**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Finland**

**Main issues raised by TBs**

* Discrimination of persons with disabilities, including of women with disabilities and children with disabilities, and limited scope of protection against disability based discrimination by the anti-discrimination legislation
* Sterilisation of women and girls with disabilities: need to repeal legal provisions and for supported decision making in connection with sexual and reproductive health
* Violence against women with disabilities, including lower criminal sanctions of sexual violence crimes when committed against women with disabilities compared to other women, and lack of specialised and accessible services for victims
* Need for comprehensive and disaggregated data collection, notably regarding women with disabilities and violence against them, and children with disabilities
* Unemployment rate and low wages: need for implementation of affirmative measures, including quotas in public and private sector
* Low or inexistent participation of women with disabilities in public and political life
* Asylum seekers with disabilities being detained in police stations
* Need to ensure the right of children with disabilities to express their views
* Need to increase access for children with disabilities to health-care services, public buildings and transportation and to obtain education in mainstream schools,
* Need to increase sufficient number of personal assistants, interpretation and transportation services for **children with disabilities**;
* Need to provide support to families with **children with disabilities** by providing them with educational guidance

Concluding Observations of the CAT Committee, 2016

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Concluding Observations of the CESCR Committee, [E/C.12/FIN/CO/6](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/FIN/INT_CESCR_COC_FIN_18908_E.docx), 2014

**Persons with disabilities**

13. The Committee is concerned that discrimination against **persons with disabilities** is widespread in the State party, particularly in the field of employment (art. 2. 2 and 6).

The Committee recommends that the State party adopt all necessary measures to promote opportunities for productive and remunerated employment in the labour market for **persons with disabilities**, including through the application of **persons with disabilities** employment quotas both in the public and private sectors. The Committee also recommends that the State party include prohibition of **disability**-based discrimination in the new Non-Discrimination Act being considered in the State party. The Committee requests the State party to provide information on the situation of employment of **persons with disabilities**, disaggregated by sex and types of disabilities in its next report.

Equality between men and women

15. The Committee remains concerned that women, particularly women from ethnic minorities, older women, and **women with disabilities** continue to face multiple forms of discrimination in the enjoyment of their economic, social and cultural rights. The Committee also notes with concern the persistent gender-based segregation of occupations and sectors, which is the main cause of the continuing gender-based wage gap. (art. 3).

Taking into account its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, the Committee recommends that the State party:

(a) Adopt all necessary measures to address the challenges faced by women from disadvantaged or marginalized groups in the enjoyment of their economic, social and cultural rights; and

(b) Take appropriate measures to eliminate the persistent gender pay gap by addressing the significant vertical and horizontal gender-based segregation in the labour market, which results in women occupying lower paid jobs and facing obstacles in the enjoyment of career opportunities on an equal footing with men; and

(c) Increase its efforts to provide necessary social support in terms of children centres and parental leave, including through more awareness-raising on the equal sharing of responsibilities within the family and in the society.

Right to sexual and reproductive health of women and girls with intellectual disabilities

26. While noting the information provided by the delegation on the safeguards to protect the right to sexual and reproductive health of **women and girls with intellectual disabilities**, the Committee is concerned that in particular cases the decision on sterilisation might be made by the legal representative of the rights holder (art. 12).

The Committee recommends that State party effectively ensure that safeguards to the rights of women and girls with disabilities are adequately protected. It also encourages the State party to develop a model for support in the decision-making process with regard to their right to sexual and reproductive health.

Concluding Observations of the CEDAW Committee, [CEDAW/C/FIN/CO/7](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fFIN%2fCO%2f7&Lang=en), 2014

Definition of equality and non-discrimination

10. The Committee welcomes the proposed amendment to the Act on Equality between Women and Men, which expands the definition of sex and gender-based discrimination to include discrimination based on gender identity and gender expression. The Committee notes with concern, however, that the Gender Equality Act and the Non-Discrimination Act do not currently provide adequate protection to women against multiple or intersecting forms of discrimination.

11. The Committee urges the State party to ensure that reforms explicitly affording protection to women against multiple or intersecting forms of discrimination in all national gender equality and anti-discrimination laws are adopted in a harmonised manner.

13. In line with its general recommendation No. 6 on effective national machinery and publicity, the Committee recommends that the State party:

(a) Provide its existing and new national institutions and bodies for the advancement of women and gender equality with adequate human, technical and budgetary resources;

(b) Recalling the Committee’s previous recommendations (CEDAW/C/FIN/CO/6, para 170), consider establishing a high level coordination mechanism within the Government, with adequate resources, and with the responsibility and authority to ensure effective gender mainstreaming in all government policies, comprehensively monitor the situation of women, formulate new policies and effectively carry out strategies and measures to eliminate discrimination against women; and

(c) Take concrete budgetary steps to ensure that gender impact assessments become common practice when drafting laws, policy programmes and action plans in all ministries.

Violence against women

18. The Committee appreciates the efforts of the State party to prevent intimate partner violence and domestic violence, including through the adoption of the Action Plan to Reduce Violence Against Women, and the assurance provided by the State party to the Committee during the constructive dialogue that it will shortly ratify the Istanbul Convention. The Committee is, however, concerned that:

(a) Insufficient resources have been allocated to the implementation of the Action Plan to Reduce Violence Against Women for the years 2010-2015 and that the incidence of violence against women remains high;

(b) There is an absence of an effective institutional mechanism to coordinate, monitor and assess measures at the governmental level to prevent and address violence against women;

(c) Public discourse on domestic violence is couched in gender neutral language, which undermines the notion that such violence is a clear and disproportionate manifestation of discrimination against women;

(d) Mediation and conciliation procedures are increasingly employed in domestic violence cases, despite recommendations in the Government Programme and the Government Action Plan for Gender Equality 2012-2015 to limit its use, and despite the previous concerns of the Committee (CEDAW/C/FIN/CO/6, para 174) that such procedures may lead to the re-victimization of women who have suffered violence;

(e) The Penal Code continues to define rape according to the degree of violence of the perpetrator and does not place the lack of consent of the victim at the centre of the definition, that the draft amendment of the Penal Code continues to define abuse of position leading to sexual intercourse as sexual abuse rather than rape, resulting among other things in lenient sentences for acts committed by perpetrators in institutional settings against disadvantaged persons, particularly **women with disabilities**, and that conviction rates in cases of rape are proportionally lower (17.5%) than those in relation to other crimes such as assault (49.5%);

(f) The number and services of shelters, many of which have been established and are operating on the initiative of NGOs, is insufficient to meet the needs of women victims of violence; and

(g) Other services available for victims of gender-based violence, including rape crisis centres, 24-hour helpline services and walk-in centres, are lacking.

19. Recalling its general recommendation No. 19 (1992) on violence against women, the Committee calls on the State party to:

(a) Allocate adequate financial resources to the national action plan and strategies aimed at eliminating violence against women;

(b) Establish an effective and adequately funded institutional mechanism at the government level to coordinate, monitor and assess the effectiveness of measures taken;

(c) Take concrete measures to promote the use of gender-sensitive language in public discourse on the issue of domestic violence and provide information on its gendered nature;

(d) Take necessary legislative and other measures to prohibit mandatory mediation and conciliation in cases of intimate partner and domestic violence;

(e) Review the legislation on rape so as to remove any requirement that sexual assault be committed by force or threat and place the lack of consent at the centre of its definition; amend the Penal Code Chapter 20 section 1.2 on rape and section 5.1 containing provisions on sexual abuse to ensure that the definition of rape also covers cases of non-consensual sexual acts where there is an abuse of position, such as in cases of rape committed against women who are residents in closed institutions, and align the sanctions for such acts from a fine to the minimum sentence of imprisonment as is the case for the commission of such acts; and take concrete measures to fully investigate, prosecute and punish perpetrators of rape in order to increase the conviction rates in cases of rape;

(f) Ensure that a sufficient number of shelters, staffed by qualified personnel and provided with adequate financial resources, are available to women victims of violence, including those from disadvantaged groups who require special support;

(g) Open rape crisis centres, walk-in centres and 24-hour, free of charge, helplines that provide protection and assistance to all women victims of violence, including migrant women, **women with disabilities** and women belonging to sexual minorities; and

(h) Ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence within the time frame indicated by the State party.

Participation in political and public life

22. The Committee commends the State party for the high percentage of women in the State party’s Parliament (43%), Government (47%), and among the State party’s representatives in the European Parliament (62%). The Committee, however, remains concerned at the low number of women in decision-making positions in the private sector. The Committee is also concerned that migrant women, **women with disabilities**, women from ethnic minorities and Roma women are underrepresented in political and public life and notes the lack of statistical data on their situation. The Committee is further concerned that the legislation on data collection prohibiting collecting information on certain grounds may impede the State party's efforts to address the discrimination affecting certain groups of women.

23. In line with general recommendation No. 23 on women in political and public life, the Committee encourages the State party to adopt temporary special measures, in accordance with article 4, paragraph 1 of the Convention, and with the Committee’s general recommendation No. 25 (2004) on temporary special measures, to:

(a) Ensure that the representation of women in leadership positions in the private sector reflects the full diversity of the population;

(b) Ensure the representation of women from disadvantaged groups, such as **women with disabilities**, women from an ethnic minorities, Roma women and migrant women in political and public life;

(c) Consider amending its legislation to enable the collection of statistical data needed for programmes and policies aimed at overcoming discrimination against women belonging to the groups mentioned above; and

(d) Provide disaggregated information on the representation of women in political and public life in its next periodic report, including on the women belonging to the groups mentioned.

Employment

26. The Committee notes the Equal Pay Programme, which aims at reducing the gender pay gap to 15 per cent by 2015, and the strengthening of the practice of pay surveys within the context of the Equality Plan. The Committee, however, remains concerned about the persistence of a gender pay gap of 17 per cent in the State party. The Committee is also concerned about the high unemployment rate and low wages among migrant and Roma women, single mothers, older women and **women with disabilities**. The Committee also reiterates its concern, expressed in its previous concluding observations (CEDAW/C/FIN/CO/6, para 183) concerning illegal dismissals of women due to pregnancy, childbirth and maternity leave. It further regrets that the percentage of men who take parental leave remains low and that family leave available to men and single parents remain considerably low.

27. The Committee recommends that the State party:

(a) Take immediate measures to meet the target set by the Equal Pay Programme of a gender-based wage gap of 15 per cent by 2015, with a view to closing the wage gap between men and women in accordance with the International Labour Organization Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

(b) Adopt temporary special measures to accelerate the equal participation of women from disadvantaged groups, including migrant women, Roma women, single mothers, older women and **women with disabilities** in the labour market and undertake comprehensive studies on the employment and working conditions of these groups of women with recommendations for enhancing their effective participation in the labour market;

(c) Amend legislation to specifically prohibit employers from not renewing fixed-term employment contracts based on family leave and from limiting their duration on this basis; and

(d) Continue efforts to ensure reconciliation of family and professional responsibilities and promote equal sharing of domestic and family tasks between women and men, including by developing incentives to encourage more men to avail themselves of parental leave.

Health

28. The Committee notes with concern the increase of cases of depression, eating disorders, substance abuse, alcohol-related diseases and suicides among women and girls in the State party. The Committee is also concerned about the obligation on trans-gender persons to prove infertility or undergo sterilisation for the legal recognition of their gender under the 2002 Law on Legal Recognition of the Gender of Transsexuals. The Committee is further concerned about the legal provisions which allow sterilisation and contraception treatments for women with mental disabilities upon consent of a third party (legal representative) if a woman is deemed incapable of giving her consent.

29. The Committee recommends that the State party:

(a) Take necessary measures to address the deteriorating mental health situation of young women and girls, to prevent and address the abuse of alcohol and drugs as well as suicide, including through awareness-raising and educational campaigns targeted at adolescent girls, in particular in the media;

(b) Expeditiously amend the Law on Legal Recognition of the Gender of Transsexuals to ensure that gender recognition is carried out without requiring trans-gender persons to conform to stereotypical ideas of masculine or feminine appearance or behaviour and that it does not require individuals to consent to sterilisation; and

(c) Take immediate steps to repeal Section 2 of the Law on Sterilisation which permits the sterilisation of **women with disabilities** who have limited or have been deprived of their legal capacity without their consent.

Disadvantaged groups of women

**Women with disabilities**

32. The Committee reiterates its previous concern (CEDAW/C/FIN/CO/6, para 193) that **women with disabilities** suffer from multiple forms of discrimination, including with respect to access to education, employment, health care and participation in political life. The Committee is also concerned that the scope of the Non-Discrimination Act is wider for discrimination based on ethnic origin than for discrimination based on **disability** with respect to housing, social welfare, social security, health care and other public services. The Committee is further concerned about the high rate of sexual violence against **women with disabilities** and the lack of specialised services for victims, in particular shelters and 24-hour helplines accessible to **women with disabilities**. The Committee regrets the absence of sufficient information and data on the situation of **women with disabilities** in the State party, in particular their socio-economic status and living conditions, as well as concerning violence against **women with disabilities**.

33. The Committee urges the State party to:

(a) Take steps to review its anti-discrimination legislation to ensure that discrimination on the basis of **disability** is prohibited in the public and private spheres and that remedies, sanctions and complaints mechanisms are available to **women with disabilities**, including in cases of multiple or intersecting forms of discrimination;

(b) Take concrete measures to address violence against **women with disabilities** through the provision of accessible shelters and 24-hour victim support hotlines, and police training and awareness-raising on such violence; and

(c) Conduct regular and comprehensive studies on discrimination against **women with disabilities** and collect disaggregated statistical data on their situation in employment, education, health and on all forms of violence they may experience.

Millennium Development Goals and the post-2015 development framework

41. The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.

Dissemination

42. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers’ associations, trade unions, human rights and women’s organisations, universities and research institutions, media, etc. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the CEDAW Convention, its Optional Protocol and jurisprudence, and the Committee’s General Recommendations to all stakeholders.

Ratification of other treaties

43. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Convention on the Rights of People with Disabilities and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to concluding observations

44. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph **19 (a), (b), (d) (e), (f), (g) and (h)** above.

Concluding Observations of the Human Rights Committe, [CCPR/C/FIN/CO/6](http://www.ccprcentre.org/doc/2013/06/CCPR-C-FIN-CO-6_en1.doc), 2013

10. The Committee reiterates its concern that the only detention unit for asylum seekers and irregular migrants in Finland, the Metsälä reception centre, is frequently overcrowded and that many such individuals, including unaccompanied or separated children, pregnant women and **persons with disabilities**, are placed in police detention facilities for prolonged periods of time (arts. 9 and 10).

The State party should employ alternatives to the detention of asylum seekers and irregular migrants whenever possible. The State party should also guarantee that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate in light of the specific circumstances, and subjected to periodic reevaluation and judicial review, in accordance with the requirements of article 9 of the Covenant. The State party should strengthen its efforts to improve the living conditions in the Metsälä reception centre.

Concluding Observations of the CERD Committee, [CERD/C/FIN/CO/20-22](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnvDFxY94P2xbfK9Lp1%2fNvV8LtFzbsokr5DH%2bGH6Pc77Njre%2fRbO6JMRV%2ba1lJ0TGM04x1d5nB4AlUp4p9Y8kCxY9zkEgf4onkHLCgr6AxPlBD%2fQatWjxbFLY7QFxrdmFg%3d%3d), 2012

Situation of asylum seekers

18. While noting the State party’s intent to curtail the detention of unaccompanied minor asylum seekers, the Committee is concerned about the detention of asylum seekers belonging to vulnerable groups, such as pregnant women and **persons with disabilities** and victims of torture. The Committee is also concerned that, because of overcrowding in the Metsälä Detention Centre, asylum seekers are sometimes detained in police facilities. The Committee is further concerned that, because of inadequate funding from the national Government, there is insufficient housing in the municipalities for successful asylum applicants. Moreover, the Committee is concerned that the use of expedited procedures for adjudicating asylum applications and the lack of automatic suspensive effect of an appeal may risk the refoulement of persons entitled to asylum, especially those with pending appeals.

The Committee recommends that the State party employ alternatives to the detention of asylum seekers whenever possible and that asylum seekers not be detained in police facilities. The Committee also recommends that the national Government provide adequate funding to the municipalities for the provision of housing to successful asylum applicants. The Committee further recommends that the State party carefully examine its use of accelerated procedures in asylum cases to avoid any risk of refoulement of persons entitled to asylum, and provide automatic suspensive effect to appeals of rejected asylum applications.

Concluding Observations of the CAT Committee, [CAT/C/FIN/CO/5-6](http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.FIN.CO.5-6.doc), 2011

25. While taking note with satisfaction that the State party committed itself to making the UPR recommendations an integral part of its Government’s comprehensive human rights policy, the Committee would appreciate receiving information regarding the effective measures to prevent violence against women, to compile information on violence against children, on providing the same coverage in national legislation and anti-discrimination training activities on grounds of sexual orientation and **disability** as for other grounds of discrimination in areas such as the provision of services and health care and on considering using the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist in the development of its policies.

Concluding Observations of the CRC Committee, [CRC/C/FIN/CO/4](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsuVBUbTyzJAKnGyrgcWDKEH%2bu8GFxGSSKssAAvPSbc66BUmUpB0SmUY2wzSJQ9MURv0ZjUtU0OLjUCqiYUc1j7T5%2fmnfgYjlUsdFj%2f8lprPB), 2011

Data collection

18. The Committee is concerned at the insufficient data available on the living conditions of children in vulnerable situations, including children affected by poverty, **children with disabilities**, minority/immigrant children and children in alternative care. It is also concerned at the limited statistics on abuse, neglect and violence against children and on services provided to them.

19. The Committee urges the State party to strengthen the statistical system and analysis on the implementation of the Convention, and to ensure that data is collected and used to inform policies and programmes in relation to poverty, violence, **children with disabilities**, minority/immigrant children and children deprived of a family. It recommends that the State party continue to strengthen its capacity for the systematic collection and analysis of data throughout its territory disaggregated by, inter alia, age, sex and ethnic background on all persons under the age of 18 on all areas covered by the Convention.

Non-discrimination

25. The Committee notes the State party’s efforts to reform the Non-discrimination Act, namely to expand the scope of its application, and its plans to establish the Office of the Ombudsman on equal treatment. However, the Committee remains concerned at the prevalence of discrimination against **children with disabilities**, immigrant and refugee children and children from ethnic minorities, such as Roma children. It is also concerned at the social exclusion and structural discrimination of the Roma population, which leads to increase in substance abuse, mental health problems and a poor standard of living for Roma children.

26. The Committee urges the State party to strengthen efforts to combat all forms of discrimination, including discrimination against **children with disabilities**, immigrant and refugee children and children from ethnic minorities. It further recommends that the State party place high priority in the public agenda on preventing and eradicating discrimination through, inter alia, the media and education system. In particular, the State party should, in line with the National Policy on Roma, enhance the measures undertaken to combat ethnic discrimination and social exclusion of the Roma and ensure an adequate standard of living for all Roma children. It recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the outcome document adopted at the 2009 Durban Review Conference.

Respect for the views of the child

29. The Committee welcomes the State party’s participation as a pilot country in the Council of Europe policy review on the participation of children and adolescents. It also welcomes the right of the child to be heard irrespective of his/her age under the Child Welfare Act. However, the Committee is concerned that, according to the Administrative Procedure Act, only children above 15 years have the right to be heard individually in matters concerning them; under the Aliens Act a child younger than 12 seems not to be heard as a general rule; and that children are insufficiently heard in custody cases. The Committee is also concerned that the right of **children with disabilities** to be heard is not properly realised. The Committee is further concerned at the insufficient use of alternative ways to hear children who have reached the age of 12 outside of the courtroom, and that they may be compelled to attend oral hearings.

30. The Committee recommends that the State party abolish the age limitations established under domestic laws and ensure that all children under the age of 18 are duly heard in judicial and administrative proceedings affecting them, including in cases of custody in accordance with the maturity of the child. Children should be heard in a child-friendly manner, taking into account the principle of the best interests of the child. The views of children, including **children with disabilities**,

should be given due weight in accordance with the age and maturity of the child. This may include, inter alia, hearing a child under conditions of confidentiality and not in an open court room, and using video/audio devices. In this regard, the Committee draws the State party’s attention to its general comment No. 12 (2009) on the right of the child to be heard.

**Children with disabilities**

40. While welcoming the amendments to the Act on Services and Assistance for the **Disabled** in 2009 emphasizing assistance based on the individual needs of **persons with disabilities** and the **Disability** Policy Programme for 2010–2015, the Committee remains concerned about the insufficient supply of health-care services for **children with disabilities** in some municipalities and the lack of financial commitment by the State party in this respect. The Committee is also concerned that **children with disabilities** face limited mobility due to obstacles in the physical environment and public transportation, and thus the level of segregation of students with disabilities is high. Furthermore, it is concerned that teachers are not sufficiently trained to work with **children with disabilities** and families with **children with disabilities** do not receive sufficient, high-quality and up-to-date assistance or educational guidance to support their children’s rehabilitation.

41. In light of article 23 of the Convention, the Committee’s general comment No. 9 (2006) on the rights of **children with disabilities**, the Committee recommends that the State party:

(a) Establish a holistic legal and policy framework to guarantee the equal right of **children with disabilities** to access good-quality health-care services, public buildings and transportation and to obtain education in mainstream schools;

(b) Ensure a sufficient number of personal assistants, interpretation and transportation services for **children with disabilities**;

(c) Improve the capacity of teachers to teach **children with disabilities** and special needs;

(d) Support families with **children with disabilities** by providing them with educational guidance; and

(e) Accelerate the process of ratification of the Convention on the Rights of **Persons with disabilities**.