

Standing and operational space of non-governmental organisations (NGOs) in contributing to respecting and promoting fundamental rights in EU Member States

Finland 2017

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1 Regulatory environment for the work of non-governmental organisations

Title of legislation and reference	Topic (please make reference to categories A-F see guidelines)	Effect on civil society (positive or negative) Please include reference to source of information
1. Public Procurement Act (<i>laki julkisista hankinnoista ja käyttöoikeussopimuksista/lag om offentlig upphandling och koncession, Act No. 1397/2016</i>) ¹	C	The new Act, which entered into force on 1 January 2017, provides for an increase in the national threshold value applied in public procurement from € 30,000 to € 60,000 and in social and health care services, from € 100,000 to € 400,000. This can be viewed as a positive development for NGOs. ² In addition, Section 85 of the act introduces a maximum turn-over requirement, which is twice the estimated price of the procurement. In exceptional cases, the turn-over requirement can be higher. Previously, there was no provision on the maximum turn-over requirement.
2. Money Collection Act (<i>rahankeräyslaki/lag om</i>	C	During the reporting period, Act No. 652/2014 amended the Money Collection Act, allowing

¹ Public Procurement Act available in Finnish at: www.finlex.fi/fi/laki/alkup/2016/20161397 (accessed on 21 February 2017).

² Särkelä, Riitta (2016), Järjestöt julkisen kumppanista markkinoiden puristukseen. Sosiaali- ja terveysjärjestöjen muutos sosiaalipalvelujen tuottajana vuosina 1990-2010 [The organisations from partners of the public to the pressure of the markets], Ensi- ja turvakotien liiton julkaisu 40, p. 343.

<p><i>penninginsamlingar</i>, Act No. 255/2006)³</p>		<p>NGOs and others to obtain fundraising permission from the police for five years, instead of what was previously two years. This amendment has eased the administrative burden on NGOs. The Ministry of the Interior (<i>sisäasiainministeriö/inrikesministeriet</i>) is currently working on a larger reform of the Money Collection Act,⁴ the aim of which is to simplify the administrative procedures regarding fundraising.⁵</p>
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On 23 January 2017, a report on the revision of the Assembly Act (*kokoontumislaki/lag om sammankomster*, Act No. 530/1999)⁶ was presented to the Ministry of Justice (*oikeusministeriö/justitieministeriet*).⁷ The report was commissioned by the ministry in the aftermath of the death of a man who was attacked by a member of the Finnish Resistant Movement (*Suomen vastarintaliike*), an extreme right wing organisation. This happened in connection with a demonstration in Helsinki on 10 September 2016.

According to Section 7 of the present Assembly Act, the organiser of a public meeting shall notify the local police at least six hours before the meeting begins. A later notification can also be valid if the event does not cause

³ Money Collection Act available in Finnish at: <http://www.finlex.fi/fi/laki/ajantasa/2006/20060255#P28> (accessed on 23 February 2017).

⁴ Finland, Ministry of the Interior, '*Rahankeräyslain uudistamista koskevan esiselvityksen käynnistäminen*', *Asettamispäätös* 18 August 2016, available in Finnish at: http://www.hare.vn.fi/Uploads/21895/255953/ASETTAMISPAATOS_20160819084759_255953.pdf (accessed on 23 February 2017).

⁵ Information received via email from the Ministry of the Interior on 23 February 2017.

⁶ Assembly Act available in English at: www.finlex.fi/en/laki/kaannokset/1999/en19990530 (accessed on 7 February 2017).

⁷ Pohjolainen, Teuvo (2017), '*Selvitys kokoontumislain 7 § tarkistustarpeesta oikeusministeriölle*' [Report to the Ministry of Justice on the need to revise Section 7 of the Assembly Act], 23 January 2017, available in Finnish at: www.oikeusministerio.fi/material/attachments/om/ajankohtaista/aU6EnAAi7/Selvitys_kokontumislain_7_pykalan_tarkistustarpeesta.pdf (accessed 7 February 2017).

unreasonable harm to the public order. The police has criticised the six-hour rule for not providing them with enough time to make necessary preparations to safeguard the public order and to protect the freedom of assembly. On the basis of an analysis on the right to freedom of assembly under the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Constitution Act of Finland (*perustuslaki/grundlagen*, Act No. 731/1999), the report proposes an extension of the notification time to three days. However, a shorter time would also continue to be valid under the same circumstances as before. The report concludes that even if this legislative change would limit the exercise of the right to freedom of assembly, it would, if adopted, simultaneously provide protection to demonstrators against attacks by others.

2 EU Member State government funding for non-governmental organisations – trends and developments 2011-2016

2.1 Overall amount of government funding

Since 2015, the Ministry of Finance (*valtiovarainministeriö/finansministeriet*) compiles information on the overall government funding to NGOs and other non-profit organisations (NGOs).⁸ If one excludes the support to political parties and parliamentary groups, the support amounted to € 55.5 million in 2015 and € 57.5 million in 2016. However, these figures do not include, for example, the support to NGOs engaged in international development cooperation (see below).

With respect to NGOs working in the field of fundamental rights, government funding is disbursed across several ministries and funding programmes. The funding programmes normally support a broad range of activities, not only human or fundamental rights related projects. Consequently, it is not possible to arrive at an unambiguous figure on the overall amount of government funding to NGOs working in the field of fundamental rights.⁹ Only general trends will be provided in this case. The key ministries who provide funding in the field of fundamental rights are the Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/utbildnings- och kulturministeriet*), the Ministry of Justice (*oikeusministeriö/justitieministeriet*), the Ministry for Foreign Affairs (*ulkoasiainministeriö/utrikesministeriet*) and the Ministry of Social Affairs

⁸ Finland, Ministry of Finance, Menokartoitus, available at: <http://vm.fi/menokartoitus> (accessed on 27 March 2017).

⁹ Information received via email from the Ministry of Finance on 24 March 2017.

and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*).

The Ministry of Education and Culture offers funding under programmes such as promotion of peace work, media education, multiculturalism and anti-racism work and national youth work. The funding has remained fairly stable with some cuts in 2015 and 2016, for example, within the peace work and media programmes.¹⁰ The funding for national youth work increased in 2016; however, another funding instrument directed at children and youth ended the year before. The Ministry of Education and Culture is also a key funder of the Finnish League for Human Rights, which is the leading general human rights NGO in Finland. During the reporting period, the Ministry of Education and Culture has provided basic funding to the Finnish League for Human Rights at the level of € 200,000 per year.¹¹ However, in the budget proposition for 2017, it is stated that the funding at the present level is only secured until the end of 2017. The Parliamentary Finance Committee (*valtiovarainvaliokunta/finansutskottet*) submits that a sustainable solution to the funding of NGOs, including the Finnish League for Human Rights, should be found during the spring 2017.¹²

A key funding instrument for NGOs working in the field of human rights education in Finland, is the support provided by the Ministry for Foreign Affairs under the communication and global education programme.¹³ Between 2011 and 2014, the total amount of funding under this programme was at the level of € 2 million per year.¹⁴ Due to spending cuts in the state budget, projects were not funded under this programme in 2015. In 2016, the sum allocated to projects in the field amounted to € 1.4 million, which was a drop of € 600,000 from the year 2014. The funding to Finnish NGOs that are engaged in development cooperation work abroad has also been cut during the last two years. In 2011, the ministry's new funding commitments amounted to € 105 million and in 2014, to € 133

¹⁰ For information on funding instruments offered by the Ministry of Education and Culture, www.minedu.fi/OPM/Avustukset/Kulttuuri?lang=fi (accessed on 22 February 2017).

¹¹ Information received via email from the Ministry of Education and Culture on 7 February 2017.

¹² Finland, Parliamentary Finance Committee, VaVM 35/2016 vp 13 December 2016, available in Finnish at: www.eduskunta.fi/FI/vaski/TalousarvioMietinto/Sivut/VaVM_35+2016.aspx (accessed on 21 February 2017).

¹³ For information on the communication and global education programme offered by the Ministry for Foreign Affairs, see <http://formin.finland.fi/public/default.aspx?nodeid=49330> (accessed on 22 February 2017)

¹⁴ Information received via email from the Ministry for Foreign Affairs on 6 February 2017.

million. In 2015, the total sum dropped to € 71 million and in 2016 to € 56 million.¹⁵

The Ministry of Justice provides financial support to NGOs who are working in the field of crime victim protection. With the entry into force of the Victims' Rights Directive (2012/29/EU) there has been a considerable increase in the funding. This is particularly true for Victim Support Finland (*rikosuhripäivystys/brottsofferjouren*), which is maintained by six Finnish organisations. The funding has increased from € 220,000 in 2011 to € 2.4 million in 2016.¹⁶

The Ministry of Social Affairs and Health provides funding in the field of social welfare and health. The total funding, which stems from the gaming revenues of *Veikkaus Oy*, a state-owned limited company, has increased from € 268 million in 2011 to € 315 million in 2016. The funding is directed at activities that promote health and social welfare, prevent problems and help people in distress. Only some of the funded activities have an explicit focus on fundamental and human rights.¹⁷

2.2 Distribution of government funding

The major share of the NGO funding is directed at service provision. This is particularly the case with the Ministry of Social Affairs and Health and the Ministry of Justice funding. At the same time, human rights NGOs report problems in securing funding for advocacy, litigation and campaigning.¹⁸

With respect to human rights education, the Ministry for Foreign Affairs funding has been cut in 2015 and 2016. In the new National Action Plan on Fundamental and Human Rights,¹⁹ human rights education has been chosen as one of four focal areas during the period 2017–2019. Despite a statement on the important role that NGOs play in carrying out human rights education (p. 33), the National Action Plan does not provide detailed information on future government funding to NGOs engaged in this

¹⁵ Information received via email from the Ministry for Foreign Affairs on 27 February 2017.

¹⁶ Information received via email from the Ministry of Justice on 3 February 2017.

¹⁷ For information on funded activities during the reporting period, see <http://avustukset.stea.fi/fi-fi/yleiskatsaus/2017/avustukset-toimialoittain> (accessed on 21 February 2017)

¹⁸ Interview with the Secretary General of the Finnish League for Human Rights on 16 January 2017.

¹⁹ Finland, Ministry of Justice, *Kansallinen perus- ja ihmisoikeustoimintaohjelma 2017-2019, Mietintöjä ja lausuntoja 9/2017*, pp. 31–45, available in Finnish at: http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1487078098840/Files/OMML_9_2017_Kansallinen_perus-ja_ihmisoikeustoimintaohjelma.pdf (accessed on 21 February 2017).

domain. NGOs who promote fundamental and human rights have also addressed concerns regarding the lack of sufficient funding for implementing the National Action Plan.²⁰

2.3 Restrictions (or other changes) on NGO funding from other sources

The Finnish Slot's Machine Association (*raha-automaattiyhdistys/penningautomatföreningen*) has been a key player in the funding of social welfare and health organisations until the end of 2016. Gaming revenues collected from slot machines and casino games have been channelled to non-profit organisations via the Finnish Slot's Machine Association. The formal funding decisions have been concluded by the Ministry of Social Affairs and Health, and until the end of 2013, by the government (*valtioneuvosto/statsrådet*). As of 1 January 2017, the gaming revenues are handled by the Funding Centre for Social Welfare and Health Organisations (*Sosiaali- ja terveystörjestyksen avustuskeskus/Social- och hälsoorganisationernas understödscentral, STEA*), a newly established body under the auspices of the Ministry of Social Affairs and Health. 47 % of social welfare and health organisations view the changes in the Finnish gaming system²¹ as a risk with respect to their future activities, as shown by a survey conducted in 2016.²²

The ongoing reform of the social welfare and health care system appears among the other expected changes. It is described as "one of the biggest ever administrative and operational overhauls in Finland".²³ In the future, 18 counties will replace the municipalities as organisers of social and health care. Even if foreseeing how this reform will affect NGOs engaged in service production remains difficult, some concern has been expressed by social welfare and health organisations regarding questions such as the concentration of service production to big private entrepreneurs, emphasis

²⁰ Joint statement by the Network of Finnish NGOs working in the field of human rights, 4 February 2016, Finnish League for Human Rights, available at: www.oikeusministerio.fi/material/attachments/om/valmisteilla/piolausunnot4.4.2016/DGzm_cqbUI/Ihmisoikeusliiton_kansalaisjarjestoverkosto.pdf (accessed on 22 February 2017).

²¹ Lotteries Act (*arpajaislaki/lotterilagen*, Act No. 1047/2001) as amended by Act No. 1286/2016, available in Finnish at: www.finlex.fi/fi/laki/ajantasa/2001/20011047 (accessed on 24 February 2017).

²² Peltosalmi, Juha et al., (2016), *Järjestöbarometri 2016 – Järjestöjen tulevaisuus* [The future of organisations – Survey 2016], SOSTE Suomen sosiaali ja terveys ry, p. 135, available at: www.soste.fi/media/soste_jarjestobarometri_2016.pdf (accessed on 24 February 2017).

²³For information on the reform in English, see <http://alueuudistus.fi/en/frontpage> (accessed on 23 February 2017).

on the price of the services at the expense of the quality and organisations' limited knowledge of demanding procurement procedures.²⁴

3 Access to the decision-making process for non-governmental organisations working on fundamental rights

Title of legislation/policy	Reference	Short summary (max 500 characters)
Constitution of Finland <i>(perustuslaki/grundlagen, Act No. 731/1999, Section 53)</i> Citizens' Initiative Act <i>(kansalaisaloitelaki/lag om medborgarinitiativ, Act No. 12/2012)</i>	www.finlex.fi/fi/laki/ajantasa/1999/19990731#L4P39 www.finlex.fi/fi/laki/ajantasa/2012/20120012	As of 1 March 2012, 50,000 eligible Finnish citizens may, within a six months deadline, initiate a legislative proposal in the parliament. So far, 16 proposals have reached the parliament. ²⁵ Following a regular legislative process in the parliament, one citizen's initiative has so far been approved, namely the proposal on an equal marriage act which enables same-sex marriages. The legislative amendment of the Marriage Act <i>(avioliittolaki/äktenska ps-lagen, Act No. 234/1929)</i> enters into force on 1 March 2017. ²⁶ NGOs working

²⁴ SOSTE Finnish Federation for Social Affairs and Health (*SOSTE Suomen sosiaali ja terveys ry/SOSTE Finlands social and hälsa rf*) Statement to the Ministry of Social Affairs and Health on 1 November 2016 regarding the social and health reform, available at: www.soste.fi/media/soste-lausunto-sote-uudistus-2016-11-1.pdf (accessed on 24 February 2017).

²⁵ For a list of the citizen's initiatives, see <https://www.kansalaisaloite.fi/fi/hae> (accessed on 22 February 2017).

²⁶ Marriage Act, No. 234/1929 as amended by Act No. 156/2015, available in Finnish at: www.finlex.fi/fi/laki/alkup/2015/20150156 (accessed 22 February 2017).

		<p>in the field of human and fundamental rights strongly supported the initiative. At present, the parliament is considering another citizen's initiative on a new Maternity Act allowing same-sex female couples to establish parenthood in the same ways as heterosexual couples. Human rights NGOs are supporting the initiative.²⁷</p>
<p>Government's Decision in Principle on consultation in the legislative drafting process (<i>valtioneuvoston periaatepäätös säädösvalmistelun kuulemisohjeesta/ statsrådets principbeslut om anvisning för hörande vid författningsberedning</i>)</p>	<p>http://valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f804a9259</p> <p>http://kuulemisopas.finlex.fi</p>	<p>The Decision in Principle was adopted on 4 February 2016, replacing the Decision in Principle of 2010. The goal is to empower the most important stakeholder groups and citizens in the legislative drafting process. The inclusion of citizens to be consulted as a group apart from the stakeholders, features among the new elements compared to the previous Decision in Principle. In addition, the following is explicitly stated: "also others than those that have been requested to submit a statement, may do so" (point 1.7). This could</p>

²⁷ For a presentation of the proposal and the supporting NGOs, see <http://aitiyslaki.fi/> (accessed on 24 February 2017).

		in principle at least mean that NGOs are encouraged to let their voices be heard in the drafting of legislation.
Online Consultation Service (<i>lausuntopalvelu/utlåtandetjänst</i>)	www.lausuntopalvelu.fi/FI	The Ministry of Justice manages the online service. Public authorities may request opinions from citizens and organisations through the online platform. The goal with the service is to simplify the consultation process, facilitate participation and information dissemination and enhance the openness and quality of the drafting process. ²⁸ The online service started to operate in 2014. Even if this service is not yet broadly used by NGOs, a survey among different types of organisations shows that many hope that the service could improve their possibilities to be heard in the future. ²⁹

²⁸ Finland, Ministry of Justice, at: www.lausuntopalvelu.fi/FI/Instruction/Instruction?section=About.

²⁹ Vesa, Juka and Anu Kantola Kantola (2016), *Kuka pääsee mukaan? Miten järjestöjen ääni kuuluu lakien valmistelussa* [Who is allowed to join? How is the voice of organisations heard in the drafting of laws?], *Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 59/2016*, p. 72, available at: <http://tietokayttoon.fi/julkaisu?pubid=15502> (accessed on 22 February 2017).

4 Further information

Since 2012, Finland has been participating in the Open Government Partnership under the leadership of the Ministry of Finance. The main working areas so far have been open procedures, clear language, open knowledge, clear government, government as an enabler and the participation of children, youth and elderly. At present, the Third National Action Plan for the years 2017 to 2019 is being prepared.³⁰ The proposed working areas for the new period are understandability, open county and publicity. The Online Consultation Service was used to obtain comments from stakeholders. Out of the 48 answers received, a handful came from NGOs.³¹ Despite the emphasis in guidelines and policy documents on stakeholder consultation and public participation in legislative processes, research shows that the participation of NGOs, in practice, differs considerably on the basis of their size and resources. In comparison to big organisations that represent, in particular, the social partners, smaller NGOs express generally a stronger dissatisfaction with their abilities to influence political decision-making.³² Limited human resources and short deadlines for providing opinions are mentioned as the main problems within human rights NGOs.³³

Also the Chancellor of Justice (*oikeuskansleri/justitiekansler*) addresses related concerns in his annual report of 2015. He emphasises the importance of analysing the fundamental and human rights impact of legislative proposals on different groups of people.³⁴ He further observes that this often requires contributions by experts and NGOs. However, the fundamental rights assessments vary considerably in practice, in width and

³⁰ Finland, Ministry of Finance, *Avoim Hallinto – Avoimen hallinnon III toimintaohjelma 2017-2019*, available at: <http://vm.fi/documents/10623/1193298/Avoimen+hallinnon+iii+kansallinen+toimintaohjelma+2017-2019.pdf/4d3abb22-29f3-4b8e-98a5-1441fef080ca> (accessed on 6 April 2017).

³¹ Finland, Ministry of Justice, available at: www.lausuntopalvelu.fi/FI/Proposal/Participation?proposalId=ca152357-b013-4af7-9e10-ca861cfaac49 (accessed on 27 March 2017).

³² Vesa, Juho and Anu Kantola (2016), *Kuka pääsee mukaan? Miten järjestöjen ääni kuuluu lakien valmistelussa* [Who is allowed to join? How is the voice of organisations heard in the drafting of laws?], *Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 59/2016*, p. 25, available at: <http://tietokayttoon.fi/julkaisu?pubid=15502> (accessed on 22 February 2017).

³³ Interview with the Secretary General of the Finnish League for Human Rights, 16 January 2017.

³⁴ Finland, Chancellor of Justice, *Valtioneuvoston oikeuskanslerin kertomus vuodelta 2015, Oikeuskanslerinvirasto 2016*, pp. 62–63, available at: www.okv.fi/media/uploads/kertomukset/okv_kertomus2015.pdf (accessed on 22 February 2017).

quality. In addition, he notes that the time offered for consultation is often too short.

NGOs continue to be fairly well represented in different government appointed advisory boards, such as the National Advisory Board on Romani Affairs (*romaniasiaain neuvottelukunta/delegationen för romska ärenden*), the Advisory Board for Ethnic Relations (*etnisten suhteiden neuvottelukunta/nämnden för etniska relationer*), the Council for Gender Equality (*tasa-arvoasiain neuvottelukunta/delegationen för jämställdhetsärenden*), the Child Advisory Board (*lapsiasiaain neuvottelukunta/barnombudsmannadelegationen*), the Advisory Board on Equality Affairs (*yhdenvertaisuusasioiden neuvottelukunta/delegationen för likabehandlingsärenden*) and the Network for Human Rights in Foreign Policy (*ihmisoikeudet ulkopoliitikassa –verkosto/nätverket för mänskliga rättigheter i utrikespolitiken*). The advisory boards have been considered important among human rights NGOs in facilitating exchanges between the central administration and NGOs.³⁵

³⁵ Finland, Ministry of Justice, *Selvitys perus- ja ihmisoikeustoimijoista* [Study of fundamental and human rights actors], Selvityksiä ja ohjeita 25/2015, pp. 35 and 58, available at: http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1432185893641/Files/Selvitys_perus- ja ihmisoik_toimijoista_82_s.pdf (accessed on 24 February 2017).