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HUMAN RIGHTS CENTRE



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Annual Report 2020

HUMAN RIGHTS CENTRE
ANNUAL REPORT 2020

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Foreword

The COVID-19 pandemic spread in early 2020 and changed the world in an instant - and Finland was no exception. The effects of the pandemic and the impacts of combatting it affected everyone and the whole society. Especially in spring 2020, in the face of a new and unknown threat, crisis conditions prevailed in Finland and the atmosphere was tense.

During the spring, I kept a close eye on the handling of emergency laws in Parliament and the daily crisis communications of the Government. When I walked home after work through the empty streets in Helsinki, I often recalled my experience in crisis management tasks in the former Yugoslavia in the mid-1990s. Although the situation there was different, some observations were familiar. Reminiscent of those times, we now not only have mobility restrictions but also people's fear, uncertainty about the future, and blaming different groups of people for the spread of the disease.

As one tough restriction measure, Uusimaa was closed for a few weeks, and the external borders of the country were also closed. People were even encouraged to avoid travel within Finland. The recommendations were addressed in a strongly obliging form. Some people supported and demanded more restrictions, while others denied the existence of corona. The disease was found to be the most dangerous for older people, but restrictions also strongly affected the lives of young people and chil-

dren. Some professional groups had a high risk of falling ill, while others worked remotely in their summer cottages. The pandemic and the related restrictions did not always treat people equally. We quickly noticed that, despite preparations for crises, Finland was not fully prepared for a crisis such as the corona pandemic. This also concerned the consideration of fundamental and human rights in an exceptional situation.

In March, the HRC started working almost completely remotely in accordance with Parliament's instructions. Despite the circumstances, the HRC continued its operations seamlessly, and despite the challenges, the personnel has been coping well. We have kept in close communication throughout the pandemic.

The restrictions on fundamental and human rights and their impacts were strongly highlighted throughout the year by the HRC and its Human Rights Delegation. Together with the delegation, we assessed the impacts of the corona pandemic on the implementation of fundamental and human rights and the rule of law in Finland and elsewhere. Based on these assessments, we made recommendations to the Government at the beginning of 2021. Although the pandemic has hit all people and the functioning of society and health care in general, it is clear that vulnerable people have suffered more. Now we fear that the impacts will multiply and lead to permanent vulnerabilities in the realisation of fundamental and

human rights. The impact assessment must also be continued in the after-care of the pandemic, and corrective measures must be further strengthened.

During the pandemic, the discussion and debate surrounding fundamental and human rights has been intense at times. It has been positive in itself that such an important issue has received attention. At the same time, it has become clear that there are shortcomings in the knowledge of fundamental and human rights, including among the authorities. Those who have been waiting for unequivocal answers from human rights have been disappointed. The content of fundamental and human rights is interpreted and relations between rights are weighed. There is not always one single answer - especially in the face of a new situation. In a crisis, it is easy to forget that we are not alone in the situation. International and European cooperation on human rights could have been stronger. The guidelines of international human rights bodies could have helped find answers to difficult fundamental and human rights issues. However, we curled up inwards, and the borders also closed emotionally.

All in all, however, Finland has survived well. Now in spring 2021, the number of cases is going down. Social peace has remained, the institutions have operated in emergency

conditions, and the rule of law has mainly been complied with. It is now time to assess how crisis resilience should be strengthened. In this reflection, the rule of law and fundamental and human rights must remain at the heart.

After an exceptional year, I would like to warmly thank my colleagues at the Human Rights Centre for their high motivation, good attitude and flexibility in working and as members of the work community. I would also like to thank the members of the Human Rights Delegation, the colleagues of the Office of the Ombudsman and all partners for their good cooperation in difficult circumstances.

04 May 2021
Sirpa Rautio
Director, Human Rights Centre

1 Human Rights Centre

Human Rights Centre

The HRC's budget in 2020 was EUR 855,000. In 2020, the HRC had seven permanent posts (the director, five expert officials, and an administrative assistant). In 2019, the HRC gained two fixed-term expert positions to promote and monitor the rights of older people, and the positions were made permanent at the beginning of 2020. In addition to permanent posts, one fixed-term assistant expert worked at the HRC. Three research assistants were hired for report projects under assignments of different lengths.

The Human Rights Centre's Plan of Action for 2020¹ was approved in December 2019. The HRC considers that it achieved the set targets well, even though the outbreak of the coronavirus pandemic at the beginning of the year significantly changed the operating environment and the HRC moved to work almost completely remotely in March, excluding the director. The Human Rights Delegation approves the annual report and the action plan.

During the year, the HRC closely monitored the impact of the COVID-19 pandemic and state of emergency on fundamental and human rights, and a special theme page on the topic was added on the HRC's website. Monitoring was also improved in other ways during the

year, and a new monitoring tool developed by the HRC will be introduced and work processes for monitoring will be established in 2021.

The HRC continued its work with a strong focus in monitoring and promoting the rights of both persons with disabilities and older persons. The objective is to improve the social inclusion of persons with disabilities, to raise awareness of the rights of persons with disabilities and to strengthen the legal perspective in activities, decision-making and broader attitudes related to older people.

The promotion of fundamental and human rights includes areas such as training and education, research, provision of information and the general promotion of collaboration on the aforementioned issues. The HRC's fundamental and human rights training projects progressed well, and training packages on new themes were prepared for the HRC's website. The joint project with the University of Helsinki and the Ministry of Justice was assessed together before its planned end at the end of June 2020. The reporting of the results of the project clearly showed that the activities responded to the set objectives, and all parties agreed to continue the project until mid-2021.

The HRC's research activities took a leap forward, and many new research partnerships were established with research institutes and researchers.

1 <https://www.ihmisoikeuskeskus.fi/julkaisut2/toimintakertomukset-ja-toimintas/>

The HRC participated in a number of working groups and networks, such as the government network on fundamental and human rights and the working group developing indicators for it, the Advisory Body on International Human Rights Affairs under the Ministry for Foreign Affairs, as well as working and steering groups on human rights education, discrimination, the rights of persons with disabilities and the rights of older people.

The HRC actively communicated and disseminated information about topical themes related to fundamental and human rights on its different communication channels and targeted at important stakeholders.

The HRC participated in international and European cooperation in the thematic working groups of the networks of national human rights institutions. In addition, an expert from the HRC chaired the ENNHRI Legal Working Group. The HRC supported the strengthening of the rule of law in the activities of ENNHRI and the first joint reporting on the rule of law by national human rights institutions, in which the HRC wrote a section on Finland.

Sirpa Rautio, Director of the Human Rights Centre, ended her term of office as Chair of the Management Board of the European Union Agency for Fundamental Rights in the summer of 2020. Leena Leikas, an expert at the HRC, was appointed as an alternate member of the Management Board through an open application process, and professor Tuomas Ojanen, a member of the Human Rights Delegation, was appointed as an ordinary member. The link between the HRC and the Agency for Fundamental Rights will thus remain strong.

The HRC's tasks are:

- to promote information, education, training and research associated with fundamental and human rights
- to monitor the implementation of fundamental and human rights and prepare reports on them
- 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)
- to promote, protect and monitor the rights of the elderly as a particular priority.

Human Rights Delegation

The second Human Rights Delegation ended its activities in March 2020. The last meeting of their term was cancelled due to the state of emergency caused by the corona pandemic. At the end of 2019, the members of the delegation evaluated their working methods, the role of the members and the effectiveness of the work of the delegation during the term of office in their survey responses. In general, members wished for more time for discussion and networking, focus on selected themes and more statements, events and training.

The third Human Rights Delegation began its four-year term on 1 April 2020. Members of the Delegation apply through an open application process, and the composition of the delegation is appointed by the Parliamentary Ombudsman. In this round of applications, there were more applicants than ever before, over 130. The Delegation has 38 members, including special ombudsmen, 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. At its first meeting in spring 2020, the delegation selected Esa Iivonen, a member of the delegation, as vice-chairman, for a period of two years.

The work of the Human Rights Delegation began with a survey of the members' wishes regarding the discussion topics and operating methods. Popular themes included general influence on both human rights policies and political decision-making, and the impact of the pandemic on the implementation of fundamental and human rights. Other points of interest included the impacts of climate change on human rights, the human rights responsibility of businesses, indigenous rights, violence against women, the right to self-determination of older people and persons with disabilities, and the general monitoring of the current fundamental and human rights.

Statement by HRC

Coronavirus pandemic has significant impact on implementation of fundamental and human rights – Human Rights Delegation gives recommendations for securing rights

In 2020, the activities of the Human Rights Delegation focused on four themes and the implementation of related rights during the coronavirus pandemic: rule of law development, the rights of children and young people, the rights of persons with disabilities and older people, and violence against women. The Delegation made recommendations to the Government on these issues at the end of the year, on the basis of which the HRC compiled and published the report *“The impacts of the coronavirus pandemic on the implementation of fundamental and human rights – recommendations by the Human Rights Delegation”*.

The permanent divisions under the Delegation include a working committee, the division for the rights of persons with disabilities, i.e., the Disability Rights Committee (VIOK), and the division on the rights of older people. The working committee participates in preparing the Delegation's meetings.

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.²

The HRC promotes and monitors the implementation of fundamental and human rights and promotes cooperation between actors in the field of fundamental and human rights, especially in the activities of the Human Rights Delegation. Its statutory tasks include international and European cooperation on human rights. Its mandate also covers private sector actors, such as businesses.

The Human Rights Delegation promotes the exchange of information and cooperation between different actors, discusses fundamental and human rights matters of far-reaching importance and significant principles, and approves the HRC's action plan and report annually.³

The Parliamentary Ombudsman supervises the legality of the activities of public authorities and the implementation of fundamental and human rights, by investigating complaints, making their own initiatives and carrying out inspections.⁴

The Global Alliance of National Human Rights Institutions (GANHRI⁵) granted the Finnish NHRI 'A' status in 2019 by application. The first time that the status A, which is valid for five years at a time, was granted was in 2014. 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 HRC represents the Finnish National Human Rights Institution in

networks of national human rights institutions and other international and European cooperation on human rights. The Ombudsman participates in European and international cooperation between ombudsmen.

Sirpa Rautio will continue as Director of the Human Rights Centre also during the next term of office. The four-year term of office began on 1 March 2020. The Parliamentary Ombudsman appoints the Director after consulting the Constitutional Law Committee.

The National Human Rights Institutions (NHRIs) meet the requirements of the Paris Principles⁶ 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.

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

2 <https://www.ihmisoikeuskeskus.fi/tietoa-meista/kansallinen-ihmisoikeusinstituut/>

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

4 <https://www.oikeusasiamies.fi/fi>

5 <https://ganhri.org/>

International activities⁷

In 2020, the HRC actively participated in cooperation between national human rights institutions in thematic working groups of the European Network of National Human Rights Institutions (ENNHRI).

Close cooperation with the European Union Agency for Fundamental Rights was carried out in research projects. This year's key themes in European cooperation were the coronavirus pandemic's impacts on fundamental and human rights. Michael O'Flaherty, Director of the EU Agency for Fundamental Rights, was heard on the topic at an open meeting of the Human Rights Delegation in September 2019. In September, the EU Agency for Fundamental Rights published a report on the role and activities of national human rights institutions in the EU, North Macedonia and the UK⁸. The HRC contributed as an expert to the report, and the activities of the Finnish National Human Rights Institution were well represented in the report.

7 <https://www.ihmisoikeuskeskus.fi/tietoa-meista/kansainvalinen-yhteistyö/>

8 <https://fra.europa.eu/en/publication/2020/strong-effective-nhris>

2 General monitoring of fundamental and human rights

Monitoring is necessary for promoting fundamental and human rights

Monitoring fundamental and human rights means collecting information on the implementation of fundamental and human rights, analysing the data and maintaining up-to-date knowledge of the situation.⁹ Based on the collected data, it is possible to assess how best to promote the fulfilment of rights. Monitoring data helps estimate how the rights of different persons and groups are respected formally and in practice. Monitoring is based on cooperation and the utilisation of already existing reliable information and on the Centre's own research and data collection, which are carried out according to opportunities and needs. Experience-based information is collected with e.g. surveys.

The problem with human rights monitoring in Finland is still the lack of information, which is due to the limited resources allocated to monitoring and the fragmentation of the human rights field with many actors. During the year, the HRC continued to systematically develop its own monitoring work. The aim is for the HRC to have a comprehensive picture and knowledge base on the fundamental and human rights situation in Finland.

For this purpose, the HRC was working on developing a new monitoring platform

and tool to create the technical preconditions for systematic and continuous monitoring of fundamental and human rights. The monitoring covers a wide range of themes on fundamental and human rights. The aim is to monitor the rights of persons with disabilities and older people at the level of the fulfilment of rights. New themes will be added to the monitoring as the fundamental and human rights situation changes, depending on resources or if new tasks are assigned to the HRC.

The HRC followed the developments in the rule of law and the discussion on it both in Finland and Europe, and for the first time the Centre participated in the European Commission's new rule of law review and in the joint report compiled by ENNHRI in spring 2020. The Commission report¹⁰ was published in autumn 2020.

In autumn 2020, the HRC initiated a report on the application of Article 106 of the Constitution on the possibility of courts not applying the provision of the Act in an individual case when it was manifestly incompatible with the Constitution. The report will be published in early 2021. The HRC also compiled observations from fundamental and human rights actors on the implementation of fundamental and human rights in 2019. The compilation will be published in early 2021.

⁹ <https://www.ihmisoiikeuskeskus.fi/seuranta/>

¹⁰ https://ec.europa.eu/info/publications/2020-rule-law-report-communication-and-country-chapters_fi

Monitoring the implementation of international human rights treaties

The HRC is involved in periodic reporting procedures for the human rights treaties independently from the government, issuing statements and attending consultation events. It provides information about the recommendations of the treaty bodies and monitors the implementation of recommendations and solutions of the treaty bodies. The HRC encourages and supports NGOs to participate in the reporting with their own statements and cooperates with them.

The international cooperation project on the impact of UN treaty bodies in 20 countries, launched in 2019, continued in 2020. The section on Finland, which was written by Merja Pentikäinen on behalf of the Human Rights Centre, was completed at the end of the year. The book resulting from the final result of the project will be published in 2021.

The Government submitted its periodic report to the UN on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹¹, the International Covenant on Civil and Political Rights (ICCPR)¹², the Convention Against Torture (CAT)¹³, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁴ in 2020. The Government also updated its Common Core Report¹⁵ for the UN. The HRC participated proactively in the reporting cycles by

submitting material and suggestions for questions and recommendations to UN committees. The Government will report to the Council of Europe on the implementation of the European Social Charter.

During the year, the Government received recommendations on shortcomings in the implementation of the Council of Europe's European Charter for Regional or Minority Languages (ECRML). The parties to the Istanbul Convention also made recommendations to Finland.

Decisions on complaints made against Finland were issued by the European Court of Human Rights (Kauhajoki school shootings) and on collective complaints by the European Committee of Social Rights (restriction of children's right to early childhood education and care, gender pay equality).

International activities

The ENNHRI Legal Working Group met twice during the year. In addition to the human rights implications of the pandemic, the key theme of the work was the finalisation of the ENNHRI processes and guidelines for making third-party interventions in the European Court of Human Rights. In addition, the working group, the European Implementation Network and the Council of Europe's department responsible for monitoring the execution of ECHR judgments organised a 4-part training webinar for staff of national human rights institutions on the effective national implementation of EIT judgments.¹⁶

11 <https://www.ihmisoiikeuskeskus.fi/seuranta/maaraaikaisraportointi-yk-en/raportoinnin-aikataulu/tss/>

12 <https://www.ihmisoiikeuskeskus.fi/seuranta/maaraaikaisraportointi-yk-en/raportoinnin-aikataulu/kp/>

13 <https://www.ihmisoiikeuskeskus.fi/seuranta/maaraaikaisraportointi-yk-en/raportoinnin-aikataulu/cat/>

14 <https://www.ihmisoiikeuskeskus.fi/seuranta/maaraaikaisraportointi-yk-en/raportoinnin-aikataulu/cedaw/>

15 https://tbinternet.ohchr.org/_layouts/15/treaty-bodyexternal/Download.aspx?symbolno=HRI%2fCORE%2fFIN%2f2020&Lang=en

16 <http://ennhri.org/our-work/topics/democracy-and-rule-of-law/webinar-series-enhancing-nhris-capacity-for-effective-implementation-of-judgments-of-the-european-court-of-human-rights/>

3 The general promotion of fundamental and human rights

Human rights education and training¹⁷

At the initiative of the HRC and with partial funding from it, the teacher training of the faculty of educational sciences at the University of Helsinki continued the Human Rights, Democracy, Values and Dialogue in Education continued a cooperation project to strengthen competence of teachers in fundamental and human rights¹⁸.

In 2020, the focus was on strengthening general democracy and human rights education in teacher education, drawing up a brochure on the situation (in Finnish, Swedish and English), preparing human rights training and materials especially for education¹⁹, strengthening research and supporting the national higher education network. The brochure and the results of the project were also presented in Educa 2020 to actors in the field of teaching and education.

HRC's lecture series and training materials on fundamental and human rights

The lecture series and other training material are available on the HRC's website²⁰, the Government's digital eOppiva training platform²¹, the Finnish National Agency for Education website²², the University of Helsinki website²³ and in the European Commission's adult education portal EPAL²⁴. During the year, new material on the rights of persons with disabilities was added to the website.

The Teacher Education project included fundamental and human rights and human rights training and education as part of several university courses in Bachelor's and Master's degree studies. The special course piloted in the earlier phase of the project in 2019 was

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

18 <https://www.helsinki.fi/fi/projektit/ihmisoikeudet-demokratia-arvot-ja-dialogi-kasvatuksessa>

19 <https://www.helsinki.fi/fi/projektit/ihmisoikeudet-demokratia-arvot-ja-dialogi-kasvatuksessa/materiaalit-ja-julkaisut>

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

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

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

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

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

further developed in 2020. The course is used in different higher education institutions as part of the teaching available.

The project overlaps with the National Democracy Programme 2025²⁵ launched by the Ministry of Justice in 2020. One of the programme's focus areas is democracy and human rights education in teacher training. The HRC and the project have been presented and involved in the Democracy and human rights education and participation of young people (DINO II) coordination group²⁶ under the Ministry of Justice and the Democracy and human rights education steering group coordinated by the Ministry of Education and Culture²⁷ in 2020-2023.

A cooperation project at the University of Helsinki was launched as part of the UNESCO professorship *Values, Dialogue and Human Rights in Education*, in which research on the implementation of human rights education in teacher education and UNESCO schools has also been launched. As part of research cooperation, contacts have also been maintained with international research groups from the perspective of potential cooperation. The strengthening of Finnish cooperation resulted in a three-year (2021-2024) pedagogical research project, one sub-project of which is human rights education. The project is funded by the Kone Foundation. The project cooperation will end in mid-2021 but the cooperation will continue in different ways with the parties involved in the project.

25 <https://oikeusministerio.fi/demokratiaohjelma-2025>

26 <https://oikeusministerio.fi/hanke?tunnus=OM030:00/2020>

27 <https://minedu.fi/hanke?tunnus=OKM035:00/2020>

Statements and publications

The HRC issues statements either on the basis of a request or on its own initiative on themes related to its activities and structural fundamental and human rights issues.

HRC's publications in 2020²⁸

- [Human Rights Centre Annual Report 2019](#)
- [Implementation of fundamental and human rights in Finland - a collection of observations](#)
- [The impacts of the coronavirus pandemic on the implementation of fundamental and human rights - recommendations by the Human Rights Delegation](#)

28 <https://www.ihmisoikeuskeskus.fi/julkaisut/>

Statements by the HRC in 2020:

- Statement on a proposal for a recommendation on determining the functional capacity of older persons in connection with the examination of service needs (23 January 2020)
- Statement on the basics of specialist vocational qualification in work with older people (3 April 2020)
- Statement on the proposal to amend the Act on Client Fees in Health Care and Social Welfare (3 April 2020)
- Statement on the draft of the additional protocol to the Council of Europe Convention on human rights and biomedicine (22 May 2020)
- Statement on the interim report of the working group on the digital measures in post-crisis measures related to COVID-19 (22 June 2020)
- Statement on the draft on quality recommendation for older people 2020-2023 (25 June 2020)
- Response to the UN survey on human rights impacts of the corona pandemic (26 June 2020)
- Statement on the reform of the legislation on the service package for older persons (30 June 2020)
- Statement on the implementation of the UN Convention on Economic, Social and Cultural Rights for the handling of the Government's periodic reporting (31 August 2020)
- Statement on the preliminary draft on the regulation of palliative and terminal care (7 September 2020)
- Statement on the draft of the UN Convention on Businesses and Human Rights (9 September 2020)
- Statement on the draft on the government proposal for an Act on the Ombudsman for Older Persons (11 December 2020)
- Statement on the draft of the government proposal on the division of tasks between the Chancellor of Justice and the Parliamentary Ombudsman (23 December 2020)
- Statement on the proposal for an amendment to the Regulation establishing the European Union Agency for Fundamental Rights

Events and communication

The various events for the public and specialists are important for the HRC as a means of providing information and training related to topical fundamental and human rights themes. In 2020, the coronavirus pandemic clearly reduced the number of events compared to previous years. Due to the limitations imposed by the pandemic, events and meetings were held online only.

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. A comprehensive and updated theme page was added on the HRC's website on basic and human rights information related to the corona pandemic.²⁹ A reform of the website was launched in 2020 to improve accessibility.

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.) During the Human Rights Week (3 December - 10 December 2020), it was not possible to hold the traditional communication campaign in Parliament this time, but the HRC was active on its social media channels on the UN International Day for People with Disabilities (3 December) and the Human Rights Day (10 December).

The HRC's Events in 2020:

- Youth, Climate Change, and the European Court of Human Rights online conference in cooperation with the University of Tampere and the ALL-YOUTH - All youth want to rule their world research project, 27 November 2020
- A webinar on reforming the Act on Disability Services and Assistance in cooperation with the parliamentary group on disability matters (vammaisasian yhteistyöryhmä, VAMYT), 2 December 2020

²⁹ <https://www.ihmisoikeuskeskus.fi/covid-19/>

4 Rights of persons with disabilities

Independent mechanism of article 33, section 2 of the UN convention on the rights of persons with disabilities

According to Article 33 (2) of the UN Convention on the Rights of Persons with Disabilities (CRPD), the 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 the Finnish NHRI consisting of the Human Rights Centre (HRC) and its Human Rights Delegation together with the Parliamentary Ombudsman.

The HRC and the focal points within the government alluded to in Article 33, section 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. The purpose of the meetings is to exchange information and strengthen cooperation between the authorities. Discussions during the year revolved in particular around safeguarding the rights of persons with disabilities during the corona pandemic and on the preparation of the national action programme related to the UN Convention on the Rights of Persons with Disabilities.

Monitoring and promotion of the implementation of the rights of persons with disabilities

The HRC's work with persons with disabilities focuses on promoting the social inclusion of persons with disabilities, raising public awareness of their rights and monitoring the fulfilment of the rights.

At the start of the coronavirus pandemic in 2020, the HRC adapted the work related to the rights of persons with disabilities to the changed situation. The activities acknowledged problems that the pandemic raised in relation to the rights of persons with disabilities. The theme website discussed restrictions on mobility and gatherings, ensuring social welfare and healthcare services, the protection and safety of other persons in need of help, equal access to information and equal access to care from the perspective of fundamental and human rights. During the pandemic, a comprehensive collection of information, guidelines and recommendations prepared by the authorities and the statements of various organisations on issues related to the rights of persons with disabilities was compiled on the theme page on the HRC website.

The HRC served as an expert member of the Advisory Board on the Rights of Persons with Disabilities (VANE). During the term under review, the Advisory Board focused on preparing

a national action plan for the UN Convention on the Rights of Persons with Disabilities. The HRC participated at a hearing assessing the draft on the action plan in which the Centre highlighted, amongst other things, the need to reinforce the measures in the action plan in order to combat discrimination against persons with disabilities. The Centre also proposed that entries on preparedness for exceptional circumstances should be highlighted, persons with disabilities from a Roma background should be taken into account in the action plan and measures supporting the inclusion of persons with disabilities in employment should be strengthened.

An expert member of the HRC also participated in the work of the monitoring group on the Act on the Provision of Digital Services. During the term, the Monitoring Group focused on monitoring the implementation of accessibility regulation and supporting the Regional State Administrative Agency for Southern Finland in its monitoring work.

In cooperation with the parliamentary group on disability matters (vammaisasian yhteistyöryhmä, VAMYT), the HRC organised a webinar on the reform of the legislation on services for persons with disabilities. At the event, an official from the Ministry of Social Affairs and Health gave a review of the timetable for the reform of the legislation on services for persons with disabilities and the related consultation procedure. Representatives of four different disability organisations spoke at the event and raised issues that, from their own perspective, are important in the reform of the Act on Services and Assistance for the Disabled. The Human Rights Centre published a summary of the discussion.

Based on the draft submitted by the National Institute for Health and Welfare, the HRC wrote and finalised a report, which will be published with the Ministry of Justice on the Fundamental Rights Barometer project. The report will be published in spring 2021. In addition, the HRC supported the survey on everyday life at school conducted by the Finnish Disability

Forum and directed at the parents of children with disabilities.

During the term, the HRC intensified cooperation with municipal disability councils and participated in meetings with the secretaries of the disability councils. At the first meeting, the representative of the HRC introduced the theme on how to implement the inclusion obligation of the UN Convention on the Rights of Persons with Disabilities at local level. At the second meeting, the theme was implementing the obligations of the Convention on the Rights of Persons with Disabilities in local government and to take the rights of persons with disabilities into account during the corona period.

The HRC was consulted as an expert in two studies related to the employment of persons with disabilities. One was a study carried out by a research group at the University of Amsterdam and it examined the reasons behind the weaker labour market participation of people with a disability in the member states of the European Union. The research publication is available online (*“Explaining the disability employment gap in European countries: the influence of labour market policies and public opinion towards people with a disability”*). The second study explored the structural obstacles to the employment of persons with a disability in Finland. This report was published by the Ministry of Economic Affairs and Employment (*“Structural obstacles to the employment of persons with a disability”*).

For several years, the HRC has monitored the preparation of an additional protocol to the Convention on Human Rights and Biomedicine (the ‘Oviedo Convention’) of the Council of Europe regarding involuntary treatment measures. The HRC issued an opinion on the draft of the additional protocol, which expressed concerns that the draft still has problems related to the UN Convention on the Rights of Persons with Disabilities. Furthermore, the draft does not contain an article on how to strengthen the right of self-determination of a person subject to restrictive measures.

Cooperation with the disability rights committee and the disability team of the parliamentary ombudsman

Members of the Disability Rights Committee (VIOK) were appointed at the meeting of the Human Rights Delegation on 20 May 2020. The Delegation convened four times during the term of office. During the autumn, the Committee prepared the themes of the work programme for 2020-2024. The themes of the work programme include poverty and employment of persons with disabilities, education, involvement and social inclusion, discrimination and equality, and the impact of the coronavirus pandemic on the rights of persons with disabilities. The Committee also monitors the implementation of the Government Programme.

All members of the Committee participated in a workshop organised by the Human Rights Delegation in September to discuss how the coronavirus pandemic and the various restrictions and measures taken to combat it affect the implementation of fundamental and human rights. Based on the discussions during the workshop, the Human Rights Centre compiled a condensed snapshot of the implementation of fundamental rights and human rights and recommendations from the Delegation on how the rights of people, including people with disabilities, need to be secured during the coronavirus pandemic and in its aftermath.

During the year, the disability team of the Parliamentary Ombudsman and the Human Rights Centre finalised a self-assessment tool, which is intended to support measures to strengthen clients' right to self-determination in housing service units. The tool consists of questions that guide to make an independent assessment on how well the activities and operating methods of residential units support and strengthen the clients' right to self-determination. The questions were finalised and the tool tested in extensive cooperation with authorities and NGOs. In the next phase, the implementation of the tool in housing services will be supported during 2021.

International activities

As a result of the corona pandemic, international cooperation decreased significantly and all meetings of the ENNHRI CRPD working group were remote meetings. The focus of the working group's activities shifted to assessing and monitoring the impacts of measures related to the corona pandemic. The working group regularly shared information on the measures taken in different countries to protect the rights of persons with disabilities and to safeguard their health.

The annual Conference of States Parties to the UN Convention on the Rights of Persons with Disabilities was cancelled in the spring and finally organised as a remote conference in December. The main theme of the conference was the implementation of the CRPD and the 2030 Agenda for Sustainable Development for all persons with disabilities. The sub-themes of the conference were older persons with disabilities, inclusive environments and the right of persons with disabilities to work.

The HRC participated in a debate on Article 13 of the Convention on the Rights of Persons with Disabilities organised by the UN Special Rapporteur on the Rights of Persons with Disabilities. This Article obliges the contracting parties to ensure effective access to justice for persons with disabilities on an equal basis with others. At the event, the draft drawn up by the Special Rapporteur on the content of the Article as guidelines was discussed. The guidelines were published later during the term ("*International Principles and Guidelines on Access to Justice for Persons with Disabilities*").

5 Rights of the elderly

Stakeholder cooperation with civil society and the authorities

The HRC began its work on promoting the rights of older people as a new priority in spring 2019 after the Parliament granted additional funds for it. The two new expert positions of the HRC were made permanent at the beginning of 2020, after which the work could be developed over a longer term and systematically.

In 2020, the Human Rights Delegation's division on the rights of older people became a new cooperation body. The division is a preparatory body of the delegation and it can make

proposals and initiatives and provide expert assistance to the HRC in tasks related to the promotion of the rights of older people.

During the year, the HRC cooperated closely with the team handling matters related to older people within the Office of the Parliamentary Ombudsman. The cooperation brought significant synergy gain through the tasks of both actors - the oversight of legality and the general monitoring and promotion of rights.

The HRC continued its goal-oriented cooperation in older people's matters with organisations representing older people, Regional State Administrative Agencies, Valvira, researchers and other authorities, organisations and experts. The HRC also participated in the activities of the national VAASI network of experts in elder law.³⁰ Cooperation with municipalities and service providers was emphasised more than in the previous year. Cooperation was mainly carried out in connection with two projects of the Human Rights Centre, one project of councils for older people and the *Self-determination of the elderly in 24-hour services* project.

The objectives of the HRC's work to promote the rights of older people include:

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

³⁰ <https://sites.uef.fi/hyvinvointioikeus/vaasi/>

Projects promoting the rights of older people

The HRC began a cooperation project with Valvira and the Regional State Administrative Agency for Southern Finland aimed at promoting the right to self-determination of elderly clients and the implementation of fundamental and human rights in 24-hour housing services. The project is carried out in collaboration with providers of intensified assisted living services. A survey was sent to the personnel, supervisors and physicians-in-charge of the units participating in autumn 2020 to examine views and competence in fundamental and human rights issues. The results of the survey will be used as a basis for the project's training material, and a separate report on the results will be published in 2021.

In autumn 2020, the HRC also launched a study on the activities, good practices and potential challenges of municipal councils for older people. All Finnish older people's councils were sent a questionnaire analysing each council's practices and operating conditions. A report of the survey results will be published in the spring of 2021.

The OITIS project (*Oikeutta ikäihmisille! – tarinoita ikääntyvästä Suomesta*) was launched in December 2020 aiming to explore the legal problems that older people (over the age of 65) have and whether or not they have found solutions to their problems. The research collects free-form reports from older people about legal problems they have experienced and their access to justice, and some of the authors will be interviewed. The project partners include the Institute of Criminology and Legal Policy at the University of Helsinki, the Institute of Law and Welfare at the University of Eastern Finland, the University of Tampere and the Human Rights Centre.

Education, communications and influencing

During 2020, the HRC continued to monitor the Government Programme and to ensure that fundamental and human rights of older people are taken into account in its implementation.

The HRC issued several statements on the rights of older people in 2020. They concerned client fees for social welfare and healthcare services, the quality recommendations for older people, palliative and terminal care and the establishment of the Ombudsman for Older Persons.

The HRC organised several training events for social welfare and healthcare professionals on the fundamental and human rights of older people and the right to self-determination. In addition, the HRC experts spoke about the fundamental and human rights of older people at many events.

On 1 October 2020 (the UN International Day for Older Persons), the Human Rights Centre published a virtual photo exhibition on older people on its website and its YouTube channel³¹. *The Human Rights Do Not Expire* video exhibition was shared on social media channels. The video was subtitled in Finnish, Swedish, English, Inari Sámi, Northern Sámi, Skolt Sámi and the Roma language, and descriptive texts were added.

31 <https://www.youtube.com/watch?v=p4OYbw2LVYM>

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

The HRC participated in an expert role in the SIHTI research project launched in May 2020. The project was conducted under the analysis, assessment and research activities coordinated by the Prime Minister's Office.³² The project aimed to assess how Finnish companies are fulfilling their human rights responsibilities, meaning how they have implemented the UN Guiding Principles on Business and Human Rights.

Approximately 80 Finnish companies were reviewed, including companies in the care sector. Based on the research results, the HRC assesses how it can promote the human rights responsibility of companies in the care sector in the future. In addition to the Human Rights Centre, the project consortium included Hanken School of Economics' and the University of Helsinki's joint research and development institute Centre for Corporate Responsibility (project leader), FIANT Consulting Oy and 3bility Consulting.

International activities

In relation to the rights of older people, in 2020 the HRC cooperated with the European Network of National Human Rights Institutions (ENNHRI), the Council of Europe, Age Platform Europe and Claudia Mahler, an independent UN expert on the rights of older people.

³² <https://www.hanken.fi/sv/node/2408911>

Annex 1: Human Rights Centre personnel in 2020

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, (2012-, on leave of absence from 1 June 2019)

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

Susan Villa, Rights of Older Persons, corporate responsibility (2019-)

Associate Experts and Trainees

Emmi Kupiainen, Temporary Associate Expert, Monitoring (1 May-31 December 2020)

Assistant

Katariina Huhta (2019-), administration and finances, rights of the child

Annex 2: Members of the Human Rights Delegation 2020-2024

1. **Kimmo Hakonen**, Intelligence Ombudsman
2. **Jukka Maarianvaara**, Ombudsman for Equality
3. **Elina Pekkarinen**, Ombudsman for Children
4. **Mikko Puumalainen**, Deputy Chancellor of Justice
5. **Maija Sakslin**, Deputy Parliamentary Ombudsman
6. **Stenman Kristina**, Non-Discrimination Ombudsman
7. **Talus Anu**, Data Protection Ombudsman
8. **Juuso Tuomas Aslak**, Chair, Sámi Parliament
9. **Atik Ali**, LL.M, Managing Partner, Lakiasiaintoimisto Allianssi Oy
10. **Inga Angersaari**, MSc, Project Manager, Diak
11. **Laura Arikka**, MTh, CEO, Timeout Foundation
12. **Anna Caldén**, Bachelor of Social Services (UAS), Coordinator, Samarbetsförbundet kring funktionshinder SAMS
13. **Anca Enache-Kotilainen**, MA, Development Manager, Helsinki Deaconess Institute Foundation
14. **Outi Haanperä**, PhD (Economics), Leading Specialist, Sitra
15. **Esa Iivonen**, LL.M, Leading Expert, Mannerheim League for Child Welfare
16. **Anu Juvonen**, MA (Development Studies), Executive Director, DEMO ry

17. **Marja Jylhä**, Ph.D., Professor of Gerontology, University of Tampere
18. **Laura Kalliomaa-Puha**, LL.D, Professor of Social Rights, University of Tampere
19. **Arto Kallioniemi**, Ph.D., M.Sc. (Econ.), Professor of Religious Didactics, University of Helsinki
20. **Sakris Kupila**, MB, Chair, SETA ry
21. **Niina Laajapuro**, Pol.Mag, MBA, Policy Director, Amnesty International, Finnish section
22. **Janne Laukkanen**, LL.M, MSSc, Director (Communications and Influencing), Association of Finnish Lawyers
23. **Pirkko Mahlamäki**, MA, LL.M, Secretary General, Finnish Disability Forum
24. **Kaari Mattila**, D.Soc.Sc., Secretary General, Finnish League for Human Rights
25. **Yrjö Mattila**, D.Soc.Sc., LL.Lic., LL.M, Consulting Lawyer, Carers Finland
26. **Anna Mäki-Petäjä-Leinonen**, LL.D, Docent., Director, Institute of Law and Welfare / University of Eastern Finland
27. **Kimmo Nuotio**, LL.D, Professor of Criminal Justice, University of Helsinki
28. **Tuomas Ojanen**, LL.D, Docent, Professor of Constitutional Law, University of Helsinki
29. **Laura Okkonen**, fil.stud., Senior Human Rights Manager, Vodafone Group Plc
30. **Natalia Ollus**, LL.D, M.Soc.Sc., Director, European Institute for Crime Prevention and Control (HEUNI)
31. **Lea Rankinen**, M.Sc. (Tech) in Environmental Technology, Director of Sustainability and Public Affairs, Paulig Group
32. **Mirva Salminen**, MSSc, Researcher, University of Lapland
33. **Nitin Sood**, M.Soc.Sc., BA (Liberal Arts and Sciences), Non-Discrimination Advisor, City of Helsinki
34. **Katariina Suomu**, MSSc, Executive Director, Alzheimer Society of Finland
35. **Leena Suurpää**, D.Soc.Sc., Docent, Director, Youth Shelter Support activities, Finnish Red Cross
36. **Antti Teittinen**, DSSc, Docent, Research Manager, Finnish Association on Intellectual and Developmental Disabilities
37. **Astrid Thors**, LL.M
38. **Jukka Viljanen**, Ph.D., Professor of Public Law, University of Tampere

Members of the Human Rights Delegation's working committee 2020-2022

1. **Esa Iivonen** (Deputy Chair of the Human Rights Delegation)
2. **Atik Ali**
3. **Inga Angersaari**
4. **Niina Laajapuro**
5. **Pirkko Mahlamäki**
6. **Laura Okkonen**
7. **Nitin Sood**
8. **Astrid Thors**

Annex 3: Members of the divisions

Committee on Human Rights of Persons with Disabilities (VIOK) 2020-2024

Anna Calden

Pirkko Mahlamäki

Yrjö Mattila

Antti Teittinen

Expert members

HRC - **Mikko Joronen**

EOA - **Minna Verronen**

External experts

Elina Nieminen (The Finnish Association of People with Physical Disabilities)

Markku Jokinen (Kuurojen Liitto ry, the Association of the Deaf)

Sari Kokko (Finnish Federation of the Visually Impaired)

Pirkko Justander (Ruseti - Vammaisten naisten valtakunnallinen yhdistys ry),
National Association of Women with Disabilities)

Anssi Karhu (Me Itse ry, Kotka subdivision)

Division for the Rights of Older Persons 2020-2024

Marja Jylhä

Laura Kalliomaa-Puha

Pirkko Mahlamäki

Yrjö Mattila

Anna Mäki-Petäjä-Leinonen

Laura Okkonen

Katariina Suomu

External experts

Virpi Dufva

Lotta Hämeen-Anttila

Päivi Topo

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