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HUMAN RIGHTS CENTRE



HUMAN RIGHTS CENTRE

Annual Report 2021

HUMAN RIGHTS CENTRE
ANNUAL REPORT 2021

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Foreword	4
Part I	
Human Rights Centre and the National Human Rights Institution of Finland	6
Financial administration and personnel	7
Part II	
General monitoring of fundamental and human rights	9
Knowledge base on the state of fundamental and human rights in Finland	9
Monitoring the implementation of international human rights treaties	9
Rule of law, fundamental rights barometer, fundamental and human rights action plan	11
Part III	
The general promotion of fundamental and human rights	13
Human rights education and training	13
Statements and publications	14
Events, information and communication	15
Part IV	
Rights of persons with disabilities	16
Independent mechanism of article 33, section 2 of the UN convention on the rights of persons with disabilities	16
Monitoring and promotion of the implementation of the rights of persons with disabilities	16
Cooperation	17
Part V	
Rights of the elderly	18
Stakeholder cooperation with civil society and the authorities	18
Projects promoting the rights of older people	19
Education, communications and influencing	19
Part VI	
National and international human rights cooperation	20
The activities of the Human Rights Delegation	20
Other national cooperation in Finland	21
International and european human rights cooperation	23
Annexes	
Annex 1. Human Rights Centre personnel in 2021	24
Annex 2. Members of the Human Rights Delegation 2020–2024	24
Annex 3. Members of the divisions	26

Foreword

As I am writing this foreword, we are living in a completely new and different situation from 2021 - a security crisis due to Russia's illegal attack on Ukraine. The security environment changed everywhere in Europe instantly on 24 February 2022. As a neighbouring country of Russia, Finland has to quickly seek security. It is highly likely that the historic decision to apply for membership of NATO is made in May 2022. At the moment, the public discussion focuses mostly on safety. The coronavirus pandemic has thus been overshadowed despite the fact that there are still many cases and more deaths than ever during the pandemic.

It is clear that the dramatic change in security will also affect human rights. It will be even more important to weigh up security and human rights, and there is a risk that human rights will be abandoned under the pretext of security. However, this does not have to be the case. Human rights are built to withstand crises. Finland has good examples of this from the past, such as when the intelligence legislation and the organisation of its supervision were regulated. The Human Rights Centre will also pay more attention to security and human rights both in Finland and more broadly.

The coronavirus pandemic and its impacts continued throughout 2021. Its long-term effects also began to show in different ways.

The continued restrictions were particularly apparent in the impaired health and increased mental health problems of children and youth, and young adults. Research evidence of the pandemic causing people to delay seeking treatment for other diseases also began to emerge, and the healthcare debt increased. The pandemic and the related restrictions did not always treat people equally. In addition to children and young people, other vulnerable people, such as older people and persons with disabilities, also suffer from isolation. Finland was not sufficiently prepared for a health crisis such as the coronavirus pandemic. When legislation is reformed after the pandemic, the implementation of fundamental and human rights and the shortcomings that have arisen still need to be assessed comprehensively. There is room for improvement in the assessment of both the restrictions and impacts on fundamental rights.

During the year, we paid special attention to the realisation of the rights of vulnerable persons. With regard to the rights of older people and persons with disabilities, an important focus was on strengthening the right to self-determination, for which we conducted both studies and training material. We followed the development of the rule of law in Europe and participated in the national debate on it. We published a report on the practical application

of section 106 of the Constitution and participated in the European Commission's Rule of Law Report for the second time by providing information on Finland. We continued to develop the monitoring of rights and participated in international human rights reporting. The monitoring tool Lempi was launched, and at the end of the year, we were able to use the information collected with it for reporting for the first time.

Our largest project of the year was the preparation of a comprehensive report on fundamental and human rights actors. The aim of the report was not only to clearly describe Finland's complex field of actors, but also to develop cooperation between them. The final result will be published in June 2022 at an event that will also celebrate the 10th anniversary of the Human Rights Centre.

The Human Rights Centre worked remotely for almost all of 2021 in accordance with Parliament's guidelines. Despite the circumstances, the Human Rights Centre continued to operate actively, and the personnel have been coping well despite the long duration of the pandemic.

We were delighted to have Lora Vidovic, former Croatian Ombudswoman, visiting the Centre as an international human rights influencer in the summer of 2021. Discussions with Lora gave us new ideas for how to develop our operations. Lora made a report for the Cen-

tre on international and European standards concerning human rights actors. Maria Fagerholm from the International Department of the Parliament was on rotation at the Human Rights Centre, while Susan Villa from the Centre took Maria's place in the International Department. Both gained good new expertise and experience from the exchange.

I would like to give warm thanks to my colleagues at the Human Rights Centre for their good attitude, initiative and a successful year. 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.

6 May 2022

Sirpa Rautio

Director, Human Rights Centre

1 Human Rights Centre and the National Human Rights Institution of Finland

The Finnish National Human Rights Institution consists of the Human Rights Centre (HRC), the Human Rights Delegation and the Parliamentary Ombudsman.¹

The HRC monitors and promotes 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. The HRC's competence also covers private parties, such as companies and corporate human rights responsibility.

The Human Rights Delegation promotes the flow 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.²

The Parliamentary Ombudsman supervises the legality of the activities of authorities and the implementation of fundamental and human rights, investigating complaints, carrying out inspections and making their own initiatives.³

The Global Alliance of National Human Rights Institutions (GANHRI⁴) granted the Finnish NHRI 'A' status in 2019 by application. The A status, which is valid for five years at a time, was granted for the first time in 2014.

The status entitles the Finnish NHRI to participate and take the floor during UN Human Rights Council sessions. As a rule, the HRC represents the Finnish National Human Rights Institution in networks of human rights institutions and other international and European cooperation on human rights. The Ombudsman participates in European and international cooperation between ombudsmen.

At the ENNHRI General Assembly in December 2021, the HRC was elected as a member of ENNHRI's Board of Directors and as a representative of the European Network of GANHRI's Board of Directors. Sirpa Rautio, Director of the Human Rights Centre, was also elected Chairman of ENNHRI for a three-year term starting on 31 March 2022.

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

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

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

4 <https://ganhri.org/>

The HRC's tasks are:

- to promote information provision, education, training and research on fundamental and human rights
- to monitor the implementation of fundamental and human rights and prepare reports on them
- to present initiatives and issue statements 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

The National Human Rights Institutions (NHRI) 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.

Financial administration and personnel

The HRC is administratively part of the Office of the Parliamentary Ombudsman and receives some of its administrative services from the Office. The Office's registry also manages the Centre's records management, and the Office's administrative branch provides support in HR matters.

Cooperation with the Office of the Parliamentary Ombudsman continued closely during the year. The Director of the Human Rights Centre participated in weekly meetings with the Office management, which were held remotely throughout the year. The Centre's officials participated in the work of the Office's internal working groups (education, non-discrimination and equality, occupational safety and health and well-being at work).

During 2021, the VMBaro was conducted for Office staff. This is a survey on job satisfaction and supervisory work, in which the Centre participated officially for the first time. In previous years, the Centre has not had enough staff to meet the requirement of anonymity. The Centre's results were good across the board and well above the central government average. The results have been discussed internally at the HRC, and in the future, efforts will be made to further improve the well-being at work of all personnel and to develop operating methods and the flow of information.

The Human Rights Centre budget for 2021 sets out operational costs at EUR 962,000, of which 769,000 is for personnel costs and 193,000 for consumption expenditure.

In 2021, the HRC had seven permanent posts (the director, five expert officials, and an administrative assistant). One permanent official working at the Office of the Parliamentary Ombudsman has been on leave of absence since 2019. In 2021, two experts in fixed-term appointments worked at the HRC, of whom one worked there for the entire year and one for approximately nine months.

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

The application process for the Young Human Rights Experts programme was launched in October 2021. The programme published a call for applications for two young people interested and skilled in fundamental and human rights for 18 months appointments. A total of 239 applications were submitted, which shows the high interest among young people in human rights and, at the same time, the need for the programme. The programme was launched in February 2022, when the two selected young experts started their work.

The HRC's international visit programme also began in 2021. Each year, a person currently appointed to a position in a national human rights institution or a former colleague is invited to visit and learn more about Finland's fundamental and human rights work and to share experiences. Former Croatian Ombuds-woman Lora Vidovic was a visitor to the HRC for about two weeks during the summer, but due to coronavirus restrictions, the programme was mainly implemented remotely. Lora Vidovic submitted a report to the HRC on the international and European standards of human rights actors. She also participated in the Human Rights Centre's and the Human Rights Delegation's meetings, at which she shared her experience and expertise, on developing stakeholder cooperation.

The Human Rights Delegation adopted the Human Rights Centre's Action Plan⁶ for 2021 in December 2020. According to its assessment, the HRC has achieved the objectives set in its own assessment for 2021 quite well despite the continued coronavirus pandemic. The Human Rights Delegation is tasked with the final assessment on the implementation of the Action Plan based on the annual report.

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

2 General monitoring of fundamental and human rights

Knowledge base on the state of fundamental and human rights in Finland

Monitoring fundamental and human rights means collecting information on the implementation of fundamental and human rights, analysing the data and maintaining it up-to-date.⁷ 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 the utilisation of existing, reliable information and on the Centre's own investigations which are carried out according to opportunities and needs. Experience-based information is collected with e.g. surveys.

During the year, the HRC continued to systematically develop monitoring. In 2021, the HRC introduced a monitoring tool (by the name of Lempi) which creates technical preconditions for continuous and more systematic monitoring and reporting of fundamental and human rights.

The aim is for the Centre to have a comprehensive report describing the fundamental and human rights situation in Finland, which could be submitted to Parliament in the future, in the same manner as the delegate's reports to Parliament.

Monitoring the implementation of international human rights treaties

The HRC participates independently in the periodic reporting procedure for the human rights treaties by issuing statements and attending consultation events. It also provided information about the recommendations of the treaty bodies and monitored the implementation of recommendations of the treaty bodies. The HRC encourages NGOs to participate in periodic reporting by submitting their own statements.

Finland's 7th periodic report on the implementation of the UN Convention on Economic, Social and Cultural Rights was discussed at the UN Committee on Economic, Social and Cultural Rights in February 2021. The HRC submitted an opinion to the Committee and participated in the Committee's consultation as part of the reporting process. In the opinion, the HRC addressed issues such as corporate responsibility, the rights of indigenous peoples, equality issues and the rights of children, older persons and persons with disabilities.

The Committee issued a number of recommendations to Finland related to the implementation of economic, social and cultural rights, including the promotion of equality in the labour market and education, equal pay, the employment and pension rights of persons with disabilities, independent housing and care

7 <https://www.ihmisoikeuskeskus.fi/seuranta/>

for the elderly, and access to health services, including mental health services.

Finland's 7th periodic report on the implementation of the UN International Covenant on Civil and Political Rights was discussed by the UN Human Rights Committee in March 2021. The HRC submitted an opinion to the Committee and participated in a consultation event as part of the reporting process. The statement highlighted national fundamental and human rights structures, human rights education, impact assessments of fundamental and human rights, the extension of the competence of the National Non-Discrimination and Equality Tribunal, hate speech, reform of the Transgender Act and intersex children, violence against women, women's inclusion, the right to self-determination in social services and health care, and the rights of the Sámi, and the legal status of conscientious objectors.

The Committee issued recommendations to Finland on the implementation of civil and political rights, including human rights impact assessments, counter-terrorism measures, including the repatriation of children from the Al-Hol camp, the prohibition of ethnic profiling, the treatment of foreigners, civilian and military intelligence, conscientious objection to arms and religious freedom.

The 8th Round of the UN Convention on the Elimination of All Forms of Discrimination against Women is ongoing. The Government issued its periodic report in December 2020. In June 2021, the HRC issued its opinion on the implementation of the Convention, highlighting the impacts of the pandemic on women, the inadequacy of gender impact assessments, the too narrow definition of equality, violence against women, women's political participation

and the inclusion of women with disabilities in society. The statement also highlighted the fragmentation of national human rights structures, the need for human rights education, employment and discrimination at the workplace of older people, gender gap in pensions, access to health care for women with disabilities and involuntary sterilisation, free contraception for young people, the need to amend the Transgender Act and equality of women and girls in sport.

The European Commission against Racism and Intolerance (ECRI) adopted its fifth report concerning Finland on 18 June 2019. The HRC provided ECRI with information on the themes selected for accelerated monitoring in August 2021. The themes were the competence and resources of the National Non-Discrimination and Equality Tribunal and the reform of the Transgender Act.

Decisions on individual and collective complaints concerning Finland were made by the European Court of Human Rights (ECHR), (a decision where an appeal inadmissible and a decision that annulled the previous judgment, *N.A. v Finland*) and the UN Committee on the Rights of the Child (the priority taken by the best interests of the child in an asylum case).

Since June 2021, the HRC has paid particular attention to delays in the national implementation of the decisions of the ECHR and the European Committee of Social Rights (ECSR) concerning Finland. The HRC asked the Ministry for Foreign Affairs to investigate the delays in implementation. At that time, a total of 19 judgments by the ECHR and seven by the Council of Europe Social Rights Committee concerning Finland were open. The Human Rights Delegation also discussed the matter in September 2021.

In September 2021, the Committee of Ministers of the Council of Europe completed the follow-up to 11 judgments and in December the follow-up to one judgement. At the end of the year, enforcement was still ongoing for 18 judgments. The oldest of these dates to 2005. Of the Social Rights Committee's decisions, all seven were still incomplete.

At the beginning of December, the ECHR's decision in case X v Finland (34806/04) was under a special enhanced review by the Committee of Ministers. The case involves among other things the forced medication of a patient in a psychiatric hospital and the lack of effective legal remedies. The discussion of the Committee of Ministers will continue in 2022. Two new appeals concerning forced administration of medication and lack of legal remedies are also pending at the ECHR, and a response has been requested from the Government: E.S. v. Finland (23903/20) and H.H. v. Finland (19035/21).

Rule 9 of the Rules of Procedure of the Committee of Ministers of the Council of Europe allows the National Human Rights Institutions (NHRI) and NGOs to submit opinions on the monitoring of the implementation of the ECHR judgments in the Committee of Ministers. The HRC used this option for the first time in 2021 and will continue to monitor implementation.

The international cooperation project on the impact of UN treaty bodies in 20 countries, launched in 2019, continued in 2020. The publication of the book resulting from the project was delayed due to the sudden death of Professor Christof Heyns on 28 March 2021. The book will not be published until the end of 2022.

Rule of law, fundamental rights barometer, fundamental and human rights action plan

The HRC monitored the development of the rule of law and the debate on it both in Finland and in Europe. Observations on Finland's rule of law situation were submitted to the European Commission's Rule of Law Review for the second time in the *State of the rule of law in Europe 2021 Report - ENNHRI, coordinated by ENNHRI*.

The HRC's report on the practical application of section 106 of the Constitution was published in early 2021. Additionally, a summary was published of observations made by fundamental and human rights actors on the implementation of fundamental and human rights in 2020.

A national Fundamental Rights Barometer carried out in cooperation with the Ministry of Justice was published in June 2021. The Fundamental Rights Barometer project produced new data on the situation of linguistic minorities (Arabic, Swedish and Russian speakers) and persons with disabilities in relation to the entire population. The two separate thematic summaries planned by the HRC on the implementation of the rights of persons with disabilities and general legal awareness have not yet been completed and have been postponed to 2022.

The Government Action Plan on Fundamental and Human Rights (PIO Action Plan) was published in June 2021. The HRC participated in the drafting of the Action Plan as an expert in the Government Network on Fundamental and Human Rights (PIOV) and as a member

of the indicator subgroup. The PIO Action Plan includes the first national framework for fundamental and human rights indicators. The Action Plan will also improve the monitoring of the implementation of rights, with measures such as promoting research and data collection, monitoring the recommendations of international treaty monitoring bodies and their implementation more effectively, and developing the assessment of fundamental and human rights impacts in legislative drafting.⁸

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.⁹ 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. Around 80 Finnish companies were examined. 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. The results were published in January 2021. The HRC also conducted a study on the state of human rights responsibility in Finnish nursing sector companies using the same methods as were used in the assessments of the SIHTI project. The Centre will utilise the study to assess possible measures to promote human rights responsibility in care sector companies in the future.

8 <https://www.ihmisoikeuskeskus.fi/uutiset/valtioneuvosto-on-hyvaksynyt-kolman/>

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

3 The general promotion of fundamental and human rights

Human rights education and training¹⁰

At the initiative of the HRC, the teacher training of the faculty of educational sciences at the University of Helsinki continued the Human Rights, Democracy, Values and Dialogue in Education project with partial funding to strengthen competence in fundamental and human rights¹¹. The project ended on 31 July 2021.

At the end of the project, thematic training packages on human rights education were produced on Article 24 of the Convention on the Rights of Persons with Disabilities (inclusive education) and the indigenous Sámi people.

Training material related to the Convention on the Rights of Persons with Disabilities (inclusive education as a human right - fundamental and human rights, the right to education and disability) was produced in an inclusive manner.¹² The Vamlas Foundation, which supports children and youth with disabilities conveyed the views of young influencers and the Ombudsman for Children on inclusion to

the training. The Disability Rights Committee (VIOK) also participated in the preparation of the material.

Human rights training for teachers and teacher education concerning the Sámi was produced in cooperation with the University of Helsinki, the Sámi Parliament and the Human Rights Centre (*The Sámi as an indigenous people and human rights - Human rights basis, linguistic and cultural human rights, climate change and support for teachers*).¹³ In addition to the information package, video interviews with the Sámi were produced on topics related to the definition of indigenous people, linguistic rights, climate change and messages to teachers. Training material was disseminated in different channels, including in Parliament, and was welcomed and received good assessments from users.

The HRC's lecture series on fundamental and human rights from 2017 was updated during the year. The lecture slides on the Charter of Fundamental Rights of the European Union and the Council of Europe were updated and published on the Centre's website in early 2022.

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

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

12 <https://www.ihmisoikeuskeskus.fi/ihmisoikeuskoulutus/tietoa-ja-materiaaleja-teemoitta/koulutusmateriaalia-vammaisten-henk/inklusiivinen-koulutus-ihmisoikeute/>

13 <https://www.ihmisoikeuskeskus.fi/ihmisoikeuskoulutus/tietoa-ja-materiaaleja-teemoitta/alkuperaiskansa-saamelaiset-ihmisoi/>

Statements and publications

The task of the Human Rights Centre is to promote the implementation of fundamental and human rights through initiatives and statements. The HRC issues statements either based on a request for a statement or on its own

initiative on themes related to its activities and structural fundamental and human rights issues.

The HRC's own publications and reports promote fundamental and human rights by producing new information on topics in which data has been found to be lacking.

Statements by the HRC in 2021:

- 10 December 2021 Statement on the draft client and patient safety strategy and implementation plan 2022-2026
- 12 November 2021 Statement on the Government proposal for amending the Nationality Act
- 21 October 2021 Statement on the delay in the implementation of case X v. Finland
- 29 September 2021 Statement on the report of the working group preparing the reform of the Act on Social Assistance
- 24 September 2021 Statement on the Government proposal for amending the Aliens Act - family reunification
- 23 September 2021 Statement on the third draft the UN Convention on Human Rights and Multinational Enterprises and Other Enterprises
- 21 September 2021 Statement on the amendment of section 118 of the Conscription Act and section 79 of the Non-Military Service Act
- 15 September 2021 Statement on Finland's monitoring report on the Madrid International Plan of Action on Ageing
- 6 September 2021 Statement on the Government proposal for the reform of the Nature Conservation Act
- 6 September 2021 Statement on the Government proposal for the new Climate Change Act
- 27 August 2021 Statement to ECRI on mid-term monitoring of the fifth supervision round
- 6 August 2021 Statement on the draft recommendation of the Council of Ministers on hate speech
- 6 August 2021 Statement on the report of the committee preparing the amendment to the Act on the Sámi Parliament
- 9 June 2021 Statement to UN CEDAW for the review of the Government's periodic report
- 30 April 2021 Statement to the Ministry for Foreign Affairs on the draft Additional Protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention).
- 5 March 2021 Statement on the draft Government proposal for the amendment of the Act on the Non-Discrimination Ombudsman. The amendment would establish the role of the Rapporteur against Violence against Women for the Non-Discrimination Ombudsman.
- 22 February 2021 Statement to the UN Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights (periodic reporting)
- 15 February 2021 Statement on the proposals of the Working Group on Inclusion on the reform of the legislation on services for people with disabilities.

HRC publications in 2021¹⁴

- **Perus- ja ihmisoikeuksien toteutuminen Suomessa - koottuja havaintojavuodelta 2019** (Implementation of fundamental and human rights in Finland - a collection of observations from 2019)
- **Older peoples' right to self-determination in 24-hour services**
- **Primacy provision in Section 106 of the Constitution and the requirements for evident conflict - is it time for change?**
- **The coronavirus pandemic and older people - a summary of projects, studies, reports and supervision**
- **Activities of councils for older people and opportunities to exert influence in municipalities**
- **Human Rights Centre Annual Report 2020**

Events, information 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. The coronavirus pandemic clearly continued to reduce the number of events compared to previous years in 2021.

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.

In 2021, a platform update of the website was carried out 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 Parts IV and V)

HRC events and training events in 2021

- Education and training on the fundamental and human rights of older people in the "Magnet care sector" project (Vetovoimainen vanhustyö) (Savonia University of Applied Sciences Ltd and Savo Municipal Federation of Education) on 4 February 2021
- Training of the European Law Students' Association Finland (ELSA) and the Human Rights Centre on human rights and rule of law issues on 27 April 2021
- Training programmes on the right of older people to self-determination in 24-hour services on 18 May 2021, 20 May 2021, 1 June 2021 and 3 June 2021
- HRC and the Finnish League for Human Rights webinar on economic, social and cultural human rights on 6 May 2021
- HRC webinar on the right to self-determination of older people in care services on 31 May 2021
- Commissioned by the Human Rights Centre, Johanna Kare's COVID-19-themed photography exhibition in the "Katso Ihminen" series ("Look Human") on 11 June-31 July 2021 in the Tempeliahaukio Church and Tripla Mall shopping centre

¹⁴ <https://www.ihmisoikeuskeskus.fi/julkaisut2/>

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 Human Rights Centre (HRC) and its Human Rights Delegation together with the Parliamentary Ombudsman.

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

The HRC's focus on disability work is on raising awareness of the rights of persons with disabilities, monitoring the implementation of the rights of persons with disabilities and promoting the social inclusion of persons with disabilities.

In 2021, the HRC published translations in Finnish and Swedish of the CRPD Committee's General Comments 6 and 7. General Comment No 6 deals with Article 5 of the CRPD, which requires, e.g. that Parties shall prohibit all discrimination on the basis of disability and

take all appropriate measures to ensure reasonable accommodation. General Comment No 7 concerns the obligation set out in the CRPD to involve persons with disabilities in decision-making relating to them (Article 4) and the procedure for monitoring the national implementation of the Convention (Article 33, section 3).

The HRC issued a statement to the Ministry of Social Affairs and Health on safeguarding the involvement of persons with disabilities in services for the disabled. The HRC stressed that legislative amendments alone would not be enough to strengthen the right of persons with disabilities to services based on individual needs. Adequate and high-quality training of social welfare authorities is important, as is ensuring adequate resources for services for the persons with disabilities.

The reform of disability services legislation began in 2021. The HRC expert gave comments at two hearings in June. In its comments, the HRC highlighted the comments of the CRPD Committee on supported decision-making, personal assistance and support services needed by the guardians of children with disabilities.

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.

The HRC launched a joint project with the Non-Discrimination Ombudsman on promoting the working life rights of persons with disabilities. The objective of the project is to promote the right of persons with disabilities to work and to increase their employment in accordance with Article 27 of the UN Convention on the Rights of Persons with Disabilities. The publication, which will be published in early 2022, provides recommendations for solving structural problems that hinder the inclusion of persons with disabilities in working life.

On 9 December 2021, the HRC, together with the Non-Discrimination Ombudsman, organised a briefing for Members of Parliament on the rights of persons with disabilities. The event included discussion on topical themes related to the rights of persons with disabilities, such as the promotion and enforcement of the rights of persons with disabilities, resources of authorities and supervision, research and the need for monitoring information, and other issues related to the rights of persons with disabilities, such as participation in working life, discrimination, and the inclusion of persons with disabilities in decision-making concerning them.

The HRC served as an expert member of the Advisory Board on the Rights of Persons with Disabilities (VANE) and took part 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.

The HRC supported the survey on everyday life at school directed at the parents of children with disabilities. The survey was conducted by the Finnish Disability Forum. The results of the survey will be published in early 2022.

Cooperation

The Disability Rights Committee (VIOK) convened four times during the year under review. In 2021, the VIOK addressed issues such as the impact of the coronavirus pandemic on persons with disabilities and the current status of disability policy measures set out in the Government Programme. The VIOK participated in the review of the Finnish and Swedish translations of the CRPD Committee's general comments.

On 28 September 2021, the VIOK and the Non-Discrimination Ombudsman's Non-Discrimination Advisory Board held a joint meeting, during which the views of disability organisations and other key actors were heard on the draft publication of the Human Rights Centre and the Non-Discrimination Ombudsman promoting the working life rights of persons with disabilities.

During its term of office, the Disability Team of the Parliamentary Ombudsman and the Human Rights Centre finalised the self-assessment tool. 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.

5 Rights of the elderly

Stakeholder cooperation with civil society and the authorities

During the year, the HRC cooperated closely on the rights of older people with the team handling matters related to older people within the Office of the Parliamentary Ombudsman. An interview survey on the service needs and availability of services for older people living at home was commissioned in cooperation from Taloustutkimus. A summary of the results of the interview survey was published at the end of the year.¹⁵

The Centre continued its extensive cooperation with organisations representing older people, authorities, researchers, experts, and human rights organisations. The HRC also participated in the activities of the national VAASI network of experts in old age law.¹⁶ Cooperation with municipalities and service providers was emphasised more than in the previous year.

Claudia Mahler, an independent expert responsible for the rights of the elderly at the UN Human Rights Council, visited Finland from 26 October to 4 November 2021. This was the first visit of the mandate of an independent expert on older people's rights to the Nordic countries

¹⁵ <https://www.ihmisoikeuskeskus.fi/uutiset/ihmisoikeuskeskus-ja-eduskunnan-oik/>

¹⁶ <https://sites.uef.fi/hyvinvointioikeus/vaasi/>

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.

after its establishment in 2014. The purpose of the visit is to report to the UN Human Rights Council on legislation related to the rights of older people and the implementation of these rights in Finland. Mahler will present the report and recommendations concerning Finland to the Human Rights Council at its autumn session in 2022, at which time Finland will participate in the dialogue as the country concerned.

In the final statement, Mahler emphasised, among other things, the heterogeneity of older people as a group and the importance of respecting their cultural, linguistic, and other individual rights.

In connection with Claudia Mahler's visit, the HRC organised a meeting with researchers on ageing and a consultation with NGOs. Amnesty

Finland, Suvanto ry, Sateenkaariseniorit, the Finnish Federation of the Visually Impaired, HelpAge International Finland, Valli ry, the Finnish Pensioners' Federation, the Finnish Association for the Welfare of Older People, the Finnish Disability Forum, the Alzheimer Society of Finland, Eläkeläiset ry, the Jade Centre, Perhehoitoliitto, the Age Institute, Samisoster and the SPEK took part in the NGO consultation.

In 2021, an independent expert on the rights of older people published two annual reports: A report on the human rights of older women and a report on ageism and age discrimination. The HRC responded to queries concerning both reports.

The UN Open-ended Working Group on Ageing held its 11th meeting in March-April 2021. The HRC had already issued written statements for the meeting in autumn 2019 before the beginning of the coronavirus pandemic. Close cooperation with the ENNHRI and the Global Network GANHRI took place prior to the OEWGA meeting and included the coordination of national human rights institutions' speeches and the exchange of information.

Minority groups and the diversity of older people were visible in the HRC's work. JADE activity centre made an introduction on the rights of older persons speaking foreign languages, and it was discussed on a meeting of the division for the rights of older persons. August, the HRC also participated in the Nordic seminar on Indigenous peoples: language, culture, and life cycle in Inari and gave a speech on the rights of older persons and persons with disabilities. The HRC invited organisations representing different population groups and minorities to attend a hearing organised by Claudia Mahler, an independent expert on the rights of older people who was currently visiting the Centre.

Projects promoting the rights of older people

The HRC conducted a study on the implementation of the right to self-determination and fundamental and human rights of older clients in 24-hour housing services. The project was carried out in collaboration with providers of intensified assisted living services. A separate report on the results was published in 2021.

The HRC published a report 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 was published in the spring of 2021.

The OITIS project (*Oikeutta ikäihmisille!* - tarinoita ikääntyvästä Suomesta -hanke) began in December 2020. The study collected free-form reports from older people about legal problems they have experienced and their access to justice. 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. Three articles on the project written by researchers were published in 2021.

Education, communications and influencing

During the year, the HRC issued several statements on the rights of older people. They concerned customer 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.

During 2021, the HRC's experts 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.

6 National and international human rights cooperation

The activities of the Human Rights Delegation

The Human Rights Delegation is part of Finland's National Human Rights Institution and the HRC's most important channel for cooperation, influence, and communication.

The third Human Rights Delegation began its four-year term on 1 April 2020. The Delegation has 38 members, including special ombudsmen, 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 Sirpa Rautio. Esa Iivonen, member of the Delegation, is the deputy chairman.

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

The Human Rights Delegation met four times in 2021. Due to the coronavirus pandemic, all meetings were organised as remote meetings.

Topics discussed at the meetings included topical themes related to international human rights policy in the Council of Europe and UN human rights activities, the state of the rule of law and human rights in Finland and Europe

Opinions of the Human Rights Delegation

- Coronavirus pandemic has significant impact on implementation of fundamental and human rights - Human Rights Delegation gives recommendations for securing rights
- Human rights education must be strengthened in accordance with the Government Programme - human rights content is needed for teacher training
- The right to inclusive education must be guaranteed for children with disabilities

and monitoring the implementation of fundamental and human rights. Dunja Mijatovic, Commissioner for Human Rights of the Council of Europe, was heard at a delegation meeting on 7 June 2021. Other external experts also regularly attended delegation meetings.

As regards the monitoring of fundamental and human rights, particular attention was paid to the implementation of decisions of the European Court of Human Rights and decisions of the European Committee on Social Rights against Finland, the Government Action Plan on Fundamental and Human Rights and the framework for indicators of fundamental and human rights as well as the network of fundamental

and human rights and its activities.

The recent international recommendations received by Finland as well as recurring international recommendations and the possibilities to promote their implementation were also discussed by the delegation.

At the end of 2020, the delegation issued recommendations to the Government concerning the rule of law, the rights of children and young people, the rights of persons with disabilities and the elderly and violence against women. In early 2021, the HRC compiled and published the report *The impacts of the coronavirus pandemic on the implementation of fundamental and human rights -recommendations of the Human Rights Delegation*.

The delegation also issued opinions on human rights education and training as well as inclusive teaching. A general opinion concerning human rights education and training called on the Government and, the Ministry of Education and Culture to urgently strengthen the long-term basic and continuing education of teachers on human rights and to guarantee permanent funding, permanent structures, and sufficient personnel for human rights education.

In its opinion on inclusive education, the HRC and its Human Rights Delegation advised the Government, and in particular the Ministry of Education and Culture, to strengthen teachers' and educational staff's skills in inclusion and its implementation, to allocate sufficient resources to schools to allow them to implement adequate support measures for organising inclusive education and increase awareness on the UN Convention on the Rights of Persons with Disabilities and its obligations.

Other national cooperation in Finland

Report on basic and human rights operators

During the year under review, the HRC launched a study on national operators involved in fundamental and human rights. The study examines the supreme overseers of legality, the National Human Rights Institution, special ombudsmen and the National Non-Discrimination and Equality Tribunal. Each actor was examined with regard to their tasks and powers, independence and objectiveness, effectiveness and awareness, operating environment and resilience, cooperation and coordination as well as observations on the entity of fundamental and human rights actors. The purpose of the report is to produce comprehensive information on the current state of the fundamental and human rights structures in question and to submit proposals for clarifying and strengthening the structures.

The study was carried out by interviewing and involving fundamental and human rights actors. The Centre also consulted other key stakeholders on the entity formed by the above-mentioned actors. In addition, the study made extensive use of existing materials.

A report on the study will be published in June 2022 together with a report commissioned by the Centre focusing on European fundamental and human rights structures and related standards. The European report complements the national report and examines fundamental and human rights structures from a broader perspective than the Finnish context.

Working group members

Committee for Combatting Violence against Women and Domestic Violence (NAPE), Ministry of Social Affairs and Health, 21 January 2021 – 20 January 2025. NAPE is a coordination body for combating violence against women and domestic violence within the meaning of Article 10 of the Istanbul Convention.

Working Group on the Liability of Public Entities, Ministry of Justice, 7 August 2021 – 31 May 2022. Set up to prepare a proposal on the reform of legislation concerning the liability of public bodies.

Steering group for the project Old-Age Social Exclusion in Home Care - Prevalence, Meanings & Intervention. Research project funded by the Academy of Finland. University of Eastern Finland, 2021–2025. A steering group was appointed to monitor the research project.

Monitoring group for strengthening the client's and patient's right to self-determination, Ministry of Social Affairs and Health, 1 September 2021 – 31 December 2023. Set up to monitor and support work on strengthening the client's and patient's right to self-determination, including the preparation of legislation.

Innovation and Skills in Finland 2021–2027 Monitoring Committee for the EU Regional and Structural Policy Programme, Prime Minister's Office, Programme period 2021–2027. Appointed to monitor the implementation, impacts and effectiveness of the programme.

Steering group of the National Child Strategy. Prime Minister's Office, 15 November 2021–30 April 2023. Set up to support the planning and implementation of the education package on the rights of the child set out in the Child Strategy and, in particular, the planning and implementation of the education module on the inclusion of children, and to monitor its implementation.

Working group on the Action Plan against Racism and Good Population Relations. Ministry of Justice, 18 March 2020 – 31 December 2023. Based on the assessment of the situation, the working group will plan a package of measures to combat racism and promote good population relations in different areas of society.

Discrimination Monitoring Group. Ministry of Justice 2015-. The aim of the group is to develop a monitoring system for discrimination in order to provide more comprehensive and systematic information on discrimination against different population groups and to make use of this information to support decision-making.

Government Network on Fundamental and Human Rights, Ministry of Justice, 12 February 2020 – 31 December 2023. The purpose of the network is to strengthen the implementation of fundamental and human rights by improving the flow of information and cooperation in matters concerning fundamental and human rights in the activities of the Government.

The Government's Fundamental and Human Rights Action Plan 2020–2023 Developing the monitoring of fundamental and human rights. The project will prepare and implement Finland's third National Action Plan on Fundamental and Human Rights in 2020–2023. The Action Plan develops fundamental and human rights structures by strengthening the monitoring of the implementation of rights in Finland.

Advisory Board on Human Rights 2019–2023.

International and european human rights cooperation

As a rule, the HRC represents the Finnish National Human Rights Institution in cooperation between national and European human rights institutions. Questions of the rule of law and related concerns in Europe were often addressed during the year in institutional cooperation, reporting, events, and training.

In addition, an expert from the HRC chaired the ENNHRI Legal Working Group. During 2021, the working group focused on promoting the implementation of the decisions of the European Court of Human Rights and creating tools to facilitate this. The promotion work was also carried out by preparing a third-party intervention in two cases concerning climate change under investigation at the ECHR. The court only granted permission to a third-party intervention in the latter of these¹⁷. Background work already carried out on the human rights impacts of climate change was published as a theme publication of the ENNHRI¹⁸. A thematic paper on the impacts of the EU's Terrorism Directive was also prepared.

The Centre's experts also participated actively in the ENNHRI working groups on economic and social rights, the rights of persons with disabilities, the rights of older people and corporate responsibility.

In December, the ENNHRI General Assembly elected the Human Rights Centre/Finnish National Human Rights Institution to the ENNHRI Board and the Centre's Director as the Chair of the Board for a three-year term as of 31 March 2022.

Close cooperation with the EU Agency for Fundamental Rights (FRA) and the Council of Europe was continued through ENNHRI and separately. In particular, meetings and exchanges of information took place with the Council of Europe Commissioner for Human Rights. The Ombudsman was also the keynote speaker at the Human Rights Delegation meeting in June. The cooperation with FRA related to the Charter of Fundamental Rights, the rule of law and national human rights institutions and related standards. During the year, cooperation with the UN institutions focused on the rights of persons with disabilities and the rights of older people, and as a new theme, on the environment and climate change.

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18 <https://ennhri.org/news-and-blog/ennhri-publishes-paper-on-climate-change-and-human-rights-in-the-european-context/>

Annex 1.

Human Rights Centre personnel in 2021

Director

Sirpa Rautio, Chairman of the Human Rights Delegation (2012–)

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–),
in an exchange at the Parliament's International Department 1 September – 31 December 2021

Elina Hakala, report on fundamental and human rights actors (2021–)

Associate Experts and Trainees

Emmi Kupiainen, Temporary Associate Expert, monitoring, rights of persons with disabilities (2020–)

Maija Hirvi, Temporary Associate Expert, Rule of Law, Constitution of Finland, section 106
report (2020–2021)

Assistant

Katariina Huhta, Administration and Finance, meeting arrangements (2019–)

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**, MSSc, 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, MSc, 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**, MSc, Researcher, University of Lapland
33. **Nitin Sood**, M.Soc.Sc., BA (Liberal Arts and Sciences), Non-Discrimination Advisor, City of Helsinki
34. **Katariina Suomu**, MSc, 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)
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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