# Questionnaire on the rights of persons with disabilities to participation in decision making; Reply of Finland, 16.9.2015

## 1. Please provide information on the legislative and policy framework in place in your country related to the status, establishment, resourcing, and functioning of representative organizations of persons with disabilities at the national, regional and local levels;

The Finnish legislation has various norms that aim to secure the full participation of persons with disabilities in the society. The answer below contains a non-exhaustive listing of various legislative acts as well as policy documents concerning disability issues that are in place in Finland.

In the Finnish Constitution, paragraph concerning non-discrimination (chapter 2, paragraph 6), disability is specifically mentioned. In addition, the new Non-Discrimination Act entered into force on January 1, 2015. According to the Act, persons with disabilities must have equal access to goods and services. The disability of a person must be taken into account in provision of services, for example, by arranging accessible passage for those who need it whenever possible.

The Government wants to ensure the equal status of people with disabilities in society by tackling drawbacks by concrete corrective and development measures. For this purpose, the Disability Policy Programme was drafted in 2010. The programme outlines the concrete disability policy actions for the years 2010–2015.

The measures of the programme aim at developing all the relevant policy sectors from the perspective of the rights, freedoms and equal opportunities of persons with disabilities. The programme is divided into 14 content areas that are important from the point of view of disability policy. It comprises altogether 122 concrete measures. The original programme has been followed by two follow-up reports in 2013 and 2014.

([Disability Policy Programme, in Finnish](http://www.julkari.fi/bitstream/handle/10024/112497/URN%3aNBN%3afi-fe201504225692.pdf?sequence=1)).

In the field of cultural policy, the Ministry of Education and Culture grants state aid to finance projects for the cultural activities of organizations for persons with disabilities and accessibility to culture for those with disabilities. The appropriation for 2015 amounts to EUR 691,000. Moreover, in 2015 the Ministry of Education and Culture awarded financial assistance for a total of EUR 227,000 to the Culture for All service (Kulttuuria kaikille -palvelu), which promotes access to cultural services.

In the fields of general education, early childhood education and care and vocational education and training the organizations of persons with disabilities are consulted and included in working groups when their issues are considered. When drafting legislation they are heard during the process, both in the Ministry and in Parliament.

These financial resources are part of the Ministry’s work to promote accessibility. The cultural policy strategy for 2020 is to ensure that cultural and library services are available and accessible on an equal footing for everyone and that different population groups are actively engaged and participating in Finnish culture. The Ministry of Education and Culture implemented an action plan entitled Access to Art and Culture between 2006 and 2010.

In the field of sports and physical activity, we wish to highlight that the objective of the Act on the promotion of sports and physical activity (390/2015) is to promote the opportunities of various demographic groups to engage in physical activity. This guides the state aid policy for sport as well as local government’s responsibility: According to the Act “local government shall provide opportunities and facilities for physical activity by providing physical exercise services and organizing physical activities that promote general health and wellbeing with due regard to the various target groups.”

The Ministry of Education and Culture supports both local activities as well as sport organizations whose purpose is to promote sports and physical activity in compliance with the objective specified in the Act. Also, the Finnish Sports Association for Persons with Disabilities (VAU) as a non-governmental umbrella sports organization for persons with disabilities in Finland and the Finnish Paralympic Committee are supported by the Ministry.

In the field of youth policy, all services and subsidy forms are available for youth organizations focusing the disabled youth on equal basis. In addition, the Ministry of Education and Culture has continuously supported the youth activities of organizations of persons with disabilities as an affirmative action. This support is likely to encourage the active citizenship of disabled youth.

## 2. Please provide information on existing legislation and policies aimed at ensuring that persons with disabilities and their representative organizations, including children with disabilities, are consulted and involved in decision-making processes that directly or indirectly concern them;

Finland has various mechanisms in place in order to secure the participation of persons with disabilities in decision-making processes. We also refer to the answers provided in question 1.

The Ministry of Justice ensures that people with disabilities have equal access to voting in elections at all levels. Persons suffering from a sensory handicap are provided with all relevant election material and are provided the necessary support in taking part in the election process.

Experts from DPOs participate in the policy procedures of the various governmental entities.

For example, in the fields of general education, early childhood education and care and vocational education and training the organizations of persons with disabilities are consulted and included in working groups when their issues are considered. When drafting legislation they are heard during the process, both in the Ministry and in the Parliament.

This applies to higher education and science policy as well: The representative organizations of persons with disabilities are either members of the bodies involved in policy making and/or preparatory legislative work, or consulted during the processes, whenever their rights are concerned.

Finnish higher education institutions (HEIs) and HE related organizations working under the Ministry of Education and Culture are required to include accessibility and equity plans/policies in their strategies. For example, the HEI's are expected to involve the whole higher education community into their strategy process, including groups with special needs.

In the field of cultural policy, for example, experts from organizations for the disabled took part in a working group that drew up a proposal for an action plan entitled Taide tarjolle, kulttuuria kaikille (Ministry of Education and Culture publication no. 2004/29), which was proposed by the ‘Culture and persons with disabilities’ committee (Vammaiset ja kulttuuritoimikunta), and in the working group that drew up a report proposing ways to promote access to culture and the culture of those with disabilities

(Esitys vammaiskulttuurin ja kulttuurin saavutettavuuden edistämiseksi, Ministry of Education and Culture report no. 30:2002). The working group for access to art and culture, which presented its final report in 2014, also included experts from organizations for the disabled. The working group submitted a number of proposals for action in its report to improve accessibility. On the basis of the working group’s proposals, an action plan for 2006-2010 for Accessibility to Art and Culture was published.

## 3. Please provide information on any consultative body or mechanism established to consult and engage with representative organizations of persons with disabilities, including information about their composition, criteria for membership (nomination, appointment, election, etc.) and functioning;

It is a general practice in Finland to involve people in policy- and decision-making concerning them. Civil society organisations participate in parliamentary and public hearings and appoint their representatives to working groups for example when preparing new government proposals. Civil society representatives are also often included in the official Finnish delegations to international meetings.

A working group on international disability policy questions functions within the auspices of the Ministry for Foreign Affairs (MFA). The working group – meeting 3-4 times a year - contains members from various governmental and non-governmental entities. In the working group, the main Finnish DPOs dealing with international affairs are invited to provide comments on topical disability issues that are discussed in international fora (UN, OSCE, CoE etc). The Finnish policy decisions are made after these consultations.

Also, a representative of a DPO has been nominated by the Government at the Advisory Board on International Human Rights Affairs. The Advisory Board - providing advice to the MFA on various international human rights affairs – consists of a wide range of experts from NGOs, the Academia as well as Parliamentary political parties.

The National Council on Disability (VANE), which functions under the administration of the Ministry of Social Affairs and Health, is a co-operative organ for authorities and disability organizations. The Council follows decision-making in the society, gives statements and promotes the real implementation of human rights of persons with disabilities. In addition to the posts of the chair and vice-chair, the Council has 16 members, half of which are distributed to disability organizations. Also children are represented through relatives (parents). The National Council on Disability is about to become the national coordination body as required by Article 33 of the UN Convention on the Rights of Persons with Disabilities.

In addition, about half of the municipalities have established local councils on disabilities, either independently or jointly with other municipalities. The municipal councils on disability are composed of people with disabilities, their relatives, local disability organizations as well of officials and municipal elected decision-makers.

The Finnish Disability Forum (Vammaisfoorumi) is a cooperation body for nation-wide disability organizations with 32 member organizations and approximately 320.000 members. The Disability Forum issues yearly approximately 50 statements on legislative proposals and participates actively in parliamentary hearings. The Forum has been represented in governmental working groups preparing legislation on matters that are of central relevance to the disabled. At the moment, the Disability Forum has one part-time employee.

Regarding funding, the Slot Machine Association (Raha-automaattiyhdistys, RAY) offers entertaining and gaming machines around Finland and online in order to collect funds for supporting Finnish NGOs in the area of social welfare and health care, including people with disabilities. The profits are channeled into various civil society activities promoting health and social welfare. The Ministry of Social Affairs and Health guides and monitors the funding operations of the Slot Machine Association, including the preparation of distribution proposals, the payment of grants and the monitoring how the grants are used.

Finnish Sports Association for Persons with Disabilities (VAU) is a non-governmental umbrella sports organization for persons with disabilities in Finland. VAU plans, executes and develops sports and physical activity for physically and intellectually disabled people, visually impaired people and transplant recipients. In the field of Finnish sports and physical activity, VAU falls in to the category of service organizations because of its diverse activities. On the other hand, VAU is also a national sports federation which organizes sports activities for such disability specific sports that don’t have its own national sports federation in able-bodied sports (eg. boccia and goalball). Special Olympics Finland is part of VAU’s activities. [More on VAU](http://www.vammaisurheilu.fi/in-english). The Finnish Paralympic Committee is representing the Finnish top athletes with disabilities.

The Ministry of Education and Culture has given financial support for a network of access specialists of higher education institutions (ESOK). Network aims at developing a platform where representatives of Finnish higher education institutions (HEIs) and students as well as stakeholders, including organisations representing persons with disabilities, may work together in order to develop studying and working conditions of student and staff with special needs, as well as their possibilities for participating in decision making at HEI level.

We also refer to the answers provided in question 5.

## 4. Please provide information on the efforts undertaken at national, regional and/or local levels to strengthen the capacity of representative organizations of persons with disabilities, in order to facilitate their participation in legislative, policy and other decision-making processes;

Legislation requires local disability councils, with the task of securing the opportunity for people with disabilities to participate and exert influence, to be set up. The new Local Government Act has entered into force on 1st May 2015. The local disability council provisions are applicable as of 1st June 2017. The Act encourages municipalities to take people with disabilities into account in their advertisements and general information sharing.

According to the Local Government Act the disability council can be shared by two or more municipalities. People with disabilities and their relatives and organizations representing persons with disabilities must be adequately represented in the disability council. The local executive must ensure the operational preconditions for the disability council.

5. Please explain whether and how persons with disabilities participate in monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (art. 33, para. 3), and in the nomination of experts to the Committee on the Rights of Persons with Disabilities (art. 34, para. 3);

Finland has not yet ratified the Convention on the Rights of Persons with Disabilities. However, upon ratification, the Ministry for Foreign Affairs and the Ministry of Social Affairs and Health will be appointed as the focal point and a coordination mechanism will be established. Moreover, the tasks of the framework will be entrusted to the Human Rights Centre, its subordinate Human Rights Delegation as well as the Parliamentary Ombudsman, which together form the National Human Rights Institution. The required amendments to the relevant legislation have already been approved by the Parliament and the President of the Republic, and the other preparations necessitated by the setting up of the national monitoring (such as the government decree establishing the coordination mechanism) are underway.

The involvement and participation of the persons with disabilities and their representative organizations (Article 33.3) will happen, for example, through a disability section to be established subordinate to the Human Rights Delegation. Moreover, the Parliamentary Ombudsman and the Human Rights Centre can also, inter alia, hear persons with disabilities and their representative organizations. The Parliamentary Ombudsman will also provide for the possibility for the persons with disabilities and their representative organizations to take part in the inspections as provided for in the relevant legislation.

The representative organizations of the persons with disabilities will be represented in the coordination mechanism. Furthermore, a disability organization representative from the coordination mechanism will be participating in the work of the focal point.

In Finland, the drafting of the periodic reports to the Committee on the Rights of Persons with Disabilities referred to in Article 35 of the Convention will be one of the tasks of the focal point referred to in Article 33.1 of the Convention. The Ministry for Foreign Affairs has served as a national competent authority and focal point for many decades as regards the Government’s periodic reporting on the implementation of international human rights treaties. The Government’s periodic reports are drafted and finalized in close cooperation with ministries, according to their areas of administrative responsibility. In addition, information is requested from the supreme guardians of the law (the Chancellor of Justice and the Parliamentary Ombudsman) and other Ombudsmen, advisory boards, the Government of Åland, the Sámi Parliament, churches and religious congregations as well as numerous non-governmental organizations.

The two-stage participation by representatives of civil society in the Government’s periodic reporting process has become an established practice. The non-governmental organizations are invited to send written material for the drafting of periodic reports and will be provided an opportunity to comment on the draft report by inviting them to express their views in writing and/or to attend a public hearing on the content of the draft report. The draft report is often discussed in the public hearing where the representatives of the Government and nongovernmental organizations may directly communicate.

## 6. Please identify the main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability-specific decision-making processes at the national, regional and local levels, including challenges faced by persons who experience multiple discrimination (e.g., on the basis of disability, age, gender, ethnic origin, geographical location).

Finland is of the view that this question should preferably be answered by the representative organizations of persons with disabilities themselves.

Information campaigns and other kinds of public advocacy are, for example, important means to change general attitudes and to make sure that persons with disabilities are not discriminated against in the society. Also, the importance of human rights education from an early age should be highlighted here.

On a general level it is to be noted that, all countries – including Finland – must continue efforts to create a society that is fully accessible to all people, including persons with various kinds of disabilities.