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OHCHR

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## Re: Human Rights Council resolution 37/22 (ref. JS/VL/PD)

**Submission of the Finnish NHRI**

The Finnish National Human Rights Institution (NHRI) is comprised of the Human Rights Centre, the Human Rights Delegation and the Office of the Parliamentary Ombudsman. The institution operates in compliance with the Paris Principles and the International Coordinating Committee of National Human Rights Institutions accredited it with A-status in 2014. The role of the National CRPD Monitoring Mechanism (Article 33 (2) of the CRPD) was assigned to the Finnish National Human Rights Institution in 2016.

The Finnish NHRI provides the following responses to the questions put forward by the OHCHR.

1(a)

**National Action Plan on the UN Convention on the Rights of Persons with Disabilities[[1]](#footnote-1)**

The Advisory Board for the Rights of Persons with Disabilities (VANE) draws up an action plan for each government term. The action plan determines the measures that will be taken to promote the implementation of the convention in different administrative sectors. The first action plan was drafted for the period 2018-2019. It comprised altogether of 82 measures, including *inter alia* measures related to Article 8 of the CRPD.

The action plan emphasises the importance of social inclusion of persons with disabilities in the changing operational environment and the importance of accessibility as a precondition for the realisation of the other rights. Furthermore, one of the main objectives of the action plan is to increase awareness of the rights of persons with disabilities and mainstreaming these rights in different administrative sectors and more widely in society.

The Advisory Board for the Rights of Persons with Disabilities will draft a new action plan for the current government term (2019-2023).

**National Action Plan on Fundamental and Human Rights 2017-2019[[2]](#footnote-2)**

The objective of the action plan is to promote the obligation of the public authority to guarantee the observance of basic rights and liberties and human rights as stipulated in Section 22 of the Constitution. The measures taken under the action plan are designed to act on identified problems with fundamental and human rights and to complement the work being carried out in various policy sectors to promote fundamental and human rights.

The action plan focuses on promoting the implementation of fundamental and human rights in specific areas. The main areas the action plan focuses on are fundamental and human rights education, equality, the right to self-determination as well as fundamental rights and digitalisation.

The Ministry of Justice carried out a pre-evaluation of the action plan in summer 2019. The pre-evaluation found that out of the 43 measures and activities outlined in the plan, altogether 34 were fulfilled. The memorandum of the pre-evaluation will be used by an independent evaluator to be commissioned at a later date.[[3]](#footnote-3)

**Government Programme 2019-2023[[4]](#footnote-4)**

The Government Programme 2019-2023 stipulates that a new action plan on Fundamental and Human Rights will be drafted during the government’s term in office.

In the introductory paragraph, the programme maintains that a socially sustainable welfare state also takes into account the participation of persons with disabilities, their possibilities for independent living, education and employment.

In addition, the programme stipulates that the rights awareness of persons with disabilities will be improved and the realisation of their rights will be fostered.

1(b)

One of the main challenges is the fact that attitudes change slowly. It is fair to say that Finland has only taken the very first steps in implementing the paradigm shift necessitated by the CRPD.

The other reason is to do with resources. Albeit measures are being taken to improve the awareness of the rights of persons with disabilities, it is possible to question whether these measures are sufficiently founded.

2(a)

The government programme stipulates that systematic hate crime monitoring will be promoted nationally and internationally.

2(b)

In cases of hate crimes, legal remedies are available through both criminal and civil processes.

Criminal Code (39/1889) contains provisions prohibiting discrimination, work discrimination, defamation, agitation against a population group.[[5]](#footnote-5)

Furthermore, the Criminal Code contains a provision on grounds for increasing the punishment of offences (Chapter 6, Section 5). Subsection 4 provides that one ground for increasing the punishment is commissioning “the offence for a motive based on race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or another corresponding grounds, …”.

The Non-Discrimination Act (1325/2014) prohibits discrimination and harassment on the ground of *inter alia* disability.

The Office of the Non-Discrimination Ombudsman provides low threshold assistance to victims of discrimination and harassment.

The National Non-Discrimination and Equality Tribunal is an independent judicial body, which supervises compliance with the Non-Discrimination Act and the Equality between Women and Men Act both in private activities and in public administrative and commercial activities. The tribunal handles individual discrimination (and harassment) complaints and provides legal protection. The tribunal is not mandated to award compensation to the victims of discrimination nor handle cases pertaining to the working life.

Victims of discrimination may claim compensation through a civil procedure at a court of law.

Figures pertaining to convictions on hate crimes directed at persons with disabilities are not available.

The annual police report on hate crime 2017 discloses that there were altogether 57 reports of an offence filed with the police against persons with disabilities.[[6]](#footnote-6) The respective figure in 2016 was 42. The total number of reports of an offence filed with the police that were classified as incidents of hate crime was 1165.

3(a)

No information to report.

3(b)

The Criminal Code prohibits agitation against an ethnic group. The provision reads as follows: “A person who makes available to the public or otherwise spreads among the public or keeps available for the public information, an expression of opinion or another message where a certain group is threatened, defamed or insulted on the basis of its race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or a comparable basis, shall be sentenced for ethnic agitation to a fine or to imprisonment for at most two years.”

4(a) and (b)

The Finnish NHRI and the Non-Discrimination Ombudsman carried out a campaign aiming to raise general awareness of the right to employment of persons with disabilities. The campaign was titled ‘Monday belongs to everyone’. It attempted to highlight the fact that “difficult Monday mornings” at the office are a luxury that many persons with disabilities do not have access. The campaign and its videos were spread through various social media channels for one month in the autumn 2018.

A steering group was established for the purposes of the campaign. All members of the steering group were persons with disabilities and represented DPOs.

The Finnish NHRI and the Disability Forum, which is an umbrella organisation of DPOs in Finland, carried out a survey for persons with disabilities in 2018. Altogether some 1 500 persons replied to the survey.

The results of the survey show that 34 per cent of the respondents (all persons with disabilities) are of the opinion that prejudices against them have increased during the last two years. In addition, 48 per cent of the respondents are of the opinion that respect for the human dignity of persons with disabilities has decreased during the last two years.[[7]](#footnote-7)

The Disability Forum designated a project group for the purposes of executing the survey. The project group comprised solely of representatives of DPOs.

5(a)

The Finnish NHRI has established the Disability Committee (VIOK) in order to involve persons with disabilities to all its activities pertaining to the UN CRPD. There are five members and six expert members in the committee representing various DPOs.

The Non-Discrimination Ombudsman has an Advisory Board for Non-Discrimination Issues, in which there are also members representing various DPOs.

The Advisory Board for the Rights of Persons with Disabilities consists of representatives of ministries, persons with disabilities and their families, labour market organisations and research as well as representatives from regional and local government.

For organisations involved actively with the rights of persons with disabilities, involving persons with disabilities in activities related to them is common place for organisations, which are actively involved within the field. Those actors and organisations, who lack experience working within the field, have more room for improvement in this area.

On behalf of the Finnish NHRI/Human Rights Centre,

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Expert

1. Available in Finnish at: <http://julkaisut.valtioneuvosto.fi/handle/10024/160666> (8.8.2019). [↑](#footnote-ref-1)
2. Available in Finnish at: <http://julkaisut.valtioneuvosto.fi/handle/10024/79277> (8.8.2019). [↑](#footnote-ref-2)
3. <https://oikeusministerio.fi/artikkeli/-/asset_publisher/kansallinen-perus-ja-ihmisoikeustoimintaohjelma-on-toteutunut-hyvin> (8.8.2019). [↑](#footnote-ref-3)
4. Available in Finnish at: <http://julkaisut.valtioneuvosto.fi/handle/10024/160666> (8.8.2019). [↑](#footnote-ref-4)
5. Unofficial translation available at: <https://www.finlex.fi/en/laki/kaannokset/1889/en18890039_20150766.pdf> (8.8.2019). [↑](#footnote-ref-5)
6. Available in Finnish at: <https://www.theseus.fi/handle/10024/154780> (8.8.2019). [↑](#footnote-ref-6)
7. The results are pending publication. The Finnish NHRI will use the results of the survey for its parallel reporting to the CRPD Committee and for its training material pertaining to the situation of persons with disabilities. [↑](#footnote-ref-7)