Joint submission on Finland
List of Issues, Country report task force
Human Rights Committee, 106th Session

The Finnish Disability Forum (Vammaisfoorumi ry / Handikappforum rf - FDF), the European Disability Forum (EDF) and the International Disability Alliance (IDA) have prepared the following information and proposed questions to the State highlighting the civil and political rights of persons with disabilities in Finland as it concerns the issues of non-discrimination; freedom from torture, cruel, inhuman or degrading treatment; right to liberty of movement and freedom to choose residence; access to justice; equal recognition before the law; the right to political participation; the right to use one’s own language; and data collection.

The proposed questions for the List of Issues can be read at page 12.

Please find attached:
- Annex I which includes disability references in the State report (page 14)
- Annex II which compiles selected disability references in UPR recommendations and Concluding Observations of treaty bodies with respect to Finland (page 19)
- Annex III which includes information of the organisations making this submission (page 23).

FINLAND

Finland signed the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol on 30 March 2007. The submitting organisations 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 Finland\(^2\); the CRC Committee\(^3\), the CAT Committee\(^4\), the CEDAW Committee\(^5\) and the CESCR Committee\(^6\). (see Annex II below)

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1. In the programme of the government of Prime Minister Jyrki Katainen (22 June 2011)
2. UPR, 13\(^{th}\) session, A/HRC/WG.6/13/L.6, 2012
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
Introduction

A specific Government Disability Policy Programme, VAMPO – Finland’s Disability Policy Programme (2010-2015), outlining the most important measures to be undertaken in the field of disability policy was published on 26 August 2010. The future ratification of CRPD offers an opportunity to further improve and strengthen not only the legislative framework of non-discrimination and equality on the grounds of disability but also to make civil and political rights a reality through effective implementation of active policies and thus adopt a more proactive human rights based approach to disability. The choice to fully utilise the potential of the CRPD for proactive promotion of full participation in society and full equality of persons with disabilities is a necessary one for a States Party that is committed to promotion of human rights.

There is a clear need for more extensive and systematic data collection and research on the situation of persons with disabilities in Finland, in particular their socio-economic status and living conditions but also concerning violence against women with disabilities. (see Concluding Observations of the CRC Committee, CRC/C/FIN/CO/4, 2011, paras 18, 19, and of the CEDAW Committee, CEDAW/C/FIN/CO/6, 2008, paras 35, 36, in Annex II below). The lack of data on persons with disabilities results in lack of effective policies and continuation of discrimination and marginalisation of persons with disabilities. Compiling data on the disability population in Finland is complicated by the categorization of disability and/or health information as sensitive personal data. The collection of such personal information is prohibited by Section 3 of the Personal Data Act. In turn, questions about health or disability are not included in the National Census, and there has been no official survey of the disability population. General estimates on disability vary widely and statistics are only available on specific impairment groups of whom registries are maintained, such as people with visual disabilities.

Data collection should be systematic in nature, and disaggregated on the basis of age, gender, disability, socio-economic status, ethnicity, and geographic location. There is very little gender specific information on the status of disabled women and girls in Finland. The need to have baseline information and an extensive overview of the situation of all persons with disabilities, young and old, men and women, also persons with disabilities from minority backgrounds, underlines the urgency for disability research. There are several organisations, including Kela – Social Insurance Institution and the National Institute for Health and Welfare THL, whose mandates should be strengthened in this area. As a general

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8 Personal Data Act (523/1999) Chapter 3 — Sensitive data and personal identity number, Section 11 — Prohibition to process sensitive data, “The processing of sensitive data is prohibited. Personal data are deemed to be sensitive, if they relate to or are intended to relate to: ... (4) the state of health, illness or handicap of a person or the treatment or other comparable measures directed at the person; ... or (6) the social welfare needs of a person or the benefits, support or other social welfare assistance received by the person.”
10 According to the Ministry of Social Affairs and Health, about five percent of the population has a significant impairment in the form of disability or illness (Social Welfare in Finland, 2006, 1 eng., 21 Helsinki: Ministry of Social Affairs and Health. Ministry publications in English series, publication number 2006:11 eng). Whereas elsewhere the same ministry states that 12 percent of Finns have some kind of disability, but that only 0.75 percent of the general population has a severe disability (Government review on disability policy, 2006:13-14. Towards a society for all, National action plan on disability in Finland. Ministry of Social Affairs and Health 1996, 10)
remark, we would underline the very limited resources for disability related issues within the ministries and the National Institute for Health and Welfare. Organisations of persons with disabilities are able and willing to assist the very limited number of disability experts in the ministries, through dialogue and exchange of information. However, more experts are needed to cover the range of substantive issues on the rights of persons with disabilities.

**Articles 2, 26 - Deficiencies in the Non-Discrimination Legislation**

(paras 63-70 in the State report)

Finnish legislation concerning equality is currently spread over a number of provisions, and is somewhat 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.\(^{11}\) 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\(^{12}\), the CRC Committee\(^{13}\) and the CAT Committee\(^{14}\) have also paid attention to this disparity in their recommendations and Concluding Observations. (see Annex II below)

While the Non-Discrimination Act does acknowledge the denial of reasonable accommodation as a form of indirect discrimination\(^{15}\), the positive potential of this provision is stunted due to shortcomings in the way this Act is monitored. **Monitoring mechanisms are very weak\(^{16}\)** and monitoring personnel (e.g. The Ombudsman for Minorities) do not have expertise in disability issues or even the mandate to advise on disability based discrimination issues.\(^{17}\) Further, discrimination on the basis of disability falls outside the

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11. *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.


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

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

15. *Non-Discrimination Act (21/2004)*, Section 5 - Improving the access to employment and training of persons with disabilities: In order to foster equality in the contexts referred to in section 2 (1), a person commissioning work or arranging training shall where necessary take any reasonable steps to help a person with disabilities to gain access to work or training, to cope at work and to advance in their career. In assessing what constitutes reasonable, particular attention shall be devoted to the costs of the steps, the financial position of the person commissioning work or arranging training, and the possibility of support from public funds or elsewhere towards the costs involved.


17. [Tasa-](http://www.valtioneuvosto.fi/vpl/index.php?option=com_content&view=article&id=11528:taasa-ja-yhdenvertaisuuslainaselehdannon-uudistustarve-ja-vaihtoehto&catid=139:ysilakka) and [yhdenvertaisuuslainaselehdannon uudistustarve ja vaihtoehto](http://www.valtioneuvosto.fi/vpl/index.php?option=com_content&view=article&id=11528:taasa-ja-yhdenvertaisuuslainaselehdannon-uudistustarve-ja-vaihtoehto&catid=139:ysilakka) 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...
The availability of advisory services is also limited in cases where for example, the risk of having to cover costs of both parties in case of loss, in particular for persons with disabilities who more likely to be unemployed with fewer financial resources. The system of legal aid is overburdened in Finland and cannot be seen as a solution to providing assistance in discrimination cases. Therefore, disability based discrimination remains invisible within the legal system. So far, only a few cases of discrimination based on disability have made it to court.¹¹

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. It is vital that the inherent flaws of the current Act be remedied properly. A working group under Ministry of Employment and the Economy is currently drafting a new law 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." ["Erot neuvontapalveluiden ja muun asiantuntija-avun saatavuudessa. Neuvontaa ja muuta apua tarjoavat erityisyöimarapitsia tai sukupuolen perustuvaa syrjintää varten. Esimerkiksi vähemmistövaltuutetut eivät voi avustaa syrjinnän kohteeksi joutuneita tapauksissa, joka liittyvät kieleen tai uskontoon, ellei tällaisilla tapauksilla ole samalla jonkinlaista yhteyttä etniseen alkuperään. Neuvontapalveluiden saatavuus on rajoitettua myös tilanteissa, joissa on kyse syrjinnästä iän, uskontoon, sukupuoleen tai harjoittaman ammatin perusteella."

²⁰ The Criminal Code of Finland (39/1889, as amended by 13.11.2009/885 (nro 291)) does include an explicit mention of disability under the scope of application of the Act. However, the actual fitting of the stairlift was not in itself in dispute; i.e. the case was not convicted of violation of the Non-Discrimination Act and salary of 10 months (30,000 euros) for illegal dismissal (Vaasan hovioikeus 14.11.2006 S 05/1108 (nro 33w8)). Also, on two reported cases regarding refusal of access to a restaurant for a blind person with a guide dog, the court ordered fines (Helsingin käräjäoikeus 25.1.2006 R 05/5845). One case at the industrial safety district on accommodations to working spaces involving the installation of a stair lift for a wheelchair user to access the workplace. The installation was not in itself in dispute; the employer was in agreement to provide this measure of reasonable accommodation. However, the actual fitting of the stairlift was delayed by a number of months and the employee had to work in a location separate from his colleagues. As the nature of the work called for close co-operation with colleagues, it was argued that the separation created a situation of unequal treatment. However, the occupational health and safety authority did not consider that employment discrimination had occurred in this case. The case did not proceed to court. (Turun ja Porin työsuojelupiiri, 10.1.2006 393/81/2005 (nro 291)).
FDF, EDF & IDA proposed questions for the list of issues on Finland

proposal, but the results of their work, given to the Ministry of Justice, have not been made public. The working group has consulted disabled peoples' organisations (DPOs). However, full membership in the group was not given to a representative of the DPOs even though one of the aims of their work was to produce a draft law that would improve the legal protection of persons with disabilities.

**Articles 7, 9, 26 – right to liberty, freedom from torture, cruel, inhuman or degrading treatment** (paras 120-130 in the State report)

After a number of incidents of ill-treatment and deaths in institutions in 2007\(^{22}\), an extensive discussion took place over the circumstances within the institutional settings in which persons with disabilities reside. **The legislation on the use of coercive measures is quite old and it varies** – there are different pieces of legislation concerning different disability groups with variable measures, such as the *Mental Health Act*\(^{23}\) for persons with psychosocial disabilities and the *The Act on Special Care of Mentally Handicapped Persons*\(^{24}\). There is no prohibition of the use of measures against the will of the individual, such as use of isolation or restraints for disciplinary purposes in either publicly or privately run residential institutions, and legal monitoring remains weak in its powers and resources.

The general bodies that execute judicial monitoring of institutions (e.g. The National Supervisory Authority for Welfare and Health Valvira) do not have resources or the expertise to monitor institutions in which persons with disabilities reside.\(^{25}\) In Finland, there is currently no special body to monitor these institutions. **The monitoring of private institutions is mainly done by the institutions themselves, through self-monitoring plans.** This is contrary to the recommendations of the Special Rapporteur on Torture: “Independent human rights monitors (e.g. national human rights institutions, national anti-torture preventive mechanisms, civil society) should regularly monitor institutions where persons with disabilities may reside, such as prisons, social care centres, orphanages and mental health institutions”\(^{26}\).

**The practice of institutionalisation on the basis of disability, is in violation of Article 19, CRPD** which requires States Parties to recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and to take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community. Also, the Special Rapporteur on Torture\(^{27}\) has noted “that the acceptance of involuntary treatment and involuntary confinement runs counter to the provisions of the Convention on the Rights of

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\(^{22}\) In 2007, two inhabitants at an institution for persons with intellectual disabilities (Ylilinen) at Ylöjärvi were killed by a nurse working at the institution. The same staff member was also suspected of killing several elderly inhabitants at the health centre of Nokia. During the same year, at a special school for persons with intellectual disabilities (Lehtimäen opisto), a young person with cerebral palsy was killed by insulin poisoning by two staff members.

\(^{23}\) *Mental Health Act No. 1116/1990*, Section 22 d (1423/2001) Limitation of the freedom of movement, Section 22 e (1423/2001) Special limitations

\(^{24}\) [Laki kehitysvammaisten erityishuollosta 23.6.1977/519], Section 32. Only available in Finnish.

\(^{25}\) The task of directing and monitoring social care was given to Valvira from the beginning of 2010. The first program on the monitoring 24h housing support services was done only 2012.

\(^{26}\) Recommendation of the Special Rapporteur on Torture (A/63/175), para 75.

\(^{27}\) Recommendation of the Special Rapporteur on Torture (A/63/175): the UN Mental Illness Principles are superseded by the CRPD.
Persons with Disabilities”\(^{28}\); and continues that “Many States, with or without a legal basis, allow for the detention of persons with mental disabilities in institutions without their free and informed consent, on the basis of the existence of a diagnosed mental disability often together with additional criteria such as being a “danger to oneself and others” or in “need of treatment”. The Special Rapporteur recalls that article 14 of CRPD prohibits unlawful or arbitrary deprivation of liberty and the existence of a disability as a justification for deprivation of liberty”\(^{29}\).

The current goal of the Finnish government is not to end institutionalisation of persons with intellectual disabilities but to reduce it to a maximum of 500 persons by the end of 2015.\(^{30}\) This progress is unacceptable as institutionalisation can be avoided by providing persons with disabilities access to a range of in-home, residential and other community support services, including personal assistance, as well as by ensuring that services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

**Articles 12, 26 - right to liberty of movement, freedom to choose residence**
(paras 157-158 in the State report)

In 2011, The Municipality of Residence Act (201/1994) was amended to improve the situation of persons with disabilities and give them equal rights to change their place of residence,\(^{31}\) focusing on persons living in institutional care, private care or in service housing. However, the legislative amendment only obliges municipalities to draft a service plan for the person with disability planning to move; this service plan is non-binding on the municipality and does not create a justiciable decision for the person. The person wishing to move must apply for the services needed from the municipality he/she wishes to move to. The new municipality can then make an administrative decision either to provide the services or to deny their provision on the basis that it cannot provide a place of residence meeting the needs of the person. Therefore, in practice, persons with disabilities needing substantive services are still obliged to live where the local government is willing to provide the necessary services, regardless of where they themselves would wish to live.

\(^{28}\) Recommendation of the Special Rapporteur on Torture (A/63/175), para 44.  
\(^{29}\) Recommendation of the Special Rapporteur on Torture (A/63/175), para 64.  
\(^{30}\) [Kehitysvammaisten ja vaikeavammaisten asunto-ohjelmatyöryhmän ehdotukset 2009, Ympäristöministeriö]. Ministry of the Environment. Suggestions by the working group on housing program for persons intellectual disabilities and severe disabilities.  
\(^{31}\) “Under Section 3 a of the act, persons who are undergoing treatment for a long term, i.e. over 12 months outside their municipality of residence, are entitled to make a choice regarding their municipality of residence. This concerns persons who are placed by administrative decision in institutional care, family care or residential services outside their municipality of residence.” (unofficial translation from the guiding letter from Finland's Ministry of Social Affairs and Health (MSAH) and the Association of Finnish Local and Regional Authorities) [Kuntainfo 2/2011, 22.02.2011, Pitkäaikaista laitoshoitoa, asumispalveluja tai perhehoitoa tarvitsevien henkilöiden oikeus vaihtaa kotikuntaa ja asuinpaikkaa. Sosiaali- ja terveysministeriö ja Kuntaliitto.]
Articles 14, 16, 26 – access to justice, equal recognition before the law

Right to recognition as persons before the law

Those under guardianship arrangements, including persons with intellectual or psychosocial disabilities, face barriers to access to justice as they may be required to pursue a case through their legal guardian. The Guardianship Services Act\(^{32}\) is the main provision on the system of guardianship. The effect of both denial of one’s legal capacity and the exclusion of assistance in personal matters might in some cases leave the person without any possibility to access justice.

The Guardianship Services Act\(^{33}\) and the Act on the Arrangement of Guardianship Services\(^{34}\) are in violation of Article 16, ICCPR and Article 12, CRPD which states that persons with disabilities have the right to recognition everywhere as persons before the law, and that they enjoy legal capacity on an equal basis with others in all aspects of life. States are expected to take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. The Government bill (HE 146/1998\(^{35}\)) has suggested that the declaration of incompetence would be replaced by restriction on legal capacity. The proposal is insufficient in providing persons with disabilities their full rights to access justice and enjoy legal capacity on an equal basis with others as it focuses on restrictions, not actual support in the exercise of one’s legal capacity such as through mechanisms of supported decision-making. The CRPD Committee has in its jurisprudence recommended that State parties “abolish the practice of judicial interdiction and review the laws allowing for guardianship and trusteeship ... and take action to replace regimes of substitute decision-making by supported decision-making, which respects the person’s autonomy, will, and preferences.”\(^{36}\)

Access to justice on criminal cases

The Criminal Procedures Act states that “a person without full legal capacity shall alone have the right to request that a charge be brought, if an offence has been directed at property which is under his/her sole administration or if it concerns a transaction which he/she has the capacity to make. A person without full legal capacity shall have the right also when an offence has been directed at his/her person and he/she is at least 18 years of age and can obviously understand the significance of the matter.”\(^{37}\) However, the Act further states that “if the competence of a person has been restricted otherwise than by a declaration

\(^{32}\) Guardianship Services Act (442/1999), [Laki holhoustoimesta 1.4.1999/442]

\(^{33}\) Guardianship Services Act (442/1999), [Laki holhoustoimesta 1.4.1999/442]


\(^{36}\) Concluding Observations of the CRPD Committee on Peru, CRPD/C/PER/CO/1, para 25. The Committee has made similar recommendation also on Spain, CRPD/C/ESP/CO/1, para 34. “The Committee recommends that the State party review the laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace regimes of substitute decision-making by supported decision-making, which respects the person’s autonomy, will and preferences. It further recommends that training be provided on this issue for all relevant public officials and other stakeholders.”, and on Tunisia, CRPD/C/TUN/CO/1, para 23 “The Committee recommends that the State party review the laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace regimes of substitute decision-making by supported decision-making. It further recommends that training be provided on this issue to all relevant public officials and other stakeholders.”

\(^{37}\) Criminal Procedure Act (689/1997; AMENDMENTS UP TO 260/2002 INCLUDED), Chapter 1 – Right to bring a charge, Section 4(2)
that he/she is fully without legal competence, and the offence for which the public prosecutor is not to bring a charge without a request of the injured party is directed at a matter in the sole competence of the guardian, only the guardian shall be entitled to make the request for prosecution. However, the guardian and the ward both are entitled to make the request, if the offence is directed at a matter in their joint competence. In criminal cases, this might mean that a person under guardianship is not able to request that a charge be brought in complainant offences, i.e. on cases such as negligent deprivation of personal liberty, menace or coercion, violation of security right, petty assault, negligent bodily injury, coercion into sexual intercourse, coercion into a sexual act, (some cases of) sexual abuse, invasion of domestic premises, illicit observation, dissemination of information violating personal privacy or defamation. This leaves persons with intellectual or psychosocial disabilities highly vulnerable as crimes against them may go unpunished, thereby violating their right to equal recognition before the law and access to justice ad constitutes disability-based discrimination.

The Criminal Procedures Act is therefore in violation of Article 14, ICCPR and Article 13, CRPD which asks that States Parties ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages. In order to help to ensure effective access to justice for persons with disabilities, States Parties should promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Articles 19, 25, 26 – right to political participation

Right to vote

Every Finnish citizen, aged 18 or older on the day of the election, has the right to vote in parliamentary elections. There are no limitations or exclusions in the law on the basis of disability, or any other condition. For persons whose ability to move or function is restricted so much that they cannot reach the polling station without unreasonable difficulty, the possibility of voting at home during the advance voting period is provided. A dedicated assistant is present at each polling station to facilitate voters unable to mark their ballots alone for reasons of disability. Also, transportation costs of voters with disabilities to and from polling stations can be covered by the state. Voting is also possible from within institutions, such as hospitals or residential institutions. However, it is

38 Criminal Procedure Act (689/1997; AMENDMENTS UP TO 260/2002 INCLUDED), Chapter 1 – Right to bring a charge, Section 4a (445/1999)
40 The Constitution of Finland, 11 June 1999. (731/1999, amendments up to 1122 / 2011 included), Section 14 - Electoral and participatory rights
41 Election Act (714/1998; amendments up to 218/2004 included). Section 58 — Voting in the advance voting states: » ... At the request of the voter, the election official or the electoral commission must help him or her in the voting. A person whose ability to make a mark in the ballot is essentially weakened may, during the voting, use the help of an assistant he or she has chosen. An assistant can not, however, be a candidate in the election. The assistant is obliged to dutifully carry out the voter's orders and to maintain the confidentiality of the information he or she has gained in connection with the voting. »
important that accessibility of polling stations is ensured so that voting at the polling station always remains the primary choice.

In the 2011 Parliament elections, information of the candidates was produced in accessible formats for the first time: in an audio recording, in Braille and in an electronic format. The service was offered in cooperation with the Finnish Federation of the Visually Impaired. Information of the elections was also provided in Finnish sign language, in video format. In 2012, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) recommended to Finland that “efforts should be increased to fully enable voters with disabilities in their right to a secret vote as per the OSCE Copenhagen Document and the UN Convention on the Rights of Persons with Disabilities.” According to ODIHR’s report: “... not all polling stations were wheelchair accessible and not all polling stations had special voting booths. Although candidate lists are now available in Braille, ballots or other method of independent voting for the blind are not. The vote for blind people is currently compromised as they continue to be dependent on an assistant to mark their ballot. Full compliance is therefore yet to be reached with various international and Finnish legal documents that require every citizen to be guaranteed the right to a secret ballot and the prohibition of discrimination on the basis of disability.”

In order to fully implement both Article 25, ICCPR, and Article 29, CRPD, Finland should therefore ensure that all voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; protect the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and, where necessary, at their request, allow assistance in voting by a person of their own choice. A Thematic study by the OHCHR on participation in political and public life by persons with disabilities showed that many States have already “adopted a wide range of legislative and policy measures to remove existing physical barriers and improve the accessibility of voting stations. These measures aim at ensuring that voting stations have wheelchair access, proper lighting and sufficiently wide doorways and corridors to facilitate the circulation of wheelchair users. They also require that appropriate parking spaces be reserved as close as possible to the polling station. Persons with disabilities should be provided, at their request, with a list of accessible polling stations. Some States organize regular training opportunities for all officials responsible for elections, as well as for those responsible for operating and supervising polling stations. Such trainings often include information on how to interact with persons with different impairments and how to support them in the exercise of the right to vote.” Similar actions can be recommended for Finland as well.

Right to stand for election

Finnish guardianship laws exclude persons with intellectual or psychosocial disabilities from their right to stand for the election. In the Constitution Section 27 on

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44 Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities, (A/HRC/19/36), para 53.
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.”46 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.”47 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. This is also confirmed by an OHCHR study on political participation: “It can be concluded that in accordance with the [CRPD] Convention, exclusion or restriction of political rights of persons with disabilities on the basis of disability may constitute ‘discrimination on the basis of disability’ within the meaning of article 2 of the [CRPD] Convention and is contrary to the [CRPD] Convention”48.

**Article 27 – right to enjoy their own culture, to use their own language**
(paras 237-238, 249-251 in the State report)

**The use of Finnish Sign Language is protected by the section regarding language rights of the Finnish Constitution.**49 People using sign language are conceived as a linguistic and cultural group by some authorities, as are the Sami and the Roma people, and therefore public authorities are to take active measures in order to ensure that the sign language users have the opportunity to use their own language and to develop their own culture. Finnish Sign Language is the native language of about 4,000–5,000 Deaf Finns. About 10,000 hearing Finns also use it as their native language, second language or as a foreign language.50

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46 *The Constitution of Finland*, 11 June 1999. (731/1999, amendments up to 1112 / 2011 included), Section 27 - Eligibility and qualifications for the office of Representative: “Everyone with the right to vote and who is not under guardianship can be a candidate in parliamentary elections. A person holding military office cannot, however, be elected as a Representative. The Chancellor of Justice of the Government, the Parliamentary Ombudsman, a Justice of the Supreme Court or the Supreme Administrative Court, and the Prosecutor-General cannot serve as representatives. If a Representative is elected President of the Republic or appointed or elected to one of the aforesaid offices, he or she shall cease to be a Representative from the date of appointment or election. The office of a Representative shall cease also if the Representative forfeits his or her eligibility.


48 Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities, (*A/HRC/19/36*), para 69.

49 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)

50 *Finnish Sign Language*. Institute for the Languages of Finland.
The position of Finnish Sign Language is enforced in several other provisions, such as in the Law on basic education\(^{51}\), the Law on upper secondary school\(^{52}\), the Law on vocational education\(^{53}\), the Language Act\(^{54}\), and the Act on Yleisradio Oy (national television)\(^{55}\). 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.\(^{56}\) 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.

\(^{51}\) 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.”

\(^{52}\) 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.”

\(^{53}\) 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.”

\(^{54}\) 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.”

\(^{55}\) 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;”

\(^{56}\) Laki vammaisten henkilöiden tulkkauspalvelusta 19.2.2010/133. Law on interpretation services for persons with disabilities. Only available in Finnish.
Proposed questions for the List of Issues:

- What measures are in place to ensure collection of adequate data on children and adults with disabilities, and to use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society?
- What steps are currently being taken to align Finnish law, policy and practice with the CRPD, and to consult with organisations of persons with disabilities (DPOs) in the lead up to its ratification as well as that of the Optional Protocol to the CRPD? How will Finland ensure the full participation and active involvement DPOs in the promotion, protection and monitoring of the human rights treaty framework?

Articles 2, 26

- What steps have been taken to reform the Non-discrimination Act (21/2004) to ensure that discrimination on the basis of disability and denial of reasonable accommodation is prohibited in all areas of life, and that remedies and mechanisms for seeking remedies exist for persons with disabilities on an equal basis with others? (see Concluding Observations of the CRC Committee, CRC/C/FIN/CO/4, 2011, paras 25, 26, in Annex II below).
- What steps has the State taken to establish an independent body (e.g. Ombudsman for Non-discrimination) to intervene in cases of discrimination of persons with disabilities in all different spheres of life, and to provide counseling and support in legal proceedings, to perform awareness-raising, research, implementation of non-discrimination legislation and to mediate? (see Concluding Observations of the CRC Committee, CRC/C/FIN/CO/4, 2011, paras 25, 26, in Annex II below).

Articles 3, 7, 9, 23, 24, 26

- What measures are being adopted to ensure that all health care and services, including mental health care and services, provided in psychiatric hospitals and social institutions, and to persons deprived of their liberty, are based on the free and informed consent of the person concerned (and cannot be substituted by third party decision-makers such as family members or guardians)? (see Concluding Observations of the CAT Committee, CAT/C/FIN/CO/5-6, 2011, para 11, in Annex II below)
- What steps have been taken to establish an independent body to monitor group homes of persons with disabilities and other residential institutions, hospitals and places of detention, including with the authority to receive complaints? (see Concluding Observations of the CAT Committee, CAT/C/FIN/CO/5-6, 2011, para 11, in Annex II below)
- What measures are being taken to repeal the Mental Health Act and the The Act on Special Care of Mentally Handicapped Persons (23.6.1977/519) to eliminate the use of coercion and restraint, including chemical restraint, in psychiatric facilities and other institutions and to prevent persons with disabilities from being subjected to torture or cruel, inhuman or degrading treatment or punishment?
- What steps are being taken to address the heightened risk for women and children with disabilities of becoming victims of violence, abuse, and exploitation in the home, community and institutions, and to ensure the accessibility of services and information to victims with disabilities, including training of police and other interlocutors? (see Universal Periodic Review, 13th session, Finland, A/HRC/WG.6/13/L.6, 2012, para 89.16, and
Concluding Observations of the CRC Committee, CRC/C/FIN/CO/4, 2011, paras 18, 19, in Annex II below, also see paras 100-104, in State report

**Articles 12, 26**

- What measures has the government taken to fully implement the *Municipality of Residence Act* (201/1994) to ensure that persons with disabilities, who need and use social services can in practice exercise the freedom to choose their residence on an equal basis with others?

**Articles 14, 16**

- What steps has the government taken to repeal the *Guardianship Services Act*, the *Act on the Arrangement of Guardianship Services*, *Criminal Procedures Act* and other law and policy which has 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?
- What measures are being taken to introduce supported decision-making to provide support to persons with disabilities in exercising their legal capacity according to their will and preferences?

**Articles 19, 25**

- What measures are being adopted to ensure that all voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; to protect the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and, where necessary, at their request, to allow assistance in voting by a person of their own choice? How is information on elections and political campaigns being made accessible in the lead up to elections?
- What steps have been taken to repeal Section 27 of the Constitution and Section 33 of the Local Government Law that exclude persons with disabilities from their right to 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?  
  
57 This is confirmed in OHCHR thematic study on participation in political and public life by persons with disabilities which explicitly states that there is no reasonable restriction nor exclusion permitted regarding the right to political participation of persons with disabilities, A/HRC/19/36, 21 December 2011 para 45. This is confirmed in OHCHR thematic study on participation in political and public life by persons with disabilities which explicitly states that there is no reasonable restriction nor exclusion permitted regarding the right to political participation of persons with disabilities, A/HRC/19/36, 21 December 2011 para 45.

**Articles 27, 26**

- What steps have been taken to reform Article 6 of the Law on interpretation services for persons with disabilities (19.2.2010/133) to ensure that Deaf and DeafBlind persons, as well as persons with speech impairments, have the right to use their own language and are able to take part in public life and work on an equal basis with others, i.e. without the limitations of interpretation hours?
Annex I – References to persons with disabilities in the State report

Articles 2, paragraph 1, 3 and 26
Prohibition of discrimination
63. According to section 6 of the Constitution of Finland no one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. At the level of ordinary parliamentary acts the most important prohibitions of discrimination are laid down in the Non-discrimination Act (21/2004), the Act on Equality between Women and Men (609/1986) and the Employment Contracts Act (55/2001). The most serious forms of discrimination are criminalized in the Criminal Code (39/1889).
64. The Non-discrimination Act prohibits discrimination on the grounds of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. The Employment Contracts Act provides that the employer shall not exercise any unjustified discrimination against employees on the grounds of age, health, disability, national or ethnic origin, nationality, sexual orientation, language, religion, opinion, belief, family ties, trade union activity, political activity or any other comparable circumstance.

Reform of non-discrimination legislation
68. The non-discrimination legislation currently in force is disconnected and complicated. Different statutes show great variation as to the personal and material scope of application of the prohibitions of discrimination, the competence of the monitoring authorities and the legal remedies available to the victims of discrimination.
69. Efforts to reform the legislation have gone on for a number of years. At the beginning of 2007 the Ministry of Justice set up a non-discrimination committee to prepare the reform. The committee submitted its report, written in the form of a government proposal, to the Ministry of Justice at the end of 2009. The objective of the reform is to bring the current regulation better in line with the prohibition of discrimination laid down in section 6 of the Constitution and to improve the legal protection of such groups as the young and the elderly, persons with disabilities and persons belonging to sexual minorities against discrimination. The committee proposes that the office of the Ombudsman for Minorities, who currently considers only ethnic discrimination, should be reorganised into the office of an Ombudsman for Non-discrimination, expanding her powers to all types of discrimination. However, monitoring compliance with the Non-discrimination Act in working life would still be the responsibility of occupational safety and health authorities. In addition, the Ombudsman for Equality would be responsible for monitoring gender-based discrimination. The current Equality Board and National Discrimination Tribunal of Finland would be merged into one Non-discrimination Tribunal.
70. The lack of additional resources has prevented the implementation of the reform. The proposed Ombudsman for Non-discrimination and Non-discrimination Tribunal would require at least three additional person years. Currently the Ombudsman for Minorities and the National Discrimination Tribunal of Finland operate under the administration of the Ministry of the Interior. The preparations of the reform in autumn 2010 were based on the assumption that the Ministry of the Interior would provide the additional resources needed for implementing the reform. The possibility of placing the Ombudsman for Equality, operating
under the Ministry of Social Affairs and Health, and the Ombudsman for Non-discrimination in one office was not examined.

**Violence against women**

100. The extended ministerial group for internal security has adopted a national action plan to reduce violence against women for the years 2010–2015. In the preparation of the action plan, account was taken of, for instance, the recommendations of the Committee on the Elimination of Discrimination against Women and the policies of the Council of Europe. However, when the action plan was adopted, no separate resources were allocated for implementing the measures. A total sum of EUR 40,000 has been reserved for programmes to stop violent behaviour in 2011–2012.

101. In May 2011 Finland signed the Council of Europe Convention preventing and combating violence against women and domestic violence. Finland will start to prepare the ratification of the Convention in autumn 2011.

103. The provisions of the Criminal Code on sex offences, too, have been amended. Currently also those acts where the perpetrator has sexual intercourse with the victim while the victim is incapable of defending herself or himself are regarded as rape. Defencelessness may be due to e.g. unconsciousness, illness, disability or fear. Moreover, the National Research Institute of Legal Policy is examining the punishment practice for rape. On the basis of the findings, the Ministry of Justice will assess whether the reform of sex offence legislation should continue.

**Involuntary treatment given against the person’s will**

120. The Mental Health Act (1116/1990) lays down conditions on which a person may be ordered to involuntary treatment in a psychiatric hospital.

121. If a court waives sentence on an accused on account of his or her state of mind, it may order that the person be kept in prison until the National Institute for Health and Welfare has decided whether the person needs treatment in a psychiatric hospital.

122. During 2009 in all about 30,600 patients were treated in psychiatric institutions. Of the new patients registered in 2009, nearly one third had been referred to involuntary psychiatric treatment.

123. The Ministry of Social Affairs and Health is preparing a reform of the Mental Health Act for regulating more precisely the responsibility in decision-making that influences an individual’s rights and obligations.

124. The Act on Special Care of Mentally Handicapped Persons (519/1977) lays down conditions for special care given against a person’s will. Annually, fewer than 10 mentally handicapped persons have been treated involuntarily.

128. In 2010 the Ministry of Social Affairs and Health set up a working group to consolidate, to the extent possible, into one statute all legislation restricting the right of self-determination of social welfare and health-care clients and patients. The need for a legislative reform concerns especially the involuntary treatment and protective measures used in services for mentally retarded persons and dementia patients, the treatment of pregnant substance abusers, and restrictions on the right of self-determination in somatic and psychiatric care.
129. Among other issues, the working group assesses what responsibility persons without public sector employment relationships have in relation to patients' or clients' rights in privatised and outsourced social welfare and health-care services.

130. The working group also examines the possible need to reform the Act on the Status and Rights of Patients (785/1992), the Act on the Status and Rights of Social Welfare Clients (812/2000) and any other social welfare and health-care legislation.

Reforms of Municipality of Residence Act and Social Welfare Act

157. In Finland the Constitution guarantees the right to move freely within the country and to choose one's place of residence, but in practice the need for social welfare and health-care services provided by the public sector has restricted the free movement of elderly persons and persons with disabilities.

158. The reforms of the Municipality of Residence Act (201/1994) and the Social Welfare Act (710/1982), which entered force on 1 January 2011, increased individuals' freedom of choice in respect of institutional care, housing services and family care. The Municipality of Residence Act was supplemented with a provision according to which a person cared for in a long-term care relationship, i.e. lasting more than one year, outside his or her municipality of residence may choose his or her preferred municipality of residence. The precondition is that authorities have decided to place the person in institutional care. The Social Welfare Act was amended so that a person may request also a municipality other than his or her municipality of residence to assess his or her needs for services and to arrange the necessary services. Thus, the person may move from the current municipality of residence to another municipality and be covered by the latter's services. A person in institutional care may for instance move to live near his or her family members and other close persons.

Hate crime and hate speech

200. The Finnish Criminal Code (39/1889) does not define the concepts of racist crime and hate crime, and such essential elements of offences do not exist. The most important provisions of the Criminal Code that apply to hate crime are those concerning agitation against population subgroup and aggravated agitation, and the provision on meting out the sentence, according to which a motive comparable to that for hate crime is an aggravating ground of the sentence. The legislative amendments underlying these provisions entered force on 1 June 2011. Before the amendments the Criminal Code mentioned expressly only racist motives, and it did not contain provisions on the aggravating grounds of agitation of other subgroups of population.

201. According to the essential elements of the offence of agitation, a person who makes or keeps available to the public or otherwise spreads among the public information, an opinion or another message where a certain group is threatened, defamed or insulted on the basis of race, colour, birth, national or ethnic origin, religion or conviction, sexual preference or disability or a comparable other motive shall be sentenced to a fine or to imprisonment for at most two years.

202. In meting out the sentence, aggravating grounds include the ground that the offence has been committed on the basis of a motive related to the victim's race, colour, birth, national or ethnic origin, religion or conviction, sexual preference or disability or a comparable other motive.

203. The Police College prepares annually a report on hate crime known to the police. Because the Criminal Code does not describe expressly the essential elements of hate crime, the College does not receive the necessary information directly on the basis of the
designation of the offence from the data system of the police but compiles the statistics by using different search terms and a code assigned to racist offences. For the purposes of the report, hate crime is defined as a crime against a person, group, somebody's property, institution, or a representative of these, motivated by prejudice or hostility towards the victim’s real or perceived ethnic or national origin, religion or belief, sexual orientation, transgender identity or appearance, or disability.

204. From the year 2008 the monitoring of hate crimes has been extended to cover also motives other than racist motives. In 2009 a total of 1,007 reported offences were suspected as hate crimes. The number was 17 per cent higher than in the previous year. Of all hate crimes, 85 per cent were classified as cases of racist crime, whereas 8 per cent were motivated by the religious background of the victim, 3 per cent by the victim’s sexual orientation and 3 per cent by his or her disability. Three hate crimes (0.30 per cent) were motivated by the victim’s transgender identity or appearance.

Discrimination experienced by children and young persons
226. In 2010 the Ministry of the Interior commissioned a survey on children’s and young persons’ experience of discrimination. The survey examined the position of children and young persons aged 10–17 representing different minorities. The answerers experienced discrimination very often, but from the statistical standpoint their belonging to a minority did not constitute a significant factor. However, children and young persons with disabilities and long-term illnesses and those belonging to sexual minorities were more vulnerable to discrimination than the average. School and especially the upper levels of comprehensive school were experienced as particularly probable settings for discrimination.

Advisory Boards as cooperation bodies between different groups and authorities
233. The Government has appointed a number of Advisory Boards in order to strengthen the participation of different groups in political decision-making and to improve their position. The Advisory Boards propose initiatives, issue opinions and engage in regional and international cooperation.

234. Half of the members of the National Council on Disability (VANE) represent persons with disabilities and disability organizations, and half of them represent authorities. In addition, municipalities may set up municipal councils on disability. In future, the accessible participation of persons with disabilities will be strengthened when Finland ratifies the Convention on the Rights of Persons with Disabilities and implements article 29 of the Convention. The ratification is being prepared jointly with disability organizations.

Article 27
Minority rights

238. The Constitution requires that provisions on the right of the Sámi to use the Sámi language before authorities be laid down by an Act. In addition, 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. In respect of the Roma and other groups, the Constitution only provides that they have the right to maintain and develop their own language and culture.
Users of sign language

249. The deaf and hard-of-hearing persons using sign language in Finland number 4,000–5,000. The approximate number of hearing persons who use sign language is 6,000–9,000. In Finland, two national sign languages are in use: the Finnish and the Finnish-Swedish sign language. Authorities largely regard users of sign language as a group in need of rehabilitation and disability services, not as a linguistic and cultural group. The current legislation does not obligate authorities to ensure communication targeted at users of sign language.

250. From the year 2008 the Ministry of Education and Culture has increased the number of student places for sign language interpreters and instructors. For the first time ever, the Ministry has granted student places for a higher polytechnic degree of a sign language interpreter. However, the education of sign language interpreters only focuses on the Finnish sign language.

251. The Finnish Association of the Deaf and the Research Institute for the Languages of Finland have prepared a sign language policy programme for Finland (2010–2015), which aims at increasing the awareness of authorities and the members of the sign language community of linguistic rights.
ANNEX II - 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 minorities. 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 carefacilities. 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 III - 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:

- Aivovammailitto ry, (no official English translation) Association of persons with brain injury
- Autismi- ja Aspergerliitto ry, The Finnish Association for Autism and Asperger’s syndrome
- Epilepsialliitto ry, The Finnish Epilepsy Association
- Finlands Svenska Handikappförbund rf, (no official English translation) Association of Swedish Speaking Persons with Physical Disabilities
- Förbundet De Utvecklingstörda Väl FDUV rf, Association for the care of persons with intellectual disability
- Förbundet Finlands Svenkska Synskadade, The Federation of Swedish Speaking Visually Impaired in Finland
- Hengityslitto Heli ry, Pulmonary Association Heli
- 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
- Kehitysvammailitto ry, The Finnish Association on Intellectual and Developmental Disabilities (FAIDD)
- Kuuloliitto ry, The Finnish Federation of the Hard of Hearing
- Kuurojen Litto ry, The Finnish Association of the Deaf
- Kynnys 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
- Nääkövammaisten Keskusliitto ry, Finnish Federation of the Visually Impaired
- Psoriasiliitto ry, The Finnish Psoriasis Association
- SAMS - Samarbetstörföreningen 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 Veijesliitto 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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