



Civil participation in the decision-making process

Fact finding visit to Finland

29 March -1 April 2022

REPORT

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Introduction

The visit to Finland took place between 30 March and 1 April 2023 at the invitation of the Finnish representation to the Council of Europe. The primary aim of the visit was to meet with Finnish civil society and government to understand the opportunities and challenges faced by NGOs in Finland. Additionally, the visit aimed to provide NGOs with information about the Council of Europe and exploring how Finnish civil society and the Council of Europe might improve cooperation and coordination. SOSTE Finnish Federation for Social Affairs, an umbrella organisation for nearly 300 social and health NGOs was a partner for the visit and organised meetings with NGOs, as well as an open event for NGOs.

For this reason, an open event was organised to promote the Council of Europe, its work and to discuss potential means of co-operation between Finnish civil society, the Conference of INGOs (CINGO) and the Council of Europe. The event directed to international NGOs, which already have, or may apply for, participatory status with the Council of Europe, and also to Finnish grass roots organisations.

The visit also sought to encourage public authorities and parliamentarians to implement the recommendations, guidelines etc. of the CoE in their own work and to promote them amongst civil society. There already exists will by the Ministry for Foreign Affairs in integrating civil society into the consultations on matters concerning policies of international organisations, such as EU and the UN. The delegation encourages Finnish authorities to open these processes towards their policy in the CoE and create similar avenues in relation to drafting processes and strategies in and with the CoE. This would also enhance the visibility of the CoE in Finland and increase the opportunities for the national NGOs to practice their watchdog role.

Finland and NGOs

The legal framework for the functioning of NGO, the legal framework for civil participation in policy decision-making process and the legal framework related to freedom of peaceful assembly are very well developed in Finland. In some ways they are quite unique and a result of a very long tradition of co-operation with authorities and civil society in Finland.

In the Association Act human rights issues are considered but is an ongoing process. Importance is also given to the law on access to documents, as transparency is vital for civil participation and accountability of the authorities.

The Finnish Constitution guarantees everyone, amongst other things, the right to freedom of expression and access to information, the right to arrange meetings and demonstrations and the right to freedom of association. The main legislation governing the right to association in Finland is the Associations Act. NGOs that were met, said that effective consultations took place on revisions to the Act. The main legislation governing the right to assembly is the Assembly Act, which was revised in 2019. Some NGOs expressed concerns about the amendments, which require organisers to provide the police with 24 hours-notice of outdoor demonstrations, rather than the previous six hours. Some also noted that the consultation process for the amendments was rushed and sought limited input.

¹Shorter notice periods may be considered when demonstrations do not cause undue public disturbance.

Associations

According to the Finnish Register of Associations there are over 106,000 active associations in Finland (2019). The largest NGO sectors are related to culture, sports, and leisure, as well as social and health care. Approximately 75 percent of Finns are members of an association at some point during their lifetime. 30 percent are permanent members of one association and 8 percent are members of more than five associations. By international comparisons, the amount of associations' activity is large in relation to population size (5.5 million).

There are also unregistered entities/associations, but due to legislation, those are not recognized by for example banks and municipalities. Only the registered associations can apply for grants, have a bank account etc.

There is a specific problem with new kind of civil society activities, which are not occurring in the well-established framework of registered associations and traditional NGOs with clear (hierarchical) structures inside a well-known legal framework. Initiatives that are organised online, have maybe random spokespersons but no elected board and representatives and who act more spontaneously than the established NGOs. Thus, there is a need for a new entity, such as "action group", so that those active civil society groups that are not registered, could be recognized.

A good example for this new kind of civil initiative is Extinction Rebellion, which has had major issues with Finnish police. This specific case is dealt with later in this report and for some issues raised there will be a list of recommendations in a specific chapter in this report.

Foundations

Foundations are registered under a specific law. They can be considered as non-profit organisations which can be tax-free if their portfolio is used as a passive investor. The foundation law was updated in 2015 and there exist between 2,000 and 3,000 registered foundations in Finland.

Consultation processes

In Finland it is the duty of the state to promote public participation. In general, in all Nordic countries, including Finland, the law drafting processes are considered decently open and there is a long tradition of civil society participation.

The participation of civil society in decision making is well developed in Finland and backed up by laws and regulations. However, requests for input vary by department and the commitment of the policy makers involved; the time for consultations is sometimes rushed; there are accessibility issues for smaller NGOs and minorities.

Part of the drafting process is the consultation process: consultation from different stakeholders is required and it is done by a public website (<u>lausuntopalvelu.fi</u>), where anyone can see the current and past consultations and what the different stakeholders have submitted. The guidelines for the consultation process demand that a summary needs to be published and the authorities have to describe how the recommendations have been taken into consideration.

One instrument is the procedure called Citizens' Initiative² (an amendment to the Constitution that entered into force in 2012). It is targeted to create a new law or amend an existing law. It means that at least 50,000 Finnish citizens who are eligible to vote can submit an initiative to Parliament for the enactment of legislation. Signatures must be collected within a period of six months. Last year there were 5 million visits on the page (kansalaisaloite.fi). Altogether there are 62 citizen initiatives that have reached 50,000 signatures, most of them collected online. According to the law the initiatives have to be a proposal for a law or amendment for a law - which can be challenging for citizens to draft. There have been two successful initiatives: equal marriage and maternity law. Other initiatives, that have not led to changes in the law itself, nevertheless have triggered processes like public debate and change of mind sets.

However, the Citizens Initiative is about public participation of anyone, not just NGOs, while the NGOs met highlighted more generally that legislative consultation is welcome but creates a burden for example when deadlines are short, views are not considered etc.

During the meetings with Finnish NGOs, the following were brought up concerning the consultations processes and the website (<u>Lausuntopalvelu.fi</u>) where the authorities' consultation requests are compiled:

- It is unclear, which drafts are submitted online
- processes are getting weaker: timing of consultations raises questions, whether the consultation is merely symbolic, or is it really significant or has an effect on the result
- time limits are sometimes impossible
- quality of proposals not always good (from a human rights perspective there might not be any reason for a change)
- NGOs do not always get the information, that a draft is published: there is room for improvement, e.g., NGOs should be notified, when relevant bills/initiatives are being consulted. NGOs are concerned that they are missing out on some of the calls and there is need to follow up the website on a regular basis
- one cannot comment "freely" on the drafts anymore, the questions are targeted or just yes/no questions
- positive aspect: it is possible to see the different comments from other NGOs, also dialogue is possible

NGO comments about hearings

- In general, the Finnish civil society is well heard, and there is good cooperation with authorities (also during the times of crises) and high level of trust (from both sides).
- Some NGOs (especially umbrella organisations) feel that there are so many hearings and consultations, that it is challenging to participate/contribute in everything.
- Who is being heard and which NGOs? What about the ones representing e.g. minorities? Hearings are very Helsinki and headquarters -centred

Other NGO comments about bill drafting/NGO contribution

- The ministries/authorities need more resources to implement all the programmes. There should be more resources also in the preparation of initiatives/bills.
- There is a question, whether the government is relying too much on the NGOs. The lack of resources (in Ministries) is obvious, and sometimes the NGOs are asked to contribute a great deal, not only to share the knowledge and expertise, but also to produce sections of text for government documents.

²https://www.eduskunta.fi/EN/naineduskuntatoimii/eduskunnan_tehtavat/lakiensaataminen/kansalaisaloite/P_ages/default.aspx

- Covid has affected the cooperation with authorities, there was interest to have more human right trainings before the pandemic. In addition, the human resources in the Ministries have been cut, that has an impact on how much Ministries can spend on human rights impact assessment.
- More trainings on rights needed (of minorities, children etc) for Ministries' staff. Impact on human rights should be paid more attention.

Another platform for dialogue is <u>Advisory Board on Civil Society Policy (KANE)</u>, functioning under the Ministry of Justice. The Advisory Board's tasks include promoting the interaction between administration and civil society and enhancing the operating conditions for civil society. It consists of representatives of civil society, research, business sector, ministries, and other public agencies. KANE is a positive longstanding initiative, although it was claimed to be too Helsinki-focussed.

Reform of healthcare, social welfare and rescue services

The organisation of public healthcare, social welfare and rescue services is reformed³ in Finland. The responsibility for organising these services are transferred from municipalities to wellbeing services counties from 2023, and the key objective of the reform is to improve the availability and quality of basic public services throughout Finland.

The reform raises concerns for example about the future of municipality-NGO partnerships and funding from the municipalities.

Funding and autonomy

NGO funding in Finland is unique, as civil society activities are mostly state funded. This funding up to now is ensured by contributions of the Finnish Lottery Fund but shall be changed to a direct funding from taxpayers' money in 2024. One reason for this is an ethical problem with receiving and accepting money gained by gambling. However, although the state has promised to ensure an equal funding in the future, there is a problem perceived by many NGOs: the actual system guarantees a kind of autonomy between the state and the NGOs as the money is not distributed directly by the authorities. This will change with the new system, and it is felt that a further sense of autonomy is needed to ensure that there will be no undue influence by the authorities on the actions, programmes and policy goals of the NGOs receiving these funds. The autonomy of the target setting by the NGOs needs to be guaranteed.

To sum up, as many Finnish NGOs' activities rely on public funding, there are many concerns about the future funding. The tradition of private fundraising is weak, so if the public funding decreases in coming years, it will be a great challenge for many NGOs. Many NGOs are also worried about their autonomy in the future. There are risks concerning the renewal of CSO funding systems (by the government). At the moment CSOs feel that the system of funding prevents them from working in a way that enables reacting to different needs e.g. by their membership. The target setting for NGOs should be done by themselves, not by the government (through funding).

- when reporting advocacy work for the Funding Centre for Social Welfare and Health Organisations (STEA) the indicators are not suitable, there is a burden or reporting
- monitoring of treaty body recommendations, implementing is slow, a lot of responsibility is put on NGOs.

³https://soteuudistus.fi/en/frontpage

Project funding by the Ministries can be subdue to different processes and guidelines and can be quite daunting for NGOs. Other ways of financing are not very well developed in Finland, there is no tradition of private sponsorship and no possibilities for tax cuts for private or corporate donors. Some NGOs have a tradition of street collections and other forms of fund raising; fund raising needs a special permit, is controlled by the police and is only for registered associations.

Case: Funding of NGOs through Finnish National Lottery Veikkaus

Finland has a long history of state funding for NGOs. There has been a state monopoly on gambling in Finland for over 70 years. Majority of the state funding for the NGOs is ensured by contributions of the Finnish National Lottery Veikkaus but shall be changed to a direct funding from taxpayers' money in 2024. Gambling profits are used to support public interest activities, based on funding for and the promotion of sports and physical education, science, art, youth work, health and social wellbeing, horse breeding and equestrian sports. The annual revenue from gambling amounts to appr. 1.1 billion euros. At the moment the proceeds from Veikkaus', the national gambling monopoly's, gaming operations are used to support:

- projects related to arts, culture, and sports (53 %)
- social welfare and health organisations (43 %)
- projects related to the promotion of horse breeding and equestrian sports (4 %)

The current system will come to an end and the gambling revenue will be redirected to state budget starting 2024. It could mean that the cash flow to the beneficiaries are more predictable in the future, but on the other hand it will give politicians more power and make funding dependent on political decision-making.

Transparency

The requirement on transparency for the NGOs depend on if they receive public money or not.

NGOs which receive public funding, need to provide detailed information to the government about their activities, finances, and administration. The administrative burden for NGOs receiving public money is quite high and especially difficult to match for small organisations. So, there is a demand for simpler accounting rules especially for smaller organisations. There is also a hope that the digitalisation process might make things simpler and easier to handle in the future. In addition, all associations need to annually update their information to the Finnish Patent and Registration Office.

There is an initiative on the transparency register⁴ (lobbyist register). The purpose of the act is to improve the transparency of decision-making and, by doing this, to prevent undue influence and reinforce public confidence. The act will impose a registration obligation on organisations and individuals engaged in lobbying activities.

⁴ More information about transparency register: https://oikeusministerio.fi/en/project?tunnus=OM033:00/2019

Fact finding: Summary of challenges and opportunities on consultations

In general, there is a very high level of trust between civil society organisations and the Finnish authorities, based on a long history of co-operation. On the other hand, although trust is high, some actors said that single citizens in Finland often do not have the feeling that they can change things and that a low turnout at elections, a certain rise in populistic and radical movements is a sign of detachment from the state and its mechanisms including democracy as such. A worry about an increasing polarisation in Finnish society was mentioned repeatedly in the discussions with NGOs.

There are also challenges which to a certain extent stem from underfunding and under-resourcing of public authorities. In fact, many NGOs asked for a better resourcing of public authorities to ensure a meaningful follow up of consultation / participation processes.

There was also a feeling that to a certain extent public authorities rely very much on NGOs to gather data and do the follow up themselves. To sum up, NGOs were satisfied with the consultative and participative processes, but less so with the follow up.

NGOs mentioned a tendency of a move towards online consultations and participation. They had also witnessed formalisation of such processes, e.g., they had been only give questionnaires with a possibility to tick boxes or give yes / no answers instead of more substantial written contributions. Although that also has its merits and allows easier access, it also limits the debate and can weaken the process considerably.

In addition, the timing of the consultation processes seems to become tighter, which create barriers for smaller organisations' participation. One reason is a change in the information system. While in the past NGOs were actively alerted of new consultation processes, they now often must actively search for them.

There is a lot of co-operation on policy papers, for example with the Ministry of Social Affairs and Health or the Ministry of Foreign Affairs. The increased interest in child participation was mentioned as a very positive aspect; there is an increased tendency to include children and youth in participatory processes, which offer positive democratic experiences.

In general, consultations on policy issues are timely and meaningful, but in some cases they came too late. There was also a demand for more capacity building in the Ministries, to enable them to better prepare processes and to guarantee a meaningful follow up. Recent budget cuts have led to a downgrading of programmes, while more training is needed e.g. on minorities, human rights impact assessments, as well as on child rights.

There is a good co-operation with civil society when it comes to policies with other international organisations unlike CoE, but there is a lack of translation of documents into the national languages. That excludes all those who are not fluent enough in English (or French) to fully understand the documents, react and make meaningful contributions.

In general, the participation of the NGOs in consultations was viewed as very intensive, even challenging with their limited resources. The lack of resources on the side of the authorities increases the burden on the NGOs. The move towards online consultations (increased by the pandemic crisis) also raises issues of who profits and finds it easier to participate and who might lose out. The restrictions by a more formalised process, for example with set "tick the box" questions, were mentioned several times. One request from the NGO discussions was for the Ministry for Foreign Affairs to create an Ambassador for Civil Society.

Many NGOs stated that the hearings are very Helsinki centred. Here the greater use of online tools can be helpful, as it allows wider participation. There is also a need to integrate more inclusively views from various groups, such as migrants. This is also a call to civil society to use the chances and to be more pro-active.

Fact finding: Cooperation with the Council of Europe

Some NGOs work with the documents of the CoE (conventions, recommendations, guidelines) and one national NGO works directly with the CoE as an observer, some hold participatory status (being member of an international NGO). For example, in the field of child rights the role of the CoE was referred to as very important, also in communicating with the appropriate Ministry. The Lanzarote Convention was mentioned as an important tool. The actors here reported that it had need some pushing to convince civil society on the benefits on working with the conventions of the CoE, but once done the advocacy work with the conventions is seen as very useful. Additionally, the campaign "Democracy here, Democracy now" by the Youth sector of the CoE was mentioned as a good example. The campaign was specifically directed towards improving the participation of youth in the elections in Finland.

CoE conventions are also used on a grass roots level, for example for environment issues or participation in planning processes. The major drawback mentioned is the lack of translation of documents by the CoE into the national languages. This excludes many citizens from using these instruments or leaves it to the NGOs to transmit the message to their members and civil society in general. This was also a finding of the study undertaken by the Expert Council on NGO Law of the CINGO on the Recommendation (2007)4 of the Committee of Ministers (The Legal Space for Non-Governmental Organisations in Europe)⁵.

When it comes to the monitoring of the whole treaty body, a lot of the responsibility is put on the NGOs. Again, the lack of authorities' resources was mentioned, but also a certain amount of bureaucratic burden and unspecific questions. The implementation of the consequences was berated as slow.

In some cases, the reporting and monitoring mechanisms of the other international organisations seem to be better known than the mechanisms of the CoE.

As mentioned earlier, consultations with civil society on policies of other international organisations are better developed than with the CoE. There is space for improvement for Finnish authorities, and especially the Ministry for Foreign Affairs, on involving Finnish civil society in consultations on the CoE.

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⁵https://rm.coe.int/the-legal-space-ngo-text-a4-web-final/1680a4cd01

Case: Extinction Rebellion

Police violence in demonstrations has not previously been a specific concern in Finland. However, in 2020 when Elokapina (Extinction Rebellion Finland) organised a peaceful demonstration in the centre of Helsinki, police decided to use pepper spray, including on minors, and ended up taking dozens of people into custody. According to witnesses, the people who had been sprayed were denied first aid at the police station. Other concerns about the actions by the police include confiscating prescription medication from people and later charges were pressed for possessing medication without prescriptions; people being held in custody over 12 hours and not being told about the change of rights after 12 hrs or a possibility to contact a lawyer; arbitrary reasons for keeping people in custody; keeping people in a hot van without water; not responding to an alarm button etc. Some protest actions have also led to counter demonstrations organised by far-right organisations. Protesters have been harassed and, contrary to the normal practice of keeping counter demonstrations separate from the original protesters, counter protests have been allowed in close proximity to the protesters of Extinction Rebellion. Disproportionate force has been used to detain protesters in the case of Extinction Rebellion, according to CIVICUS monitoring reports on Finland⁶.

There has been a public discussion, whether the attitude of police towards far-right demonstration is more tolerant than towards leftist/anti-racist/environmental demonstrations. The annual report 2022/2023 by Amnesty International⁷, was critical of the actions of police dispersing protests that blocked streets and disrupted traffic.

In general, there has been good trust in authorities (including the police) in Finland, but due to the reactions by the police in recent years towards certain demonstrations, there is a risk that trust is decreasing.

Extinction Rebellion's case also highlights the issue of financing "action group" movements, in the context of Finnish NGOs reliance on state financing. It is difficult for an organisation like Extinction Rebellion to gain funding. The claim of illegal money collecting has been raised regarding Elonvaalijat, a registered organisation focused on fundraising for Extinction Rebellion. 20.000 Euro been confiscated from them by the authorities and a criminal investigation continues with claims that the collected funds are for illegal activities or activities that clearly risk public safety or order. Elonvaalijat's view is that the goal of the prosecutor and police is to prevent the funding of popular movements that are inconvenient to the police and government, such as Elokapina, and to discourage the public from showing their support to such movements.

More information can be found on Elonvaalijat submission⁸ to the Finland's UN Universal Periodic Review (UPR) 4th Cycle reference documents.

Recommendations

The shift to online consultations, something visible all over Europe, has benefits but it also has
drawbacks. Inclusivity needs to be guaranteed and many NGOs requested that physical
meetings / hearings should not be cut down and that in the online consultation there needs to
be room for giving advice and not just "to tick boxes in a form". NGOs request information of

⁶Finland - Civicus Monitor

⁷Amnesty International Report 2022/23: The stateoftheworld's human rights - Amnesty International

⁸Universal Periodic Review Fourth Cycle - Finland - Reference Documents | OHCHR

the open consultative and participative processes is seen essential. As the current practice to have to find out about the processes online by themselves, is a major challenge to their ability to participate. Time frames need to be sufficient.

- NGOs raised specific demands to support the participation of children as well as migrants which also needs a certain amount of capacity building, also among authorities. There was also a demand for more outreach into all the parts of Finland outside the capital.
- NGOs also highlighted several ideas for the new Associations Act. For example, the legislation should include a new entity like an "action group" for a simple formalisation of non-registered NGOs, so they could have an entity number, which would allow them access to bank accounts and authorities. There is also need for changes in the tax law if such organisations should be recognised and given a similar status to registered NGOs. So far children cannot establish a registered organisation, and this was requested to be changed.
- Additionally, it was generally requested that easing the administrative burden of NGOs and streamlining the reporting processes would be needed. The current systems are viewed as strenuous by many NGOs, especially the smaller ones.
- In the light of the change of financing NGOs through the national gambling monopoly, it is
 essential that an autonomy is maintained between the financing authorities and the NGOs, in
 order not to avoid undue influence on the strategies and programmes of the NGOs.
 Fundraising and money collection for CSOs should be made easier, came up as a point from
 NGOs.
- NGOs demanded better resourcing and capacity building of the authorities to improve the quality of civil society's participation and guarantee good results.
- In the light of complaints surrounding the case of Extinction Rebellion and police, it seems
 advisable to ensure a truly independent institution in Finland to investigate allegations of
 police violence, misconduct etc. The system for such investigations was perceived as being too
 close to the police.
- Given the well-functioning consultations of civil society in the policy making processes related
 to international organisations like EU and UN, it is recommended to extend this methodology
 also to the co-operation with the CoE. As the Ministry for Foreign Affairs organises regular
 meetings called *Koordinaatiokokous*, with all the relevant authorities on CoE, it is
 recommended that civil society is also regularly consulted and heard on CoE.
- It is also recommended to translate conventions, guidelines and recommendations of the CoE into national languages to ensure easier access for information for all citizens.

Appendix: Agenda of the visit

Wednesday 30 March

9.00–10.00 Meeting with SOSTE (the partner NGO)

Venue: SOSTE's conference centre Yliopistonkatu 5, 6th floor, meeting room Purje Participants: Delegation, VerttiKiukas (Secretary General, SOSTE), Kirsi Marttinen (Senior Adviser, SOSTE)

10.30–11.30 Meeting with the Ministry of Justice

Venue: Eteläesplanadi 4, meeting room9

Participants - Ministry of Justice:

Johanna Suurpää (Director General, Department for Democracy and Public Law)
NiklasWilhelmsson (Unit Manager, Department for Democracy and Public Law,
Democracy and Elections)

Jyrki Jauhiainen (Senior Adviser, Legislative Affairs)

JussiMäkinen (Senior Specialist, Management Support and Core Services, EU and International Affairs)

Other participants:

Delegation, Kiukas, Marttinen, Nina Nordström (Ambassador Permanent Representative, Finland's permanent representation to the Council of Europe, Strasbourg), Mari Mäkinen (Mari Mäkinen, Desk Officer, Unit for Human Rights Policy, Ministry for Foreign Affairs)

12.30–13.00 Meeting with Minister for Foreign Affairs PekkaHaavisto,

Venue: Parliament

Participants: Delegation, Kiukas, Marttinen, Ambassador Nordström, Mäkinen

14.30–16.30 Meetings with NGOs – Part 1

Human Rights NGOs

Venue: SOSTE's Conference centre Participants: Delegation, Marttinen

Thursday 31 March - Day 3

9.00–10.00 Meeting with Advisory Board on Civil Society Policy (KANE)

Venue: SOSTE's conference centre

10.00–11.00 Meetings with NGOs – Part 2

Venue: SOSTE's conference centre

Policy Making NGOs

11.15–12.45 **Meetings with NGOs – Part 3**

Venue: SOSTE's conference centre Social Rights and Equality NGOs

14.00–16.00 Open event for NGOs on working with the Council of Europe from Civil Society perspective

Venue: Hybrid event, online and SOSTE's conference centre

Agenda of the Civil Society: Working with the Council of Europe

Hybrid event on Thursday 31 March 2-4pm at SOSTE and online

14:00	Opening of the event/Presentation on CINGO on opportunities of civil society engagement. Gerhard Ermischer, President, Conference of INGOs
14:05	Remarks by RaunoMerisaari, Ambassador, Human Rights, Ministry for Foreign Affairs of Finland
14:35	How can NGOs get involved with the Council of Europe? Practical examples. Anu Juvonen, Policy Advisor, Council of Europe
14:45	Comment by Kati Anttalainen, Senior Specialist, Ministry of Education and Culture
14:50	Comment by Nina Nordström, Ambassador, Permanent Representative, Finland's permanent representation to the Council of Europe
14:55	Discussion
16:00	End of the event
16.00-	Meeting with representatives of Extinction Rebellion Finland Venue:SOSTE's conference centre

Friday 1 April - Day 4

8.30 Breakfast meeting with members of the Foreign Affairs Committee of the Parliament Venue: Pikkuparlamentti (Little Parliament building)

Conclusions/wrap-up meeting at SOSTE's office (meeting room Purje)

Methodology of this report

This report is not an in-detail study or research, but gives the impressions gained by meetings and debates with representatives of Civil Society as well as with representatives of the authorities, namely ministries and the Finnish Parliament. It focuses on the themes set out in advance of the visit, which were mainly based on better understanding the context of Finnish civil society, its specific background, and the co-operation with authorities. A specific aspect was the cooperation with the Council of Europe, how well the CoE is known in Finnish civil society and how this knowledge might be improved and engagement with the CoE in general and the Conference of INGOs might be strengthened.