

Legal environment and space of civil society organisations in supporting fundamental rights

Finland

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1 Five most significant civic space developments in 2020

1.1 Access to information / Civil dialogue / Consultations / Participation in decision-making

According to the government programme of 2019, the government pledges itself to improving the operating conditions of civil society, ensuring the autonomy of civil society organisations and providing everyone with an equal opportunity to participate in meaningful civic activities.¹ A government funded research project on the State of Finnish Civil Society in the 2020s (*Kansalaisyhteiskunnan tila ja tulevaisuus 2020-luvun Suomessa*) published its final report in October 2020.² One of the findings in the report is that civil society has not been sufficiently consulted in legislative drafting processes that have an impact on civil society. This is concerning, in particular, small associations as well as civic activism or networking which takes place outside of formal associations and organisations. To strengthen the voice of civil society the report recommends, among other things, the development and dissemination of practices on open, crowdsourced legislative drafting. Open law drafting offers equal opportunities for associations of different sizes, organised and non-union actors, as well as for all people involved in civic activities. Openness and inclusion increase confidence in the drafting of legislation and engage those involved, making it easier to implement the new law. The inclusion of civic actors from the outset will guide the work in the right direction. The Ministry of Justice (*oikeusministeriö/justitieministeriet*) has initiated a statute drafting process (2019–2021) which aims to improve the operational requirements of civil society.³ In March 2019, a working group was appointed with the task of assessing the need for a reform of the Associations Act (*yhdistyslaki/föreningslag*, Act No. 503/1989)⁴ and other related legislation. In its final report, published in February 2021, the working group suggests various measures to facilitate the activities of civil society associations, such as the possibility of remote participation and remote meetings and allowing easier requirements on financial management and reporting in case of smaller associations. The report also draws attention to the needs of small-scale civic activism, which does not have the organisational structure of traditional, registered associations, and suggests that a new, separate act is drafted for this

¹ Finland, [Programme of Prime Minister Sanna Marin's Government 2019](#).

² Ruuskanen, P., Jousilahti, J., Faehnle, M., Kuusikko, K., Kuittinen, O., Virtanen, J., Strömberg, L. (2020), [Kansalaisyhteiskunnan tila ja tulevaisuus 2020-luvun Suomessa](#), Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 2020:47, 22 October 2020 (in Finnish, with an abstract in English).

³ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Yhteisöllinen kansalaistoiminta 2020-luvulla](#) (Civil Society Activities in the 2020s), statute drafting process.

⁴ Finland, Associations Act ([yhdistyslaki/föreningslag](#), Act No. 503/1989).

type of civic activism.⁵ The report is currently open for comments in the online service (lausuntopalvelu.fi) maintained by the Ministry of Justice.

1.2 Data protection

The Act amending sections 11 and 47 of the Associations Act (*laki yhdistyslain 11 ja 47 §:n muuttamisesta /lag om ändring av 11 och 47 § i föreningslagen*, Act No. 336/2020)⁶ entered into force on 1 June 2020. The amendments were part of a larger legislative reform carried out in order for national legislation to comply with the EU data protection law. The Associations Act (*yhdistyslaki/föreningslag*, Act No. 503/1989), as amended, specifies the role and responsibilities of associations as data controllers with reference to the GDPR. This is expected to strengthen the association members' possibilities to exercise their rights as data subjects.⁷

1.3 Equal treatment

The government-funded research project the State of Finnish Civil Society in the 2020s (*Kansalaisyhteiskunnan tila ja tulevaisuus 2020-luvun Suomessa*) examined the changes in the operating environment of civil society.⁸ One of the key challenges identified in the project is the professionalisation of the traditional organisational field. The preparation of funding applications, project work, the correct allocation of project funding and the assessment and reporting of the effectiveness of operations often require the work of organisational professionals. Strict monitoring and reporting criteria related to the public funding requirements are challenging especially for small associations that often lack sufficient human resources to prepare applications and follow-up reports. The complexity of obtaining and reporting public funding may result in a situation where only the most professionally managed organisations will receive funding. This jeopardises the autonomy, equality and vitality of civil society.

The report suggests that the equality between civic actors of different sizes operating in different sectors and regions should be improved, by harmonising the

⁵ Jauhiainen, J., Tervonen, M. (2021), [Yhteisöllinen kansalaistoiminta 2020-luvulla: Luonnos hallituksen esitykseksi yhdistyslain muuttamiseksi ja toimintaryhmäiksi](#), Oikeusministeriön julkaisuja, Mietintöjä ja lausuntoja 2021:8, 15 February 2021.

⁶ Finland, Act amending sections 11 and 47 of the Association Act ([laki yhdistyslain 11 ja 47 §:n muuttamisesta/lag om ändring av 11 och 47 § i föreningslagen](#), Act No. 336/2020), 8 May 2020.

⁷ Finland, Government Bill No. 2/2020 to Parliament on amending certain provisions concerning the processing of personal data in the administrative branch of the Ministry of Justice ([Hallituksen esitys eduskunnalle laeiksi oikeusministeriön hallinnonalan eräiden henkilötietojen käsittelyä koskevien säännösten muuttamisesta](#)/Regeringens proposition till riksdagen med förslag till lagar om ändring av vissa bestämmelser om behandling av personuppgifter inom justitieministeriets förvaltningsområde), 2 February 2020.

⁸ Ruuskanen, P., Jousilahti, J., Faehnle, M., Kuusikko, K., Kuittinen, O., Virtanen, J., Strömberg, L. (2020), [Kansalaisyhteiskunnan tila ja tulevaisuus 2020-luvun Suomessa](#), Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 2020:47, 22 October 2020, (in Finnish, with an abstract in English).

practices of ministries that allocate government subsidies and the resources available to grant applicants. In particular, small associations should be supported in applying for grants, project management and developing their own operations. The report also suggests legislative amendments allowing associations single-entry accounting up to a certain limit in euro. This would facilitate, in particular, the operation of small voluntary associations. Furthermore, the report highlights the importance to ensure that all regions of Finland have a body that supports civic activities and coordinates common resources.

1.4 Emergency measures (including those related to COVID) / Travel restrictions / Freedom of movement / Visa bans

As part of the measures to restrict the spread of the coronavirus, the Finnish Parliament adopted on 21 April 2020 a temporary act allowing statutory annual meetings of associations to be held by the end of September 2020, even if a stricter deadline was determined in the rules of the association.⁹ The act also lays down provisions allowing remote participation and the use of proxies in the meetings even if such arrangements are not allowed in the association's rules. Furthermore, the association's executive committee has the right to require prior registration for the meeting, which allows for safety arrangements and maintaining safe distances in the meeting location. The temporary act was valid from 1 May until 30 September 2020 but was later extended from 3 October 2020 until 30 June 2021.¹⁰

In the summer of 2020, the Ministry of Justice conducted a survey to examine the meeting practices of associations and organisations, as well as the implementation of the temporary act during the exceptional conditions in spring and summer 2020.¹¹ The majority of the 93 respondents held that the possibility of postponement had facilitated the organisation of and participation in regular meetings. Among the most common reasons for postponing meetings were the

⁹ Finland, Act on Temporary Deviations from the Limited Liability Companies Act, the Housing Companies Act, the Cooperative Act, the Associations Act and certain other Community Acts to limit the spread of the Covid-19 epidemic ([*laki väliaikaisesta poikkeamisesta osakeyhtiölaista, asunto-osakeyhtiölaista, osuuskuntalaista, yhdistyslaista ja eräistä muista yhteisölaeista Covid-19 epidemian leviämisen rajoittamiseksi/lag om temporär avvikelse från aktiebolagslagen, lagen om bostadsaktiebolag, lagen om andelslag, föreningslagen och vissa andra sammanslutningslagar i syfte att begränsa spridningen av covid-19 epidemin*](#), Act No. 290/2020).

¹⁰ Finland, Act on Temporary Deviations from the Finnish Limited Liability Companies Act, the Cooperative Act, the Association Act and certain other community laws to restrict the spread of the COVID-19 epidemic ([*laki väliaikaisesta poikkeamisesta osakeyhtiölaista, osuuskuntalaista, yhdistyslaista ja eräistä muista yhteisölaeista covid-19-epidemian leviämisen rajoittamiseksi/lag om temporär avvikelse från aktiebolagslagen, lagen om andelslag, föreningslagen och vissa andra sammanslutningslagar i syfte att begränsa spridningen av covid-19-epidemin*](#), Act No. 677/2020), 3 October 2020.

¹¹ Lumikanta, K. (2020), [*Selvitys yhteisöjen kevään ja kesän 2020 kokouskäytännöistä*](#), Oikeusministeriön julkaisuja, Selvityksiä ja ohjeita 2020:17, 27 August 2020, pp. 26-28 (in Finnish, with an abstract in English).

restrictions due to the coronavirus situation, a large proportion of the association/organisation's members belonging to a risk group and the desire to ensure safety during the meeting. The results of the survey indicate that remote meetings had facilitated the participation of members from all over the country. Some respondents considered that allowing remote participation in the meeting was necessary because otherwise it would not have been possible to organise the meeting within the rules. However, more than two thirds of the respondents reported that the use of a proxy had not been allowed in the meeting of their association or organisation.

On 28 May 2020, the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) decided on additional funding to be granted to organisations and foundations in the health care and social service sector in an effort to prevent the effects of the COVID-19 epidemic on people.¹² Additional discretionary government transfers were granted to respond, in particular, to the need for psychosocial support caused by the coronavirus epidemic. Emphasis was placed on measures that can be introduced quickly and that respond to sudden changes in the operating environment. Funding was granted to help organisations and foundations adapting to the current conditions and to seek solutions to the provision of digital support and services. A total of € 5 million were distributed from the gambling proceeds of the government-owned betting agency Veikkaus Oy. Funding was allocated to 106 organisations and foundations for 109 different purposes on the basis of a proposal prepared by the Funding Centre for Social Welfare and Health Organisations (STEA).

1.5 Financing of civil society work / Taxation / Charitable or public benefit status / Foreign funding

One of the key observations of the government-funded research project State of the Finnish Civil Society in the 2020s (*Kansalaisyhteiskunnan tila ja tulevaisuus 2020-luvun Suomessa*) relates to the tension between public funding and the autonomy of civil society.¹³ The report acknowledges that there has been a move away from the traditional model based on voluntary work and membership fees, to a model where funding is project-based and supports the funder's own strategic goals. This jeopardises the autonomy of civil society organisations and their ability to independently determine their purpose and the best ways of implementing their tasks. According to the report, dependence on the strategic objectives of the public donor can be reduced by increasing the share of freely used funding in relation to targeted project grants and by encouraging associations to increase their own funding.

¹² Finland, Ministry of Social Affairs and Health, [Additional funding to be granted to organisations and foundations in health and social services sector in an effort to prevent effects of COVID-19 epidemic on people](#), press release, 28 May 2020.

¹³ Ruuskanen, P., Jousilahti, J., Faehnle, M., Kuusikko, K., Kuittinen, O., Virtanen, J., Strömberg, L. (2020), [Kansalaisyhteiskunnan tila ja tulevaisuus 2020-luvun Suomessa](#), Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 2020:47, 22 October 2020, (in Finnish, with an abstract in English).

A step in this direction is the new Fundraising Act (*rahankeräyslaki/lag om penninginsamlingar*, Act No. 863/2019)¹⁴ which entered into force on 1 March 2020. The act was prepared in close cooperation with interest groups. During the preparation, the Ministry of the Interior consulted NGOs, civic activists and other stakeholders in consultations and workshops and by means of an online survey and a consultation process.¹⁵ Under the previous legislation, fundraising permits were granted for a fixed-term, and the applicants had to send their one to two year fundraising plans to the police for approval. Under the new act, fundraising requires either a licence granted by the National Police Board for an indefinite period, or in the case of small-scale fundraising, submission of a notification to a local police department. License holders must submit an annual report on their money collecting to the National Police Board.

One of the objectives of the new act is to increase the opportunities for the third sector to organise fundraising by creating a procedure in which those organising fundraising on an ongoing basis and those organising one-off collections would have separate procedures that better meet their needs.¹⁶ In addition, the reform aims to facilitate the activities of civil society by enabling unregistered groups and small associations to organise fundraising for different purposes more widely. Small-scale fundraisers may organise fundraising up to twice per calendar year. The maximum amount that may be raised by a small-scale fundraising is € 10,000, and the money collection may last no more than three months. Small-scale money collection may be arranged not only by non-profit associations and foundations but also, for example, by unregistered groups formed by at least three natural persons. A report on the money collection must be submitted to the police department after the collection is over. As the application process is made significantly easier by the new act, it is expected to improve, in particular, the possibilities of small associations to raise funds.

¹⁴ Finland, Fundraising Act ([rahankeräyslaki/lag om penninginsamlingar](#), Act No. 863/2019), 1 March 2020.

¹⁵ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*), New Fundraising Act will come into force in spring 2020, press release 4 July 2019.

¹⁶ Finland, Government Bill No. 214/2018 to Parliament on the Fundraising Act and certain related acts ([Hallituksen esitys eduskunnalle rahankeräyslaiksi ja eräiksi siihen liittyviksi laeiksi](#)/Regeringens proposition till riksdagen med förslag till lag om penninginsamlingar och till vissa lagar som har samband med den), 25 October 2018.

2 Examples of promising practice

On 23 September 2020, the committee for combating violence against women and domestic violence (Naisiin kohdistuvan väkivallan ja perheväkivallan torjunnan toimikunta/Kommission för bekämpning av våld mot kvinnor och av våld i hemmet, NAPE) set up a working group to strengthen the cooperation between the central government and NGOs involved in work against domestic violence.¹⁷ The task of the working group is to ensure the exchange of information between the central government and NGOs as well as to support NGOs' participation in the drafting and implementation of policies within the scope of the Istanbul Convention. The term of the working group will last until 31 December 2024.

¹⁷ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*) (2020), [Naisiin kohdistuvan väkivallan ja perheväkivallan torjunnan toimikunnan alainen järjestöryhmä](#).