsinki, <https://poliisi.fi/en/public-meetings-and-demonstrations>

¹⁵ Police University College, Hate Crime project and statistics, link: <https://polamk.fi/en/hate-crime>

¹⁶ Together Against Hate – hate-incident monitoring tool, link: [Yhdessä vihaa vastaan \(yhdessavihaavastaa.fi\)](https://yhdessavihaa.fi)

In Finland, one CSO specifically focuses on the victims. Victim Support Finland (RIKU)¹⁷ aims to improve the position of victims of crime, their loved ones and witnesses of criminal cases by influencing and producing support services.

9. Are you part of the Open Government Partnership (OGP)? If yes, could you share the link to your latest OGP action plan?

Yes, Finland has been part of OGP since 2012. The latest OGP action plan is found [here](#):

<https://www.opengovpartnership.org/members/finland/>

Stategia: https://avoinhallinto.fi/assets/files/2021/03/Open_Government_Strategy2030.pdf

10. Do you assess how CSOs are impacted by legislative proposals in the legislative preparatory work? If yes, please briefly describe the process/mechanism.

Yes, we assess the legislative preparatory work and how different groups, including also CSOs, might be impacted by legislative proposals.

Ministry of Justice has drafted guidelines¹⁸ and checklists regarding impact assessment. The aim of the impact assessment is to produce information for those involved in the preparations, decision-makers and stakeholders on the impacts of the planned legislation, its significance and possible ways to mitigate its harmful effects. Currently there is a new draft of impact assessment guideline on the comment round¹⁹.

11. Do you consider it necessary to improve the cooperation between Member States and the EU to strengthen the level of protection of CSOs and rights defenders working to protect fundamental rights? How?

Finland supports strong cooperation on the international level, including on the EU level between the Member States. One of Finland's priorities is to support CSOs in their work, as functioning civil society is the backbone of the rule of law. Finland's priorities in the field of human rights are presented by the Ministry for Foreign Affairs in Finland²⁰.

C – The work of the Member States to support CSOs and rights defenders

12. Please indicate which public authorities are competent to disburse public funding and the main programmes of funding available at national and local level for CSOs working to protect and promote fundamental rights.

(a) How do authorities select the CSOs, and what are the main conditions they have to fulfil?

(b) How do authorities ensure a fair distribution of funds among CSOs?

(c) Is there public funding available for organisations' core costs for administrative expenditures and infrastructure?

¹⁷ Victim Support Finland (RIKU) link: <https://www.riku.fi/en/>

¹⁸ Ministry of Justice, guidelines and checklists for impact assessments (in Finnish), link: [Lainsäädännön vaikutukset - Oikeusministeriö \(oikeusministerio.fi\)](https://oikeusministerio.fi/ajankohtaiset/lainsaadannon-vaiikutukset)

¹⁹ New draft of impact assessment guideline currently on the comment round (in Finnish), link: <https://www.terveystieteiden tutkimuskeskus.fi/terveysministerio/terveysministerio/>

<https://www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=073faabe-99d1-4b98-becd-db15a151a2ab>

²⁰ Ministry for Foreign Affairs Finland, link: [Finland's international human rights policy - Ministry for Foreign Affairs](#)

(d) Is there public funding available for human rights advocacy?

There are multiple different ways and programmes through which CSOs can get funded in Finland and each government sector is in charge of the public funding according to its' field of expertise. The most important legal instrument regarding CSOs and funding is the Act of Public Funding²¹.

In Finland the key area of concern outlined by CSOs is the lack of a centralised system for applying for public funding across the government and ministries. This means that in practice, different ministries have their own guidelines for applying for, using and reporting on grants. In addition, grant applications, forms and other materials can differ and are also interpreted differently across ministries. Likewise, the content of the forms and the processes may also change completely and unpredictably, even year-on-year. All of these issues unnecessarily complicate the activities of associations and consume time that could otherwise be spent on their core activities. The situation also threatens to weaken the ability of smaller associations to operate if they do not have enough skilled staff to handle the bureaucracy²².

One of the public bodies distributing the largest amount of public funding across the whole government is the Funding Centre for Social Welfare and Health Organisations (STEA). STEA operates as the granting body in connection with the Ministry of Social Affairs and Health and distributes funds on its behalf²³. CSOs can apply for grants from STEA to fund their work promoting health and social welfare to receive Veikkaus funds. Every year, STEA processes some 2 500 funding applications. Non-profit organisations and foundations must be registered to receive STEA funding. Non-profit limited companies and co-operatives are also eligible. These organisations can receive grants for general or targeted activities, development projects, introductory projects, and other projects with a defined purpose²⁴. An Assessment and Grant Division has also been functioning under the Ministry of Social Affairs and Health since 2017, with the task of evaluating and approving the allocation of funds based on the grant proposals prepared by STEA. In addition, STEA commissions evaluations, for example, on the effectiveness of the overall grant system²⁵. This disadvantages many of the smaller organisations that do not have the capacity nor the time to apply across ministries with varying application forms, methods of applying, and established deadlines.

Ministry of Finance has started a project to with the aim to improve the system of administering discretionary government grants by creating uniform, digitalised government grant processes. The grant activities involved include the channelling of grants, the application process, and the award, monitoring and assessment of grants. The aim is that the whole of central government will gradually switch to the new system of government grant administration, and, over the next few years, will begin using the supporting shared online services. More information of the project can be found from here:

<https://vm.fi/en/improving-the-administration-of-discretionary-government-grants>

13. Do you have a system in place to get an overview or to coordinate the funding opportunities available at the different levels? By whom is it coordinated, and how does it work?

²¹ The Act of Public Funding (688/2001), link: <https://www.finlex.fi/fi/laki/ajantasa/2001/20010688>

²² Demos Helsinki (2020), *Change in Finnish Civil Society: The State and Future of Civil Society in Post-industrial Society*, Demos Helsinki.

²³ Ministry of Health and Social Affairs (2020), "STEA grants", webpage, Ministry of Health and Social Affairs, Helsinki, <https://stm.fi/en/ministry/stea-grants> (accessed on 14 December 2020).

²⁴ Ministry of Health and Social Affairs (2020), "STEA grants", webpage, Ministry of Health and Social Affairs, Helsinki, <https://stm.fi/en/ministry/stea-grants> (accessed on 14 December 2020).

²⁵ "The Funding Centre for Social Welfare and Health Organisations grants", webpage, <https://www.stea.fi/stea-avustukset/julkaisut> (accessed on 14 December 2020).

14. Has any process to simplify and speed up access to funding been considered/adopted/implemented?

Yes, to both questions, 13. and 14. the Ministry of Finance has a development and digitalization project to mainstream the grant / funding processes, make the processes more transparent and also to collect better data on the public funds granted and their use.

The goals of the project are:

- improve the effectiveness of the system
- increase the transparency and openness of the system
- make the grant application and award processes clearer and smoother
- ensure that grant administration practices are more uniform.

Link to the project: <https://vm.fi/en/improving-the-administration-of-discretionary-government-grants>

15. Does your taxation system provide for a tax exception/relief/incentive in case of donations to CSOs?

16. What is the legal framework applicable to donations for other EU countries or third countries to CSOs?

Answering to both questions 15. and 16. There are some tax exceptions /relief in case of a donation to CSOs, however the donation deduction can only be granted for donations made for a purpose that promotes science, art or the preservation of Finnish cultural heritage²⁶. Therefore, this leaves out most of the CSOs – also those working for the promotion of fundamental or human rights.

D – The work of the Member States to empower CSOs and rights defenders

17. Is there a structured dialogue policy between CSOs and public authorities at local, regional and national level? Is there a body representing the interest of CSOs? How is it composed and which are its competences?

Finland is constantly improving the dialogue between CSOs and public authorities in different ways. Most recently, the Advisory Board for Civil Society Policy (KANE)²⁷ was created and its' tasks include promoting the interaction between administration and civil society and enhancing the operating conditions for civil society. It consists of representatives of civil society, research, business sector, ministries and other public agencies.

In addition, with the lead of Ministry of Justice, the National Democracy Programme 2025 has a cross-administrative objective to promote participation and new forms of interaction between the public

²⁶ Tax Administration, link: <https://www.vero.fi/syventavat-vero-ohjeet/ohje-hakusivu/48721/lahjoitusv%C3%A4hennys-yhteis%C3%B6verotuksessa/>

²⁷ Advisory Board for Civic Society Policy (KANE), link: <https://oikeusministerio.fi/en/advisory-board-on-civil-society-policy>

administration and the civil society. The programme puts participation and democracy at the centre of public administration activities²⁸.

18. What is the process of consultation of CSOs regarding legislative proposals having an impact on civil society and civic space?

The process of consultation has been described in detail in the consultation manual (in Finnish), found here: <http://kuulemisopas.finlex.fi/>

19. Do you have an easily accessible one-stop-shop online platform in place, which regroups all consultations with CSOs and the public?

Yes we do, however it is not mandatory to use. See here: <http://www.lausuntopalvelu.fi>

20. Do you have any guidelines or standards on public participation?

The right to public participation and the responsibility of public authorities is laid down in the Constitution (14 § 4 mom.): ‘The public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her²⁹’.

21. Are CSOs or, where relevant, NHRIs included in the committees set up to monitoring the implementation of EU funded programmes under the Common Provisions Regulation (CPR) and are they involved in the arrangements set up under the horizontal enabling condition to ensure compliance with the Charter? If so, what is their role in this context?

Yes, they are included. A good example is the Monitoring committee appointed for the EU’s regional and structural policy programme in 2021-2027³⁰, led by the Ministry of Economic Affairs and Employment. As members of the committee there are two representatives of organizations responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.

²⁸ National Democracy Programme 2025, link: [National Democracy Programme 2025 - Ministry of Justice \(oikeusministerio.fi\)](https://oikeusministerio.fi)

²⁹ Finnish Constitution in English, link: [Ministry of Justice, Finland \(finlex.fi\)](https://finlex.fi)

³⁰ [Monitoring committee appointed for the EU’s regional and structural policy programme in 2021–2027 - Ministry of Economic Affairs and Employment \(tem.fi\)](https://tem.fi)