

Response by Finland to OHCHR's questionnaire on enabling environment for civil society

1. Supportive regulatory framework (e.g. legislation, administrative rules which establish and safeguard civil society activities; access to justice for civil society actors, as well as access to national human rights institutions, and international human rights mechanisms).

Freedom of association in Finland is guaranteed in the Constitution, and the law governing civil society is the Association Act No. 503/1989. The registration of an association is relatively simple and expeditious although not free of charge. The registration follows a notification procedure, thus, a prior authorisation by the authorities is not required. The notification can be filed online (<https://yhdistysilmoitus.prh.fi/etusivu.htx>), which also costs less than filling in paper forms. The government is obliged to respect the privacy of associations, therefore, associations enjoy internal freedom regarding their operations and rules, within the framework of law. Also unregistered associations enjoy the freedom of association in Finland.

Open procedures on law drafting processes ensure the participatory rights of civil society actors. Consultation is the main method on maintaining openness. The basis for consultation is laid down by the Constitution, the Act on Openness and of Government Activities, the Administrative Procedure Act and the Language Act. The Consultation process is regulated by Instructions given by the Ministry of Justice in 2010. The process for updating the instructions is going on and new instructions will be in use by the end of 2015.

The minimum consultation time is six weeks and in large law drafting project eight weeks. Longer consultation times are being used during holiday seasons. Shorter consultation time is possible only when reasons have been specified in the consultation request and in the background note of the draft.

In legislative drafting, a summary of the consultation process, the received comments and the effects of the comments on the proposed legislation is written down in the reasons for the proposed legislation. Information on why and for which parts the central suggestions received could not be implemented is also included in the reasons. In Bill drafting, a summary of the consultation and the received comments is presented in the reasons for the government Bill. In drafting of decrees and regulations, the summary is entered in the presentation memorandum.

Linguistic rights and marginalised groups in society

The basis for the linguistic rights is laid down in the section 17 of the Constitution: “ The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act¹. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

¹ The Language Act elaborates on the linguistic rights of the two national languages, Finnish and Swedish.

The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act². The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act³.”

90% of the population are Finnish-speaking and 5.4% are Swedish-speaking. People with some other mother tongue than Finnish or Swedish comprise 4.5% of the total population.

Education

Human rights issues are strengthened through the new National Core Curriculum for Basic Education (2014) through the basic values, transversal competences and different subjects, especially Social Studies/Citizenship Education, that all have got more resources. Stronger focus on human rights issues has as well been emphasized in the on-going revising process of the Upper Secondary Education Curriculum. In 2013 the Basic Education act was reformed to make it obligatory to have a students´ representative body in each school. With respect to training of professionals, in particular teachers, state-funded teacher training in Finland has included the theme of human rights and democratic citizenship for many years.

The Ministry of Education and Culture ordered in 2013 a study on how human rights education and democratic citizenship education are included in teachers´ education. The results discovered some needs for further development. They will be taken into account in developing teachers´ education.

In addition, government allocates funds for in-service training of teachers. The priority of this funding is to increase the competences of teaching staff to work in a multicultural and multilingual school environment, democratic citizenship and human rights education.

In 2015 the Ministry of Education allocated 17 million euros for the providers of education to further develop the school culture in Finnish schools. One of the main goals is to foster a participation of pupils in schools and student bodies.

The first Master’s Degree Programme in Civil Society started in 2007 at the University of Jyväskylä. The programme is a two-year (120 ECTS) interdisciplinary programme leading to a second-cycle university degree. It educates social scientific specialists for the needs of non-profit organisations, public administration, research, education and media.

² Sámi Language Act

³ The Sign Language Act came into force in 2015.

Finnish polytechnics are offering specific preparatory courses to immigrants aiming to study in Finnish HE-institutions. Courses are free of charge and they started in 2010. ECTS-credits from preparatory courses are included in polytechnics core funding model.

Border management and rescue services

According to Section 3 of the Border Guard Act (578/2005), the Finnish Border Guard cooperates with other authorities, organizations and residents to maintain border security. The Finnish Border Guard cooperates on a daily basis with residents of border areas. The cooperation includes e. g. information exchange on border security issues.

The website of the Finnish Border Guard contains information on the organization and functions of the Border Guard as well as guidelines for citizens on various subjects. The Finnish Border Guard is also active in social media (Facebook, Twitter and YouTube). Information on legislative proposals concerning the Border Guard can be found on the Ministry of the Interior's website.

According to the Rescue Act (Pelastuslaki 379/2011), Article 51, voluntary organisations and persons may be used to assist in the training, advisory and educational duties of rescue services and in rescue operations; they may not, however, be used in duties that involve a substantial use of public authority, such as the use of official powers or inspection or supervisory activities.

According to the Article 52, rescue service authorities shall, to the best of their abilities, promote the operating conditions of the voluntary organisations used in carrying out the duties of rescue services. This rule underlines the weight and importance of the voluntary organisations to the Finnish rescue service system and its effectiveness.

Support for voluntary rescue services includes funding and education and other activities between rescue service authorities and voluntary personnel. These should be written out in the activity plan of each regional rescue services.

According to the Article 54, subsection 2, of the Rescue Act, Article 55 of the Occupational Safety and Health Act applies to those taking part in rescue operations on a voluntary basis and in a manner other than that referred to in subsection 1. This rule secures that voluntary personnel can get those health services that are needed especially because of smoke diving.

According to an analysis made about today's rescue services (Analyysi suomalaisen pelastustoimen nykytilasta, Tampere 2013, p. 260), the basis of the rescue services in Finland can be found from solid co-operation between authorities and voluntary personnel (actors of civil society). However, it is questionable how this form of civil society can be safeguarded especially in those areas where the number of voluntary personnel decreases heavily in forthcoming years because of retreating and migration.

2. Conducive political and public environment (e.g. high-level statements on value and encouragement of civic contribution; civics curricula in schools; positive media portrayal of civil society actors; training for public servants on engagement with civil society).

In Finland it is a general practice to involve people in the decision-making concerning them. Civil society organisations participate in public hearings and appoint their representatives to working groups when for example preparing new government proposals. Civil society representatives are also often included in the official Finnish delegations to international meetings. The general framework and principles regarding civil society and participation are stipulated by the Act on the Openness of Government Activities.

In 2013, Finland joined the Open Government Partnership OGP in order to get a boost to continuous work towards active citizen participation and open government. OGP is an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. National OGP working group (lead by the Ministry of Finance) combines civil servants and representatives of civil society. The cross-cutting theme of the Finnish Action Plan is citizen's participation. The commitments cover four working-areas: 1) Open Procedures, 2) Clear Language (involving e.g. Ministry of Education and Culture and Institute for the languages in Finland), 3) Open Knowledge and 4) Government as an enabler. The implementation of the Finnish Action Plan started on the 1st of July 2013.

Primary schools will introduce new curriculum in August 2016. The new curriculum includes democracy education and wider possibilities for civil society organizations to participate and demonstrate their work. Upper secondary school will also introduce new curriculums which have theme education on volunteering.

Social and health sector

Finnish civil society is active in many ways and there are several NGOs promoting for example the rights of women and the rights of persons with disabilities. The Ministry of Social Affairs and Health works closely with them. People are also often in direct contact to the Ministry and/or other organizations.

There are also various permanent cooperative bodies. One example is the National Council on Disability (VANE) which is a co-operative body for authorities, disability organizations and organizations for relatives of persons with disabilities. It follows the decision-making in the society, gives statements and promotes the real implementation of human rights of persons with disabilities. The Council is working in close connection with the Ministry of Social Affairs and Health.

Regarding funding, the Slot Machine Association (Raha-automaattiyhdistys, RAY) offers entertaining and gaming machines around Finland and online in order to collect funds for supporting Finnish NGOs in the area of social welfare and health care. The profits are channeled into various civil society activities, promoting health and social welfare and also for benefiting Finnish war veterans.

The Ministry of Social Affairs and Health guides and monitors the funding operations of the Slot Machine Association, including the preparation of distribution proposals, the payment of grants and the monitoring how the grants are used.

Migration

The Government of Finland adopted in June 2013 the Resolution on the Future of Migration 2020 Strategy. The strategy was prepared in open and transparent process and civil society took part in inter-governmental working group. Preparation of the Strategy involved input from politicians, public officials and researchers as well as from representatives of working life and civil society organisations. Several round tables and seminars were organized. An action programme was prepared in order to implement the strategy in a more effective way, and representatives of civil society were also invited to this process. The action programme was adopted in March 2014.

3. Right to information (e.g. free access to ideas, official data, reports, initiatives, and decisions).

Ministries publish requests for statement and the appended documents on their web pages and in the Government Project Register HARE. HARE was created after the reform of Access to Information legislation in 1999. Both legislative and other development projects that are owned by ministries, are registered and in HARE, which is open to public. Other public bureaus publish documents on their web pages. Official documents shall be in the public domain, unless specifically otherwise provided under the Act on the Openness of Government Activities.

Legislation and judicial information is published online in Finlex service (www.finlex.fi/en). Finlex is an online database of up-to-date legislative and other judicial information of Finland. Finlex is owned by Finland's Ministry of Justice. Most of the databases are only available in Finnish and Swedish. Some translations of Finnish acts and decrees are also available in English and other languages. Case-Law in legal literature database is also available in English.

Libraries in Finland

Finland is known for its comprehensive library network, high user and lending rates and effective use of technology and information networks in libraries. Library services in Finland are efficient, accessible and cost-effective. About 80% of Finns are regular library users. On average, a Finn visits a library 10 times a year and takes out 18 books, discs or magazines. The library websites register over 57 million visits a year. In the 2010 national library customer survey, over 70% of the 13,000 respondents said libraries had improved their quality of life somewhat or considerably.

Municipal public libraries, research libraries and school libraries form the Finnish library network. The guiding principle in public libraries is to offer free access to cultural and

information sources for everyone irrespective of their place of residence and financial standing. Both public and research libraries are open to all. No fee is charged for either borrowing or the use of collections at the library.

There are several web based sites and data resource services available for public.

Here are a few examples:

AKTIIVI Plus (<http://some.lappia.fi/blogs/aktiiviplus/aktiivi-plus-in-english/>)

AKTIIVI Plus is a coordination project in the national European Social Fund -development programme for Active citizenship through open learning environments organized by the Finnish Ministry of Education and Culture. The project is further funded and managed by the Lapland's Local Centre for Economic Development, Transport and the Environment (ELY).

AKTIIVI Plus project brings together expertise from different projects and at the same time initiates and reinforces their mutual networking. The aim is to make the various projects so transparent that their output and developed skills can be their own as well as the common benefit. In addition, the results will be disseminated widely to different target groups.

Kiravo (<http://kiravoprojekti.kirjastot.fi/> only in Finnish)

Kiravo - Kirjasto avoimena oppimisympäristönä ("Library as an open learning environment") is a material bank for learning and supervision of information retrieval.

Tietotalkoot (<https://sites.google.com/site/tietotaitotalkoot/> only in Finnish)

Tietotaitotalkoot service aims to improve the communication capacity of communities and build their communicative practices. The service provides communities for a period of 12 hours necessary equipment, two leaders and raw material for meals. The participants can produce together, for example, a website, print, video, audio or web products according to the wish of the participants.

4. Long-term support and resources (e.g. programmes, tools to build capacity for civil society actors, especially marginalized groups; access to funding, meeting places, and technology).

Ministry of Justice holds a unit for Democracy, Language Affairs and Fundamental Rights. Unit promotes and monitors the realization of the right to vote and participate as well as the general prerequisites for citizen participation. The unit is responsible for arranging national elections, municipal elections and referendums as well as maintaining the election information system and electoral readiness. The unit also develops and maintains different e-participation services.

In 2007 Government appointed an Advisory Board on Civil Society Policy (KANE). KANE has 4 years terms and in 2011 the new Government re-appointed KANE. KANE has legal

foundation, and, its aims and tasks, are i.e. development of civic society and participation in Finland. Aims include clarifying problems related to non-profit organisations; clarifying issues around public procurement and service delivery by non-profit organisations, as well as the impact of public procurement rules on voluntary organisations, volunteers and disadvantaged groups.

The Ministry for Foreign Affairs considers openness as an objective both at the international and national level. The Human Rights Strategy of the Foreign Service of Finland (2013)⁴ states that cooperation with non-governmental organisations will be further intensified both in national activities and abroad. In addition, the Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders (2014)⁵ aims at encouraging all staff members of the Ministry for Foreign Affairs around the world to support human rights defenders and engage in active dialogue with them.

The Unit for Civil Society of the Ministry for Foreign Affairs provides funding to Finnish and some international civil society organisations for the implementation of their development cooperation programmes and projects. In 2015, the funding amounts to a total of 114 MEUR.

As stated in the Guidelines for Civil Society in Development Policy, Finland stresses the importance and role of Finnish civil society and CSOs in strengthening civil society in the target country. The development cooperation objective of civil society actors and organisations is a vibrant and pluralistic civil society based on rule of law, whose activities support and promote the achievement of development goals and enhanced human well-being. Finland promotes adherence to human rights standards and the human rights principles by all civil society partners receiving support from the Ministry for Foreign Affairs. Civil society partners are required to apply the Ministry's Ethical Code of Conduct, which is attached to all financing decisions. The Ethical Code of Conduct requires particularly the safeguarding of the principles of non-discrimination and participation. Additionally, respect for human dignity and human rights is specifically stated and adherence to the standards of good governance is required. The Code of Conduct could be considered as a good practice to ensure adherence to the human rights principles in civil society support.

The Ministry has 16 partner organisations that receive support for development programmes lasting three years, allowing them to promote development consistently on a long-term basis. Three special foundations receive support to fund local organisations in developing countries working in the fields of human rights, environment, and disability rights. Programme support is also granted to Kepa, the umbrella organisation for Finnish civil society organisations interested in development issues, and to Kehys, the Finnish NGDO (Non-Governmental Development

⁴ <http://formin.finland.fi/public/download.aspx?ID=119774&GUID={B6F74015-B971-4CCB-93ED-8E6B53D85ED1}>

⁵ <http://formin.finland.fi/public/download.aspx?ID=139784&GUID={E4B5A7D2-7766-4F22-B23C-27F6178F9CB6}>

Organisations) Platform to the EU. Kepa and Kehys provide training and advice for Finnish civil society organisations and conduct advocacy work. Furthermore, the Ministry supports specific development cooperation projects conducted by small and medium-sized organisations. In addition to development cooperation, the Ministry also supports communication projects and long-term global education projects run by CSOs in Finland.

One of the international CSOs currently supported is Civicus and its Big Development DataShift project, which is an ambitious, multi-stakeholder initiative to leverage the potential of new technologies for more creative and effective social accountability of the new global development agenda. The DataShift aims to create a broad movement to empower citizen monitoring in development and a set of new tools for promoting people-powered accountability at the local and global levels.

5. Inclusion in public decision-making processes (e.g. practices and mechanisms for meaningful participation, consultations with civil society actors).

Ministry of Justice maintains and further develops internet-based services for citizen inclusion in decision-making. All services are free of charge and accessible. They are also available in both national in both national languages (Finnish and Swedish).

The services are:

- www.otakantaa.fi, a channel for open preparation
- www.lausuntopalvelu.fi, a service for responding electronically to official requests for comments
- www.nuortenideat.fi, a e-participation service where young people may put forward their ideas
- www.kansalaisaloite.fi, a system for the electronic collection of signatures for citizens' initiatives
- www.kuntalaisaloite.fi, a system for the electronic collection of signatures for initiatives to municipal authorities
- www.demokratia.fi, a front page to all democracy services that provides useful information about participation possibilities etc.

In addition, Osallistu.fi (Take part) is a website created by eleven Finnish study centers in 2014 for citizens interested in participation and influence, various operators in associations, leaders of different kind of groups and trainers and instructors to get inspired. The site provides diverse information on local participation and influence methods.

The active involvement of NGOs in the Finnish Anti-trafficking Coordination

What comes to high-level encouragement of civic contribution to important human rights based activities one must mention the creation of the new Finnish antitrafficking coordination structure. According to the general European developments the Finnish Ministry of Interior appointed 1st June 2014 a special Anti-trafficking Coordinator. Before this the anti-Trafficking coordination in the Finnish Government was evaluated in a special working party that was appointed 20th March

2013. The report of this working party handed out 20th June 2013 gave among others a clear recommendation to create task for an anti-trafficking coordinator. The report also recommended a special antitrafficking network to be established. In the proposed network would be represented all the relevant anti-trafficking actors including especially also those non-governmental organizations.

The Anti-trafficking coordinator is based in Ministry of the Interior, Police department. After he began in his office in June 2014 he started to further enhance relationships with the civil society. Due to his active efforts to increase co-operation the Antitrafficking Coordinator was also invited to participate regularly in the meetings of the national anti-trafficking Civil Society Platform organized and chaired by the NGOs.

This participation has been taken as a very positive sign from the NGOs side and they feel indeed that the governmental participation has also enhanced the activities of the Civil Society Platform. The participation of the Anti-trafficking Coordinator has also seen giving the Platform higher status than before.

The Anti-trafficking Coordinator also takes part in the meetings of the Informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings with the Finnish National Rapporteur. This EU network also hosts a lively civil society platform where also Finnish NGOs are represented. The EU civil society antitrafficking platform also organizes annual joint meetings with the National Rapporteurs and Coordinators represented in the EU Network.

Encouraged by the governmental coordination model the NGOs represented in Civil Society Platform appointed 9th March 2015 their own anti-trafficking coordinator. After this the next step to even further facilitate this blooming cooperation with NGOs the Finnish Ministry of the Interior, based on a proposal by the governmental Antitrafficking Coordinator, sent 19th May 2015 invitations to the new anti-trafficking network. It combines the experts from governmental and other public anti-trafficking actors with the experts of NGOs. The networking activities are planned to start during the autumn of 2015. Same time the NGO side is also studying the ways in which they could enhance their activities related to the first hand identification of trafficking victims. This example clearly shows that even during a relatively short time a decisive change may be implemented to successfully promote inclusion of NGOs to critical public processes aiming to secure the most fundamental human rights.