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MÄNNISKORÄTTSCENTRET
HUMAN RIGHTS CENTRE



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Annual Report 2019

HUMAN RIGHTS CENTRE
ANNUAL REPORT 2019

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Foreword	4
Part I	
Human Rights Centre	6
1. The Finnish National Human Rights Institution (NHRI)	6
2. Human Rights Centre	7
3. Human Rights Delegation	9
4. International cooperation	10
Part II	
Promotion of fundamental and human rights	11
1. Human rights education and training	11
2. Statements and publications	12
3. Events and communication	13
Part III	
Monitoring the implementation of fundamental and human rights	14
1. Monitoring is necessary for promoting fundamental and human rights	14
2. Monitoring the implementation of international human rights treaties	15
Part IV	
Promoting and monitoring the UN convention on the rights of persons with disabilities	16
1. National mechanism and cooperation between authorities	16
2. Monitoring the implementation of the rights of persons with disabilities	16
3. Cooperation with the disability rights committee and the disability team of the office of the parliamentary ombudsman	17
4. International activities	18
Part V	
Promoting and monitoring the rights of older persons	19
1. Stakeholder cooperation with civil society and the authorities	19
2. Training and events	20
3. Other communications and influencing	21
4. Corporate responsibility and companies in the field of health and social services	22
Annexes	
Annex 1. Human Rights Centre personnel in 2019	23
Annex 2. Members of the disability rights committee	23
Annex 3. Members of the human rights delegation 2016–2020	24

Foreword

The importance of monitoring fundamental and human rights is emphasised in today's world

Year 2019 was extremely eventful. Parliamentary elections were held in April and the negotiations for the Government Programme were then launched between five parties. The Human Rights Centre (HRC) and its Human Rights Delegation issued comprehensive recommendations for fundamental and human rights for the negotiations with the aim of influencing the Government Programme and providing the negotiators with reliable background information. In addition, I was invited to the negotiation table discussing the theme rule of law and security to speak about the need to improve fundamental and human rights.

Many of the points of view highlighted by the Delegation and the HRC were taken into account in the objectives of the Government Programme. A large number of entries committing the Government to many good reforms and improvements in fundamental and human rights were made to the Government Programme. Monitoring the implementation of these objectives will be an important priority for the HRC throughout the Government term. The HRC also serves as an expert in a number of working groups that prepare measures concerning fundamental and human rights.

The HRC's Action Plan for 2019 was implemented almost fully. The HRC's activities were also significantly reinforced when the Office of the Parliamentary Ombudsman received additional funding from Parliament for the promotion and monitoring of the rights of older persons. The additional funding was used to recruit two new fixed-term specialists to the HRC. Negligence and problems with regard to the rights of older persons in housing service units and home care had already been strongly highlighted in the media and the political debate during 2018. The additional funding granted by Parliament was one indication that the seriousness of the situation had been understood. It was particularly good that this funding was made permanent in the budget for 2020. The activities can now be developed in the long term and also as part of the activities of the new Human Rights Delegation (2020-2024).

The work to promote the rights of older persons was launched swiftly by assessing the greatest needs. Research data, experiences from NGOs and observations made by the supervisory authorities were gathered and used in directing this work. During the year, the HRC's cooperation with organisations, researchers and various authorities already produced concrete measures and initiatives. The HRC also organised training on the fundamental and human rights of older persons in different parts of Finland in cooperation with the regional state administrative agencies and Valvira.

The key projects in the promotion of the rights of persons with disabilities were the two surveys that were carried out during the year. The survey conducted with the Disability Forum produced a wealth of empirical knowledge about the problem areas in the rights of persons with disabilities. An extensive survey that was conducted with the Ministry of Justice was compiled and its results will be published during 2020.

During the year, extensive progress was also made in the development of the systems used in the monitoring work and monitoring could already be benefited from, for example, when issuing statements. In the future, the HRC will increasingly report on the implementation of fundamental and human rights by theme. The objective is to build a knowledge base that makes it possible to monitor fundamental and human rights comprehensively in real time. Cooperation with many actors is central in this respect as well.

The HRC's active international cooperation continued both in the working groups and at the meetings of the European Network of National Human Rights Institutions ENNHRI and the global network GANHRI. The state of the rule of law has recently become an important theme for national human rights institutions, some of which have also had to operate in a very difficult operating environment themselves. The activities of the civil society are being restricted increasingly and in many ways in several countries.

At the time of writing this, the situation in Finland and the rest of the world is completely new and difficult to predict because of the coronavirus epidemic. The coronavirus is spreading rapidly, infections and fatalities are increasing, there is a state of emergency

in Finland and the Emergency Powers Act has been activated for the first time during its existence. Severe restrictions and exceptions to fundamental rights are now being made at a fast pace. It is vital for the survival of Finnish society that the principles of the rule of law and democracy as well as fundamental and human rights are respected also in emergency conditions. The restrictions must be necessary, proportionate, specific and as short in duration as possible. The importance of supervision is emphasised in these circumstances. The role of the newly appointed third Delegation on Human Rights is increasingly important and its extensive expertise can be used in the monitoring and ensuring of cooperation.

I would like to thank the second Human Rights Delegation (2016-2020), whose term has now ended. Its work has been fruitful and effective. I would like to thank all our partners, the organisations representing people with disabilities and older people, other human rights organisations, researchers, authorities and Parliament for their cooperation and support for the work of the HRC.

Thank you also to the entire Office of the Parliamentary Ombudsman for your continued cooperation. And finally, a special thanks to our own staff at the HRC for their spirit of cooperation and enthusiasm in promoting and monitoring the realisation of all fundamental and human rights.

2 April 2020
Sirpa Rautio
Director, Human Rights Centre

1 Human Rights Centre

1. The Finnish National Human Rights Institution (NHRI)

The Finnish National Human Rights Institution consists of the Human Rights Centre (HRC), the Human Rights Delegation and the Parliamentary Ombudsman.¹ The HRC promotes and monitors the implementation of fundamental and human rights and develops cooperation between different fundamental and human rights actors. Its mandate also covers private actors, such as businesses. The Human Rights Delegation promotes the sharing of information between different actors and deals with human rights issues of a far-reaching significance and principal importance.² The Parliamentary Ombudsman supervises and promotes the legality of the activities of authorities and the implementation of fundamental and human rights, investigating complaints and carrying out inspections.³

The Global Alliance of National Human Rights Institutions⁴ (GANHRI) again granted the Finnish NHRI 'A' status in 2019. The status entitles the Finnish NHRI to participate and take the

floor in the sessions of the UN Human Rights Council and to vote in the meetings of GANHRI. As a rule, the Finnish NHRI is represented by the Human Rights Centre in international and European human rights cooperation, in accordance with the HRC's statutory duties.

The National Human Rights Institutions (NHRIs) meet the requirements of the Paris Principles⁵ adopted by the UN General Assembly in 1993:

- They are statutory bodies.
- They are autonomous and independent.
- They are pluralist in composition.
- They must promote and safeguard human rights.
- They must be guaranteed adequate powers of investigation, resources and a mandate to carry out their functions.

1 <https://www.humanrightscentre.fi/about-us/national-human-rights-institutio/>

2 <https://www.humanrightscentre.fi/about-us/human-rights-centre/>

3 <https://www.oikeusasiamies.fi/en/web/guest>

4 <https://ganhri.org/>

5 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

2. Human Rights Centre

The HRC's budget in 2019 was EUR 855,000. In 2019, the HRC had five permanent posts (the director, three expert officials, and an administrative assistant (as from May 2019)). In addition, two fixed-term experts were recruited at the beginning of the year to promote the rights of older persons.

The HRC's Action Plan⁶ for 2019 was approved in January 2019. The HRC is of the view that it has achieved these targets satisfactorily. In addition to the tasks included in the Action Plan, work on promoting the rights of older persons began at the HRC in March when Parliament granted additional resources for the activities.

The promotion of fundamental and human rights includes areas such as training and education, research, provision of information and general promotion. The HRC's fundamental and human rights training projects progressed well, and training packages on new themes were prepared for the HRC's website.

As regards research on fundamental and human rights, the HRC is a member of several different working groups, advisory boards and management groups. During the year, especially research on the rights of persons with disabilities and older people and research related to human rights education were monitored.

The HRC commissioned an update to an international study on the national effectiveness of the UN's human rights treaties over the past 20 years. In addition to Finland, 19 other countries participate in the study and its results will be published in 2020. During the year, the HRC continued to work on the national fundamental rights barometer together with the Ministry of Justice (see page 17 for more information on the project).

The HRC actively communicated and disseminated information about topical themes related to fundamental and human rights on its

different communication channels. Especially the information campaign aimed at promoting the rights of elderly Sámi in autumn 2019 attracted interest and received positive feedback.⁷

The structures for monitoring the implementation of human rights were actively developed during the year, and the work will continue in 2020. For the purposes of periodic reporting, the HRC issued statements to the UN on the fulfilment of the obligations of three human rights treaties. Statements and positions on several individual themes were also issued both to Finnish and to international parties.

Before the government negotiations, the HRC together with the Human Rights Delegation issued recommendations for the promo-

7 <https://www.ihmisoikeuskeskus.fi/vanhusten-oikeudet/ikaantyneet-saamelaiset/>

Human Rights Centre's statutory tasks are:

- to promote information, education, training and research associated with fundamental and human rights.
- to draft reports on implementation of fundamental and human rights.
- to present initiatives and issue statements in order to promote and implement fundamental and human rights.
- to participate in European and international cooperation associated with promoting and safeguarding fundamental and human rights.
- to perform other comparable tasks associated with the promotion and implementation of fundamental and human rights.
- to promote, protect and monitor the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD).

6 <https://www.humanrightscentre.fi/publications/action-plans-and-annual-reports/>

tion of fundamental and human rights for the government term 2019-2023. The recommendations were based on an extensive background report entitled *The fundamental and human rights situation in Finland, the Human Rights Delegation' recommendations for the government term 2019-2023 (in Finnish)*, which was published by the HRC in spring 2019.⁸

The promotion and monitoring of the UN Convention on the Rights of Persons with Disabilities (CRPD) and cooperation with authorities and organisations for persons with disabilities were developed, and up-to-date empirical evidence was obtained as a result of an online questionnaire for persons with disabilities.

In spring, work to promote the rights of older people began as a new priority area of the HRC's activities. The aim of the activities was to strengthen the rights-perspective in activities and decision-making related to older persons as well as more extensively with regard to attitudes. During the year, the work focused especially on networking and developing cooperation with different actors in the sector.

The HRC participated in European and international cooperative endeavours as a board member of both GANHRI and ENNHRI until March 2019. In addition, an expert from the HRC chaired the ENNHRI Legal Working Group. The term of the HRC's Director as the Chairperson of the Management Board of the European

Union Agency for Fundamental Rights (FRA) continued. The HRC has been able to actively influence the development of the activities of international networks, for example, by participating in their thematic working groups.

In 2019, the HRC actively strove to strengthen its work on the rule of law in its networks as the principle of rule of law was being increasingly challenged in some European countries. Cooperation with FRA with regard to this theme also strengthened during the year. For example, the HRC was involved in the development of the EU Fundamental Rights Information System database (EFRIS).⁹ During Finland's Presidency of the Council of the EU in the latter half of 2019, the issues related to the rule of law were also highlighted. The Presidency enabled the national human rights institutions to contribute to the promotion of the rule of law and a number of other fundamental and human rights issues.

8 <https://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/4a4b616323032bf7549743ff3e418982/1584871078/application/pdf/7639880/Perus-%20ja%20ihmisoikeus-tilanne%20Suomessa%20-%20Ihmisoikeus-valtuuskunnan%20suositukset%20hallituskaudelle%202019%e2%80%932023.pdf>

9 <https://fra.europa.eu/en/project/2018/eu-fundamental-rights-information-system>

3. Human Rights Delegation

The HRC's Human Rights Delegation functions as a national cooperative body of fundamental and human rights actors.¹⁰ It deals with human rights issues of a far-reaching significance and principal importance, and every year approves the HRC's plan of action and annual report.

The fundamental and human rights situation in Finland, the Human Rights Delegation's recommendations for the government term 2019-2023¹¹

In spring 2019, the Human Rights Delegation published an extensive background paper and recommendations on topical fundamental and human rights issues, which according to the HRC had to be taken into account when preparing the Government Programme.

The term of the second Human Rights Delegation was from 1 April 2016 to 31 March 2020. The Delegation had 39 members (see Annex 3), including specialized ombudsmen and representatives of the supreme overseers of legality and the Sámi Parliament of Finland. The Human Rights Delegation and its working committee are chaired by the Director of the HRC. Kalle Könkkölä was first the deputy chairman of the second Human Rights Delegation and after his death was followed by Markku Jokinen. The Delegation met five times in 2019.

In its meetings in 2019, the Human Rights Delegation discussed several topical funda-

mental and human rights issues. On the basis of introductory speeches given by various experts, the issues discussed included:

- the rule of law and the state of rule of law in Finland and internationally
- the fundamental and human rights issues discussed during Finland's Presidency of the Council of the EU and the results achieved in these themes during the Presidency
- freedom of religion in the activities of schools and
- the legal protection of asylum seekers.

Reporting to the Delegation are two standing committees: a working committee and the division for the rights of persons with disabilities, the Disability Rights Committee (VIOK). The working committee assists in preparing the Delegation's meetings. The Disability Rights Committee is a mechanism allowing persons with disabilities and their representative organisations to be involved in the work of the National Human Rights Institution in general and in the procedure for promoting and monitoring the UN Convention on the Rights of Persons with Disabilities (CRPD) in accordance with government proposal HE 284/2014 vp. (The activities of the Disability Rights Committee in more detail on p. 17)

¹⁰ <https://www.humanrightscentre.fi/about-us/human-rights-delegation/>

¹¹ <https://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/9fa0d35983a28c275421bbc55ad79ddb/1584606665/application/pdf/7639880/Perus-%20ja%20ihmisoikeustilanne%20Suomessa%20-%20Ihmisoikeusvaltuuskunnan%20suositukset%20hallituskaudelle%202019%e2%80%932023.pdf>

4. International cooperation¹²

In 2019, the HRC was actively involved in the cooperation between the NHRIs on the boards of their European network (ENNRHI) and international network (GANHRI) until March 2019 and in their working groups. The HRC also participated in the general meetings of the networks. The Director of the HRC will act as the Chairperson of Management Board of the European Union Agency for Fundamental Rights (FRA) until mid-2020.

Issues concerning the rule of law became an important theme both in the FRA cooperation and at ENNHRI. The HRC participated in FRA's EFRIS project (EU Fundamental Rights Information System¹³) as an expert and was in a management group that developed ENNHRI's work on the rule of law and fundamental and human rights.

12 <https://www.humanrightscentre.fi/about-us/international-cooperation/>

13 <https://fra.europa.eu/en/project/2018/eu-fundamental-rights-information-system>

The HRC increased awareness of the existence of FRA and the Charter of Fundamental Rights of the European Union in Finland. For example, it organised training on the Charter for Finnish officials together with the Ministry of Justice and FRA. The Director of the HRC participated as a panellist in the conference organised by Finland's Presidency of the Council of the EU in Brussels on 12 November 2019 to celebrate the 10th anniversary of the Charter.¹⁴

The HRC also increased cooperation with FRA in research and information activities and intensified information on FRA's publications and events. During the year, the HRC together with the Ministry of Justice continued its work on the fundamental rights barometer, the national supplement of FRA's *Fundamental Rights Survey*¹⁵. In October 2019, representatives of the HRC and the Parliamentary Ombudsman made an excursion to FRA in Vienna. The purpose of the meeting was to discuss matters such as closer cooperation.

14 https://ec.europa.eu/info/events/2019-conference-eu-charter-fundamental-rights-2019-nov-12_en

15 <https://fra.europa.eu/en/project/2015/fundamental-rights-survey>

The objectives of the ENNHRI Strategic Plan 2018-2021 are:

- strengthening the competence of, and cooperation between, the national human rights institutions
- supporting NHRIs in a variety of ways and
- contributing to human rights policy and the implementation of human rights in Europe.

2 Promotion of fundamental and human rights

1. Human rights education and training¹⁶

In 2019, the HRC, in cooperation with the Ministry of Justice and the European Union Agency for Fundamental Rights (FRA) organised training on the Charter of Fundamental Rights of the European Union for the public officials at ministries. The aim of the training was to strengthen public officials' knowledge of the Charter and to provide tools for using it in their own work, especially during Finland's Presidency.

HRC's lecture series on fundamental and human rights

The lecture series is available on the HRC's website¹⁷, the Government's digital eOppiva training platform¹⁸, the Finnish National Agency for Education website¹⁹, the University of Helsinki website²⁰ and in the European Commission's adult education portal EPALE²¹.

The project implemented with the Parliamentary Ombudsman to strengthen knowledge of fundamental and human rights in the education sector was carried out in cooperation with the regional state administrative agencies, the Finnish National Agency for Education, the Trade Union of Education in Finland (OAJ), Suomen rehtorit ry (SURE) (a Finnish association of head teachers) and Opetus- ja sivistystoimen asiantuntijat ry (OPSIA) (a Finnish association of experts in education and cultural services). The HRC, in a project in collaboration with the Parliamentary Ombudsman, produced a part of a training session for head teachers and education and cultural services directors, which examined fundamental and human rights in educational services.

The Faculty of Educational Sciences at the University of Helsinki, based on an initiative of the HRC and with its partial funding, continued the project strengthening competence in the area of fundamental and human rights in teacher training.²² The project involved producing a pilot course on democracy and human rights education, charted relevant materials on democracy and human rights education for teachers, and organised a network meeting to support democracy and human rights educa-

16 <https://www.humanrightscentre.fi/hreducation/>

17 <https://www.ihmisoikeuskeskus.fi/ihmisoikeuskoulutus/luentosarja/>

18 <https://www.eoppiva.fi/koulutukset/ihmisoikeudet/>

19 <https://www.oph.fi/fi/opettajat-ja-kasvattajat/ihmisoikeus-ja-demokratiakasvatus>

20 <https://www.helsinki.fi/sites/default/files/atoms/files/demokratia-ja-ihmisoikeuskasvatus-suomessa.pdf>

21 <https://epale.ec.europa.eu/fi/resource-centre/content/viisi-luento-perus-ja-ihmisoikeuksista>

22 <https://helda.helsinki.fi/handle/10138/309493>

tion at polytechnics and universities.²³ The project will continue until the summer of 2020. The aim is to obtain further funding for the activities from the responsible authorities.

The HRC was a member of the working group set up by the Ministry of Justice to develop education in democracy and human rights and to promote the inclusion of young people. It was also a member of the UNESCO Chair joint university advisory board.

During the year, the HRC was visited by several groups of students from different universities, among them the University of Tampere and Svenska Handelshögskolan. The HRC also gave lectures and training on fundamental and human rights at several events organised by organisations.

23 <https://www.oph.fi/fi/opettajat-ja-kasvattajat/ihmisoikeus-ja-demokratiakasvatus>
All material of the project in Finnish, Swedish and English also: <https://www.helsinki.fi/fi/projektit/ihmisoikeudet-demokratia-arvot-ja-dialogi-kasvatuksessa/materiaalit-ja-julkaisut>

2. Statements and publications

Statements by the HRC in 2019²⁴

- Statement and proposals for recommendations to the CAT Committee overseeing the Implementation of the United Nations Convention against Torture
- Statements and proposals for recommendations to the UN to committees overseeing the implementation of the ICCPR and ICESCR treaties
- Statement to the UN on the role of the Human Rights Delegation in the implementation of the SDGs
- Statement to Parliament's Grand Committee on the principle of the rule of law in the European Union
- Statement to the Ministry of Social Affairs and Health on the draft government proposal to Parliament for the Act amending sections 15 and 20 of the Act on Supporting the Functional Capacity of the Older Population and on Social and Health Services for Older Persons and amending Section 20 temporarily
- Statement to the UN Open-ended Working Group on Ageing

The HRC issues statements either in response to requests or on its own initiative on the themes relating to its work. Statements are issued to Finnish actors, but also directly to international supervisory bodies where the matter concerns periodic reporting and different surveys.

24 <https://www.ihmisoikeuskeskus.fi/?x5984785=Select/List>

HRC's publications in 2019²⁵

- The HRC's Annual Report for 2018 (electronic version, in Finnish, Swedish and English)
- The fundamental and human rights situation in Finland, the Human Rights Delegation's recommendations for the government term 2019-2023 (electronic and printed version, in Finnish and Swedish)
- The HRC's international review (newsletter, 2 issues, electronic version, in Finnish and Swedish)
- The rights of older persons - the key international treaties and national legislation (printed and electronic version, in Finnish)

The HRC's Events in 2019²⁶

- Violence against women and domestic violence - Istanbul Convention and GREVIO recommendations, 25 September 2019
- The rights of older persons, seminar, 10 October 2019
- Kalle Könkkölä symposium, 22 October 2019
- Provision and procurement of services for older people, 19 November 2019
- From institutional living to independent living, seminar, 21 November 2019

3. Events and communication

The various events for the public and specialists are important as a means of providing information and training related to topical fundamental and human rights themes. The events can often be followed online.

Press releases, statements, news and reviews of fundamental and human rights were published on the HRC website and on the Twitter and Facebook accounts. The news articles covered the HRC's activities as well as international and domestic fundamental and human rights themes and events.

Information on various human rights themes, such as the rights of persons with disabilities and the rights of older people, was also disseminated using targeted communications. (See also sections IV and V.) For example, a human rights week was celebrated in the restaurants and cafés at Parliament from the International Day of the Rights of Persons with Disabilities to the Human Rights Day, from 3 to 10 December 2019. During the week, the HRC provided information on fundamental and human rights issues concerning older persons and persons with disabilities in the restaurants and cafés at Parliament.²⁷

²⁷ <https://www.ihmisoikeuskeskus.fi/?x5822114=8534225>

²⁵ <https://www.humanrightscentre.fi/publications/>

²⁶ <https://www.ihmisoikeuskeskus.fi/tietoa-meista/ihmisoikeuskeskus/tilaisuudet/>

3 Monitoring the implementation of fundamental and human rights

1. Monitoring is necessary for promoting fundamental and human rights

In this context, monitoring means collecting information on the implementation of fundamental and human rights and maintaining up-to-date knowledge of the situation.²⁸ The information collected is used to develop and allocate measures to promote the implementation of rights. Monitoring data helps determine how the rights of different persons and groups are respected formally and in practice. Monitoring is based on cooperation and the use of existing reliable information. When necessary, the HRC conducts or commissions its own studies to complement existing information.

Between 2018 and 2019, the HRC implemented, in cooperation with the Ministry of Justice, a national fundamental rights barometer to explore the level of general awareness of fundamental rights in Finland, views on how

important different rights are and experiences on how they are realised in everyday life. The survey was targeted at persons with disabilities, persons with reduced functional capacity and language minorities (Swedish, Russian and Arabic). The project is related to the *Fundamental Rights Survey*²⁹ conducted by the European Union Agency for Fundamental Rights, in which the implementation of fundamental rights was examined in the entire population in all EU countries. The results of both studies will be published during 2020.

²⁹ <https://fra.europa.eu/en/project/2015/fundamental-rights-survey>

²⁸ <https://www.humanrightscentre.fi/monitoring/>

2. Monitoring the implementation of international human rights treaties

The HRC is involved in the periodic reporting procedure for the human rights treaties, issuing statements and attending consultation events. It provides information about the recommendations of the treaty bodies and monitors their implementation. In addition, the HRC encourages NGOs to participate in reporting by submitting their own statements.

In 2019, the HRC issued broad statements on the periodic reporting processes and on individual and collective complaints, and, as a member of the ENNHRI Legal Working Group, participated in the European Court of Human Rights development process and *amicus curiae* activities in connection with complaints.

During the year, Finland received recommendations concerning the implementation of the Council of Europe's Framework Convention for the Protection of National Minorities³⁰ and the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)³¹. In addition, the European Commission against Racism and Intolerance (ECRI) issued recommendations to Finland³².

The treaty bodies submitted preliminary questions to the Government for the periodic

reporting of the ICESCR³³, ICCPR³⁴ and CAT³⁵ treaties. The reports are due in 2020. The statements issued by the HRC had a significant impact on the preliminary questions Finland received for its reporting in the LOIPR phase (List of Issues Prior to Reporting). The Government submitted its periodic reports on the Convention on the Rights of the Child³⁶ and on the Convention on the Rights of Persons with Disabilities³⁷ to the UN late. The Government prepared an update to the Core Report submitted to the UN. The report on the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) remained to be completed in 2020.

Information on periodic reporting, individual complaints, collective complaints and annual reports of various fundamental and human rights actors have been compiled on the HRC's website.³⁸

30 <https://www.humanrightscentre.fi/?x170869=552046>

31 <https://www.ihmisoiokeskus.fi/?x5822114=8238187>

32 <https://www.humanrightscentre.fi/?x170869=499545>

33 The UN's International Covenant on Economic, Social and Cultural Rights. <https://www.ihmisoiokeskus.fi/?x5822114=7644057>

34 The UN's International Covenant on Civil and Political Rights. <https://www.ihmisoiokeskus.fi/?x5822114=7643363>

35 The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. <https://www.ihmisoiokeskus.fi/?x5822114=8608060>

36 <https://www.ihmisoiokeskus.fi/?x5822114=8382907>

37 <https://www.ihmisoiokeskus.fi/?x6209145=8129747>

38 <https://www.humanrightscentre.fi/monitoring/>

4 Promoting and monitoring the UN convention on the rights of persons with disabilities

1. National mechanism and cooperation between authorities

According to Article 33(2) of the UN Convention on the Rights of Persons with Disabilities (CRPD), States Parties (states ratifying the Convention) shall designate or establish an independent mechanism to promote, protect and monitor the implementation of the Convention. In Finland, the tasks of this independent mechanism have been assigned to assigned to the Finnish National Human Rights Institution (NHRI) consisting of the Human Rights Centre (HRC) and its Human Rights Delegation together with the Parliamentary Ombudsman.³⁹

The HRC and the focal points within the government alluded to in Article 33(1) of the UN Convention on the Rights of Persons with Disabilities (Ministry of Social Affairs and Health and Ministry for Foreign Affairs) met regularly during the year under review. The purpose of the meetings is to keep officials up to date on each other's plans and activities, and to strengthen inter-authority cooperation in the promotion and monitoring of the national implementation of the Convention on the Rights of Persons with Disabilities.

³⁹ <https://www.humanrightscentre.fi/riights-of-persons-with-disabilit/>

2. Monitoring the implementation of the rights of persons with disabilities

The HRC and the Finnish Disability Forum (Vammaisfoorumi) carried out an online survey on the rights of persons with disabilities between 2018 and 2019. The survey charted all of the topics covered by the UN Convention on the Rights of Persons with Disabilities. The compilation and analysis of the results began towards the end of 2018 and the results were published during 2019. In September, the Finnish Disability Forum organised a seminar in which the survey material was discussed extensively.⁴⁰

⁴⁰ <https://www.ihmisoikeuskeskus.fi/?x6209145=8181960>

The priority areas in the HRC's work in the area of persons with disabilities 2016-2019 are:

- promoting social inclusion
- promoting non-discrimination
- promoting participation in decision making
- promotion of the right to self-determination, and
- gathering of monitoring data on the rights of persons with disabilities.

In 2019, the HRC continued to work on the research project, the national fundamental rights barometer, in cooperation with the Ministry of Justice.⁴¹ The project carried out the national survey in connection with the *Fundamental Rights Survey*⁴² of the European Union Agency for Fundamental Rights (FRA). The national part of the survey was targeted at persons with disabilities and reduced functional capacity and at selected language minorities (Swedish, Russian and Arabic). The survey examined the views, experiences and awareness of fundamental and human rights of these population groups and their realisation in Finland. *The Fundamental Rights Survey* of the European Union Agency for Fundamental Rights (FRA) focuses on the entire population in all EU countries.

The sample concerning persons with disabilities and reduced functional capacity in the fundamental rights barometer was collected by sending more than 10,000 invitations for participation to recipients selected randomly from the disability benefits register of the Social Insurance Institution of Finland. The results of FRA's study and the national fundamental rights barometer will be published in 2020.

3. Cooperation with the disability rights committee and the disability team of the office of the parliamentary ombudsman

The Disability Rights Committee (VIOK) convened eight times during the year under review. In the spring, the Committee started to prepare the programme and content of the *Kalle Könkkölä symposium*. In its meetings at the beginning of the year, the Committee discussed the government proposal for the new disability services act (HE 159/2018 vp) and Act on Client Charges in Healthcare and Social Welfare (HE

According to Article 33(3) of the CRPD, States Parties shall fully involve persons with disabilities and their representative organisations in the monitoring process.

310/2018 vp). The Committee also prepared the observations and recommendations related to the rights of persons with disabilities for the publication *The fundamental and human rights situation in Finland, the Human Rights Delegation's recommendations for the government term 2019-2023 (in Finnish)*.

In the autumn, the Committee prepared a memorandum on the monitoring of the disability policy measures referred to in the Government Programme during the current government term. In particular, the Committee monitors the entries in the Government Programme that are directly linked with improving the socio-economic status of persons with disabilities, their level of education and labour market inclusion, accessibility and improving their social inclusion.

At the request of the HRC, the Committee drew up an expert opinion relating to the Deputy Chancellor of Justice's request for opinion on implementation of the translated subtitles of YLE news. The Deputy Chancellor of Justice had received a complaint enquiring whether television viewers with impaired vision were treated equally because the translated subtitles of YLE news were not displayed on a dark background. In its opinion, the Committee stated that YLE should provide more comprehensive information on the services provided for people with visual impairments. In addition, the Committee considered it necessary to establish whether the service provided through Teletext was easy to use. In his decision, the Deputy Chancellor of Justice agreed with the views expressed by the Committee.

During 2019, the project on fundamental and human rights in housing services for persons with disabilities continued. The pro-

41 <https://oikeusministerio.fi/en/project?tunnus=OM040:00/2018>

42 <https://fra.europa.eu/en/project/2015/fundamental-rights-survey>

ject is carried out jointly with the Parliamentary Ombudsman. Its aim is to develop a tool that guides the activities of housing units to strengthen residents' right to self-determination. In June, the project partners met for a workshop day to comment on and discuss the first model of the tool, the so-called evaluation framework, and its suitability for guiding the activities of housing service units. During the latter half of the year, work focused on producing and supplementing the content of the evaluation frameworks so that they would be both as easy to use as possible and effective.

In November, an expert from the HRC participated in an inspection conducted by the Parliamentary Ombudsman at the Support and Expert Centre for Persons with Intellectual Disability. An expert from the HRC also participated in carrying out unannounced inspections at seven polling stations on the day of the European Elections on 26 May 2019. Serious shortcomings in accessibility and in safeguarding the secrecy of ballot of persons with disabilities were discovered at several inspected sites.⁴³

As a result of the Disability Rights Committee's (VIOK) proposal, the HRC decided that, as from 2019, a *Kalle Könkkölä symposium* would be held together with the Parliamentary Ombudsman at regular intervals. The event will be held as a memorial for Kalle Könkkölä's life's work as a defender of the rights of people with disabilities. Its purpose is to offer an arena for discussions and exchange of information related to the current state in the implementation of the rights of persons with disabilities.

The first *Kalle Könkkölä symposium* was organised on 22 October 2019 at the Pikku-parlamentti building at Parliament. The main speaker at the event was Kirsi Varhila, Permanent Secretary of the Ministry of Social Affairs and Health. Her speech dealt with the priorities of disability policy and the operating methods used in its implementation. In the panel discussion, representatives of disability organisations

expressed their views on the impression organisations have of the everyday life of persons with disabilities. The topic of the second panel discussion at the event was the state of disability research in Finland.⁴⁴

4. International activities

The HRC participated in the meeting of the ENNHRI CRPD Working Group in Brussels on 13 May 2019. Especially the obligation under the Convention on the Rights of Persons with Disabilities to ensure inclusive education and its purpose in practice were discussed in the meeting. The HRC has been responsible for coordinating and planning activities related to the influencing carried out by the Working Group at the level of the EU. In future, the Working Group aims to allocate its limited resources to the evaluation of the European Disability Strategy 2010-2020 and to participate actively in the drawing up of the new strategy. To this end, the HRC participated in an evaluation interview of the European Disability Strategy 2010-2020. In its meeting, the CRPD Working Group also outlined the need for the Working Group to hold regular meetings with an independent mechanism of the EU, especially the European Union Agency for Fundamental Rights.

The HRC participated in the Conference of States Parties to the Convention on the Rights of Persons with Disabilities (CRPD) in New York between 11-13 June 2019. Among the issues discussed in the meeting were the challenges digitalisation poses to the social inclusion of persons with disabilities and the right of persons with disabilities to participate in cultural life and leisure time. In connection with the meeting, the representatives of the human rights institutions established the CRPD Working Group of the Global Alliance of National Human Rights Institutions (GANHRI) and held the Working Group's first meeting.

43 https://www.oikeusasiamies.fi/fi_FI/-/esteetto-myydessa-vakavia-puutteita-pyoratuolilla-ei-paassyt-aanestyspaikalle

44 <https://www.ihmisoikeuskeskus.fi/?x6209145=8402876>

5 Promoting and monitoring the rights of older persons

1. Stakeholder cooperation with civil society and the authorities

In spring 2019, the HRC started systematic work to promote the rights of older persons. Parliament granted additional resources that enabled the HRC to recruit two experts to the task of promoting the rights of older persons.

The work to promote the rights of older persons began by creating networks with parties working with older people and their rights, at the same time charting the implementation of the rights of older persons. The HRC met representatives of organisations representing older people, representatives of the regional state administrative agencies and Valvira, and researchers and other experts. In addition, the HRC cooperated with the experts of the Parliamentary Ombudsman.

The HRC's representatives met with the managements and experts of the Age Institute, the Finnish Union for Senior Services Valli ry, the Finnish Association for the Welfare of Older People (VKTL), the Alzheimer Society of Finland, Suvanto ry, the Finnish Heart Association, and Carers Finland. During the meetings with these organisations, the organisations' operating methods and opportunities for cooperation were discussed and problem areas in the implementation of the rights of older persons were charted. Among the issues highlighted were negative attitudes towards the elderly, the

The objectives of the work promoting the rights of older people in 2019 were:

- strengthening a rights-based perspective in services for older people
- influencing values and attitudes
- influencing knowledge/awareness of the rights of older persons and
- influencing the quality of legislative drafting related to the rights of older persons and the content of the laws/recommendations

financial problems of older people, sufficient and suitable services, and the challenges posed by digitalisation.

There were also meetings with representatives of the University of Tampere, the University of Jyväskylä, the University of Helsinki, the Finnish Federation of the Visually Impaired, the National Institute for Health and Welfare THL, the National Supervisory Authority for Welfare and Health Valvira, and the regional state administrative agencies. Contact with the different parties was maintained in different networks and working groups, including:

- the VAASI network of experts in old age law
- the IKÄ network of Parliament
- cooperation with THL and the supervisory authorities to redesign the survey on the state of services for older people (*Vanhuspalvelujen tila*)
- diverse cooperation with the regional state administrative agencies and Valvira
- preparation of the programme on safety in older age coordinated by THL, and
- the advisory board of CoE/AgeCare.
- In addition to Finnish networks, the HRC has had discussions about the promotion of the rights of older persons at an international level, especially with EN-NHRI, GANHRI and Age Europe.

2. Training and events

On 10 October 2019, the HRC organised a seminar on the rights of older persons (*Vanhus-ten oikeudet*) in the auditorium of the Pikkuparlamentti building. In the seminar, the situation of older people in Finland was discussed especially from the legal point of view.⁴⁵ The seminar was popular and attracted 155 participants. In

the seminar, researchers, authorities and other experts spoke about the rights of older people from two perspectives - the services for older persons, and self-determination and social inclusion.

In cooperation with the National Institute for Health and Welfare (THL), the Ministry of Social Affairs and Health, and the Association of Finnish Local and Regional Authorities, the HRC organised a training event on providing and procuring services for older people (*Vanhuspalvelujen järjestäminen ja hankinta*) on 19 November 2019.⁴⁶ The purpose of the event was to discuss the legislation on services for older people, the rights of older persons and the requirements and possibilities in the Act on Public Procurement and Concession Contracts. There were 140 participants.

The HRC's experts on the rights of older persons gave speeches on the rights of older persons at various events, including:

- the meeting of the VAHVA network of SOSTE Finnish Federation for Social Affairs and Health on 9 October 2019
- the Muistikonferenssi conference on memory diseases on 13 November 2019
- the work meeting of the regional state administrative agencies and Valvira on 14 November 2019 and
- a training tour of the regional state administrative agencies and Valvira on services for older people in Inari on 2 October 2019, Helsinki on 23 October 2019, Kajaani on 6 November 2019 and Turku on 20 November 2019.

46 <https://www.ihmisoikeuskeskus.fi/tietoa-meista/tilaisuudet/2019-tilaisuuksia/vanhuspalvelujen-jarjestaminen/>

45 <https://www.ihmisoikeuskeskus.fi/tietoa-meista/tilaisuudet/2019-tilaisuuksia/vanhustenoikeudet/>

3. Other communications and influencing

In October, the HRC released a publication on the *key international treaties and national legislation related to the rights of older persons*⁴⁷, in which human rights treaties and other instruments are discussed compactly from the point of view of the rights of older persons. In addition, the publication discusses the Constitution of Finland and other national legislation from the perspective of elderly people. The HRC commissioned a Finnish translation of *Shifting observations: Towards a rights-based approach to ageing*⁴⁸, the publication of the European Union Agency for Fundamental Rights (FRA) examining the impacts of age discrimination at the level of individuals, social groups and society.

A subpage on the rights of older persons was added to the HRC website.⁴⁹ The website contains compact information on the rights of older persons, the HRC's publications on elderly people and current news on the HRC's activities related to the rights of older persons.

In the Sámi Language Week between 21–27 October 2019, stories on the situation of elderly Sámi and on the linguistic rights of the Sámi were published in the Inari Sámi, Northern Sámi and Skolt Sámi languages on the subpage Rights of older persons on the HRC website.⁵⁰ The articles and their translations were drawn up in cooperation with the Sámi Parliament. The series of photos in connection with the text were obtained from photographer Hanna-Kaisa Hämäläinen.

The photos of elderly Sámi are related to a more extensive order for a series of photos, the aim of which was to present different kinds of older persons. The photos were used in communication in a variety of ways on Twitter, on the website and in presentations at various events. A separate presentation of the series of photos was also commissioned to be displayed at the seminar on the rights of older persons (*Vanhusten oikeudet*) and at the training event on the procurement and provision of services for older people (*Vanhuspalvelujen järjestäminen*).

Experts from the HRC wrote an article about older persons' right to self-determination for the *Vanhustyölehti* magazine published by the Finnish Association for the Welfare of Older People (VKTL). The article was also published on the websites of VKTL and the HRC, and information about it was communicated on Twitter and through the news service of the Finnish News Agency STT.⁵¹

During 2019, the monitoring of the Government Programme's objectives related to the promotion of the rights of older persons also played a central role in influencing. For monitoring purposes, the HRC compiled a summary of all objectives related to older persons and selected the projects that most needed monitoring by the HRC. During 2019, not very much progress was made in the objectives of the Government Programme yet, as the work carried out was mostly preparation for their implementation.

Two statements on the rights of older persons were also issued. In October, a statement was issued to the Ministry of Social Affairs and Health on the draft government proposal to Parliament for the Act amending sections 15 and 20 of the Act on Supporting the Functional Capacity of the Older Population and on Social

47 <https://www.ihmisoikeuskeskus.fi/julkaisut/ihmisoikeuskeskuksen-selvitykset/>

48 <https://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/dc5f13e2d52111d6445d6431341c78bf/1582288089/application/pdf/8774455/Ajattelutavan%20muutos%20FRA.pdf>

49 <https://www.humanrightscentre.fi/rights-of-older-persons/>

50 <https://www.ihmisoikeuskeskus.fi/vanhusten-oikeudet/ikaantyneet-saamelaiset/>

51 <https://www.sttinfo.fi/tiedote/vanhuksen-itsemaaraamisoikeus?publisherId=64021107&releaseId=69869553>

and Health Services for Older Persons and amending Section 20 temporarily. The statement dealt with the staffing levels in 24-hour care of older people. A statement was issued to the UN Open-ended Working Group on Ageing for its 11th session due to be held in April 2020. Opinions on the situation in Finland were requested for the statement on issues such as older people's right to work, access to their rights and social security.⁵²

4. Corporate responsibility and companies in the field of health and social services

As part of promoting the rights of older persons, the HRC started to survey issues related to corporate responsibility of companies in the field of health and social services. In June, the HRC met representatives of the corporate responsibility network FIBS ry and HALI ry, the representative of private companies and organisations in the welfare sector. The meeting was held to lay a basis for the HRC's possible further activities in promoting business and human rights.

The HRC participated in the annual United Nations' *Business and Human Rights Forum* held in Geneva between 25-27 November 2019 and in the *Business and Human Rights: Towards a Common Agenda for Action* event on corporate responsibility held during Finland's Presidency of the Council of the EU in Brussels on 2 December 2019. The events provided an update on issues related to corporate responsibility and the participants formed contacts with both international and Finnish key actors related to the theme. In addition, the HRC joined the Finnish corporate responsibility network (FIBS) in autumn 2019.

The HRC supported the *Words to Deeds* report of Fiant Consulting Oy and 3bility Consulting on the implementation of the UN Guiding Principles on Business and Human Rights in the 50 largest listed companies in Finland.⁵³ The report was published in November. According to the report, 94 per cent of the companies examined are committed to respecting human rights in their activities, at least at a general level. However, only 20 per cent of companies reported that they assessed human rights risks and impacts more systematically. The majority of the assessed companies still do not have clear processes for assessing their human rights risks and impacts.

53 <https://www.ihmisoikeuskeskus.fi/?x5822114=8444188>

52 <https://www.ihmisoikeuskeskus.fi/julkaisut2/lausuntoja-ja-kannanottoja/>

Annex 1.

Human Rights Centre personnel in 2019

Director

Sirpa Rautio, Chair of the Human rights Delegation (2012-2016, 2016-2020, 2020-2024)

Experts

Sanna Ahola, Rights of Older Persons (2019-)

Mikko Joronen, Rights of Persons with Disabilities (2016-)

Kristiina Kouros, Human Rights Education and Training (2012-, rotated to the Office of the Parliamentary Ombudsman as from 1 June 2019)

Leena Leikas, Secretary of the Human Rights Delegation, Monitoring (2012-)

Susan Villa, Rights of Older Persons (2019-)

Associate Experts and Trainees

Elina Hakala, Temporary Associate Expert (1 December 2013-31 October 2017) and Coordinator for International Affairs (1 November 2017- 15 February 2019)

Annex 2.

Members of the disability rights committee

1. **Markku Jokinen**, Chair, Association of the Deaf
2. **Elina Nieminen**, Vice-chair, Finnish Association of People with Physical Disabilities
3. **Pirkko Mahlamäki**, Vammaisfoorumi ry (Finnish Disability Forum)
4. **Antti Teittinen**, Finnish Association on Intellectual and Developmental Disabilities
5. **Riku Virtanen**, Åbo Akademi Institute for Human Rights

External experts

6. **Sanna Ahola**, Finnish Institute for Health and Welfare THL (until February/2019)
7. **Milla Ilonen**, ASPA Foundation
8. **Tytti Matsinen**, Felm
9. **Eeva Tupi**, World Federation of the Deaf, Finnish League for Human Rights

Expert members

10. **Mikko Joronen**, Human Rights Centre
11. **Minna Verronen**, Office of the Parliamentary Ombudsman

Annex 3.

Members of the human rights delegation 2016-2020

1. **Reijo Aarnio**, Data Protection Ombudsman
2. **Kimmo Hakonen**, Intelligence Ombudsman
3. **Jukka Maarianvaara**, Ombudsman for Equality
4. **Elina Pekkarinen**, Ombudsman for Children
5. **Kirsi Pimiä**, Non-Discrimination Ombudsman
6. **Mikko Puumalainen**, Deputy Chancellor of Justice
7. **Maija Sakslin**, Deputy Parliamentary Ombudsman
8. **Tiina Sanila-Aikio**, Chair, Sámi Parliament

9. **Pentti Arajärvi**, Professor (2016- emeritus), University of Helsinki, Docent, University of Eastern Finland
10. **Niklas Bruun**, Professor, Hanken School of Economics
11. **Elina Castrén**, Executive Director, Finnish Refugee Advice Centre
12. **Elina Grundström**, Chair, Council for Mass Media
13. **Leena Heinämäki**, Senior Researcher, Northern Institute of Environmental and Minority Law, Arctic Centre, University of Lapland
14. **Inka Hetemäki**, Director of Advocacy and Programs, UNICEF Finland
15. **Juha Hänninen**, Director, Chief Physician, Terhokoti
16. **Esa Iivonen**, Leading Expert, Mannerheim League for Child Welfare
17. **Markku Jokinen**, Executive Director, Association of the Deaf
18. **Arto Kallioniemi**, Ph.D., M.Sc. (Econ.), B.A., Professor of Didactics, University of Helsinki
19. **Antti Karanki**, Chair, Trasek
20. **Kalevi Kivistö**, Minister, Association of Pensioners interest groups EETU ry
21. **Eija Koivuranta**, Managing director, Family Federation of Finland
22. **Kristiina Kumpula**, Secretary General, Finnish Red Cross
23. **Niina Laajapuro**, Policy Director, Amnesty International, Finnish section
24. **Mahlamäki Pirkko**, General Secretary, Finnish Disability Forum
25. **Heli Markkula**, Expert, Finnish Youth Cooperation - Alianssi
26. **Kaari Mattila**, Secretary-General, Finnish League for Human Rights
27. **Petri Merenlahti**, Theological Advisor for the Archbishop, Evangelical-Lutheran Church of Finland
28. **Elina Nieminen**, Lawyer, Finnish Association of People with Physical Disabilities
29. **Eeva Nykänen**, LL.D., Chief Specialist, National Institute for Health and Welfare

30. **Paula Paloranta**, LL.Lic., LL.M., Secretary General, Chamber of Commerce Finland
31. **Elina Pirjatanniemi**, Director, Professor of Constitutional Law and International Law, Åbo Akademi Human Rights Institute
32. **Pauli Rautiainen**, Ph.D., Professor of Public Law, Docent in Constitutional Law, University of Tampere
33. **Antti Sajantila**, Ph.D., Professor, Specialist in Forensic Pathology, University of Helsinki
34. **Kimmo Sasi**, Economist, LL.M., Advisor
35. **Shafae Hamed**, Service Advisor, City of Helsinki
36. **Ida Sulin**, LL.D., LL.M, Lawyer, Association of Finnish Local and Regional Authorities
37. **Antti Teittinen**, Head of Research, Docent, Finnish Association on Intellectual and Developmental Disabilities
38. **Jarkko Tontti**, Author, LL.D., LL.M
39. **Riku Virtanen**, Independent Researcher, Student

Members of the Human Rights Delegation's working committee 2016-2018

Jokinen Markku
Karanki Antti
Könkkölä Kalle
Laajapuro Niina
Merenlahti Petri
Pimiä Kirsi
Teittinen Antti
Virtanen Riku

Members of the Human Rights Delegation's working committee 2018-2020

Castren Elina
Iivonen Esa
Jokinen Markku
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