Joint DPO submission on Finland

Human Rights Committee, 108th Session

This submission, jointly prepared by the national, regional and global organisations of persons with disabilities (DPOs), the Finnish Disability Forum (Vammaisfoorumi ry / Handikappforum rf - FDF), the European Disability Forum (EDF) and the International Disability Alliance (IDA) respectively, provides supplementary information from the Finnish and international disability movement to the combined sixth periodic report (hereinafter State Report) submitted by the Finnish government to the Human Rights Committee. In particular, the submission provides responses to the questions relating to the civil and political rights of persons with disabilities of the list of issues adopted by the Human Rights Committee (CCPR/C/FIN/Q/6) as well as proposes concrete recommendations for implementation of these rights by the Finnish government (page 10).

Please find attached:
- Annex I which compiles selected disability references in UPR recommendations and Concluding Observations of treaty bodies with respect to Finland (page 12)
- Annex II which includes information of the organisations making this submission (page 16).

INTRODUCTION

Finland signed the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on 30 March 2007. The submitting organizations note with satisfaction the commitment of the government to ratify the CRPD and its Optional Protocol before the end of the ongoing governmental period.¹ It is vital that this commitment be followed through, as recommended by the Human Rights Council as an outcome of the Universal Periodic Review (UPR) of Finland²; the CRC Committee³, the CAT Committee⁴, the CEDAW Committee⁵ and the CESCGR Committee⁶. Major issues are still open in the ratification process, including the structures of national implementation and monitoring.

¹ In the programme of the government of Prime Minister Jyrki Katainen (22 June 2011)
³ Concluding Observations of the CRC Committee, CRC/C/FIN/CO/4, 2011, paras 41(e), 65
⁴ Concluding Observations of the CAT Committee, CAT/C/FIN/CO/5-6, 2011, para 26
⁵ Concluding Observations of the CEDAW Committee, CEDAW/C/FIN/CO/6, 2008, para 39
⁶ Concluding Observations of the CESCGR Committee, E/C.12/FIN/CO/5, 2008, para 32
It is clear that the human rights standards of the ICCPR and the CRPD intersect and reinforce each other when it comes to the civil and political rights of persons with disabilities. Throughout this submission, in addition to provisions of the ICCPR, some references will be made to related CRPD provisions as the latest articulation of the human rights of persons with disabilities.

**Deficiencies in the Non-Discrimination Legislation (arts 2, 26)**

Finnish legislation concerning equality is currently spread over a number of provisions, and is incoherent in nature and very difficult to grasp for citizens. The combined implementation of two pieces of European Union legislation, i.e. the Framework Employment Directive 78/2000/EC and the Race Directive 43/2000/EC, by the drafting of the Non-Discrimination Act (21/2004) led to an unequal situation: the scope of application and legal remedies are much more comprehensive in the case of discrimination based on ethnic discrimination than that on other grounds, such as disability. This state of affairs cannot be considered as being consistent with the principle of equality and the norms regulating it. The Finnish Non-Discrimination Act is therefore discriminatory in itself, as it provides different remedies according to the ground of discrimination raised—without acceptable justification for this distinction. The Human Rights Council, the CRC Committee and the CAT Committee have also paid attention to this disparity in their recommendations and Concluding Observations. (see Annex I below, p 12)

Monitoring mechanisms are very weak and monitoring personnel (e.g. The Ombudsman for Minorities) do not have expertise in disability issues nor even the mandate to advise on disability based discrimination issues. The mandate is to be extended to include disability discrimination cases in some areas. This extension does not remedy the major shortcoming of existing non-discrimination legislation: employment is to

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7 Non-Discrimination Act (21/2004), Section 2 — Scope of application. (1) This Act applies to both public and private activities in the following contexts: 1) conditions for access to self-employment or means of livelihood, and support for business activities; 2) recruitment conditions, employment and working conditions, personnel training and promotion; 3) access to training, including advanced training and retraining, and vocational guidance; and 4) membership and involvement in an organization of workers or employers or other organizations whose members carry out a particular profession, including the benefits provided by such organizations.


9 Concluding Observations of the CRC Committee, CRC/C/FIN/CO/4, 2011, paras 25, 26

10 Concluding Observations of the CAT Committee, CAT/C/FIN/CO/5-6, 2011, para 24


12 Tasa-aryo- ja yhdenvertaisuuslainsäädännön uudistustarve ja -vaihtoehdot. Yhdenvertaisuustoimikunnan Väljimietintö, page 51: “Differences in access to advisory services and other expert assistance. Special authorities offering assistance and other forms of support currently exist in terms of discrimination on the grounds of ethnic origin or gender only. For example, the Ombudsman for Minorities cannot assist victims of discrimination in cases related to grounds such as language or religion, if the case is not in some way linked to the ground of ethnic origin, as well. The availability of advisory services is also limited in cases where for example, discrimination on the ground of age, disability, sexual orientation or, of the use of sign language is at issue.” [Erota vuorovaikutustapahtumien ja muun asiainajattelun avuksi saatavuudesta. Neuvontaa ja muuta apua tarjoavat erityisviranomaiset nykyisin ainoastaan etniseen alkuperään tai sukupuoleen perustuvaa syrjintää varten. Esimerkiksi vähemmistövaltuutettu ei voi avustaa syrjinnän kohteeksi joutuneita tapauksissa, jotka liittyvät kieleen tai uskontoon, ellei tällaisilla tapauksilla ole samalla jonkinlaista yhteyttä etniseen alkuperään. Neuvontapalveluiden saatavuus on rajottu myös tilanteissa, joissa on kyse syrjinnästä iän, vammallsuuden, seksuaalisuuden suuntautumisen tai esimerkiksi viittomakielien käytön vuoksi.] 2008:1 The need and options for the reform of the equality and non-discrimination legislation. Interim report of the Equality Committee. Ministry of Justice. Summary of the report in English.
remain completely outside the Ombudsman’s mandate. Resource constraints must be addressed, and the Ombudsman’s activities must be resourced to meet the requirements of the extended mandate. Underfunding in relation to the mandate severely affects the Ombudsman’s ability to function effectively. The same concerns must be raised in relation to the authorities in the field of employment and labor.

The Finnish Criminal Code does include an explicit mention of disability in several sections. However, when persons face discrimination on the ground of their disability or on other prohibited grounds, they have no practical access to effective legal safeguards. Cases are often not recognized as discriminatory by service providers, such as restaurants or stores, or even by investigative officers. Also, the possibility of taking a case to court as a civil lawsuit remains illusory for most persons in Finland – considering, for example, the risk of having to cover costs of both parties in case of loss, in particular for persons with disabilities who are more likely to be unemployed with fewer financial resources.

To address the current gaps in protection and remedies against discrimination on the ground of disability, it is important that the deficiencies within the Non-Discrimination Act be corrected. A working group under Ministry of Employment and the Economy has prepared a draft government proposal that has recently been made public and a round of consultations has been conducted ending in May 2013. The draft proposal as presented raises considerable concern among civil society NGOs, as some of its key provisions can be seen as significantly diluting the established doctrine of protection against discrimination. Efforts to remedy the legislation have been ongoing for almost a decade, it is imperative that all protected characteristics receive equal level of protection and remedies. The proposal of May 2013 does not meet the set objectives and adds new complexities with highly opaque terms in established concepts, such as direct discrimination. Exceptions to the prohibition and justification of differential treatment are too complex and extensive, failing to meet the criteria of clarity and precision.

In the section on purpose, an important issue has been left out, namely “to enhance the protection provided by law to those who have been discriminated against in cases of discrimination”. This is an unjustified change and dilution. Effective access to justice is still an important part of the purpose and objective of the non-discrimination legislation.

The overall scope of the proposed Non-Discrimination Act includes disability. The improvement in scope is offset, however, by the fact that disability is defined in very narrow and predominantly medical terms: for example the characterization given that “the condition must be permanent” and “not curable by medical treatment”. FDF, EDF and IDA find that the basis and starting point of a definition must be in accordance with the social model of disability as recognized in the CRPD: the manifestation of disability and causes of discrimination lie in the environment and the barriers posed therein (be it physical, attitudinal,


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13 The Criminal Code of Finland (39/1889, as amended by 13.11.2009/885, the amendment entered into force 1. January 2010). Chapter 11 Section 11 – (unofficial translation of the Finnish text [Rikoslaki 19.12.1889/39]. Disability mentioned also in Chapter 11 Section 3 - Crime against humanity & Section 5 – Grounds increasing the punishment & Section 9 a – Torture & Section 11 – Discrimination, Chapter 17 Section 24 – Corporate criminal liability, Chapter 20 Section 1 – Rape, Section 4 Coercion into a sexual act, Section 5 - Sexual abuse, Chapter 24 Section 13, Chapter 25 Section 10, Chapter 47 Section 3 Work discrimination.
communicational, informational, etc.) which hinder the effective participation of persons with disabilities within society, and not in the individual person who is targeted as victim of discrimination.

**Prohibition of discrimination**

While the extension of the scope of substantive application, if considered in isolation, can be regarded as a positive development, the overall effect is marred by a significant change in how discrimination is defined. A new general justification of differential treatment has been added, which would cause a **significant weakening of the legally binding nature and the effectiveness of non-discrimination protections**. The way in which direct discrimination is redrafted will impact negatively on the existing established level of protection against direct discrimination. In practice, differential treatment up to the level of direct discrimination will be increasingly acceptable.

Sections 8-12 of the draft governmental proposal to amend the Non-Discrimination Act which consider justifications of differential treatment are drafted in such an opaque language that it is highly difficult for a person who is at risk of discrimination or for one who is implementing the provisions to determine what kind of treatment is discrimination and what is not.

These sections, 8-12 also stand in contradiction with the extensive provisions on non-discrimination of persons with disabilities as provided for in Article 5 CRPD. Under Article 5 (2) CRPD, States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. The article also states that “specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination”. Neither the CRPD nor the Covenant allow for any overarching justifications of general scope of application such as the one included in the draft proposal.

Problematic distinctions across prohibited grounds of discrimination are also included in relation to social security benefits or other types of social aid. Two cases, otherwise identical, would be evaluated according to a different set of criteria to determine whether discrimination has taken place. In the case where the claimant is a person with disability, the general justification clause would be applied. In another case where the claimant is a person of ethnic origin, the general justification clause would not be applicable. The proposed draft section 12.2, would allow for the application of the extensive justification clause on the ground of disability, while specifically prohibiting such application in case of other grounds. This goes directly against the stated purpose of bringing the various grounds under an equal and effective system of protection and remedies.

We welcome the interest the Committee has shown towards the situation of minorities in the list of issues. We would like to assert that much like minorities, persons with disabilities face extensive discrimination in many fields, including political participation and access to employment. We wish to recall that among the recognized linguistic minorities, Sign Language users face particular challenges due to the reorganization of the sign language interpretation services in Finland.

The ratification and implementation of CRPD, especially in regard to the setting up of the national independent monitoring framework (article 33, CRPD) is crucial. This will only be
possible if sufficient resources are made available. The chronic underfunding of human rights protection mechanisms severely impair their ability to carry out rights promotion and protection duties.

The proposed reform of the Non-discrimination Act fails in many significant ways, and introduces new weaknesses, in particular the extensive justifications for disparate treatment, narrowing scope of what is considered as discrimination, especially in terms of discrimination on the ground of disability. Such developments are inimical to the enhancement of discrimination protection and leave persons with disabilities in an unequal position. Continued existence of differences in kind and level of remedies available across the grounds of discrimination is unacceptable.

Gaps in supports, advisory services remain, as do those legal protections available for victims of discrimination and weakness of remedies in relation to rights infringements experienced by the victim. Protection against disability discrimination in employment must be strengthened and the authorities provided with sufficient resources for this work. One solution, already in use in other areas, would be a shared mandate for the Minority Ombudsman in cases of employment discrimination. Additionally, the provision of reasonable accommodation (which is an integral element to non-discrimination of persons with disabilities as recognized by the CRPD and ICESCR) should be applied more extensively to reduce barriers to employment and other areas of life.

Multiple discrimination is recognized in key policy documents, e.g. National Human Rights strategy and action plan. Notwithstanding the emphasis given to it, there is no mention of it in legislation. No legislative guidance to authorities exists about procedure in such cases, e.g. which authorities would need to take action and how they should co-operate in cases where discrimination is suspected on multiple grounds.

**Violence against women (arts 3, 7 and 26)**

As numerous international studies have found, women and girls with disabilities are more vulnerable to violence; almost 80 percent of women with disabilities are victims of violence and they are four times more likely than other women to suffer sexual violence. Severe gaps remain in victim protection services: e.g. such as safe houses, the low number of shelter places relative to the population is even lower now than it was in 2012. The one relatively accessible safe house/shelter in Finland was closed in early 2013. Support for disabled victims of violence would require more disability expertise in the services. Formally, the services are available for all women, but the mainstreaming strategy has not been

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14 As defined in the CRPD and the CESCR Committee General Comment no 20 on non-discrimination, reasonable accommodation means making the necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.” Additionally, those instruments spell out that the denial of reasonable accommodation constitutes disability-based discrimination.

actualized fully in practice in relation to clients with disabilities, leaving a large lacuna of no rights protection. Collection of data about victims of violence does not include reference to disability so the full extent of the problem of violence against women and girls with disabilities cannot be detected. The training of police officers does include a section on meeting clients with special needs, but this is very limited. As for the courts, some accommodations for victims are possible in limited number of cases with vulnerable persons, including children and persons with intellectual disabilities. The victims support service (in Finnish Rikosuhripäivystys) has available services per telephone hotlines and online advice services. These mainstream services are not fully accessible for persons with intellectual disabilities or deaf persons. There is a designated helpline for persons who are deaf, which assists also persons in situations of violence or abuse.

The action plan to reduce violence against women in 2010-2015 includes one measure of cooperation; the DPO women’s network has together with the National Institute of Welfare and Health (NIWH) produced a guidebook on protection of women with disabilities against domestic violence. This project is a good example of DPO networks co-operating with authorities.

**Right to legal capacity (arts 16, 26)**

Finnish legislation continues to permit full or partial removal of legal capacity of persons with disabilities, contrary to Article 16 ICCPR and Article 12, CRPD.

The exclusions to the right to vote and to stand for elections, for persons under guardianship, continue in force. Guardianship legislation remains unamended and the Guardianship Services Act, the Act on the Arrangement of Guardianship Services, Criminal Procedures Act and other law and policy which have the purpose or effect of denying or diminishing recognition of any person as a person before the law, or of denying or diminishing any person’s ability to exercise legal capacity, remain in force.

A working group set up in 2010 under Ministry of Social Affairs and Health to draft new legislation restricting the right of self-determination of social welfare and health-care clients and patients in social and health care has its mandate lengthened. New measures of supported decision-making to provide support to persons with disabilities in exercising their legal capacity according to their will and preferences, delayed due to major reform acts in social welfare and health care organization.

**Right to liberty and security of person (art 9)**

The process of deinstitutionalization of persons with intellectual disabilities is on-going, but the goals set will probably not be met in time. The provisions of the Mental Health Act governing involuntary psychiatric hospitalization and treatment have not been repealed nor has there been sufficient investment and implementation of community based services which can be accessed according to the free and informed consent of the individual.
Right to vote and stand for election (arts 25, 26)

Finnish guardianship laws exclude persons with intellectual or psychosocial disabilities from their right to vote and stand for the election. In the Constitution, Section 27 on eligibility and qualifications for the office of representative states: “Everyone with the right to vote and who is not under guardianship can be a candidate in parliamentary elections.” Also the Local Government Law, Section 33 on general qualifications for election, states that “Those qualified for election to a municipal elective office shall be persons: … 3) who are not under guardianship.” In practice, only persons declared to be incompetent by court cannot stand for elections.

Discriminatory sections in the Constitution and in the Electoral Law are in violation of Article 25, ICCPR and Article 29, CRPD which requires that States Parties guarantee to persons with disabilities their political rights and the opportunity to enjoy them on an equal basis with others. Persons with disabilities should be able to effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives. Persons with disabilities have the right to stand for elections, to effectively hold office and perform all public functions at all levels of government.

Right to enjoy their own culture, to use their own language (art 27)
(paras 237-238, 249-251 in the State report)

The provision on the basic right to language and culture is included in section 17 of the Finnish Constitution. The use of Finnish Sign Languages are protected by the section regarding language rights of the Finnish Constitution.16 People using sign language are a linguistic and cultural group, as are the Sami and the Roma people, and therefore public authorities are to take active measures in order to ensure that sign language users have the opportunity to use their own language and to develop their own culture. Finnish Sign Language and Finland-Swedish Sign Language are native languages of about 4,000–5,000 Deaf Finns. About 10,000 hearing Finns also use these languages as their native language, second language or as a foreign language.17

However, constitutional obligation has not sufficiently guaranteed the realization of linguistic rights for deaf people, and legislation still has major deficiencies in protecting linguistic rights of sign language users, i.e. basic rights for deaf people. A report of the Ministry of Justice has recently suggested to enact Sign Language Act to better protect the basic rights of sign language users, but it still remains open if a working group for government’s initiative will be set. This initiative is highly welcomed by the Finnish deaf community who feel that better guidance is needed, because their rights are often neglected by state or municipal officials. Even today, there remain shortcomings in many different areas of life: infancy, education, access to services and information, interpretation and culture. A separate Sign Language

16 Section 17 – Right to one's language and culture. “The national languages of Finland are Finnish and Swedish. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act”. The Constitution of Finland, 11 June 1999. (731/1999)
17 Finnish Sign Language. Institute for the Languages of Finland.
Act would cover existing holes within the current legislation and acknowledge and protect the rights of sign language users. Furthermore, the Government should appoint an Advisory Board on Sign Language Affairs to oversee the implementation of this act and other legislation concerning linguistic rights.

As mentioned in the Finnish state report, there are two national sign languages: the Finnish and the Finland-Swedish sign language. However, the Finland-Swedish Sign Language is a highly threatened language. This development has become evident after the last Swedish Deaf School was closed in 1993. Furthermore, there is no interpreter training in Finland-Swedish Sign Language. Both these developments have led to a situation where language users do not receive basic services in their own language. Also this language minority is getting smaller, because families have moved to Sweden in order to receive education for their deaf children. **The state should immediately start a revitalisation programme for Finland-Swedish Sign Language.**

**The position of Finnish Sign Language is enforced in several other provisions,** such as in the Law on basic education, the Law on upper secondary school, the Law on vocational education, the Language Act, and the Act on Yleisradio Oy (national television).

Further, **free interpretation services are offered by the government** (Kela – The Social Insurance Institution of Finland) to persons who have a hearing impairment, visual and hearing impairment (deaf-blindness) or speech impairment; and who therefore need interpretation for work purposes, secondary or higher education, running errands, participation in the public life, or recreation purposes. However, the maximum hours offered annually for these purposes are only 180 hours for a person with hearing or speech impairment, and 360 hours for a person with visual and hearing impairment (deaf-blindness). **In practice, this means that a person needing interpretation can take part in communications for half an hour to one hour daily.** Additional hours must be applied for separately and must be justified separately. Interpretation services for studies are provided without hour limits.

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18 Law on basic education (628/1998) § Section 10, subsect. 1: “The language of instruction and the language used in extracurricular teaching shall be either Finnish or Swedish. The language of instruction may also be Sami, Romany or Sign Language.” subsect. 2: “Pupils with impaired hearing must be given teaching in Sign Language, when needed.” § Section 12, subsect. 2: “As mother tongue, the pupil may also be taught the Romany language, the Sign Language or some other language which is the pupil’s native language.”

19 Law on upper secondary school (629/1998) § Section 6, subsect. 1: “The language of instruction in the upper secondary school is either Finnish or Swedish. The Sami, Romany or the Sign Language can also be used as a language of instruction...” § Section 8, subsect 2: “On the basis of the student’s choice, also the Romany language, the Sign Language or other mother tongue of the student can be taught as a mother tongue.”

20 Law on vocational education (630/1998) § Section 11, subsect. 1: “In vocational education, the language of instruction is either Finnish or Swedish. The Sami, Romany or the Sign Language can also be used as languages of instruction...” § Section 12, subsect. 3: “On the basis of the student’s choice, also the Romany language, the Sign Language or other mother tongue of the student can be taught as a mother tongue.”

21 Language Act (423/2003) § Section 37 – Report on the application of language legislation “1) Each electoral period the Government reports to the Parliament, as supplemental material to the Report on Governmental Measures, on the application of language legislation and on the securing of linguistic right and, as necessary, on other linguistic conditions.” 2) The report deals not only with Finnish and Swedish but also with at least Sami, Romany and Sign language.”

22 Act on Yleisradio Oy (746/1998) § Section 7: “4) ...to treat in its broadcasting Finnish and Swedish speaking citizens on equal grounds and to produce services in the Sami and Romany languages and in Sign Language as well as, where applicable, also for other language groups in the country”

23 Laki vammaisten henkilöiden tulkkauspalvelusta 19.2.2010/133. Law on interpretation services for persons with disabilities. Only available in Finnish.
Interpreting is one of the most vital services available to Deaf sign language users, since it creates the opportunity for equal involvement and access to information. At its best, interpreting provides a channel for the realisation of linguistic rights and freedom of expression, thereby reinforcing independent decision-making and life management. However, the Social Insurance Institution of Finland (KELA) has recently imposed serious limitations to SL interpretation which has had an effect of limiting access to information for SL users. These new regulations for example exclude KELA’s responsibility to arrange SL interpretation to public events, such as seminars or other events arguing that the organiser must pay for all interpreter costs. This seriously limits deaf people’s opportunities to participate in civil and political life. Several associations have expressed dissatisfaction against these new regulations as well as the way KELA make these regulations without truly listening to deaf and hard of hearing organisations. KELA must immediately change these new restrictions. In addition, more political guidance is needed in order to implement customer-oriented approach. The availability of interpreting services shall be secured as well as access to interpreting services that correspond to individual needs must be guaranteed without any restrictions.

The amount of broadcast programmes in SL has not increased since 1996 although the number of hours broadcasted in general has significantly increased. It is highly recommended the Finnish Broadcasting Company YLE to produce more programme in sign language, increase its range of sign language programmes and offer these programmes at a good viewing time. The number of programmes that have been translated or interpreted into sign language shall also be increased.

Since many social services and communications methods are based on hearing, a Deaf sign language user finds him/herself in a very different position compared to a hearing person. This inequality could turn into a grave situation that threatens health or even lives when faced with an emergency or crisis. Emergency warnings are only given using audio signals, and the special news broadcasts on television still do not include subtitles or sign language interpretation.

If an individual has an emergency, such as an auto accident, there is a bilateral need for communications; the individual must be able to express the need for assistance to the authorities and be able to clearly understand the instructions that are given. Presently, the general emergency number 112 for the Emergency Response Centre (ERC) cannot be contacted by text message, since each regional centre has its own individual mobile phone number. Therefore, when on the road, one would have to know at all times which local emergency response area he or she is travelling in. The emergency response centres must immediately develop their services for sign language users as well; the process of integrating interpreting services into the operations of the ERC must be investigated.
RECOMMENDATIONS

Take steps to ratify the Convention the Rights of Persons with Disabilities and its Optional Protocol.

Articles 2 and 26

Ensure that the protection against discrimination is not weakened but strengthened and that all individuals and groups, regardless of their characteristic as a protected ground against discrimination, enjoy equal and effective protection against and remedies for discrimination. Ensure that the denial of reasonable accommodation for persons with disabilities is recognized as discrimination as proposed in the draft Non-Discrimination Act of May 2013. Ensure that training and awareness-raising is carried out to public and private actors on their obligation to provide reasonable accommodation to persons with disabilities.

Articles 3 and 7

Address the heightened risk for women and girls with disabilities of becoming victims of violence, abuse, exploitation and harmful practices in the home, community and institutions, and to adopt measures to ensure the accessibility of services and information for victims with disabilities, including training of police, judiciary and other interlocutors. In particular, follow up on the commitments made in national programmes to ensure that the network of safe houses/shelters is improved and that existing shelter places are checked in terms of accessibility, and a programme for remedying the current lack of accessible shelters is initiated with the participation of organizations of persons with disabilities.

Articles 7 and 9

Call on States to take effective steps to eliminate institutions and assist people in leaving them, and to develop community based supports and services that meet needs expressed by persons with disabilities which respect the autonomy, choices, dignity, and privacy of the person concerned, including peer support.

Take steps to remove children with disabilities from institutions and to develop community based services and support (including increased social assistance and welfare benefits) to ensure that families can care for their children at home. Equally, adopt measures to ensure that adults with disabilities can benefit from community based services and live in the community.

Articles 2, 7, 10, 26

Adopt measures to ensure that all health care and services provided to children and adults with disabilities, including all mental health care and services, are based on the free and informed consent of the individual concerned, and that involuntary treatment and confinement are not permitted by law.

Ensure that reproductive health services are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law.
Article 14
• Ensure the effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations and support, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, in accordance with Article 13 of the CRPD.

Article 16
• Reform the law in accordance with Article 16, ICCPR and Article 12, CRPD to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.

Article 19
• Take steps to provide access to information to persons with disabilities on an equal basis with others by engaging public and private actors to make information available in accessible formats and languages, including sign languages, Braille, tactile communication, large print, etc. The status of Finnish Sign Language as a minority language requires increased efforts in the provision of broadcast programmes in Sign Language. The availability of Sign Language interpretation services should be maintained through the reorganization of services.

Articles 25 & 26
• Take steps to repeal laws which exclude persons with disabilities from their right to vote and be elected, which is in violation of the right to political participation as set out in Article 25, ICCPR and Article 29, CRPD and contrary to the latest international standards on political participation.

Article 27
• Take steps to enhance the enjoyment in practice, of the cultural rights of the deaf community as a linguistic minority with the right to be taught in sign language and to communicate with public bodies and services through the provision of sign language interpreters. Take steps to adopt a separate law on Sign Language to protect the rights of sign language users and appoint an Advisory Board on Sign Language Affairs to oversee the implementation of this law and other legislation concerning linguistic rights.
ANNEX I - Selected disability references in UPR recommendations and Concluding Observations of treaty bodies with respect to Finland


Conclusions and/or recommendations that Finland accepted
89.1. Advance its efforts to ratify CRPD (Namibia) / Actively consider ratifying CRPD (China) / Ratify and implement the CRPD, with active involvement of representatives of persons with disabilities (Slovenia) / Expedite the on-going internal proceedings and ratify the CRPD and its Optional Protocol enabling individual complaints (Portugal);
89.16. Take effective legal and practical measures to eliminate all forms of discrimination and violence against women and children, in particular women and children with disabilities, immigrant and refugee women and children, and women and children from ethnic and religious minorities, especially Muslims and Roma (Iran);
89.26. Pursue appropriate, efficient policies to eliminate the social exclusion of the most vulnerable groups, in particular mentally disabled children, immigrant and refugee children and children from ethnic minorities at schools (Slovakia);
90.23. Establish a holistic legal and policy framework to guarantee the equal right of children with disabilities to access good-quality health-care services, public buildings and transportation (Iran);

Concluding Observations of the CRC Committee, CRC/C/FIN/CO/4, 2011

Data collection
18. The Committee is concerned at the insufficient data available on the living conditions of children in vulnerable situations, including children affected by poverty, children with disabilities, minority/immigrant children and children in alternative care. It is also concerned at the limited statistics on abuse, neglect and violence against children and on services provided to them.
19. The Committee urges the State party to strengthen the statistical system and analysis on the implementation of the Convention, and to ensure that data is collected and used to inform policies and programmes in relation to poverty, violence, children with disabilities, minority/immigrant children and children deprived of a family. It recommends that the State party continue to strengthen its capacity for the systematic collection and analysis of data throughout its territory disaggregated by , inter alia, age, sex and ethnic background on all persons under the age of 18 on all areas covered by the Convention.

Non-discrimination
25. The Committee notes the State party’s efforts to reform the Non-discrimination Act, namely to expand the scope of its application, and its plans to establish the Office of the Ombudsman on equal treatment. However, the Committee remains concerned at the prevalence of discrimination against children with disabilities, immigrant and refugee children and children from ethnic minorities, such as Roma children. It is also concerned at the social exclusion and structural discrimination of the Roma population, which leads to increase in substance abuse, mental health problems and a poor standard of living for Roma children.
26. The Committee urges the State party to strengthen efforts to combat all forms of discrimination, including discrimination against children with disabilities, immigrant and refugee children and children from ethnic minority groups. It further recommends that the State party place high priority in the public agenda on preventing and eradicating discrimination through, inter alia, the media and education system. In particular, the State party should, in line with the National Policy on Roma, enhance the measures undertaken to combat ethnic discrimination and social exclusion of the Roma and ensure an adequate standard of living for all Roma children. It recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the outcome document adopted at the 2009 Durban Review Conference.

Children deprived of family environment

33. While welcoming that the Child Welfare Act provides more precise provisions for, inter alia, taking a child into care and urgent placement of children, and requires that alternative care is provided primarily in small and family-like units, the Committee is concerned that, in practice, the number of children placed in institutions, including successive placements, is increasing, that number of foster family care placements is insufficient and that there is no unified nationwide standards establishing criteria for placements in alternative care, care planning and regular review of placement decisions, and that there is insufficient supervision and monitoring of alternative care facilities. It is also concerned at the lack of effective complaints mechanisms for children without parental care, including children in institutions. The Committee is further concerned that children in institutions are not always integrated into mainstream education and do not always receive the necessary mental health services. Furthermore, the Committee is concerned at the lack of support for biological families while their children are in alternative care aimed at reunification of these children with their biological families.

34. The Committee recommends that the State party:
(a) Increase its efforts to ensure that children in need of alternative care are placed in family-type and foster family care and not in institutions, and take measures to avoid successive placement of children in public care by, inter alia, increasing the resources for foster care and support of foster parents;
(b) Provide training to all professionals working with children in alternative care settings, including foster parents and supervisors;
(c) Establish unified national standards for assessment and placement of children in alternative care, care planning and regular review of placement decisions and ensure adequate supervision and monitoring of the situation of children placed in foster homes or institutions;
(d) Take necessary measures to ensure the provision of effective, well-publicized, independent and impartial complaints mechanisms for children without parental care;
(e) Ensure that children in institutions are integrated into mainstream education, and that they have access to mental health services when required; and
(f) Provide support to biological families with the purpose of subsequent reunification of children in alternative care with their biological families, when possible.

The Committee recommends the State party to take into account the Guidelines for the Alternative Care of Children.
Children with disabilities
40. While welcoming the amendments to the Act on Services and Assistance for the Disabled in 2009 emphasizing assistance based on the individual needs of persons with disabilities and the Disability Policy Programme for 2010–2015, the Committee remains concerned about the insufficient supply of health-care services for children with disabilities in some municipalities and the lack of financial commitment by the State party in this respect. The Committee is also concerned that children with disabilities face limited mobility due to obstacles in the physical environment and public transportation, and thus the level of segregation of students with disabilities is high. Furthermore, it is concerned that teachers are not sufficiently trained to work with children with disabilities and families with children with disabilities do not receive sufficient, high-quality and up-to-date assistance or educational guidance to support their children’s rehabilitation.

41. In light of article 23 of the Convention, the Committee’s general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:
(a) Establish a holistic legal and policy framework to guarantee the equal right of children with disabilities to access good-quality health-care services, public buildings and transportation and to obtain education in mainstream schools;
(b) Ensure a sufficient number of personal assistants, interpretation and transportation services for children with disabilities;
(c) Improve the capacity of teachers to teach children with disabilities and special needs;
(d) Support families with children with disabilities by providing them with educational guidance; and
(e) Accelerate the process of ratification of the Convention on the Rights of Persons with Disabilities.

G. Ratification of international human rights instruments
65. The Committee recommends that the State party, in order to further strengthen the fulfillment of children’s rights, ratify the core United Nations human rights instruments to which it is not yet a party, namely… the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Concluding Observations of the CAT Committee, CAT/C/FIN/CO/5-6, 2011
Involuntary psychiatric hospitalization and treatment
11. The Committee is concerned that the provisions of the Mental Health Act governing involuntary psychiatric hospitalization and treatment have not been amended. The Committee is concerned further that an independent psychiatric opinion is not included as part of the procedure for involuntary hospitalization, and that a decision for involuntary hospitalization can be based on a referral from a single doctor, frequently a general practitioner. Furthermore, the Committee notes with concern that a court review of involuntary hospitalizations is often not in place. In addition, the Committee is concerned that patients’ consent is not sought with regard to electroconvulsive therapy and that there is no specific register for recording recourse to that therapy (arts. 2, 12, 13 and 16).

The Committee recommends that the State party amend the Mental Health Act and pass clear and specific legislation rescinding the provisions governing involuntary psychiatric hospitalization and treatment, and enacting clear and specific legislation ensuring basic legal safeguards, such as requiring an independent psychiatric opinion as
part of the procedure regarding the initiation and review of involuntary hospitalization and ensuring that a meaningful and expedient court review of the measure of involuntary hospitalization is provided, which includes the possibility for complaints. The State party should ensure that mental health care and services provided to all persons deprived of their liberty, including in prisons, psychiatric hospitals and social institutions, are based on the free and informed consent of the person concerned. The State party should ensure that any administering of electroconvulsive therapy to patients deprived of their liberty is based on free and informed consent. It also recommends the establishment of an independent body to monitor hospitals and places of detention, including with the authority to receive complaints.

Information and statistical data
24. While taking note with satisfaction that the State party committed itself to making the recommendations made under the universal periodic review an integral part of its Government’s comprehensive human rights policy, the Committee would appreciate receiving information regarding the measures in force to prevent violence against women, compile information on violence against children, provide the same coverage in national legislation and anti-discrimination training activities on grounds of sexual orientation and disability as for other grounds of discrimination in areas such as the provision of services and health care and to consider using the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist in the development of its policies.

26. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet party, namely... the Convention on the Rights of Persons with Disabilities and its Optional Protocol..

Concluding Observations of the CEDAW Committee, CEDAW/C/FIN/CO/6, 2008

Principal areas of concern and recommendations
35. The Committee is concerned that women with disabilities suffer from multiple forms of discrimination, including with respect to access to education, employment, health care and protection from violence, and that they are not seen as a particular group with particular needs. The Committee regrets the absence of sufficient information and data, including statistical data, on the impact of legislation and policies in the social sector on women with disabilities, as well as the lack of data on violence against those women.

36. The Committee urges the State party to intensify its efforts to eliminate discrimination against women with disabilities, to combat violence against them and to recognize them as a particular group with particular needs. The Committee calls upon the State party to take effective measures to integrate them into the Finnish labour market and to conduct regular and comprehensive studies on discrimination against them, collect statistics on their situation in employment, education and health and on all forms of violence that they may experience and submit such information in its next periodic report.

39. The Committee notes that States’ adherence to the nine major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Finland to consider ratifying the instruments to which it is not yet a party, namely, the Convention on the Rights of Persons with Disabilities.
Annex II - Information of the submitting organisations

The Finnish Disability Forum is member of the European Disability Forum. Founded in 1999, the Finnish Disability Forum is a cross disability umbrella organisation to represent Finnish disability NGOs nationally, in European Union and internationally. The organisation currently has 30 member organisations which themselves have over 320 000 individual members.

Member organisations of the Finnish Disability Forum:

- Aivovammaliitto ry, (no official English translation) Association of persons with brain injury
- Autismi- ja Aspergerliitto ry, The Finnish Association for Autism and Asperger's syndrom
- Epilepsialliitto ry, The Finnish Epilepsy Association
- Finlands Svenska Handikappförbund rf, (no official English translation) Association of Swedish Speaking Persons with Physical Disabilities
- Förbundet De Utvecklingstördas Väl FDUV rf, Association for the care of persons with intellectual disability
- Förbundet Finlands Svenska Synskadade, The Federation of Swedish Speaking Visually Impaired in Finland
- Hengitysliitto ry, Pulmonary Association
- Heta-liitto ry, (no official English translation), Association of employers of personal assistants
- Invalidiliitto ry, Finnish Association of People with Physical Disabilities
- Jaatinen - vammaisperheiden monitoimikeskus ry, Association for Jaatinen, the Finnish Activity Center for Disabled Children and their Families
- Kehitysvammaisten Tukiliitto ry, The Finnish Association for Persons with Intellectual Disabilities
- Kehitysvammaliitto ry, The Finnish Association on Intellectual and Developmental Disabilities (FAIDD)
- Kuuloliitto ry, The Finnish Federation of the Hard of Hearing
- Kuurojen Liitto ry, The Finnish Association of the Deaf
- Kynyns ry, The Threshold Association
- Me Itse ry, (no official English translation) association of self-advocates, people with intellectual disabilities
- Lihastautiliitto ry, The Finnish Association of Muscular Dystrophy
- Mielenterveyden keskusliitto ry, Finnish Central Association for Mental Health
- Närkävammaisten Keskusliitto ry, Finnish Federation of the Visually Impaired
- Psoriasisliitto ry, The Finnish Psoriasis Association
- SAMS - Samarbetsförbundet kring funktionshinder rf, (no official English translation) Association for co-operation among Swedish-speaking disability organisations
- Selkäydinvammaiset Akson ry, Finnish Spinal Cord Injured Association – Akson
- Sotainvalidien Veljesliitto ry, Disabled War Veterans of Finland Association
- Suomen CP-liitto ry, Finnish Cerebral Palsy Association
- Suomen Diabetesliitto ry, The Finnish Diabetes Association
- Suomen Kuurosokeat ry, The Finnish Deafblind Association
- Suomen MS-liitto ry, Finnish Multiple Sclerosis Association
- Suomen Polioliitto ry, Finnish Polio Association
- Suomen Reumaliitto ry, Finnish Rheumatism Association

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The **European Disability Forum (EDF)** is the independent European umbrella organisation representing 80 million disabled Europeans. EDF is the only European pan-disability platform run by persons with disabilities and their families. Created in 1996 by its member organisations, EDF ensures that decisions concerning persons with disabilities are taken with and by persons with disabilities.

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The **International Disability Alliance (IDA)** is a unique international network of global and regional organisations of persons with disabilities, of which EDF is a regional member. Established in 1999, each IDA member represents a large number of national disabled persons’ organisations (DPOs) from around the globe, covering the whole range of disability constituencies.

Member Organisations of the International Disability Alliance:
- Disabled Peoples' International
- Down Syndrome International
- Inclusion International
- International Federation of Hard of Hearing People
- World Blind Union
- World Federation of the Deaf
- World Federation of the DeafBlind
- World Network of Users and Survivors of Psychiatry
- Arab Organization of Disabled People
- European Disability Forum,
- Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS)
- Pacific Disability Forum

IDA thus represents the collective global voice of persons with disabilities counting among the more than 1 billion persons with disabilities worldwide, the world’s largest – and most frequently overlooked – minority group. IDA’s mission is to advance the human rights of persons with disabilities as a united voice of organisations of persons with disabilities utilising the Convention on the Rights of Persons with Disabilities and other human rights instruments.

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