

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

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1 Civic space developments in 2021

| 1.1 Action plan for combating racism | |
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| Area | Financing framework / Participation and cooperation with authorities |
| Topic | Funding landscape / Access to consultations / participation in decision-making |
| Impact | Major |

The government adopted an action plan for combating racism and promoting good relations between population groups on 28 October 2021.¹ The action plan, drawn up by a broad-based working group, is a key element of the government's anti-discrimination work. It aims to dismantle structural inequalities in society, promote diversity and non-discrimination in working life, strengthen the authorities' equality competence, raise awareness of racism and its various forms, and develop research and data collection related to racism. Furthermore, the action plan seeks to address hate speech through systematic action and cooperation. Civil society organisations (CSOs) have been involved in planning the various measures included in the action plan, and they will be closely involved in its implementation and in assessing its outcomes. Within the framework of the action plan, new partnerships and forms of collaboration will be established between civil society, municipal authorities, businesses and employers to promote equality and anti-discrimination. The action plan will support CSOs in their work against racism by improving their possibilities to receive national and EU funding. CSOs will have an essential role in the planning and implementation of measures to enhance awareness of racism and promote good population relations at the local level. The expertise of CSOs will be utilised in producing information, training materials and guides on anti-discrimination and in organising training for different target groups. The action plan also promotes CSOs' role as providers of low-threshold services for victims of racism and hate crime.

¹ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2022), [An Equal Finland: Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups](#), Publications of the Ministry of Justice, Memorandums and statements 2022:2, 13 January 2022. (The Finnish version was published on 28 October 2021).

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| 1.2 Civil Society Academy Days | |
| Area | Participation and cooperation with authorities |
| Topic | Civil dialogue |
| Impact | Major |

In the framework of the Open Government Action Plan for 2019–2023,² the Ministry of Finance has organised three CSO Academy Days in cooperation with CSOs and the Ministry of Justice between October 2020 and October 2021. The event supports the goal of the government action plan to boost the competence of public officials with regard to CSOs' work and activities. It also aims to increase mutual understanding, dialogue and networking between public officials and CSOs. A planning group for the CSO Academy Days has included representatives from the Ministry of Finance, the Ministry of Justice, seven CSOs and the Funding Centre for Social Welfare and Health Organisations (*sosiaali- ja terveystieteiden tutkimuskeskus/social- och hälsoorganisationernas understödscentral*, STEA). The CSO Academy Days comprise seminar presentations and dialogue discussions between public officials and CSOs on topical issues and opportunities for cooperation. Vulnerable groups have been given particular weight in selecting the topics for the seminars and dialogues. For instance, information about the CSO Academy Days has been actively communicated in newsletters, social media and CSO forums. Material from the events is available on the Open Government website.³ The CSO Academy Days have reached a growing number of representatives of public administration and CSOs. The feedback from participants has been positive. The CSO Academy Day is becoming established as an annual event. Regional events are also being planned in cooperation with regional actors.⁴

² Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*), [Open Government Action Plan 2019–2023](#), 24 September 2019.

³ Open Government website, [Avoin hallinto](#).

⁴ Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*), Open government (2021), [Fourth open government Action Plan. Interim assessment 9/2021](#).

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| 1.3 CSO attorneys assisting asylum applicants | |
| Area | Financing framework |
| Topic | Funding landscape |
| Impact | Major |

In 2016, legislative amendments were made which restricted legal aid paid from public funds for asylum seekers. Attorneys assisting asylum seekers in asylum interviews were no longer paid fees from state funds except for extremely pressing reasons. Instead of an hourly fee, case-specific fees were introduced exceptionally for attorneys assisting asylum seekers. Shorter appeal periods were put in place exclusively for international protection cases. The amendments were criticized for weakening legal protection for asylum seekers and for hampering the work of private and CSOs attorneys assisting asylum seekers.⁵ CSOs, such as the Finnish Refugee Advice Centre and Amnesty International Finland, reported that case-specific fees did not cover the hours worked, especially in complicated cases.⁶ Short appeal periods and the fact that a private attorney did not necessarily handle a case from the start of the asylum process but stepped in only in the appeals stage, increased the burden. The restrictive policy concerning fees had a negative impact on the possibilities of attorneys specialising in asylum issues to offer their services to asylum seekers of little means.

The restrictions were repealed as from 1 August 2021.⁷ Attorneys assisting asylum seekers receive an hourly fee on the same grounds as in other types of cases. They can take part in asylum interviews, when necessary, and receive a fee paid from public funds. Appeal periods in matters concerning international protection are now the same as in other case types.

⁵ Finland, Government Bill No. 247/2020 to repeal certain provisions of the Aliens Act and section 17 a of the Legal Aid Act ([hallituksen esitys HE 247/2020 eduskunnalle laeiksi ulkomaalaislain eräiden säännösten sekä oikeusapulain 17 a §:n kumoamisesta/regeringens proposition RP 247/2020 till riksdagen med förslag till lagar om upphävande av vissa bestämmelser i utlänningslagen och av 17 a § i rättshjälpslagen](#)), pp. 5-10.

⁶ Finnish Refugee Advice Centre (*Pakolaisneuvonta*), [statement concerning Government Bill No. 247/2020](#), 9 March 2021. Amnesty International Finland, [statement concerning Government Bill No. 247/2020](#), 9 March 2021.

⁷ Finland, Act to repeal certain sections of the Aliens Act ([laki ulkomaalaislain eräiden säännösten kumoamisesta/lag om upphävande av vissa bestämmelser i utlänningslagen](#)), Act No. 737/2021, 1 August 2021; Act to repeal section 17 a of the Legal Aid Act ([laki oikeusapulain 17 a §:n kumoamisesta/lag om upphävande av 17 a § I rättshjälpslagen](#)), Act No. 738/2021, 1 August 2021.

2 Examples of civil society contributions to the rule of law

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| 2.1 Assisting victims of a data breach | |
| Topic | Assisting victims in accessing judicial and non-judicial mechanisms of justice |

In the autumn of 2020, psychotherapy centre Vastaamo announced that its database, including sensitive customer information of more than 30,000 clients, had been hacked. Both Vastaamo and its clients received threats that the hacked data is published unless a ransom is paid. The stolen data was eventually published online.⁸ By the end of October 2021, more than 22,000 victims had filed a criminal report related to the incident. The National Bureau of Investigation (NBI) (*Keskusrikospoliisi/Centralkriminalpolisen*) has investigated the case as extortion and dissemination of information violating personal privacy. The hearing of victims started in the autumn of 2021. Due to the high number of victims, the hearings took place online by using an interrogation form at the police website. By filling out the form, the victims retain the position as an injured party in the criminal procedure and may present their claims in the matter.⁹

Throughout the case, Victim Support Finland (*Rikosuhripäivystys/Brottsofferjouren*, RIKU) has provided support and assistance for the victims, in cooperation with the NBI. Shortly after the data breach was discovered, the number of contacts with RIKU's helpline increased extensively. RIKU made its telephone service available also on weekends, as the need for assistance was particularly high due to the extortion emails received by the victims. Besides emotional support, the victims have received advice, for example, in filing a criminal complaint, filling in the police interrogation form and issues related to compensation. RIKU has also trained more than 100 volunteers to support the victims. Services have been available on the helpline, RIKUchat, legal telephone counselling and personal meetings. An extensive online information package for the victims has been broadly used, as evidenced by a large number of visitors to the website. RIKU's services will remain available to the victims as long as needed.¹⁰

⁸ Finland, Police of Finland, '[NBI to continue criminal investigation into exceptionally large-scale hacking of psychotherapy customer files](#)', press release, 27 October 2020.

⁹ Finland, Police of Finland, '[Progress made in investigation of Vastaamo hacking incident – police to start to interview victims online](#)', News item, 27 October 2021.

¹⁰ Victim Support Finland (*Rikosuhripäivystys/Brottsofferjouren*), '[Vastaamo case from the victim perspective](#)', website. Information obtained from Victim Support Finland by email on 13 December 2021.

2.2 Citizens' Panel on freedom of expression

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| Topic | Contributing to law and policy making (including involvement in public consultations) |
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In February 2021, a Citizens' Panel was assembled to discuss measures to safeguard freedom of expression and protect people working in public professions from hate speech. The panel was commissioned by the Ministry of Finance and the Ministry of Justice and implemented by the Social Science Research Institute at Åbo Akademi University. The panel's final report was published in March 2021.¹¹ The invitation to participate in the panel was sent to 3,000 randomly selected adults residing in Finland. Of the 70 volunteers who accepted the invitation, 29 finally took part in the panel. According to the authors of the panel's final report, the group was small but diverse in terms of age, gender, education, language and area of residence.

The panel proposed 25 measures for preventing hate speech and online shaming. It emphasised the need to make hate speech and online shaming visible, to ensure definitions are straightforward and clear, and to communicate with the public on the basis of these definitions. Among other issues highlighted by the panel were the proportionality of penalties, legal protection of victims, prevention, sufficient resources, the responsibility of online platforms, and research on the subject, along with communication and training.

The Citizens' Panel and its recommendations form part of the OECD's Civic Space Scan of Finland, published in June 2021 (see below 3.1).¹² An inter-ministerial working group has been set up to examine the recommendations and their implementation.¹³

¹¹ Jäske, M., Sormunen, H., Schauman, J., Weckman, A., Rapeli, L., Sirén, R. (2021), [Citizens' Panel on the Freedom of Expression](#), Helsinki, Ministry of Finance.

¹² OECD (2021), [Civic Space Scan of Finland](#), OECD Public Governance Reviews, Paris, OECD Publishing.

¹³ Finland, Government (*valtioneuvosto/statsrådet*), '[Publication of final report of Citizens' Panel on freedom of expression — Implementation of Panel's recommendations to begin](#)', press release, 25 March 2021. Information received from the Ministry of Finance per email, 4 January 2022.

3 Other relevant developments

3.1 OECD's Civic Space Scan of Finland

The Civic Space Scan of Finland was undertaken by the OECD's Directorate for Public Governance at the request of the Finnish government. The report was published on 16 June 2021.¹⁴ The scan is based on previous research and other written sources, interviews, a public online consultation with non-governmental actors, and a citizens' panel on freedom of expression (see above 2.2). The key topics include civic freedoms and rights, media freedoms and digital rights, the enabling environment for CSOs, and citizen participation in policy and decision making.

According to the report, Finland has performed well as an enabler of civic space by international comparison. However, the report also identifies challenges to democracy and human rights, such as discrimination, hate speech, violence against women, and growing inequalities in citizen participation due to socio-economic status or lack of educational or professional attainment.

In the chapter on the enabling environment for CSOs, the report studies the existing legal, regulatory and institutional frameworks governing CSO activity, ongoing reforms aimed at improving the enabling environment, and public funding for CSOs. Concerning the enabling environment for CSOs, the OECD recommends, for example, the following: Finland should support and engage both traditional CSOs and new, informal networks and groups and increase the accessibility of public funding and fundraising for all CSOs. Instead of the current fragmented and siloed system, a centralised system should be established across the government and ministries for applying for public funding and for monitoring and evaluation of such funding. At the same time, the autonomy of CSOs receiving public funding should be safeguarded, for example, by allowing a proportion of funding to be distributed with more freedom for CSOs to develop activities independently but in line with overarching goals. Instead of funding on a yearly basis, longer term funding could be considered.

¹⁴ OECD (2021), [Civic Space Scan of Finland](#), OECD Public Governance Reviews, Paris, OECD Publishing.

An inter-ministerial working group was set up in June 2021 to determine whether the recommendations by the OECD can be pursued in existing programmes or projects or whether further work or additional studies are necessary.¹⁵

¹⁵ Finland, Government (*valtioneuvosto/statsrådet*), '[Publication of OECD's Civic Space Scan of Finland on 16 June 2021: OECD presents wide range of recommendations for improving the enabling environment for civil society in Finland](#)', press release, 16 June 2021. Information received from the Ministry of Finance per email, 4 January 2022.