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RE : Letter to NHRIs on HRC res 27/24: Equal participation in political and public affairs

Contribution from the Finnish NHRI/Human Rights Centre

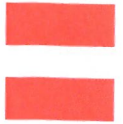
The Human Rights Centre (HRC) would like to thank the Office of the High Commissioner for Human Rights for the possibility to provide input for the study on best practices, experiences, challenges and ways to overcome them relating to the right to participate in political and public affairs.

The Human Rights Centre, its Delegation and the Office of the Parliamentary Ombudsman together form Finland's National Human Rights Institution. The institution was accredited with the highest A-status by the International Coordinating Committee of National Human Rights Institutions in December 2014.

According to legislation, one of the tasks of the HRC is to participate in European and international cooperation related to the promotion and protection of fundamental and human rights. The HRC represents the Finnish NHRI in international NHRI cooperation.

The information presented in this statement is largely based on the Government's Democracy Policy Report (2014), information provided by the Ministry of Justice on the Finnish e-participation environment, the Fourth Periodic Report by the Government of Finland on the Implementation of the Framework Convention for the Protection of National Minorities (2014) and the Human Rights Report of the Finnish Government (2014). Some notes have been included from the OSCE/ODIHR Election Assessment Mission Report (2011) on the previous parliamentary elections in Finland.

In addition, the HRC asked for input from the Human Rights Delegation, which is a pluralistic body attached to the HRC. The HRC saw it appropriate to consult the Delegation in order to include a civil society perspective in the statement. Input was received from the Finnish Association of the Deaf, LGTBI rights organisation Seta and the Finnish Committee for UNICEF, who also passed on comments from other organisations working in the field of children's and youth rights.



1. PROBLEMS AND CHALLENGES

Finland is often recognised as one of the leading democracies in the world. The country is regarded to have a stable political system as well as an open and non-corrupt government. According to the Finnish constitution, “the public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her”. The aim of the democracy policy of the Government is to promote the realisation of citizens’ fundamental and human rights and equal possibilities for participation.

In 2014, the Government published its first Democracy Policy Report, which was prepared by the Ministry of Justice together with a working group that included officials from multiple different ministries. For the report, the Ministry consulted stakeholders such as civil society representatives and ordinary citizens, utilising new participatory mechanisms in the process. The report examined past policies and it aimed to strengthen long-term systematic promotion of democracy and the commitment to the implementation of democracy policy at all levels.

According to the report, **Finland’s main challenges with regard to democracy are the decline of voter turnout in elections and increasing inequalities in participation.** Participation in democratic activity has been decreasing. For example, voter turnout in parliamentary elections has been on average below 70 % from the 1990s onwards. Disinterest in party politics and elections indicates that citizens’ interest in politics is channelled through alternative forms of participation. Similar developments have been observed in other Western democracies, but voter turnout in Finland is below the average of this reference group. Even though Finnish citizens are comparatively well-informed about politics, they lack faith in their capacities and capabilities to exert influence as citizens.

It is important to note that levels of participation vary between different social and age groups, especially in terms of voting and party membership. Younger people are less likely to vote than older generations. In addition, voter turnout is low amongst immigrants, who are also under-represented both as candidates and as elected officials. As a result, the Government’s Democracy Policy Report recognises the **youth and immigrants as two main groups** who should be targeted with measures to increase political participation.

However, recent studies show that citizens are somewhat satisfied with the democratic system and especially young people are becoming increasingly interested in politics. Regrettably, so far this has not been reflected in voter turnout. Although distrust towards traditional political decision-making has increased and enthusiasm for party politics has declined, citizens are increasingly interested in alternative ways to participate in politics, such as **direct democracy, referendums and citizens’ initiatives.**

Children and youth

According to youth and children’s’ rights groups, more attention should be paid to activating the youth to participate in elections. However, the youth are generally

more actively involved in alternative forms of political and social actions such as petitions, occupations, etc. According to UNICEF, the plurality of the forms of participation should be more readily recognised. Some youth groups, such as the Finnish Youth Cooperation Allianssi, are strongly in favour of lowering the voting age in order to encourage the youth to be actively involved in politics. The Ministry of Justice has conducted an investigation into the lowering of the minimum voting age from 18 to 16, but so far no measures have been taken to change the legislation.

The greatest obstacle for the participation of children and the youth is the lack of coordination between different branches of government at the local and national levels. Measures to increase the participation of children and the youth are isolated and there is a lack of participatory structures that would take into account the diversity among different age groups. There are major differences in the possibilities for participation between different regions, minorities and age groups. Minority youth groups, including LGBTI youth and immigrant youths, who experience social exclusion to a greater extent than other youth groups might be further discouraged from voting.

LGBTI persons

With regard to LGBTI persons, discriminatory attitudes and beliefs as well as general lack of awareness about gender diversity still impede equal participation in public and political affairs. Discriminatory attitudes discourage politically active LGBTI persons from disclosing their sexual and gender identity publicly, and persisting attitudes might discourage LGBTI persons from seeking political and public service positions. Although there are few LGBTI persons in high positions, there are some prominent politicians and public officials whose openness about their identity can encourage both participation of LGBTI persons in public and political affairs and help remove prejudicial attitudes.

Persons with disabilities

The Human Rights Report of the Finnish Government (2014) recognizes that persons with disabilities encounter discrimination and human rights violations more than other population groups. People who encounter multiple discrimination, such as disabled women, children and members of cultural, ethnic and linguistic minorities, are especially vulnerable. The report expresses the need to create an accessible society, strengthen the right to self-determination, and increase the participation of persons with disabilities and their representative organisations in decision-making processes.

Finland has not yet ratified the Convention on the Rights of Persons with Disabilities (CRPD). Ratification of the treaty is underway in the parliament, but at the moment it is unsure whether the ratification process will be completed before the next parliamentary elections in April 2015.

Multiple disability groups are unable to participate fully in political and public affairs due to problems relating to accessibility, access to information and prejudicial attitudes. After the most recent parliamentary elections in 2011, the Organization for Security and Co-operation in Europe (OSCE) noted that some polling stations

were not wheelchair accessible and did not have special voting booths for those requiring them. In addition, although candidate lists were available in Braille and on audio CDs, there was a lack of special ballots or other methods for independent voting for the blind, who were dependent on assistants to mark their ballots. According to the Finnish Association of the Deaf, the deaf do not receive enough information in sign language about political and public affairs, which results in a general disinterest in politics. In addition, prejudicial attitudes persist in the Finnish society, as the deaf are not seen as capable of holding public offices and high political positions. There is a need to raise awareness about hearing disabilities as well as to increase information available in sign language.

2. BEST PRACTICES

In the Democracy Policy Report, the problems of Finnish democracy are seen less as matters of legislation and more as problems of practical implementation, action and attitudes. The report notes that democracy policy should aim at a genuinely interactive political culture where all population groups can participate in public debate and decision-making according to their abilities and wishes. The report includes the Government's guidelines for the objectives of democracy policy in the 2010s. These **23 policy recommendations** aim to improve democratic structures and the election system, increase the level of participation among immigrants and the youth, encourage social debate and awareness about elections and the democratic system, increase citizens participation at all levels of the government, improve and create new participation possibilities, increase openness and strengthen the civil society.

Measures to improve voter turnout

The fact that citizens appreciate democracy but criticise its effectiveness has given rise to government initiatives that aim to reform democracy. The authorities have introduced multiple measures in order to boost voter turnout. Special attention has been paid to citizens' access to information and emphasis has been given to understandable and plain language, multiple information channels as well as accessibility. Main focus groups have been the youth and immigrants, and initiatives have utilised new information technology. Before each election, first-time voters receive an information letter about the elections. In the municipal elections of 2008, information about the elections was available in 14 languages. Information is produced in plain language for the disabled, immigrants and people with reading difficulties. Possibilities for electronic and online voting have been explored, but significant technical challenges remain, especially in terms of ensuring secret ballot and security.

Citizens' Initiative

The citizens' initiative is a new mechanism for political participation. By submitting citizens' initiatives to the Parliament, Finnish citizens may directly influence the legislation. **The law concerning citizens' initiatives** came into force in 2012. The



legislation requires that the initiative is supported by at least fifty thousand Finnish citizens entitled to vote. The statements of support have to be collected within a six-month period. Signatures can be collected on paper or via an online platform.

Citizens' initiatives can encourage political debate, generate interest in political decision-making and increase voter turnout. Thus far, six citizens' initiatives have succeeded in collecting the required amount of supporters. The most successful citizens' initiative has been **the initiative on the legalisation of same-sex marriage, which was approved by the parliament in 2014**. If all required legislation is changed accordingly, the new marriage act is likely to come into force in 2017.

At the municipal level, residents of a municipality have the right to submit initiatives on matters concerning the municipality's activities. Action undertaken as a result of an initiative must be notified to those who submitted the initiative. If at least two per cent of the residents who are entitled to vote submit an initiative concerning a matter falling within the competence of the municipal council, the council must take the initiative up for consideration. In addition, a minimum of five per cent of the municipal residents who are entitled to vote may submit an initiative proposing a municipal referendum.

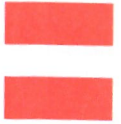
E-participation platforms

Internet is becoming a popular arena for participation, especially for the younger generations. The Ministry of Justice has developed **multiple online participation platforms and services** that aim to increase possibilities for citizens' participation at the national and local levels, free of charge. The national e-participation environment enhances and enables dialogue and interaction between citizens, NGOs, politicians and public servants. All platforms can be accessed through a single website, <http://demokratia.fi/>.

The different platforms include:

- *Have your say web service* (otakantaa.fi), where citizens can participate in ongoing discussions or in the preparation of authorities' projects or start a completely new discussion on any topic,
- *Service for Online Consultation* (lausuntopalvelu.fi), which enables statutory consultation online,
- *Service for Launching Municipal Residents' Initiatives* (kuntalaisaloite.fi), which allows municipal residents to submit initiatives to their home municipalities,
- *Service for Launching Citizens' Initiatives* (kansalaisaloite.fi), an online service for launching citizens' initiatives and collecting statements of support for initiatives,
- *E-participation for youth* (nuortenideat.fi), where the youth can participate in political and public affairs, present their own ideas as well as comment and support ideas presented by others.

The Democracy Policy Report of the Government recognises that introducing new forms of participation might further increase the gap between politically active and



non-active citizens. In this regard, **citizen education** has a key role in order to promote awareness about the political system and participation possibilities as well as to increase “political literacy” and motivation to participate. Civil society organisations have emphasised the need for improved **democracy education as well as further development of electronic participation opportunities**.

Government cooperation with the civil society and advisory boards

Civil society organisations are regularly consulted by different ministries. Interaction between the Government and stakeholders is advanced by structures such as the Advisory Board for Civil Society Politics (Kansalaisyhteiskuntapolitiikan neuvottelukunta, KANE), which aims to promote cooperation between the government and civil society. However, cooperation and hearing practices vary between ministries and procedures for civil society participation need to be developed further.

The Government’s Human Rights Report (2014) is a good example of a report that was prepared in consultation with a wide range of stakeholders, such as officials and civil society organisations. In addition, individual citizens had the opportunity to participate in the process and give their opinions, ideas and suggestions for the report through the *otakantaa.fi* online portal.

In order to increase special groups' inclusion and their possibilities to influence the decision making process, the Government has established various advisory boards, such as the Advisory Board for International Human Rights Affairs, the Advisory Board on Roma Affairs, the Advisory Board for Minority Issues (till the end of 2014), the Advisory Board for Language Affairs as well as the Advisory Board for Ethnic Relations.

The Finnish NRHI/HRC has its own participatory body, the Human Rights Delegation, which functions as a national cooperative body for fundamental and human rights actors, deals with fundamental and human rights issues of a far-reaching significance and principal importance, and yearly approves the HRC’s plan of action and annual report.

Municipal Youth Councils

According to a recent governmental proposition on local government, each municipality has to establish a youth council, which has the potential to improve the possibilities for the youth to participate in the conduct of public and political affairs at the local level. However, so far youth councils have had little actual power to influence political decision-making, and there are great differences in the channels of youth participation at the local level. It is unclear how much influence the mandatory youth councils will have in the decision-making process in practice.

Non-discrimination legislation

The new Non-Discrimination Act, which came into force on 1 January 2015, expands the scope of protection against discrimination. The Act will be applied to all public and private activities, excluding private life, family life and practice of



religion. The protection against discrimination is equal regardless of whether the discrimination is based on ethnic origin, age, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. The obligation to promote equality is expanded to concern not only public authorities, but also education providers, educational institutes and employers.

The new Non-Discrimination Ombudsman supervises compliance with the Non-Discrimination Act with regard to all grounds of discrimination. The Ombudsman for (Gender) Equality continues to supervise compliance with the Equality Act on gender-based discrimination. The Act also merged the National Discrimination Tribunal and the (Gender) Equality Board, creating a new Tribunal, whose mandate covers all discrimination grounds. The Act provides better possibilities for discriminated persons to get advice and legal aid. In addition, the Act creates an advisory board for non-discrimination, a new cooperation body for government officials and civil society actors, which has not yet been established in practice.

On behalf of the Finnish NHRI/Human Rights Centre,

Hanna Rönty
Assistant Expert

Sirpa Rautio
Director