



PLATFORM TO PROMOTE THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS

Reply by the Government of Finland to the platform alert concerning the legal framework for guaranteeing journalists rights covering protests

5 June 2019

Freedom of expression as well as freedom of association and assembly are one of the most essential elements of a free and democratic society. The Constitution of Finland safeguards everyone's right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. This provision has been consistently clarified by legislation, e.g. the Act on the Exercise of Freedom of Expression in Mass Media, and by policy recommendations and instructions. The Constitution of Finland also provides that everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them. Both the right to arrange and participate in demonstrations, as well as the right to report about them, are thus guaranteed at the highest level of domestic law in Finland.

Section 19 of the Assembly Act provides that it is the duty of the police to safeguard the exercise of the freedom of assembly. Under the same section the police may, where necessary, undertake measures for the maintenance of order and security in a public meeting. The powers of the police and the conditions under which they may be exercised, are laid down in law exhaustively (*i.e.*, no other powers may be used except those prescribed in law) and are strictly limited to what is necessary, proportionate and in accordance with international human rights law.

Accordingly, the police may, under Section 20 of the Assembly Act, where necessary, issue orders or instructions on the arrangement of a public meeting for the purpose of: (1) the maintenance of public order or security, (2) the prevention of damage to health, property or the environment or the reduction of the damage to the environment, (3) the safeguarding of the rights and interests of bystanders, and (4) the ensuring of the free flow of traffic. Under Section 21 of the Assembly Act, a senior police officer has the right, if other measures have not proven adequate, to interrupt a public meeting or order it to disperse, if continuing the meeting would cause immediate danger to the safety of the people, property or the environment, and in situations where the public meeting otherwise is being essentially unlawfully arranged.

All in all, these powers are narrowly construed in order to safeguard freedom of assembly and freedom of expression, and are in accordance with international human rights law, and have to be exercised by the police whilst having due regard to the duty to guarantee the observance of fundamental rights and freedoms, including freedom of the media.

It should be reiterated that in the case that prompted this alert, the Grand Chamber of the European Court of Human Rights did not find a violation of the freedom of expression or any other Convention right.

== =