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Civic Space Scan of Finland

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Foreword

Democracy as we know it is at a turning point. In many countries, citizens' trust in their governments is at a low level and a growing number of citizens are dissociating themselves from traditional democratic processes. This is playing out across the globe, including in established democracies, in declining participation, reduced voter turnout, and public backlash. The causes of this discontent are complex and interconnected, including political and social polarisation, the spread of misinformation and disinformation, shrinking civic space in many countries, and increasing socio-economic inequalities. The COVID-19 pandemic is likely to have exacerbated these trends further. Addressing such challenges will require the effective engagement and re-engagement of a wide range of actors – including ordinary citizens, civil society organisations, academia, and the media – in an inclusive and fair manner.

While the importance of citizen-centred governance is widely acknowledged and many governments are introducing open government reforms, at the global level, civic space is narrowing. At this critical time, when civic freedoms have been necessarily constrained in response to the pandemic, efforts to protect and promote civic space are more important than ever. This includes the set of legal, policy, institutional, and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organise, and participate in public life.

This Civic Space Scan of Finland, undertaken at the request of the Finnish government, is the first OECD report of its kind. It assesses four key dimensions of civic space: civic freedoms and rights, media freedoms and digital rights, the enabling environment for civil society organisations, and civic participation in policy and decision making. As part of the scan process, a citizens' panel – also overseen by the OECD – was held in February 2021 on tackling hate speech and harassment of public figures, which also generated a wide range of recommendations for the government from a representative group of Finnish society.

OECD Civic Space Scans assess how governments protect and promote civic space in each national context and propose ways to strengthen existing frameworks and practices. The scans assess the multiple dimensions of civic space, offering an overview of the various initiatives in each country. They highlight examples of innovation and good practice and pay explicit attention to cross-cutting issues such as social inclusion, discrimination, and the impact of emergency measures related to COVID-19. Based on a wide-ranging analytical framework, they evaluate the vitality of civic space in each country and generate actionable recommendations on how to protect and promote it.

The OECD approach to assessing civic space is grounded in its long-standing expertise in public governance and open government. The approach applies good governance principles to civic space to assess legal frameworks, policies, institutional capacity, budgets, and monitoring and evaluation of civic space programmes and initiatives. It also addresses how governance frameworks translate into opportunities for civic participation. Public participation in governance increases government transparency and accountability, broadens citizens' empowerment and influence on decisions, builds civic capacity, improves the evidence base for policy making, reduces costs, and taps into wider networks for innovation in policy making and service delivery. It also allows governments to respond more effectively to citizens by aligning policies and services with their needs and demands.

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Executive summary

This scan provides an in-depth overview of civic space and the existing challenges and opportunities for its improvement in Finland.

Finland's strategic vision for civic space

Finland has a long-established commitment to democracy, human rights, and open government, all of which are underpinned by comprehensive legal and policy frameworks. Finland's vision for enhanced civic space is supported by several interconnected strategies and agendas, outlined in the National Democracy Programme 2025, the National Action Plan on Fundamental and Human Rights, the current government programme, and the open government agenda. Furthermore, Finland's Open Government Strategy explicitly links open government reforms to civic space more broadly.

Finland's perception of the relationship among these policy agendas has greatly evolved over the last two decades. While its commitment to openness was originally conceived as a fundamental value of the Finnish democratic model and as a core characteristic of the welfare state, its focus was primarily on building citizens' trust in government. About a decade ago, it stepped up its efforts to create a two-way relationship between citizens and the state, highlighting the need for governments to trust in citizens and their representative groups. Today, Finland's goal, as outlined in its new Open Government Strategy, is to continue to strengthen trust among all the different actors in Finnish society through increased dialogue and mutual understanding.

Demographic and societal changes and wider pressures on civic space

This scan unearths and analyses several impediments to civic space. Many issues discussed in the scan relate to two overarching issues. First, Finland has seen rapid demographic changes in its population in recent years, with 8% of the population now having a foreign background. Tensions relating to immigration as well as increased intolerance and discrimination from some sectors of society are directly affecting civic space. Second, inequality of participation in public decision making and public life – whether due to socio-economic status or a lack of educational and professional attainment – has further excluded some groups and is now one of the government's key concerns. Thus, while Finland's international standing on civic space is impressive in comparison to most other countries, it is crucial for Finland to continue to identify and tackle emerging challenges to maintain high standards.

Maintaining strong foundations for civil liberties and empowering oversight mechanisms

Core civic freedoms, such as those of expression, assembly, and association, as well as the right to equality and protection from discrimination, are well established in Finland and are protected by the Finnish Constitution and in national legislation. These legal frameworks are primarily safeguarded by the Parliamentary Ombudsman and the Office of the Chancellor of Justice. Finland also has a range of widely respected specialised oversight bodies, including the Ombudsman for Equality, the Non-Discrimination Ombudsman, the Data Protection Ombudsman, and the Ombudsman for Children. Finland must continue to invest in these institutions to ensure they fully achieve their important mandates.

This scan highlights a range of obstacles to people's enjoyment of civic freedoms and civic space on an equal basis. Hate crimes and hate speech related to discrimination against targeted groups pose one of the most significant challenges, alongside discrimination and intolerance, persistent violence against women, and the social exclusion of indigenous and immigrant groups. A cross-government strategy to tackle hate speech and a more coherent and co-ordinated approach to address discrimination are recommended to counter these trends.

Enhancing media and digital rights

Finland has a long history of protecting press freedom. It was one of the first countries in the world to introduce legal protections in this area and is consistently ranked highly in comparative country assessments of the institutional and structural foundations required for media and journalism to flourish. Finland is, however, not immune to political, institutional, and economic intrusions into press freedom, or to the wider global trend of increasing hate speech and harassment targeting journalists. The high concentration of a small number of companies dominating each media sector is also an obstacle to a free and pluralistic media ecosystem. The criminalisation of defamation, while common in many OECD countries, also has the potential to hinder journalists' freedom of expression, according to human rights bodies.

Finland is one of the European Union's most digitalised societies, but there is still room to enhance access to information, embrace digital and user-driven government, and address data collection and privacy concerns. Moreover, while Finland has great potential and an ambitious vision to be a world leader in artificial intelligence, further legislation is needed to keep pace with the development of technology and to maintain the momentum required to achieve this goal.

Improving the enabling environment for civil society organisations

Finland is dedicated to the robust democratic participation of civil society and the government actively consults and involves civil society organisations (CSOs) in public decision making at all levels and branches of government. The civil society landscape in the country is, however, changing and the government could take action to ensure that all forms of CSOs – as well as the informal fourth sector – are adequately included and represented in policy making.

While Finland supports CSOs both at home and abroad with significant amounts of public funding, several challenges are increasingly evident, including diminishing CSO autonomy, little strategic direction, insufficient impact evaluation, and heavy bureaucratic procedures for funding and fundraising.

Towards more inclusive citizen participation

Finland has a well-established system of government engagement with civil society and substantial guidelines on the development of legislation. The government also consults citizens and stakeholders through a wide range of committees, advisory boards, working groups, councils, hearings, and digital fora at the national and local levels. Furthermore, the Finnish government is firmly committed to experimentation and innovation in participatory initiatives. However, it also views growing inequalities in civic participation, especially the decline in voter turnout, as the greatest weaknesses of the Finnish democratic system. There is a clear need to engage those beyond the usual stakeholders and self-selecting members of the public in targeted participatory initiatives to channel their views into decision making.

1 Introduction to civic space in Finland

This chapter provides an overview of Finland's strategic vision for civic space and the relevant overarching policy frameworks. It focuses on Finland's historic commitment to democracy and the protection of civic freedoms and outlines a number of leading strategies and initiatives in this regard, including the National Democracy Programme 2025, the National Action Plan on Fundamental and Human Rights, the Open Government Strategy, and the current government programme. It ends with reflections on broad societal changes and pressures on civic space that frame the discussions in the rest of the report.

Finland's strategic vision for civic space

Finland's strategic vision for the protection of its civic space is anchored in several interlinked policy agendas. These cover support for democracy, fundamental and human rights, and open government, all of which are underpinned by a comprehensive legal framework. The Constitution is the basis for the exercise of government power and the development of relevant legislation and details the nature of the relationship between Finnish citizens and the state (Ministry of Justice, n.d.[1]). It also details the fundamental rules, values and principles underpinning Finnish democracy, defined as "the right of the individual to participate in and influence the development of society and his or her living conditions" (Constitution, Chapter 1, Section 2) (Ministry of Justice, 1999, latest amendments in 2018[2]).

Finland is justifiably proud of its democratic model, the aims of which can be summed up as protecting the realisation of citizens' human rights and liberties in addition to equal opportunities for civic participation (Kataja, 2017[3]; Grönlund and Wass, 2016[4]). The National Democracy Programme 2025 acts as an umbrella for the numerous democracy-supporting activities carried out by different ministries, including those in relation to supporting civil society. Its broad objective is to "guarantee equal opportunities for everyone to participate in society" (Government of Finland, 2020[5]) and place civic participation at the centre of the public administration in Finland while simultaneously focusing on increasing trust in the country's public institutions. The cross-government programme was developed as a response to what is perceived as growing inequality in participation and the alienation of decision makers from people's everyday lives presenting a growing challenge to Finnish democracy (Government of Finland, 2020[5]). This policy agenda is supported by the use of indicators to monitor and report on the state of Finnish democracy.[1] These indicators focus on election and party democracy; participatory democracy and social capital; non-governmental organisations' participation; citizens' views on citizenship and their own opportunities to influence; attitudes towards political institutions and actors; and criteria of informed citizenship (FNES, n.d.[6]). A cross-governmental body, the Steering and Coordination Group of the National Democracy Programme 2025 is responsible for co-ordinating the democracy policy and programme across the government.

Work on developing the democracy indicators began in 2005 as part of a Citizen Participation Policy Programme and resulted in a series of government reports on democracy policy. This area of focus has expanded exponentially since then, with the Ministry of Justice playing a key role alongside other ministries, including the Ministry of Finance as part of its open government agenda. A Democracy Unit was established at the Ministry of Justice in 2007 and the Advisory Board on Civil Society Policy (KANE), which operates in conjunction with the Ministry of Justice, was also established in 2007. A Government Resolution on Democracy was issued in 2010. The first government report on Finland's policy environment related to democracy was submitted to parliament in 2014 (Ministry of Justice, 2014[7]), which examined the functioning of representative democracy in Finland and citizens' possibilities to exercise direct influence between elections and assessed the consultation practices applied by the public administration. In 2015, the government released a report on Finland's democracy indicators, which noted that overall, citizens were satisfied with the functioning of Finnish democracy and that this satisfaction was stable. However, "the lack of participation of too many" was noted as a challenge to Finland's overall vision for democracy (Borg et al., 2015[8]). Furthermore, Finns' political interest and knowledge were found to be relatively strong, but their "internal civic competence" – the extent to which people feel "they understand political processes and are able to participate in them effectively" – was found to be relatively weak (Borg et al., 2015[8]).[2] The 2014 report was followed by a Democracy Policy Action Plan, which was implemented in 2017-2019.

The study was part of a larger government-funded area of research, published in 2016, entitled *The Differentiation of Political Participation: Parliamentary Election Research 2015* (Grönlund and Wass, 2016[4]). It found that the previous decades had seen growing inequality in Finland in relation to political participation by different groups and that this had been experienced alongside increased challenges in implementing voting rights. Furthermore it noted that society was increasingly viewed as being divided

between affluent and disadvantaged groups, and that a similar trend of inequality was present in relation to political participation, with socio-economic status increasing political activity. Lastly, it noted that differences in voter turnout between advantaged and disadvantaged groups had increased as the general level of voter turnout had declined since the 1980s.

These reports were followed by government action plans for the twin areas of democracy policy and human rights policy. An evaluation commissioned by the Ministry of Justice of both policy areas in 2020 criticised the fact that many human rights policy actions were excluded from the scope of the relevant action plan due to what it identified as a lack of political will. It recommended that both policy areas be continued and kept separate, but that they should also be strengthened, more co-operation should be fostered between them, and a more long-term and comprehensive approach adopted in both areas (Rautiainen et al., 2020[9]). Furthermore, it recommended that during Prime Minister Sanna Marin's government's term, indicators for monitoring policy on fundamental and human rights should also be developed. The Third National Action Plan on Fundamental and Human Rights 2020-2023, due to be finalised in 2021, is now focusing on developing these indicators further.[3]

Focus on dialogue and mutual understanding

The latest government programme also includes a series of pledges to citizens on policy reforms related to democracy, human rights and openness (Government of Finland, 2019[10]). 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. Crucially, it pledges that:

> *"Systematic measures will be taken to strengthen the civic space and facilitate civil society participation in Finland and globally"* (Government of Finland, 2019[10]).

One of the goals set in the programme is to ensure "favourable conditions for inclusive practices and diverse civic activities", while another goal highlights the need to enhance operating conditions for civil society. The government commits to undertaking measures to promote equal opportunities for participation in civic activities and to safeguard the autonomy of civil society organisations (CSOs). It also pledges to improve consultation practices and increase civil society-related expertise in the public sector. Furthermore, it commits to reducing "the administrative burden that hampers civic activities." These reforms, which focus heavily on civic participation in decision making and equal treatment and protection of human rights, are viewed by the current government as being crucial to achieving an inclusive and socially, economically and ecologically sustainable Finland (Government of Finland, 2019[10]).

Finland's Open Government Strategy, which was published in December 2020, also links open government reforms to democracy and the protection of civic space more broadly. Understanding of the linkages between these policy agendas has developed and changed over the last 20 years. Originally, Finland's "openness" was viewed as being a core value at the heart of the welfare state and democracy model, and the focus was on enhancing citizens' trust in government.[4] About ten years ago, this evolved to a desire for a two-way relationship between the citizens and the state that also considered government trust in citizens and their representative groups.[5] As of 2021, Finland's focus on open government continues to seek to strengthen this mutual trust building between different actors in society and the state, based on dialogue and shared understanding. Crucially, the focus on mutual understanding is viewed as being an important means of countering current threats to democracy and human rights such as populism and polarisation. Finland's Open Government Strategy, which will guide the government's entire open government agenda, includes commitments to reinforcing dialogue; promoting everyone's right to understand and to be understood; and the right of *all* Finns to participate (Government of Finland, 2020[11]).

Finland's National Action Plan 2019-2023, developed as part of its membership of the Open Government Partnership, is one of many tools the government uses to strengthen openness (Government of Finland, 2020[5]). The Ministry of Finance's Open Government Support Package, providing clearly articulated guidance and an open government checklist, is another such tool. The government's long-standing commitment to this agenda is communicated via a wide range of educational and communications tools, with an emphasis on the use of plain language, access to information, maintaining relevant communication-related competencies among government officials, and active and anticipatory communication (Grönlund and Wass, 2016[4]). The members of the Government Officials' Contact Network for Open Government ensure that open government issues are discussed by senior management within their respective organisations and that good practices are shared. The Municipal Democracy Contact Network brings together actors from municipal and central government, in addition to civil society, to develop and strengthen local democracy and provide a path for peer learning. Finland also has a multi stakeholder forum for developing its Open Government Partnership National Action Plans, with all related activities coordinated through the Ministry of Finance (see Box 6.4). A variety of websites (see Box 6.1), campaigns (online and offline), information events and awards are used by different actors to communicate key messages on openness, civic participation and civic space more broadly. The awards include the Democracy Award from the Ministry of Justice, which is now part of the National Democracy Programme 2025;[6] the Democracy Recognition granted by the Ministry of Finance to public sector actors who have supported open government and civic participation in their work; and the "Clear Language User of the Year Award" awarded by the Finnish Centre for Easy Language to increase accessibility. Crucially, there are dedicated budgets to implement related policy areas.

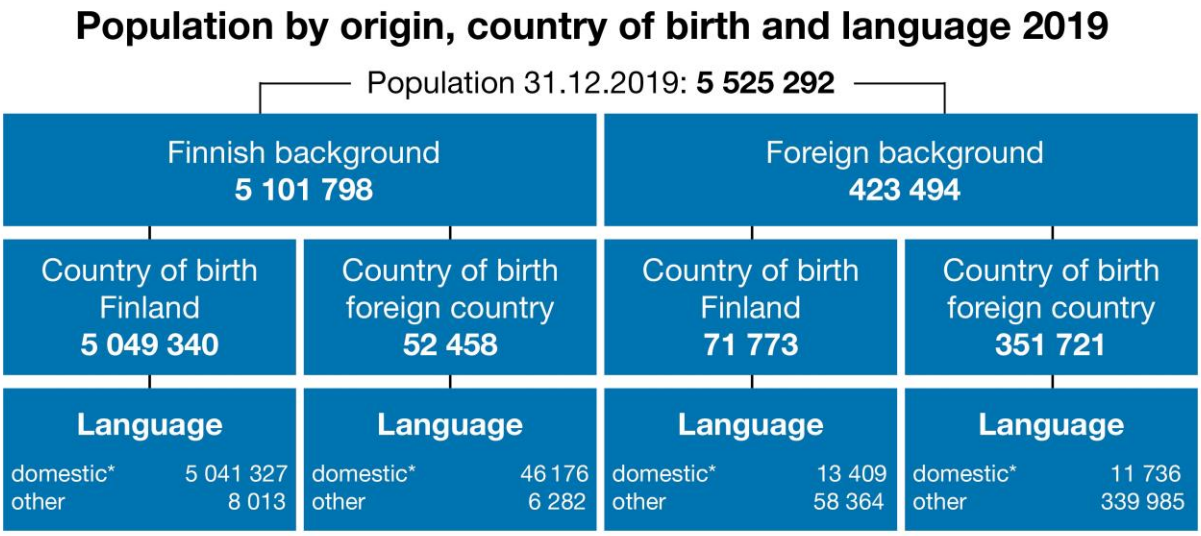
Finland's strategic vision for civic space, as described above, is underpinned by a strong commitment to social cohesion and fairness and buoyed by the redistributive model of the welfare state (OECD, 2020[12]). Public institutions generally function well, and levels of corruption remain low, helped along by a strong focus on government transparency, strong oversight institutions, and deep societal respect for civic freedoms and rights (Office of the Chancellor of Justice, 2020[13]). Levels of trust in public institutions remain high (OECD, 2021[14]). A combination of the above factors undoubtedly contributes to Finland scoring highly in most international rankings related to dimensions of civic space such as democracy, human rights, freedom of the press and the rule of law (Box 1.1).

Societal changes and pressures on civic space

In addition to discussing how Finland's strategic vision is implemented in practice, this Scan also identifies and analyses challenges to the protection of civic space in particular areas. Two of the most critical issues that frame much of the discussion are Finland's demographic changes and inequality of participation in public decision making and public life.

Fast-paced demographic changes have taken place in Finland in recent years to which some members of society are struggling to adapt (Figure 1.1). 8% of the total population of just over 5.5 million people now have a "foreign background", of whom the majority (more than 350 000) were born overseas. By far the largest group of foreign background members of the population are from the former Soviet Union and Estonia (approximately 80 000 and 50 000 respectively), followed by smaller numbers from a range of countries including Afghanistan, the People's Republic of China, the former Socialist Federal Republic of Yugoslavia, Iraq, Thailand, Turkey, Somalia, Viet Nam and other countries (Statistics Finland, 2019[15]). Tensions and concerns related to immigration and related intolerance, and the impact of these on civic space, are discussed in some detail in this Scan (Chapter 3).

Figure 1.1. Finland's population by origin, country of birth and language, 2019



* Domestic languages are Finnish, Swedish and Sámi.
Source: Statistics Finland (2019[16]).

The inequality of participation, which is referred to in various government reports as well as the marginalisation of some population groups, are recurring themes (Grönlund and Wass, 2016[4]). Socio-economic inequalities are well recognised in Finnish society and tackling them is a central concern of the current government. Despite Finland's widely lauded education system, for example, socio-economic and ethnic background still seem to influence educational attainment. Children of parents with lower qualifications still have, on average, lower levels of attainment themselves than children of more highly qualified parents, and children of immigrants tend to have lower qualifications than children from the majority Finnish population (Kalevi Sorsa Foundation, 2020[17]).[7] Of course, income inequality is relatively very low and stable in comparison to OECD, Nordic and international standards (OECD, 2020[12]). But despite this, within Finland, economic inequalities among certain groups and related social exclusion have become a significant political issue and concern for successive governments and citizens alike.

According to Statistics Finland, 669 000 households were at risk of poverty relative to others in Finnish society in 2019, concerning 12.3% of the household population (Statistics Finland, 2020[18]).[8] People living exclusively on basic social benefits, income support and housing allowances are those most affected.[9] A recent survey – described by the authors as being exceptionally comprehensive with 6,938 respondents – found that "growing inequality (poverty, income level etc.)" was the most cited "most divisive factor" in Finland (39% of respondents) (Pitkänen, Saukkonen and Westinen, 2020[19]). As the authors of the study note, "Finns react strongly to inequality …" (Pitkänen, Saukkonen and Westinen, 2020[19]). In fact, the issue of social inequality has been "constantly present in political agendas" in recent years (Pitkänen, Saukkonen and Westinen, 2020[19]). The government of Prime Minister Juha Sipilä set up a working group on inequality whose task was to seek new ways to stop "long-standing social segregation", for example (Prime Minister's Office, 2018[20]). The same concern is reflected in the current government programme, which has four economic policy priorities, one of which is to "decrease inequality and narrow the income gaps" (Government of Finland, 2019[10]). The background report submitted to the OECD by the Ministry of Finance for the preparation of this Scan stated that "growing inequality in the society" was among the top five challenges Finland faces in implementing civic space initiatives.

This link between social exclusion and participation in public life, which can be affected by a host of factors including levels of education, income and health as well as socio-economic status and place of residence is explicitly recognised by the government and civil society groups (Government of Finland, 2020[5]). As noted by researchers, "the resources available to the individual have an impact on the extent to which the individual is capable of not only acquiring information about politics, but also making use of it" (Kataja, 2017[3]; Grönlund and Wass, 2016[4]). The government has committed to identifying the risk factors underpinning social exclusion in certain population groups and to developing measures to address these, including by improving education among minority groups and developing early intervention programmes for people at risk of exclusion (Government of Finland, 2020[5]). This is in recognition of the broader threat that inequality poses to Finnish democracy, affecting both voter turnout as well as broader civic activities and engagement with the government. It is of particular concern among certain demographic groups, including youth, migrants and groups where inequality is inherited (Government of Finland, 2020[5]).

This Civic Space Scan explores the above challenges in some detail. It begins with an overview of the OECD approach to civic space, background on its work in this area, and a review of the methodology used for this Scan (Chapter 2). It continues with an analysis of the current status of civic space and the enabling environment for civil society and civic participation in Finland, reviewing both challenges and opportunities ahead (Chapters 3-6). Finally, it ends with a summary of actionable recommendations gathered from the body of the report for the Government of Finland (Chapter 7).

Box 1.1 Finland's standing in the world: A snapshot of global rankings related to civic space

- 3rd of 128 in the 2020 World Justice Project Rule of Law Index (World Justice Project, 2020[21])
- 2nd in the 2020 Reporters without Borders World Press Freedom Index (Reporters without Borders, 2020[22])
- 100/100 in Freedom House's 2020 Freedom in the World Index (Freedom House, 2020[23])
- 5th in the Economist Intelligence Unit's Democracy Index 2019 (Economist Intelligence Unit, 2020[24])
- 3rd in the Social Progress Imperative's 2020 Social Progress Index (Social Progress Imperative, 2020[25]).
- The most advanced country in the EU in the 2020 Digital Economy and Society Index (European Commission, 2020[26]).
- 3rd out of 198 countries and territories in Transparency International's Corruption Perceptions Index 2019 (Transparency International, 2020[27]).
- 3rd in OECD governance indicators on women in politics.[10]
- 3rd best score out of 39 countries for social inequality in regards to income according to the OECD Better Life Index (OECD, 2020[28])

Source: Statistics Finland (2019[29]).

While Finland's commitment to democracy, openness, and civic participation as well as its impressive international standing related to aspects of civic space are acknowledged and commended throughout this report (Box 1.1), a sustained effort will be essential to maintain these high standards and identify and manage emerging risks, particularly those resulting from COVID-19. Therefore, it is key for Finland to: continue to shore up support for its civic space within the framework of its far reaching national agendas on democracy, human rights and open government; continue to experiment, innovate and invest in the

systems that protect, promote and oversee its civic space; and above all adopt a forward looking strategic approach to engaging citizens who feel left out – economically, politically and socially – in a targeted and consistent manner in between election cycles.

Notes

[1] The main data are collected in connection with parliamentary elections under the Comparative Study of Electoral Systems project and financed by the Ministry of Justice since 2011.
[2] Only about half of women and two-thirds of men were found to believe that policy makers took citizens' views into account, at least to some extent (Borg et al., 2015[8]).
[3] Email, Ministry of Justice, received 3 October 2020.
[4] Interview, Ministry of Finance, 22 September 2020.
[5] Interview, Ministry of Finance, 22 September 2020.
[6] The purpose of the award is to thank civil society actors, raise awareness of civil society and find good practices for supporting active citizenship (Government of Finland, 2020[5]). First introduced in 2011, it has been granted to civil society actors six times on a variety of themes: volunteering; participation of children and youth; local democracy; partnerships between the third sector and public authorities; democracy and human rights education; and new forms of communication between civil society and authorities.
[7] The report cautions that: "The dominant role of the Gini coefficient should be dismantled in measuring and discussing income inequalities. The Gini coefficient underestimates changes at the top and bottom ends of income distribution."
[8] The risk of relative poverty has fluctuated in the past ten years, affecting between 623 000 and 728 000 persons (Statistics Finland, 2020[18]). At the same time, the number of Finns living **exclusively** on basic income payments from the government, which are not considered enough to meet minimum consumption, has increased (European Anti Poverty Network Finland, 2019[30]).
[9] Recent efforts to improve the position of Finland's relative poor – which in any case tended to close the gap to the poverty line but did not raise households above it – have effectively halted as a result of COVID-19 (email, Ministry of Social Affairs and Health, received 21 December 2020).
[10] This OECD indicator in particular relates to the number of women parliamentarians in Finland. For indicators relating to women ministers and other scores regarding gender and governance, see: https://www.oecd.org/gender/data/governance/ (accessed 8 June 2021).

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2 The OECD approach to civic space

This chapter provides a brief overview of the OECD approach to assessing civic space in member and partner countries, based largely on the OECD Civic Space Scan Analytical Framework. It then discusses the methodology followed in the preparation of Civic Space Scans.

Civic space for open government

Under the purview of the OECD's Public Governance Committee and the Working Party on Open Government, the OECD has been supporting countries around the world to strengthen their culture of open government by providing policy advice and recommendations on how to integrate its core principles of transparency, integrity, accountability and stakeholder participation into public sector reform efforts. The OECD's work on civic space is a continuation of this effort, recognising that civic space is an enabler of open government reforms, collaboration with non-governmental actors and effective citizen participation.[1] As a key contributor to an open government ecosystem, civic space is thus fully integrated into the OECD's open government work in support of the OECD *Recommendation of the Council on Open Government* (OECD, 2017[1]).

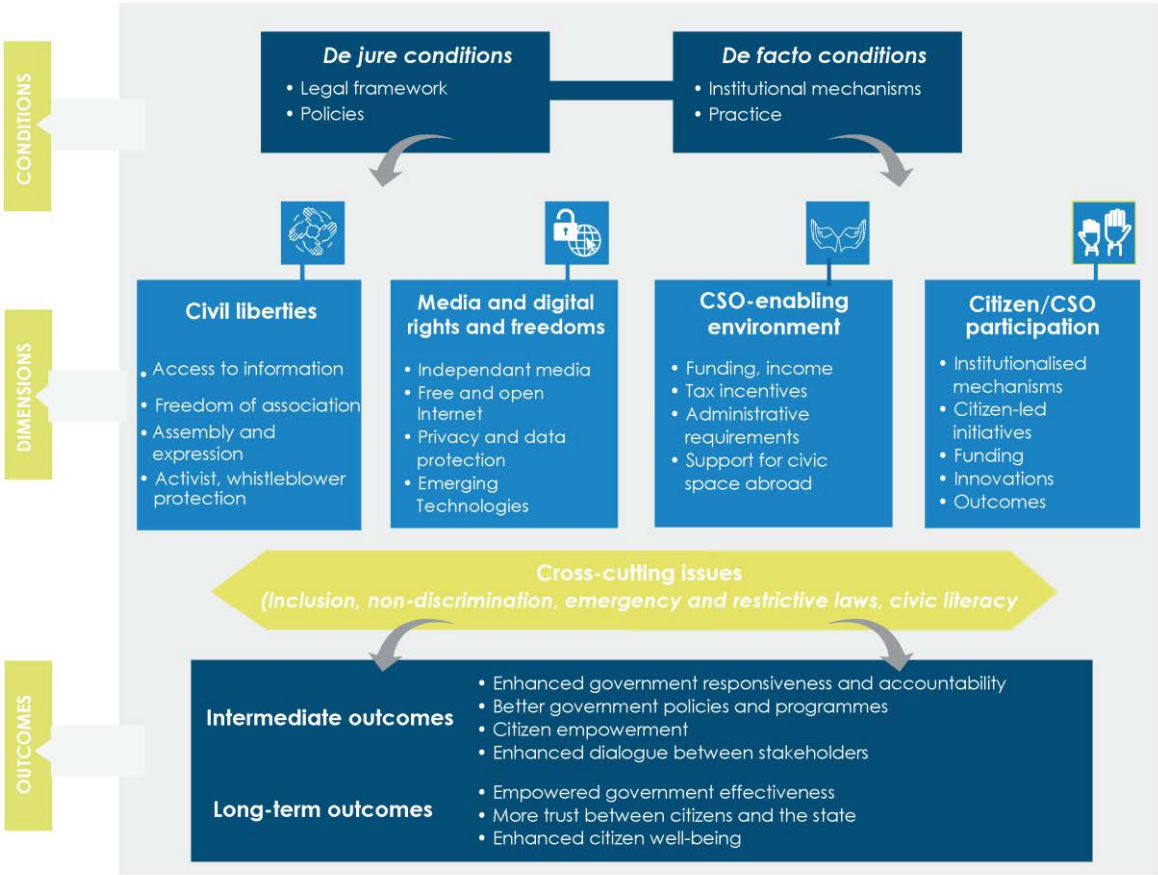
The Observatory of Civic Space was established by the OECD in November 2019 to support member and partner countries on the protection and promotion of civic space. Its work is guided by an Advisory Group comprising experts, funders and world-renowned leaders on the protection of civic space.[2] The Observatory was established from within the Open and Innovative Governance Division of the Public Governance Directorate in light of a recognition that while many countries were making significant progress in furthering their open government agendas, civic space – which facilitates and underpins open government reforms - was under pressure in different ways in many of the same countries. There is also a well-documented decline in the protection of civic space at the global level (Civicus, 2020[2]).

The OECD approach to assessing civic space, which was developed in 2020, is articulated in the Civic Space Scan Analytical Framework (OECD, 2020[3]). The starting point for this work is the OECD's working definition of civic space: "Civic space is understood as the set of legal, policy, institutional, and practical conditions that are necessary for non-governmental actors to access information, express themselves, associate, organise, and participate in public life" (OECD, 2020[3]).

As the above suggests, the OECD approach to civic space is informed by its long-standing focus and expertise on good governance and open government, in addition to its constructive relationship with civil society actors. From a good governance perspective, the work aims to evaluate how existing legal, policy and institutional frameworks, as well as the public sector's capacities and management practices, shape and affect civic space. The open government focus addresses how these frameworks translate into participatory practices and accountability mechanisms; in other words, how civic space can be transformed into a vehicle for effective non-governmental actor participation in policy making, decision making, and service design and delivery as part of enhancing democratic governance. The intent is that this unique government perspective will contribute to a better understanding of civic space vitality, progress, opportunities, constraints and outcomes at both the national and global levels (Figure 2.1).

Civic Space Scans focus on four key thematic areas: 1) civic rights and freedoms, i.e. freedom of expression, freedom of assembly, and freedom of association, access to information, and protection for activists and human rights defenders), 2) media and digital rights and freedoms, i.e. the right to a free press, an open Internet, privacy and data protection, and issues related to emerging technologies), 3) the enabling operational environment created by the government for civil society organisations (CSOs) to operate in and flourish, and 4) civic and CSO participation in policy making and decision making. Cross-cutting issues, such as inclusion and non-discrimination, emergency laws, civic literacy and the impact of COVID-19 are also key concerns.

Figure 2.1. Civic Space Scan theory of change



Source: OECD (2020[4]).

For governments interested in an external analysis of their civic space, Civic Space Scans provide in-depth qualitative assessments on theory (*de jure* conditions) and practice (*de facto* conditions). The data-gathering process adheres to the well-established Open Government Review methodology and is based on a partnership with the requesting country (OECD, 2003[5]). In all cases, the analytical framework is used as a guide, and the precise issues discussed in the Scans are determined at the country level.

A forthcoming *Global Civic Space Report*, to be published by the OECD in late 2021, will provide a comparative perspective on Finland's civic space in relation to other OECD member and partner countries. The report will be based on quantitative data gathered from more than 60 countries.

Methodology for the Civic Space Scan of Finland

As Chair of the OECD's Working Party on Open Government, Finland requested to be the first OECD member country to have a Civic Space Scan undertaken by the Observatory of Civic Space. This was with a view to receiving support and recommendations on further strengthening its legal frameworks, policies and implementation practices related to civic participation and civic space more broadly, as part of Finland's open government agenda.

The Scan draws on a wide range of sources and materials:

- **Government background report.** The Finnish Ministry of Finance responded to a questionnaire from the Observatory of Civic Space in July 2020. The detailed questionnaire included 26 questions covering a range of issues on the policy and legal context, Finland's strategic vision for civic space, challenges in protecting civic space, key actors, oversight mechanisms, and related public funding.
- **Literature review.** The OECD team conducted an extensive review of legal texts, government policy and strategy documents, think-tank and academic reports, and government websites both in English and Finnish (using translation tools). The government background report and literature review were used to prepare a background report for the Civic Space Scan and lists of questions for each of the fact-finding interviews.
- **Library of Congress analysis.** As part of a partnership with the OECD, the US-based Library of Congress submitted a background report on Finland's legal frameworks to the Observatory of Civic Space in September 2020.
- **Public consultation.** The Observatory of Civic Space held a two-month long online public consultation (August and September 2020), inviting submissions from non-governmental actors on three issues:
    1. How can Finland strengthen its commitment to civic space?
    2. How can Finland strengthen the enabling environment for CSOs?
    3. How can Finland strengthen its commitment to citizen participation in public governance?

Submissions received were incorporated into the Scan findings and recommendations.

The consultation was advertised on OECD social media, in the OECD Civic Society Newsletter, on the OECD website[3] and by the Finnish Ministry of Finance.

Peer review process. Canada, Germany, Italy and the Netherlands participated in the interviews as peer reviewers. The process was broadly in line with the OECD methodology on peer reviews (OECD, 2003[5]), which was adapted due to the need to hold all interviews online. Adaptations included allowing flexibility in terms of the number of interviews each peer review country attended and the number of peer reviewers from each country. For example, the same open government co-ordinator from Italy attended most of the fact-finding interviews whereas 16 thematic experts attended different interviews from Canada. Following the interviews and a debrief on preliminary findings from the OECD team, the peer reviewers provided analytical inputs and shared examples of good practice from their administrations, then reviewed and commented on a draft report.

Fact-finding interviews. An OECD team hosted a briefing session for government officials taking part in the Civic Space Scan to explain the purpose and format of the interviews, in addition to the desired outcomes. They then undertook two weeks of one-hour interviews with government officials and non-governmental actors, followed up with ad hoc interviews (see Annex A for a list of interviewees). They undertook separate interviews with non-governmental actors (academics, CSOs, think-tanks, journalism associations, umbrella organisations). Due to travel restrictions because of the COVID-19 pandemic, all interviews were held online. Interviews were frequently followed up by email with requests for information and clarifications. In total, government representatives from 31 public bodies were interviewed during the fact-finding mission with substantive inputs received from 36 government institutions overall. The OECD also conducted interviews with 15 non-governmental actors and received substantive inputs from 19 non-governmental actors or organisations overall. These were fully integrated into the report.

Citizens' Panel on Freedom of Expression. As part of the Civic Space Scan, the OECD guided a representative deliberative process in Finland that was led by the Åbo Akademi University and commissioned by the Ministry of Finance and the Ministry of Justice. A team from the OECD and the Åbo Akademi University (the Research Institute for Social Sciences, Samforsk) chose the theme for the panel – government protection of people in public professions from hate speech while safeguarding free expression of opinion– from the preliminary Scan recommendations. The resulting 25 recommendations

can be found in Chapter 6. The idea behind the Citizens' Panel was for the findings of the Civic Space Scan to have a direct impact on policy making in Finland (see Box 6.3). Furthermore, the intention was to take advantage of a representative deliberative process – defined as "a randomly selected group of people who are broadly representative of a community spending significant time learning and collaborating through facilitated deliberation to form collective recommendations for policy makers" (OECD, 2020[6]) – to provide recommendations to the government on a complex societal issue. The process was convened and organised following the OECD's *Good Practice Principles for Deliberative Processes for Public Decision Making* (OECD, 2020[7]). Principle 2 focuses on the need to influence public decisions, noting that:

> *The commissioning public authority should publicly commit to responding to or acting on participants' recommendations in a timely manner. It should monitor the implementation of all accepted recommendations with regular public progress reports* (OECD, 2020[7]).

Box 2.1. Finland's Citizens' Panel on the Freedom of Expression: A Methodological Overview

The Citizens' Panel on the Freedom of Expression deliberated on the question of what the Finnish government should do to better protect public figures from hate speech and online harassment, while ensuring a plurality of views and freedom of speech in Finnish society. Panel participants were recruited from a random sample of 3 000 people ordered from the Finnish Digital and Population Data Services Agency. Invitations to participate were then sent by mail, after which 70 respondents expressed their willingness to participate using an electronic questionnaire. The final panel consisted of 29 participants (chosen from the 70), representing as diverse a sample as possible of the population of Finland in terms of age, gender, education, language and geographical area. Communication with the participants was undertaken electronically via email and Qualtrics survey software.

A concise information package with background information on the topic was written before the Citizens' Panel by the responsible researchers and the Ministries of Finance and Justice. This package was provided beforehand to both the panel participants and the moderators. The panel took place online using Zoom software, alternating between small group sessions and plenary sessions. Sessions in small groups were chaired by discussion moderators and technical moderators who were able to assist participants with any technical problems. Lead moderator(s) chaired the plenary sessions and coordinated the writing of the public statement.

The panel lasted for 2.5 days (11, 13 and 14 February 2021) and consisted of the following elements: a warm-up and introduction to critical thinking; general thoughts on the topic; expert panels and question and answer sessions; formatting preliminary policy recommendations; small group and plenary discussions of policy recommendations and their arguments; voting on recommendations; finalising the public statement; and thanking the participants. This format allowed participants to hear presentations from relevant experts in the plenary sessions, pose questions to these experts and request additional information, as necessary. The final recommendations were voted on electronically and ranked by 27 of the participants the day after the panel ended. Each recommendation was supported by more than 70% of those who voted.

On 18 February, the Finnish Minister of Local Government, Sirpa Paatero, noted in a press release that the panel had demonstrated the effectiveness of the participation of citizens in decision-making: "In this way, hate speech, among other things, can be prevented by involving citizens in the preparation of matters at an early stage" (Ministry of Finance, 2021[8]). As of March, the ministries of finance, justice and interior were in the process of setting up a working group to establish a timetable and allocate responsibilities for the implementation of the recommendations. A final report describing the process in detail and including the citizens' recommendations was published on 25 March 2021.

The process was managed by the Social Science Research Institute (Samforsk) at the Åbo Akademi University with oversight provided by the OECD.

Source: Memo received from Åbo Akademi University on 15 January 2021.

Fact-checking and transparency. The draft Civic Space Scan was sent to the Finnish Government for fact-checking in February 2021. A revised version was then sent to the peer reviewers and **all** of the interviewees – both governmental and non-governmental actors – for their review and input. Substantive feedback was received and fully incorporated into the report from more than 20 individuals from a range of ministries, CSOs, and peer review governments. A final, revised version of the report was published and officially launched in June 2021.

Notes

[1] The term citizen is meant in the larger sense of "an inhabitant of a particular place", which can be in reference to a village, town, city, region, state or country depending on the context. It is not meant in the more restrictive sense of "a legally recognised national of a state".

[2] The Advisory Group comprises: the Government of Finland; Open Society Foundations; the Ford Foundation; the International Center for Not-for-Profit Law; Carnegie Endowment for International Peace; Civicus; and the Open Government Partnership.

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3 Civic freedoms and rights in Finland

This chapter provides an overview of civic freedoms and rights in Finland, including those of expression, assembly, association and non-discrimination. It begins with an assessment of the legal frameworks for these freedoms before discussing the key oversight mechanisms for their protection and promotion. The chapter identifies several key challenges relating to people's full enjoyment of civic space including intolerance and discrimination targeting particular groups, hate crime, hate speech and violence against women. It then emphasises key opportunities for strengthening civic space in Finland, providing recommendations under each sub-heading.

Introduction

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,[1] 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 Finland (Ministry of Justice, 1999, latest amendments in 2018[1]). 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 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.

As a result of the COVID-19 pandemic, Finland declared a national state of emergency on 16 March 2020 that ended on 16 June. It did not notify any international human rights bodies about related derogations from its human rights obligations (Amnesty International Finnish section, 2020[2]). A second state of emergency came into force on 1 March 2021.

Civic freedoms and rights: a review of key legal frameworks

Freedom of expression

Scope

The right to freedom of expression is guaranteed in Article 12 of the Constitution. Everyone has a right to freedom of expression. This includes the right to provide, disseminate and receive information, opinions and other messages without someone's prior censorship. As a state party to the European Convention on Human Rights, Finland is also bound to ensure protection of the right to freedom of expression as stated in Article 10.

Exceptions and exemptions

a. Libel and defamation

The right to freedom of expression does not include speech that is designated in law as illegal. This includes libel and defamatory speech such as harassing communications, dissemination of information violating personal privacy, aggravated dissemination of information that violates the right to privacy, defamation, and aggravated defamation in Chapter 24 of the Criminal Code (Ministry of Justice, 1889, latest amendments in 2015[3]). Freedom of expression is also limited by public order violations.

Finland criminalises both defamation and aggravated defamation. Aggravated defamation occurs when the defamation causes great suffering or "especially great harm" (Criminal Code, Chapter 24, Section 10) (Ministry of Justice, 1889, latest amendments in 2015[3]). Defamation is punishable with monetary fines, and aggravated defamation with up to two years of imprisonment.

b. Hate speech and defamation

Freedom of expression does not extend to acts that constitute illegal hate speech. "Hate speech", per se, is not defined in Finnish law, but it does constitute a criminal offence when it contains the essential elements of a crime (Ministry of the Interior, 2019[4]). The most common such offence is "agitation against an ethnic group", or the separate offence of "aggravated ethnic agitation", both found in Chapter 11, Section 10 of the Criminal Code (Ministry of Justice, 1889, latest amendments in 2015[3]). Ethnic agitation is defined as follows:

> A person who makes available to the public or otherwise spreads among the public or keeps available for the public information, an expression of opinion or another message where a certain group is threatened, defamed or insulted on the basis of its race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or a comparable basis, shall be sentenced for ethnic agitation to a fine or to imprisonment for at most two years. (Ministry of Justice, 1889, latest amendments in 2015[3])

This provision was enacted in the 1970s with the intention of protecting ethnic minorities and later extended to also protect other minority groups based on their sexual orientation and disabled status.[2] While the provision does not exclude members of a majority group (such as ethnic Finns, heterosexuals or fully abled persons), in practice, it has been used to protect minorities.[3] A monetary fine is the minimum sentence issued for hate speech, which carries a maximum sentence of two years of imprisonment. Speech that qualifies as an "aggravated agitation against an ethnic group" carries a minimum sentence of four months and a maximum sentence of four years of imprisonment (Chapter 11, Section 10(a)) (Ministry of Justice, 1889, latest amendments in 2015[3]).

Verbal assaults targeting members of a majority group may be considered defamation or another offence. The Finnish Criminal Code criminalizes defamation (Chapter 24, Section 9). A person who spreads false information or a false insinuation about another person so that the act is conducive to causing damage or suffering to that person, or subjecting that person to contempt, or disparages another person, may be sentenced to a fine. A person who spreads false information or a false insinuation about a deceased person, so that the act is conducive to causing suffering to a person to whom the deceased was particularly close, may also be sentenced for defamation. Notably, criticism that is directed at a person's activities in politics, business, public office, public position, science, art or comparable public activity and that does not obviously exceed the limits of propriety does not constitute defamation. In 2013, the law was changed to bring it into line with the case law of European Court of Human Rights. A new subparagraph was introduced so that any expression that is "a matter of general importance" and does "not clearly exceed what can be deemed acceptable" is not considered defamation. The possibility of a sentence of 6 months' imprisonment was also abolished.[4]

When hate is a motivating factor underpinning any crime – when the crime is committed with a motive based on "race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or another corresponding grounds" – the punishment may be increased, according to Chapter 6, Section 5(1)(4) of the Criminal Code.[5] Other related offences such as defamation, menace, public incitement to an offence, and dissemination of information violating personal privacy or stalking may also be applied, whether online or offline (Ministry of the Interior, 2019[4]; Library of Congress, 2020[5]). Furthermore, verbal assaults can be deemed illegal as "harassment" under Chapter 3, Sections 8 and 14 of the Non-Discrimination Act (related to "age, national origin, nationality, language, religion, faith, opinion, trade union activity, family situation, health, disability, sexual orientation, or any other circumstances

pertaining to an individual person") (Ministry of Justice, 2014[6]). They may also constitute "sexual harassment" or "gender-based harassment" under Section 7 of the Act on Equality between Women and Men (Ministry of Social Affairs and Health, 1986, latest amendments 2016[7]).

Freedom of expression does not protect incitement to criminal acts. Thus, speech that incites others to commit criminal acts, including violence, when uttered in a mass gathering, in print, or online, may result in monetary fines or no more than two years of imprisonment, as per Chapter 17, Section 1 of the Criminal Code (Ministry of Justice, 1889, latest amendments in 2015[3]).

Freedom of assembly and association

Scope

Chapter 2, Section 13 of Finland's Constitution guarantees freedom of assembly and freedom of association for anyone present in the country. Specifically:

> *Everyone has a right to arrange gatherings and demonstrations as well as participate in such events.*
>
> *Everyone has a right to freedom of association. The right to freedom of association includes a right to, without a prior permit, form associations, belong to or not belong to associations, and participate in the associations' activities. The freedom of labour associations and the freedom to organize in order to monitor other interests are also ensured.* (Ministry of Justice, 1999, latest amendments in 2018[1])

In addition, the right to freedom of movement is guaranteed in Article 9 of the Constitution.

The right to assembly is further regulated in the Assemblies Act (Ministry of Justice, 1999, latest amendments 2002[8]). A fundamental principle is that assemblies and public events must be*:*

> *… arranged peacefully, without compromising the safety of the participants or bystanders and without infringing their rights. When arranging an event, care shall be taken that the assembly does not cause significant damage to the environment.*

All persons wishing to organise an assembly must be treated equally according to Chapter 1, Section 3.2 (Ministry of Justice, 1999, latest amendments 2002[8]):

> *When arranging a public meeting or public event, no one shall without an acceptable reason be treated differently from others on the basis of personal circumstances.*6

The Finnish Associations Act governs freedom of association, which states that an association may be founded "for the common realisation of a non-profit purpose" (Chapter 1, Section 1) (Ministry of Justice, 1989, latest amendments 2016[9]).

Exceptions and exemptions

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) (Ministry of Justice, 1989, latest amendments 2016[9]).

Recent amendments

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* (Police of Finland, n.d.[10]).

Before the introduction of the amendment, just six hours' notice was needed. See Chapter 5 for a discussion of an ongoing reform process of the act. In a significant recent development for civic space and equality, in September 2020 the Supreme Court ordered the dissolution of the Nordic Resistance Movement (NRM), an unregistered neo-Nazi association, following proceedings brought by the National Police Board against the group in 2017 on the basis that it contravened the Associations Act (Ministry of Justice, 1989, latest amendments 2016[9]). The threshold for dissolution is in practice extremely high to the constitutional guarantee of freedom of association[7] and a court decision is required. In practice, the banning of associations or groups such as the NRM is extremely rare and does not stop them from operating. NRM members have already formed, or are active in, new groups (such as Towards Freedom and People's Unity).[8] The Ministry of the Interior considers that former members continue to pose a threat of violence.[9] Finland is to date the only Nordic country to ban its NRM chapter, which is also active in Sweden (where it is a political party), Denmark, Iceland and Norway.

Discrimination

Scope

The Finnish Constitution protects against discrimination in Chapter 2, Section 6, which specifically states that:

> *Everyone is equal before the law. No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.*
>
> *Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment …* (Ministry of Justice, 1999, latest amendments in 2018[1])

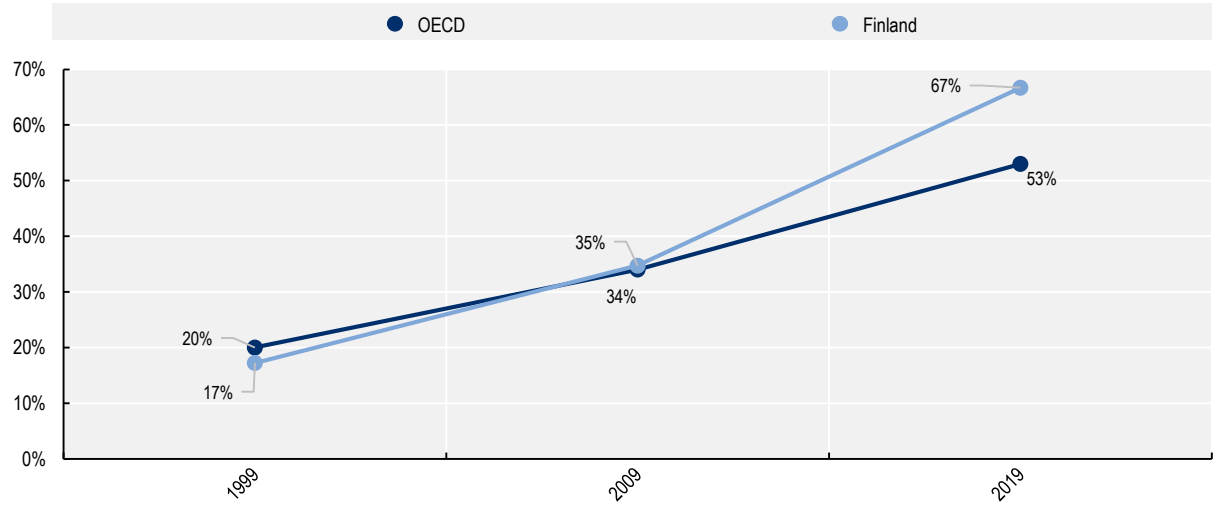
Discrimination as a criminal act is addressed in Chapter 11, Section 11 of the Criminal Code, specifically:

> *Anyone who in business, professional practice, serves the public; performs a service or any other public assignment; or arranges a public event or a general meeting and without acceptable reason:*
>
> *1) does not serve any particular person on normal terms,*
>
> *2) denies any access to the event or meeting or removes anyone therefrom, or*
>
> *3) puts someone in a manifestly unequal or significantly worse position than others because of his race, national or ethnic origin, skin color, language, sex, age, family relationship, sexual orientation, genetic heritage, disability or state of health or religion, social opinion, political or trade union activity or any other comparable circumstance, unless the act constitutes discrimination in working life or usury-like discrimination in working life, for discrimination is sentenced to a fine or imprisonment for a maximum of six months* (Ministry of Justice, 1889, latest amendments in 2015[3]).

The rules on discrimination apply equally to foreign nationals. Finland is also bound by EU Directive 2000/43/EC of 29 June 2000, which implements the principle of equal treatment of people regardless of racial and ethnic origin. Discrimination is further regulated and addressed in several Finnish acts, including the Discrimination Act and the Act on Equality Between Women and Men (Ministry of Justice, 2014[6]; Ministry of Social Affairs and Health, 1986, latest amendments 2016[7]). The Sámi, as well as Roma "and other groups", have the right to maintain and develop their own language and culture and Sámi speakers have a right to use their language in dealing with the government, in accordance with Chapter 2, Section 17 of the Constitution (Ministry of Justice, 1999, latest amendments in 2018[1]).

Since 2017, Finland's marriage definition is gender-neutral, and it has recognised same-sex partnerships since 2002 (Hofverberg, 2017[11]). Discrimination based on sexual orientation has been illegal since 1995 and based on gender identify and intersex status since 2013. Finland is among the 17 OECD countries that have the most legal protections[10] in place for sexual and gender minorities (OECD, 2020[12]). Figure 3.1 illustrates how legal rights for LGBTIQ+ (lesbian, gay, bisexual, transgendered, intersexual or queer) people in Finland have dramatically improved over the past decade, with the notable exception of transgender people. Transgender people are permitted to change their gender marker in the civil registry, but this legal recognition is conditional on a medical certificate stating that they are infertile. In practice, this results in people self-medicating to render themselves temporarily infertile.[11]

Figure 3.1. Legal inclusion of LGBTI people in Finland, 1999-2019



Note: Legal LGBTI inclusivity refers to the percentage of LGBTI-inclusive laws that have been passed, together with a basic set of laws defined based on international human rights standards.
Source: OECD (2020[13]).

Key role of oversight mechanisms

Ombudsman offices

Publicly funded independent oversight mechanisms are a fundamental and long-established part of the state's architecture to protect individual rights in Finland. 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 public (Office of the Non-Discrimination Ombudsman, 2018[14]). This

section presents an overview of the key role of these institutions in providing oversight and protection of civic space in Finland, in addition to a focus on the legal aid system and the rule of law more generally.

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 laws (Ministry of Justice, 1999, latest amendments in 2018[1]). Chapter 9, Section 108 of the Constitution, for example, stipulates that the Chancellor of Justice shall "oversee the lawfulness of the official acts of the government and the President of the Republic". Both offices are charged with ensuring that "the courts of law, the other authorities and the civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations" (Chapter 9, Sections 108 and 109) (Ministry of Justice, 1999, latest amendments in 2018[1]). Furthermore, both offices monitor the implementation of fundamental rights and human rights in Finland. An ongoing reform process is seeking to better clarify and differentiate their respective roles by updating and developing their respective areas of specialisation and division of work (Chancellor of Justice, 2020[15]). Both institutions carry considerable weight and are widely respected in Finland.

The role of the Chancellor of Justice, established as far back as 1713, was the first of these oversight mechanisms to be established. Crucially for the protection of civic space, it undertakes systematic *ex ante* constitutional reviews of all legislation before it is submitted to parliament to ensure good legal practice, including to verify that proposed laws have been subject to public consultations and that the results of these are fairly presented.[12] In addition, the office performs inspections of public institutions and carries out investigations on its own initiative, initiates legal proceedings, issues reprimands as well as instructions regarding proper legal procedures, makes recommendations on compensation and rectification and regarding changes to legislation, and draws attention to the correct application of the law. The two most powerful measures the office can take are prosecutions of civil servants and judges and – in rare circumstances – requests for a revocation of government decisions, if found to be illegal.[13] The Chancellor requests regular revocations of judgments in the Supreme Court, most often based on outdated criminal charges. The Chancellor himself participates in all government plenary sessions and presidential sessions in which the government and the president take legally binding decisions and also attends informal cabinet meetings.

Both supreme oversight offices receive complaints from individuals, associations, societies and companies and provide their services free of charge. In so doing, they provide the primary means of obtaining a remedy against "passivity and unreasonable delays in public administration or in a court", together with "undue delays and omissions" in guaranteeing access to public documents (Chancellor of Justice, 2020[15]). The Chancellor of Justice has also encouraged non-governmental organisations to be in touch and actively requested information and opinions from such groups. With a budget of approximately EUR 3.5 million per year and current staff of 31, the Chancellor of Justice reviewed 8 329 judgments on penal cases in the courts in 2019 and handled 55 cases in which a judge was suspected of illegal conduct.[14] It also issued decisions on 1 930 cases, with a further 2 130 complaints received from citizens.[15] The number of citizen complaints received by the office has been rising rapidly in recent years, with 2 368 received in 2020 (as of 10 November).[16]

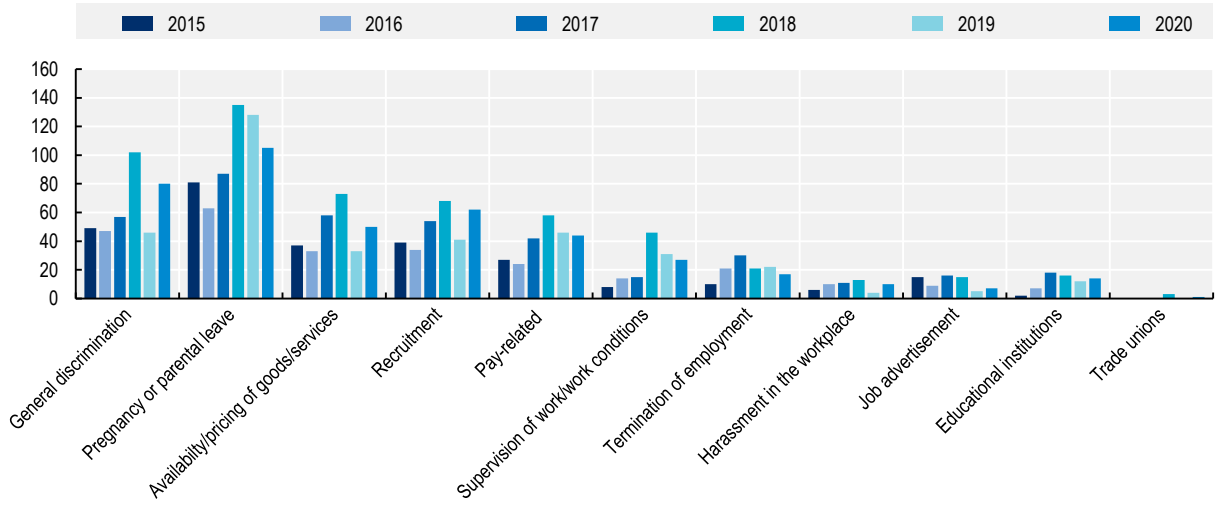
The Parliamentary Ombudsman, whose primary task is to investigate complaints from the public, had a budget of EUR 5.95 million, a staff of 68 and resolved 6 057 individual complaints in 2019 (Parliamentary Ombudsman of Finland, 2020[16]). In 2018, this figure was 5 410, again indicating the growing demand for such services. The highest number of complaints related to social welfare (1 088), followed by the police (712) and health (631) (Parliamentary Ombudsman of Finland, 2020[16]). 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 errors. The Ombudsman's office is also part of the National Human Rights Institutions of Finland; is the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and has responsibility for the Convention on the Rights of Persons with Disabilities (Parliamentary Ombudsman of Finland, 2020[16]).

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 (Ministry of Justice, 2018[17]), 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 violation.[17] Since 2018, as a result of the EU's Gender Data Protection Regulation, its services are considerably more in demand and its budget has increased as a result. In 2017, it instituted 3 957 cases and resolved 3 438, whereas in 2018 it instituted 9 617 cases and resolved 6 716 (Office of the Data Protection Ombudsman, 2019[18]). Its budget was EUR 3 244 000 in 2019, up from EUR 1 700 000 in 2016, and it currently has a staff of 45 (Deloitte, 2019[19]).

Similarly, the Ombudsman for Equality's main role is to supervise compliance with the Act on Equality between Women and Men (Ministry of Social Affairs and Health, 1986, latest amendments 2016[7]). 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 2019, the office entered a total of 414 cases into the written register and resolved 439 cases. It received a total of 853 enquiries.[18] Between 2015 and 2019, discrimination on the basis of pregnancy or parental leave was the single biggest focus of inquiries made to the office, illustrating the extent to which gender inequality is still a persistent issue in Finland.[19] Figure 3.2 illustrates the other issues it deals with, which include discrimination related to goods and services, recruitment, the persistent gender pay gap,[20] supervision of work and work conditions, termination of employment, and harassment in the workplace, among others.

Figure 3.2. Discrimination-related inquiries, Ombudsman for Equality, Finland, 2015-19



Note: In 2020, the number of written inquiries increased by 65% while the number of inquiries by phone decreased from 217 to 165 due to the fact that the phone helpline was not functioning normally for a period of six months.
Source: Office of the Ombudsman for Equality (2020[20]).

The Ombudsman for Equality's Office is relatively less well funded than others, with a budget of EUR 970 000 in 2019 and ten permanent employees, with implications for its functionality.[21] While the office is mandated to promote equality, its ability to supervise the obligations of employers and educational institutions is particularly restricted due to a lack of resources.[22] Since 2015, it also deals with matters related to gender identity, but has not been given a budget to do so (European Commission against Racism and Intolerance, 2019[21]).

The Non-Discrimination Ombudsman's mandate is to promote equality and tackle discrimination, in addition to monitoring the realisation 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 Act (Ministry of Justice, 2014[6]). This involves providing legal counselling, investigating cases, negotiating reconciliation and influencing relevant legislation. It also works to "improve the rights and status of groups at risk of discrimination" (Office of the Non-Discrimination Ombudsman, 2019[22]). The office invites people to report discrimination on its website (https://syrjinta.fi/asiakaspalvelu) as part of its customer service. In 2018, the office handled 1 192 complaints, the highest number ever (Office of the Non-Discrimination Ombudsman, 2019[22]). Origin and disability[23] were the two most common reasons for alleged discrimination. The office had 24 permanent or temporary staff in 2018 and a budget of EUR 1.73 million in 2019 (Office of the Non-Discrimination Ombudsman, 2019[22]).

Legal aid

In addition to the independent oversight and services described above, a network of legal aid offices provides means-tested legal advice and support in both criminal and civil cases, via a national network of offices.[24] Recipients are granted legal aid based on their income, expenditures and maintenance costs, with family size and tax payments being taken into consideration and with some required to pay a percentage of costs incurred (Ministry of Justice, 2014[23]).

There are 24 offices and 80 other "locations" (approximately 60 of which are permanently staffed) providing support from a team of some 220 lawyers and 230 support staff.[25] Notably, survivors of severe violence or domestic violence are entitled to legal aid regardless of their personal financial situation. In 2019, legal aid offices dealt with approximately 46 700 cases, of which 87% were civil and administrative cases and 13% were criminal cases (Ministry of Justice, 2020[24]). The budget for legal aid offices (excluding debt counselling services) is approximately EUR 35 million, plus an additional EUR 70 million for private sector lawyers funded through the same system.[26]

Empowering oversight mechanisms and improving services

While the oversight function in relation to protecting civic freedoms and rights is generally considered to be accessible, fair and well-functioning, several challenges were highlighted during the interviews conducted for this Civic Space Scan. The sheer number of cases received and the growing complexity of these cases is putting increasing demands on budgets, which vary considerably. Other challenges relate to a lack of data. While the Office of the Ombudsman for Equality publishes data in its annual report on the number of cases handled, for example, there is a lack of data gathered on the background of the clients availing of its services, which could facilitate targeting of services to those most in need.[27] It is unclear whether the office's services are accessible to marginalised groups; many of its clients appear to be well-educated and have strong positions in the labour market. The office is aware of the need to gather and publish more data on the clients availing of its services, including related to their (migration) background, and is planning a reform in this area.[28]

Overall, the checks and balances in the system appear to work well and are praiseworthy in terms of protecting individual rights. There are some exceptions to this, however. For instance, access to justice related to environmental matters is regarded as strong, while climate change is another matter. Access to justice is considered very unclear for both individuals and civil society organisations (CSOs) in this area due to omissions within the Finnish Climate Change Act.[29] At the same time, improvements could also be made to understand the accessibility of services provided by the oversight mechanisms via targeted outreach to, and research among, marginalised communities, including on intersectional inequalities and discrimination (Government of Canada, 2020[25]). These overlapping forms of discrimination (e.g., based on gender, immigration status, ethnicity, social class, etc.) are particularly insidious as they affect people in multiple different ways. By seeking to understand the intersection between diverse types of inequalities, it is possible to comprehend the multiple systems, institutions, and prevailing attitudes and behaviours that lead to unequal outcomes for certain groups.

By definition, services such as legal aid target the most disadvantaged members of society. Outreach programmes could be strengthened through hiring more people from minority groups; thereby ensuring that the needs of minority, at-risk language groups are catered to[30] and that the needs of sub-groups of vulnerable or marginalised people (e.g., female migrants, female members of the Sámi and Roma populations, disabled minorities) are addressed. The offices could use quantitative data – which are currently focused on annual reporting – more visibly and strategically, accompanied by public communications, to raise awareness and improve impact. For oversight mechanisms providing services to the public, more visible and regular publishing of fine-grained disaggregated data would help to shed light not merely on clients availing of legal services, but it would also help to identify emerging needs and gaps in services and aid understanding of accessibility and required follow up. Being able to answer the question as to whether those who most in need are can access services is both achievable and necessary. Furthermore, more visible data could also help to counter complacency by showing, for example, that equality issues in Finland remain a challenge in some areas and need financial resources to tackle them.

It is important for Finland to ensure adequate and consistent funding for the oversight institutions, which have widely varying budgets, to allow them to respond to the growing demand for their services and to fulfil their core mandates. Currently the Ombudsman for Equality's crucial role in promoting equality is under-resourced and all of the ombudsman offices face similar challenges, including in regard to maintaining full independence from related ministries. More collaboration between different Ombudsman's offices and institutions could also help to develop expertise, and related services, on intersectional inequality and discrimination (Government of Canada, 2020[25]). The active promotion of equal recruitment practices, such as anonymous job application procedures, could help to reduce related discrimination.

Finally, monitoring the outcomes of legal statements and opinions issued by the various offices would aid understanding of their efficacy and impact. Box 3.1 offers good country practices from Canada for a cross-sectoral approach to combating siloed approaches and discrimination in the public sector.

Box 3.1 Good practices from Canada aimed at achieving equity and tackling discrimination across government

Multiple actors are involved in policy making in Canada at the federal level, in addition to the provincial, territorial and municipal levels. Avenues for collaboration are essential in order to be effective across the entire government, but also in relation to external actors. Most federal departments have a Gender-based Analysis Plus (GBA+) representative (sometimes a whole team), who helps to break siloes and increase uniformity of practice on tackling discrimination across the government. GBA+ is an analytical process to support the development of responsive and inclusive initiatives, which involve policies, programs, legislation, and services, that are tailored to the different needs and experiences of

various groups of people (Government of Canada, 2020[26]). The "Plus" highlights that all dimensions of diversity and their interactions must be considered as part of a rigorous and intersectional GBA Plus, including age, disability, indigeneity, economic status, education, ethnicity, geographical location, gender, language, race, sex, sexual orientation.

The analysis therefore considers multiple other identity factors and how these interact together to influence how people experience government policies and services (Government of Canada, 2020[26]). Ultimately it is a question of advancing equality and achieving more equitable health, social and economic outcomes for diverse groups of people. The government has published an online course on GBA+ (Government of Canada, 2018[27]) and an Action Plan on Gender-based Analysis 2016-2020 (Government of Canada, 2016, updated in 2020[28]) to promote this approach to addressing discrimination.

In addition, a new Taskforce on Equity-Seeking Communities and COVID-19 was launched to provide an interdepartmental forum for sharing information; aligning strategies, policy and initiatives; and engaging with representatives from such communities. The taskforce is a response to "systematic racism and racial discrimination exacerbated by the pandemic", and allows for a more inclusive approach to policy design (Government of Canada, 2020[29]). The Taskforce comprises some 24 federal organisations meeting biweekly to ensure the government's response to the pandemic is "informed by diverse community needs" (Government of Canada, 2020[29]). It has a direct influence on the policy agenda related to the pandemic.

Source: Government of Canada (2020[25]).

Challenges to civic space that are specific to civic freedoms and recommendations

This section describes several key issues that were highlighted by interviewees as challenging Finland's protection of civic space. Hate crimes and hate speech are related to the discriminatory treatment of targeted groups in Finnish society, thereby effectively excluding them from being able to participate in public life on an equal basis. Due to the fact that the use of hate speech is a direct obstacle to civic space by intimidating and silencing people, and is perceived as being increasingly prevalent in Finland, this Civic Space Scan examines its origins (in discriminatory attitudes, racism and intolerance) before examining its prevalence and countermeasures taken to address it in some detail. It then discusses other challenges related to tackling violence against women, the exclusion of other groups, freedom of association and freedom of assembly.

Tackling discrimination, racism and intolerance

Racism targeting ethnic minorities is a significant challenge in Finland. In 2020, the Office of the Non-Discrimination Ombudsman undertook a study on "afrophobia" in Finland, noting that "afrophobic racist discrimination is a widespread social phenomenon that affects the lives and well-being of people of African descent at all levels and sectors of society" (Office of the Non-Discrimination Ombudsman, 2020[30]). It revealed that racism manifested itself in a range of behaviours from "micro-aggressions" to violence, and that it started in early childhood education, noting that the majority of respondents faced discrimination on a "monthly, weekly or even daily basis" (Office of the Non-Discrimination Ombudsman, 2020[30]). It also found that the phenomenon was widely under-reported, mostly because of a belief that reporting would not lead to any changes of behaviour.

Similar "negative attitudes" are present in relation to linguistic minorities in Finland, such as the Finnish-Swedish population, as well as the Sámi (Box 3.2) and Roma populations of Finland, according to the ombudsman (Office of the Non-Discrimination Ombudsman, 2018[14]). Discrimination against Roma and ethnic minorities such as Somalis is also very common. This view is supported by a recent Europe-wide report on being black in the EU, which found that rates of "racist harassment" varied considerably across Europe where almost one-third of respondents had experienced racist harassment in the five years before the survey, with the highest rate of 63% reported in Finland (European Union Agency for Fundamental Rights, 2018[31]). In the same time period (five years before the survey), some 5% of respondents had also experienced what they perceived as racist violence across the EU, the highest rates of which were recorded in Finland (14%) (European Union Agency for Fundamental Rights, 2018[31]).

Box 3.2 Challenges for the Sámi population in Finland

The Sámi, the only recognised indigenous people of Europe, live in the northernmost parts of Finland, Norway, Sweden and the Kola Peninsula in the Russian Federation. Their estimated total population, based on self-identification and language use, is between 65 000 and 100 000, of whom an estimated 10 000 live in Finland. Their Homeland areas (Roto, n.d.[32]) cover approximately one-tenth of the total area of Finland (Prime Minister's Office, 2020[33]). Finland's Constitution recognises that the Sámi "have the right to maintain and develop their own language and culture" (Section 17) and affords them the right to "linguistic and cultural self-government" (Section 121) (Ministry of Justice, 1999, latest amendments in 2018[1]). In Finland, Norway and Sweden, Sámi languages – of which there are ten – have an official status in a number of municipalities. Research from voting lists for the Sámi parliaments, and the location of Sámi institutions and language education outlets, indicates that in addition to living in their traditional homeland areas, many also live outside in bigger Finnish cities such as Helsinki and Oulu (Roto, n.d.[32]). Finland recognised the Sámi as a "people" in 1995, but the United Nations Office of the High Commissioner for Human Rights' Universal Periodic Review of Finland stated that they have yet to ratify the International Labour Organization's Convention 169 Concerning Indigenous and Tribal Peoples. The United Nations Human Rights Committee determined in 2019 that the Finnish government interfered with Sámi individuals' rights to political participation and culture and violated the rights of representatives to the Sámi parliament by improperly extending its pool of eligible candidates (IJRC, 2019[34]). Finland has made significant strides in recent years on shedding light on the discrimination that this community faces, for example, through the ongoing establishment of a Truth and Reconciliation Commission but could still make further progress. Freedom House notes that while the indigenous Sámi population in Finland has a legislature with limited powers, they do not have guaranteed representation in the parliament, and members of the Sámi community continue to call for greater inclusion in political decision-making processes (Freedom House, n.d.[35]).

In addition, the Sámi people face threats to their land rights and livelihoods, which do not have any protected status in law, through mining activities and commercial interests in oil. In 2019, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities said it was "deeply concerned about continued flaws in the involvement of the Sámi in decision making on land use and water use" (Council of Europe, 2019[36]), A Resolution on the Implementation of the Framework Convention recommended that Finland "significantly strengthen" the participatory rights of the Sámi Parliament in legislation and in practice, including by providing training to relevant officials on the "correct implementation" of the obligation to negotiate (Council of Europe, 2020[37]). The Sámi people also face other forms of discrimination, hate speech, and harassment specific to their demographic and difficulty in gaining access to public services outside of the homeland area due to language barriers. In this regard, interviewees suggested that the Language Act, which contains provisions on the right of the Sámi to use their own language when engaging with the courts and other

public authorities, could be more strongly enforced to ensure that it is obligatory rather than taken as a guideline.

The OECD was unable to find any holistic overview of data on the Sámi population to illustrate the ways in which they face difficulties in using public services or other forms of marginalisation that they face in society. Furthermore, interviewees noted that there is no compulsory education on the history and rights of this demographic in schools in Finland. The government could commit to better addressing the concerns of this group by increasing research funding for Sámi data collection and developing ethical guidelines for any research undertaken on the community. In addition, it could synthesise current data sources and identify data limitations, while enhancing the role and capacity of members of the Sámi Parliament in undertaking related statistical research, if so desired. Lastly, a greater effort could be made to introduce more information on Sámi history and their current status in society into the general school curriculum in Finland.

Interviewees also noted that there is a need for more outreach on the part of the Finnish government to engage with Sámi representatives on issues that they are affected by, in particular those related to agriculture, forestry and fisheries, social and healthcare, climate change and wider legislative reforms concerning minority groups. It was also mentioned that the government could consider amending the Sámi Parliament Act to ensure more powers of self-determination and the Language Act could be strengthened to be obligatory rather than merely a guideline. The Finnish government could also consider ways to enhance participation of the Sámi population in party politics, public decision making and in judicial systems where they are sometimes under-represented, to ensure that their views are heard and taken into account.

Source: Interviews with the Sámi Parliament, 29 September 2020 and the Sámi Council, 7 October 2020; Freedom House (2019[38]); OHCHR (2017[39]); OHCHR (2019[40]).

People interviewed for this Civic Space Scan reported that public discourse in Finland has become more harsh, crude and polarised in recent years, in particular since a spike in applications for asylum in Finland in 2015.[31] The increase in numbers led to an outpouring of assistance to such applicants, but similar to many other countries in Europe, this resulted in an increasingly heated and polarised public debate about the perceived dangers of immigration. According to the Office of the Non-Discrimination Ombudsman, much of this public discourse is masked as criticism of immigration but is actually motivated by prejudice and manifests itself in a variety of ways. These include hate speech, discriminatory practices, violent attacks or other “seemingly neutral practices, which, in reality, exclude a part of the population” (Office of the Non-Discrimination Ombudsman, 2018[14]). Immigration to Finland has remained comparatively low since 2016, compared with other Nordic countries.

A range of measures has been taken, and continues to be taken, by successive Finnish governments to counter such attitudes. These include inclusive consultations on related legislation, the ongoing development of a Government Action Plan on Racism and Discrimination,[32] and related goals in national frameworks such as the National Democracy Programme (Ministry of Justice, 2020[41]).[33] The current Police Strategy on Preventive Police Work, for which action plans are developed annually, commits to increasing interaction with minority groups and developing expertise on issues that particularly affect them, noting the absence of mutual understanding “because the representatives of minorities are seen as representatives of their groups and not as individuals” (Ministry of the Interior, 2019[42]). It commits to working in co-operation with religious communities who “face security threats, such as hate speech, vandalism, violence and threats of violence”, and to positively discriminating in favour of members of minority groups (Ministry of the Interior, 2019[42]). But overall, and despite these positive steps, there is great room for improvement in terms of undertaking concrete actions to combat discrimination and racism, according to the government’s independent Advisory Board for Ethnic Relations (ETNO).

The tone and content of public discourse on immigration and inclusion issues from some politicians reflects the polarised nature of recent debates. In 2017, the Finnish League for Human Rights expressed concern publicly that "members of the parliamentary parties continue to make openly discriminatory comments, e.g. in social media or in public appearances, or downplay the existence of racism" (Finnish League for Human Rights, 2017[43]). Several politicians from the mainstream Finns Party have been convicted of ethnic agitation in recent years, including the current leader of the party as a case in point. Five municipal politicians and deputy municipal politicians from the party were reportedly convicted of ethnic agitation between 2012 and 2017 and four members of parliament were convicted between 2011 and 2019.[34] It appears that none of them were sanctioned or expelled from the party because of their statements or convictions.

Finland has a number of anti-immigrant groups, some with connections to political parties, and divided by Daniel Sallamaa into four categories: 1) groups that are reminiscent of "conventional Finnish associations" and are well-connected to political parties, such as Suomen Sisu (The Perseverance of Finland); 2) street protest groups that organise protests against immigration, Islam and multiculturalism, such as the Finnish Defence League, Rajat Kiinni! (Close the Borders!) and Suomi Ensin (Finland First); 3) groups who patrol the streets to intervene in attacks by foreigners against Finns, such as the Soldiers of Odin; and 4) "militant" organisations, such as the banned neo-Nazi Nordic Resistance Movement (NRM) that aim for a national socialist-type revolution (Sallamaa, 2019[44]).

Tackling hate crime as an obstacle to civic space

National data on "hate crimes" have been published by the Police University College and the Ministry of the Interior's Police Department since 1998, with data gathered by the national information system (PATJA) and released every October/November for the previous year. For the purposes of reporting, hate crime is defined "as a crime against a person, group, somebody's property, institution, or a representative of these, motivated by prejudice or hostility towards the victim's real or perceived ethnic or national origin, religion or belief, sexual orientation, transgender identity or appearance, or disability" (Rauta, 2019[45]). Such crimes are recorded by the police using a general crime report form, which should be marked with a specific code whenever a hate crime is suspected. Hate crimes may also be identified in the police recording system later on using key words in order to categorise them in line with the relevant motive.

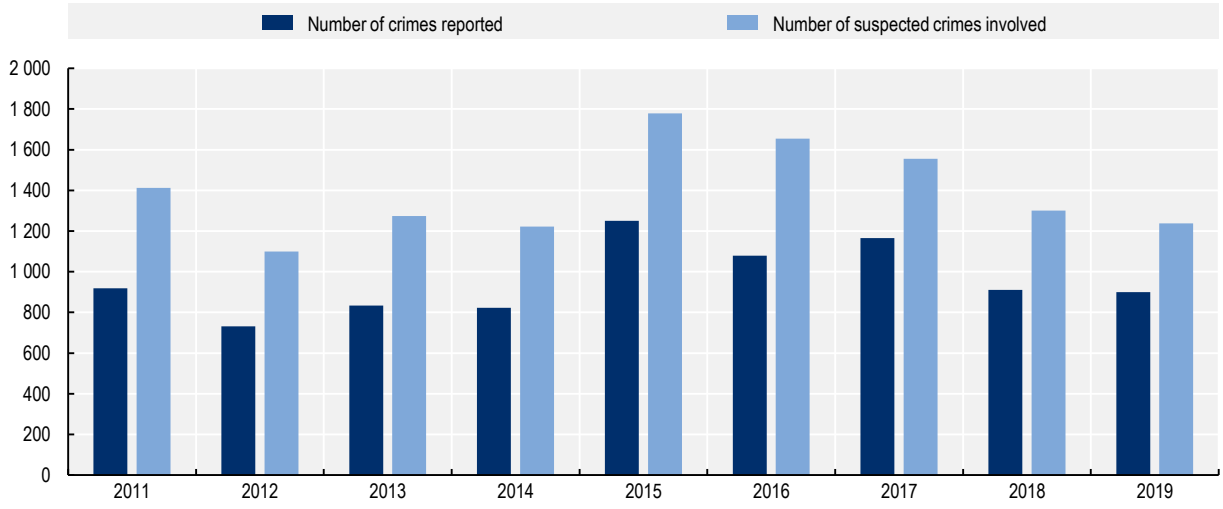
Table 3.1 illustrates that in 2019, 899 such reports were made. These concerned a total of 1 237 suspected offences. Just over 70% of these alleged crimes were based on ethnic or national origin, a figure that has remained steady for several years. Almost 15% of cases were based on religion (down from 20% in 2018), 5.7% on sexual orientation, 4.9% on disability, and 2.3% on gender identity or expression (Rauta, 2020[46]). Between 2011 and 2019, a total of 8 608 reports of suspected hate crimes were made to the police in Finland, governing a total of 12 534 crimes (Figure 3.3) (Rauta, 2020[47]).

Table 3.1. Criminal reports of suspected hate crimes to the police and their motivation, Finland, 2017-19

	2017	2018	2019
Crimes reported as hate crimes	1 165	910	899
Ethnic or national origin	69.8%	69.7%	72.3%
Religious background or belief	20.2%	17%	14.8%
Sexual orientation	4.1%	6.7%	5.7%
Disability	4.9%	5.3%	4.9%
Gender identity or expression	1.1%	1.3%	2.3%

Source: Ministry of Justice (2020); Rauta (2019[45]), (2020[47]).

Figure 3.3. Number of suspected hate crimes in Finland, 2011-19



Source: Rauta (2020[47]).

The police have made efforts to respond better to such crimes in recent years. The Police Strategy on Preventive Police Work commits to working "to prevent violent radicalisation, extremism, activities of extremist movements and hate crime" and to strengthening resources to prevent hate crime as a priority (Ministry of the Interior, 2019[42]). However, few such crimes are reported in the first place (Riku and Core, 2019[48]). Interviewees suggested that this is due to a number of factors, including low levels of trust in cases being taken up and investigated by the police.[35] The police, on the other hand, are overstretched and under-resourced in all areas of policing, with some 7 300 police officers for the entire country – the lowest per capita in Europe (Eurostat, 2020[49]) – although this number is rising under the current government.[36]

There is a knock-on effect on prosecutions. Table 3.2 indicates that prosecutions of hate crimes remain low (22 in 2019). There is also a data gap in terms of what happens between cases being reported to the police, being coded, the court system and related prosecutions. A number of initiatives aim to improve this. The aim of an EU-funded Facts against Hate project that is led by the Ministry of Justice is to follow up on cases through the prosecution and court system, including by examining how individual bias may have influenced pre-trial investigations, for example.[37] The National Police Board has issued guidelines on identifying and recording hate crimes and these will be updated in 2021 as soon as the Criminal Code amendments discussed below are in place. About 1 000 police officials have participated in training offered by the Organization for Security and Co-operation in Europe in 2017 and hate crimes are also part of the basic and continuous instruction and annual specialist's training offered by the Police University College. In 2021, the entire force will also be required to take mandatory online training on equality, good relations and hate crime.[38]

Table 3.2. District court judgements on cases coded by the police as hate crimes in Finland, 2013-19

Year	2013	2014	2015	2016	2017	2018
Number	4	3	1	5	13	31

Source: Ministry of Justice (2020[50]).

Sustained resources and training for police on handling hate crimes accompanied by public information campaigns to raise awareness could help to overcome some of the above challenges. The impact of such training could be measured by examining the year-on-year increase in codifications of reported crimes as hate crimes and assessing the quality of responses, as determined by victims, in addition to a likely increase in reports of such crimes. Public communications and speeches from senior police could also be used to spread related messages, with a view to enhancing police performance, enhancing reporting by the public, ensuring effective responses, and building trust with affected communities and groups. A low threshold, well-advertised, dedicated reporting system[39] – one which invites reporting online and in person and makes a clear statement about zero tolerance for hate crimes in a wide variety of minority languages – could make it easier for victims to come forward (see Box 3.3).

Box 3.3 The United Kingdom's comprehensive approach to hate speech and "online harms"

The United Kingdom's True Vision website provides a convenient way of accessing information about hate crimes and reporting them. It includes a clear statement that "[t]he police don't tolerate hate crime" and offers users an opportunity to report hate crimes directly to the local police as well as reporting online hate material more generally (UK Government, n.d.[51]) The website was prepared with partners offering services to people affected and invites members of the public to get in touch if they are unable to find the information that they require. It also offers advice about when not to use the online service, such as when an offender is still present, or if someone is in immediate danger, in which case people are advised to call the 999-emergency number. In addition, it includes a link to a guide for those affected by hate crime and offers information on other ways to report.

The United Kingdom's Online Harms White Paper aims to be the first attempt globally to "address a comprehensive spectrum of online harms in a single and coherent way" (UK Government, 2019[52]). The "harms" it addresses are multiple and include a range of issues that affect civic space (e.g., harassment and cyberstalking, hate crime, cyberbullying and trolling) as well as others that do not (e.g., extreme pornography, incitement to violence, advocacy of self-harm). It also aims to put forward an ambitious plan for a new system of accountability and oversight for private sector companies to be overseen by an independent regulator with clear safety standards and enforcement powers. A public consultation on the White Paper was held in 2020 and a government response to the comments received was published (UK Government, 2020[53]).

Source: (UK Government, n.d.[51]) (UK Government, 2020[53]).

Tackling hate speech as an obstacle to civic space

The most frequently mentioned threat to civic space during the interviews conducted for this Scan – and in particular to freedom of speech, press freedom and protection from discrimination – was the prevalence of hate speech. As with hate crimes more generally, people are targeted for hate speech for multiple reasons, including gender, ethnicity, disability, sexual orientation and religion.[40] Refugees, asylum seekers, Muslims, people of African descent, and members of the Jewish, Roma and LGBTI communities are all frequently targeted (European Commission against Racism and Intolerance, 2019[21]). Sámi politicians and reindeer herders are targeted by people with competing livelihoods in and close to northern homeland areas.[41] Finnish female journalists and women, in particular, are targeted with sexualised content, threats of rape, and content that expresses hatred of women with the intention of "humiliating, belittling, threatening, or seeking to silence them" (Amnesty International Finnish section, 2020[54]).

Increasingly, a range of professional groups are also experiencing the phenomenon, including journalists, researchers, police, prosecutors, judges, municipal workers and human rights defenders (Ministry of the Interior, 2019[4]) (see Chapter 6 on the Citizens' Panel on the Freedom of Expression, which focuses on protecting professionals from hate speech and online harassment, while protecting free expression of opinion). Research published in 2019 indicated that a third of municipal decision makers and almost half of the members of the Finnish parliament or their assistants had been subjected to hate speech related to their official duties (Prime Minister's Office, 2019[55]). The same study found that the increase in hate speech was "a reflection of escalated political confrontations in Finland" and that one of its aims was to influence political party decisions (Prime Minister's Office, 2019[55]). Forty-two per cent of the municipal targets said they had become less willing to engage in political debate as a result and many had left or were considering leaving politics. The Ministry of the Interior has also noted that "the purpose of hate speech disseminated in connection with elections is to influence citizens' voting behaviour by spreading false and misleading information" (Ministry of the Interior, 2019[4]). A 2021 study of Twitter, *Abuse of power: Coordinated online harassment of Finnish government ministers,* found that female ministers (four of whom were leading their parties at the time of the study) are subjected to ongoing online campaigns of hate speech, with the most severe messages relating to COVID-19, immigration, Finnish-European Union relations and "socially liberal politics" (Van Sant, Fredheim and Bergmanis-Korāts, 2021[56]). Much of the content is overtly sexist and sexually explicit. Representatives from the Union of Journalists in Finland and the Council for Mass Media in Finland said that online harassment has the effect of self-censorship on journalists' work (see Chapter 4).[42] A significant government study undertaken in 2020 noted that the aim of "targeting" (or online shaming, often as part of a mass action) was to silence people or influence their behaviour. It found that this was a direct threat to the rule of law and democracy as it "reduced people's willingness to participate in democratic processes and to take a public stand on social issues," in addition to reducing the public's ability to access information and be informed (Illman, 2020[57]).

The challenge of hate speech has been widely recognised, researched and discussed in recent years in Finland, yielding a substantial number of reports and government-led and funded initiatives to combat it that have been exhaustively documented by the Ministry of the Interior (Ministry of the Interior, 2019[4]). Many national action plans include commitments to counter hate speech[43] that have been followed up with projects, preventive work, training, campaigns, official guidelines and research. In late 2018, a cross-ministerial working group for more effective action against hate speech and cyberbullying (comprising representatives from the Ministry of the Interior, Ministry of Justice, and the Ministry of Education and Culture) was established to make recommendations on a more efficient eradication of hate speech (see Box 3.4 on the recommendations), some of which are already being put into practice.

However, the general view is that a more holistic approach to tackling hate speech is needed. The Ministry of the Interior concedes that efforts so far have been project-based, with work ending when funding expires and a loss of related knowledge and skills, and notes "that the work to counter hate speech is not consistent or target-oriented or adequately coordinated" (Ministry of the Interior, 2019[4]). The Ministry of Justice concluded in a recent study that while a number of measures were being taken to prevent and identify hate crime and to tackle it, "overall coordination is lacking" (Ministry of the Interior, 2019[4]). The European Commission against Racism and Intolerance, which produces detailed independent reviews of Finland's handling of racism, intolerance and related matters, noted that there is no "comprehensive and systematic data collection on hate speech and hate-motivated violence" and that the "level of underreporting, especially among vulnerable groups, is an issue and the relatively small number of prosecutions fails to provide an effective deterrent against hate crimes" (European Commission against Racism and Intolerance, 2019[21]). Furthermore, "the level of knowledge and expertise among the 10 law enforcement bodies and the judiciary in identifying hate speech and hate crimes does not always suffice for proper identification of such crimes" (European Commission against Racism and Intolerance, 2019[21]). Various other pieces of research have also concluded that measures taken to date are inadequate or not far-reaching enough (Knuutila et al., 2019[58]).

Finland's adoption of a cross-ministerial and multi-dimensional approach to tackling hate speech puts it ahead of many other countries (Government of Canada, 2020[25]). By continuing to broaden this approach through the adoption of a cross-government, holistic and co-ordinated strategy or action plan – in line with the recommendations of the cross-ministerial working group – Finland could be more effective in reducing the phenomenon, as a widely recognised threat to freedom of speech and civic space. Such a holistic strategy would ensure that Finnish women, journalists, public officials, minorities, and any other groups or individuals have the same opportunity to participate in public life as others, without the current fear of recrimination or violence and resulting self-censorship. Such a strategy could be accompanied by a medium- to long-term mandate for an independent oversight mechanism, related funding, and measurable targets or goals for key actors, including the police, the Office of the Prosecutor General, political parties and private sector companies on whose platforms the hate speech is published. Sustained communication and collaboration across government is key, in addition to dialogue between government and civil society on the subject (Government of Canada, 2020[25]).

A key part of such a strategy could be to prioritise the development of a comprehensive database on hate crime and hate speech that seeks to illustrate the true scale of the problem. In particular, gender-based harassment, hate speech and violence could be included in these statistics. Furthermore, data could be used more visibly and strategically to raise the profile of the phenomenon and the impact on those targeted. By improving its data-gathering capacity and the visibility of such data, Finland could help the police to combat such crimes, residents and citizens to protect themselves, and service providers to target their assistance or services. Currently, detailed data are available and published annually in October/November for the previous year. A shift in approach to publish data much more frequently would highlight the extent and urgency of the problem. Disaggregated data would help to highlight geographical areas where hate crimes are occurring (e.g. areas of cities where violent crimes take place),[44] as well as locate where and when organised hate campaigns are ongoing.[45] Enhanced data illustrating the pathways between reporting of hate crimes, police coding of hate crimes, the court system and prosecutions of such crimes could also help to make the system more transparent and responsive by shining a light on deficiencies and areas requiring an investment of human and financial resources. More visible data on fora being used to spread messages of hate could also be used by authorities in engaging the private sector to take responsibility for the removal of such content, where it reaches an agreed upon threshold.

Box 3.4 Recommendations of the Working Group for More Effective Action against Hate Speech and Cyberbullying

- Recommendation 1: Draw up an action plan against hate speech.
- Recommendation 2: Establish a centre of excellence, carry out more research, make more information available and strengthen knowledge-based management.
- Recommendation 3: Develop legislation.
- Recommendation 4: Broaden the responsibilities of online platforms.
- Recommendation 5: Provide the media with better opportunities to combat hate speech.
- Recommendation 6: Provide more support to victims of hate speech.
- Recommendation 7: Ensure that the employer is held liable when an employee is subjected to hate speech or a hate campaign.
- Recommendation 8: Provide more information and training on hate speech and the freedom of expression and its limits.
- Recommendation 9: Enhance media literacy.

- Recommendation 10: Take more effective measures to combat hate speech targeting religious and religion-based hate speech.
- Recommendation 11: Better prepare teachers and other school employees to tackle hate speech and cyberbullying.
- Recommendation 12: Take action to prevent political hate speech.

Source: Ministry of the Interior (2019[4]).

Finland could also engage in preventive work (e.g., education and media literacy) with identified or potential perpetrators. Much existing emphasis is placed on short-term preventive work with children and youth, which is not yet satisfactory. As one interviewee remarked: "It's not the children that are the problem, it's their parents." Perpetrators are not hard to identify. One study identified about 200 Twitter accounts that were responsible for about half of the hostile tweets, about 75% of which came from a group that was against migration (Prime Minister's Office, 2019[55]). A police team operating under the auspices of the Helsinki Police Department found that 98% of suspects were aged over 30 and 85% of them were male (Ministry of the Interior, 2019[4]). Another study on hate speech targeting female ministers noted that most of the abuse came from "clusters of right-wing accounts" (Van Sant, Fredheim and Bergmanis-Korāts, 2021[56]) While some of the hate speech is clearly organised and targeted, some of it is not. The Ministry of the Interior concedes that not all those engaging in it understand that they are spreading hate speech, much less the consequences of their actions, and that alcohol plays a role in their actions (Ministry of the Interior, 2019[4]). The police generally find that people admit their activities quite easily, in the belief that they are exercising their right to freedom of speech and are unaware they have committed a crime.[46] Targeted outreach and awareness campaigns could help to educate them.

Expanding prosecutions and the legal framework

In addition to the above measures, an expansion of prosecutions would be beneficial. Several legislative reforms are currently under consideration to widen the scope of the law, and in particular to allow for more prosecutions of such crimes.[47]

The widening of prosecutorial powers:

- The Ministry of Justice has initiated a government proposal to change the Criminal Code to give the public prosecutor the right to bring a charge of "menace" against someone independently, based on the target's employment or public commission of trust.
  - At present the public prosecutor may not bring charges for menace, unless the injured party reports the offence in order to bring charges, a lethal instrument has been used to commit menace, or a very important public interest requires that charges be brought. The "target's employment" is a broad concept and is meant to be understood as, for example, referring to the menace directed against free-lance journalists in their work. The proposal was being considered by a Legal Affairs Committee as of February 2021.[48]
- The Ministry of Justice has started to prepare for a change in the Criminal Code that will add gender to the motives that constitute grounds for increasing the punishment of (any) crime, as specified in Chapter 6, Section 5. The relevant government proposal was presented to parliament in February 2021.[49]
- The government appointed a rapporteur in 2020 to evaluate provisions of the Penal Code and other relevant legislation to tackle the problem of targeting (or online shaming) who published his findings in December 2020 (Illman, 2020[57]). He made a number of important recommendations including:

- Using the existing Finnish penal provisions to counter the problem, instead of introducing dedicated legislation.
- Utilising legal provisions that have not been applied so far, including on violations of political freedoms (Chapter 14, Section 5 of the Criminal Code) and coercion (Chapter 25, Section 8).
- Stepping up the fight against targeting and changing provisions on prosecution to facilitate timely action by the police and prosecutor against offenders. He noted that the threshold for fulfilment of the "very important public interest" requirement that is required in order to initiate a pre-trial investigation and other criminal proceedings was "unjustifiably high" and recommended that targeting could reasonably be considered to meet the threshold as it had "significant adverse effects on the public interest".

Ensuring the Criminal Code is in line with international law:

- The Ministry of Justice will also undertake an evaluation of whether the Criminal Code provisions in relation to organised racism are in line with the International Convention on the Elimination of All Forms of Racial Discrimination, and whether related provisions are clear and comprehensive enough. If necessary, amendments to the Criminal Code will be made. There is no specific timeline for this reform, but it is expected to be completed by spring of 2023, in line with the current government programme.

Such reforms and initiatives are a very welcome step. However, a more encompassing, more coordinated, whole-of-government approach to tackling online hate speech, in particular, could be further considered to keep pace with changes in this area. The issue of targeting where individuals are subjected to a systematic or orchestrated campaign of online abuse is of particular importance. Both incitement and knowing participation (aiding) in such activities need to be addressed as a priority. This could be through a reform to the current legal framework, and as suggested by Judge Mika Illman, by targeted banning of the use of social media platforms, as part of increasing the responsibility of online service providers (see Chapter 4) (Illman, 2020[57]).

The announcement by the Ministry of Justice in October 2020 that a government proposal was being prepared for submission to the government in 2021 to update sexual offense laws seeking to criminalise cyber-flashing, or the sending of unwanted sexual imagery, is a welcome step for Finnish women in particular and should be prioritised. Targeting of public officials, journalists or anyone in relation to their work or position of trust, with a view to silencing them, could also be added to the motives that constitute grounds for increasing punishments, in addition to gender. This could be coupled with a more aggressive prosecution of perpetrators, which remains too limited to act as a deterrent. Table 3.3 illustrates that while prosecution for ethnic agitation is on the rise, as with hate crimes, the numbers remain extremely low. Finally, according to interviews, more public funding for CSOs to engage in monitoring and countering hate speech, in support of police work, would also be beneficial and welcomed by the police.[50]

Table 3.3. Decisions issued by district courts in cases involving ethnic agitation, Finland, 2013-18

Year	2013	2014	2015	2016	2017	2018
Number	4	3	1	5	13	31

Source: Ministry of Justice (2020[50]).

Public funding for groups espousing discriminatory behaviour

In 2020, the Finnish government gave EUR 35 635 000 to Finnish political parties, pursuant to the Act on Political Parties (Ministry of Justice, 1969, latest amendements 2010[59]). Section 9 determines that party subsidies are awarded in accordance with the number of parliamentary seats won in the latest elections

and that all parties are treated equally. In 2020, funds were divided among nine parties, of which the Finns Party received almost EUR 7 million of public money (EUR 6 948 825) (News Now Finland, 2020[60]). The European Commission Against Racism and Intolerance (ECRI) has also expressed concern that "there is no obligation in Finland's civil and administrative law to suppress public financing of organisations which promote racism," and recommended a change in this regard (European Commission against Racism and Intolerance, 2019[21]).

It would be essential to have an independent oversight mechanism, such as the Non-Discrimination Ombudsman, or rapporteur to oversee such a reform and to ensure that freedom of expression is also protected. Furthermore, achieving coherence in this area would also require public authorities to ensure that public funding is not awarded to any groups, including civil society associations that discriminate against sections of the population or espouse or promote discriminatory views. Finland is far from being alone in seeking to tackle these challenges and could learn from measures undertaken in other countries (Box 3.5).

Box 3.5 Selected measures taken by Germany to counter hate speech and extremism

Centralised registration and monitoring of politically motived crime. In 2001, the German police created a dedicated Criminal Police Registration Service for Cases of Politically Motivated Crime (KPMD-PMK), covering crimes associated with the far-right, far-left, religious ideologies, hate crimes and any other politically motivated crimes. Case numbers are collected by the police at state level and sent to the Federal Criminal Police Office for monitoring and publishing once a year (Federal Ministry of the Interior, Building and Community, n.d.[61]).

Establishment of a centre to promote exchanges of information between the police and other public institutions. The Joint Extremism and Terrorism Defense Center (GETZ) facilitates co-operation and information exchanges between federal and state intelligence services, the federal police, state police and the federal prosecutor, among others, on issues related to right-wing, left-wing, foreign extremism/terrorism and counter-espionage (Federal Office for Constitutional Protection, n.d.[62]).

Raising awareness. The Federal Criminal Police Office, together with the federal states, has organised an action day against hate crime at least once a year since 2016. On a certain date every year (which is kept confidential), executive measures are carried out against people suspected of having published hateful content on the Internet. By undertaking the measures on one day and involving the media, the action day helps to raise awareness. In 2020, this action was also raised to the European level for the first time under the co-ordination of Europol (Federal Criminal Police Office, 2019[63]).

Legal measures to force social media platforms to act. The Network Enforcement Act (NetzDG), in force since 2017, aims to combat hate crime, criminal fake news and other criminal content on social media platforms and criminalises insults, defamation, public incitement to criminal acts, sedition, and depictions of violence and threats, among other acts. NetzDG includes an obligation for providers of large social networks to report every six months on their handling of complaints and content relevant to criminal law. Likewise, it requires them to maintain an effective and transparent complaints management system. This must be "easily recognisable, immediately accessible and constantly available". Violations can be punished with significant fines against the company and relevant supervisors.[51] An extension of this law made it obligatory for larger social networks to report certain types of criminal content to a centralised office to facilitate the prosecution of hate speech on the Internet (Federal Ministry of Justice and Consumer Protection, 2020[64]).

Bans of extremist organisations. Right-wing extremist associations are being increasingly banned, with the confiscation of their assets to the state. At the time of writing, the formation of successors or replacement organisations and the use of associated symbols are also punishable. In 2020, the Federal Ministry of the Interior had already banned four such associations (Combat 18 Germany, Nordadler, Sturm/Wolfsbrigade 44, and United German Peoples and Tribes).

Expert groups, commissions and projects. Germany has taken a number of measures involving concerned groups and civil society:

- The "Live Democracy!" programme supports more than 400 projects across the country to prevent extremism (Federal Ministry for Family, Seniors, Women and Youth, n.d.[65]).
- In 2008, the German parliament constituted a first independent expert group on anti-Semitism and a second one in 2013. Based on the recommendations of the second group, the first Federal Government Commissioner for Jewish Life in Germany was appointed in 2018. Various states and institutions have since appointed anti-Semitism officers.
- In 2019, an independent Antigypsy Commission was established in the Federal Ministry of the Interior, Building and Community to combat racism and prejudice against Roma, Sinti, Travelers and other related groups (Federal Ministry of the Interior, Building and Community, n.d.[66]). In 2020, an independent Expert Group on Muslim Hostility was also established (Federal Ministry of the Interior, Building and Community, 2020[67]).
- The federal government established a Cabinet Committee to combat right-wing extremism, and racism in March 2020. A catalogue of measures and projects was developed and accepted in the third meeting of the Cabinet Committee on 25 November 2020.
- The Federal Agency for Civic Education (Bundeszentrale für politische Bildung) is a unique public authority that fosters democracy through civic education. It undertakes the task of engaging activating civil society against all forms of extremism by issuing publications, organising seminars, conferences, and vocational trainings for journalists and other professionals, and offering study trips, films and other online products. Among the broad range of activities the Agency provides are explanatory videos, social media campaigns and instructive online dossiers as well as specific information services for practitioners and multipliers who are confronted with radicalisation.

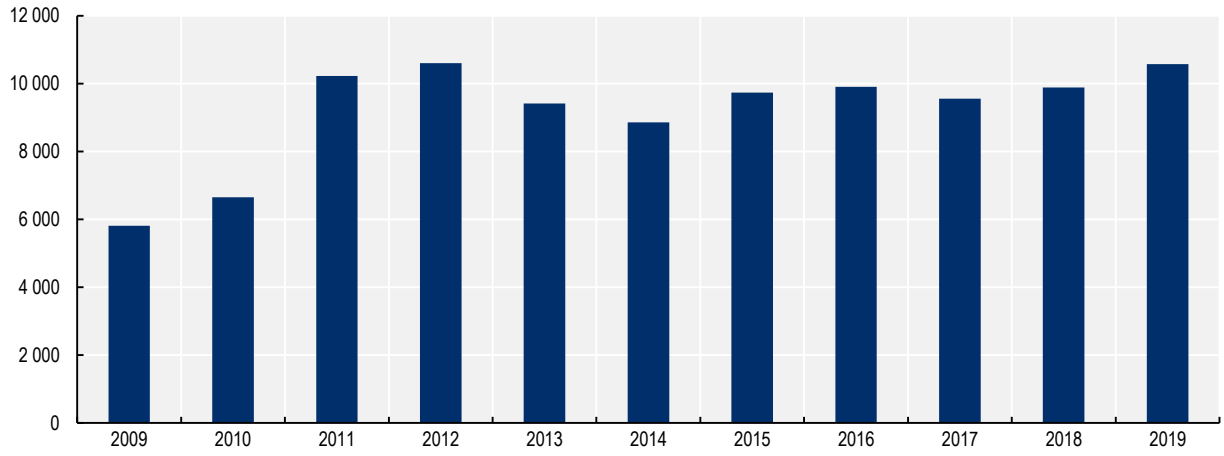
Source: Author's own based on Government of Germany (2020[68]); Federal Ministry of the Interior, Building and Community (n.d.[61]; 2020[67]; n.d.[69]); Federal Office for Constitutional Protection (n.d.[62]); Federal Criminal Police Office (2019[63]); Federal Ministry of Justice and Consumer Protection (2020[64]); Federal Ministry for Family, Seniors, Women and Youth (n.d.[65]).

Tackling violence against women as an obstacle to civic space

Finland is one of a handful of countries where the "Nordic paradox" is evident; that is, having among the highest rates of gender equality in the world, alongside relatively high rates of gender-based violence targeting women, particularly intimate partner violence (IPV) (Gracia and Merlo, 2016[70]). Such physical violence, and the threat of it, acts as a barrier to civic space as a direct form of oppression, intimidation and discrimination. In 2018, 9 900 cases of domestic violence and IPV were reported to the Finnish authorities – 3.6% higher than in 2017 – of which 75.3% concerned adults and of those, 76.5% concerned women as victims (Statistics Finland, 2019[71]). Among the suspected perpetrators, 77.6% were men. One in two cases directed at adults took place between married or cohabiting couples (Statistics Finland, 2019[71]). Approximately one-fifth of the victims, or 1 500 women, had been a target of domestic violence or IPV more than once in 2018, while 1 200 were victims of repeated violence (Statistics Finland, 2019[71]). Figure 3.4 provides an overview of the number of adult victims of domestic violence and IPV in cases reported to the authorities from 2009 to 2018, with a steady figure of more than 9 500 such cases per year

since 2015. This is a fraction of actual cases. Statistics Finland emphasises that "the statistics include only cases reported to the authorities, by no means all cases of domestic violence and intimate partner violence are reported to the authorities" (Statistics Finland, 2019[71]).[52]

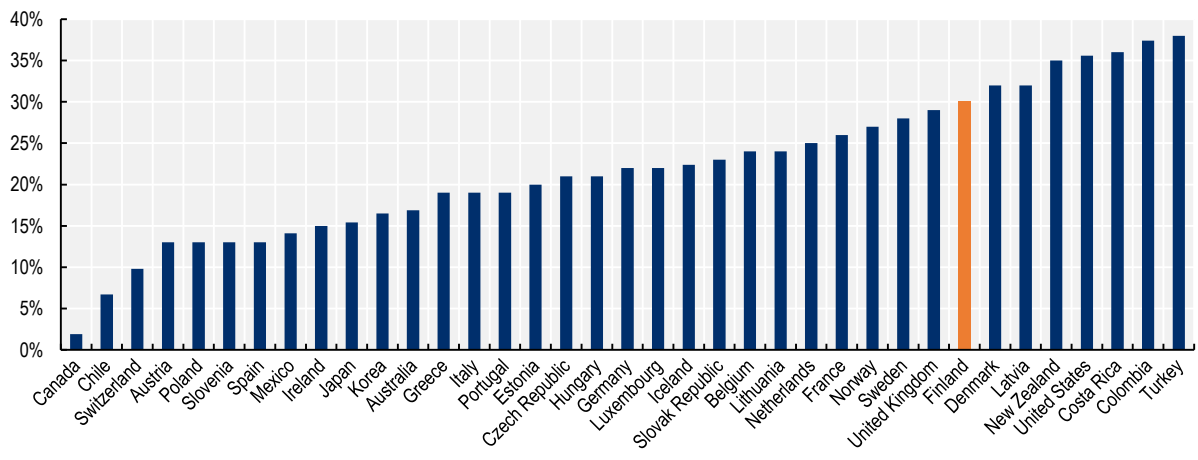
Figure 3.4. Adult victims of domestic violence and intimate partner violence in cases reported to authorities, Finland, 2009-18



Source: Statistics Finland (2019[71]).

OECD data confirm this general trend and provide a comparative perspective across member countries, illustrating that the incidence of violence against women in Finland is comparatively high (Figure 3.5).

Figure 3.5. Violence against women, prevalence in the lifetime, OECD countries, 2019



Source: OECD (2019[72]).

Such violence is a key concern for the Deputy Chancellor of Justice, who considers that domestic violence and IPV are "among the most significant human rights and fundamental rights problems in Finland" (Chancellor of Justice, 2020[15]). The office is working to improve awareness and the capacity to recognise such violence within the police services and justice system. It considers the legal framework to be adequate and states that challenges are related more to a lack of training and guidance on identifying cases and a lack of resources due to tight budgets.[53] Amnesty International Finnish section concurs, referring to the

"poor availability of training" for judges and prosecutors on such crimes (Amnesty International Finnish section, 2020[54]). A further challenge is the disparate responses from the 310 local government municipalities charged with responding to such violence, coupled with difficulty in accessing support services.

The current government programme recognises the challenge and commits to establishing an independent rapporteur on violence against women, developing an action plan for combating violence against them, improving support services for victims, and bringing the number of places available in shelters and the resources allocated to them in line with the level required by the Council of Europe[54] (Government of Finland, 2019[73]). The programme refers to "gender" 30 times, "gender equality" 17 times, "violence against women" 6 times and "women" 19 times (Government of Finland, 2019[73]). Expectations are high that the current government is committed to tackling the problem,[55] in part by virtue of the Council of Europe's legally binding Convention on Preventing and Combating Violence against Women and Domestic Violence (2014).[56] The Police Strategy on Preventive Police Work also commits to working to prevent domestic violence and IPV (Ministry of the Interior, 2019[42]) by engaging in a multi-professional Multi-Agency Risk Assessment Conference (MARAC) scheme and assessments of the risk of repeated violence. The risk assessment method aims to improve safety for victims and prevent repetition of violence by identifying high-risk cases, including where there is a risk of homicide. The Ministry of Social Affairs and Health is responsible for the planning and steering of the country's prevention of domestic violence and IPV.

Finland has undertaken and documented many measures to promote gender equality and reduce violence targeting women over the years (Government of Finland, 2018[74]). The Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) recently praised Finland for its long history in promoting gender equality and the various actions plans and policy documents to this effect (GREVIO, 2019[75]). It highlighted the adoption of the Action Plan for the Istanbul Convention (2018-2021), the setting up of the Committee for Combating Violence against Women and Domestic Violence (NAPE) to ensure progress across the relevant line ministries, and the establishment of the national helpline, Nollalinja ("zero line"), which provides victims with support free of charge and round the clock (Ministry of Social Affairs and Health, 2017[76]).[57] It also noted that funding for shelters was being provided by the central government instead of municipalities, following a change to the Act on State Compensation to Providers of Domestic Shelter Services and that the new system allowed the admission of all women "regardless of nationality, residence or other status" (GREVIO, 2019[75]).

There is still room for progress, however. Even after significant increases in funding, by April 2020 Finland had just 211 family places in shelters, while the recommended number is 550 (Amnesty International Finnish section, 2020[54]). Clients were referred to other shelters, in some cases hundreds of kilometres away, 2 071 times in 2019 (Amnesty International Finnish section, 2020[54]). This challenge is exacerbated by the lack of sufficient information or data available about access to shelters.[58] Women from minority or marginalised groups or communities, in particular, are at a disadvantage. Women with disabilities, lesbians, transgender women, undocumented and non-registered migrant women, and women with poor knowledge of Finnish "experience significant difficulties receiving support and accessing services" (Amnesty International Finnish section, 2020[54]).

Other types of services, such as early intervention and prevention services, peer support groups for victims of violence, programmes for perpetrators and outreach services as well as long-term services such as therapy are "completely lacking or systematically under-resourced and geographically unevenly distributed," according to Amnesty International Finnish section (2020[54]). An evaluation of the 2010-15 Action Plan to Reduce Violence against Women concluded that the plan was not fully implemented following a lack of dedicated funding (Törmä and Pentikäinen, 2016[77]). The latest Programme to Combat Violence against Women 2020-2023, which includes a host of positive measures, has been allocated EUR 400 000 per year. This is viewed as a positive step, although the amount is still inadequate for the task.[59]

Responses to sexual violence is another area requiring attention. According to Amnesty International Finnish section, out of the estimated 50 000 women in Finland who experience sexual violence every year, only about 1 500 crimes against adult women are reported to the police (Amnesty International Finnish section, 2020[54]). Of the 50 000 in 2017, convictions were obtained in 209 charges of rape (Amnesty International, 2019[78]; 2020[54]). The Support Service Network for Victims of Sexual Violence (SERI) began in Helsinki in 2017 to provide a range of free-of-charge services to victims aged over 16, including medical services, forensic research, trauma support and advice (Government of Finland, 2018[74]). Yet these services are granted to victims who have experienced sexual violence in the last month. The intention is to extend the activity to all university hospitals and satellite support centres in each province, although to date there are only 7 centres in operation, out of a total of 13 recommended by the Council of Europe.[60]

The legal framework for sexual violence is being reformed so that the criminal offence of rape will be based on a lack of "voluntary consent", rather than the use of force. Significantly, this reform echoes demands made by a citizens' initiative, entitled #Consent2018 (see Chapter 6 on citizens' initiatives). The initiative was launched in December 2018 and quickly gathered the 50 000 signatures necessary to be handed over to parliament in June 2019. The reform, which the Ministry of Justice had already started to work on via a working group, has been welcomed by CSOs, many of whom backed the initiative. However, the reform process has recently been delayed, including because of ongoing debate about the proposed content of the bill arising from a combination of "genuine misunderstanding" of the contents and the "hijacking" of the issues in online debate.[61] The Ministry of Justice now aims to present relevant amendments to parliament in the autumn of 2021.[62]

Given the scale of the challenges described above and the stated intention to tackle the issues by the current government, Finland could seek to shore up long-term support and mandates to tackle violence against women (and girls). An increase in funding would permit Finland to create and maintain a nationwide network of shelters and support centres, including for women who experienced sexual violence more than one month ago, and in line with the current government programme. To avoid politicised cuts in funding under future administrations, the current government could seek to introduce a medium- to long-term mandate for the function of the independent rapporteur and medium-term funding for related services in recognition of needs, as well as constitutional,[63] legislative and international legal obligations.

Access to support services for minority groups such as women with disabilities, lesbians, transgender women, undocumented and non-registered migrants, Sámi women, and women with poor knowledge of Finnish could be improved via targeted research, outreach programmes and information to reduce barriers to access. To achieve this, data-gathering methods and related communications could be used strategically to identify needs and gaps in services, and to counter any complacency regarding the need to provide services. Assessments of how accessible services are to different population groups are needed at the municipal level to identify and overcome barriers, particularly in rural areas. Preventive services and responses at the municipal level, and within the police, could also be improved, also in rural areas. The necessary political will and prioritisation, in relation to other areas of public spending, will be essential to ensure better public funding for such measures.

Using civic education and literacy to counter discrimination

Civic education is fundamental to challenging the intolerance, racism, discrimination and exclusion discussed in this chapter and is playing an ever-greater role in Finnish education. There is a constitutional obligation (Chapter 1, Section 22) for public authorities to "guarantee the observance of basic rights and liberties and human rights" (Ministry of Justice, 1999, latest amendments in 2018[1]). Progress in this regard has been made in the past few years following several government reports finding related shortcomings in the education system. Nevertheless, the provision of human rights education is still largely dependent on non-governmental organisations and the personal commitment and attitudes of individual teachers and schools (Amnesty International Finnish section, 2020[54]). In a welcome step, human rights have become

a core value in the revised national curriculum for basic education as of January 2015, as well as the new national core curriculum for upper-secondary schools, which will enter into force in August 2021. A sustained focus on civic education, critical thinking, taking responsibility for learning and actions, and global citizenship education is at the heart of the system, with teachers made responsible for the materials and pedagogical methods they use.[64] This commitment to civic education extends into the vocational education system for youth, with the Ministry of Justice leading in this area, and into comprehensive adult education opportunities. One of the key priorities and objectives of the Democracy Programme is also to develop school teaching and other school practices. These measures are encouraging but would yield best results if delivered in a systematic manner, accompanied by standardised and compulsory teacher training, aimed at identifying and avoiding undetected teacher bias.

Ensuring respect for freedom of assembly

Generally, the protection of freedom of assembly is upheld in practice (Ministry of Justice, 1999, latest amendments 2002[8]). However, the modification made to the right of assembly in 2019, whereby organisers must inform the police 24 hours before an assembly, has caused concern among civil society. There was widespread objection to the amendment from within civil society and a perception of a lack of transparency. Interviewees expressed a general concern about the nature of the change, the rushed nature of the consultation process and the fact that the Ministry of Justice rules on such changes were not followed. The deadline for the public consultation was short (limited to three weeks),[65] for example, and requests for inputs were sent to a limited number of entities, such as government ombudsman offices, the Helsinki Police, the Ministry of the Interior, the National Police Board and the Advisory Board on Civil Society (KANE).[66]

In practice, spontaneous meetings are still possible, although COVID-19-related restrictions have meant that the true impact of the reform has yet to be tested. At the same time, there is concern that the change may have a detrimental effect on public meetings and demonstrations. Furthermore, activists from some regions in Finland have reported that when notifying the police of a demonstration, the police sometimes require the organisers to name a number of persons as security officials (Amnesty International Finnish section, 2020[54]), despite this not being a mandatory practice. Concerns related to protection for journalists covering demonstrations are addressed in Chapter 4. The new information and frequently asked questions on the police website (https://poliisi.fi/en/public-meetings-and-demonstrations) in this regard is a welcome development. It is crucial that rules regarding the right of peaceful assembly are clear and fully protected in Finland, including as part of mandatory police training. This right is a cornerstone of Finnish democracy.

Notes

[1] The review of the legal frameworks section draws from and summarise the information provided in a background report prepared by the Library of Congress for the Civic Space Scan of Finland. See (Library of Congress, 2020[87]).
[2] Email, Library of Congress, received 3 November 2020.
[3] For an act to qualify as defamation or insult, the victim needs to be specified, whereas an agitation crime targets a whole group without a specific victim. Email, Library of Congress, received 2 November 2020.
[4] Email, Ministry of Justice, received 4 March 2021.
[5] In practice this means that while the crime of ethnic agitation does not apply to majority groups in Finland, if a member of a majority group is targeted because they assisted a minority group (e.g. someone working with refugees), this may still constitute as a hate crime. Interview, National Police Board, 7 December 2020.

[6] As a result of COVID-19, in April 2020 the Finnish Parliament enacted temporary legislation introducing exceptions to the requirements for the annual meetings of associations, in addition to companies, and cooperatives.
[7] Email, Ministry of Justice, received 15 October 2020.
[8] Email, researcher, received 12 November 2020.
[9] Interview, Ministry of the Interior, 5 October 2020.
[10] "Most legal protections" refers to countries with "an above-average performance regarding both their level of legal LGBTI-inclusivity as of 2019 and their progress in legal LGBTI-inclusivity between 1999 and 2019" (OECD, 2020[12]).
[11] Interview, Ombudsman for Equality, 30 September 2020.
[12] Email, Chancellor of Justice, received 6 October 2020.
[13] Interview, Chancellor of Justice, 30 September 2020.
[14] The largest number of complaints received by the office concerned: the police (352 cases), followed by the government (262 cases), the courts (186 cases on civil and application matters and 75 related to criminal matters), healthcare services (156 cases), social services (135 cases), local government (133 cases), and regional state administration or internal affairs administration (104 cases). Email, Chancellor of Justice, received 6 October 2020.
[15] Email, Chancellor of Justice, received 6 October 2020.
[16] Email, Chancellor of Justice, received 6 October 2020.
[17] Interview, Office of the Data Protection Ombudsman, 21 September 2020.
[18] Email, Office of the Ombudsman for Equality, received 16 November 2020.
[19] While women's level of educational attainment in Finland has long been stronger than men's, the percentage of men in the "higher professional class" is nearly double that of women (21% and 11% respectively) (Mattila, 2020[80]).
[20] The gender pay gap between men and women is, on average 16,1% in all labour sectors in Finland (Ministry of Social Affairs and Health, n.d.[81])
[21] This figure is expected to rise to EUR 1.03 million in 2022 and to EUR 1.05 million in 2023. Email, Ombudsman for Equality, received 15 October 2020.
[22] In theory, every workplace with more than 30 employees in Finland should have an equality plan and the office is mandated to supervise the quality of these plans. But with 8 000 workplaces in question and another 4 000 schools and educational institutions, its resources are inadequate to the task. Interview, Office of the Ombudsman for Equality, 30 September 2020.
[23] Approximately 80% of people with disabilities in Finland are not employed (Office of the Non-Discrimination Ombudsman, 2018[14]). According to the Ministry of Social Affairs and Health, 1.9 million working-age Finns have a long-term illness or disability (Office of the Non-Discrimination Ombudsman, 2018[14]).
[24] The easily accessible legal aid application form is available on line (Legal Aid, n.d.[86]).
[25] Interview, Legal Aid Office, 29 September 2020.
[26] Interview, Legal Aid Office, 29 September 2020.
[27] Interview, Office of the Ombudsman for Equality, 30 September 2020.
[28] Interview, Office of the Ombudsman for Equality, 30 September 2020.
[29] Email, Ministry of the Environment, received 23 February 2021.
[30] As an example of good practice, the Office of the Ombudsman for Equality publishes some material in Somali and Arabic on its website.
[31] The number of asylum applications in Finland peaked in 2015 at 32 500 (up from 3 651 in 2014), as large numbers of migrants arrived in Europe. From 2016, the number of asylum seekers decreased again to roughly 5 600 applications. In 2019, the figure amounted to 4 550 (Statista, 2020[79]).
[32] The Ministry of Justice is drawing up the action plan, based on the work of a broad-based working group. It will include a set of measures to combat racism in different sectors of society and is expected to also include actions to combat hate speech. Email, Ministry of Justice, received 14 October 2020.

[33] Interview, the Advisory Board for Ethnic Relations, Ministry of Justice, 21 September 2020. The Advisory Board for Ethnic Relations is an expert body that provides opinions, but is not a decision-making body.
[34] Email, researcher, received 12 November 2020.
[35] Interviews, Union of Journalists in Finland, 5 October 2020 and Council for Mass Media in Finland, 6 October 2020.
[36] Interview, National Police Board, 7 December 2020.
[37] Email, National Police Board, received 10 December 2020.
[38] Interview, National Police Board, 23 February 2021.
[39] The current police online reporting system does not accept reports of criminal behaviour. A separate electronic crime report is needed for this purpose (Police of Finland, n.d.[85]).
[40] Specific contentious topics including migration, feminism, the EU, racism and sexual violence are viewed as triggering hate speech (Amnesty International Finnish section, 2020[54]).
[41] Interview, Sámi Parliament, 29 September 2020.
[42] Interviews, Union of Journalists in Finland, 5 October 2020 and Council for Mass Media in Finland, 6 October 2020.
[43] These include the National Action Plan on Fundamental and Human Rights (2017), the National Action Plan for the Prevention of Violent Radicalisation and Extremism (2016), the Government Report on Internal Security (2016), the Internal Security Strategy (2017), the Government of Finland Human Rights Report (2014), the Report of the Government on the Application of Language Legislation (2017), the National Crime Prevention Programme for 2016-2020, the Government Resolution on a Media Policy Programme (2018), the Final Report of the Working Group for More Effective Action against Hate Speech and Cyberbullying, and the Meaningful in Finland Action Plan.
[44] Greater Helsinki is home to about half of the entire population with a foreign background in Finland (Statistics Finland, 2020[84]).
[45] Municipal-level data on hate crimes are published by the police for the previous year, but are buried within lengthy statistical reports (Rauta, 2019[45]; 2020[47]).
[46] Interview, National Police Board, 7 December 2020.
[47] Email, Ministry of Justice, received 30 September 2020.
[48] Email, Ministry of Finance, received 4 March 2021.
[49] Email, Ministry of Finance, received 5 February 2021.
[50] Interview, National Police Board, 7 December 2020.
[51] The application of this law has faced some criticism. The UN Special Rapporteur on the Protection of Freedom of Expression noted in a recent report that Section 130 of the German Criminal Code provides for the sanction of a person, who “in a manner capable of disturbing the public peace, incites hatred against a national, racial, religious group or a group defined by their ethnic origins, against segments of the population or individuals because of their belonging to one of the aforementioned groups or segments of the population or calls for violent or arbitrary measures against them” (United Nations, 2019[83]). He said the code was “problematically vague” as it fails to define key terms, including incitement and hatred. Describing the Network Enforcement Act as a “good-faith” effort to tackle online hate, he added that the failure to be clear about key terminology in the Criminal Code undermined the Network Enforcement Act’s compliance with international human rights law (United Nations, 2019[83]).
[52] In the worst of these cases, women are killed by current or former partners: between 2002 and 2019, a total of 331 women were killed by a current or former intimate partner in Finland. The equivalent figure for men is 97. Email, Finnish Homicide Monitor, received 17 November 2020.
[53] Interview, Chancellor of Justice, 30 September 2020.
[54] The programme also commits to tackling domestic violence targeting men.
[55] Interview, Office of the Ombudsman for Equality, 30 September 2020.
[56] Interview, Finnish League for Human Rights, 6 October 2020.
[57] Nollalinja provides professional help free of charge and anonymously. **Phone calls to this number do not show up on telephone bills.**

[58] Interview, Finnish League for Human Rights, 6 October 2020.
[59] Interview, Amnesty International Finnish section, 28 October 2020.
[60] The centres are in Helsinki, Turku, Pori, Tampere, Kuopio, Oulu and Rovaniemi. The Council of Europe recommends 1 centre per 200 000 women.
[61] Interview, Amnesty International Finnish section, 28 October 2020.
[62] Amnesty International Finnish section published a dissenting opinion on the report of the Working Group on Sex Offences legislation, reforming Chapter 20 of the Criminal Code of Finland, in which it took part (Ministry of Justice, 2020[82]).
[63] Section 7 of the Constitution guarantees that "[e]veryone has the right to life, personal liberty, integrity and security".
[64] Interview, Ministry of Education and Culture, 29 December 2020.
[65] Email, FINGO, received 9 October 2020.
[66] Email, FINGO, received 9 October 2020.

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4 Media freedoms and digital rights in Finland

This chapter explores the relationship between and impact of media freedom and pluralism, digital rights, and the role of the national public broadcaster on civic space in Finland. Other areas of focus include access to information, data collection and privacy, and the legal and regulatory frameworks for emerging technologies such as artificial intelligence, and their relationship with civic space. The chapter includes recommendations for the government under each sub-heading.

Legal frameworks for media freedoms and digital rights in Finland

Press freedom

Scope

Finland is historically known for its freedom of the press.[1] In 1766, when still part of Sweden, it became one of the first countries in the world to legally recognise press freedom (Britannica, 2020[1]). Press freedom is considered as part of the right to freedom of expression and the right of access to information in Section 12 of the Constitution (Ministry of Justice, 1999, latest amendments in 2018[2]).

Everyone has a right to freedom of expression. The right to freedom of expression includes the right to present, disseminate, and receive information, opinions, and other messages without someone's prior censorship. Additional rules on freedom of expression are issued by law. Rules on limitations with regard to picture programs that are necessary to protect children are issued by law. (Ministry of Justice, 1999, latest amendments in 2018[2])

Press freedom is also recognised in Article 10 of the European Convention on Human Rights (ECHR), which was ratified by Finland in 1990. Specific legislation such the Act on the Exercise of Freedom of Expression in Mass Media contains more detailed provisions on the exercise of freedom of expression in the media. Section 1 of the act notes that "interference with the activities of the media shall be legitimate only in so far as it is unavoidable, taking due note of the importance of the freedom of expression in a democracy subject to the rule of law" (Ministry of Justice, 2003[3]).

The Supreme Court of Finland has ruled on the subject of limitations to press freedom in several binding cases. As a state party to the ECHR, Finland is also bound to ensure protection of the right to freedom of expression, which includes freedom of the press (Article 10):

> *1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.*
>
> *2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.* (Council of Europe, 1950[4])

The European Court of Human Rights (ECtHR) has found Finland in violation of Article 10 on several occasions. For example, in Niskasaari v. Finland, the ECtHR found that Finnish courts had gone beyond what was "necessary in a democratic society" when it punished a reporter with 40 day-fines, totalling EUR 240, as well as damages for misreporting on (and thereby defaming) the Ombudsman for Children (Columbia Global Freedom of Expression, 2015[5]). According to the ECtHR, the Finnish courts had not "paid sufficient attention to the 'journalistic' hue of the case", meaning that those in the profession should enjoy a higher threshold of freedom of expression than a private citizen would in a similar dispute (Columbia Global Freedom of Expression, 2015[5]). The Finnish courts' reasoning was found insufficient and therefore contrary to Article 10 of the ECHR (Columbia Global Freedom of Expression, 2015[5]). In Saaristo and others v. Finland, the ECtHR found once again that Finland had violated Article 10. Finnish courts had convicted a journalist and an editor-in-chief for violating the right to a private life of a communications manager working in a presidential campaign by claiming in print that the manager had a romantic relationship with a presidential candidate. The ECtHR concluded that, in view of the communications manager's public role and the importance of the press in a democratic society, the

sanctions imposed by the Finnish courts, including criminal liability and an order to pay fines, damages and the plaintiff's legal fees, were disproportionate and thereby violated the ECHR (European Court of Human Rights, 2010[6]).

The ECtHR has also allowed restrictions on freedom of the press in Finland, for example, in Pentikäinen v. Finland (Columbia Global Freedom of Expression, 2015[7]). In Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland, the ECtHR found that restraining a newspaper and message service that published and supplied information on taxable income that was otherwise public information was not a violation of Article 10 of the ECHR and that the Finnish court had "struck a fair balance between the right to freedom of expression and the right to respect for private life" (Columbia Global Freedom of Expression, 2017[8]).

Exceptions and exemptions

Press freedom may be limited in accordance with the law, and often by the same exemptions as freedom of expression. This includes, for example, laws governing libel, defamation and hate speech, which are laid out in Sections 8-10 and 23 of the Act on the Exercise of Freedom of Expression in Mass Media (Ministry of Justice, 2003[3]). The only limitation to press freedom that is explicitly specified in Finland's Constitution is a limitation on pictorial programmes that may be damaging to children (Section 12) (Ministry of Justice, 1999, latest amendments in 2018[2]).

Access to information

Scope

Access to public archives was first provided by Article 10 of the Press Freedom Act in 1766 (Britannica, 2020[1]). Today, the Finnish Constitution guarantees access to government information in Article 12, which is also the freedom of expression clause. The right to government information is further regulated in law. Specifically, Article 12 of the Constitution states:

Documents and recordings that are held by government agencies are public, unless limited by compelling reasons through law. Everyone has a right to access public documents and recordings (Ministry of Justice, 1999, latest amendments in 2018[2]).

Access to government information is further regulated by the Act on the Openness of Government Activities (Ministry of Justice, 1999, latest amendment in 2020[9]). This act includes a right to access all information held by the government and its agencies and applies to anyone present in Finland. Furthermore, Finnish citizens, Finnish residents and even tourists with a legitimate purpose have a right to access public information, as outlined in Article 3. The act provides that, as a general principle, every government document is public, unless otherwise protected by secrecy law. For the purpose of access to information, government agencies are outlined in Article 4(1) (Ministry of Justice, 1999, latest amendment in 2020[9]).

Exceptions and exemptions

Several government documents are covered by secrecy laws, and thus are not public, including documents covered by a duty of confidentiality and prohibition on exploitation, and special government documents protected by secrecy. Government documents covered by secrecy are the most broadly defined exception, with more than 30 enumerated grounds. Article 6(1) states:

Unless otherwise provided on document publicity or secrecy or another restriction of access to information in this act or another act, a document prepared by an authority shall enter the public domain.

In addition, the government may request fees to reproduce public documents and may refuse to copy public documents without first collecting such fees.

Recent amendments

The access to information provision of the Finnish Constitution has not been amended since the 1999 constitutional overhaul. The Act on the Openness of Government Activities (Ministry of Justice, 1999, latest amendment in 2020[9]) has been amended several times since 1999, with six amendments entering into force on or after 1 January 2017. The most recent amendment entered into force on 1 September 2020. It added to the types of documents that are presumed to be covered by secrecy laws, and thus are not public, including new paragraphs, as follows:

5) documents that includes information on the Police, Border Patrol, Customs Control, Prison Guard Agencies and Migration Agency's tactical and technical methods and plans, if the supply of the information from the documents would: jeopardise prevention and investigation of crimes, maintaining of public order and security or the security at a penitentiary, or the reliability of the Migration Agency's investigation on an alien.

24) documents concerning the need of international protection, the conditions for an alien's entry and residence in the country or the basis for them or the acquisition or loss of Finnish citizenship or the decision on citizenship status, if it is not obvious that the delivery of the information contained within will not jeopardize the safety for the party or the family of the party.

31 c) documents that concern an alien who is present in Finland, if there are grounds to suspect that the delivery of the information of the documents jeopardizes the safety of the party or the party's next of kin. (Ministry of Justice, 1999, latest amendment in 2020[9])

The extent of the restrictions outlined in this amendment has implications for Finnish journalists', civil society organisations and citizens' ability to play a watchdog role in relation to key public functions and offices due to their inability to access necessary public information. The Access to Information Act was amended twice in 2019, with both amendments taking effect on 1 January 2020. These amendments concerned the transfer of public documents between government agencies (Ministry of Justice, 1999, latest amendment in 2020[9]).

Right to privacy and data protection

Scope

Article 8 of the ECtHR ensures the right to privacy. In addition, Finland's Constitution guarantees the right to privacy to everyone living in Finland in Section 2, Article 10. Specifically, Article 10 of the Constitution provides that:

> *Everyone is guaranteed a right to privacy, honor and sanctity of the home. More detailed provisions on the protection of personal information is issued in law. The secrecy of correspondence, telephony and other confidential communications is inviolable. Measures that limit the sanctity of the home may be prescribed through legislation if necessary to guarantee the fundamental freedoms and rights or to investigate crimes.*

As a member of the European Union, Finland is bound by the General Data Protection Regulation (GDPR). In 2018, Finland passed the Data Protection Act of Finland which transposes the GDPR into Finnish legislation and entered into force on 1 January 2019 (DLA Piper, 2020[10]). The GDPR also required amendments to many other legal frameworks, such as the Criminal Code, and more detailed obligations on specific topics related to data protection have been adopted in other legislation, for example the Act on the Secondary Use of Health and Social Data (2019), the Public Administration Information Management Act (2020), and the repealing of the Act of the Administration of Information Management in Public Administration, which defines the entire life cycle of information held by the public administration. Finland also has special legislation regarding the processing of personal data (DataGuidance, 2020[11]).

As discussed in Chapter 3, the Office of the Data Protection Ombudsman oversees compliance with the GDPR, and issued several administrative fines and non-binding orders in 2020 (Office of the Data Protection Ombudsman, n.d.[12]). As of January 2020, there were a total of five GDPR enforcement decisions published by the Data Protection Ombudsman, with only one involving a government body (DataGuidance, 2020[11]).

Exceptions and exemptions

Article 10 of the Finnish Constitution states that exceptions and exemptions to the right to privacy may be prescribed in law for the purpose of ensuring other constitutional rights or to investigate crimes. Specifically:

It may be prescribed in law regarding such limitations in the secrecy of communications that are necessary during the investigation of crimes that jeopardise the individual's or the society's safety or the sanctity of the home, during trial, at safety controls and during detention as well as to collect information on military activity or such other activity that seriously threatens the national security. (Ministry of Justice, 1999, latest amendments in 2018[2])

Thus, Finland allows limits on the right to a private life in order to apply certain coercive measures, as needed, to investigate and prosecute crimes. For example, the Act on Coercive Measures allows for electronic surveillance, and travel restrictions, when a person is a suspect in a crime that is punishable by at least one year of imprisonment (Ministry of Justice, 2014[13]). In contrast, home surveillance may only be used for suspects in specified serious crimes that include genocide, sexual abuse of children and terrorism, as outlined in Section 3, Article 2. The use of these measures requires that they be in proportion with the severity of the crime. Whether the suspect's or another person's rights would be violated, and whether there are other material circumstances, must be evaluated before applying coercive measures as outlined in Section 2. Section 3 dictates that the least invasive measure must always be used first (Ministry of Justice, 2014[13]). As provided for in the Act on the Protection of Privacy in Electronic Communications Services, traffic data must be retained for a period of 6 to 12 months, depending on the means of communication, but may only be accessed in a limited number of enumerated instances (Ministry of Justice, 2004, amendments up to 2011[14]).

Recent amendments

The privacy protection provision (Article 10) in the Constitution was amended in 2018 by modifying Paragraph 3 and adding a fourth paragraph stating that:

It may be prescribed in law that measures which affect domestic peace and which are necessary for the enforcement of fundamental freedoms and rights, or for crimes to be investigated. It may be prescribed in law regarding such restrictions on the secrecy of communications that are necessary for the investigation of such crimes that jeopardize the security of the individual or society or peace at home, at trial, in security checks and during detention, and to collect information on military activities or such other activities that seriously threaten the national security. (Ministry of Justice, 1999, latest amendments in 2018[2])

Open Internet

Scope

The right to an open Internet (i.e. measures to ensure a free, neutral, decentralised Internet) is not specifically addressed in the Finnish Constitution. However, access to the Internet is a legal right in Finland. Under Section 87 of the Information Society Code Law (Ministry of Transport and Communications, 2014[15]), Internet service providers (ISPs) are obliged to provide access to the Internet throughout Finland, at a reasonable price, as the Internet qualifies as a public utility. Specifically:

> *Telecommunications operators that Finnish Traficom has designated as universal public service providers for [I]nternet services, as specified in Article 85, must provide – regardless of the geographical location – at a reasonable price from the perspective of the user – a subscription to the public [I]nternet at the place where the user or subscriber permanently resides or is located. The telecommunications corporation must provide the subscription within a reasonable time from the time of the order.*
>
> *The subscription must be such that all users and subscribers may obtain an expedient [I]nternet connection, considering the transfer speed that most users and subscribers have as well as the technical feasibility and costs.*
>
> *Provisions on the minimum speed for an expedient [I]nternet connection are issued in regulations by the Ministry of Transport and Communications. Before the regulation is issued Traficom shall, as necessary, produce a report on the market for data transfer services, including what transfer speed most users and subscribers use, as well as the technical developmental level, and in addition make an evaluation on the [proposed] provisions' financial consequences for the tele corporations. Traficom may issue additional regulations on how connections technically must be performed and what technical specification they must meet.* (Ministry of Transport and Communications, 2014[15])

Moreover, an open Internet is also regulated under EU law in the "Laying Down Measures Concerning Open Internet Access and Retail Charges for Regulated intra-EU Communications" regulation (European Parliament, 2015[16]). Being directly applicable in Finland, Article 1 of this regulation "establishes common rules to safeguard equal and non-discriminatory treatment of traffic in the provision of Internet access services and related end-users' rights" (European Parliament, 2015[16]). Article 3 dictates that providers are not allowed to block, slow down, restrict or otherwise discriminate between or interfere with specific services, applications or content. The regulation also requires providers to include in their contracts information on, among other things, volume limitations, speed and quality of Internet access (European Parliament, 2015[16]). In Finland, the supervisory authority for compliance with these provisions is the Finnish Transport and Communications Authority (Traficom) (Traficom, 2019[17]).

In addition, the Act on the Provision of Digital Services (Ministry of Finance, 2019[18]) transposes the EU Web Accessibility Directive into Finnish law (European Parliament, 2016[19]). It applies to digital services provided by Finnish authorities, public sector bodies, providers of services that are essential to the public (water, electricity, transport and mail services), credit institutions, payment service providers, etc. and requires them to ensure accessibility to their websites and mobile applications. Section 8 states that a digital service provider to which the act applies may only diverge from the accessibility requirement if it can show that compliance would impose a disproportionate burden on the provider, considering especially the needs of persons with disabilities using the service (Ministry of Finance, 2019[18]).

Exceptions and exemptions

As specified in Section 88, Article 3 of the law, ISPs do not need to supply Internet access to persons who have been prosecuted for "disturbing the mail and teletraffic" if the crime was committed with the help of an ISP subscription, or if the subscriber has an unpaid debt (unpaid, due, non-contentious or undisputed debts) with the ISP (Ministry of Finance, 2019[18]). In addition, Section 94 outlines that an ISP need not supply Internet service to a geographically remote area at its own expense if the cost for doing so is disproportional. In these cases, the ISP has a right to be reimbursed by the Finnish state (Ministry of Finance, 2019[18]).

Exceptions to the requirement of ISPs not to block, slow down, restrict or otherwise discriminate between or interfere with specific services, applications or content are laid down in Article 3 of Regulation (EU) 2015/2120 on an Open Internet. The exceptions allow limited traffic management measures that are

undertaken to comply with legislation, preserve network security or prevent temporary congestion (European Parliament, 2015[16]).

Recent amendments

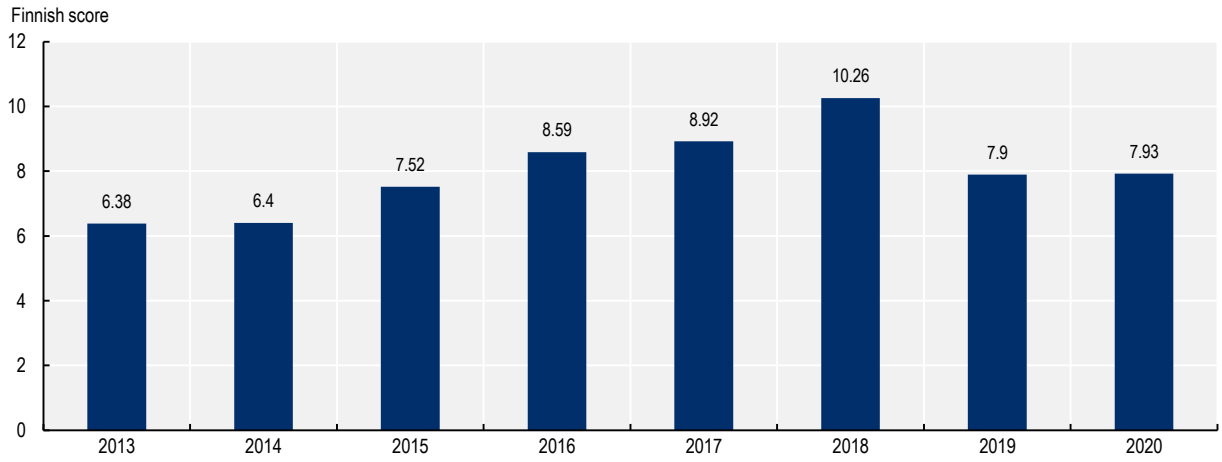
There have not been any recent amendments to the Constitution regarding the right to Internet access, although an amendment to the Act on the Provision of Digital Services is pending before parliament (Parliament of Finland, 2020[20]). The bill transposes the Directive on European Electronic Communications Code and the Audio-visual Media Service Directive into Finnish law. The proposal focuses on changes that would affect mobile networks and require the harmonisation of their frequency ranges within the EU and would adopt provisions on procedures for expert assessment and network concessions. The bill also proposes extending existing legislation on audio-visual content to include television broadcasts and video-sharing platforms (Parliament of Finland, 2020[20]).

Impact of media freedoms and digital rights on civic space

Combating pressures on press freedom

Countries in the Nordic region rank consistently high in indexes measuring press freedom, and Finland is no exception. Finland provides one of the world's best operating environments for media and journalists and this is illustrated by its impressive comparative standing in reputable indexes on this subject year-on-year (Kuutti et al., 2012[21]). Finland is currently placed second globally in the Reporters Without Borders World Press Freedom Index, which states that while there are some challenges, the "Land of Free Press" continues to protect the legal, institutional and structural foundations required for free media and journalism to flourish (Reporters Without Borders, 2020[22]) despite some fluctuations in recent years (Figure 4.1). Finland also received the best (4/4) score from Freedom House on its free and independent media ranking in 2019 (Freedom House, 2019[23]).

Figure 4.1. Finland in the Reporters Without Borders World Press Freedom Index, 2013-20



Note: The index ranks countries with a score between 0 and 15 representing those with a "good situation", with higher scores indicating a concerning environment for press freedom. Lower numbers thus represent a more positive trend.
Source: Reporters Without Borders (2020[24]).

Political, institutional and economic interference

While Finland surpasses the OECD and global averages, Finnish journalists are not immune to a range of pressures on their reporting (Yle, 2020[25]). According to the interviews conducted with journalists and their representative associations in the context of this Scan, it emerged that political, institutional and economic forces can still have an impact on their autonomy. This is corroborated by the recent 2020 World Press Freedom Index (Reporters Without Borders, 2020[26]), which states that Finnish reporters can be affected by "state and social pressures" on their reporting. Moreover, the most recent 2020 data from RSF notes uncharacteristically negative scores for Finland in questions relating to the ability of media to publish revelations concerning political power (Reporters without Borders, 2020[27]).

In 2018, the Finnish government recognised that journalists are at an increased risk of exposure to online harassment due to the nature of their profession, with Minister of Justice Antti Häkkänen highlighting this issue as a threat to freedom of expression in 2018 (Law Library of Congress, 2019[28]). In addition, the University of Tampere recently completed a study (2016-20) on the multitude of pressures facing journalists in Finland (Hiltunen, 2020[29]). According to the study, journalists encounter an array of methods aimed at influencing their work. These methods were divided into six categories: 1) interference concerning access to information, 2) psychological interference, 3) physical interference, 4) institutional interference, 5) economic interference, and 6) telecommunicational interference, i.e. disrupting telephone or radio signals. Furthermore, it stated that politicians, companies, authorities and various organisations all seek to influence journalism and sometimes succeed in discouraging journalists from covering certain topics or affecting their modes of operation (Hiltunen, 2020[29]). Low-level interference in everyday journalistic practices and online verbal abuse are the most frequent types of external interference (Hiltunen, 2019[30]). About 14% of journalists interviewed in a recent study stated that they have changed the content of their work due to external pressure, and about 44% consciously used other methods and actions to tackle the interference. Legal pressure is also common, with 35% of respondents having received threats of court cases and 25% with lawsuits for damages (Hiltunen, 2019[30]). The 2020 annual report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists named *Hands Off Press Freedom: Attacks on Media in Europe Must Not Become a New Normal* (Council of Europe, 2020[31]) also notes a substantial increase in legal threats and judicial harassment against journalists, with several alerts on lawsuits and criminal investigations filed against those working in media in Finland in 2019.

While overall Finland scores very highly in international comparative indicators related to press freedom, the above issues should be addressed by the government before they begin to have a concrete impact on the capacity of journalists to perform their essential democratic role. Regarding political interference, while private and public media in Finland are largely independent from political parties, politicians and other openly partisan actors, there is some evidence that indirect political influence can still influence news media. As a small country, Finland has similar challenges to other tight-knit societies in regard to close connections between politicians, journalists and others in positions of power (Krull, 2019[32]) (Reporters Without Borders, 2016[33]). Producers and reporters at Yle have also remarked that "preventive censorship has been used, and topics have been blacklisted, which has not happened before" (Hiltunen, 2019[30]). To combat these issues, the government could join many other countries in Europe and around the world who are reflecting on funding structures for media and how they affect editorial freedom and independence[2].

Freelancer concerns

Freelance journalists play a key role in promoting a strong civic space due to the independence of their profession. In Finland, freelance journalists in press media have the opportunity to join the Finnish Association of Freelance Journalists, which is affiliated with the Union of Journalists in Finland (UJF) (Finnish Association of Freelance Journalists, 2020[34]). The UJF currently has over 1 300 members (Finnish Association of Freelance Journalists, 2020[34]). Furthermore, it launched Mediakunta in 2017 as a

co-operative which functions as a non-profit community for journalists and other media professionals to foster collaboration (Union of Journalists in Finland, 2020[35]). The Radio and TV Journalists Union also has a freelance branch (FAO) with over 400 members (FAO, 2020[36]).

Freelance journalists can be particularly vulnerable to external shocks, such as global financial or health crises, with little to no available support from public institutions (McCluskey, 2020[37]). A 2021 Reuters report "Journalism, Media, and Technology Trends and Predictions 2021", which surveyed senior executives from 43 countries, found that the financial sustainability of small and local publications has been greatly affected during the COVID-19 pandemic (Newman, 2021[38]). This can affect the number of full-time employees and freelancers they can afford to maintain. In this regard, Finland could take inspiration from a good practice seen in the United Kingdom, wherein freelance journalists received a taxable grant of 80% of their average monthly profits during the pandemic (Reuters, 2020[39]). Given the important contribution of freelance journalists to freedom of the press and wider societal debate, the government could also financially support freelance journalist associations (e.g. the Association of Freelance Journalists in Finland) in times of uncertainty, economic crisis, or recession to ensure they can continue to assist their members in maintaining and finding projects. One good practice in supporting freelancers is that of Canada's Local Journalism Initiative, which offers funding to freelance journalists that produce civic journalism for underserved communities (Government of Canada, 2020[40]). The government could take inspiration from this initiative to encourage freelancers to participate in reporting on their local areas.

When faced with hate speech and other external pressures, freelance journalists do not have access to support from media outlets and can experience difficulties finding relevant professional support when needed (Hiltunen, 2019[30]). In order to support those who may be vulnerable to harassment or online targeting, a specific mechanism could be established to support employees within the broader framework of employment protection (Illman, 2020[41]). In addition, the government - in collaboration with relevant unions - could seek to better understand and communicate on the external pressures faced by freelance journalists and those without the support of a media company (e.g., on their vulnerability to financial and health crises, lack of income stability, difficulty finding professional support in the face of external interference or harassment) and identify ways to support them.

Violence at protests

Journalists across Europe are increasingly facing harassment and violence when reporting at protests and demonstrations (Wiseman, 2020[42]). While this trend is not as apparent in Finland as elsewhere, protesters and journalists covering protests have faced obstacles in recent years. For example, this issue came to the forefront in Finland in 2015 when the police arrested a photojournalist who had ignored orders given to protesters to disperse during a violent demonstration, leading to the Pentikäinen v. Finland case (Columbia Global Freedom of Expression, 2015[7]). The European Federation of Journalists and the UJF condemned the outcome of the decision as setting a dangerous precedent for press freedom and the status of reporters at protests (European Federation of Journalists, 2015[43]).

A recent UNESCO report found 125 instances of attacks on, or arrests of, journalists covering protests across 65 countries between January 2015 and June 2020 (UNESCO, 2020[44]). While the current situation in Finland does not pose as high a risk as in other countries, there is an overall perception by journalists of increasing hostility (Hiltunen, 2019[30]). For example, although physical violence from the police against protestors is rare at demonstrations, journalists have reported experiencing an increased threat from other protestors. Journalists report that hostile sentiments towards the media have often manifested as "pushing, shoving, tripping and verbal aggression" during protests (Hiltunen, 2019[30]). The government could take additional measures to increase training and capacity among the police to combat any harassment against journalists at protests and to better differentiate between protesters and journalists to ensure that they can report without interference. The government could also encourage the police to issue its own guidelines on protecting journalists when they are covering demonstrations and protests.

Hate speech and harassment of journalists

Hate speech, discussed exhaustively in Chapter 3, has a particular impact on online civic space and on journalists in particular, affecting their ability to do their jobs and posing a threat to journalistic autonomy. Freedom of expression and pluralistic public opinion cannot be realised if professionals feel they must refrain from discussing certain topics or withdraw from public debate (Illman, 2020[41]). Furthermore, extremist movements have encouraged these negative attitudes towards journalists and have employed pressure tactics, with media professionals now being threatened with slander and smear campaigns at a higher rate than ever before (Hiltunen, 2017[45]). In 2016, the UJF and its newspaper, *Journalisti*, conducted a survey among its members to investigate how many had received threats.[3] One-sixth of the 1 400 respondents reported having received some form of threat, with 40% noting that the threats were often related to articles regarding immigration and asylum (International Press Institute, n.d.[46]). Yle also sent an internal questionnaire to its employees in the past year, which discovered that a quarter had been the victim of such targeting.[4] Many of the online hate campaigns against reporters over recent years were found to be aided by a propaganda website called MV-lehti (International Press Institute, n.d.[46]).

Box 4.1 Harassment targeting female journalists in Finland

The Union of Journalists in Finland survey found that 14% of female journalists reported threats of sexual violence with no male journalist surveyed receiving such threats (ENNHRI, 2020[47]). As discussed in Chapter 3, there is a particular issue with harassment against female journalists, who make up the majority of journalists in the industry in Finland.

Gender-based violence against female journalists has been on the rise over the last decade, with female media professionals increasingly subject to various forms of intimidation and harassment. These can include threats of rape and sexual assault, threats against friends and family, and even death threats. New digital forms also include cyberstalking (see Chapter 3) and spamming, defamation campaigns, “doxing” (the Internet-based practice of researching and publicly broadcasting private or personal information about an individual as punishment or revenge (Merriam-Webster, 2021[48])); “sextortion” (the broad category of sexual exploitation in which threatened release of sexual images or information is the means of coercion (Cambridge Dictionary, 2021[49])); and “trolling” (intentionally antagonising others online by deliberately posting inflammatory, irrelevant or offensive comments or other disruptive content (Merriam-Webster, 2021[50])).

The Reuters Institute at the University of Oxford recently released *Fighting Words: Journalism Under Assault in Central and Eastern Europe* report (Selva, 2020[51]). The journalists interviewed for this study explained that many victims, and women in particular, are reluctant to share the messages that they receive, partly because they do not want to appear affected by them and often because they do not have the time to engage. Consequently, the extent of online harassment against journalists is often difficult to accurately measure.

Sources: Selva (2020[52]); UNOHCHR (2020[53]); UNESCO (2019[54]); Onali (2018[55]), ENNHRI (2020[47]).

Several positive initiatives have been undertaken by relevant ministries to limit hate speech and targeting of journalists. For example, the Ministry of Justice published a guide entitled *Journalists and Hate Speech* as part of a 2019 campaign to curb the intensity of harassment directed at those in the profession (Ministry of Justice, 2017[56]). The aim was to improve support for victims and to support agencies in their efforts to combat hate crimes and rhetoric. Government agencies, non-governmental organisations, the police and the Office of the Prosecutor General were involved in the campaign (Law Library of Congress, 2019[57]). Unfortunately, outside of ongoing efforts to subject the act of sending illegal threats to individuals based

on their work to public prosecution (see Chapter 3), neither the government nor parliament has taken necessary action in accordance with guidelines being proposed by advocacy groups (Reporters Without Borders, 2020[22]). Several journalists have stressed that the current legislation and reporting system are weak and wholly inadequate for protecting journalists (Union of Journalists in Finland, 2018[58]), and that harassment directed at them is generally not regarded as a sufficiently grave offence (Union of Journalists in Finland, 2018[58]). Many journalists remarked that authorities often fail to address the issue or simply discontinue investigations due to a perceived lack of evidence (Pekkonen, 2017[59]). The journalism associations interviewed for this Scan also noted that the police often expect victims to investigate instances of hate speech and harassment themselves, claiming a lack of resources.[5]

The UJF has stepped in to support journalists facing harassment in several ways. It has filed formal complaints with the Finnish prosecutor's office over its reluctance to press charges in connection with the severe harassment of journalists, notably those who cover topics related to immigrants and immigration (see Chapter 3). It also issued an advice kit for journalists experiencing hate speech and harassment which includes actions such as: saving threatening material; blocking those sending material on as many channels as possible; protecting data security and resetting your passwords; and ensuring personal telephone numbers and address are confidential, amongst others (Vehkoo, 2019[60]). Many journalists and journalism associations have to support themselves should they wish to take a case to court. The UJF has established its own financial resources for this specific purpose. Journalists facing threats, persecution and other forms of harassment can now apply for financial assistance to cover expenses caused by the harassment such as crisis therapy, investigative work linked to reporting an offence or installing security equipment. The Journalists' Support Fund "aims to support journalists in situations where help from their employers, union or the authorities are either insufficient or too slow" (Union of Journalists in Finland, 2019[61]). The government could support journalism associations and human rights organisations that provide such assistance to journalists with funding and other resources. In particular, it could consider financially supporting the UJF's Journalists' Support Fund to cover legal and other expenses for those facing threats, persecution and other forms of harassment.

Moderation of online community content and comments, which mostly involves deleting or blocking contributions with illegal content, is now widely practiced by media outlets in Finland (Goodman, 2013[62]) and can reduce the volume of hate speech aimed at journalists. A recent OECD report "Current approaches to terrorist and violent extremist content among the global top 50 online content-sharing services" (OECD, 2020[63]) notes that major companies such as Facebook, Twitter, and Google as well as smaller online content-sharing services, have been increasingly pressured by the public to prevent extremist groups or those posting illegal content from using their services. The report stresses that employing content moderation, with transparency and accountability for due processes, can "lead to actions such as content removal or blocking, suspension of the infringing account pending review, or a permanent ban from the platform" (OECD, 2020[63]). Similarly, a recent Reuters report found that the pandemic has forced a rethink for liberal democracies on where the limits of freedom of speech should lie on giant tech platforms in particular (Newman, 2021[38]).

Coupled with moderation, the creation of community guidelines for the public is also increasingly common and can vastly improve the quality of commentary. Electronic Frontier Finland has suggested that online platforms such as Twitter could establish a form of automatic or semi-automatic processing which would be faster than human moderation of an issue such as hate speech or harassment online.[6] However, there would need to be effective control mechanisms and efficient recourse options if users feel their content, and thus freedom of speech, has been blocked without justification.[7] In this regard, the government could target Internet intermediaries and social media sites and suggest that they implement community guidelines and take greater responsibility in moderating and removing illegal content (Luque, 2016[64]). Public officials could also assist media outlets in identifying illegal speech by providing training to website moderators on the Criminal Code and related case law, which would enable them to remove this content more effectively.

Citizens in Finland and around the world are increasingly expecting that private sector companies which benefit from freedom of expression are also held responsible for illegal content being posted on their sites (Illman, 2020[41]). There are indications that developments towards greater accountability for social media are already beginning. In this regard, the government could collaborate with social media platforms to make them safer by (1) guaranteeing prompt response mechanisms for complaints and removals, (2) incorporating tools that make reporting processes more user-friendly, and (3) investigating ways to minimise the impact of cyber-harassment and systemically revise policies to adapt to an ever-changing context. Furthermore, encouraging media outlets to adopt "think-twice policies," where readers are reminded of the rules on commenting before posting, as well as limiting the number of articles on which users can post comments in a short period of time, might be effective strategies. Implementing these solutions would require ensuring that they do not infringe upon freedom of expression and would take into account the ongoing discussion on the power that this grants private sector companies in regulating content. The prioritisation of civic education on media and ICT literacy as well as guidance on online behaviour are key in this regard. Finland could also learn from Canada's Digital Citizen Initiative, which works to equip citizens with the tools and skills needed to critically assess online information and identify misinformation and disinformation for a healthier information ecosystem that contributes to strengthening democracy (Canadian Heritage, 2020[65]). Relatedly, Yle, in its role as a national public educator, could also spotlight this issue for the public in collaboration with the government. Finally, ensuring that laws and norms regulating online communications meet existing international standards on freedom of expression on the Internet (e.g., blocking and filtering, censorship, data retention) and that Finland remains at the forefront of developing best practice in the digital field are key.

Criminalisation of defamation

While not uncommon in OECD countries, the criminalisation of defamation in Finland (see Chapter 3) is contrary to international guidelines from standard-setting organisations. The UN Human Rights Committee has declared that all states "should consider the decriminalisation of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty" (UN Human Rights Committee, 2011[66]) with several other organisations stating that "Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws" (UN Special Rapporteur on Freedom of Opinion and Expression; OSCE Representative on Freedom of the Media; OAS Special Rapporteur on Freedom of Expression, 2002[67]). The Council of Europe "promotes decriminalisation of defamation and provides guidance to its member states to ensure proportionality of defamation laws and their application with regard to human rights" (Council of Europe, 2018[68]). While the ECtHR has not explicitly called for the repeal of criminalisation provisions, it has criticised the usage of such laws on numerous occasions (Organisation for Security and Co-operation in Europe, 2017[69]). This criticism is rooted in fears that criminal sanctions potentially negatively impact freedom of expression (Organisation for Security and Co-operation in Europe, 2017[69]). Press freedom advocates have also noted that criminal defamation cases continue to be brought against journalists as retaliation for unwanted investigations and commentary (Organisation for Security and Co-operation in Europe, 2017[69]).

Thus, freedom of the press can be limited by provisions criminalising defamation, which can restrict the ability of targeted journalists to respond and defend themselves. In Finland, the defamation issue was brought to the fore in a case against Finnish journalist Johanna Vehkoo in 2019, who was convicted of defamation after she called a local politician – who had been harassing her – a Nazi on her Facebook page (Law Library of Congress, 2019[57]). Some journalists stressed that the judgment against Vehkoo would "encourage those who harass others online" (Law Library of Congress, 2019[57]) and the UJF noted that "bullying journalists and making their work harder by pressing charges against them is an international phenomenon that with this judgement has now come to Finland" (European Federation of Journalists,

2019[70]). Moving forward, the government of Finland could review the current legal framework surrounding defamation and ensure it aligns with international standards, such as those outlined by the Organisation for Security and Co-operation in Europe, the United Nations Office of the High Commissioner for Human Rights, the Council of Europe and others.

Media pluralism and the role of the public broadcaster

Media pluralism has a direct impact on civic space as it allows for diverse opinions and sources of information to be represented in and contribute to national debates. Media concentration, on the contrary, can hamper balanced and multifaceted conversations and promote one-sided views that can ignite polarisation and societal conflicts. Media outlets in Finland are considered politically independent (Freedom House, 2019[23]) and enjoy the highest public trust in media in the EU, with 91% of respondents stating that they trust the news, according to the 2018 Eurobarometer on fake news and disinformation (European Commission, 2018[71]). Finland also recently topped the 2019 Media Literacy Index, which measures the resilience of European countries to misinformation and disinformation (Open Society Institute - Sofia, 2019[72]). However, one preoccupation is the concentration of media ownership in the country. The Centre for Media Pluralism and Media Freedom report on Finland (Manninen, 2020[73]) categorises the concentration of news media in particular as high risk and finds that a small number of companies dominate each media sector. The same report also notes that while Finland has general transparency laws pertaining to business ownership, no specific laws regarding the transparency of media ownership exist, therefore allowing for a degree of obscurity (Manninen, 2020[73]).

According to the European Network of National Human Rights Institutions (ENNHRI), some of Finland's largest media companies are "active in two or more fields, and the four largest companies have 65% of the newspaper, television, radio, and online advertisement markets' revenues". Furthermore, the 4 largest companies in TV broadcasting hold 92% of the audience while the 4 largest companies in the radio sector hold 80%, and the 4 largest companies in the newspaper market hold 59% (ENNHRI, 2020[47]). Finnish legislation allows for this degree of concentration as long as it does not constrict competition. Thus, while there is general legislation governing the activities of media companies to ensure the market remains competitive, relevant laws do not have any provisions to encourage greater plurality or narrow concentration (ENNHRI, 2020[47]). Given that a small number of companies dominate each media sector, the government could review the existing legal framework, which permits this concentration in media ownership, and introduce additional transparency requirements for media companies.

The Finnish mass media market is subject to light legislation and is largely self-regulated (Media Landscapes, n.d.[74]), but there are a number of media regulatory authorities and bodies. The Council for Mass Media (CMM) is one of the most established bodies. Its mandate is to develop best practices in the profession and address complaints directed at the press, radio or television for potential breaches of these practices (Box 4.2).

Box 4.2 The role of the Council for Mass Media

The Council for Mass Media (CMM) in Finland is a "self-regulating committee established by publishers and journalists in the field of mass communication for the purpose of interpreting good professional practice and defending the freedom of speech and publication" (Council for Mass Media, 2021[75]). The Union of Journalists, the public broadcaster and the wider press industry established the CMM in 1968. While membership and compliance are voluntary rather than obligatory, the CMM has remained a well-respected umbrella organisation for standard-setting in journalism and has maintained its independence over the decades (Uimonen, 2015[76]). While it has no legal jurisdiction, the council benefits from high levels of trust from politicians, the public and the press (Uimonen, 2015[76]). Almost 95% of the

journalists working in the Finnish media are members of the council and have committed to its code of ethics.

The CMM provides support and oversight of a number of journalistic practices and challenges. First, most media outlets in Finland have adhered to the CMM's Basic Agreement, which allows the council to directly address any relevant complaints received. If citizens witness what they consider to be a breach of professional practices by journalists, for example in how they acquired information for an article, they can directly contact the CMM with an appeal. The complaint process is entirely free of charge and if the CMM is in agreement, it will issue a notice to the offending journalist or media outlet. Furthermore, under certain circumstances, the CMM can launch an independent investigation (Council for Mass Media, 2021[75]).

During the OECD fact-finding mission, the CMM recognised that there has been an increase in the number of complaints intending to pressure or harass journalists rather than express concern regarding media quality.* Consequently, the CMM has issued a declaration stating that appeals made with ulterior motives will be discarded on receipt (ENNHRI, 2020[47]). The share of complaints that the council can make a ruling on has decreased in recent times due to their increase in number[8].

* Interview, Council of Mass Media, 6 October 2020.
Source: Council for Mass Media (2021[75]), (2014[77]); Uimonen (2015[76]); ENNHRI (2020[47]).

The CMM is thus a vital self-regulating committee, which has seen fluctuating levels of complaints year-on-year. There was a downturn in the number of complaints received from 2016 to 2019, partly due to the introduction of a seven day waiting period before this time period. At the end of 2020, the number of complaints was on the rise again.[9] However, human and financial resources have been improved over the years and the CMM has been promised additional resources to address this new increase.[10] The government could thus ensure continued support to Finland's media regulatory authorities and bodies, and in particular the CMM, in the years ahead with sustained public funding or dedicated subsidies so that they can maintain their critical role in ensuring journalists and media companies practice ethical journalism.

The role of the national public broadcaster, Yle, is outlined in the Act on the Finnish Broadcasting Company, which defines its public service provision as a limited liability company engaged in public service (Ministry of Transport and Communications, 1993, amendments up to 2017[78]). Yle does not require a licence given that it operates under its own separate law (Ministry of Transport and Communications, 1993, amendments up to 2017[78]). Since 2013, Yle has been financed through the Finnish tax system rather than through license fees.[11] The aim of the Yle tax model was to keep its funding decisions outside of budget negotiations and to guarantee Yle's editorial independence and stabilise its funding. Hellman notes that Finnish broadcasting policy has traditionally focused on structural control, meaning that regulation has concentrated on media structure rather than media content (Hellman, 2010[79]). As a result, Yle's position and its public service duties were always safeguarded while market entry for others was difficult (Hellman, 2010[79]).

There have nevertheless been recent moves by regional commercial media and the Finnish Media Federation (Finnmedia) to restrict the wide-ranging role of Yle, as it affects private commercial entities and the market in regional media. Finnmedia launched a state aid complaint to the European Commission in 2017 which led to an investigation into Yle's operations (News Media Association, 2020[80]). Finnmedia argued that "the broadcaster's large-scale publicly funded provision of textual online content distorts competition in the media market and jeopardises the future of polyphonic media" (News Media Association, 2020[80]). The Commission investigated the issue and subsequently called for an amendment to Finnish broadcasting laws (Ministry of Transport and Communications, 2020[81]). As a result, there is an ongoing debate in Finland on restricting Yle's ability to publish text and social media and a new bill, which seeks to reduce the scope of Yle, is under consideration. The CMM noted that this development is in the interest of

commercial media[12] as they are seeking less competition between their web content and the material produced by the public broadcaster (Yle, 2020[82]).

As a national public broadcaster and public educator, YLE plays a crucial role in disseminating accurate information and reducing bias and polarisation in public debates. Finland already has several successful initiatives for combating fake news – for example, using the public school system as a tool to fight information warfare through the development of critical thinking skills and providing specialised media literary education (Open Society Institute - Sofia, 2019[72]) – and could further strengthen Yle's mandate for tackling the spread of misinformation and disinformation and continuing to provide balanced debate. In order to effectively maintain this role, it is important for Yle to represent and reflect the varied viewpoints in Finnish society. The *Civic Space in Europe Report 2017* (Civil Society Europe, 2017[83]) noted that small and mid-size civil society organisations are often ignored in national or local media, with household names getting the most visibility in both state and private media (Civil Society Europe, 2017[83]). In this regard, both state policies on public funding and media outlets tend to emphasise professional organisations – often the national branches of international non-governmental organisations – while smaller and local civil society groups go relatively unnoticed. As a result, the government could encourage Yle to give greater space and visibility to a wider variety of voices and demographics, including small and mid-size civil society organisations alongside traditionally well-known and established organisations, on their platform.

In addition, according to the Centre for Media Pluralism and Freedom, access to media and visibility for minorities is currently inadequate. While minorities do appear in public and private media, they are mostly under-represented (Manninen, 2016[84]), especially those groups outside the legally recognised Swedish and Sámi communities. There is also no law guaranteeing minorities' access to an established degree of representation in broadcast media (Manninen, 2016[84]). However, Yle has been making significant progress in this regard with a range of programmes in several Sámi and immigrant languages in recent years.[13] The government could thus protect Yle's public service role as an educator and ensure they have the necessary resources to continue and expand their news content in other languages.

Access to information

Finland has a long-standing commitment to transparency and open government as one of the first countries in the world to enact an access to information (ATI) law and enjoys notably low instances of corruption in the public sector. In 2019, Finland ranked third out of 180 countries in Transparency International's Corruption Perceptions Index, which assesses citizens' perceptions of levels of open government, press freedom, civil liberties and independent judicial systems globally (Transparency International, 2019[85]). In addition, Finland's participation in the Open Government Partnership and its national action plans continue to prioritise enhancing transparency. The Fourth National Action Plan 2019-2023 focuses on "ensuring the transparency of government activities by increasing the accessibility of information" in particular (Government of Finland, 2019[86]).

While there is a strong tradition of openness in Finland, the ATI law has not been updated to align with evolving best practices in some areas. Finland currently ranks 31st out of 128 countries in the Centre for Law and Democracy's Global RTI Rating, which specifically assesses the provisions of countries' access to information laws (Centre for Law and Democracy, 2020[87]). This ranking illustrates several areas of weakness in the provisions of the Act on the Openness of Government Activities (Ministry of Justice, 1999, latest amendment in 2020[9]) that could be improved or implemented through secondary legislation or implementation guidelines (Table 4.1).

Table 4.1. Weaknesses in Finland's Act on the Openness of Government Activities

Area of the law	Weaknesses
Scope	• There is a limited definition of the official documents that are included under the scope of the access to information law. Some of the exceptions include internal documents and drafts, which have not yet been released for consideration. This type of exclusion is defined as the "library exception" as it concerns documents procured for internal training, information retrieval and any other comparable internal activity of an authority. • There is no mention of the law applying to private bodies that receive significant public funding.
Requests for information	• There is no mention in the law of requesters being provided with a receipt when lodging a request. • There may be a charge for the reproduction of information and there is no mention of fee waivers for impecunious requesters.
Exceptions and refusal	• The exceptions to the right of access are generally consistent with international standards, but there may be secrecy provisions in other acts which are not aligned with the generally accepted list of exceptions. • There are several exceptions which are inconsistent with international standards, including "documents concerning the basic materials for a dissertation or other scientific study, technological, or other development project" and "basic data for research and statistics." • There is an exception covering "the documents of the Government Foreign Affairs Committee," which is framed too broadly and may lead to different interpretations by public authorities and may be misused in order to protect information that might reveal the breach of human rights or corruption. • A mandatory public interest override is not mentioned in the law.
Appeals	• Relevant oversight bodies (the Parliamentary Ombudsman and the Chancellor of Justice) cannot investigate matters if an appeal in a court is still pending or the deadline for appeal has not yet passed. • Decisions of the independent oversight body are not binding, it only issues recommendations. • There are no clear procedures or deadlines for external appeals mentioned in the law.
Sanctions	• No sanctions are mentioned in the law. A remedial action or reprimand can be imposed on public authorities that fail to disclose information. The list of sanctions mentioned only target public officials, they do not target public authorities. • The independent oversight bodies (the Parliamentary Ombudsman and the Chancellor of Justice) do not have immunity in the exercise of their charges. • There is no legal protection for whistle-blowers.
Promotion	• There is no body in charge of promoting the right of access to information. • There is no mention of public authorities being required to annually report on their access to information obligations.

Notes: The Global RTI Rating focuses solely on assessing the provisions outlined in access to information laws. It does not take into account that many of the weaknesses highlighted in the laws may be rectified in the implementation of the law or in additional legislative, policy or institutional frameworks. The Global RTI Rating was last updated in 2017 and thus may not reflect any of the recent amendments to the act.
Source: Global RTI Rating (2020[88]).

In practice, all state authorities are subject to the Act on the Openness of Government Activities (Ministry of Justice, 1999, latest amendment in 2020[9]). This includes courts of law, state administrative authorities, parliamentary agencies and institutions, state enterprises, publicly funded enterprises, and local government authorities. The act applies to both documents created by an authority and those delivered to an authority (Ministry of Justice, 1999, latest amendment in 2020[9]). Officials are subject to a two-week deadline, and if a request contains several documents or requires an excess amount of work, the cut-off time limit for information submission is one month from receiving the request (Ministry of Justice, 1999, latest amendment in 2020[9]). Access to information requests in Finland do not always fall within these outlined administrative deadlines due to a lack of human resources and time in some public authorities. To counter this, the government could take a strategic approach by proactively disclosing more relevant, timely and accurate information in advance of requests through its open data portal (Government of Finland, n.d.[89]).

In the case of a refusal to provide information or administrative silence, there is an opportunity for an internal appeals process with the specific public authority involved. If this is unsuccessful, the requester can launch an external appeals process with the main oversight body, which is either the Parliamentary Ombudsman or the Chancellor of Justice depending on the case. If the requester is not satisfied with the

arguments for denial of an ATI request, a complaint can be filed with the administrative court, which will then give its verdict. However, the oversight bodies will not investigate cases where an appeal in a court is still pending or where the time for an internal appeal has not yet passed (Global RTI Rating, 2020[88]). The ATI law does not provide for a suggested single pathway or oversight body, as the process depends on the municipal, regional or central agency involved. There is a need to more clearly define the appeals process and mandate of both the Parliamentary Ombudsman and the Chancellor for Justice in relation to the Act on the Openness of Government Activities to ensure citizens are aware of the steps to take in the event of a denial of a request for information.

Journalists have also noted difficulties with access to information. A recent media study (Hiltunen, 2019[30]) revealed that nearly half (48%) of the journalists interviewed had experienced withholding or obstruction of access to public information by public authorities. Other studies have also shown challenges in either the ability or willingness of public officials to provide public documents when requested. This is noteworthy considering that a survey conducted by The Worlds of Journalism Study concluded that 40% of Finnish journalists stressed that access to official information was “very” or “extremely” important to their work (ENNHRI, 2020[47]). The government needs to ensure that journalists can always access relevant and usable information in a timely fashion to safeguard their key watchdog and oversight role. In this regard, there is a need to impose sanctions on public officials and authorities that are found to have withheld or arbitrarily obstructed access to information for reasons not permitted in the law.

In addition, the Ministry of Justice noted that there are no statistics available on the number of requests granted or denied, due to the vast amounts of requests received and the fact that most of these requests are made by phone (University College London, 2021[90]). While this is not unusual in OECD countries, the government could create a centralised portal for all ATI requests as the Ministry of Finance confirmed that each body currently deals with its own data and requests. Several countries have established centralised portals to manage ATI requests, as outlined in Box 4.3. The benefits of setting up a centralised portal for ATI requests across ministries include:

- the government can compile statistics and data on requests for information
- public bodies can see the most frequently requested information and proactively disclose similar documents
- citizens can view previously requested information from each public body and follow the progress of their own requests
- the ATI oversight bodies can track when deadlines are not respected and identify which ministries require additional resources.

The government is aware of these challenges and the current government programme (Government of Finland, 2019[91]) outlines Finland’s ambitions to improve transparency and the implementation of access to information laws. The current government programme aims to “add depth to the management of information policy and make the openness of public information the overarching principle of information policy” (Government of Finland, 2019[91]). Finland has already amended the ATI law several times and there is an ongoing reform process to strengthen access to information. An act to establish a transparency register will be introduced to improve the openness of decision making and prevent inappropriate or corrupt influence, as well as to strengthen public trust further. The government is also currently reviewing the Act on the Openness of Government Activities to apply the current provisions to any government data and information in a general sense, not only to official documents. It will also assess whether the scope of application of the act should be broadened to cover legal entities owned or controlled by the public sector. The reform of the Act on the Openness of Government Activities will also set stricter regulations for authorities to comply and clarify the range of sanctions that can be incurred for any public official or body that violates the act (Government of Finland, 2019[92]). To conclude, while Finland has a long-standing commitment to transparency and considerable progress has been made in this regard, the government could review the remaining shortcomings of the Act on the Openness of Government Activities following

the reforms process and ensure its full implementation through secondary legislation and practical guidelines for public bodies.

Box 4.3 Improving transparency with centralised portals

Canada

Canada prioritises its continued commitment to access to information and promotion of the transparency agenda and related activities. The government of Canada developed and launched the Access to Information and Privacy (ATIP) Online Request Service in October 2018, which enables citizens to submit access to information and personal information requests online to any government institution subject to the Access to Information Act and the Privacy Act. The service also uses artificial intelligence to help citizens search through over 260 institutions, find the most appropriate public body for their inquiry, and even browse through summaries of past requests.

India

India also has a centralised portal for ATI requests at the national level. Citizens can file ATI requests as well as any first appeals to all ministries and departments or any other public authorities of the central government. The portal also provides an opportunity for citizens to provide direct feedback to the public officials handling the requests. The portal was launched and is maintained by the Department of Personnel and Training.

Mexico

Mexico is recognised as having one of the most robust ATI laws internationally, with the National Institute of Transparency, Access to Information and Personal Data Protection (INAI) acting as the authority responsible for overseeing the law. One effective feature in the implementation of the law is the one-stop Internet portal, the Integrated System for Information Requests (Sistema Integrado de Solicitudes de Información), or INFOMEX. The system allows requesters to file requests online from anywhere in Mexico. INFOMEX issues reference numbers, and both public officials and citizens can use these to track the status of a request. In addition, requesters in Mexico City that do not have access to the Internet may approach one of several INAI offices in the city and file their requests on the computers available for that purpose.

Source: Author's own based on Government of Canada (2020[93]); Access to Information and privacy (Treasury Board of Canada, 2021[94]); Access to Information and Privacy (ATIP) Online Request Service (Government of Canada, 2021[95]); RTI Online (Government of India, 2021[96]); Freedom of Information in Mexico (University College London, 2021[97]); Information request system (INFOMEX) of Mexico (Government of Mexico, 2020[98]).

Finland has recently been considering whether to broaden the scope of its legislation on transparency by opening up all public information for free reuse, a goal which is led by the Ministry of Finance (Ministry of Finance, 2020[99]). Free reuse entails that information and data should be published in an open format, with no limitations on the ability of stakeholders and citizens to download and reuse it (Orme, 2019[100]). The results of the 2019 edition of the OECD Open, Useful and Re-usable data (OURdata) Index point to the need for increased policy action to further support open government data policies in the Country. Finland scores below the OECD average in the OURdata Index, ranking 28th among 32 OECD countries (OECD, 2020[101]). In this regard, an ambitious project on opening up and using public data, established by the Ministry of Finance on 30 April 2020, will promote wider and more effective use of public data throughout society (Ministry of Finance, 2020[99]). The strategic objectives of this project aim to underpin

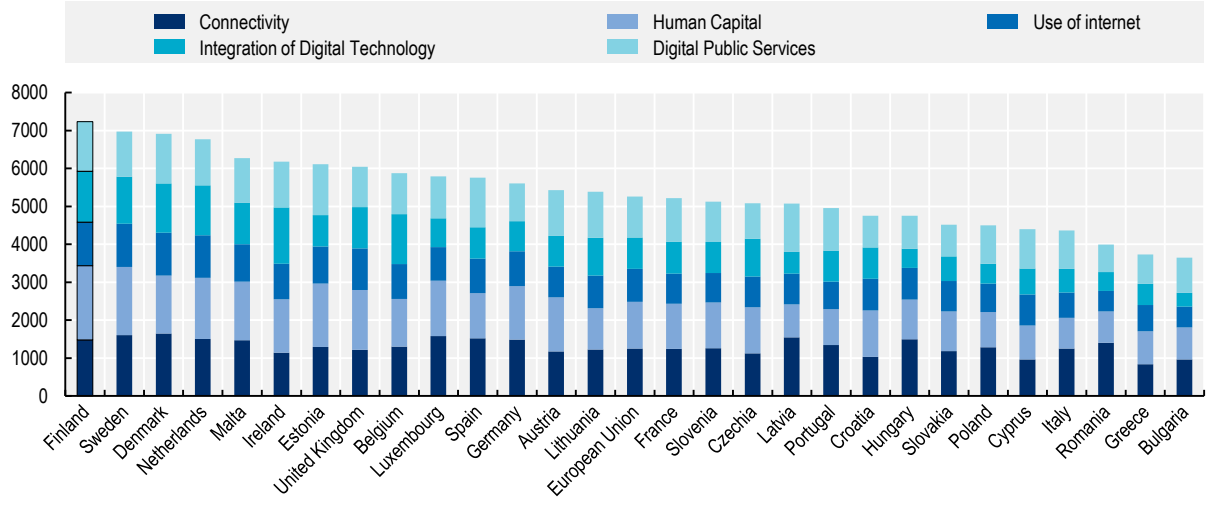
and support Finland's national information policy, which prioritises improving access to services, boosting competitiveness, meeting the needs of citizens, and enhancing overall quality of life (Ministry of Finance, n.d.[102]). The project will benefit from the active participation of other bodies of the central government, local government, joint municipal authorities and publicly owned companies (Ministry of Finance, n.d.[102]) and will include Statistics Finland (in charge of the data quality sub-project), and the Digital and Population Data Services Agency (responsible for the open data portal service, and the interoperability platform). Through this project, the government could also commit to a whole-of-government approach to improving the transparency of decision making as well as implementing more stringent practices for better information management. This could include a government-wide information repository for all public bodies to enable more effective knowledge-sharing on their policy-making processes, and to encourage the exchange of good practices in managing, using and sharing data and information across ministries and making them accessible and available for public reuse.

Emerging technology, artificial intelligence, and data and privacy concerns

Finland's levels of digital government and digitalisation policies

Citizens and CSOs are increasingly moving their activities onto social media and the internet, creating what is now commonly referred to as online civic space. Because of this, a country's level of digitalisation and the manner in which it addresses the issue of digital literacy and the digital divide, are increasingly important to ensure that citizens are well equipped to live a positive, protected and productive digital life (OECD, 2020[103])[14]. Finland is already among the most digitalised countries worldwide as well as one of the leading countries in the world in digitalisation of public services. The country was ranked first in the EU in the 2020 Digital Economy and Society Index (DESI) (Figure 4.2) (European Commission, 2020[104]). In fact, studies show that the Finnish population has the best digital skills in the EU (European Commission, 2020[104]). Based on data from 2019, Finland leads due to its performance in digital public services and its integration of digital technologies, coupled with sustained collaboration between the public and private sectors and a lively start-up scene. One of Finland's strongest advantages is its human capital: 76% of the population has basic or above average digital skills, which is considerably higher than the EU average of 58% (European Commission, 2020[104]).

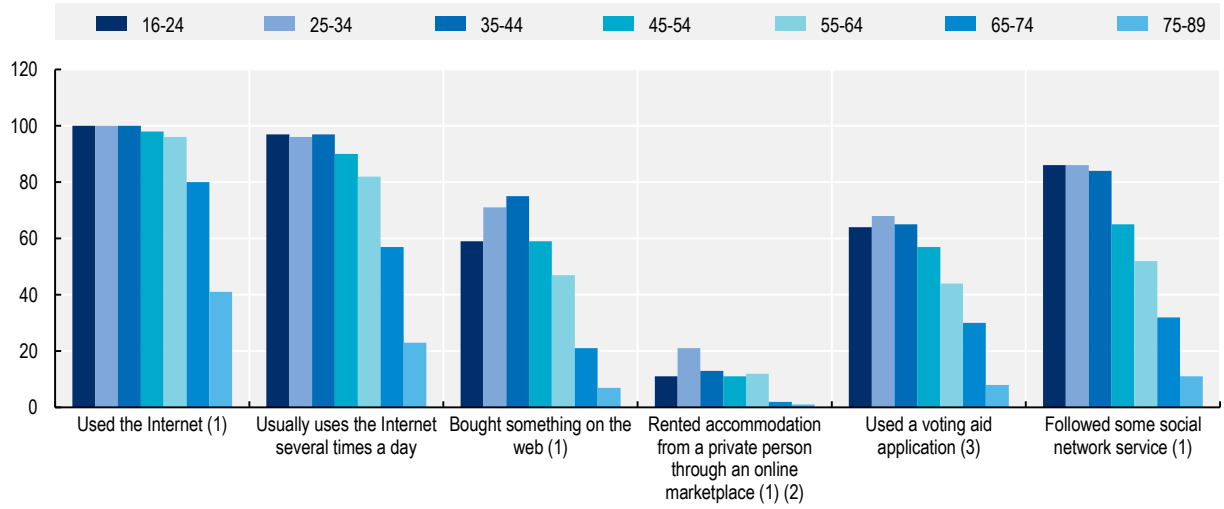
Figure 4.2. Digital Economy and Society Index 2020 ranking



Source: European Commission (2020[104]).

Finland also has high rates of access to the Internet, with 79% of Finns using the Internet multiple times a day (Statistics Finland, 2019[105]) as well as high Internet usage across most age groups. However, as shown by Figure 4.3, there is still a digital divide between youth groups and groups aged above 65. There is also a growing divide between rural and urban populations, and the gap is even greater between high and low socio-economic groups.[15]

Figure 4.3. Prevalence and purpose of Internet usage by age, 2019, % share of population



1. During the past three months.
2. Short-term accommodation.
3. Prior to the 2019 parliamentary elections.
Source : Statistics Finland (2019[106]).

The government programme prioritises promoting the ability of older people to use e-services and to educate children on navigating online risks (Government of Finland, 2019[91]).The Digitalisation in Everyday Life Board mentioned that it can be difficult to design services for e-health, taxation and social services that are catered to every population demographic.[16] A step forward in this regard was the recent EU Accessibility Directive and the implementing Act on the Provision of Digital Services in Finland (Ministry of Finance, 2019[18]), which seeks to ensure better future accessibility for digital services for everyone, promote the full participation of all in the digital society, improve the quality of digital services, and create Europe-wide harmonised minimum standards for the accessibility of public sector websites and mobile applications. The government could further explore the factors underlying the digital divide through one of the aforementioned working groups to find ways to bridge the gap between those that are excluded from the digital leap or do not even have access to the Internet. As identified in the 2019 OECD Digital Government Index (DGI) (OECD, 2019[107]), Finland's government shows significant room for improvement in adopting a user-driven approach in service design and delivery in order to better meet the needs of the citizens. This could be achieved by increasing the opportunities for specific target groups (e.g. elderly, disabled, minority groups) to test public services (digital or physical) in order to ensure that they are comprehensible, accessible, and addressing the real needs of Finnish citizens.

Finland also takes part in initiatives for greater Nordic co-operation in the area of digitalisation. One example of this is the Cross-Border Digital Services programme, which has been launched for 2021-24 (Nordic Co-operation, 2021[108]). Finland holds the Presidency in the Nordic Council of Ministers in 2021, and its presidency programme will focus on solutions for improving everyday life through digitalisation.[17] In addition, the Nordplus programme is the main tool to enhance educational co-operation and mobility in

the Nordic region and improve digital competencies and computational thinking. The preparation of students and adults for an increasingly digitalised society is a cross-cutting priority for all sectors targeted by the programme (Nordplus, 2021[109]).

Addressing data collection and privacy concerns

The introduction of the GPDR has undoubtedly strengthened and harmonised the rights of the individual throughout Finland and the wider EU.[18] However, according to Sitra, some critical issues remain to be addressed. One notable challenge is the way in which permission to collect data is requested in Finland. In an input provided for this scan, Sitra stressed that the individual should be told briefly and comprehensibly how their data will be used. The current lengthy terms of use and registry descriptions with which organisations seek to comply with the GDPR are not a user-friendly way to enforce compliance. Sitra also noted that there is a need for a new means of consent and management that make it easier to exercise all data rights and also to support organisations to approach users with requests for new uses of data.[19] In a recent statement, Sitra outlined the importance of using the national margin and flexibility allowed by the GDPR, taking into account the data protection requirements of the individual, to use supplementary national legislation to provide better services to citizens in both the public and private sectors (Halenius, 2020[110]).

The Data Protection Ombudsman has also recommended that the government consider the GDPR as an opportunity to explore grounds for innovations and to safely investigate and experiment within this framework rather than restrict potential solutions.[20] The Ombudsman has suggested that the government take a wider approach and look beyond Finland as the purpose of the GDPR is to provide a set of standardised data protection laws across all EU member countries and make it easier for EU citizens to understand how their data are being used and raise any complaints. In this regard, Finland could also consider and learn from good practices from other EU member states on their implementation of the GPDR.[21]

Finland has its own unique issues with personal data and privacy. A key challenge in the country is the low population density in some areas, due to large land masses with very few inhabitants. In many cases, a combination of different data sets, even if they are anonymous, could lead to the identification of individual citizens. This is of particular relevance to certain marginalised groups as well as members of the indigenous Sámi community, who tend to live in sparsely populated areas. The modern day possibility to quickly compound data thus raises many questions about balancing public information and personal data.[22] In general, the creation of a whole-of-government systematic approach to minimise the risks associated with increased collection of personal data and the compilation of data sets, which can threaten individual anonymity in sparsely populated areas of Finland, could be beneficial.

In the context of the ongoing COVID-19 pandemic, privacy-friendly and secure digital solutions can support the response to, and recovery from, the crisis. A report by the Council of Europe has identified several shortcomings in the protection of privacy and personal data in some of the legal and technical measures adopted by governments to prevent the spread of the COVID-19 pandemic (Council of Europe, 2020[111]). Finland, like other countries, has experienced an acceleration in the development of digital public services and tools in the health and other sectors (Tiirinki, Tynkkynen and Sovalac, 2020[112]), which can bring new challenges. Digital solutions, when implemented responsibly, can be used to trace and enhance supply chains and public procurement related to management of the pandemic going forward, which will allow for greater accountability in decision making. A mobile track-and-trace application launched by the Ministry of Social Affairs and Health provides a positive example of Finland's commitment to data privacy and transparency, with Sitra recognising that the protection of personal data and privacy was duly taken into account in the ministry's initial proposal and throughout the creation of the application (Kivelä, 2020[113]). Digital solutions could be used to trace and enhance supply chains and public procurement related to management of the pandemic henceforth, which will allow for greater transparency and accountability of

decision making. The government prioritised the protection of personal data in its track-and-trace mobile application and should continue to place this level of emphasis on data privacy in the context of any future proposals for digital solutions related to the COVID-19 recovery.

Achieving Finland's vision for artificial intelligence

Finland is recognised for its great potential to become one of the leading countries in exploiting the benefits of AI and supporting the public sector in building predictive, AI-powered digital services based on people's needs (Koskenlaakso, 2018[114]). It has a long history of using basic automated decision making in areas such as taxation and social welfare benefits, which can be traced back to the 1970s.[23] Today, it is striving to become a world leader in human-centric and ethically sustainable artificial intelligence (Ministry of Finance, 2020[115]). Notably, the current government programme specifically mentions that the government aspires to monitor the societal impacts of AI to ensure that discriminatory models are not applied in its systems (Government of Finland, 2019[91]). The programme also notes that "instructions will be issued for Finland on the ethical use of artificial intelligence" (Government of Finland, 2019[91]). The Ministry of Economic Affairs and Employment outlines its vision for AI in Finland in its *Leading the Way into the Age of Artificial Intelligence* final report:

In 2025, in Finland of the age of artificial intelligence, citizens trust AI-based systems and believe that artificial intelligence will enhance security. The age of artificial intelligence has not eroded people's trust in society or to each other and Finland remains a trust-based society. Artificial intelligence has been harnessed to produce anticipatory and human-centric services in the public and private sectors. Services are more clearly focused in accordance with the needs, which makes them more effective. The new service structure has thus enhanced citizens' wellbeing and reduced unhappiness. By doing this, it has helped to strengthen social stability and the functioning of the democratic society. (Ministry of Economic Affairs and Employment, 2019[116])

To guarantee that AI's benefits are distributed fairly, governments must illustrate – by involving citizens – that AI is not a private good, but rather a good for the public interest (Bird et al., 2020[117]). Finland currently has several ongoing projects aimed at making use of AI with this objective in mind. The Ministry of Economic Affairs and Employment recently launched Elements of AI, an online course organised by the University of Helsinki, that forms part of the strategy to turn Finland into an AI powerhouse (Ministry of Economic Affairs and Employment, 2021[118]). More than 185 000 people have signed up for the ten-hour Massive Open Online course so far, which seeks to improve data literacy surrounding AI and to ensure that all citizens have a basic understanding of AI (OECD, 2020). Finland also has a steering group for its artificial intelligence programme, which is housed in the Ministry of Economic Affairs and Employment. The Steering Group published a report in 2018 entitled, *Artificial Intelligence: Four Perspectives on the Economy, Employment, Knowledge and Ethics*, which investigated the effects of AI on the economy, employment and the labour market, and education and skills and issued related recommendations (Future of Life Institute, 2020[119]). The group issued a final report in 2019 entitled, *Leading the Way into the Age of Artificial Intelligence*, which laid down 11 key actions covering all sectors to help Finland achieve its ambitious goal (OECD.AI, 2021[120]).

The Ministry of Finance's Aurora AI programme (Ministry of Finance, 2020[115]) intends to implement an operations model based on people's needs, whereby AI helps citizens and corporations to better utilise services. Using the AuroraAI service model, organisations from various sectors of society will "create a snapshot of well-being to support ethical, sustainable and human-centric activities and knowledge-based management" (Ministry of Finance, 2020[115]). In 2020, the City of Helsinki (in partnership with the city of Amsterdam) launched an AI Registry, a tool that tracks how municipalities use algorithms to ensure that the AI used in public services operates on the same principles of responsibility, transparency, and security as other local government activities (OECD.AI, 2021[120]). The Ministry of Economic Affairs and Employment notes in its 2017 *Finland's Age of Artificial Intelligence* that legislation should reflect these

developments (Ministry of Economic Affairs and Employment, 2017[121]). On the international level, while several ethical guidelines are being developed simultaneously, for example, the European Parliament's *The Ethics of Artificial Intelligence: Issues and Initiatives* (Bird et al., 2020[117]), there are no global standards to provide clear reference points (National Audit Office, n.d.[122]). In addition, Finland together with 13 other EU Member States published a joint position paper in October 2020, urging the European Commission to espouse a "soft law approach" that takes into account the fast-evolving nature of AI technologies and favours self-regulation and voluntary practices to avoid harming innovation (Permanent Representation of Netherlands to EU, 2020[123]). Overall, the focus to date has been on measures that encourage and support ethical conduct and a culture of integrity rather than on the prevention of unethical conduct through regulations and sanctions (National Audit Office, n.d.[122]).

In Finland and beyond, progress concerning AI has also raised a number of moral dilemmas associated with its impact on society, including the labour market, inequality, privacy, human rights and dignity, democracy, and bias (Bird et al., 2020[117]). As the Finnish government implicitly acknowledges in the government programme, one of the foremost issues in the public sector is the issue of discrimination and systematic bias, which can arise when machine-learning systems are fed data that only reflect certain demographic groups, or which include societal biases. One illustrative case in Finland involving a man who had applied for credit to buy building supplies provided a prime example of a situation where automated systems can make evaluations that are problematic (Algorithm Watch, 2018[124]). The credit company found no information in its database about the man, leading its system to default to an evaluation based only on his age, gender, place of residence and native language and to refuse the loan on that basis. The National Non-Discrimination and Equality Tribunal found the decision to be discriminatory (Algorithm Watch, 2018[124]). In order to avoid such outcomes, the Ministry of Justice launched the *Assessment Memorandum on the Regulatory Needs of General Legislation Related to the Automatic Decision-making of the Administration* in 2020, which outlines a number of guidelines on automated decision making in the public sector (Vainio, Tarkka and Jaatinen, 2020[125]). The memorandum notes that automated decision making should be limited to situations with no element of discretion involved, in other words to situations where a decision can be mechanically derived based on known facts and pre-determined rules by the relevant authority. Public bodies should also be "obliged to ensure that the use of an automated decision-making system does not jeopardise the realisation of good governance, legal protection and fundamental rights" (Vainio, Tarkka and Jaatinen, 2020[125]). Furthermore, the memorandum notes that assigning competent public officials with responsibility for the adoption and outcomes of the decision-making rules used by the system can encourage greater accountability. Lastly, it proposes that transparency in automated decision-making procedures should be prioritised (Vainio, Tarkka and Jaatinen, 2020[125]).

Regarding the ethics of AI in the public sector, Chancellor of Justice Tuomas Pöysti has stressed that "ensuring full transparency of AI functions and human explicability are one of the core regulatory needs and principles and that humans must remain accountable and rules and attribution of responsibility should be made clearer across the various kinds of AI applications" (Pöysti, 2019[126]). With the above in mind, the government of Finland could implement new strategies to harness the beneficial powers of artificial intelligence (AI) for citizens, help navigate the AI-driven economic transition, and retain and strengthen public trust in AI while underlining that it should always be used with the public interest at its core. In this regard, it is also important to ensure that programmers and developers working in the public sector represent diverse demographics themselves and are trained to recognise and counteract biases so that AI applications and products do not perpetuate unfairness and discrimination. While anyone can be subject to discrimination, "it typically affects the disadvantaged in society" (Vairimaa, 2019[127]). For this reason, citizens should be made aware of how algorithms and technological tools are created and who may benefit from the systems that monitor user behaviour (Sitra, 2017[128]). Regular, transparent communication to the public on this fast-changing area on the ways in which algorithms and automated decision making are being used in the public sector, acknowledging that the "Elements of AI" course is a successful starting point, may help to build greater trust.

Lastly, it is also essential that a wide range of civil society stakeholders are engaged and given an opportunity to participate through consultations on national strategies regarding emerging technologies in Finland. The European Centre for Not-for-profit Law and the International Centre for Not-for-profit Law recently published a series of country studies on *Incorporating Civil Society into National Strategies on Artificial Intelligence* (European Centre for Not-for-Profit Law, 2020[129]). Their research identified a number of mechanisms and models for increased participation and stakeholder engagement as well as ways to embed human rights in national strategies in the Czech Republic and the Netherlands. Finland could take inspiration from these studies, as well as the below country practices (see Box 4.4), to ensure that stakeholders are guaranteed a seat at the table as well as due representation.

Box 4.4. Regulating artificial intelligence

Canada

The government of Canada has made considerable progress in examining the intersection of equality and artificial intelligence (AI), especially on the subject of the risk of biased algorithms and the impact of automated decision making on vulnerable populations. Canada takes an intersectional lens to the development and implementation of AI and has a Directive on Automated Decision-Making and an Algorithmic Impact Assessment tool to assess the level of impact on the individual and communities.

The objective of the directive is to deploy automated decision systems in a manner that reduces externalities and potential risks to Canadians and public institutions. The directive hopes to achieve more effective, accurate and consistent decisions under the auspices of Canadian law. The intended results are that:

- decisions taken by the departments of the federal government are consistently data-driven, responsible, and comply with procedural fairness and requirements for due process
- impacts of algorithms on decision making are assessed and negative outcomes are reduced
- data and information on the use of automated decision systems in federal institutions are available to the public.

As part of the directive, the Algorithmic Impact Assessment provides designers with the measures needed to assess and mitigate the risks associated with deploying an automated decision system from an ethical and human perspective (OECD.AI, 2021[120]).

France

Open data and transparency policies are managed and coordinated by Etalab, under the authority of the Prime Minister. Etalab is the task force for open data and data policy that also performs a variety of roles related to increasing government openness, such as consultation and dialogue with civil society, citizen participation, and open innovation. It also supports the public administration in the implementation of good practices in the use of algorithms and artificial intelligence.

Etalab provides several resources for public officials including a guide to public algorithms as well as practical advice on implementation of their obligations for transparency in public use of artificial intelligence. Their guide outlines how algorithms are currently used in public decision-making in France, details existing issues regarding responsibility and ethics, and then presents the relevant applicable legal frameworks to transparency in the use of algorithms such as the 2016 Digital Republic Act.

Singapore

The government of Singapore established a national programme called AI Singapore to harness the potential of AI in 2017. In 2018, Singapore created an AI ethics advisory council headed to advise the

government on the development and use of AI and collaborate with private sector ethics boards. The advisory council assists the government with developing ethics standards and governance frameworks and issuing advisory guidelines, practical guidance and codes of conduct and encouraging businesses to adopt them.

In 2019, Singapore's government proposed the Model Artificial Intelligence Governance Framework, which takes a human-centric approach. The Model Framework provides detailed guidance to private sector organisations on ways to address key ethical and governance issues when using AI. By explaining how AI systems work, establishing good practices on the accountable use of data, and creating open and transparent communication, the Model Framework will promote public understanding and trust in innovative technologies. It also highlights explainability, transparency and fairness as guiding principles. In parallel, the country has additionally set up a programme, AI Singapore, to foster further research and innovation (OECD.AI, 2021[120]).

United Kingdom

The United Kingdom has pioneered an ethical approach to AI to "build trust for the usage, adoption and development of AI across society." In this effort, the UK government is implementing governance regimes for data-driven AI. This involves the development of ethical guidelines for the transparent and accountable use of AI with clearly defined responsibilities, liabilities and data protection issues. To achieve this goal, the UK government established the Centre for Data Ethics and Innovation to provide recommendations for the ethical use of AI. In collaboration with the Government Digital Service, the Office for Artificial Intelligence has recently published guidance on AI ethics and safety. This guidance is part of a wider database on using artificial intelligence in the public sector.

Regarding national legislation, the United Kingdom's AI Sector Deal states the need to provide legal certainty about data sharing, data usage and data protection. The "Strengthening the Data Protection Act" initiative will consider potential legal reforms to define the regulations on the collection, storage and usage of personal data. The development of the Centre for Data Ethics and Innovation alongside the Office for AI were the first embodiments of advisory-type organisations in government dealing specifically with issues of the governance on AI.

Note: For more AI regulatory developments see: https://oecd.ai/dashboards/policy-instruments/Emerging_technology_regulation.
Source: Directive on Automated Decision-Making (Government of Canada, 2019[130]), Algorithmic Impact Assessment (AIA) (Government of Canada, 2020[131]), Introduction to Etalab (Etalab, 2021[132]), Singapore's Approach to AI Governance (Personal Data Protection Commission Singapore, 2020[133]), AI Singapore (AI Singapore, 2021[134]), Composition of the Advisory Council on the Ethical Use of Artificial Intelligence ("AI") and Data (Infocomm Media Development Authority, 2019[135]), UK Centre for Data Ethics and Innovation (Department for Digital, Culture, Media & Sport, 2020[136]), UK Office for Artificial Intelligence (Department for Digital, Culture, Media & Sport; Department for Business, Energy & Industrial Strategy, 2021[137]), UK AI Sector Deal (Department for Digital, Culture, Media & Sport; Department for Business, Energy & Industrial Strategy, 2019[138]).

If handled in an ethical, human-centric and unbiased manner, digitisation and AI can drive Finland towards an even stronger democracy where everyone can easily participate in decision making. However, dedicated legislation will be essential to guide the process. While Finland has many programmes, policies and initiatives to advance its position in relation to AI, its legislative framework lags behind its ambition and the speed with which the technology is developing. The establishment of a centre, office or advisory council for the ethical use of AI in public decision making with an institutionalised commitment to engaging with the public on any projects and strategies related to AI could be considered, with a view to ensuring that as wide a range of stakeholders as possible is guaranteed a seat at the table. To achieve its vision, the Finnish government needs to accompany any AI initiatives and new legislation with regular impact assessments of automated and algorithmic decision-making processes to evaluate their impact on the rights of individuals and communities.

Notes

[1] The review of the legal frameworks section draws from and summarises the information provided in a background report prepared by the Library of Congress for the Civic Space Scan of Finland. See (Library of Congress, 2020[139]).
[2] The Commissioner for Human Rights at the Council of Europe has recently issued a statement on the ways in which public service broadcasting is currently under threat in Europe (accessed 8 June 2021).
[3] Interview, Union of Journalists, 5 October 2020.
[4] Interview, Yle, 22 September 2020.
[5] Interview, Yle, 22 September 2020 and Interview, Union of Journalists, 5 October 2020.
[6] Interview, Electronic Frontier Finland, 24 September 2020.
[7] Interview, Electronic Frontier Finland, 24 September 2020.
[8] Council of Mass Media, email received 5 March 2021.
[9] Council of Mass Media, email received 5 March 2021.
[10] Council of Mass Media, email received 5 March 2021.
[11] Interview, Finnish Institute in the UK and Ireland, 22 January 2021.
[12] Interview, Council of Mass Media, 6 October 2020.
[13] Interview, Finnish Institute in the UK and Ireland, 22 January 2021.
[14] The OECD has recently outlined the future implications for civic space of rapid digital transformation and envisaged four potential scenarios. For more information, see: https://www.oecd.org/dac/Digital-Transformation-and-the-Futures-of-Civic-Space-to-2030.pdf (accessed 8 June 2021)
[15] Interview, Finnish Institute in the UK and Ireland, 22 January 2021.
[16] Interview, Digitalisation for Everyday Life Board, 25 September 2020.
[17] Finnish National Agency for Education, email received 28 September 2020.
[18] Sitra, email received 18 December 2020.
[19] Sitra, email received 18 December 2020.
[20] Interview, Data Protection Ombudsman, 21 September 2020.
[21] Interview, Data Protection Ombudsman, 21 September 2020.
[22] Interview, Ministry of Finance, 28 September 2020.
[23] Interview, Ministry of Justice, 29 September 2020.

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5 The enabling environment for civil society organisations in Finland

This chapter explores the enabling environment for civil society organisations (CSOs) in Finnish society. It studies the existing legal, regulatory and institutional frameworks governing CSO activity, including ongoing reforms aimed at improving the enabling environment and related challenges. It then focuses on public funding for CSOs and the narrowing of CSO autonomy. Finally, it reviews Finland's commitment to civil society abroad through its development co-operation. The chapter includes recommendations for the government under each sub-heading.

Legal frameworks for the CSO-enabling environment

Registration of civil society organisations

Associations Act

Scope

The general provisions for the registration and operations of associations are regulated in the Finnish Associations Act (Ministry of Justice, 1989, most recent amendments in 2020[1]). Freedom of association may be limited in line with the law (see Chapter 3).[1]

Recent amendments

Civil society organisations and public officials alike noted that the Associations Act was outdated from the moment it came into force in 1989, as it did not take the diversity of associations and their activities into account.[2] The Finnish Associations Act has since been amended several times over the last three decades, most recently in 2017 and 2020. In 2017, Section 47 was amended to stipulate that everyone has the right to receive information, extracts and certificates from the register of associations and the documents belonging to it (Ministry of Justice, 1989, most recent amendments in 2020[1]). Sections 48 and 52 on the basic declaration of the notification of registration of an association and the notification of a change to an association were also modified (Ministry of Justice, 1989, most recent amendments in 2020[1]). Another recent amendment focused on Section 11 and the proper maintenance of membership records as per the European Union's General Data Protection Regulation (GDPR) and the Data Protection Act in 2020.

As of 2021, the act is undergoing a significant reform led by the Ministry of Justice. The reform focuses on two main tasks: 1) review the existing legislation to identify problematic provisions and identify where modernisation is required; and 2) determine what changes are necessary to facilitate a lighter approach to civic participation through associations, in light of societal changes and the inability of smaller associations to bear a heavy bureaucratic burden.[3] The reform process will identify the minimum amount of information that the tax law department needs from civil society organisations (CSOs) to decrease their regulatory burden. Several concrete issues were under discussion as of late 2020, including: the need for simplified processes for remote participation and decision making; authorising associations to appoint a chief executive officer, allowing mergers of associations where desired, moving towards more "modern" ways of participating in associations, reducing the bureaucratic burden for smaller associations, and exploring whether the establishment of a new legal status may be possible for small associations.[4]

As part of the process, it is expected that regulation regarding remote participation and the use of digital connections in associations' meetings will be brought up to date.[5] The deadline for this work, led by a working group of experts and associations and a steering group with wider representation from ministries, political parties, lobbyist groups, workers and business representatives, is the end of 2021. There is less of a consensus on making the current legislation fit-for-purpose within the wider steering group than within the working group, including because of competing, entrenched interests. The ministry's aim is to move away from the past where the traditional powerbrokers in Finnish society – such as political parties and trade unions – were able to dominate, towards a more open, transparent and analytical discussion-based system. This is with a view to responding to the evolving needs of Finnish associations, where all parties have an equal say. It is of great importance that this discussion runs its course. In January 2021, it is expected that a resulting report will be opened for a public consultation for several months with a view to developing a government proposal on reforms by the end of 2021 or early 2022.[6]

Funding of civil society organisations

Act on Discretionary Government Transfers

Scope

The Act on Discretionary Government Transfers lays down the regulations and processes that apply to granting discretionary government transfers to CSOs through public funding, including through the Veikkaus gaming system (see below) (Ministry of Finance, 2001[2]). Section 1 of the act outlines the following:

(1) This Act lays down the grounds and procedures that apply to granting discretionary government transfers. For the purposes of this Act, discretionary government transfers mean funding granted in the form of aid for an activity or project.

(2) This Act applies to discretionary government transfers granted from appropriations in the state budget or from extra-budgetary state funds. This Act also applies when authorisation is granted in the state budget to make agreements on or commit to discretionary government transfers (Ministry of Finance, 2001[2])

According to the act, a grant is only available for the purpose for which it was allocated. The recipient of a state grant must also comply with the conditions and restrictions set out in the state grant decision for the project or activity being assisted. When supervising the use and payment of a state grant, the state aid authority that awarded the grant has the right to carry out audits of the beneficiary's activities and finances (Ministry of Finance, 2001[2]).

Lotteries Act

Scope

The Lotteries Act grants Veikkaus the exclusive right to provide gambling services in Finland (Chapter 3, Section 11), stipulating that its profits should be used for the promotion of sports and physical education, science, art, and youth work (53%); the support of health and social well-being (43%); and the promotion of horse breeding and equestrian sports (4%). The objectives of the Act are to ensure legal protection for citizens participating in non-profit lotteries; to prevent misuse and crime related to lotteries; as well as to avoid and reduce the economic, social and health-related harm resulting from participation in lotteries (Ministry of the Interior, 2001, amendments up to 2019[3]). The funds are channelled through three ministries to beneficiary organisations (Ministry of the Interior, 2001, amendments up to 2019[3]). Chapter 4, Section 21 states that a maximum of 20% of the proceeds for each purpose of use may be left undistributed every year, but that the amount must be distributed within five years at most (Ministry of the Interior, 2001, amendments up to 2019[3]).

The Lotteries Act provides for both money lotteries and non-money lotteries, meaning a "lottery in which items, or vouchers or coupons exchangeable for items or services, can be won in a draw or in a comparable manner based on chance" (Chapter 1, Section 3a). These non-money lotteries can include guessing games, bingo games, and other non-money prize machines. Significantly, a lottery in this sense can be organised by any registered association for fundraising purposes provided the association has a non-profit purpose and has been granted a license by the relevant authority (Chapter 2, Section 6).

Recent amendments

In January 2020, the Ministry of the Interior launched a project to reform the Lotteries Act. Its principal aim was to examine and determine the kind of amendments needed, in particular regarding ways to improve the prevention and reduction of harm caused by gambling (Ministry of the Interior, 2020[4]). The project also intends to strengthen the exclusive right system, which ensures that only the current Veikkaus

company can market gambling (Government of Finland, 2019[5]). The reform project, which is underway, will report on new safeguarding measures, such as the expansion of the compulsory identification of players and regulations on the location of slot machines, on marketing of gambling games, and on the collection and use of game and player data, which are used to study negative impacts (Ministry of the Interior, 2020[4]). Following a round of consultations with external stakeholders, the proposed reforms are being amended and will be sent to the Finnish Parliament in September 2021.[7]

Money Collection Act

Scope

A new Money Collection Act was introduced in 2020 to streamline the process of fundraising through money collection in order to allow civil society organisations to operate more effectively (Ministry of the Interior, 2020[6]). The objective of the former Money Collection Act was also focused on facilitating the organisation of money collections to fund non-profit activities while preventing any fraudulent or dishonest collections (Ministry of the Interior, 2006[7]). However, the former Act was viewed by many CSOs as being heavy in its regulation and excessively bureaucratic.[8] In several instances, the police took legal action against organisations deemed to have started their operations before they formally received a fundraising license. Organisations were then unable to reapply for a license or to fundraise during the legal process, which can take several months, if not years.[9] Additionally, organisations were banned from soliciting money without a permit (Section 11). The former act garnered worldwide attention for this reason on several occasions, most notably in 2014 when the National Police Board claimed that the fundraising message appearing on the top of Wikipedia pages could be defined as illegal fundraising and thus punishable by criminal law (National Police Board, 2014[8]).

The new Money Collection Act was developed in close co-operation with interest groups (Ministry of the Interior, 2020[6]). The Ministry of the Interior conducted a series of related consultations, involving civil society organisations, activists and other interest groups in both physical workshops and by digital means, including a survey and an online consultation process (Foreigner, 2019[9]). Previously, CSOs needed to apply for a permit to collect funds, which involved sending a one- to two-year fundraising plan to the police for approval. This plan needed to include details on how they intended to appeal for funds and the channels they would use to collect money. The licences granted under the old Money Collection Act were also fixed term. As of 1 March 2020, this is no longer the case, as permits are now valid for an indefinite period (European Fundraising Association, 2020[10]). For a fundraising licence to be granted, the fundraising organiser is still required to be a not-for-profit entity and the fundraising must be for non-profit purposes only. However, the new law makes it easier to organise small-scale civic appeals, subject to notification. Each year, the licence holder must notify the National Police Board with information on the funds raised and the use of such funds and submit an annual plan of upcoming events for fundraising (Foreigner, 2019[9]). One-off small-scale fundraising only requires the organisers – which can now be both registered and unregistered organisations – to notify a police department, making it significantly lighter than the previous procedure.[10] Furthermore, there is no requirement for such fundraising to involve a not-for-profit entity or to be for public interest purposes.[11] The maximum amount that can be raised by small-scale fundraising is set at EUR 10 000 within a fixed period of three months, up to twice a year (Ministry of the Interior, 2020[6]) but organisations may also apply for a longer permit if needed.[12]

The evolving role of civil society organisations in Finnish society

The strong foundation for civil society in Finland

Civil society organisations play a particularly important role in Finnish society in facilitating direct contact between the public and the government. Finland has long been a leader on the strong democratic participation of civil society and the government actively consults and involves CSOs in public

decision making at all levels and branches of government (see Chapter 6). These organisations represent various communities and interests and allow citizens to express their opinions on the issues that affect them. CSOs also enable a wide range of groups to share their inputs and experiences with public officials and participate in decision making. Engagement in community activities and volunteering has been historically common and is still notably high in Finland, where most of the population are committed members of not one, but several associations. A survey undertaken by the social advocacy organisation Citizen Forum found that approximately 40% of Finns had volunteered in 2018 (Government of Finland, 2020[11]). Studies show that organised forms of volunteering and civic activities began to emerge in Finland in the 19th century and have been closely connected with the development of the Finnish society ever since (European Commission, 2010[12]). Over the decades, civic space and the role of civil society in Finland have undergone several evolutions and Finnish organisations are currently in transition once again, with new models of participation, emerging technological platforms and tools, and increasingly complex societal issues to address in the contemporary era.

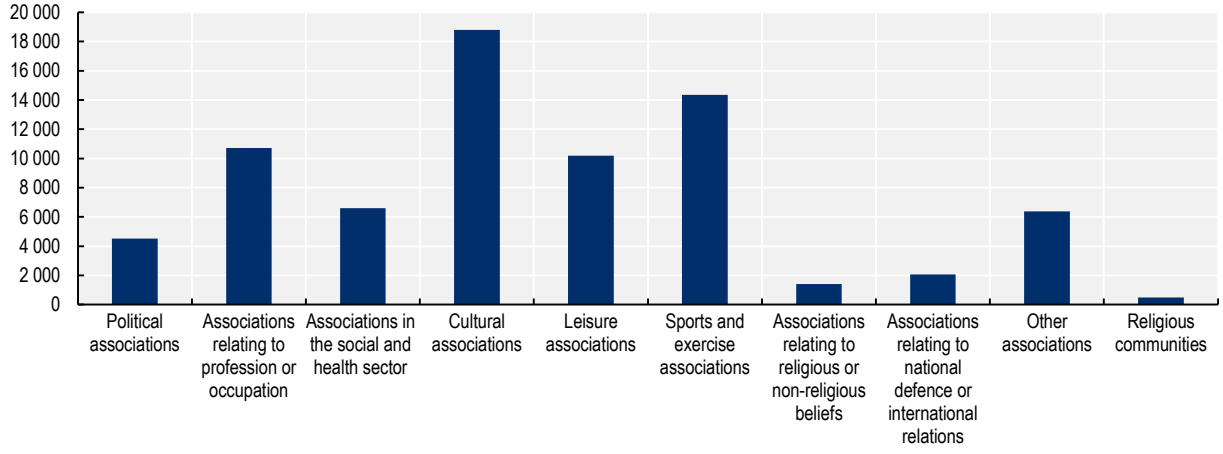
Civil society in Finland has traditionally been referred to as the third sector, which includes associations, organisations and foundations formed and run by citizens, and which operate alongside the public and private sectors. The Finnish Advisory Board on Civil Society Policy (KANE) notes that the third sector in Finland is characterised by "the public interest, non-profit, independence, community, solidarity, ethics, volunteering and initiative" (KANE, 2017[13]). Its 2017-2021 Action Plan also recognises that a functioning and active civil society promotes and complements democracy and increases the social capital of those involved (see Box 5.1). The third sector in Finland has historically comprised formal registered associations with a clear mandate and purpose and the country has an impressive number of these associations considering its population of only 5.5 million (Table 5.1). However, it is notable that many of these associations are categorised as leisure, cultural, or sports organisations rather than issue-based civil society organisations that are more directly applicable to civic space (Figure 5.1).

Table 5.1. Number of registered associations and religious communities

Registry of Associations and Religious Communities	2016	2017	2018	2019	2020
Associations	138 859	105 005	106 051	106 318	106 879
Religious communities	411	440	482	486	493

Note: The number of registered associations and religious communicates fluctuates year-on-year as organisations are established and dissolved. In January-February 2017, 34 975 associations were stricken from the register.
Source: Finnish Patent and Registration Office (2021[14]).

Figure 5.1. Number of associations in Finland by functional category, 2020



Source: Finnish Patent and Registration Office, email received 2 October 2020.

As previously discussed, the pledges of the Programme of Prime Minister Sanna Marin's Government 2019 on policy reforms emphasise the move towards a new kind of interaction and a need for the development of ways to engage a broader group of stakeholders in reforming Finnish society (Government of Finland, 2019[5]). This refers to involving people much more frequently in public sector activities while searching for and testing new and improved ways of engaging, interacting and consulting with stakeholders. The government of Finland acknowledges and appreciates the work of CSOs and undertakes many initiatives to highlight the significance of their role in society.

KANE also has the explicit aim of promoting co-operation and collaboration between civil society and public authorities (Box 5.1). In the current COVID-19 context, the government has recognised that CSOs are representing and assisting those who are at risk of being excluded and those that government services cannot always reach. An expert group on strengthening well-being and equality during and after the COVID-19 crisis appointed by the Ministry of Social Affairs and Health was launched with this purpose. The findings of the report noted that during the crisis, organisations and other civil society actors have responded rapidly to support those hit the worst by the crisis, thus building social bonds and trust in their communities (Ministry of Social Affairs and Health, 2020[15]). The group stressed that civil society organisations can speak on behalf of marginalised communities who often remain silent in their struggles and in this regard, can strengthen democratic opportunities to influence as well as participate in public decision making (Ministry of Social Affairs and Health, 2020[15]).

The government has reacted quickly to some of the significant issues CSOs were facing during the early days of the epidemic to offer them the flexibility needed to continue their work.[13] For example, the Finnish parliament enacted temporary legislation relating to exceptions to the statutory requirements outlined in the Associations Act for the annual meetings of associations. According to the temporary act, the executive committee of an association can allow remote participation in an association meeting. This allowed CSOs to continue to gather, even if such an arrangement is not allowed in the rules and the association has not, for example, approved voting and elections rules as is usually necessitated by the law.[14]

Box 5.1 The Advisory Board on Civil Society Policy

In February 2017, the government appointed a new Advisory Board on Civil Society Policy (KANE) for 2017-21. The advisory board, which is attached to the Ministry of Justice, is tasked with fostering interaction, co-operation and collaboration between civil society and the government and improving civil society's operating conditions. This is KANE's third term of operation.

Its tasks are:

- promote co-operation and interaction between civil society and the authorities
- monitor changes in the operating environment of civil society and, in this connection, European Union and international developments
- take initiatives and give proposals and opinions on the development of areas important for civil society policy
- evaluate the non-governmental organisation (NGO) strategies of the ministries and consultation practices with citizens
- monitor the coherence and predictability of the public administration's decisions concerning NGOs and take initiatives for their development
- take initiatives for Finland's national and international policy on NGOs
- launch research and development projects, promote research activities and the utilisation of their results, and provide information on the results of projects and research.

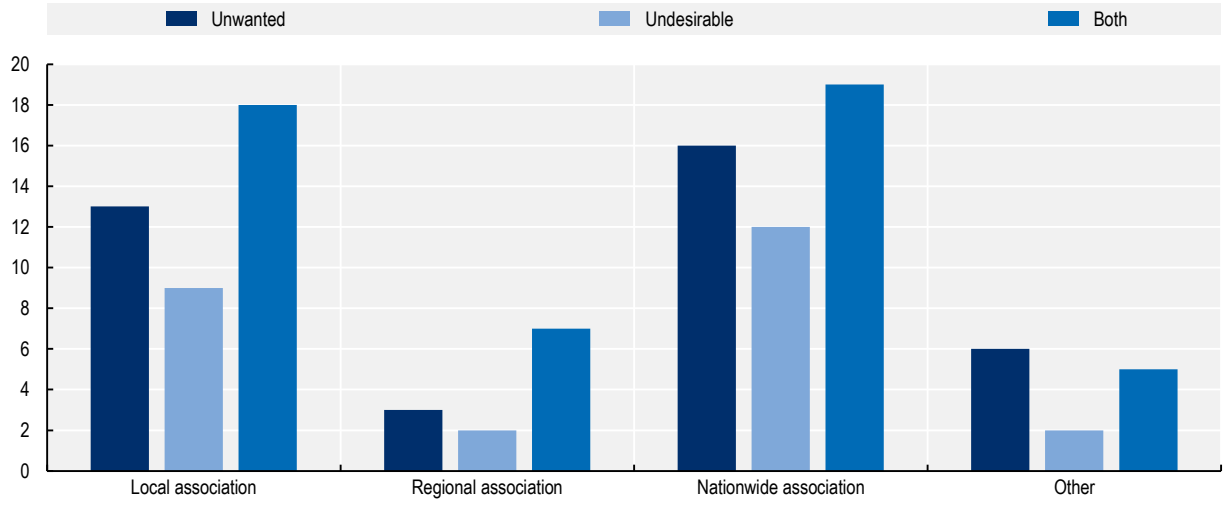
KANE's current Action Plan for 2017-2021 outlines the current status of civil society in Finland as well as recent trends in their operating environment. The plan also emphasises its vision, strategic objectives and tasks. The overarching aims of the present Action Plan consist of strengthening the autonomy of civil society as well as recognising the impact of European and global change factors on civic space and the ways in which Finland can share its learning with other countries.

Source: Ministry of Justice (2017[16]).

In 2020, KANE conducted a survey on the role and involvement of CSOs in public decision-making processes as well as their perception of changes in the operating environment for civil society over recent years (Ministry of Justice, 2020[17]). Based on the 211 responses received, participants expressed approval of many of the positive changes that have occurred that improve the ability of CSOs to influence policy. The survey also found that general societal attitudes towards organisations have improved over the last two to three years. In addition, it is clear that organisations feel they are given ample opportunities to participate and perceive themselves as having a relatively good level of input. Nonetheless, according to respondents, obtaining grants and public funding has generally become more difficult and the number of grants available is declining to an increasing extent (Ministry of Justice, 2020[17]). Regarding general changes to the role and status of CSOs, respondents were asked: "In your organisation, have there been any changes in general attitudes towards the social role and status of organisations in the last 2-3 years?". Of the respondents who observed such changes, 36% considered them to be undesirable. As many as 43% of respondents who observed changes responded that they were both unwanted and undesirable (Figure 5.2).

Figure 5.2. KANE survey question on social role and status of organisations

In your organisation, have there been any changes in general attitudes towards the social role and status of organisations in the last two to three years? Are these changes undesirable/unwanted?



Source: Ministry of Justice (2020[17]).

The rise of the fourth sector

In recent years, the strong organisational and bureaucratic foundation of civil society in Finland, which relies on registered associations, is giving way to more spontaneous forms of activity and movements (Harju, 2020[18]). These new informal networks, groups and co-operatives have increased in number and

comprise what is referred to in Finland as the "fourth sector", in contrast to the more formalised third sector. The fourth sector is defined by its focus on the individual as well as a wider sense of community. It is a new way of delineating an area of society that operates outside or between institutions, on a network-like and collaborative basis. It is often emergent and project-based as well as self organising and autonomous (Demos Helsinki, 2020[19]). These groups usually consist of either self organised communities which make use of the Internet, social media and digitisation to gain interest with the primary aim of achieving concrete collaboration for self-directed goals; or are substantial networks whose activities are characterised by the principles of transparency, co-creation and sharing, and in which citizens have a significant role. The networks are often grassroots or bottom-up initiatives that can move with more agility and flexibility than registered associations. They can vary from being short-lived with a specific aim, which, once achieved, renders the network redundant, to being long-lasting with a range of planned projects, which may lead to the network becoming more formal in time (Demos Helsinki, 2020[19]).

The fourth sector is very diverse and its needs and aspirations relative to the public sector often vary to those of traditional associations. Their *modus operandi* is also different from those of traditional organisations, for example in terms of the organisational hierarchy, areas and scope of activity, and available resources. These factors indicate that their ability to fulfil their objectives can be limited by government regulation in ways that the third sector is not. While not all civic activities need support from government authorities, for some, a connection with the public administration is a vital precondition for their activities, for example, for obtaining permits, gaining access to meeting spaces, or gathering information about available public resources (Demos Helsinki, 2020[19]).

Furthermore, a fourth sector activist interviewed for this Civic Space Scan encouraged public sector institutions at the national and local level to seek more opportunities to cooperate with informal community organisations who know their locality and how to best support local citizens on a range of issues, as an alternative to "doing everything by themselves"[15]. One such good practice exists in Helsinki, where a "city captain" is designated as the local initiative liaison and supports the work of the fourth sector.[16] However, interviewees mentioned that city officials can sometimes have a limited understanding of how these organisations operate and the resources they need.[17] Hence, the central government and cities and municipalities could introduce upskilling, capacity-building and training on the fourth sector and potentially assign an office or official with the objective of identifying possible areas of co-operation with the fourth sector. In some cases, these officials and those assigned to this office could also be public officials with background in or knowledge of civil society and activism. The central government could also cooperate with municipalities to identify ways to support fourth sector activists in working with the government to facilitate activities that are in the public interest. This endeavour could include a focus on providing the resources that these informal networks need, whether financial or material, e.g. meeting spaces. Lastly, as the fourth sector can play an important role in improving the access, coverage, quality and efficiency of public services in partnership with public officials, there is a need to also prioritise and strengthen their ability to influence policy in general (Clayton, Oakley and Taylor, 2000[20]).

Other challenges in the operating environment for civil society organisations

Enhancing knowledge and skills among public officials

Both traditional organisations and informal fourth sector organisations and networks face challenges in their operational environment. A particular challenge raised by interviewees was the lack of knowledge among public officials as to the diverse roles of civil society organisations.[18] In this regard, the 2017 OECD Recommendation of the Council on Open Government outlines the importance of open government literacy, which refers to the combination of awareness, knowledge, and skills that public officials require to engage successfully with stakeholders in open government strategies and initiatives (OECD, 2017[21]). A report by Demos Helsinki on the future of civil society in Finland notes that the issue of skills and knowledge among public officials has become more prevalent (Demos Helsinki, 2020[19]). Furthermore, surveys

undertaken jointly by the Finnish Federation for Social Affairs and Health (SOSTE), KANE, the Olympic Committee and others show that in 2018, a new phenomenon was that almost 1 in 6 organisations (15% of 122 respondents) perceived that the public authority granting the funding did not understand the role or nature of the organisations. In 2016, very few organisations reported having this issue (Demos Helsinki, 2020[19]). Several participants during the fact-finding mission also explained that in general, only public officials with a role directly linked to CSO engagement or participation were aware of the vast repertoire of individuals and organisations that can be classified as "civil society" and their distinct activities. There was general agreement that more training could be extended to those with duties related to CSO interaction and more information could be provided to public officials in any position. In particular, public officials could benefit from skill-building in the area of improving partnerships with civil society for the successful co-production of public services and their delivery (OECD, 2011[22]). Lastly, the government could commit to building more anticipatory learning to identify emerging changes and challenges in the civil society landscape. Adopting arising practices around anticipatory innovation governance (AIG) could enable public officials to take more innovative approaches to this complex and fast-paced environment, which is influenced by a wide range of stakeholders (OECD, 2020[23]).

Finland is making significant efforts in this regard, with one key initiative being the recent Civil Society Academy Day as outlined in is 2019-2023 OGP Action Plan (Open Government Partnership, 2019[24]). The Civil Society Academy Day was co-organised by the central government and CSOs. All public officials were invited to take part, in particular those for whom engaging with CSOs is not a frequent component of their duties. The objective of the initiative was to equip public officials with more knowledge and to build their competencies regarding the work of CSOs through interactions with those involved. It also gave government officials the opportunity to develop new civil society contacts relevant to their areas of work. The event contributed to the goals of the government programme and the specific objective on boosting civil society awareness in the government (Open Government Partnership, 2019[24]). To enhance the knowledge and skills of public officials, the government could commit to hosting a Civil Society Academy Day annually and to complementing the initiative by organising cross-government conferences, forums and debates on the changing makeup and roles of CSOs. Additionally, it could carry out internal communication campaigns through different channels so that public officials know how to best support CSOs in their activities.

Increasing inclusion and representation of all civil society organisations

KANE's work (Box 5.1) attempts to tackle the aforementioned challenges by serving as a forum for both CSOs and public officials from ministries to interact, discuss issues and propose solutions. KANE currently has 19 members, many of whom are ministry counterparts, while the CSOs are well-established players in their respective domains. According to the updated Government Decree on the Board, the authorities represented include the Ministry for Foreign Affairs, the Ministry of Justice, the Ministry of Education and Culture, the Ministry of the Interior, the Ministry of Social Affairs and Health, the Ministry of Finance, the Ministry of the Environment, and the Ministry of the Economic Affairs and Employment[19]. As regards to civil society, KANE includes "key sports and sports organisations, child and youth organisations, cultural and cultural organisations, social and health organisations, environmental and resident organisations, human rights and equality organisations, minority and immigrant organisations, and entrepreneur organisations, each of which is represented by one representative". In addition, all members have deputy members and the CSO members' deputies represent different organisations than themselves in order to increase diversity in the Board. The Advisory Board also includes a representative of informal civic activity, a representative of research on civil society and a representative of the Association of Finnish Local and Regional Authorities (Ministry of Justice, 2012[25]). The wide participation of associations in KANE's work could be strengthened by investing in various forms of interaction and, for example, by using digital tools for online discussions, consultations and voting on outcomes. KANE could also reduce existing limitations on membership to make it more inclusive and representative of the evolving CSO landscape in Finland.

The government could broaden the board's membership and ensure it engages a greater number of small and medium CSOs, and those that have a watchdog and/or advocacy role. Lastly, KANE could also do more outreach work specifically among non-traditional actors, such as fourth sector activists, to gain insight into how the government can best support the operational environment for their activities.

Funding and autonomy of civil society organisations

This section provides an overview of the ways in which the state funds CSOs, with a focus on funding using Veikkaus proceeds as well as all public funding through the ministries and at the municipal level. The section then elaborates on several of the most common challenges in the enabling environment for CSOs in relation to the opportunities available for, and the limitations on, funding and fundraising in Finland. It also includes reflections on the impact of CSOs' heavy dependency on public funding on their autonomy.

The Veikkaus system and funding for civil society

Background and distribution of revenues

Significant amounts of funding from the Veikkaus gaming system are allocated to civil society organisations and leisure activities in Finland each year through government ministries, and as such it is a significant funder of civic space initiatives. The proceeds of this system are channelled to beneficiaries through three ministries, specifically: the Ministry for Agriculture and Forestry, the Ministry for Education and Culture, and the Ministry for Social and Health Affairs (Ministry of Finance, 2001[2]). The current Veikkaus company began operating in 2017, as a result of the reform of the Finnish gaming system and the merger of the previous three operators, Fintoto, Finland's Slot Machine Association (RAY) and Veikkaus, into a single gaming company owned by the state.[20] The purpose of the exclusive right given to Veikkaus for gambling (Ministry of the Interior, 2001, amendments up to 2019[3]) is to restrict competition between these services and to limit the total supply of games by limiting the number of game providers. In accordance with EU legislation, the most significant reason for the Finnish exclusivity system is to reduce and prevent the harms caused by gambling (including problem gambling, money laundering, exploitation, fraud and tax evasion) (Finnish Competition and Consumer Authority, 2019[26]).

In 2019 alone, Veikkaus distributed EUR 1 009 million of its proceeds to the state budget to be allocated to beneficiaries by the three ministries.[21] Most of the funds are directed towards supporting leisure and community-based activities as well as health and social welfare activities. In this regard, the Ministry of Education and Culture funds youth work from the proceeds of gaming activities and budget funding. In addition to CSOs, the Ministry for Education and Culture also uses the company's profits to give grants to municipalities, state institutions, individuals (including athletes and artists) and private companies.[22] Furthermore, 9% of the proceeds of the Veikkaus system for the promotion of these activities are allocated to youth sector organisations, with the aim of strengthening the preconditions for civic activities among the youth.[23] The immense amounts of revenue generated from the Veikkaus system funds provide the greatest amount of overall state aid for the sports and youth sector.[24] For arts and culture, the funds provide about half of the overall state aid and for science, one-fourth of all state aid (mostly for universities) comes from the company's proceeds.[25]

The distribution of Veikkaus' total revenue in 2019 as outlined in its *Annual and Corporate Social Responsibility Report* (Veikkaus Oy, 2019[27]) is shown in Table 5.2.

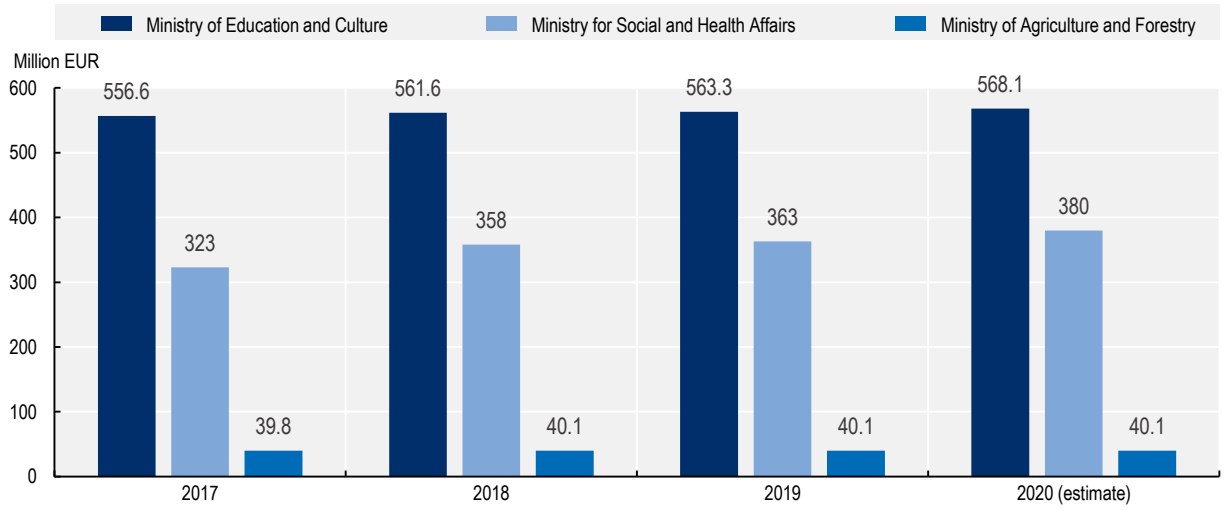
Table 5.2. Distribution of Veikkaus revenue, 2019

Distribution of revenue	Amount (in million EUR)
Beneficiaries	1 009
Retail commissions	159
Lottery tax to the state	203
Operating costs	320
Total	**1 691**

Source: Veikkaus Oy (2019[27]).

The distribution of funding to each ministry for the last three years and the estimate of the total amount for 2020 is illustrated in Figure 5.3. In 2020, the Ministry for Education and Culture allocated EUR 568.1 million, while the Ministry for Social and Health Affairs distributed EUR 380 million. EUR 40.1 million was directed towards the equine industry and equestrian sports by the Ministry for Agriculture and Forestry.

Figure 5.3. Distribution of Veikkaus funding to each ministry, 2017-20



Source: National Audit Office, email received 24 September 2020.

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 behalf (Ministry of Health and Social Affairs, 2020[28]). 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 purpose (Ministry of Health and Social Affairs, 2020[28]). 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[26]. In addition, STEA commissions evaluations, for example, on the effectiveness of the overall grant system (STEA, 2020[29]).

Debate on connections between gambling and public funding

Veikkaus is a monopoly burdened with an interesting dilemma: it primarily aims to prevent the harmful effects of its gambling operations, yet providing a good yield for worthwhile causes has become an important by product of its operations (Paajanen, 2019[30]). There has been recent debate in Finland as to whether the Veikkaus system of providing public funding for the third sector should be maintained, a subject on which CSOs have different opinions. For example, the Central Union for Child Welfare's position is that Finland should defend the current funding system for culture, sports, science, and the social welfare and health sectors.[27] However, other organisations such as the National Olympic Committee are calling for a new system, which is not connected to the gambling industry.[28] Furthermore, the system has faced controversy over the company's mission and corporate social responsibility, particularly the decentralised slot machines that are located in the hallways of stores and kiosks. Finns currently gamble more than any other nationality in Europe, spending an average of EUR 320 a year per person. They spend the largest sums of money on slot machines, which carry an elevated risk of gambling addiction and associated problems (Finnish Competition and Consumer Authority, 2019[26]). A Finnish Institute for Health and Welfare 2020 Report on Gambling revealed that 2.5% of those who gambled accounted for one-half (50%) of the total gambling expenditure in 2019 (Finnish Institute for Health and Welfare, 2020[31]).

To prevent the harmful effects of gambling, the Veikkaus' Board of Directors has undertaken several initiatives. In 2020, the Board implemented a number of changes to improve its operating environment and promote responsible gaming. Consequently, the number of slot machines located at retail outlets such as service stations, stores, and restaurants was reduced from 18 500 to 10 500 (Veikkaus Oy, 2021[32]). Since January 2021, these slot machines have been subject to compulsory authentication which authorises retail outlets to set age controls and at the same time also allows players to set self-exclusion limits on their gaming for a fixed period of time (Veikkaus Oy, 2021[32]). Veikkaus has also established an Ethical Advisory Board and relaunched the early intervention programme to prevent gambling problems among its own employees (Veikkaus Oy, 2019[27]). These new social responsibility measures followed criticism of the company's advertising and marketing strategy (iGaming Business, 2019[33]). Additionally, the company co-operates with the gambling helpline Peluuri and offers players a chance to be contacted and discuss their gambling problems or those of their families and friends with a professional. In 2019, Peluuri received 860 contact requests through the Veikkaus service (Veikkaus Oy, 2019[27]). However, a recent Bilendi Oy survey discovered that 34% of its 1 000 respondents found the company's efforts to decrease the incidence of problem gambling and mitigate its effects to be inadequate (Simmons, 2019[34]).

Improving regulation and combatting potential conflicts of interest

The Finnish Competition and Consumer Authority has remarked that direct beneficiaries of funds raised through Veikkaus' operations can sometimes have an indirect influence on policymaking regarding gambling matters, as some CSOs receiving funding are represented on the Gambling Advisory Board (Finnish Competition and Consumer Authority, 2019[26]). (iGaming Business, 2019[35]). The Authority warns that this may encourage some organisations to work in a way that maximises the funds they receive, rather than to minimise and prevent harms related to gambling (Finnish Competition and Consumer Authority, 2019[26]). It should nevertheless be stressed that the Advisory Board is primarily a forum for exchanges of information as well as consultation.[29] It is not a regulatory or supervisory body and does not make decisions concerning regulation. In parallel, offering positions on the Board to key beneficiaries may constitute a conflict of interest, which could be an obstacle to truly impartial decision-making on the Veikkaus system. Hence, the European Court of Justice has also emphasised the importance of regulatory oversight in identifying potential conflicts of interest in Finland, given the fact that public bodies and CSOs are often simultaneously working to both increase gaming revenues and reduce gambling opportunities (Ministry of the Interior, 2019[36]). The government could review whether these issues pose an obstacle to unbiased policymaking on gambling revenues and consider the potential benefits of reducing these risks by directing gambling revenues to the state budget.

In the early 2000s, the National Audit Office (NAO) audited the former lottery and betting company Veikkaus as well as the operations of the Slot Machine Association. While the results are not directly applicable to the modern-day company, the process illustrated the benefits of external auditing and oversight. At the time, NAO auditors found that the external control by the Ministry of the Interior was "non-existent" and stated, for example, that there were insufficient resources to carry out such controls (Paajanen, 2019[37]). Following the audit, additional provisions on control were incorporated into the Lotteries Act.[30] Today, Veikkaus funds exist outside of the standard parliamentary budget and are not subject to inspection by the NAO. This is because in the case of state-owned enterprises, the NAO tends to audit the state's ownership of the company in question, instead of the company's day-to-day operations. Thus, the status of Veikkaus as a company affects its ability to be audited by the NAO (Paajanen, 2019[37]). However, other options could achieve similar results in uncovering areas for improvement in the system and opportunities for reform. The Ministry of Education or the Ministry of Finance could undertake a system-audit or evaluation, for example, and use this information to steer Veikkaus. This would also promote openness and transparency and highlight ways to make the system more effective by assessing the distribution and use of resources as well as their current oversight. Furthermore, the NAO could also decide to audit the new system as an external auditor, independent from the executive, as is done for other companies with sufficient stakes in public funding.

Setting a strategic direction and the need for a sustainable model

A significant issue with the current system is that Veikkaus funding is granted on a yearly basis, thus annual money flows are not guaranteed to CSOs. This fragmented and short-cycle approach hinders long-term planning for the organisations relying on these financial resources.[31] The COVID-19 crisis has further highlighted the weakness of this system. Due to the pandemic, the overall receipts from gambling activities have plummeted, mainly because gaming machines in public spaces were closed for several months.[32] Consequently, the government is considering the compensation of these losses in the 2021 state budget. The current budget proposal for 2021, which was discussed in the parliament in autumn 2020, includes a provision to compensate the Veikkaus losses with reference to the level of receipts of 2019, meaning up to EUR 349 million.[33] This challenge has raised calls amongst CSOs for a need for a long-term solution to solve the issue of funding[34] should other health, social or economic crises arise that threaten proceeds yet again in the future. In this regard, the government could consider ways to establish a system which provides longer term funding to CSOs. They could introduce a way for ministries to retain a greater percentage of Veikkaus funding each year without the need to distribute all proceeds to all beneficiaries annually. This could provide a safety net for beneficiaries against potential shocks to the financial system. Furthermore, each year, vast sums of money are channeled through the ministries to CSOs with no overarching strategy or clearly outlined objectives for the funding. The government could consider taking a comprehensive strategic approach to all or a portion of the funding with specific aims that benefit society. It could also establish an all-encompassing evaluation system to boost understanding of the way funding is being used, whether the intended targets are being achieved, and the overall impact of the Veikkaus funds.

During the COVID-19 crisis and given the resulting decrease in revenue for Veikkaus, a broad-based working group was established to explore future options for the system. Their report, released in February 2021, proposes four potential solutions (Liikanen et al., 2021[38]). The first suggestion involves maintaining the current system wherein funding remains aligned with the level of gambling proceeds in any given year. The second solution would involve a one-off transfer to a universal budget so that expenditures would be covered through ordinary budget procedures. The third option is a significant overhaul of the entire system, which would begin in 2024 following significant preparation (Liikanen et al., 2021[38]). This would involve systematically transferring the Veikkaus revenue to the universal budget and subjecting expenditures to spending limits. Lastly, the fourth proposal would involve a partial reform, whereby some of the current beneficiaries would receive funding from the Veikkaus proceeds and some would receive funding through

the state budget (Liikanen et al., 2021[38]). Given that each course of action raises unique challenges, the government should commit to taking this opportunity to consider the options outlined in the report with a long-term view and decide which solution would lead to a fairer and more effective and sustainable model of Veikkaus funding that would protect CSOs from abrupt changes caused by political cycles or other crises.

In some ways, the Veikkaus system is also hindered by a circular use of funds. Many of the most vulnerable societal groups are participating in gaming and a sizeable portion of the proceeds subsequently go to organisations that help these same demographics with issues such as addiction and gambling.[35] To identify similar issues and assess the overall impact of this funding, the government could improve internal systems to ensure that the funding to CSOs is targeted as strategically as possible. In this regard, the government could create a centralised application process and recording system for CSOs receiving Veikkaus funding and consider establishing a portal to enhance transparency and quality standards across the three ministries distributing the funds. This would allow government officials to identify which CSOs and sectors are receiving funding and evaluate the effectiveness of their work (see next subsection for ongoing efforts).

Funding outside of the Veikkaus system

In addition to the substantial amounts of funding available through Veikkaus, public funding from Finnish ministries outside of the system is also readily available for CSOs. For example, the Ministry of the Environment also grants discretionary government grants for environmental associations' work and their budget was EUR 2.23 million in 2020.[36] Public funding from Finnish ministries is normally granted either annually or is divided into programme support, which covers four years, and project-based support, which covers two years, as is the case in the Ministry for Foreign Affairs.[37] Still, ministries do not publish data on funding of organisations in a co-ordinated and centralised manner across the entire public administration. For this report, the Ministry of Finance was unable to provide a holistic overview of public funding to CSOs from the national budget and a breakdown by ministry to the OECD. Thus, overall figures relating to public support for civil society as a whole are not included in this chapter.

It is important to note that the government is in the process of making ongoing improvements to the state system of funding (Government of Finland, 2020[11]). State grant activities were the subject of various evaluations from 2015 to 2018. Based on these, the government recognised that there is a great need for the development of the state grant system. The complexity and cross-administrative nature of public funding calls for closer cross-sectoral co-operation in the targeting of state aid (Government of Finland, 2020[11]). There are state aid activities in all branches of government, but the activities are decentralised and siloed. The grant processes and the related operating models are partly unjustifiably different from each other and the development of state aid activities would benefit both applicants and grantors. In spring 2019, the Ministry of Finance set up a five-year development project to develop the state grant activities. The aim is to increase the effectiveness of state grant operations by enhancing the transparency and openness of grant operations. The ministry also aims to make the application process for grants simpler and promote co-operation between the awarding public authorities (Government of Finland, 2020[11]).

General challenges for public funding

Implementing a transparent and centralised cross-ministry approach

Firstly, a 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.[38] 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 bureaucracy (Demos Helsinki, 2020[19]). 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.

Furthermore, a recent Demos report also notes that there is often little to no justification for allocation decisions (Demos Helsinki, 2020[19]). Ideally, associations should have the opportunity to learn from the application process through some form of feedback following the resource and time-intensive application process (Demos Helsinki, 2020[19]). Furthermore, because there is no transparent and holistic overview of public funding to civil society from the government, it is more difficult for CSOs to assess which kinds of organisations and activities receive the most public funding, which would allow them to learn from their modes of operation. The aforementioned project at the Ministry of Finance aims to offer tools to make this system more compact[39] and will also openly show how many organisations are applying for funding and what percentage receive this funding.[40] In addition to these efforts, the system could be made more transparent by creating mechanisms for public officials to provide even informal feedback to CSOs so that they can learn from the process and improve for subsequent rounds.

CSOs remarked that they could use more information on the criteria that lead to successful applications.[41] While criteria for public funding are clearly necessary to ensure the quality of the chosen organisations and a responsible use of public resources, practices differ substantially across ministries and some can be unnecessarily restrictive. One such example is that the Ministry of Economic Affairs and Employment only provides budget funds to CSOs that work on issues surrounding corporate social responsibility if they have members that represent registered companies.[42] In addition, the criteria for granting funding often places an emphasis on the provision of welfare services, which leaves fewer opportunities for advocacy or watchdog CSOs, for instance. Some watchdog CSOs working on these issues find it to be an unfair conflict of interest, especially as there have been instances of corporations and chambers of commerce calling for boycotts of CSOs that are critical of their practices.[43] In this regard, the government should review whether criteria for funding disproportionately caters to CSOs with more of a service provision role, making it difficult for watchdog organisations to apply.

Ministries could also learn from good practices from one another and other public bodies in this regard. As an illustration, STEA has a highly developed website which publishes the grants for each year with the amount of funding given and the corresponding body to which they were awarded (Funding Centre for Social Welfare and Health Organisations, 2020[39]). The Ministry of Education and Culture has a less extensive tool which also allows interested parties to access annual grantees (Ministry of Education and Culture, 2020[40]). The government could thus use these examples to consider the creation of an operating model that ensures a regular dialogue between civic actors and the funding counterparts, for instance on changes in the operating environment of civic activities, the future direction of state grants, available forms of support and funding, and information on reporting and evaluation.

Facilitating internal mobility for officials overseeing public funding of civil society organisations

Activists and CSOs are also calling for greater mobility among the decision-making personnel in ministries to prevent the same public officials taking decisions over several years.[44] Grants from ministries tend to be most substantially concentrated towards a few large organisations whose activities are funded from year-to-year, as well as directed towards organisations based in large cities.[45] There is a need for more internal mobility so that the same public officials are not responsible for the same funding decisions for years on end on highly politicised terrain. Grant decisions should have some form of external or independent review from other teams or public officials in another department in order to reduce the concentration of power in the hands of a small number of decision makers and to enhance transparency

and accountability. It was also stressed that granting of public funding was often based on shared history, cosy relationships and "traditional" partners, which implies that important emerging interests and needs, for example grassroots movements on climate change and environmental issues, are sometimes under-represented.[46] In general, more flexibility and movement within the entire public sector would allow for more cross-ministerial dissemination of good practices and expertise on a variety of policy areas.

Current system is short term and vulnerable to external shocks

As briefly acknowledged in relation to the Veikkaus proceeds, the wider system of public funding is also short term and sometimes volatile in Finland. A 2020 KANE report noted that both the number of grants and the amount of public funding available to the third sector have decreased at both the national and the municipal level in recent years, although the role and importance of the sector has steadily increased (Ministry of Justice, 2020[17]). Organisations are concerned about the deteriorating financial situation of the municipal government level in particular, which continues to make it more difficult to obtain grants (Ministry of Justice, 2020[17]). Anticipating the receipt of grants has therefore become more difficult due to short-term funding and many CSOs are suffering from this lack of stability. For both small and large organisations that are only eligible for two-year project funding, the brief time period for these grants leaves little time for strategic long-term planning. Additionally, the system of funding can be impacted by external shocks, for example the COVID-19-related Veikkaus cuts and the politicised cut of the Ministry for Foreign Affairs' funding in 2015 (discussed below) as well as health and economic crises. There is a need for the government to develop a long-term solution to solve the issue of public funding for CSOs with a secure system that is less vulnerable to external shocks. In the same way, the government could create opportunities for and incentivise diverse kinds of funding (e.g. tax incentives for individual donors, corporations, philanthropic foundations) for CSOs to diversity their sources, reduce their dependence on public funding and strengthen their independence. In general, there is currently a discontinuity in learning on public funding and a lack of carry-over mentality due to political cycles. Thus, establishing a better system of ongoing strategic foresight planning for the future could be beneficial.

Lack of vetting of organisations

Finnish society benefits greatly from the numerous organisations across the country that are committed to improving citizens' lives and their communities. While almost all of these work in the public interest, there is a need to keep stock of the activities of those receiving public funding. Currently, there is little to no formalised or systematic vetting across the government of organisations or their use of funds once they are registered and begin to receive regular public funding year-on-year, which has led to rare instances of organisations being forced to return money. For example, the Ministry of Education and Culture decided in June 2019 to cancel and reclaim a total of EUR 115 000 from the Finns Party Youth after it was informed of a series of racist posts on their social media. Its activities had been publicly financed since 2008, reaching an overall amount of EUR 731 000 over the past decade.[47] In 2020, the Finns Party Youth reapplied for funding, but received 15% less than the previous year. The ministry noted that the funds granted to youth organisations are based on an assessment of their application and their planned activities for the coming year and considers their actions during the previous year, stating that: "The Finns Party Youth were assessed according to same criteria as everyone else".[48] This situation illustrates the need for ongoing oversight of organisations and their activities once they have been granted funding as well as some strategic direction as to what these funds aim to achieve for Finnish civil society and whether they are meeting these objectives. That said, the Ministry of Education and Culture does receive regular feedback from other CSOs and ordinary citizens on any concerns they may have regarding state-funded activities. However, there is currently no centralised monitoring system for these groups[49]. The government should ensure policy coherence at all levels of government by verifying and monitoring that the activities of CSOs receiving public funding are aligned with the fundamental values outlined in the Constitution and

relevant legal and policy frameworks (e.g. through spot checks or by having an established feedback mechanism for the public to report concerns).

Committing to systematic evaluations of public funding

Given the substantial amount of public funding available to CSOs from the government, several ministries undertake monitoring and evaluation of beneficiaries and their activities. However, there is no systematic evaluation of public funding that applies across all ministries. Most tasks related to evaluation are undertaken by the individually responsible ministries, namely the Ministry of Justice, the Ministry of Education and Culture, and the Ministry of Social Affairs and Health. For example, the Ministry of Education and Culture monitors the effectiveness and appropriateness of the use of grants and the effects of state grants. A report on the use of the state grants must be submitted to the Ministry of Education and Culture by the deadline specified in the grant decision. Based on the Youth Act, the Ministry of Education and Culture nominates an Evaluation and Grant Committee for a four-year period. The committee makes an annual proposal to the ministry on the distribution of state subsidies from national youth organisations and national youth competence centres. Furthermore, at the request of the ministry, the committee conducts evaluations on the activities of the assisted organisations (Ministry of Education and Culture, 2020[41]). Regarding the Ministry of Social Affairs and Health, the applicants' previous use of grants and the results, as well as their future plans, capacities and general eligibility are assessed by STEA on a yearly basis.[50] Every year the recipients of grants also have to report on their use of funds in the previous year in a very detailed manner. In addition, STEA regularly carries out inspections of recipients' activities.[51] Similarly, the Ministry of the Environment oversees grants to environmental associations and is in charge of monitoring and evaluating this area while the Ministry for Foreign Affairs monitors the respective functions in the area of development policy.

As the current approach is siloed and has varying levels of quality, the government could commit to creating cross-ministerial guidelines on the monitoring and evaluation of public funding through ministries. It could also promote good practices from ministries with the most experience in performing these evaluations. As acknowledged above in relation to the Veikkaus system, the government could establish a systematic way of evaluating and assessing the funding of civic activities to ensure it is allocated in the most optimal ways. There is also a need to create quality standards and indicators at the national level for public funding applications to ensure that expertise and value-add are prioritised instead of historical or long-established relationships.

Reducing heavy bureaucracy for funding and restrictions on fundraising

As aforementioned, registered associations are traditionally the most common embodiment of civil society in Finland and non-institutionalised civic activities have historically been rare. The structure of associations as outlined in the Associations Act is thus heavy and represents the "old world" to many CSOs, which means that many informal organisations or groups of activists often avoid registration, as it does not seem to align with their activities. The heavy financial reporting involved for those who do have the capacity is also a significant deterrent. Furthermore, CSOs report that too many resources are channelled towards procedures for applying to funds and reporting on their activities.[52] It is clear that there is a need to establish bureaucracy-free regulation and practices concerning voluntary work and other activities of CSOs to the extent possible. Some related strategies for sectoral ministries were created in 2011, for example, in the Ministry of Education and Culture, but they need to be updated to take new informal organisations and ways of operating into account while outlining provisions to safeguard their autonomy.[53] These smaller organisations often do not have the human or financial resources to complete the application process or the reporting necessary to ensure that they maintain their funding. The reporting requirements have also increased, which causes problems, especially for non-professional organisations. The government could thus ensure that ongoing discussions on reforms to the Associations Act result in a simplified and fairer administrative system, particularly for smaller associations. The reforms should reflect the need for

regulations to consider different forms of organisations to ensure that smaller associations can flourish and contribute to Finnish society. As is intended, it should also adequately reflect the new digital era and adapt to and highlight the use of technology and remote participation in the future, while also prioritising the importance of in-person consultation to remain as inclusive as possible for all stakeholders.

As previously reported, under the former Money Collection Act, CSOs faced heavy restrictions on their ability to fundraise in Finland. Some CSOs suggested that large well-established organisations benefitted from these restrictions as they dominated the market.[54] As mentioned above, a positive step in the right direction has been the new amendment in the Money Collection Act, which allows smaller organisations and individuals to raise EUR 10 000 up to twice a year. However, one member of the fourth sector mentioned that there is not much awareness of this change and few are availing of the opportunity.[55] The government could launch awareness-raising activities, including campaigns and information-sharing sessions, to ensure that news of the reform is well-disseminated and that organisations and activists know how to seek and apply for this funding, which is especially useful for smaller CSOs.

Combating the narrowing autonomy of CSOs

Historically, social movements and the state have enjoyed a close relationship, in which civil society and the state are perceived as partners rather than as social counterparts (Alapuro and Stenius, 2010[42]). While this provides a wide range of benefits to their relationship and ensures productive co-operation and a willingness to collaborate between actors on both sides, it can also pose questions regarding the autonomy of CSOs. This is significant, as KANE considers autonomy to be “a fundamental starting point for the role of NGOs in strengthening inclusion and democracy”. According to KANE, this means that “the activities of citizens and non-governmental organisations cannot be instrumentalised, and the demarcation between the private and public sectors remains clear” (Ministry of Justice, 2020[17]). Furthermore, several Finnish government and civil society interviewees during the OECD fact-finding mission noted that the country faces a challenge of well-established and historically important CSOs dominating the policy-making scene (Siisiäinen, 2015[43]). The think tank Libera argues that these organisations form a type of shadow or semi-public sector, which are more reminiscent of the public sector than civil society in terms of their governance and operating models, and they tend to have more influence over the policy-making process than small and medium-sized organisations (Libera, 2017[44]). The government of Finland is also aware of the impact of narrowing autonomy as one of the main challenges to civic space. Finland’s background report (Government of Finland, 2020[11]) to the OECD mentions the narrowing autonomy of civil society organisations. The government also noted its concern that civil society activity has shifted more to the fourth sector and to self-organising networks operating through social media and the possibility that the nature of CSOs as actors of social change may weaken as a result (Government of Finland, 2020[11]).

There has been a growing trend in Finland and globally over recent decades which sees governments relying on CSOs to deliver government-funded services (CIVICUS, 2011[45]). In many advanced economies, the government has become the major source of financial support to CSOs, turning them into key actors in the delivery of a wide range of public services. The COVID-19 pandemic in particular was instrumental in demonstrating the status of CSOs as vital stakeholders in addressing the health, social and economic crises with crucial knowledge and awareness of their communities’ needs as well as institutionalised processes for accessing citizens and vulnerable groups most in need of emergency relief, medical supplies and other forms of aid. In Finland, there were initial challenges in government support for CSOs that act as service providers and have business-like revenue during the COVID-19 crisis, as relief funds were primarily aimed at organisations with significantly decreased revenues[56]. While the government subsequently clarified the situation, it could have proved disastrous for many CSOs[57]. That said, in general, co-operation between the authorities and CSOs was described as exceptionally good in the midst of the crisis by the range of participants involved in the government’s “Finnish National Dialogues” project (see Chapter 6) (Erätauko, 2020[46]) and by SOSTE’s 2020 Social Barometer (SOSTE, 2020[47]). While this level of partnership can bring many benefits to the status of civil society, CIVICUS finds that for these

organisations, “a gap between high levels of activity and medium levels of impact emerges” (CIVICUS, 2011[45]). CSOs often struggle to raise themselves from a service delivery role to an influential role in shaping policy, and this affects their role as a critical watchdog of the public sector (CIVICUS, 2011[45]). It is vital, for the COVID-19 recovery and beyond, that the government outlines clear processes for civil society involvement of both kinds[58].

In Finland and worldwide, there is an ongoing and increasingly important debate among CSOs with reference as to whether this movement towards service provision is a positive or negative evolution. In the 2018 SOSTE CSO barometer, which received responses from 80 national organisations, 970 local organisations and 195 dissolved organisations, only 58% of the responding social and healthcare organisations felt that their autonomy was sufficient, compared to 80% in 2016 (SOSTE, 2018[48]). In one sense, there is concern that organisations are less autonomous and critical as they work on behalf of, or in partnership with, government. Even when they are not in service provision roles, there is a concern that their reliance on public funding means they are less able, or likely, to critique government policies and perform a watchdog role. Other organisations, and especially those in certain sectors – such as health and social welfare – would like to safeguard and enhance their role as partners of the government, especially as reforms to this system are ongoing. As an example, the Central Union for Child Welfare is concerned about protecting its areas of work from private sector actors who have less expertise.[59] CSOs also worry that they cannot compete with cheaper private sector providers as the costs involved can often be a determining factor instead of quality standards and suitability.

Post COVID-19 crisis, the increased capacity of CSOs to reach citizens that governments sometimes have difficulty in adequately supporting may influence governments to procure the services of CSOs more often in the future and ultimately further solidify the status of these organisations as service providers and strategic government partners. The OECD report *Together for Better Public Services: Partnering with Citizens and Civil Society* specifically focuses on the innovative approach to service delivery based on partnerships with civil society, users, and wider citizens (OECD, 2011[22]). These approaches, which are also referred to as co-production, can offer “creative policy responses that enable governments to provide better public services in times of fiscal constraints” with efforts leading to “cost reductions, better quality of services and improved user satisfaction” (OECD, 2011[22]). They can also contribute to seamless government, which takes action to eliminate points of friction between governments and those they serve and can enable the government to re-orient and better adapt their services to match public needs. Collaboration and co-creation between government, civil society and citizens can then lead to improved operating models and services (OECD, 2020[49]). In this regard, the government could develop a holistic civil society strategy with tangible measures to engage with and support CSOs while protecting their autonomy. This should include a concrete approach to safeguarding the role of certain CSOs – especially those in the health and social welfare sector – as service providers as well as protecting the ability of CSOs to also influence policy and remain as critical and independent organisations.

In response to their instrumentalisation by the government as service providers, many associations have professionalised in order to be eligible for public funding. Through public funding, organisations are more clearly linked to public sector goals and requirements (Demos Helsinki, 2020[19]). The Demos report stressed that the main obstacle to autonomy outlined by CSOs was the donor’s policies, requirements and detailed intervention in the work of the organisations (Demos Helsinki, 2020[19]). Additionally, in order to receive public funding, CSOs are expected to outline their objectives, and show evidence that they are moving towards set goals, bringing about the desired change, and outline how targeted groups have benefited from their activities. Project-based funding also tends to direct CSOs towards performing certain activities or tasks rather than those that are more relevant to their mission and objectives. This has weakened the civil society character of organisations and, at the same time, their ability to operate flexibly and innovatively. As a result, CSOs are being co-opted to some extent by the state for its own purposes, sometimes damaging their autonomy and creativity because of their dependence on public funding. In the

wake of the COVID-19 crisis, the autonomy of CSOs may now be under further duress, given that many of these organisations have necessitated more public support than before[60].

Many small or voluntary organisations also currently feel some pressure to formalise due to the inability to get funding if they are not sufficiently "professional". While professionalism is not a negative development in itself, it can mean that volunteer-based organisations and those in the fourth sector have trouble securing any governmental support.[61] There is also a danger that professionalisation as well as the adoption of private or public sector characteristics will begin to replace the purpose of civil society as based on membership and member democracy (Demos Helsinki, 2020[19]). This issue was further exacerbated by the COVID-19 pandemic, as there is concern that some informal networks and connections have been permanently lost due to restrictions on physical assembly[62]. Professionalisation which leads to increased hierarchy in CSOs can affect their credibility by undermining the voice and individual influence of the citizens involved and can risk discouraging further participation in civil society. Relatedly, it seems that the consolidation and concentration of the organisational structure of CSOs is one of the goals of the state administration. According to some CSOs, the Ministry of Education and Culture constantly strives to encourage mergers of organisations, the elimination of duplication and the streamlining of operations for more efficiency (Demos Helsinki, 2020[19]). While more efficient operations are always welcome, there is a need to ensure the heterogeneity of civil society and that the individual mandate of each organisation remains intact.

Thus, the challenge for the government and civil society is to strike a balance between fostering autonomy and surviving financially by taking advantage of the extensive public funding that is available in Finland. As private and self-governing entities, CSOs can define the purpose, objectives and operating models for their activities. Yet, the amount of public funding available and the reliance of a broad range of organisations on this funding poses questions about the extent to which CSOs' activities are directed by the government. It is clear that when public funds are distributed, their use must be directed to sensible targets and their responsible use must be monitored. However, in order to guarantee the autonomy of civil society, the government should consider whether donors could allocate a larger share of current funding to innovation, experimentation and development projects. In this regard, the government could also allocate and distribute a share of grants with more flexible regulations, allowing a certain proportion of funding to be distributed with more freedom for CSOs to develop activities independently in line with overarching goals.

Funding and social innovations at the local level

The regional and municipal levels in Finland are also dedicated to providing support and funding to civil society. The six regional state administrative agencies (Regional State Administrative Agencies, 2020[50]) work in close collaboration with local authorities. The agencies' mission is to "promote regional equality by carrying out executive, steering and supervisory tasks laid down in the law" (Regional State Administrative Agency, 2020[51]). To this end, they aim to strengthen the implementation of basic rights, access to essential public services, environmental sustainability and protection, and public safety to provide a high standard of living in the regions. Regional state administrative agencies grant funding to youth work, libraries and sport projects with over EUR 50 million annually. Funding is granted to civic space actors as well as to municipalities, corporations and other registered organisations (Regional State Administrative Agency, 2020[52]). In addition, Finnish municipalities have a strong mandate for self-government, which is based on local democracy and the desire to keep decision making close to the citizens affected. As a result, they are also active partners and financial supporters of the CSOs in various sectors in their respective local communities (Association of Finnish Municipalities, 2020[53]).

Therefore, at the local level, public bodies are well-placed to harness the knowledge of civil society to create better funding processes given their proximity, with benefits for both the public sector and the third sector. The joint formulation of grant applications between public officials and CSOs can offer one route to

more effective public funding. As highlighted by The GovLab, the quality of a grant's design can greatly determine the quality of applications received as well as the ultimate success of the projects that are funded (The GovLab, 2016[54]). In this sense, it is crucial to detect the most pressing challenges so that funding can then be directed to the most worthwhile projects, which have identified ways to combat them. In these initial stages, openness to outside input from key stakeholders has the potential to bring wider expertise – including on-the-ground knowledge and experience – when determining where and how to fund (The GovLab, 2016[54]). The municipal level is often where the most innovative approaches to public funding take place (Box 5.2). The government could encourage innovative forms of public funding at the national level taking good practices from the local level, such as the co-design of public grants in the City of Helsinki and the hybrid financing initiative in the City of Tampere.

Box 5.2 Innovations in public sector funding in Finland

The City of Helsinki and the co-design of grants

The City of Helsinki is pioneering an innovative form of public funding through the co-design of grants. The culture and leisure division and previously the Youth Affairs Centre in the city have developed grant and procurement processes with the idea of promoting innovative competition and partnerships. The co-design model involves the donor first sharing information about the needs and problems for which funding will be granted or otherwise determining the conditions of the grant. Potential implementers, such as organisations or communities, are invited to come up with ideas and develop solutions together with the funder. Unlike more traditional application processes or tendering, the process can lead to more diverse solutions and improved public procurement practices based on discussions between local government and CSOs.

The City of Tampere and crowdfunding

In Tampere, which markets itself as being a pioneer in crowdfunding, resident associations, communities and working groups are appealing for funding to support community-based projects as part of the Mun Tampere ("My Tampere") Participatory Funding project. The project is looking for new ways in which municipalities can support voluntary activities. This new type of financing model, which combines elements of participatory budgeting and crowdfunding, was developed jointly with the City of Tampere and Tuusula municipality and is part of Sitra's Updating Democracy project.

Both individuals and associations can submit their ideas for the experiment for which the City of Tampere has reserved 30 000 euros to support citizen and community-based projects. The city committed to funding a 40% share, or a maximum of EUR 5 000 per project with 60% of its target budget collected through crowdfunding by 28th February 2021. Projects also receive other in-kind support in the form of technical support during planning and implementation, visibility from the city, and access to a crowdfunding service (https://mesenaatti.me). The city received 20 applications in total in 2020, of which 13 were collecting funding as of November 2020. Many of the projects focus on marginalised or minority groups, including disabled persons, children living in foster families and refugees.

Crowdfunding is a very new concept in Finland, where people are accustomed to public funding being available for associations and projects and there are few dedicated crowdfunding platforms. This represents a new model for the city to promote the voluntary activities of local residents and also support actors in the fourth sector by engaging with urban activism, given these informal networks are currently excluded from Tampere's more established forms of assistance.[1]

Note: Email, City of Tampere, received 9 March 2021.

Source: Immigrant Youth Project Helsinki (The City of Helsinki Youth Department; The We Foundation, 2021[55]), Support for the activity of local residents from participatory funding in Tampere (City of Tampere; Tuusula Municipality, 2020[56]), interview, City of Tampere, 9 November 2020.

Commitment to civic space in Finnish development co-operation

Finland's approach to development co-operation

Finland's strong commitment to strengthening civil society extends to its support for CSOs through its development co-operation, illustrating a great degree of policy coherence in this area both within Finland and abroad. The Ministry for Foreign Affairs is in charge of development co-operation and CSO funding. It provides funding for both Finnish CSOs and international NGOs that contribute to the achievement of Finland's development policy goals and to strengthening civil societies. The background report completed by Finland for this Civic Space Scan highlighted the central aim of the ministry in strengthening civil societies in developing countries and supporting developing countries' own organisations to perform their basic duties related to the provision of services, advocacy work and communications (Government of Finland, 2020[11]). Significantly, a recent OECD report on support for CSOs shows that while some countries only fund CSOs who deliver the donor's projects, Finland also funds CSOs to implement the CSOs' own projects (OECD, 2020[57]). The most recent OECD data on development funding reveals that some of the most common causes supported by Finland are democratic participation and civil society, human rights, women's rights, education, and promotion of development awareness.[63] CSOs are key partners of the Ministry for Foreign Affairs. Fingo, an umbrella organisation of 300 CSOs in Finland working in the areas of development co-operation and global education, also works to influence policy making, strengthen the status of its member organisations and increase citizens' understanding regarding the importance of global development (Fingo, 2020[58]).

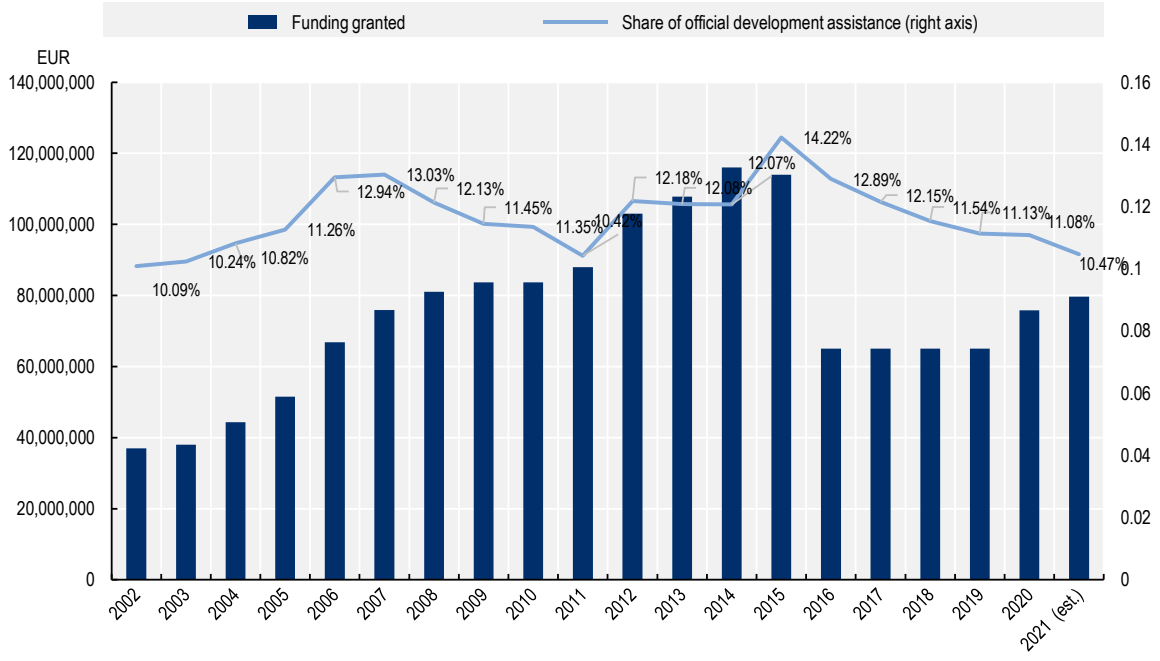
The Ministry for Foreign Affairs's Guidelines for Civil Society (Ministry for Foreign Affairs, 2017[59]) provide guidance for Finland's efforts in strengthening civil societies in developing countries as part of its development policy and steer the work of the Ministry for Foreign Affairs and Finnish civil society actors towards achieving the goals of Finland's development policy. The basic premise of the guidelines is that "independent, vibrant, pluralistic and polyphonic civil societies create the prerequisites for the peaceful participation of citizens in society and for the realisation of human rights" (Ministry for Foreign Affairs, 2017[59]). The guidelines also highlight the need to actively defend civic space globally. These guidelines are the basis for allocating programme-based funding and project funding, of which approximately 80% is programme-based.[64] In terms of the application round, there has been increasing emphasis on the strengthening civil society aspect in the last two years.[65] As outlined in the current government programme, Finland will also promote the realisation of their shared values with the European Union in relation to development co-operation. In this sense, they will demand that "the payment of subsidies to member states, such as structural fund payments, be tied to adherence to their fundamental values" (Government of Finland, 2019[5]).

Civil society funding within development co-operation

The Ministry for Foreign Affairs has a specific way of looking at development co-operation funding and makes a distinction between development co-operation and the exclusive budget for official development assistance (ODA).[66] The appropriations are divided into two categories, with the first being the exclusive ODA budget item administered by the ministry and the second being all other development co-operation. The ODA administered by the ministry includes, for example, bilateral development co-operation between Finland and its partner countries, Finnish support granted to UN agencies, international development

banks, Finnish CSOs and humanitarian assistance abroad (Ministry for Foreign Affairs, 2021[60]). Development co-operation covers Finland's contribution to the European Union's development co-operation budget, expenses related to the reception of refugees and other budget items that fall under the category of development assistance in various administrative sectors (Ministry for Foreign Affairs, 2021[60]). It also includes an estimate of investments considered to fall under development co-operation by Finnfund, which is a Finnish development financier, and an estimate of other development policy investments. The share of development funding for CSOs from ODA specifically is projected at 10.5% for 2021 (Figure 5.4).

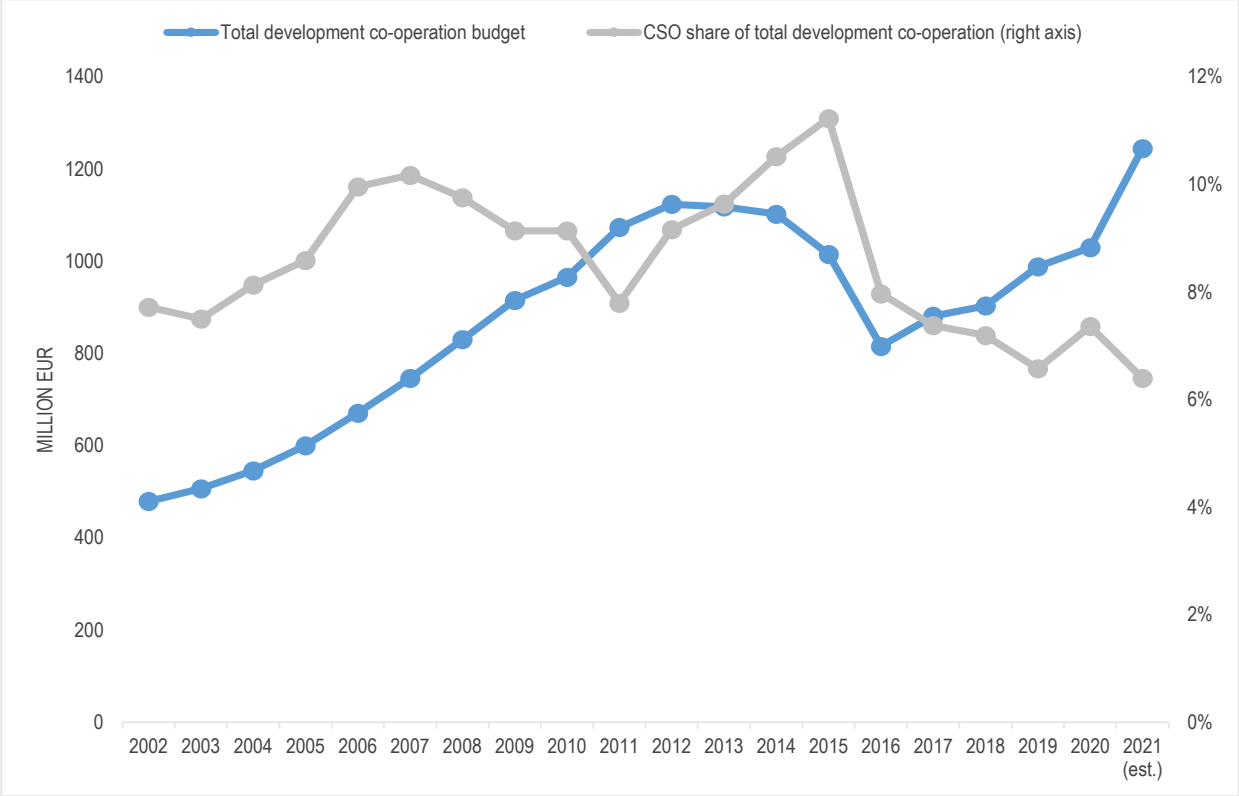
Figure 5.4. Development funding for civil society organisations through ODA in Finland, 2002-21



Note: Best available estimation of figures from the Ministry of Finance and Ministry for Foreign Affairs.
Source: Fingo submission, received in October 2020.

In 2020, EUR 1 032 million was reserved for development co-operation appropriations under the state budget with the exclusive ODA budget item administered by the Ministry for Foreign Affairs set at EUR 675 million. CSO funding falls under the ODA budget item. This is significant, as while ODA has been increasing again in the recent years, the exclusive budget item for CSOs has not similarly increased as a percentage of total development co-operation (Figure 5.5). This is partly due to the trend of emphasising private sector collaboration and loan instruments, in addition to Finland's share of the European Development Fund (European Commission) not being administered by the ministry.[67]

Figure 5.5. Civil society organisations' share of total development co-operation in Finland, 2002-21



Notes: The statistics are based on open data from the government budgets. The Ministry for Foreign Affairs' interpretation of what counts as funding to civil society differs from that of Fingo. As Fingo outlined during the OECD fact-finding mission, it considers relevant CSO funding to be that channelled directly to the independent activities by CSOs with their partners, i.e. funding for CSOs, international non-governmental organisations and municipalities as this form of funding directly contributes to the strengthening of civil society in partner countries. According to Fingo, this funding is also easiest to follow as it is based on open data (Fingo CSO submission, received 1 September 2020).
Source: Fingo, received in October 2020.

Civil society funding in 2020 was EUR 75 million and the current government budget proposal (which still needs approval from the parliament) for 2021 is EUR 79 million. It is still far from 2015 levels, when that support stood at EUR 114 million.[68] This makes the amount 6.6% of overall ODA the lowest percentage in almost 20 years.[69] While levels of ODA have increased year-on-year, the budget line specifically for CSO funding has been decreasing since 2015. However, it is important to note that the current government programme emphasises that funding for development co-operation projects aimed at CSOs will be stepped up (Government of Finland, 2019[5]). The government could reprioritise civil society financing in development co-operation to build up the capacity and autonomy of local partners and could dedicate additional human and financial resources to the CSO unit of the Ministry for Foreign Affairs.

Challenges

Improving aid transparency and performance data

Finland ranked surprisingly low in the 2020 Aid Transparency Index (Publish What You Fund, 2020[61]), which measures how well donors comply with the requirements of the International Aid Transparency Initiative (IATI) – of which Finland was a founding member. The Ministry for Foreign Affairs ranked 29th among the 47 donors in the index, which is published by Publish What You Fund (Publish What You Fund, 2020[61]). The findings illustrated that the timeliness, quality and coverage of the data published by the

Ministry for Foreign Affairs have improved. Everyone can now access basic data, including project descriptions and information on funding, soon after project funding decisions are taken and budget information is also published comprehensively on the ministry's website (Ministry for Foreign Affairs, 2020[62]). As a result, the quality of open data and information that can be used comparatively should also improve in the coming years. Publish What You Fund recommends that countries in the "fair" category, such as Finland, make transparency a key priority henceforth (Publish What You Fund, 2020[61]) and the Aid Transparency Index recommends that development co-operation donors invest in the publication of project results and impacts and raise awareness in partner countries about the data that are currently available. The latest OECD Development Co-operation review of Finland also mentions that there is scope to further improve some aspects of transparency in reporting (OECD, 2017[63]).

The ministry highlighted that the lack of performance data is not a question of political will, but rather of unsuitable and outdated information management systems that cannot make the vast amount of data as clear, accessible and user-friendly as is necessary.[70] In addition, Fingo noted that it can be difficult to identify the public officials administering each project or programme. Much of the preparatory work behind funding decisions is done in Finnish embassies abroad, but no information is publicly available regarding ongoing funding negotiations and who is responsible for them.[71] Although the ministry has great policy guidelines on promoting civil society through development co-operation, there is a need to establish better information management systems in order to collect and publish performance data. Making data and statistics available and more easily accessible through a centralised portal would allow support for civil society funding by the Ministry for Foreign Affairs to be evaluated systematically. The ministry could also follow the aforementioned good examples of the websites available from STEA and the Ministry of Education and Culture, which give additional information on public funding, annual grantees and related activities.

Regular evaluations and impact assessment of development co-operation to CSOs

Similarly, to the wider system of public funding, support for civil society funding by the Ministry for Foreign Affairs is seldom evaluated. However, one significant process recently was an evaluation of the effectiveness of programme support among 22 Finnish CSOs. The evaluation was done in three parts in 2016-2017 (Ministry for Foreign Affairs, 2020[64]) and raised a number of challenges, one of them being that there were several issues with regard to the transparency of application outcomes. It also found that achieving policy objectives had suffered despite the focus on enhancing the capacity of local civil society due to the little information available on impact (Ministry for Foreign Affairs, 2020[64]). Moreover, Fingo noted that most information can be requested from the ministry, but it would be much more useful if it were proactively published online.[72] In addition, the ministry does not have a portal that compiles all relevant information and statistics regarding development co-operation. CSOs mentioned that they usually need to search for attachments to a press release on the website or check if an implementing partner funded by Finland has published the project or programme document including the financial breakdown per donor. This is a work in progress at the ministry, which recently undertook an evaluation on knowledge management: *How Do We Learn, Manage and Make Decisions in Finland's Development Policy and Cooperation* (Ministry for Foreign Affairs, 2019[65]). The Ministry for Foreign Affairs is using this evaluation to develop its "management of results-related information and knowledge in order to strengthen evidence-informed learning and decision making at all levels and in all channels of its development policy and cooperation" (Ministry for Foreign Affairs, 2019[65]). The Ministry for Foreign Affairs could commit to furthering its assessment of development co-operation activities to CSOs by committing to regular evaluations and impact assessments such as the most recent processes from 2016-2017.

Increasing human and financial resources in the CSO unit of the Ministry for Foreign Affairs

The general challenge of the lack of human and financial resources in the CSO unit of the ministry was also mentioned in the evaluation with the recommendations calling for increased collaboration and

co-ordination between CSOs receiving programme support and the ministry to identify ways of improving their outcomes. With adequate resources, the Ministry for Foreign Affairs could undertake more advocacy work on the state of civil society including planning, monitoring, evaluation and learning development, especially on the use of theory of change and in enhancing evaluation skills, identifying cross-cutting themes, and consistently adapting and improving the ministry guidelines on programme support.[73] The Ministry for Foreign Affairs recently consulted CSOs and asked for their contributions towards an updated format for reporting on their activities which led to an improved system for both the ministry and CSOs. Similarly, the ministry published information and guidelines for civil society in English for the first time in the most recent application round, which had been requested by CSOs to ease their communication with international partners.[74] There is thus significant commitment to improving existing processes and it is clear that the ministry is open and flexible regarding the development of instruments for additional engagement with civil society; however, it is sometimes difficult to advance progress in the aforementioned processes given the insufficient resources at its disposal.[75] The government could thus consider allocating additional human and financial resources to the CSO unit of the ministry in particular to ensure its continued strengthening of civil society abroad, specifically. This would allow Finland to ensure they can fulfil the extensive and important commitments they have made to further expand their support for civil society abroad. For example, through engaging CSOs from their own country and from their partner countries when preparing partner country strategies or partnership frameworks, and through promoting an enabling environment for CSOs as an agenda item when discussing development co-operation with partner country governments (OECD, 2020[66]).

Notes

[1] The review of the legal frameworks section draws from and summarises the information provided in a background report prepared by the Library of Congress for the Civic Space Scan of Finland. See (Library of Congress, 2020[67]).
[2] Interview, Ministry of Justice, 5 October 2020.
[3] Interview, Ministry of Justice, 5 October 2020.
[4] Interview, Ministry of Justice, 5 October 2020.
[5] SOSTE, CSO submission, 31 August 2020.
[6] Interview, Ministry of Justice, 5 October 2020.
[7] Email, Ministry of Interior, 11 March 2021.
[8] Interview, EFFI, 24 September 2020.
[9] Interview, EFFI, 24 September 2020.
[10] Email, Ministry of Interior, 11 March 2021.
[11] Small-scale fundraising to support a business activity or to accumulate wealth for a legal person is prohibited under the Money Collection Act.
[12] Email, Ministry of Interior, 11 March 2021.
[13] Email, SOSTE, received 19 January 2021.
[14] Email, SOSTE, received 19 January 2021.
[15] Interview, fourth sector activist, 24 September 2020.
[16] Interview, fourth sector activist, 24 September 2020.
[17] Interview, fourth sector activist, 24 September 2020.
[18] Interview, Ministry of Finance, 22 September 2020; interview, Advisory Board on Civil Society Policy, 24 September 2020.
[19] Ministry of Justice, email received 12 March 2021.

[20] The earlier competition between the three monopoly companies in the Finnish gambling market was seen as problematic from the point of view of EU legislation and the monopoly right of the Finnish gambling system due to excessive marketing, which was seen to encourage these activities to an unhealthy extent (Finnish Competition and Consumer Authority, 2019[26]). In the European Union, a gambling monopoly is permitted when it is the best solution for the member state, in addition to safeguarding public order, security and public health, in preventing the harm caused by gambling (Finnish Competition and Consumer Authority, 2019[26]). In addition, EU law requires the organisation of a gambling monopoly to be consistent, systematic, rigorous and effectively regulated, which must monitor the realisation of the legitimacy of the monopoly in a dynamic way (Finnish Competition and Consumer Authority, 2019[26]).
[21] Email, National Audit Office, received 3 February 2021.
[22] Email, SOSTE, received 9 March 2021.
[23] Email, Ministry of Education, received 2 March 2021.
[24] Email, National Audit Office, received 24 September 2020.
[25] Email, National Audit Office, received 24 September 2020.
[26] SOSTE, email received 9 March 2021.
[27] Central Union for Child Welfare CSO submission, 31 August 2020.
[28] Interview, Demos Helsinki, 6 October 2020.
[29] Email, Ministry of Interior, 11 March 2021.
[30] National Audit Office, email received 24 September 2020.
[31] Interview, Ministry of Finance, 22 September 2020.
[32] Interview, Ministry of Finance, 22 September 2020.
[33] SOSTE, CSO submission, 31 August 2020.
[34] SOSTE, CSO submission, 31 August 2020.
[35] Interview, Ministry of Finance, 22 September 2020.
[36] Email, Ministry of Environment, received 28 September 2020.
[37] Email, Ministry of Finance, received 16 November 2020.
[38] Interview, STEA, 25 September 2020.
[39] Interview, STEA, 25 September 2020.
[40] Interview, Ministry of Education and Culture, 29 September 2020.
[41] Interview, Ministry of Education and Culture, 29 September 2020.
[42] Interview, Fingo, 24 September 2020.
[43] Interview, Fingo, 24 September 2020.
[44] Interview, Chancellor of Justice, 30 September 2020.
[45] Fingo, CSO submission, received 1 September 2020.
[46] Interview, Chancellor of Justice, 30 September 2020.
[47] Ministry of Education and Culture, email received 1 October 2020.
[48] Ministry of Education and Culture, email received 1 October 2020.
[49] Interview, Ministry of Education and Culture, 29 September 2020.
[50] Email, SOSTE, received 9 March 2021.
[51] Email, SOSTE, received 9 March 2021.
[52] Email, SOSTE, received 9 March 2021.
[53] Fingo, CSO submission, received 1 September 2020.
[54] Interview, EFFI, 24 September 2020.
[55] Interview, fourth sector activist, 24 September 2020.
[56] Email, Demos Helsinki, received 23 January 2021.
[57] Email, Demos Helsinki, received 23 January 2021.
[58] Email, Demos Helsinki, received 23 January 2021.
[59] Central Union for Child Welfare, CSO submission, 31 August 2020.
[60] Email, Demos Helsinki, received 23 January 2021.

[61] Fingo, CSO submission, received 1 September 2020.
[62] Email, Demos Helsinki, received 23 January 2021.
[63] Email, OECD Development Co-operation Directorate, received 28 July 2020.
[64] Fingo, CSO submission, received 1 September 2020.
[65] Fingo, CSO submission, received 1 September 2020.
[66] Interview, Fingo, 24 September 2020.
[67] Fingo, CSO submission, received 1 September 2020.
[68] Fingo, CSO submission, received 1 September 2020.
[69] Fingo, CSO submission, received 1 September 2020.
[70] Interview, Ministry for Foreign Affairs, 22 September 2020.
[71] Fingo CSO submission, received 1 September 2020.
[72] Interview, Fingo, 24 September 2020.
[73] Fingo CSO submission, received 1 September 2020.
[74] Fingo CSO submission, received 1 September 2020.
[75] Fingo CSO submission, received 1 September 2020.

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6 Civic participation in Finland

This chapter focuses on the right to participation in Finland and its evolution throughout recent history. First, it reviews the key legal frameworks governing the right to participation before elaborating on the myriad opportunities available to Finns to participate in policy making in practice, both at the national and local levels. It also emphasises a number of innovations and digital tools being explored in Finland to promote and strengthen civic participation while discussing related challenges. Finally, the chapter provides recommendations under each sub-heading.

Introduction

The legally mandated right of participation has developed and evolved rapidly since the 1970s in Finland. Since the 1990s, these changes have picked up pace and opportunities for direct participation have been added to the traditional focus on representative democracy. Finland's commitment to civic participation, as part of its commitment to democracy more generally, extends from its Constitution to legislation, policy and practice, from the central government across the ministries and right down to the municipal level. It is underpinned by a strong commitment to transparency and openness and facilitated by high levels of trust in governance institutions (such as the President, authorities, Prime Minister, the government), and a tradition of consultation and consensus democracy, based on shared power (Pehkonen and Hyry, 2020[1]). Nevertheless, people's socio-economic status matters. In this respect, the CONTRE Consortium of Trust Research project (2015-19) found, for example, that people with lower levels of education were less trustful of politicians and political institutions and perceived that they could not influence decision making, whereas highly educated and more affluent people trust the political system more (Bäck and Kestilä-Kekkonen, 2019[2]).

Among the public, there is a relatively high level of support for involving citizens further in decision making and in political processes. Survey data from Sitra show that 62% "fully agree" or "agree to some extent" that decision makers should take account of the views of citizens by means of online voting or surveys (Pehkonen and Hyry, 2020[1]). There is mixed support for the use of referenda, which in any case are rare: 49% "fully agree" or "agree to some extent" that the more frequent use of referenda would lead to "bad and short-sighted decisions", whereas 45% feel that important issues should increasingly be decided by referenda (Pehkonen and Hyry, 2020[1]). Different demographic groups favour different models. Participatory democracy is favoured by younger and more educated people, whereas direct decision making (i.e., referenda) is more strongly supported by those with less education and poor knowledge of politics, who favour more radical shifts (Bäck and Kestilä-Kekkonen, 2019[2]). A recent study for the Ministry of Finance cautions against involving citizens more in political processes to generate support from one group in society, while possibly alienating others (Bäck and Kestilä-Kekkonen, 2019[2]).

A related point is that a significant number of Finns are reluctant to share their views on societal issues due to fear. A nationally representative survey conducted by Yle in 2020 with a sample of 2 440 respondents asked citizens whether they agreed or disagreed with the following statement: "I can share my thoughts about societal issues without being afraid of other people's reactions." Five per cent of the respondents "disagreed completely" and 19% "disagreed", which indicates that almost one-quarter of Finns feel they cannot share their thoughts because they are afraid of others' reactions.[1] This phenomenon holds true among different groups of respondents: among highly educated people who find the discussion culture in Finland too aggressive, 35% are too afraid of others' reactions. On the other hand, among mainly women and young people who are less educated or think they do not have much to say, they survey concludes that 30% of them feel too scared to share their views.[2]

Review of key legal frameworks

The right to participation in public life is firmly grounded in Finland's Constitution and safeguarded in legislation. Chapter 2, Section 14 of the Constitution guarantees the right of every Finnish citizen and every foreigner permanently residing in Finland, and over 18 years of age, to vote in municipal elections and municipal referenda. It adds that "[t]he public authorities shall promote the opportunities for the individual *to participate in societal activity and to influence the decisions that concern him or her"* (emphasis added) (Ministry of Justice, 1999, latest amendments in 2018[3]). This provision is given further weight in several laws and related guidelines, particularly in relation to the environment and land use (Jäske, 2018[4]). For example, Section 20 states that "public authorities shall endeavour to guarantee for everyone the right to

a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment."

The Citizens' Initiative Act, in force since 2012, governs citizen initiatives at the national level and is considered a significant democratic innovation in Finland, even though in practice, most of them are rejected in parliament. Chapter 4, Section 53 of the Constitution states that an initiative may be submitted to parliament if at least 50 000 Finnish citizens entitled to vote (about 1.2% of the total electorate) have signed it. Initiatives must take the form of a proposal for a new law, or a repeal or amendment to an existing law and must concern a subject that falls within the legislative powers of parliament. This excludes issues related to international obligations, for instance. Crucially, there is a six-month time limit for the collection of signatures and the development of the proposal. Once the signatures have been checked by the Population Register Centre, a spokesperson for the initiative can submit it to parliament, which then has an obligation to consider it (Parliament of Finland, n.d.[5]). This is followed by a preliminary debate on the matter and a referral to a committee, to which spokespersons must be given the opportunity to present their case. The relevant committee may then prepare a report supporting the initiative – with or without alterations – for another plenary session of parliament or decide not to support it at all. If the committee decides not to support it, the initiative is not necessarily rejected and can, at least in theory, be carried forward by another action, such as a government proposal (Parliament of Finland, n.d.[5]). Parliament must discuss initiatives that are carried forward and vote on them.

The very purpose of the Local Government Act**,** adopted in 2015, is to "establish the conditions in which, in municipal activities, the self-government of the residents in a municipality can take place and opportunities can occur for the residents to participate and exert an influence" (Ministry of Finance, 2015[6]). The act provides for the establishment of local council groups (Chapter 4, Section 19), youth councils (Section 26), older people's councils (Section 27) and disability councils (Section 28) to engage on issues of particular importance to those groups, in addition to the right to vote in local referenda. Section 22 states that residents and service users have the right to participate and influence the activities of the municipality and that local councils must ensure that there are "diverse and effective opportunities" to do so. Each municipality is free to decide how to put this obligation into practice and which tools to use, but several examples of potential activities are suggested. These include setting up local resident panels; finding out residents' opinions before taking decisions, electing representatives of service users to municipal decision-making bodies; arranging opportunities to participate in the planning of the municipality's finances, planning and developing services with service users, and supporting independent planning and preparation of grass roots activities (Ministry of Finance, 2015[6]). In practice, there are large differences in the methods used in different municipalities.

The Local Government Act, also allows for citizen initiatives at the municipal level Chapter 1, Section 23 states that all residents and corporate entities and foundations operating in municipalities have "the right to submit initiatives on matters concerning the municipality's activities" (Ministry of Finance, 2015[6]). Such initiatives must come from a group constituting at least 2% of the municipality's residents and the matter *must* be considered within six months of it being initiated (Section 23). Furthermore, service users have the right to submit initiatives regarding services and the council must be informed of all such initiatives, and related actions, at least once a year. Every municipal initiative must be considered and referred to the relevant authority in the proper jurisdiction, typically the municipal government, a board or a municipal authority. Similarly, all residents over the age of 15 can submit referendum initiatives or requests to hold a municipal-level referendum (Chapter 1, Section 25). At least 4% of the municipalities' residents must be behind such an initiative and the local council must decide "without delay" on whether to hold such a referendum. However, such referenda are advisory in nature, however (Setälä et al., 2020[7]). This implies that the decision to hold a referendum is taken by elected representatives who also take the final decision on the issue under consideration (Setälä et al., 2020[7]). Such local opportunities to influence decision making are viewed as being "soft" forms of direct democracy.

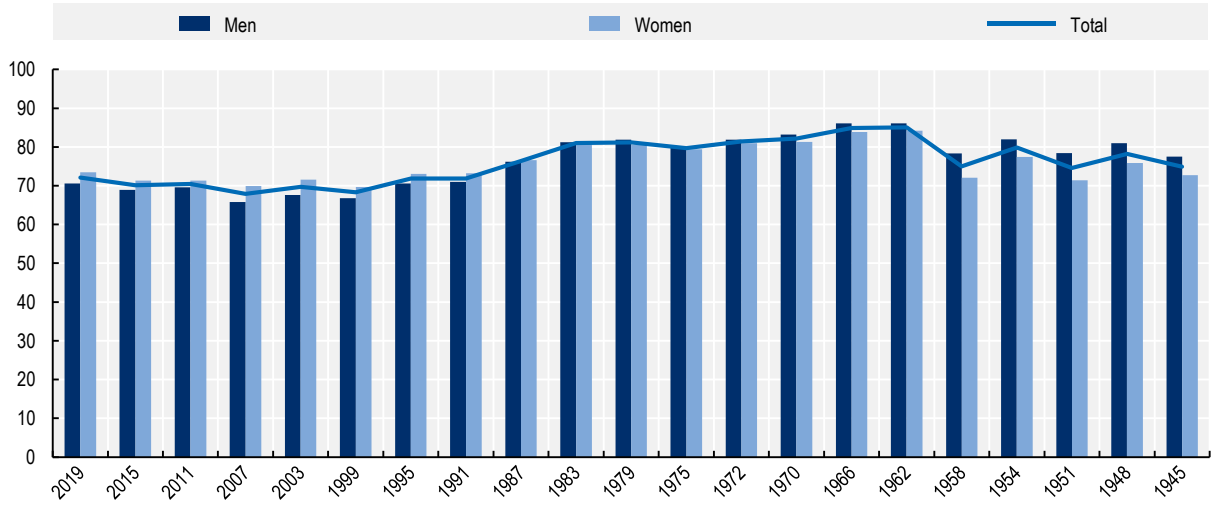
Chapter 1, Section 2(1) of the 2017 Youth Act complements the above. It states that the purpose of the law is to "promote the social inclusion of young people and provide them with opportunities for exerting an influence …" (Ministry of Education and Culture, 2017[8]). It references the Local Government Act, adding that local and central government authorities "shall offer and organise opportunities for young people to be involved and exert an influence in the processing of issues related to local, regional and nationwide youth work and policies, or otherwise ensure that they are consulted in said contexts" (Chapter 6, Section 24). Furthermore, "young people shall be consulted in matters that affect them" (Ministry of Education and Culture, 2017[8]). In various environmental laws related to mining, climate, environmental protection and nature protection there are also provisions guaranteeing participation in general, the participation of CSOs and the participation of the Sámi Parliament. However, despite the reforms described above to introduce direct citizen participation opportunities, they have not actually "introduced more authority and decision making power to citizens" (Jäske, 2018[4]). In her research on this area, Jäske notes that "a representative ethos" remains strong in Finland's political system and that direct democracy is still "rare" in Finnish politics at both national and municipal levels (Jäske, 2018[4]). Yet, they still play an important role by informing decision makers and by providing avenues for the public to express its views.

Policy and political environment

Various governments have introduced decisions in principle to provide guidance on civic participation and consultation on the preparation of legislation. These have been bolstered with cross-government commitments to participation in several key policy frameworks. These include: the Open and Equal Involvement Government Democracy Policy report (2014) (Ministry of Justice, 2014[9]), the National Action Plan on Democracy Policy 2017-2019, the National Action Plan on Fundamental and Human Rights (Ministry of Justice, 2017[10]), the National Democracy Programme 2025 (Ministry of Justice, 2019[11]), and the latest government programme (Government of Finland, 2019[12]). The government programme pledges to develop new ways to engage different stakeholders in reforming society by involving people more in public administration activities and by searching for and testing new ways of interacting (Government of Finland, 2019[12]). It also commits to improved consultation practices and impact assessments of these.

The cross-government National Democracy Programme 2025 was developed as a response to what is perceived as growing inequality in participation and the alienation of decision makers from people's everyday lives presenting a growing challenge to Finnish democracy. This manifests itself in relatively low voter turnout, at least compared to the other Nordic countries,[3] and relatively low trust in politicians and political parties (Pehkonen and Hyry, 2020[1]). In the 2019 parliamentary elections, 72.1% of Finnish citizens resident in Finland voted (Statistics Finland, 2019[13]).[4] In municipal elections, voter turnout stood at 58.9% in the last elections in 2017 (Statistics Finland, 2017[14]).[5] Turnout has fallen since the 1960s for both men and women, from a high of approximately 86% in 1962 to 70.6% for men in 2019, and from 84% in 1962 to 73.5% for women in 2019 (Figure 6.1) (Statistics Finland, 2019[15]). Socio-economic background plays a key role in voting patterns: voter turnout for the top 20% of the population is estimated at 75%; for the bottom 20% it is estimated at 62% (OECD, 2020[16]). This is in line with the OECD average gap of 13 percentage points (OECD, 2020[16]). The effect of income on voter turnout is linear: in the 2019 parliamentary elections, the percentage of voters in the bottom income decile was 57.7%, whereas it was 87.1% in the top income bracket (Mattila, 2020[17]). The effect is that more educated people – as candidates and voters – have a disproportionate impact on policy making (Grönlund and Wass, 2016[18]). A serious challenge for Finnish representative democracy is, therefore, "how to avoid concentrating political influence in the hands of the well-off and undersized elites" (Grönlund and Wass, 2016[18]).

Figure 6.1. Turnout by gender in parliamentary elections, Finnish citizens living in Finland, 1945-2019



Source : Statistics Finland (2019[15]).

The government views what it describes as "growing inequalities in civic participation" and the decline in the voter turnout as the greatest weaknesses of the democratic system in Finland (Ministry of Justice, n.d.[19]). It observes the fact that interest in civic activities and participation only comes from some parts of society as a threat to both the democratic process and public confidence in decision making more generally. The aims of the Democracy Programme, which mirrors relevant content in the government programme, are to remedy this, including by guaranteeing equal opportunities for everyone, putting participation at the centre of the public administration's activities, increasing trust in institutions, and improving social inclusion (Government of Finland, 2020[20]). The government programme is also very specific about engaging citizens. It pledges to enhance opportunities for direct democracy by using methods such as citizens' juries, resident interviews, youth councils, online councils and participatory budgeting, as well as by making participation in politics and political debate "lighter and easier", through pop-up events (Government of Finland, 2019[12]).

Participation in policy making in practice

Legislative drafting and consultation guidance

The Ministry of Justice is responsible for promoting and monitoring the realisation of participation rights[6]. It has developed a seven-step *Legislative Drafting Process Guide* that includes a dedicated consultation phase with non-governmental actors. The seven steps are: 1) preliminary preparation; 2) regulatory drafting by a preparatory body; 3) consultation; 4) continued drafting; 5) review by the government; 6) parliamentary review; and 7) enactment. Funding for consultations is generally built into the budgets for different projects, although the requirement to do so is not legally binding. As part of the consultation phase, the ministry recommends that the relevant draft proposal, decree or regulation be sent with a memorandum and any other relevant materials to Lausuntopalvelu.fi, where public officials can publish requests for opinions and statements (see the range of digital participation portals that Finland uses in Box 6.1). Opinions can be given by those who have received a request, as well as by any other party who registers for the service. In practice, a request for comments is sent to known stakeholders and the text is published to allow members of the public to comment. The request may also be supplemented with a questionnaire

(Ministry of Justice, n.d.[21]). A minimum of six weeks for a consultation and eight weeks for "extensive" projects is recommended by the ministry (Ministry of Justice, n.d.[21]). Shorter periods may be permitted, but need to be justified. The guideline states that submitted comments should be documented in relevant project documents such as reports by working groups, minutes or memoranda. For legislation, a summary of the relevant consultation and the comments received should also be presented in the relevant government proposal.

In practice, the ministry concedes that the use of its guidelines, which are not legally binding, is mixed across different ministries.[7] On a similar note, the Office of the Chancellor of Justice – which considers oversight of public participation and transparency to be a priority area of oversight – conducted a review of the transparency of law preparation practices in 2020 and noted their "uneven" quality. Preliminary findings indicated that public consultations had not included open access to all relevant materials, and that they had sometimes been too short.[8] In terms of impact, the OECD's Better Life Index gives Finland a score of 2.2 for its stakeholder engagement in developing regulations (on a scale of 0-4), which is slightly lower than the OECD average of 2.4 (OECD, n.d.[22]). This indicator measures the extent to which governments engage with stakeholders when developing primary laws and subordinate regulations, measuring "elements such as consultation methods, openness, transparency and feedback mechanisms" (OECD, n.d.[22]).[9]

In addition, the ministry has developed an accompanying *Legislative Consultation Guide* for public authorities, experts, organisations and companies (Ministry of Justice, n.d.[23]). This guide provides extensive practical guidance on planning, timing and methods. Ministries are advised to engage in a stakeholder mapping exercise at the outset to identify all those who have an interest or expertise in the matter under consideration, including other ministries, companies, executive authorities, advocacy organisations, municipalities and researchers. It stresses that the views of citizens and groups of citizens **must** be taken into account (Ministry of Justice, n.d.[23]). In order for the legislative proposal to reach as wide a range of stakeholders as possible during the preparation phase, it advises using multiple different methods and approaches as there is no "one-size-fits-all model" and certain methods are more suitable for certain groups.

The suitability of different fora and methods are then assessed in detail. For example, temporary multi-member preparatory bodies such as committees, commissions and working groups are recommended as being suitable for broad-based preparation of legislation. The guideline notes that in line with the Law on Equality between Women and Men, preparatory bodies must have both female and male members with a quota of 40% (of the minority sex), unless there is a specific reason for not doing so (Ministry of Justice, n.d.[23]). Stakeholder workshops should be used in the preparation and planning phase to engage in brainstorming, joint planning and problem solving. World cafés are suitable where there are up to hundreds of participants and where a full range of opinions need to be mapped. Participants are divided into small groups of six to eight people to discuss pre-determined themes and the ideas generated are recorded on "idea forms". Citizens' councils or juries are to obtain the views of particular groups (e.g., 12-24 participants) of the population on a certain topic. The working methods of these councils are facilitated group discussions, as well as joint reflections. When compiling such a council, the diversity of the jury (age, gender, background) should be taken into account. Traditional hearings, surveys and digital tools are also recommended for written feedback (see Box 6.1), in addition to social media channels for public communication. Furthermore, the guideline advises on when to consult stakeholder groups such as dedicated advisory boards, social partners, universities, churches and youth.

On handling feedback, the guideline advises that sufficient time should be set aside to consider opinions based on inputs received and that feedback should be documented in project documents (Ministry of Justice, n.d.[21]). Crucially, stakeholders and citizens should be communicated with openly about how the feedback has affected the further preparation of the legislative proposal and on what rounds any changes have been made, in addition to why proposals submitted cannot be implemented (Ministry of Justice,

n.d.[21]). In addition, the implications of the feedback should be summarised in an explanatory memorandum attached to the legislative proposal.

The ministry works with a series of committees, working groups and advisory boards to ensure input from non-governmental actors into decision-making processes. One of these is the Advisory Board for Ethnic Relations (ETNO), a body of experts tasked with promoting dialogue and co-operation between different actors including migrant, cultural and religious groups, and to bring forth policy issues. This national-level advisory board comprises representatives from six ministries, nine parliamentary groups, two labour organisations, the Association of Finnish Local and Regional Authorities, seven regional advisory boards, and ten civil society organisations (CSOs). Other similar advisory boards that the ministry works with include the Advisory Board on Civil Society Policy (KANE), the Children's Advisory Board, the Equality Advisory Board, the Consumer Disputes Board, the Legal Aid Board, and the Equality and Gender Equality Board. Alongside the development of the policy and legal framework on participation in recent years, there has been a shift in thinking within the ministry. It has moved away from a traditional focus on consultative committees towards a more "fit for purpose and pragmatic system of consulting committees for larger projects, and mixed working groups – where the pace of decision making tends to be faster – for smaller projects.[10]

Citizens' initiatives in practice

As of October 2020, 39 citizens' initiatives had been submitted to parliament out of a total of 1 178 submitted since the scheme started. Fifty-one of these were ongoing (i.e. signatures were being collected) and two were getting started or awaiting the collection of signatures (Ministry of Justice, n.d.[24]). Many of those submitted to parliament have had a potentially far-reaching societal impact. Areas of focus include preventing the privatisation of water supplies; ending deforestation of state lands; providing free secondary education; a referendum on membership of the euro area, and gender-equal marriage. A recent study noted that about 49% of all initiatives concerned three main policy areas: 1) health, welfare and housing, 2) civil liberties, civil rights, and law and order, and 3) government and political processes (Christensen et al., 2017[25]).

The system is popular and considered a relatively accessible method of participation, given that it is internet-based (via www.kansalaisaloite,fi) and involves no costs, although signatures may also be gathered on paper (Christensen et al., 2016[26]). In a further positive development, it has proven to be a testing ground for ideas and awareness raising "on questions that tend to be under-represented in the parliamentary decision-making agenda" (Christensen et al., 2016[26]). Initiatives have also helped to increase pressure to improve transparency within decision-making committees (Christensen et al., 2016[26]).

There are important nuances to this positive outlook, however. Research indicates that taking part in a citizens' initiative may actually decrease trust in the process and that it is important to differentiate between the positive impact of the availability of citizens' initiatives and the potentially negative impact of taking part in them (Christensen, 2019[27]). Nevertheless, when participants achieve their intended aims or if the process is seen as fair, trust in the process increases (Christensen, 2019[27]). As Bauer and Fatke point out, even when there are negative developments associated with citizens' initiatives, the very fact of being able to participate in such a process may mobilise people and strengthen democracy (Bauer and Fatke, 2014[28]). This appears to ring true in Finland. While most Finnish initiatives are defeated in parliament, the democratic process that results is viewed as being very worthwhile by government, citizens and civil society groups alike (Christensen et al., 2017[25]). The government sees the Citizens' Initiative as one of the state's biggest achievements related to the promotion or protection of civic space at the national level in the past number of years (Government of Finland, 2020[20]). Some of the initiatives have marginal interest but two, in particular, led to significant changes in the law and were warmly welcomed by civil society groups: on same sex marriage and improved maternity rights for lesbian couples.[11] Looking ahead, it is important to

evaluate the service and to keep improving it and its accessibility, in line with citizens' feedback and emerging needs. Research indicates that it has increased democratic inclusion in Finland, by attracting participation from younger Finns who may otherwise be politically inactive (Christensen et al., 2017[25]) (Huttunen and Christensen, 2019[29]). Support or incentives for targeted citizens' initiatives from under-represented groups in society could support this conclusion.

There is a lack of related data to better understand how many local-level citizens' initiatives and local referenda are taken to municipalities and how many are rejected and why.

Consultation via committees, advisory boards, working groups and other means

Interviews revealed a well-established system of government engagement with civil society and other stakeholders, via a wide range of committees, advisory boards, working groups, councils, hearings and digital fora. A strong tradition of trust and consensus-building frame this approach (OECD, 2010[30]). Non-governmental stakeholders are regularly invited to join these groups, or in the case of umbrella organisations such as the Finnish Federation for Social Affairs and Health (SOSTE), to nominate a member to join. SOSTE has more than 100 representatives in various government co-ordinated committees and working groups, as an example.[12] However, according to CSOs interviewed government invitations to such groups are fewer than before.[13] The following presents a snapshot of selected approaches and consultation methods being used by different ministries:

The Ministry of Environment is currently testing a number of methods and innovations to engage on reforms to the Climate Change Act, utilising a human-rights based, inclusive approach to consultation and working with a range of external partners.[14] These include: an online survey in six languages (English, Swedish, Finnish and three Sámi languages), consultations in different cities with the public; consultations with stakeholders (e.g., municipalities, legal experts), consultations with youth during school time via the all-Youth project (All-Youth, n.d.[31]), dialogues with journalists and online chats with citizens; online discussions using the Timeout platform (Sitra, n.d.[32]), meetings with climate activists in small groups, hearings; and workshops with Sámi youth in Finnish and Sámi. In October 2020, human rights-related discussions were planned via the BIBU research project (BIBU, n.d.[33]). A working group led by senior civil servants in the ministry is responsible for the development of the legislation, which aims to have a proposal ready for parliament by mid-2021, after which there will be a public consultation on the text. In early 2021 more than 18,000 people contributed to a discussion on what climate policy measures they find fair and just. The Prime Minister's Office also leads a roundtable on climate change "to create a common understanding and view of how Finland can make a just transition to a carbon neutral society by 2035".[15] The roundtable includes a wide range of interests and sectors, including youth, and meets up to six times per year to support the preparation and implementation of climate policy at the national level. The Ministry of Social Affairs and Health engages with different interest groups via projects, working groups, advisory boards and committees, based on the principles of openness and transparency.[16] Hearings with different actors, including municipalities, healthcare organisations and labour market organisations, are held in the early stages of legislative development to understand different views. This is of particular importance in the context of ongoing social and healthcare reforms in Finland. Constant efforts are made to involve a variety of CSOs in conversations that affect them. Round tables are held to discuss thematic issues and dozens of temporary working groups follow the development of legislation, including five on social and healthcare reforms.[17] The ministry also works through national advisory boards such as the national co-ordinating mechanism for the UN Convention on the Rights of Persons with Disabilities, the National Advisory Board on Social Welfare and Health Care Ethics, the Finnish National Youth Council Alliance, and the Advisory Board for the Rights of Persons with Disabilities (VANE). VANE comprises members of disability organisations, ministries, the Association of Finnish Local and Regional Authorities, academics, and human rights organisations. The ministry's Advisory Board on Romani Affairs works on enhancing the equal participation of the Roma population in Finnish society involving 16 members, half of whom represent the Roma population and the other half a variety of ministries. The Council for Gender Equality is a

parliamentary council that is appointed by the government that drafts proposals and statements on legislation and other measures affecting gender equality. It comprises members of parliament and several CSOs, including the Central Association for Men's Organisations in Finland, the National Council of Women of Finland, the Coalition of Finnish Women's Associations, and Seta (LGBTIQ+ Rights in Finland). Engagement with these groups is viewed as part of the ministry's general strategy, goals and values.[18]

The Ministry of Transport and Communications engages with a variety of stakeholders such as trade unions, CSOs and private sector operators on legislative reforms, guided by the principles of openness, fairness, courage and co-operation.[19] Its communication guide notes that "we find out the different views by consulting everyone" (Ministry of Transport and Communications, n.d.[34]). Its Communications Policy Department is active in trying new methods and learning is disseminated organically within the ministry, which is relatively small. It works through fora that gather regularly to discuss pertinent infrastructure projects, for example. A dedicated forum meets once a month to discuss the development of a 12-year transport infrastructure plan. Stakeholder groups also gather on different topics. The ministry is active on social media, uses tools such as message walls where people can publish opinions remotely, and streams meetings live on YouTube. It uses several government's digital tools (see Box 6.1) to receive opinions and statements from the general public.

The Ministry of Finance has innovated in a number of areas in order to engage Finnish citizens. It has teamed up with the Dialogue Academy, the Timeout Foundation, Sitra and the Ministry of Justice to undertake a series of COVID19-related "Finnish national dialogues" (formerly "lockdown dialogues"), with the aim of providing a forum for facilitated and constructive discussion about life in Finland during the pandemic, for example (Government of Finland, 2020[35]). The dialogues provide an opportunity for citizens to come together to share their experiences, enhancing understanding, and building trust in the country's ability to steer through the crisis. These online discussions (160 in all) attracted 1 100 people from all over the country between April and June 2020 and were resumed in September with follow up dialogues on "Life after the lockdown" and will continue from March 2021 (OECD, 2021[36]).[20] The dialogues were co-ordinated by over 100 associations, municipalities and private sector actors who were all trained to ensure consistency of approach. Unlike typical hearings where a general invitation is issued to the public, a heavy emphasis was placed on diversity and engaging "ordinary" Finns, who would not otherwise be involved in such exercises.[21] This was achieved by issuing personalised invitations to prospective participants through a wide network of groups and contacts. Participants included foreign residents of Finland, Finns residing abroad and a host of other atypical consultative groups such as convicts, prisoners on temporary release, relatives of mental health patients, teachers and sex workers. A summary of the findings is available online and was distributed to central government leaders and municipalities to inform their decision making (Timeout, n.d.[37]), as well as circulated by the organisers through their networks (Government of Finland, 2020[35]). How the data gathered will be used in future policy and project development by the organisers, including to find solutions to identified challenges, remains to be seen. So far, the findings have fed into a COVID-19 pandemic exit strategy and resilience report in addition to the OECD Open Government Strategy and governance policy guidance (Government of Finland, 2020[35]).

A cross-government approach to consultation has been adopted in response to the COVID-19 pandemic. Several online working groups have been established in this regard, including:

- A working group tasked with preparing an exit plan chaired by the Ministry of Finance and the Ministry of Social Affairs and Health, involving at least nine ministries and the Prime Minister's Office. An accompanying scientific panel and subgroup of "collective organisations" (such as the Central Organisation of Finnish Trade Unions, the Trade Union for the Public and Welfare Sectors, the Confederation of Finnish Industries, the Local Government Employers, and the Federation of Finnish Enterprises) were charged with submitting proposals on post-crisis management and reconstruction to the working group (Government of Finland, 2020[38]). The working group committed to consulting a range of non-governmental actors on its work, including the business sector, municipalities, CSOs and environmental organisations (Government of Finland, 2020[38]).

- A working group to assess the economic impact of the COVID-19 pandemic and how to return to sustainable growth was established by the Ministry of Economic Affairs and Employment and the Ministry of Finance, engaging academics (Ministry of Finance, 2020[39]).
- A working group mandated to ensure health security at border crossings was established by the Ministry of Social Affairs and Health, involving at least three ministries, the regional state administrative agency, the Transport and Communications Agency, municipalities, and regional administrative authorities (Government of Finland, 2020[40]).

Human rights organisations and others interviewed for this Civic Space Scan were complementary about the consultation process regarding COVID-19, while also expressing a number of concerns.[22] They noted that some associations providing healthcare support, services, and children's rights were consulted regularly, and that the Finnish Human Rights Centre and the Parliamentary Ombudsman had been consulted. For instance, one group was consulted on the status of undocumented migrants, including on reaching this group with multilingual information and fighting disinformation, an example of a particularly good practice.[23] But they also called for more systematic consultation with organisations with general human rights expertise, and for more consultation on the long-term recovery (as opposed to the immediate response), as well as lessons learned during the pandemic. Some felt the level of consultation was less than could be expected and less than normal, due to an ongoing "emergency mentality".[24] Following the introduction of emergency measures in the early stages of the crisis, which affected the operations of some CSOs, some also found government guidelines on the reopening of activities and services unclear and incomplete.[25] While there is faith in the current government to keep upholding democratic principles and norms and while cooperation between the government and CSOs worked well overall during the crisis, a concern was also raised about setting a precedent where during emergencies, consultation practices may become restricted.

Box 6.1 provides an overview of the main online channels, tools and opportunities to make government more open, transparent, participatory and inclusive in Finland.

Box 6.1 Digital tools for e-participation in Finland

www.otakantaa.fi: The "have your say" website allows both public officials and members of the general public to have interactive discussions. This site is intended for use during law-drafting processes to collect citizens' views and map their needs using different tools such as polls, surveys and chat forums. It can also be used during monitoring and evaluation phases.

www.demokratia.fi: The democracy platform allows citizens to discuss and keep track of legislative projects, take part in discussions and consultations with public authorities on issues in Finland and the wider European Union, and take initiatives to parliament and municipal authorities. It includes links to all other participation portals.

www.kansalaisaloite.fi and www.kuntalaisaloite.fi are portals for the electronic collection of signatures for citizen initiatives at the national and municipal levels.

www.lausuntopalvelu.fi: The "opinion service" is a service for responding electronically to an official request for an opinion or statement during a law-drafting process.* Opinions can be given by those who have received a request for an opinion, but also by all interested parties who register for the service.

https://kerrokantasi.hel.fi/?lang=en: The "voice your opinion" portal is run by the City of Helsinki. It invites citizens to "join us in developing the city and participate in open hearings". Users can see and comment on the opinions submitted, which are summarised for decision makers. A summary of opinions received on different issues can be downloaded from the website.

www.exploreadministration.fi: This service maintained by the State Treasury provides access to budgetary and personnel information on municipalities and the central government.

www.nuortenideat.fi: The "youth ideas" service is dedicated to young people and those who work with them. It offers a "low threshold" tool for participation, influencing and expressing opinions. It aims to support co-operation between youth and municipalities, organisations, and educational institutions.

https://tutkihankintoja.fi/?lang=en: The "OpenProcurement" service provides citizens and companies with information on state and municipal-level procurement and how public funds are spent. For companies, the service provides information on current market conditions.

https://tutkibudjettia.fi/etusivu: The "ExploreBudget" service provides an opportunity to examine the state budget under different thematic areas.

The https://www.kokeilunpaikka.fi/en experimental platform offers the opportunity for people to roll up their sleeves, share an experiment, find partners, receive peer support, apply for public funding and implement their experiment.

* The website notes that all public authorities can publish requests for opinions and that all organisations and citizens may submit these through the website.

Municipal-level participation practices

During the 2000s, novel modes of direct participation have emerged at the municipal level in Finland (Government of Finland, 2020[20]). An examination of these is particularly instructive, as the local level is often the testing ground for innovations and related decision making also has a direct impact on people's lives. Furthermore, municipal-level survey data illustrate their increasing popularity. Research findings published in 2016, based on survey data, showed that while two out of three residents considered municipal elections to be the best way to influence decision making, more than half felt that a municipal referendum should be held when deciding on the most important local issues and eight out of ten respondents had used at least one method of participation or influence, whereas less than one-fifth had not used any (Pekola-Sjöblom, 2016[41]). The most frequently cited methods of participation that were used were answering a customer or user survey and participating in the activities of an association or organisation (Pekola-Sjöblom, 2016[41]).

Over the last ten years, there have been various examples of national-level experiments and innovations such as the crowdsourcing of ideas and the use of civic councils. A civic council held in 2013 considered how Finnish democracy could be strengthened, and its findings fed into the 2014 Democracy Policy Report (Christensen et al., 2016[26]). The Ministry of Environment and the Committee on the Future crowdsourced ideas for the Off-Road Transport Act in 2013 using an online platform, which were used in the preparation of the act (Christensen et al., 2016[26]). Today, municipalities are active partners and financial supporters of CSOs in local communities and engage with citizens in a wide variety of one-off or repeat fora (Table 6.1). As discussed earlier, they also have permanent councils for ongoing consultations, specialised boards (e.g. school boards) and customer councils (e.g. to involve citizens in service design). Belief in the effectiveness of these methods leans towards the positive, without being very strong (just over 3 on a scale of 1-5 between 2008 and 2017, where 5 represents a high level of satisfaction), but is at a marginally higher level than ever before (Meklin et al., 2020[42]). Both the use of these means of influence and the belief in their effectiveness is found to be strongest in semi-rural and small municipalities with fewer than 5 000 residents and weakest in more urban municipalities and cities with a population of more than 100 000 (Meklin et al., 2020[42]).

Table 6.1. Typology of selected participation initiatives at the municipal level in Finland, 2020

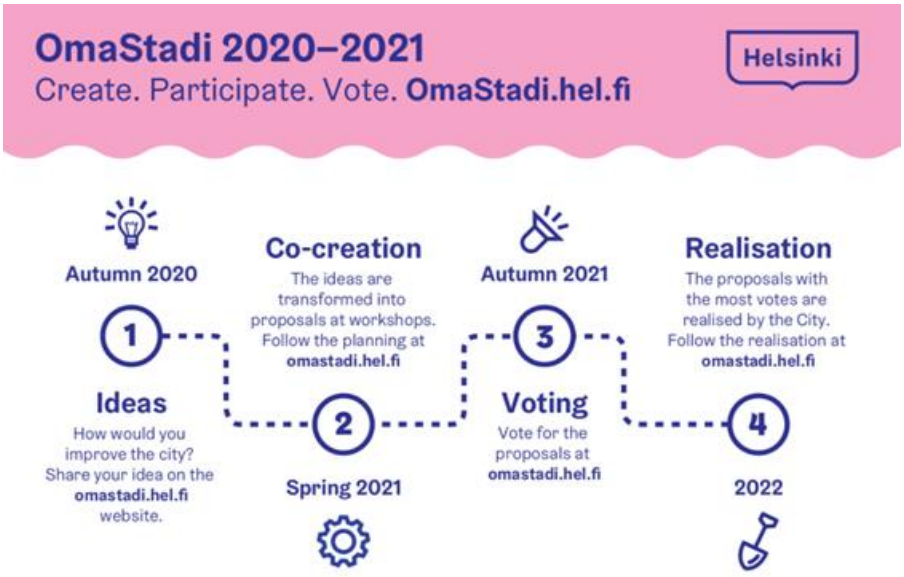
Type of invitee	One-off, repeat, or permanent participation fora
Selected invitees	Hearings, often related to zoning
	Facilitated discussions
	Consultations of associations and organisations
	Consultations of groups on matters that directly affect them, e.g., universities, churches
	Civic councils/juries, e.g., groups of citizens discussing an issue over several days
	Dedicated councils, e.g., for youth, elderly, disabled persons
	Customer councils, e.g., to involve citizens in service design
	Specialised boards, e.g., school boards
Open to the general public	Opinion polls, targeted customer surveys, e.g., on services
	Hearings
	Joint planning exercises
	(Co-creation) workshops and co-improvement of services
	Digital consultations, e.g., feedback, opinions
	Deliberative exercises, e.g., citizen juries and panels
	Crowdsourcing of ideas and crowdfunding
	Participatory budgeting and related support (co-development of projects/budgets/ideas)
	Facilitated discussions, residents' forums or evenings on topical issues
	Referendum initiative
	Citizen initiative
	Streaming of City Council meetings
	Publishing of agendas, minutes of decision-making bodies online
	Electronic feedback systems
	Delegations to the advisory board of city councils (e.g., weekly)
	Websites inviting people to get involved in the affairs of the city, e.g. How can I participate and make an impact in Vantaa? (City of Vantaa, n.d.[43]); Influence (City of Espoo, n.d.[44]); Get involved and make an impact (City of Oulu, n.d.[45]).

Source: Author's own based on Christensen et al. (2016[26]) and updated with City of Espoo (n.d.[44]), City of Vanta (n.d.[43]), City of Oulu (n.d.[45]).

Participatory budgeting is relatively new and small-scale in Finnish municipalities, compared with other European cities (Kapanen, 2020[46]). Most initiatives have taken place in the greater Helsinki area to date, although other smaller projects have been organised in cities including Tampere, Espoo, Turku and Vantaa. A 2019 publication documented 15 such initiatives in 10 municipalities and noted that the number was rising each year in addition to the budgets (Ahonen and Rask, 2019[47]). It also found that about 12% of municipalities (22 in total) had used this method in 2017 (Ahonen and Rask, 2019[47]). According to the latest research from the Association of Finnish Local and Regional Authorities from 2020, 25% of municipalities that answered a questionnaire in August 2020 were using participatory budgeting, 17% were planning to use it, and 58% were neither using nor planning to use it (Association of Finnish Municipalities, 2020[48]).

OmaStadi is Helsinki's participatory budgeting project, with EUR 8.8 million for residents to decide how to spend in 2020-21 (Municipality of Helsinki, n.d.[49]) (Figure 6.2). The following are among the criteria guiding the submission of OmaStadi ideas and projects: they must comply with Finnish law and the city's values and strategy, they must be within the city's power to implement, and they must not contradict an existing zoning plan or decision. The cost must be at least EUR 35 000 while not exceeding half of the total funds allocated to the district in question (City of Helsinki, n.d.[50]). Ideas for the project were submitted in 2020 and will be developed into proposals and budgeted for during a series of co-creation workshops in 2021, then voted on by all residents turning 12 or older during the year. In 2022, the most popular ideas will be realised by the city. The initiative is viewed as being successful so far, although **measures for supporting the participation of marginalised groups could be improved** (Rask et al., 2019[51]).

Figure 6.2. City of Helsinki's OmaStadi participatory budgeting project



Source: City of Helsinki.

Tampere is also experimenting with crowdfunding (discussed in Chapter 5) and participatory budgeting. As part of the Mun Tampere Participatory Budgeting, residents are able to innovate, plan and decide how to use EUR 450,000 to promote the well-being of children and young people. The project is open to anyone, regardless of age or residence. It started with an "ideation phase" from 15 April to 15 May 2020 to gather ideas and share them online.[26] In August and September 2020, the city undertook workshops to develop the ideas with residents and develop budgets for them. Voting was ongoing for projects as of November 2020.[27] The twelve most popular initiatives will be implemented in 2021. The main objective of participatory budgeting is to "increase the sense of inclusion" in the municipality, by co-operating with all citizens, based on a realisation that such initiatives have the potential to make a real difference to people's sense of belonging.[28] Tampere has a history of trying out new initiatives, and there is a growing interest among City Council leaders to develop new opportunities for citizens to engage.

As Tampere experiments and opens up to inputs from the public, it is having to grapple with what is an increasingly common challenge in Finland: choosing how to engage with associations that espouse discriminatory views and practices.[29] This has become a key issue for many of Finland's larger municipalities. The case study in Box 6.2 illustrates the potential for municipalities to successfully use ethical frameworks to ensure that publicly funded activities and initiatives conform to national legal frameworks and values, as Tampere has done. Public libraries, sports facilities, town halls and any other publicly funded spaces are all facing the same issue and guidance on how to address this complex area, while remaining within the confines of the law, is needed as a priority. The Ministry of Justice or Ministry of the Interior could usefully develop a general ethical framework to guide municipalities in this regard, thereby helping to ensure consistency and procedural fairness in decision making and pushing municipalities to act in defence of equality and a free and open civic space.

A particular challenge in this respect is related to the fact that associations ostensibly engaging in sporting, humanitarian or "patriotic" activities (even those espousing neo-Nazi ideologies), may be officially registered and therefore have the legal right to exist.[30] While the number of people involved in these groups is extremely small, they may be members of multiple, interlinked associations of this nature, with the result being that they have a disproportionate impact at the local level.[31]

Box 6.2 Case study from Tampere: Using an ethical framework to combat discrimination

In 2019, the municipality of Tampere used an ethical framework governing the rental of premises for culture and leisure to justify denying Suomalaisapu ry ("Finn Aid"), a CSO associated with the neo-Nazi Nordic Resistance Movement (NRM), to participate in the Citizens' Advocacy Day organised by the city. This was before the Supreme Court had confirmed the NRM's ban. When the organisers noted that Suomalaisapu ry had registered, they approached the police to evaluate the case. The police were unable to comment on an active investigation[1] but urged the city to consider including the association in the event, in support of freedom of expression (City of Tampere, 2019[52]). A detailed study of the application involving the city's lawyers and a number of members of staff was subsequently launched, including because other participants in the event objected to Suomalaisapu ry's involvement.

After it was established that there were indeed close links between the organisation and the NRM, the application was assessed against the city's ethical principles for rental of premises (which had been developed by the City Council in 2018).[2] These state that the city "strives to promote equality in its activities, to prevent discrimination in all its forms and to address perceived or reported discrimination" (City of Tampere, 2019[52]). The application was also assessed against the recommendations of the National Action Plan for the Prevention of Violent Radicalisation and Extremism 2019-2023 (Ministry of the Interior, 2019[53]). This plan advises that premises maintained through public financing should not be "used for activities whose aim is to promote confrontation between different population groups and instigate people to hate and violence" (Ministry of the Interior, 2019[53]). The case proved to be a difficult one for the City of Tampere in terms of finding a solution while fully respecting related legal frameworks and guidance.[3] It was obliged to act within the confines of Chapter 2, Section 6 of the Administrative Procedure Act, which states that:

An authority shall treat equally those to whom it is providing services in administrative matters and shall exercise its competence only for purposes that are acceptable under the law. The acts of an authority shall be impartial and proportionate to the objectives sought (Ministry of Justice, 2003, latest amendments 2015[54]).

This requirement to treat all parties equally is also linked to Article 6 of the Constitution, which states that people are equal before the law (Ministry of Justice, 1999, latest amendments in 2018[3]).

Following an official complaint by Suomalaisapu ry to the Parliamentary Ombudsman about the incident, the City of Tampere responded in a formal submission to the Ombudsman. It argued that the principle of equality requires equal treatment, but when interpreting and applying this standard, public authorities must treat similar cases in the same way, while also taking into account their differences (City of Tampere, 2019[52]). Equal treatment requires a "case-by-case assessment therefore that takes due account of the specificities of each case" (City of Tampere, 2019[52]). The Office of the Parliamentary Ombudsman has since responded to the City of Tampere in support of its decision.[4]

Tampere learnt from the experience in 2019 and in 2020 when the city was organising a similar event on a portal (Artteli, n.d.[55]), it communicated its ethical principles, which have become institutionalised, during the registration phase for the event. These principles clearly state that events must be free from racism and discrimination and that every association or community involved in the activities undertakes to respect the Constitution and related human rights guarantees (Artteli, n.d.[56]). Furthermore, activities should work to reduce discrimination and increase community spirit, security and strengthen the involvement of citizens (Artteli, n.d.[56]).

Notes: 1. In April 2019, the Central Criminal Police had launched a preliminary investigation into whether the NRM continued to operate despite the ban (City of Tampere, 2019[52]). 2. A very brief ethical approach statement had been developed by the city in 2010 and expanded and updated by the City Council in 2018, as a response to what was perceived as a growing need. 3. Email, City of Tampere, received 24 November 2020. 4. Interview, City of Tampere, 27 November 2020.

Research from Jäske on participation initiatives at the municipal level is particularly instructive, offering insights on a range of issues that are highly relevant to national-level initiatives (Jäske, 2018[4]):

- A study of whether democratic innovations i.e. focus groups, citizens' initiatives, town hall meetings, referendum motions, local area councils, surveys, feedback forms, online comments on local council agendas, surveys via phone or email, and advisory referenda could potentially mobilise people with low levels of political trust found that such methods were most likely to mobilise those who already trusted the government. However, it also found that personal interactions or face-to-face methods can be effectively used to reach out to less educated people and those who are not associated with political parties, whereas online methods tend to be more popular with "people with a partisan identity". This resonates with the finding elsewhere in the Scan that personal communications with citizens can increase participation levels.
- A separate study investigating whether the number and type of participation initiatives affects people's perceptions of their fairness and resulting levels of satisfaction found that numbers do not matter, but that the type of methods used does. It revealed that "discursive participation possibilities" i.e. discussions, participatory planning, hearings, citizen juries, panels may have a positive effect by giving people a sense of being listened to, whereas "purely consultative forms" i.e. surveys, polls had the opposite effect.

Innovation and experimentation to promote and strengthen participation

Finland has a strong commitment to experimentation, foresight and innovation and should continue to tap into this to develop new methods and improve existing ones to channel citizens' views into public decision making. The current government programme has an explicit commitment to continuous learning and experimentation in government, in addition to research, development and innovation and includes a target of spending 4% of gross domestic product (GDP) on this area by 2030 (up from 2.8% currently) (Government of Finland, 2019[12]). Finland has a portfolio of ongoing public sector experiments at the national level (Nokso-Koivisto and Kaskinen, n.d.[57]; Demos Helsinki, n.d.[58]). As an example, the government's www.kokeilunpaikka.fi ("experimental site") digital platform offers Finns an opportunity to support the public sector goal of creating an experimental culture to find innovative ways to develop public services. The platform offers an opportunity to foster innovations; market them; collect feedback, advice and funding; and connect innovators with government reformers. A recent call on the website invited experiments that provided "new climate solutions" at the municipal level. A total of EUR 100 000 has been reserved for the implementation of the experiments with the Ministry of Environment offering to fund each selected experiment project with EUR 10 000.

Deliberation is an area of innovation that is currently underutilised in Finland and has the potential to be used more, including to discuss and build a consensus on divisive political issues. The OECD's *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave report* identifies these as one of the most innovative methods of citizen participation, "reintroducing the Ancient Athenian practice of random selection (sortition), updated with modern statistical methods that allow for stratification" (OECD, 2020[59]). This focus on representativeness can yield processes that complement representative democracy and "improve the democratic process more broadly" (OECD, 2020[59]).

There have been few deliberative citizens' panels/juries or mini publics based on random sampling to date and most of these have been led by academics. Examples include:

- a national policy-related mini-public on challenges to Finnish democracy in 2013 commissioned by the Ministry of Justice and organised by Centre for Consumer Society Research at the University of Helsinki

- three experimental mini publics on nuclear energy, immigration and the status of the Swedish language respectively, organised by three universities (the Åbo Akademi University, Tampere University and the University of Turku)
- two policy-related mini-publics on the question of municipal mergers in Korsholm and traffic planning in Turku, also by the Åbo Akademi University.[32]

A study on the Korsholm example found that mini-public-type processes "can help provide trustworthy information that help voters make informed and reflected choices in polarised top-down referendums" (Setälä et al., 2020[7]). A separate study on a deliberative exercise on immigration (using data from 2012) concluded that "[D]espite the mixed results, we are cautiously optimistic about deliberative democracy's potential to reduce misperceptions." Based on the Finnish experience, it noted that "inclusive and diverse deliberative settings seem particularly beneficial for decreasing misperceptions", as suggested by the literature on the subject (Himmelroos and Rapeli, 2020[60]). At the municipal level, cities have engaged in deliberative citizen juries in interesting ways – not necessarily involving academics – but not using random samples. Recruitment has tended to be based on self-selection via open calls published by media or through targeted recruitment drives.[33] Topics addressed have included the use of wind power, urban planning, social services and transport policy.[34] For this reason, the national-level Citizen's Panel on Freedom of Expression commissioned by the Ministry of Finance and the Ministry of Justice as part of this Civic Space Scan is an example of a new and exciting innovation with great potential for learning across ministries. It is based on a random sample and provides citizen recommendations on the concrete policy question of what the government can do to better protect public figures from harassment and hate speech (Box 6.3).[35] Based on the views of a microcosm of Finnish society, it has particular legitimacy. There is also significant potential for learning from this exercise, including for the Citizens' Panel planned by the Ministry of the Environment in April 2021.

Box 6.3 Finland's Citizens' Panel on the Freedom of Expression

The members of the Citizens' Panel drew up the following collective public statement and made 25 recommendations:

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

Resourcing and coordination

1. Establish a "Trusted flagger"-type organisation, which could report hate speech when it occurs.
2. Give hate speech and online shaming an official definition and implement and share this.
3. Give clear responsibilities in the work against hate speech and online shaming to individual persons in central government (e.g. Minister of Equality) or to an organisation.
4. Give, for example, the police, courts and media increased resources and certain powers.

Legislation

5. Review the penalties given for hate crimes, specify them in legislation and define stricter minimum penalties. Add to legislation that hate speech targeting gender, ethnicity or a minority group will be punished more severely.
6. Examine the possibility of using community service as a penalty for hate crimes.
7. The classification of offences related to hate speech will be made clearer.

Guidelines for employers and those working in public professions

8. Employers will be obligated to draw up clear instructions for possible cases of hate speech or harassment, both in order to intervene in the situation and to support the victim. These instructions must be designed to suit each work environment and must ensure the smooth functioning of the support network for the process in the workplace.
9. Draw up specific guidelines for decision-makers and those officials most susceptible to online shaming, if they themselves are victims of hate speech and/or harassment. Produce an advance information package for people in public posts in case of online shaming and hate speech.
10. Ensure that people in all organisations who suspect they are a victim of hate speech have the opportunity to communicate a message to a party, such as an occupational safety representative, who can assess whether the person has been subjected to hate speech and give recommendations on further measures. Ensure that this is also implemented for decision-makers and that sufficient resources are available for it.

Legal protection of victims

11. A “Track my case” system will be created in which the victim can personally monitor the progress of his or her criminal case in the judicial process and obtain information on when decisions can be expected.
12. A website provided by authorities will be established detailing all support services for victims of hate speech and online shaming, including a support network and peer support for victims of online shaming and hate speech. If necessary, an authority can direct a victim to the website.

Communication and training

13. Increase effective communication to citizens on the subject area. A sufficiently long information campaign on hate speech and online shaming and their criminal sanctions intended for citizens will be carried out utilising good experiences such as those of communication on the coronavirus.
14. Increase training on the identification of hate speech for different professional groups and authorities (judges, the police, and prosecutors). Training must be provided on combating and preventing hate speech to a wider audience, for example through comprehensive school, conscription, non-military service training and national defence courses.
15. Develop our culture of dialogue and increase the participation of minorities in public debate.

Attitudes of social actors

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

Civic participation

17. Develop ways in which citizens can influence decision-making in advance. Prepare guidelines, protocols or methods for requesting comments in advance. Change the way in which decisions are made, ensuring that citizens have an opportunity to participate in decision making before actual decisions are made and after decisions are made.
18. Listening to citizens better in decision-making by organising citizens' panels on current issues at the municipal and state level.

Research

19. Increase regular and continuous research and review of hate speech. Research will aim to give a more specific definition for hate speech. Increase resources for the research of new phenomena and challenges.

Responsibility and regulation of online platforms

20. Ensure that online platforms operating under Finnish jurisdiction have at least one person personally legally liable for the material published on the platform (c.f. editor in chief for newspapers). Obligate platforms to make available their rules for discussion.
21. Draw up common, purposeful and transparent rules and recommendations based on human rights for online discussion platforms. Ensure that discussion platforms accept and commit to these. Create a certificate for actors that comply with good practices (c.f. smiley face used by restaurants).
22. Create a counterforce for internet trolls. Bring trained influencers, who condemn hate speech and trolling (so-called "social media agents" or "anti-troll army") to different online platforms, where they will encounter hate speech and those spreading hate speech and tell them directly that hate speech is not permitted.
23. Emphasise corporate responsibility and create incentives for social media companies. For example, develop an algorithm that would prevent filter bubbles. Also encourage intervention in anonymous online discussions, an improvement to advance moderation and training of moderators.
24. Encourage citizens to take part in the moderation of internet content, and encourage companies to develop user moderation.
25. Influence EU legislation and EU negotiations with "digital giants".

Source: Citizens' Panel Final Report (Jäske et al., 2021[61])

Learning from the OECD's After Shock Event on 17-18 November 2020, which involved more than 65 local events and more than 5 500 people joining forces to discuss public sector lessons from the COVID-19 pandemic, seems particularly relevant to a discussion about innovation and experimentation in relation to civic space in Finland. A key conclusion from the global event was that governments must embrace and explore uncertainty in the face of complex future (OECD Observatory of Public Sector Innovation, n.d.[62]). A summary report noted that:

> "… governments need to deliberately engage with and explore uncertainty to be better prepared, resilient and steer towards preferred futures. New approaches have emerged in this space, including anticipatory innovation governance, strategic foresight, and methods for experimentation and deep listening amongst others that deliberately engage with uncertainty" (OECD, 2020[59]).

Finland has performed remarkably well so far in response to the COVID-19 crisis and has a unique focus on foresight and preparedness in the public sector (OECD, 2021[36]). As such, it is better placed than most countries to meet the challenges ahead. As the government continues to steer the country through the crisis, it is key that it promote the conditions for continued innovation and experimentation, combined with a holistic focus on preparedness for the future that is sustained by a healthy civic space.

Challenges to participation practices and recommendations

Finland's ongoing efforts to engage with its citizens and enhance opportunities for meaningful engagement is commendable. However, a number of challenges in relation to the implementation and quality of ongoing efforts emerged during the interviews undertaken for this review and are discussed below.

Moving towards a consistent, co-ordinated, and transparent approach to consultation and engagement with civil society actors

At the national level, the frequency and quality of consultation and engagement practices varies across ministries and this changes from government to government. None of the ministry interviewees referenced the Ministry of Justice consultation guidelines during interviews, for example. The lack of uptake of government guidelines on effective consultation practices was highlighted by the OECD in a 2010 report on regulation in Finland, which noted the "very different and uneven performances on consultation among ministries" (OECD, 2010[30]). Interviews indicate that this remains a challenge, resulting in what appears to be a siloed approach. Finland could, therefore, take measures to ensure the Ministry of Justice guidelines are routinely followed to ensure best practice across all ministries. In particular, CSOs want to be consulted on legislation, proposals and issues that affect them **early** in the process, in order to be able to influence them.[36]

Invitations for non-governmental actors to participate in different fora are viewed as being erratic and subject to the political views of the government of the day.[37] The trade unions are more valued by left leaning governments, for example, and diverse types of CSOs and umbrella groups representing particular interests may be favoured at different times. Furthermore, invitations often favour bigger and more powerful, traditional organisations and unions.[38] While some legislative reforms, such as for the Money Collection Act, are considered to have been very inclusive, many smaller, often voluntary organisations often feel left out of processes. Two large umbrella organisations, SOSTE and Fingo, complained about their members being excluded from key decision making. SOSTE noted:

> "There have been several occasions, in which social and health NGOs have been left out of most important committees and working groups, although in these very groups decisions are made concerning, for example, the funding processes and other operating conditions crucial to NGOs."[39]

The Finnish League for Human rights lamented the different consultation standards among the ministries and the fact that it is not consulted on crucial issues such as Sámi lands and rights in relation to mining issues.[40]

Finland could also improve transparency and consistency in relation to its choice of consultees by institutionalising practices across ministries (OECD, 2010[30]). Currently, there is no cross-government approach or criteria for inviting stakeholders to join the different consultation groups and no cross-government data available on which groups are selected for what purpose and why.[41] A centralised portal or webpage to show this information could help to move away from the long-held practice of conducting consultations with organised groups of stakeholders, based on traditional power structures and personal relationships, towards a more transparent and inclusive approach to smaller and newer actors. Furthermore, it could help to avoid conflicts of interest, the over-representation of certain groups in multiple fora and politicised appointments. Quotas for CSO representatives on advisory boards and in other

participation fora would also help to ensure that the non-governmental perspective is adequately represented. As discussed above, some of the advisory boards such as the KANE and also ETNO have surprisingly few CSO members. In 2019, the Council of Europe noted that ETNO only partially fulfilled its mandate as an effective consultative mechanism, for example, noting that "neither its role in the political decision-making process, nor its selection and appointment procedure appear to be regulated in a sufficiently precise manner or known to all minority representatives" (Council of Europe, 2019[63]). It advised an overhaul of ETNO's composition given that minorities themselves constituted a minority among its members.

Ensuring better feedback and documentation of decision making

Early consultations with reference to what to consult civil society on as well as what data to share, would facilitate more open processes. When CSOs are consulted, their views are sometimes treated by the government as coming from a homogenous group, when in fact they represent a multiplicity of views.[42] This is exacerbated by the fact that there is often little clarity and documentation on how decisions are taken following or during a consultation process. The Ministry of Justice is aware of this challenge, including the need for better feedback loops on how decisions are reached based on different positions, and more transparency through documentation.[43] Acknowledgement of different non-governmental viewpoints, routine sending of revised drafts to organisations consulted **before** uploading them to the relevant portal, and publishing tracked versions of documents could help to overcome these difficulties. Monitoring of how inputs from civil society are used by government ministries or other entities (or not) would also be beneficial, both for the government and civil society actors. The Ministry of Finance's publishing of tracked changes to its 2019-2023 Open Government Action Plan on its open government website is commendable (Ministry of Finance, n.d.[64]). Regarding Finland's participation in the Open Government Partnership, the government has a multistakeholder forum comprising several government-civil society groups and illustrating a commitment to engaging CSOs and citizens, learning from their inputs, and collaborating on the implementation of shared objectives (Box 6.4).

Box 6.4 Finland's Multistakeholder forum

The Open Government Partnership (OGP) provides a platform for government leaders and civil society advocates to create a unique alliance to advance accountable, responsive, and inclusive governance. The OGP was founded in 2011 and currently comprises 78 countries and 20 local governments, with Finland joining in 2012. Finland is currently on its fourth action plan for the 2019-2023 term, which focuses on four core commitments: 1) lasting openness, 2) developing an open government strategy, 3) establishing a transparency register, and 4) improving open data.

In order to participate in the OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria across key dimensions and prioritise the participation of civil society actors alongside government counterparts in the design and implementation process of their objectives. The OGP suggests that members establish a multi-stakeholder forum to facilitate this collaboration and encourages members to develop these processes beyond its minimal requirements, through a long-term institutionalised mechanism for open dialogue.

Finland has a strong commitment to its multi-stakeholder forum, which comprises several groups: KANE, the Civil Servants Network and Executive Committee, the Local Democracy Network of Municipalities, and the Open Government Team and Support Group. These groups have varying advisory, oversight, and decision-making mandates during the different phases of the OGP process.

Finland completed 5 of its 7 commitments in the third action plan (2017-2019) with inputs from its forum. These commitments focused on widening access to information, enhancing inclusive participation, more clear information on government activities and reforms, strengthening open government literacy of public officials and publishing procurement data.

However, the most recent Independent Reporting Mechanism report on Finland from 2017-19 demonstrated that some action plan commitments were only partly implemented in co-operation with civil society and the public, with the extent of the cooperation not increasing since the previous term. In addition, none of the 7 commitments were fully implemented in collaboration with civil society through the multi-stakeholder forum. Furthermore, it noted that the government gave feedback on how public inputs on the commitments were considered but did not establish an iterative dialogue that allowed the public to set the agenda from the outset.

The report also stressed that the Finnish government could ensure that the non-governmental members of the forum are selected through a more transparent and equitable process as currently members of several of the groups are chosen based on their expertise rather than by an open call. It added that some improvements are currently in progress that could allow Finland to achieve a higher standard, for example, by enabling more collaborative mandate development on the forum's remit, membership and governance structure going forward.

Source: Finland National Action Plan 2019-2023 (Government of Finland, 2019[12]), Multistakeholder forums: Collaboration is the Cornerstone (Open Government Partnership, 2021[65]), Designing and managing an OGP multistakeholder forum (Velasco-Sánchez, 2021[66]), Independent Reporting Mechanism (IRM): Finland Implementation Report 2017–2019 (Laulainen, 2020[67])

Promoting cross-learning opportunities and impact evaluations of consultation and engagement methods

A structured initiative to share learning from the use of different practices and tools across ministries and from municipalities to ministries would help to ensure high standards, engage those that are less open to consultation, and avoid different actors from reinventing the wheel. Such learning could help to motivate ministries that do not have a strong record on participation towards cross-government standard setting in this area. Furthermore, it would allow learning from ministries with more experience to filter across the administration in a dynamic manner as methods and innovative practices develop. A regular discussion forum could be complemented with impact evaluations of different tools, consultation methods and experiments with partner organisations to begin to understand what delivers value, including value for money in relation to investments of resources, desired impact, representativeness and levels of satisfaction among those who participated.

Additionally, the outcomes of different participation processes are viewed by CSOs as varying, ranging from tokenism to high-quality participation with impact, and sometimes as high-quality participation but with little impact.[44] Understanding the recipe for delivering high-quality participation with high impact across different ministries by undertaking regular impact evaluations could help to remedy this and to avoid poor quality participation methods, or poor quality execution, from being repeated.

Ensuring quality and accessibility of (digital) participation methods

The increasing tendency towards digital consultation, including because of COVID-19, also runs the risk of exacerbating inequality. The former President of the Supreme Administrative Court, Pekka Vihervuori, expressed his concern about the effects of information technology on law-making in a recent speech. He noted that an online portal for gathering opinions would certainly streamline and structure consultation procedures in the drafting of legislation, but that providing an opinion via the narrow question options on

offer and "either/or" responses was inappropriate for his office.[45] CSOs were also keen to convey that workshops and digital conversations should not replace "official participation in committees and working groups", which allow for long-term, direct and higher quality interaction with government authorities.[46] The digital divide presents an additional challenge, even in a country as digitally advanced as Finland. It is important to ensure that a variety of consultation tools, both digital and non-digital, are consistently made available to people to overcome this and that digital tools are designed to allow people to express themselves in full. A further, much more challenging area of concern is the ease with which issue-based campaigns can be organised on line to derail or take over online discussions on particular issues, thereby heavily skewing debates in one direction or another. Again, this highlights the need for different channels to be used. Finland could additionally learn from some of Italy's approaches to find ways to strengthen digital participation (Box 6.5).

Box 6.5 Strengthening the quality of participation and related public sector competencies in Italy

Italy has developed a platform to improve citizen participation at various levels, with a particular focus on the central level. Modelled on Decidim, a free open-source participatory platform for cities and organisations that was launched by the Barcelona City Council in 2016, the ParteciPa website (https://partecipa.gov.it) invites citizens to engage in consultations on a range of policy areas, strategies and broad thematic areas such as agile and "smart" public administration and simplifying public sector bureaucracy. It offers a range of ways to participate: by making proposals, taking part in debates, prioritising projects to implement, attending face-to-face meetings and other actions. Since its launch in 2019, the platform has been used to hold eight separate public consultations.

From the government's perspective, civic participation enhances its capacity to hear from and balance the concerns of a range of interested persons and affected parties. Furthermore, ParteciPa aims at "enabling the various public institutions to open their participation processes to citizens and to create spaces for collaboration in co-designing public policies in a coherent manner", as well as ensuring the quality of participatory processes. It also helps the institutions concerned to be more accountable and transparent, as all of the activities carried out within each citizen participation process are public, with relevant data and content made available as open data.

In line with the European guidelines for e-participation, at the end of each consultation or participation process, a report on the main results should be provided (European Union, 2012[68]). The aim is to guarantee feedback to all participants and to provide evidence on the impact of the participatory process, although this has proven to be the most difficult aspect for the Italian administration to implement in practice. Related learning includes the need to allow enough time and resources to provide the necessary feedback on how inputs were integrated into decision-making processes from the planning stage.

A second government objective is to create a "competence centre" for the public administration, in line with Action 4 of Italy's National Action Plan for Open Government 2019-21.[47] As such, the ParteciPa website and a separate one-stop website offering opportunities to participate in regional-, commune- and ministry-level consultations (http://consultazione.gov.it/it) are contributing to:

- The dissemination of information about online consultations and participation processes promoted by governmental organisations at all levels (central and local).
- Establishing a network of civil servants who are skilled in participatory processes and who can help others setting up similar processes.

- Creating a repository of handbooks, guides, toolboxes, examples and best practices with a view to shared learning. A forthcoming guideline for online public consultation will combine basic concepts, principles, tools and concrete examples of good practice.

The overall aim is improve participation in decision- and policy-making processes by giving support to public administrations wishing to organise online consultations and by improving public sector skills in relation to the use of technology and online tools.

Source: Email, Government of Italy, received 16 December 2020.

Moving beyond consultation and engagement with the usual suspects to engaging the general public

Finland is in a particularly strong position to continue to protect and promote civic participation and civic space more broadly via its Open Government Strategy and longstanding national open government agenda, in addition to its initiatives related to strengthening democracy and civic freedoms, and its current government programme. While there is broad enthusiasm for engaging citizens more in decision making, there is also disagreement regarding how and the extent to which this should happen. A focus on ensuring the quality, representativeness and legitimacy of participation efforts is probably wisest.

As municipalities experiment with new participation methods for the general public, it is important to target and engage marginalised and typically under-represented groups in society, particularly in bigger urbanised municipalities and cities. Seeking to move beyond engaging the usual "stakeholders" and more active, better educated, self-selecting members of the public is key and will require strategies, conscious decisions, and targeted outreach. Regular impact evaluations of such initiatives, in relation to participants' perception of inclusion and sense of being listened to, would help to shed light on deficiencies. Crucially, new forms of participation offer citizens the opportunity to have an impact on decision making, but can also shape their attitudes towards authorities, decision making and democracy more generally (Christensen et al., 2016[26]). The stakes are, therefore, high, and perceptions of "procedural justice" or fairness – in terms of being listened to and views being taken on board – are central (Christensen et al., 2016[26]). Fairness is also important in a broader sense in order not to exacerbate existing inequalities. A recent study notes that participatory budgeting has been criticised for its unfair implementation in different locations, with the same amounts of money allocated to different areas but money in one case going to fund basic infrastructure and in another to fund a golf course (Ahonen and Rask, 2019[47]).

Learning from the Finnish national dialogues indicates that sending personalised invitations to members of the general public i.e. those not involved in advocacy, interest groups or associations; less educated people who may feel they have little to say; people who may ordinarily be too busy or too intimidated to join discussions to participate is an effective way of engaging them. A related effort to ensure that participation opportunities provide "safe spaces" for people to express their views as part of constructive discussions is also important, and can be achieved with trained facilitators. As discussed above, personal interactions and more discursive methods may also yield better results than surveys or other one-way consultation methods do. Evaluations of participation initiatives to assess participants' (and sub-groups of participants') perceptions of being listened to, could help to shed light on areas for improvement. Providing accessible funding opportunities and support for fourth-sector initiatives; support for citizens' initiatives from youth and marginalised groups, e.g. Sámi youth, socially marginalised youth, mobile-based voting on services or initiatives for targeted groups, targeted crowdsourcing of ideas, and targeted co-planning and co-creation of events and initiatives are all areas that could be further developed (see Box 6.6 on engaging youth). At the national level, the co-creation of flagship government pledges and priorities could also be considered with members of the public, including content for the next government programme as part of a more future-oriented, strategic approach that focuses less on solutions to problems and more on societal

goals or targets. Creative ways to channel citizens' views into the process could be found as a means of enhancing the relationship between citizens (including underrepresented groups), political parties and the state, as well as a way to build trust.

In order to tackle the challenge of addressing complex or long-term societal challenges, mini-publics or juries could be institutionalised, moving them from what is largely the domain of academics to becoming a mainstreamed tool used by central and municipal governments alike to channel citizen opinions into decision making at national and local levels. This would have particular value because it would help to engage members of the general public Finns, instead of the current focus on stakeholders and self-selecting people. It would help to move away from the more traditional public engagement mechanisms – of public hearings, comments on draft documents and self-selective online consultations – towards a more representative way of gathering opinions. It could also be encouraging to institute reforms if conducted with a commitment to acting on the recommendations that emerge from these processes, in line with the OECD *Good Practice Principles for Deliberative Processes for Public Decision Making* (OECD, 2020[69]). Random sampling is crucial, as the aim is to include a "microcosm of the general public" (OECD, 2020[69]). The *Good Practice Principles* advise that a representative selection should be made from the random sample, noting that "everyone should have an equal opportunity to be selected as participants" (OECD, 2020[69]). Other principles – there are eleven in total - include linking the purpose of the panel or jury to a clearly defined societal problem (purpose); ensuring that all related information is made available to the public (transparency); and involving underrepresented groups (inclusion).

Box 6.6 Overcoming apathy among Finnish youth

The annual Youth Barometer carried out by the national State Youth Council – an expert body tasked with addressing issues of fundamental importance to young people - and the Finnish Youth Research Society showed that more young people than ever were interested in politics in 2018 (Pekkarinen, Elina; Myllyniemi, Sami (eds.), 2019[70]). This was attributed to high levels of interest in presidential elections that took place in 2012 and 2018, the global political situation, the global rise of populist groups, budget cuts in the education sector during the last government, the use of social media, concern about climate change, and activist movements such as Fridays for Future, which engage in climate protests.[48] The barometer found that young people's "active involvement in society" had increased and that a majority believed in traditional forms of civic participation, while trust in social institutions remained strong (Pekkarinen, Elina; Myllyniemi, Sami (eds.), 2019[70]). A full 49% "strongly agreed" or "somewhat agreed" with the statement that "most politicians are trustworthy" (Pekkarinen, Elina; Myllyniemi, Sami (eds.), 2019[70]).

The survey also illustrated a growing faith among youth in influencing decisions using non-parliamentary means, such as purchasing decisions, social media, or participation fora such as youth councils. In all cases, faith in influencing through these methods was higher than in 2013. 64% of people surveyed felt they could influence "a great deal" or "quite a lot" via participation in a youth council or organization, up from 62% in 2013 (Pekkarinen, Elina; Myllyniemi, Sami (eds.), 2019[70]). 66% felt they could influence "a great deal" or "quite a lot"" by voting, up from 62% in 2013.

Yet membership of political parties among youth remains low[1] and voter turnout among younger Finns – a majority of whom feel no affinity for any of the traditional political parties (Kataja, 2017[71]) - is lower than among older groups. The highest voter turnout in Finland is between the ages of 55 and 74. As a result, political parties tend to invest in appealing to older groups in their manifestos and platforms. 44% of 15-24 year olds feel that political parties "do not promote matters important to me or people like me", while 33% of people aged 65 and above feel the same (Pehkonen and Hyry, 2020[1]). Unsurprisingly, voting patterns among youth are clearly determined by education (Table 6.2) In the 2015 parliamentary

elections, at the age of 25, 80% of those with higher university degrees voted, compared with just 20% of those with basic education.[2]

Table 6.2. Voter turnout in % according to age and education in 2019 parliamentary elections

	All	Lower secondary	Upper secondary	Lowest tertiary	Lower tertiary	Higher tertiary, doctorate
Total	71.4	57.9	68.0	85.2	83.4	91.1
18-24	55.2	49.5	58.9	..	80.2	..
25-34	62.9	33.6	58.0	42.6	79.9	89.0
35-44	71.7	43.6	64.6	77.7	81.8	89.7
45-54	74.9	51.1	69.4	82.4	84.7	91.3
55-64	78.7	62.9	78.8	86.5	89.1	92.8
65-74	82.0	73.8	81.7	90.1	92.3	94.4
75-	67.5	60.0	72.3	81.8	84.0	88.6

Source: (Grönlund and Strandberg, 2019[72]).

This presents a twin challenge for policy makers in terms of how to engage youth in voting and decision-making and respond to their needs; and for youth, and particularly marginalised groups or persons, to make their voices heard to government actors. The Democracy Programme intends to tackle this issue by raising public authorities' awareness of children's and young people's participatory rights and seeking to strengthen equal participation of young people and good relations between population groups will be strengthened (Government of Finland, 2020[20]).

Evidence shows that youth groups favour non-traditional methods of participation such as those that are online, including citizen initiatives. Significantly, education does not play a significant role in determining involvement in citizen initiatives (Christensen et al., 2017[25]). Young people may also favour participation in single-issue opportunities for participation e.g. targeted online voting, surveys, quick impact projects (Kataja, 2017[71]). More targeted participation initiatives for youth in general, and in particular, sub-groups of marginalised youth e.g. Sámi youth, youth with migrant backgrounds, using tools and subjects that are appealing to them, could support the effort to engage them.

1 A national 2020 survey by SITRA shows that just 5% of 15-24 year olds were, or had ever been, a member of a political party (Pehkonen and Hyry, 2020[1]).
2 State Youth Council, PowerPoint presentation, 28 September 2020.
Source: (Pekkarinen, Elina; Myllyniemi, Sami (eds.), 2019[70]) (Kataja, 2017[71]) (Pehkonen and Hyry, 2020[1]) (Government of Finland, 2020[35]) (Christensen et al., 2017[25]) (Kataja, 2017[71]).

Adopting a holistic approach to engaging Finnish citizens as partners in decision making

Above all, it is important that initiatives to engage citizens are complemented by efforts to reduce social inequalities related to income, employment and education, with a focus on marginalised groups. One of the main challenges to the realisation of the fundamental freedoms and rights is intergenerational inequality and exclusion, according to the Chancellor of Justice (Office of the Chancellor of Justice, 2020[73]). The strengthening of targeted economic and social policies and services that seek to provide multi-sectoral support for disadvantaged groups and families, with a view to achieving better educational, financial and social attainment as well as life-coping skills, could help to counter this and even to engage people more broadly (Mattila, 2020[17]). As noted in Grönlund and Wass (2016[18]), given that political participation

reflects the overall well-being of the citizen, "the most effective, but at the same time most challenging, opportunity to improve political equality is to reduce overall social inequality".

Increasing people's take up of and satisfaction with the many participation opportunities available to them remains a key challenge, with no easy entry points or solutions. As recommended earlier, targeted and sustained outreach efforts to increase citizen-state interactions between elections is the obvious starting point, including to boost low levels of awareness of the fundamental role that municipalities play in citizens' everyday lives in terms of providing healthcare, services and education.[49] The quality of interactions with the state and giving people a sense of being listened to are also fundamentally important.[50] Training for municipal workers on effective, inclusive and targeted participation methods could help to develop their skills and reinvigorate existing methods to meet new or developing needs. Partnerships with suitably qualified third-sector actors could also be a sensible approach.

Overall, legal frameworks, oversight institutions and cultural norms appear to be resilient enough to protect Finland's civic space beyond the current period. However, in the context of the recovery from the COVID-19 pandemic, the sustained engagement of the public and a wide range of civil society groups, including those representing marginalised persons and working on human rights protections, will be key to ensuring an inclusive, fair and sustainable approach to policy making. The Chancellor of Justice and Deputy Chancellor of Justice have both drawn the government's attention to the specific needs of the most vulnerable groups in society and it is key that government institutions continue to assess, highlight and respond to emerging needs. Monitoring of how the information gathered as part of the Finnish national dialogues is being used by different government agencies and communicating on this to the public may also help to prove the value of, and ensure support for, future initiatives of this type.

Finally, Finland's focus on innovation and experimentation to engage people and reinforce support for civic freedoms, civic space and democracy more broadly is of utmost importance in the current climate. Its strong commitment to democracy and civic freedoms should never be taken for granted, given global and national trends including populism, disinformation, hate speech and the threat from extremist political groups and ideologies, coupled with the destabilising effect of economic uncertainty and volatility. The findings of this Scan should be shared widely across government and with Finnish political parties, particularly with a view to highlighting the identified challenges to Finnish civic space and democracy more broadly, adopting a long-term strategic approach to tackling them, and building consensus on the necessary reforms.

Notes

[1] Email, YLE, received 12 January 2021.

[2] Email, YLE, received 9 March 2021.

[3] An analysis of the low voter turnout is beyond the scope of this Civic Space Scan.

[4] Voting patterns were the following in the 2019 parliamentary elections: Finns living in Finland (72.1%), Finns living abroad (12.6%) and people entitled to vote (68.7%) (Ministry of the Interior, 2019[74]).

[5] Voter turnout in Sweden, for example, was 86% in the most recent elections (OECD, 2020[75]). Voter turnout in Norway was 78% during recent elections **(OECD, 2020[16])**.

[6] For background on participation practices in relation to the preparation of legislation as of 2010, see OECD (2010[30]).

[7] Interview, Ministry of Justice, 30 September 2020.

[8] Email, Office the Chancellor of Justice, received 6 October 2020.

[9] Notably, the latest government programme commits to improving the competence of officials involved in law drafting and specifies that competence will be improved in the areas of fundamental and human rights issues (Government of Finland, 2019[12]). Furthermore, it says that impact assessments of laws will be strengthened by introducing a system for *ex post* regulatory impact analysis.
[10] Interview, Ministry of Justice, 5 October 2020.
[11] Interview, Amnesty International Finnish section, 28 October 2020.
[12] Interview, SOSTE, 7 October 2020.
[13] Interview, SOSTE, 7 October 2020; email, Central Union for Child Welfare, received 31 August 2020.
[14] Interview, Ministry of the Environment, 25 September 2020.
[15] Email, Ministry of the Environment, received 23 February 2021.
[16] Interview, Ministry of Social Affairs and Health, 23 September 2020.
[17] Interview, Ministry of Social Affairs and Health, 23 September 2020.
[18] Interview, Ministry of Social Affairs and Health, 23 September 2020.
[19] Interview, Ministry of Transport and Communications, 2 October 2020.
[20] Interview, Timeout Foundation, 6 January 2021.
[21] Interview, Timeout Foundation, 6 January 2021.
[22] Email, Amnesty International Finnish section, received 14 January 2021; email, Finnish Human Rights Centre, received 18 January 2021; email SOSTE, received 19 January 2021; interview, Finnish League for Human Rights, 14 January 2021.
[23] Email, Physicians for Social Responsibility – Finland, received 29 January 2021.
[24] Interview, Finnish League for Human Rights, 14 January 2021.
[25] Email, SOSTE, received 19 January 2021.
[26] Interview, City of Tampere, 9 November 2020.
[27] Interview, City of Tampere, 9 November 2020.
[28] Interview, City of Tampere, 9 November 2020.
[29] Interview, City of Tampere, 27 November 2020.
[30] Interview, City of Tampere, 27 November 2020.
[31] Interview, City of Tampere, 27 November 2020.
[32] Email, Åbo Akademi University, received 2 November 2020.
[33] Email, Åbo Akademi University, received 2 November 2020.
[34] Email, Åbo Akademi University, received 2 November 2020.
[35] Email, Åbo Akademi University, received 2 November 2020.
[36] The draft OECD *Best Practice Principles for Stakeholder Engagement in Regulatory Policy* state that engagement with stakeholders should start as early as possible in the process. When developing new regulations, stakeholders' input should be used when defining the problem and the goals for the new regulation, particularly in cases where there is a lack of data and the regulator has not decided to move forward with a proposal. In fact, even before the work starts on preparing a new law or regulation, stakeholders might be consulted, for example, through green and white papers.
[37] Interview, SOSTE, 7 October 2020.
[38] Interview, Ministry of Transport and Communications, 2 October 2020.
[39] Email, SOSTE, received 31 August 2020.
[40] Interview, Finnish League for Human Rights, 6 October 2020.
[41] Interview, National Audit Office, 21 September 2020.
[42] Interview, Finnish League for Human Rights, 6 October 2020.
[43] Interview, Ministry of Justice, 5 October 2020.
[44] Interview, Finnish League for Human Rights, 6 October 2020.
[45] Speech by former President of the Supreme Administrative Court, Pekka Vihervuori, 27 January 2017 (unofficial translation from Finnish).
[46] Email, SOSTE, received 31 August 2020.

[47] Email, Government of Italy, 16 December 2020.
[48] State Youth Council, PowerPoint presentation, 28 September 2020.
[49] Interview, Ministry of Finance, 23 September 2020.
[50] Interview, Ministry of Finance, 23 September 2020.

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7 Recommendations

This chapter provides a summary of the key recommendations from the Civic Space Scan of Finland.

This chapter provides a summary of the key recommendations which are intercalated throughout the report. The recommendations for each section are thus rooted in and informed by the analysis in each respective chapter. For additional information and background context, please consult the chapters as indicated in each heading.

Chapter 3: Civic freedoms and rights

Strengthening independent oversight mechanisms to continue to protect civic freedoms

- Services such as legal aid are targeting the most disadvantaged members of society. Outreach programmes could be strengthened by hiring more people from minority groups, ensuring that the needs of minority, at-risk language groups, and particular sub-groups of vulnerable people are catered to.
- Oversight institutions could use quantitative data on the implementation of civic freedoms more visibly and strategically, accompanied by strategic communications, to raise awareness of violations and improve impact.
    - More visible and regular publishing of disaggregated data would help to shed light not only on clients, but also on emerging needs, gaps and accessibility challenges in services.
- Ensuring adequate and consistent funding for all of the oversight institutions will allow them to respond to the growing demand for their services and to fulfil their core mandates.

Adopting a cross-government strategy/action plan to counter hate speech, as a widely recognised threat to freedom of speech and civic space

- It is important to move from the current project-based, fragmented approach to tackling hate speech to a more encompassing, coordinated, whole-of-government, long-term approach to ensure that Finnish women, journalists, public officials, minorities, and any other groups or individuals have the same opportunity to participate in public life as others, without fear of recrimination and self-censorship. This could be attained via a cross-government strategy/action plan.
    - This approach could be accompanied by a long-term mandate for an independent oversight mechanism and measurable goals for key actors including the police, the Office of the Public Prosecutor, political parties and private sector companies whose platforms amplify hate speech.
- Finland is far from being alone in seeking to tackle challenges related to hate crime and hate speech and could learn from measures undertaken in other countries in this area.

Ensuring that the legal framework on hate speech is fit-for-purpose

- It is important for Finland's legal framework to keep pace with changes in this fast-developing area. Several welcome legal reforms are ongoing – including to make it easier to prosecute offenders and to increase punishments of crimes motivated by gender - and should be prioritised.
    - Mass action targeting where individuals are subjected to an orchestrated campaign of online abuse, including incitement and knowing participation in such campaigns, is particularly important to address.
    - Planned reforms to the Criminal Code and sexual offence laws to criminalise cyber-flashing should also be prioritised.

Ensuring the necessary political will to counter hate crime and build trust between the police and victims

- Continuing to raise the profile of hate crime and hate speech within the national police force could help to ensure the necessary political will to tackle it. Public communications, speeches from senior police force members, and sustained, mandatory training could be used to spread relevant messages, with a view to enhancing police performance and outreach to affected communities, increasing reporting, yielding more prosecutions and enhancing awareness of people's legal rights in this area.
  - Training could be continuously improved by impact evaluations, including assessments of the quality of responses to reports of hate crime by victims.
- Reporting of hate crimes could be made more accessible and easier for the public. A low threshold, well-advertised, accessible reporting system that invites reporting online as well as in person and makes a clear statement about zero tolerance in multiple languages, could make it easier for victims to come forward.
  - More aggressive prosecution could also help to act as a deterrent, in combination with sustained

    awareness raising and education, including among perpetrators, particularly on the impact of targeting (or online shaming) and the relevant legal framework.
- The allocation of sustained and dedicated resources to the police to tackle hate crimes and hate speech is crucial. Furthermore, the police would welcome support from CSOs on monitoring and countering hate crime/hate speech and public funding could be provided for this purpose as part of a more joined-up approach.

Gathering and using data on hate crime more visibly and strategically

- Currently, detailed data on hate crimes are available and published annually. A shift in approach to publishing strategic data more frequently could help to highlight the urgency of the problem.
  - More visible disaggregated data (as well as the inclusion of gender-based hate speech and violence in statistics) could also help residents and citizens to protect themselves, service providers to target support services, and to highlight geographical areas where hate crimes are occurring.
  - Enhanced data illustrating the pathways between reporting of hate crimes, police coding of such crimes, the court system and the prosecutions of such crimes could also help to make the system more responsive by shining a light on deficiencies and training needs.
  - Data on fora being used to spread messages of hate could be used by public authorities in engaging the private sector to take responsibility for the removal of such content.

Engaging in preventive work with identified or potential spreaders of hate speech

- Targeted outreach campaigns and programmes (e.g., education/media literacy programmes, media campaigns) to educate those who engage in hate speech, at least some of whom appear to be unaware of the illegality and impact of their activities, could be experimented with.

Ensuring coherence of approaches to protection against discrimination across national legal frameworks

- To ensure coherence and the protection of human rights and values enshrined in the Constitution, the Non-Discrimination Act and other legislation addressing discrimination and as recommended

by ECRI, Finland could consider the possibility of criminalising the creation or leadership of group that promotes discrimination, support for such a group, or participation in related activities, while taking due consideration of the balance needed to guarantee freedom of expression within the boundaries of the law.

- Public authorities could also introduce steps to ensure that public funding for CSOs is not awarded to groups that discriminate against sections of the population or espouse or promote racism.

Reducing discrimination and violence against women

- Given the intention of the current government to tackle violence against women, it should seek to shore up long-term support and mandates for this purpose, including for the role of an independent rapporteur. An increase in funding would permit Finland to create and maintain a nationwide network of shelters and support centres in line with the current government programme.
- Access to support services for minority groups such as women with disabilities, lesbians, transgender women, undocumented and non-registered migrants, Sámi women, and women with poor knowledge of Finnish could be improved via targeted research, outreach programmes and information to reduce barriers at the national and municipal level.
- Sustained, mandatory training for police, prosecutors and judges dealing with violence against women (and girls), including sexual violence, is recommended.
- Ensuring the necessary political will and prioritisation of spending on prevention and response measures to counter discrimination and violence against women, in relation to other areas of public spending, may be an ongoing challenge. Training for public officials, in particular within the Ministry of Finance, on Finland's obligations arising out of international agreements, is recommended by civil society.

Using civic education and literacy to counter discrimination

- Civic education on human rights is fundamental to challenging intolerance, racism, discrimination and exclusion. Measures to introduce human rights into the school curricula are encouraging but may yield better results if delivered in a systematic manner, accompanied by standardised and compulsory teacher training, including to identify and avoid undetected teacher bias.

Protecting the rights of the Sámi population

- The Finnish government could commit to better addressing the concerns of the Sámi population regarding their status in Finnish society and their self-determination.
    - The government could engage in more sustained outreach to Sámi representatives on issues that they are affected by, in particular those related to agriculture, forestry, fisheries, traditional livelihoods (e.g., reindeer herding), social and healthcare, and wider legislative reforms concerning minority groups.
    - The government could consider amending the Sámi Parliament Act to ensure more powers of self-determination and commit to finding ways to enhance participation of the Sámi population in party politics, public decision making and judicial systems where they are sometimes under-represented, to ensure that their views are heard and taken into account.
    - The Sámi Language Act, which contains provisions on the right of the Sámi to use their own language when engaging with the courts and other public authorities, could be more strongly enforced to ensure that it is obligatory rather than seen as a guideline.

- A greater effort could be made to introduce more information on Sámi history and their rich contribution to Finnish society into the national school curriculum to counter any negative attitudes or discrimination.

Developing mechanisms to increase the uniformity of practice for tackling social exclusion in the context of COVID-19

- Institutionalised and intersectional assessments of how different population groups are affected by and experience policies, laws, programmes and initiatives can be highly instructive and are particularly important in the context of the recovery from COVID-19 to avoid exacerbating inequalities.

Protecting the right of peaceful assembly

- Rules regarding the right of peaceful assembly could be better understood in Finland. As a cornerstone of Finnish democracy and civic space, the right of assembly should be fully protected.

Chapter 4: Media freedoms and digital rights

Safeguarding freedom of the press from political, institutional and economic interference

- The government could take steps to ensure that politicians and political parties do not seek to influence media outlets or journalists:
  - There is a need to ring fence Yle's independence and eliminate possible financial leverage of public officials over the national public broadcaster.
  - The government could commit to engaging with journalists, especially those working in large media outlets, to seek an understanding of the tangible ways in which political, institutional and economic pressures affect their work and take relevant actions to safeguard their independence.

Protecting and supporting freelance journalists

- Given the important contribution of freelance journalists to freedom of the press and wider societal debate, the government could consider financially supporting freelance journalist associations (e.g., the Association of Freelance Journalists in Finland) in times of uncertainty, economic crisis or recession to ensure they can continue to assist their members in maintaining and finding projects.
- The government could could also seek to better understand the challenges faced by freelance journalists and those without the support of a media company (e.g., vulnerability to financial and health crises, lack of income stability, difficulty finding professional support in the face of external interference or harassment) and identify ways to support them.

Supporting journalists facing hate speech and harassment and reduce instances of violence

- Guidelines and best practices for the police and prosecutors with a focus on targeting of journalists (and other public figures) and using existing legislation to protect victims would fill a gap. The government could also appoint a police focal point(s) to provide advice to journalists.

- The government could support journalism associations and human rights organisations that provide assistance to journalists facing hate speech and harassment with funding and other resources. In particular, it could consider financially supporting the Union of Journalists' fund to cover legal and other expenses for those facing harassment.
- Targeting of Internet intermediaries and social media sites to ensure they have community guidelines and take greater responsibility in moderating and removing illegal content would strengthen the government's response.
  - In particular, the government could work with Internet intermediaries and social media platforms to make platforms safer by: (1) guaranteeing prompt response mechanisms for complaints; (2) incorporating tools that make reporting processes more user-friendly; and (3) investigating ways to minimise the impact of cyber-harassment and systemically revise policies to adapt to an ever-changing context.
- Public officials could also assist media outlets in identifying illegal speech by providing training to website moderators on the Criminal Code and related case law, which would enable them to remove this content more effectively. The government could also consider:
  - Encouraging media outlets to adopt "think-twice policies" and placing an upper limit on the number of articles on which registered users can post comments in a short period of time, as a means of combatting trolls, bots, and spamming.

Protecting journalists at demonstrations and protests

- The government could take additional measures to increase training and capacity among the police to differentiate between protesters and journalists at demonstrations and ensure that they can report on them without interference or threat of arrest.

Protecting freedom of expression by reviewing the legal framework on defamation

- As the criminalisation of defamation can have a detrimental effect on journalism in particular, a review of the current legal framework surrounding defamation could be undertaken with a view to considering the alignment of laws with international standards in this area.

Safeguarding media pluralism and the role of the public broadcaster

- Given that a small number of companies dominate each media sector, the government could review the existing legal framework, which allows concentration in media ownership, and set additional transparency requirements for media companies.
- While Finland already has several successful initiatives for combating fake news, the government could further strengthen Yle's mandate related to tackling the spread of misinformation and disinformation and continuing to provide balanced debate.
- There is a need to carefully consider Yle's role as an objective public broadcaster in the face of new regional commercial media. The government could also commit to investigating whether Yle's role is too broad or whether it is too closely affiliated to the state's interest.
- The government could ensure continued support to Finland's media regulatory authorities and bodies, and in particular the Council for Mass Media, with sustained public funding or dedicated subsidies so that they can maintain their critical role in ensuring that media companies practice ethical journalism.

Improving the implementation of access to information laws

- While Finland has a long-standing commitment to transparency, the government could review the remaining shortcomings of the Act on the Openness of Government Activities following the reforms process and ensure its full implementation through secondary legislation and practical guidelines for public bodies.
  - There is a need to more clearly define the appeals process and mandates of the Parliamentary Ombudsman and the Chancellor of Justice in relation to the Act on the Openness of Government Activities to ensure citizens are aware of the steps to take.
  - The government could commit to imposing sanctions on public officials and authorities that are found to have withheld or obstructed access to information for reasons not permitted in the law (e.g., outside of the stated timeframe).
- The government could proactively disclose more information through its open data portal and create a centralised portal for all access to information requests to aid transparency and gathering of data. This would allow:
  - Public bodies to compile statistics and data on requests for information and see the most frequently requested information and proactively disclose similar documents.
  - Citizens to view previously requested information from each public body and follow the progress of their own requests.
  - Oversight bodies to track when deadlines are not respected and identify which ministries require additional resources.
- Through the Ministry of Finance's project on opening up and using public data, the government could commit to a whole-of-government approach to improving the transparency of decision-making as well as implementing more stringent practices for better information management.
  - This could include a government-wide information repository for all public bodies to enable more effective knowledge-sharing on related policy-making processes, as well as to encourage the exchange of good practices in managing, using, and sharing data and information across ministries and making them accessible and available for public reuse.

Combatting the digital divide and protecting data privacy

- The government could explore the factors underlying the digital divide through its relevant working groups to find ways to bridge the gap for people excluded from the digital leap or who do not have access to the Internet or a strong connection.
  - Public officials could routinely test their digitalised public services with specific target groups (e.g., elderly, disabled persons, minorities) to ensure that they are comprehensible and accessible.
- Regarding data privacy, the government could consider the General Data Protection Regulation (GDPR) as an opportunity to explore grounds for innovations, to safely investigate and experiment within this framework rather than restrict potential solutions and to take a wider approach and consider good practices from other EU member states on their GDPR implementation.
- The creation of a whole-of-government systematic approach to minimise the risks associated with increased collection of personal data and the compilation of data sets, which can threaten individual anonymity in sparsely populated areas of Finland, could be beneficial.
  - The government prioritised the protection of personal data in its track-and-trace mobile application and should continue to emphasise data privacy in any future proposals for digital solutions related to the COVID-19 recovery.

Making the Government of Finland a world leader in artificial intelligence

- The government could implement new strategies to harness the beneficial powers of artificial intelligence (AI) for citizens, help navigate the AI-driven economic transition, and retain and strengthen trust in AI with the public interest at its core.
  - The establishment of a centre, office or advisory council for the ethical use of AI in public decision making with an institutionalised commitment to engaging with the public on any projects and strategies related to AI could be considered.
  - It is important to ensure that programmers and developers working in the public sector have the right skills, represent diverse demographics themselves, and are trained to recognise and counteract biases so that AI applications and products do not perpetuate unfairness and discrimination.
  - A clear commitment to increased accountability regarding the use of AI in the public sector is key, including by ensuring that the responsibility of public officials for oversight of such systems remains clear.
  - Regular, transparent communication to the public on this fast-changing area on the ways in which algorithms and automated decision making are being used in the public sector, acknowledging that the "Elements of AI" course is a successful starting point, may help to build trust.
- Overall, the government needs to develop legislation governing the use of AI:
  - Finland has many programmes, policies and initiatives to advance its position in relation to AI (e.g., AuroraAI, "Elements of AI"), but its legislative framework lags behind its ambition and the speed with which the technology is developing.
- To achieve Finland's vision, the government needs to accompany any AI initiatives and new legislation with regular impact evaluations of automated and algorithmic decision making processes to evaluate their impact on the rights of individuals and communities.

Chapter 5: The enabling environment for civil society organisations

Supporting new forms of civil society in Finland

- The government acknowledges and appreciates the important role of civil society but could make an additional effort to engage the wide variety of CSOs, including both formal registered associations and informal networks, in operation in Finland.
  - Regarding the rise of the informal fourth sector, the central government could collaborate with municipalities to seek ways to support fourth-sector actors to work with the public administration on activities that are in the public interest by providing resources, whether financial or material (e.g., meeting spaces).

Enhancing knowledge of the role of civil society organisations among public officials

- To enhance knowledge and skills amongst public officials, the government could commit to hosting the Civil Society Academy Day annually and complement the initiative by organising conferences, forums and debates at the central level on the changing roles of CSOs in Finnish society and how to best support and collaborate with CSOs in their activities.

Increasing inclusion and representation of civil society organisations in government

- The government could broaden the membership of KANE and ETNO to ensure they also include more civil society members, including small and medium CSOs, and those that have a watchdog or advocacy role.

Improving the governance of public funding through the Veikkaus system

- The government could commit to taking a long-term view when considering the options outlined by the broad-based working group on the future of the Veikkaus system. As each potential solution poses its own challenges, the government should base its decision on which option will lead to the most fair, effective and sustainable model of funding for CSOs that will ensure continued support.
- The government could consider the potential conflicts of interest due to the representation of beneficiaries of Veikkaus revenues on the Ministry of Interior's Gambling Advisory Board and on Veikkaus Oy's Supervisory Board, and whether risks could be reduced by directing gaming revenue to the state budget.

Introducing a more strategic direction for Veikkaus funding

- Given the large sums of public money involved, a more comprehensive and strategic approach to the distribution of all or a portion of the Veikkaus funding with high-level objectives that benefit society could support the government in understanding how funding is being used, whether the targets are being achieved, and the overall impact. The government could consider:
  - Reforming the Veikkaus funding system so that it can provide longer term funding to CSOs and establishing an all-encompassing evaluation system for Veikkaus funding for CSOs to better understand the impact of the funds.
  - Introducing a way for the Veikkaus system to retain a more substantial percentage of funding each year without the need to distribute all proceeds to all beneficiaries annually to create a safety net for beneficiaries against potential shocks in certain years.

Enhancing the transparency of Veikkaus funding

- To complement the ongoing efforts being made by the Ministry of Finance's digitalisation of state funding project, the government could further enhance transparency by:
  - Creating a centralised application, process and recording system for CSOs seeking Veikkaus funding to identify to which CSOs and sectors are receiving funding and evaluate the effectiveness of their work;
  - Establishing a portal with the objective of maintaining quality standards across the three ministries (the Ministry for Agriculture and Forestry, the Ministry for Education and Culture, and the Ministry for Health and Social Affairs) distributing Veikkaus proceeds.
- The Ministry of Education and/or the Ministry of Finance could undertake a system-audit or evaluation and use this information in steering Veikkaus. This would also promote openness and transparency and highlight ways to make the system more effective by assessing the distribution and use of resources as well as their current oversight.
  - The NAO could also decide to audit the new system as an external auditor, independent from the executive, as is done for other companies with sufficient stakes in public funding.

Adopting a resilient and cross-cutting approach to all public funding of CSOs

- Beyond the Veikkaus system, the government also provides funding to CSOs through an array of ministries. As acknowledged above, a more secure system that is less vulnerable to external shocks could help to develop a long-term solution to the issue of funding for CSOs.
  - Creating opportunities for and incentivising various kinds of funding (e.g., through tax incentives for individual donors, corporations, philanthropic foundations) for CSOs could reduce their dependence on the public purse.
- Ministries could establish a feedback system for all applications to ensure that CSOs and other activist networks can learn from the process and improve for the next round and could also consider the creation of an operating model that ensures a regular dialogue between civic actors and funding counterparts (e.g. on the future direction of state grants, available support, guidance on reporting and evaluation).
- As suggested in relation to Veikkaus funding, implementing a systematic way of evaluating and assessing all public funding of civic activities could support ministries in channeling funds in the most optimal ways. This could include:
  - Creating cross-ministerial guidelines on monitoring and evaluation of public funding for CSOs through ministries and promoting good practices, implementing quality standards and indicators at the national level for public funding applications, and obtaining a holistic overview of all public funding channeled to CSOs from the government to effectively assess the impact of financial flows to civil society.

Facilitating internal mobility for officials overseeing public funding of CSOs

- Increased internal mobility to ensure that the same public officials are not making funding decisions regarding CSOs for years on end could improve trust in decision-making processes alongside an external or independent review of grant decisions by public officials in other departments.

Ensuring policy coherence in funding of CSOs

- The government could strengthen policy coherence at all levels of government by verifying that the activities of CSOs receiving public funding are aligned with the fundamental values outlined in the Constitution and relevant legal and policy frameworks.

Continuing to increase the accessibility of public funding and fundraising for all civil society organisations

- Ongoing discussions regarding reforms to the Associations Act should focus on creating a simplified and fairer administrative system, particularly for smaller associations.
  - New regulations should consider the wide variety of association types in Finland and create a legal framework that is fit-for-purpose, by ensuring that smaller associations can flourish and contribute to Finnish society, and that digital technologies are fully utilised.
- Many welcome reforms have been made regarding fundraising, including a provision of the Money Collection Act allowing smaller CSOs to fundraise up to EUR 20 000 annually. Public officials could launch awareness-raising campaigns to disseminate information on this reform and include advice on applying and qualifying for such funding.

Safeguarding the autonomy of civil society organisations receiving public funding

- The government could develop a holistic civil society strategy with concrete measures to engage with and support CSOs in the long term, while also protecting their autonomy.
  - This could include a concrete approach to safeguarding the role of certain CSOs – especially those in the health and social welfare sector – as service providers as well as protecting the ability of CSOs to influence policy and perform a watchdog role as independent organisations.
- The government could consider allocating a larger share of current funding to innovation, experimentation and development projects with more flexible regulations, allowing a certain proportion of funding to be distributed with more freedom for CSOs to develop activities independently in line with overarching goals.
- The government often encourages mergers of organisations doing similar work to eliminate duplication and while more efficient operations are welcome, there is also a need to review this approach to ensure that such mergers do not negatively impact the diversity of Finnish civil society.

Encouraging innovative forms of public funding

- The central government could encourage more innovative forms of public funding at the national level taking good practices from municipalities, such as the co-design of public grants in the City of Helsinki and the hybrid financing initiative in the City of Tampere.
  - Hybrid financing, which combines elements of participatory budgeting and crowdfunding, can encourage the participation of citizens in local development projects and can offer crucial financial support to smaller CSOs with less access to traditional funding routes.

Maintaining Finland's long-standing commitment to civic space through development co-operation

- The Ministry of Foreign Affairs has impressive policy guidelines on promoting civil society through development co-operation, but there is a need to establish better information management systems (currently outdated) in order to collect and publish performance data.
  - Making data and statistics more available and more easily accessible through a centralised portal would allow support for civil society funding by the Ministry of Foreign Affairs to be evaluated systematically.
- The Ministry of Foreign Affairs could commit to furthering its assessment of development co-operation activities by committing to regular impact evaluations.
- While levels of official development assistance have increased year-on-year, the budget line specifically for CSO funding has been decreasing. Within this context, the government could reprioritise civil society financing in development co-operation to focus on building up the capacities and autonomy of local partners.
- Given adequate resources, the CSO-unit of the Ministry for Foreign Affairs could publish more information and guidelines on the application process in languages other than Finnish and Swedish to ease communication with external partners.

Chapter 6: Civic participation

Moving towards a more consistent, co-ordinated and transparent approach to consultation and engagement with civil society actors

- Implementing measures to ensure that the Ministry of Justice's *Legislative Drafting Process Guide* and *Legislative Consultation Guide* are followed could help to ensure best practice across all ministries and avoid the current fragmented, uneven and siloed approaches.
- Ensuring that civil society actors are routinely consulted on legislation, proposals and initiatives early in the process, in order to be able to influence them, and as part of an ongoing two-way exchange with relevant ministries, is essential to foster meaningful partnerships.
  - During the COVID-19 response and recovery period, the government could communicate more clearly (using multiple channels) on processes for involvement from civil society, both in relation to service provision and longer-term recovery planning.
- A more transparent, co-ordinated and consistent approach to the choice of civil society actors consulted by different ministries would help to build partnerships and trust.
  - A cross-government approach or criteria for inviting stakeholders to join different consultation groups could be developed.
  - Data on which groups are selected for what purposes could also be published, to avoid any conflicts of interest and an overemphasis on consulting more established or powerful groups at the expense of smaller or newer groups. An accessible and easily searchable, centralised portal could be established for this purpose.
  - Quotas for CSO representatives on advisory boards and in other participation fora could help to ensure that non-governmental perspectives are adequately represented.

Promoting cross-learning opportunities and impact evaluations of consultation and engagement methods

- A structured initiative to share learning from the use of different engagement and consultation practices and tools across ministries and from municipalities to ministries could help to ensure high standards, to engage ministries that are less open to consultation, and to avoid the current uneven approach.
  - Regular impact evaluations of different tools, methods and experiments would help to improve understanding of what delivers value in relation to investments of resources, desired impact, representativeness and levels of satisfaction among those who participate.

Ensuring better feedback on and documentation of decision making

- Routine feedback loops for civil society actors who are consulted by government entities that acknowledge the multiplicity of inputs received could help to improve transparency and openness.
  - It is important to document how and why decisions were taken and how statements and views from diverse groups were assessed and taken into account. Ensuring the necessary resources to provide this kind of feedback from the outset of project planning and budgeting is essential.

Ensuring quality and accessibility of (digital) participation methods

- There are great opportunities on the horizon to continue to develop the use of digital participation methods to engage civil society actors and members of the public in decision making, particularly in rural areas where participation in in-person meetings can be challenging. The Finnish national

dialogues have proven that online dialogue and discussion with a broad range of people can be successful.

- However, digital fora should complement, not replace, civil society participation in more traditional committees and working groups, which allow for longer term, direct and higher quality interaction with government authorities.

Moving beyond consultations and engagement with the usual suspects to engaging members of the general public

- There is broad enthusiasm for engaging citizens more in decision making in Finland, but disagreement regarding **how** and the extent to which this should happen. A considered approach, with a focus on the quality, representativeness and legitimacy of participation efforts, is probably wisest.
- As the central government and municipalities experiment with new participation methods for the general public, it is important to target and engage marginalised and typically under-represented groups in society, particularly in larger urbanised municipalities and cities.
  - Seeking to move beyond engaging the usual "stakeholders" and more active, better educated, self-selecting members of the public is key and will require strategies and targeted outreach, including to underrepresented groups.
  - A related effort to ensure that participation opportunities provide "safe spaces" for people to express their views as part of constructive discussions is also important and can be achieved with trained facilitators.
  - Personalised invitations and methods that involve discussion (e.g., participatory planning, hearings, citizen juries, panels), as opposed to one-way consultations (e.g., surveys, polls), and personal interactions and face-to-face meetings, appear to be more likely to yield positive outcomes.
  - The practice of co-planning and co-creation could be strengthened including at the national level in relation to flagship government pledges and priorities. The next government programme could, for example, be developed in partnership with members of the public as part of a more future-oriented, strategic approach that focuses less on solutions to problems and more on societal goals or targets.
- Deliberative methods such as citizens' panels or mini publics could be used more to engage the public on finding solutions to complex social issues. If developed in line with the *OECD Good Practice Principles for Deliberative Processes for Public Decision Making*, this would help to engage ordinary Finns and to channel their views into policymaking by drawing on the views of randomly selected participants.

Adopting a holistic approach to engaging Finnish citizens as partners in decision making

- A holistic approach to fostering civic participation recognises the links between social and economic inequality and people's willingness or ability to engage with the state.
  - A focus on increasing people's take up of, and satisfaction with, the existing participation opportunities available to them is key. Training for municipal workers on effective, inclusive and targeted participation methods could help to develop their skills and partnerships with suitably qualified third-sector organisations may help in this regard.
  - At the same time, efforts to develop more public consultation opportunities, by encouraging innovation and experimentation can be strengthened. A long-term, anticipatory planning approach is recommended in this regard.

- CSOs' living space has not been significantly reduced in the context of the COVID-19 crisis. In the context of the recovery, sustained engagement of the public and a wide range of civil society groups will be key to ensuring an inclusive, fair and sustainable approach to policy making.
  - Ongoing efforts to engage people in different languages (sign language, Sàmi languages, other minority languages) are essential.
  - Systematic consultation on the long-term recovery (as opposed to immediate responses to the pandemic), as well as lessons learned during the pandemic should inform planning.
- A cross-government ethical or human rights-based framework to guide municipalities on engaging with civil society actors and the use of public buildings/spaces and funding would help to guarantee policy coherence.
- Given global and national trends including populism, discrimination against certain groups, disinformation, hate speech, and the threat from extremist political groups and ideologies, coupled with the destabilising effect of global economic uncertainty, COVID-19 and pockets of inequality, support for core democratic systems and values in Finland should never be taken for granted.
  - It is important for the government to continue to shore up support for its inclusive civic space agenda to ensure its resilience; and to continue to experiment, innovate and invest in protecting and promoting civic space both at home and abroad.
- It is important for the Ministry of Finance to share learning from this Scan widely, across government and with Finnish political parties with a view to building consensus about reform efforts. The findings from the citizens' panel on hate speech and online harassment should have particular legitimacy and weight, and the recommendations should be disseminated widely, discussed publicly, and implemented.
  - The onset of COVID-19 has been extremely difficult but also presents an opportunity for longer-term strategic thinking, planning and reflexive learning as part of the recovery effort, including in relation to the protection of civic space and democracy.

Annex A. List of interviewees and substantive inputs

Government

Ministries

- Ministry of Education and Culture
- Ministry of Environment
- Ministry of Finance on civic space; access to information and open data; civic space at the local level; and open government
- Ministry of Foreign Affairs
- Ministry of Interior
- Ministry of Justice on hate speech and intolerance; a legal perspective on civic space; ongoing legislative reforms; and legal aid
- Ministry of Justice
- Ministry of Local Government
- Ministry of Social Affairs and Health
- Ministry of Transport and Communications

Advisory boards

- Advisory Board for Civil Society Policy (KANE)
- Advisory Board for Ethnic Relations (ETNO)
- Digitalisation for Everyday Life Board (Digi Arkeen)

Oversight institutions

- Chancellor of Justice
- Data Protection Ombudsman
- Ombudsman for Equality

Other public bodies

- Association of Finnish Local and Regional Authorities
- City of Tampere on ethical frameworks at the local level; and participation at the local level
- Finnish Immigration Service
- Finnish National Agency for Education
- Finnish Register of Associations
- Funding Centre for Social Welfare and Health Organisations (STEA)

- National Audit Office
- National Police Board
- Sámi Parliament
- Sitra, the Finnish Innovation Fund
- State Youth Council
- Yle National Public Service Broadcasting on press freedom issues; and survey data

Civil society

Civil society organisations

- Central Union for Child Welfare
- Disability Partnership Finland
- Electronic Frontier Finland
- Finnish Development NGOs (Fingo)
- Finnish Federation for Social Affairs and Health (SOSTE) on the enabling environment for civil society; and impact of COVID-19
- Finnish Red Cross
- Finnwatch
- Fourth-sector activist
- Freelance journalist
- Occupational health expert
- Physicians for Social Responsibility (PSR Finland)
- The Finnish Institute in the UK and Ireland
- Timeout Foundation
- Sámi Council

Human rights organisations

- Amnesty International (Finnish section)
- Finnish Human Rights Centre
- Finnish League for Human Rights

Journalism associations

- Council for Mass Media
- Union of Journalists in Finland

Think tanks

- Demos Helsinki on the enabling environment for civil society organisations; and participation in COVID-19 planning

Research and academia

- Åbo Akademi University
- Finnish Homicide Monitor (maintained by the Institute of Criminology and Legal Policy – University of Helsinki, the National Police Board, and the Police College Research Unit)
- Library of Congress

- Researcher on the non-parliamentary far right
- University of Helsinki
- University of Jyväskylä

OECD Public Governance Reviews

Civic Space Scan of Finland

At the global level, civic space is narrowing and thus efforts to protect and promote it are more important than ever. The OECD defines Civic Space as the set of legal, policy, institutional, and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organise, and participate in public life. This document presents the Civic Space Scan of Finland, which was undertaken at the request of the Finnish government and is the first OECD report of its kind. OECD Civic Space Scans in particular assess how governments protect and promote civic space in each national context and propose ways to strengthen existing frameworks and practices. The Scan assesses four key dimensions of civic space: civic freedoms and rights, media freedoms and digital rights, the enabling environment for civil society organisations, and civic participation in policy and decision making. Each respective chapter of the report contains actionable recommendations for the Government of Finland. As part of the scan process, a citizens' panel – also overseen by the OECD – was held in February 2021 and generated a wide range of recommendations for the government from a representative microcosm of Finnish society.

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