OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT
24 – 27 October 2017
I. INTRODUCTION

Following an invitation from the Permanent Delegation of Finland to the OSCE to observe the 28 January 2018 presidential election and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 24 to 27 October 2017. The NAM included Ms. Ana Rusu, OSCE/ODIHR Senior Election Adviser, and Mr. Vladimir Misev, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the presidential election. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming election, and if so, what type of activity best meets the identified needs. Meetings were held with officials from the Ministry of Foreign Affairs, Ministry of Justice, the Supreme Administrative Court, the National Audit Office, the Population Register Centre, and the Council for Mass Media, as well as with potential candidates, representatives of political parties, media, and civil society. A full list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and cooperation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

II. EXECUTIVE SUMMARY

Finland is a parliamentary republic with the president as the head of state. Legislative powers are vested in a 200-member unicameral parliament (Eduskunta). Executive powers are exercised by a cabinet led by the prime-minister, formally appointed by the president. The president is elected by direct vote for a term of six years. The candidate who obtains more than half of the valid votes in the first round is elected. Otherwise, a second round is held between the two candidates who received the highest number of votes. The same person may be elected for no more than two consecutive terms, and the incumbent president publicly announced that he will seek re-election.

The legal framework governing presidential election primarily comprises the 1999 Constitution and the 1998 Election Act. Although some technical aspects of the election legislation have been amended on several occasions, the legal framework, in particular the one related to the presidential election, remained essentially the same since the previous election. All of the OSCE/ODIHR NAM interlocutors expressed confidence in the legal framework.

The right to appeal against election results is restricted in case of presidential election, which may limit the right of legal redress. Although all OSCE/ODIHR NAM interlocutors noted confidence in the judiciary and dispute resolution process, some prior OSCE/ODIHR recommendations in relation to the complaints and appeals system remain to be addressed.
The Ministry of Justice oversees the organization of the election and has overall responsibility for its conduct. Election-related tasks are shared with 13 Electoral District Committees (EDC), 311 Municipal Election Committees and over 2,000 polling stations. All OSCE/ODIHR NAM interlocutors expressed confidence in the work of the election administration at all levels.

Citizens over 18 years of age are entitled to vote. Voter registration is passive and voter information is extracted from the Population Information System maintained by the Population Register Centre. There are some 4.4 million registered voters. Apart from casting ballots in polling stations, voters are also provided with alternative voting mechanisms, including advance, out of country and homebound voting. Interlocutors met by the OSCE/ODIHR NAM expressed trust in the population and voter registration systems.

Every eligible voter who is not under guardianship has the right to stand as a candidate. At least 7 potential candidates have publicly expressed their interest to stand for election, including 3 women. Candidates can be nominated either by parliamentary political parties or by a constituency association supported by signatures of at least 20,000 voters. Candidates are registered by the Helsinki EDC by 21 December. All political parties and perspective candidates that the OSCE/ODIHR NAM met with expressed confidence in the candidate registration process.

Campaigning is allowed up to and on election day, except in the vicinity of polling stations. All potential candidates that the OSCE/ODIHR NAM met with intend to utilize broad range of campaign tools, including direct meetings with voters and online campaigning. The campaign most likely will focus on foreign policy issues, economic issues, national security, and NATO integration.

The legislation does not contain limits on donations or on campaign expenditures for presidential candidates. The law provides that all parties or constituency associations that nominate candidates submit a campaign finance report to the National Audit Office (NAO). Most of the OSCE/ODIHR NAM interlocutors stated confidence in the transparency of the campaign finance system, although some of them noted that further steps, such as opening dedicated bank accounts and strengthening the NAO capacity, should be considered.

The media environment is pluralistic, and a variety of public and private television channels and radio stations, as well as a range of daily and weekly newspapers, offer diverse views. There are no legal regulations on the media coverage of the campaign and media are largely self-regulated. The Council for Mass Media is an independent self-regulation body that promotes good journalistic practice and considers complaints on breaches of professional ethics. All OSCE/ODIHR NAM interlocutors expressed satisfaction with the media environment and the election coverage.

All of the OSCE/ODIHR NAM interlocutors expressed a high level of confidence in all aspects of the electoral process. Some measures aimed at addressing earlier OSCE/ODIHR recommendations have been introduced ahead of the 2015 parliamentary elections. No new major issues pertaining to the conduct of election that would benefit from review by the OSCE/ODIHR have been identified. Based on this, the OSCE/ODIHR NAM does not recommend deploying an election-related activity for the 28 January 2018 presidential election. The OSCE/ODIHR would, however, like to reiterate that some recommendations made in previous OSCE/ODIHR report are still valid, in particular the ones concerning complaints and appeals process and campaign finance framework. The OSCE/ODIHR stands ready to engage in a follow-up process after the election, and encourages the authorities to also consider the pertaining issues with regard to the complaints and appeals mechanism and campaign finance framework.
III. FINDINGS

A. POLITICAL BACKGROUND

Finland is a parliamentary republic with the president as the head of state. Legislative powers are vested in a 200-member unicameral parliament (Eduskunta). Executive powers are exercised by a cabinet led by the prime-minister who are formally appointed by the president. Amendments to the constitution from 2000 and 2012 increased parliament’s powers in relation to the government and the president. National defense, judiciary and foreign affairs are the main fields in which the president exercises powers.

Presidential election will be held on 28 January 2018. The incumbent President, Mr. Sauli Niinistö elected in 2012, is eligible for a second term and publicly announced his intention to seek re-election.

The last parliamentary elections were held on 19 April 2015 and resulted in nine political parties entering the parliament.¹ A coalition government was formed comprising the Centre Party, the Finns Party and the National Coalition Party.² Following the election of a new Finns Party leader in June 2017, the leaders of the two other coalition parties in the government decided to discontinue their cooperation with the Finns Party. This led to a split in the Finns Party itself with some 20 members of the parliament forming Blue Reform, a new parliamentary group, which later joined the government.

The OSCE/ODIHR has previously deployed an Election Assessment Mission for the 17 April 2011 parliamentary elections and concluded that the elections were professionally administered, commanding high levels of stakeholder confidence, with a dynamic campaign, conducted in full respect for fundamental freedoms.³

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is elected by direct vote for a six-year term under a two-round system. The same person may be elected for a maximum of two consecutive terms. When no candidate obtains over 50 per cent of the vote, a second round is held between the two candidates who received the highest number of votes. A candidate may be appointed without an election being held should there be only one candidate contesting the election.

The legal framework governing presidential election primarily comprises the 1999 Constitution, last amended in 2012 and the 1998 Election Act, last amended in 2016. Other relevant laws include the 2009 Act on Political Parties and the 2009 Act on Candidate’s Election Funding, last amended in 2010 and 2015, respectively.⁴ Certain provisions of the Criminal Code include sanctions for election-related violations, such as fraudulent voting or falsification of election results. The Ministry of Justice (MoJ) may issue decrees and regulations on various aspects of the election process. In

¹ Centre Party (49 seats), Finns Party (38 seats), National Coalition Party (37), Social Democratic Party (34 seats), Green League (15 seats), Left Alliance (12 seats), Swedish People's Party (9 seats), Christian Democrats (5 seats) and Åland Coalition (1 seat). A total of 83 women are members of the current parliament.
² 5 out of 17 ministerial positions in the government are held by women.
³ See all previous OSCE/ODIHR reports on Finland.
⁴ In addition, certain provisions from the Administrative Judicial Procedure Act and the Act on Equality between Women and Men are applicable.
addition, Finland is a party to major international and regional instruments related to democratic elections.  

Although some technical aspects of the election legislation have been amended on several occasions, essentially the legal framework, and in particular the one related to the presidential election, remained the same. The most recent changes aim at strengthening the impartiality of the election bodies by prohibiting membership of candidates and their close relatives in the election administration. All of the OSCE/ODIHR NAM interlocutors expressed confidence in the legal framework and the way it is applied in practice.

The Constitutional Law Committee in the parliament has the mandate to oversee the constitutionality of laws and other legal acts. The Supreme Administrative Court and Regional Administrative Courts are mandated to interpret electoral legislation on a case by case basis. Although the right to appeal against election results for parliamentary and local elections was extended to each eligible voter, this possibility does not exist for presidential election which may limit the right of legal redress. According to some OSCE/ODIHR NAM interlocutors the reasons for not giving this possibility for presidential election is that eventual judicial proceeding might prolong the confirmation of the final election result and undermine the public trust in the process. OSCE/ODIHR NAM interlocutors also noted that, so far, presidential election results were never publicly disputed. The Administrative Judicial Procedure Act allows for ‘extraordinary’ appeals by means of procedural complaint. Although all OSCE/ODIHR NAM interlocutors noted confidence in the judiciary and dispute resolution process, some prior OSCE/ODIHR recommendations in relation to the complaints and appeals and the right to effective remedy remain to be addressed.

C. ELECTION ADMINISTRATION

The MoJ is the supreme electoral authority which oversees the organization of the election and has overall responsibility for its conduct. In doing so the MoJ issues instructions to lower-level administration on various aspects of the electoral process. In addition, the MoJ publishes guidelines,
organises trainings for election officials and implements a number of voter education projects. Although the MoJ acts as the highest election authority within the government, it has no power to overrule the decisions made by the lower-levels of election administration.

A total of 13 Electoral District Committees (EDCs) established in each electoral districts, and 311 Municipal Election Committees (MECs) in each municipality comprise the mid-level election administration. These are permanent bodies appointed for a four-year term by provincial offices and local councils in each electoral district and by municipal councils, respectively. Over 2,000 polling stations will be operating on election day, including 900 for advance voting, as well as 242 abroad in 89 different locations.

Electoral bodies at all levels consist of a chairperson, deputy, three members and their substitutes. As in previous elections, electoral contestants are entitled to have one representative and a deputy in each electoral district. While there are no specific legal requirements for gender representation in the election administration, gender balance is observed in the framework of the 1986 Act on Equality between Women and Men, which requires at least 40 per cent of each gender in all public institutions. All OSCE/ODIHR NAM interlocutors expressed confidence in the work of the election administration at all levels.

The legislation provides for various methods of voting, such as voting in advance and on election day, as well as homebound, in-prison and out-of-country voting. Voting in advance take will take place from 17 to 23 January. The election legislation provides for special provisions to support the participation of voters with disabilities, such as transportation and specially designed polling stations. To facilitate the access and participation of different groups of voters including persons with disabilities, the MoJ plans to implement targeted voter education projects ahead of this election. Some OSCE/ODIHR interlocutors noted that although measures were taken for improving the accessibility for voters with disabilities, challenges persist in order to render all polling stations fully accessible. In addition, concerns were expressed by some OSCE/ODIHR NAM interlocutors about the ability for prisoners to fully exercise their voting rights due to limited access to political and election-related information.

D. VOTER REGISTRATION

Every citizen who has reached 18 years of age by election day has the right to vote. For this election, there are approximately 4.4 million eligible voters. Voter registration is passive and voter

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10 This includes advertisements in social media, videos on television and distribution of easy-to-read brochures, including in minority languages.
11 For the presidential election the country is one electoral district; however, in carrying out the technical arrangements for elections, the electoral district division for parliamentary elections applies.
12 MEC members are nominated by groups of voters, who nominated candidates in the municipality in previous local elections. Electoral bodies at district and polling-station levels are formed based on nominations from political parties represented in the parliament.
13 For the purpose of counting and sorting of ballots, additional staff may be appointed.
14 Out-of-country voting will take place from 17 to 20 January. Some 230,000 voters are eligible to vote abroad.
15 During last parliamentary elections, over 45 per cent of voters voted early.
16 The MoJ issued detailed instructions to the local authorities for the polling stations accessibility for voters with disabilities as well as the interior set-up and arrangements of the polling station.
17 A press release from the Parliamentary Ombudsman from 2015 noted that, during the inspections carried out for the 2015 parliamentary elections, a number of shortcomings related to accessibility and the secrecy of ballot were discovered at polling stations in three different regions. These included no access for voters in wheelchairs and lack of arrangements to protect the secrecy of vote of disabled voters.
18 According to the Criminal Sanction Agency, as of October 2017 there are 2,986 prisoners.
information is extracted prior to each election from the Population Information System, maintained by the Population Register Centre (PRC). Each voter is entitled to request non-disclosure of personal information in the voter register. The voter register becomes public 41 days prior to election. Each voter receives a notification by post 24 days before election day, which includes information on voting arrangements and the polling station where a voter is entitled to vote.

Complaints regarding the voter register can be submitted to the public administration and appealed to Administrative Courts and the Supreme Administrative Court whose decision remains final. The voter register is closed for any amendments 12 days before election day, and amendments after this deadline are only permissible based on court decisions with the PRC notified of any such decision in order to ensure timely updates in the system. OSCE/ODIHR NAM interlocutors did not raise any particular issue with the voter list and expressed trust in the population and voter registration systems.

E. CANDIDATE REGISTRATION

Every eligible voter who is not under guardianship has the right to stand as a candidate. However, this is limited to native-born Finnish citizens. Candidate nominations should be submitted to the Helsinki EDC until 12 December with candidates being registered by 21 December. Candidates can be nominated either by parliamentary political parties or by a constituency association supported by signatures of at least 20,000 voters. Parties and constituency associations can nominate the same candidate. A nominated candidate has to give his/her consent to stand for office.

At least 7 potential candidates have publicly expressed their interest to stand for election so far, including 3 women. All OSCE/ODIHR NAM interlocutors, including political parties, perspective candidates and their representatives, expressed confidence in the candidate registration system and considered the legal requirements sufficient.

F. CAMPAIGN AND CAMPAIGN FINANCE

There is no official campaign period and the legislation does not contain detailed provisions on the election campaign. Campaigning is allowed up to and on election day, except in the vicinity of polling stations. All potential candidates that the OSCE/ODIHR NAM met with intend to have direct meetings with voters and place paid advertisements in the print and broadcasting media. In addition to printed campaign materials, campaigning on social media and other online platforms will be used. The campaign most likely will focus on foreign policy issues, economic issues, national security, and NATO integration. Due to the perceived role of the president as a state ‘values leader’ one of the topics in the campaign is expected to be the values system and some of the debates and candidates interviews will have a special focus on the gender issues.

The Act on Candidate's Election Funding and the Act on Political Parties regulate the campaign funding. Presidential election campaign funding largely depends on contributions and on the regular

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19 OSCE/ODIHR NAM was informed that in 2017 several members of the parliament submitted a motion for a constitutional amendment in order to waive unnecessary restrictions to candidacy rights for presidential election.

20 The legislation does not envisage signature verification procedure.

21 Most of the potential candidates stated that they have started their campaign activities following the party nominations. The incumbent president publicly stated in May 2017 that he will start with the official campaign following the celebration of Finland’s 100-years independence day, which will take place on 6 December. Nevertheless, some other potential candidates considered the process of signature collection by the incumbent president (some 156,000 signatures have been collected already) as campaigning.
public funding disbursed to political parties.\textsuperscript{22} Parties are reimbursed for campaign expenses during the parliamentary elections, but candidates are not reimbursed for presidential election expenses.

The legislation does not contain limits on donations to presidential candidates. Campaigns can also be funded from candidates’ own resources, loans and contributions received from individuals, including cash donations, and legal entities. Each individual campaign contribution and its donor must be disclosed separately, if the value of such a contribution exceeds EUR 1,500 and consent for disclosure from the donor is required for donations below this amount. The law does not set any limits on campaign expenditures, nor does it impose an obligation on candidates to open a dedicated bank account. Third-party expenditure and in-kind donations are largely unregulated.\textsuperscript{23}

The law provides that all parties or constituency associations that nominate candidates must submit a campaign finance report to the National Audit Office (NAO). The reports have to be submitted within two months from the confirmation of the election result.\textsuperscript{24} The NAO is vested with sanctioning powers in situations where required documents or information are not submitted, corrected or completed.\textsuperscript{25} The changes in the campaign finance framework from 2015 extended the time limit for the NAO to conduct audits and potentially issue sanctions to candidates or parties.\textsuperscript{26} The NAO publishes all financial reports online and reports to the parliament annually. While there are no requirements for interim reporting, most of the potential candidates informed the OSCE/ODIHR NAM that they intend to voluntarily disclose received donations that are published on the NAO website but are not subject to review. Most of the OSCE/ODIHR NAM interlocutors expressed confidence in campaign finance system and its transparency, although some of them noted that further steps, such as opening dedicated bank accounts and strengthening the NAO capacity, in particular for the parliamentary elections, should be considered.

G. MEDIA

The media environment is pluralistic, and a variety of public and private television channels and radio stations, as well as a range of daily and weekly newspapers, offer diverse views.\textsuperscript{27} While print media circulation rates are declining due to the rise of digital media, they are still very high.\textsuperscript{28} The public broadcaster, \textit{YLE}, plays an important role in providing political information to voters and \textit{Helsingin Sanomat} remains the largest and most popular political daily nationwide.\textsuperscript{29} The traditional

\begin{itemize}
\item Public financing is given to political parties that have at least one representative in the parliament in proportion to the number of seats held. The campaign of the incumbent president is expected to be funded only from private donations.
\item For in-kind donations, contestants are obliged to give voluntary estimate of the donations they include in the financial reports. Some OSCE/ODIHR NAM interlocutors raised concerns that this issue is not sufficiently regulated and might be potentially misused by some contestants.
\item The reporting period in the campaign finance reports covers the six months before election day until two weeks after election day. For presidential election, financial reports are submitted in hard-copy, while for other types of elections there are electronic forms for reporting.
\item For presidential election, the legislation provides only for financial sanctions and does not envisage the amount of sanctions. According to the 2000 Act on National Audit Office, the NAO has discretion to determine the amount of the sanction. Sanctions are imposed following repeated reminders to correct a mistake or submit a missing document.
\item Under the previous legislation, the NAO was obliged to conclude the audit and subsequently potential sanctioning process within eight months.
\item For the last five years Finland topped the \textit{World Press Freedom Index} and was placed as number three in 2017 ranking.
\item Finland ranks four in the world for newspaper readers per capita, with 200 newspapers, including 33 dailies. As per the December 2016 statistics, 88 per cent of the population uses the Internet.
\item Public broadcaster comprises 4 TV channels, 6 nationwide radio channels, extensive web-services, 24 regional radio stations and 10 regional TV news.
\end{itemize}
media landscape is also dominated by a number of private nationwide television channels. The radio
sector includes four public-service channels, a commercial station Radio Nova, and a large number
of local stations. Most programming in all media is in Finnish, but there are also extensive broadcasts
in minority languages, such as Swedish and Sámi. In the pre-electoral period, YLE plans to issue
several news items in English and Russian languages. All OSCE/ODIHR NAM interlocutors
expressed satisfaction with the media environment and the election coverage and highlighted the
important role of public broadcaster in fact checking and in forming public opinion.

There are no legal regulations on the media coverage of the presidential campaign and media are
largely self-regulated. The YLE’s operations are governed by the 1993 Act on Yleisradio Oy which
requires the public broadcaster to “support democracy and everyone’s opportunity to participate by
providing a wide variety of information, opinions and debates as well as opportunities to interact.”
According to the OSCE/ODIHR NAM interlocutors, there will be some 12 debates organized during
the campaign in the media, and YLE plans to host two television debates with the participation of all
candidates. Paid political advertisement in private media including online is allowed. All potential
candidates that the OSCE/ODIHR NAM met with expressed their intention to participate in the
debates.

The Council for Mass Media is an independent self-regulation body that promotes good journalistic
practice and considers complaints on breaches of professional ethics. It is comprised of a
chairperson and 13 members appointed for a 3-year term. It developed guidelines for journalists with
the aim of supporting the responsible use of freedom of speech in mass communication, including
online. Council’s decisions are published on its website, including the complete decision if the
complaint is upheld.

IV. CONCLUSIONS AND RECOMMENDATIONS

All of the OSCE/ODIHR NAM interlocutors expressed a high level of confidence in all aspects of
the electoral process. Some measures aimed at addressing earlier OSCE/ODIHR recommendations
have been introduced ahead of the 2015 parliamentary elections. No new major issues pertaining to
the conduct of election that would benefit from review by the OSCE/ODIHR have been identified.
Based on this, the OSCE/ODIHR NAM does not recommend deploying an election-related activity
for the 28 January 2018 presidential election. The OSCE/ODIHR would, however, like to reiterate
that some recommendations made in previous OSCE/ODIHR report are still valid, in particular the
ones concerning complaints and appeals process and campaign finance framework. The
OSCE/ODIHR stands ready to engage in a follow-up process after the election, and encourages the
authorities to also consider the pertaining issues with regard to the complaints and appeals
mechanism and campaign finance framework.

30 The council is regulated by a charter signed by all organizations that have committed to themselves to it and
have accepted its objectives.

31 Guidelines came into force on 1 January 2014.
ANNEX: LIST OF MEETINGS

**Ministry for Foreign Affairs**
Mikko Kinnunen, Director, Unit for Security Policy and Crisis Management
Merja Lahtinen, Desk Officer, the OSCE's Human Dimension and Council of Europe, Unit for Human Rights Policy
Karita Tammi-Kortelainen, Desk Officer, Elections, International Official and Legal Assistance, Unit for Consular Assistance
Juha Savolainen, Director, Unit for Consular Assistance
Theresa Zitting, Counsellor, Ministry for Foreign Affairs
Satu Turpeinen, Trainee, Unit for Security Policy and Crisis Management

**Ministry of Justice**
Johanna Suurpää, Director of the Unit for Democracy, Language Affairs and Fundamental Rights
Arto Jääskeläinen, Ministerial Adviser, Director of Electoral Administration
Heini Huotarinen, Ministerial Adviser
Anna Saarela, Senior Inspector
Laura Nurminen, Senior Specialist

**The Supreme Administrative Court**
Pekka Vihervuori, President of the Supreme Administrative Court
Petri Helander, Justice
Mr. Toni Kaarresalo, Secretary General

**National Audit Office**
Jaakko Eskola, Director of Financial Audit
Kaj Von Hertzen, Senior Legal Expert

**Population Registration Centre**
Timo Salovaara, Manager, Information Services
Pauli Pekkanen, Project Manager

**Candidates and Representatives of Candidates and Political Parties**
Aila Paloniemi, Chairman of the OSCE PA Delegation of Finland, Member of Parliament
Kimmo Kivelä, Member of Parliament
Gunilla Carlander, Secretary of the OSCE PA Delegation of Finland
Maija Välivaara, Special Adviser of the OSCE PA Delegation of Finland

Matti Vanhanen, Presidential candidate, the Center Party of Finland
Laura Huhtasaari, Presidential candidate, the Finns Party
Pekka Haavisto, Presidential candidate, the Greens of Finland

Jenny Suominen, Campaign Manager, the Social Democratic Party of Finland
Asmo Maanselkä, Secretary General, the Christian Democrats in Finland
Fredrik Guseff, Secretary, General Swedish People's Party of Finland
Joonas Leppänen, Secretary, General Left Alliance
Jukka Kopra, Member of the Parliament, National Coalition Party
Maija Karjalainen, Secretary for International Affairs, Blue Reform Parliamentary Group
Riikka Taivassalo, Special Adviser for the Minister for Foreign Affairs, Blue Reform Parliamentary Group
Pete Pokkinen, Campaign Manager for Mr. Sauli Niinistö, candidate and incumbent president

**The Finnish Broadcasting Company YLE**  
Petri Kejonen, Head Producer, Elections  
Krista Taubert, Executive Producer  
Juho Salminen, Online Producer, Elections  
Pia Johansson, Election Producer

**Helsinki Sanomat**  
Kalle Silfverberg, Politics and Business Editor  
Erja Yläjärvi, Managing Editor

**The Finnish League for Human Rights**  
Milla Aaltonen, Head of Advocacy  
Matti Jutila, Expert on Human Rights

**The Coalition of Finnish Women's Associations**  
Johanna Pakkanen, Secretary General  
Katariina Hyvärinen, Coordinator