

VALIDITY

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**Written submission by
the Threshold Association,
the Validity Foundation – Mental Disability Advocacy Centre,
the Law Firm Kumpuvuori Ltd. and
the European Network on Independent Living
to the UN Human Rights Committee
for consideration of the seventh periodic report of**

FINLAND

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Introduction

1. The Threshold Association is a cross-disability organization, which focuses on the basic and human rights of persons with disabilities. It was founded by students with disabilities in 1973. Threshold Association works to guarantee the equal rights of persons with disabilities in Finnish society and on international level; supports and activate persons with disabilities to advocate for their own rights; influences officials and other authorities to consider the needs of people with disabilities when making decisions and acts as an expert on disability issues.
2. Validity Foundation – Mental Disability Advocacy Centre is an international human rights organisation which uses the law to secure equality, inclusion and justice for people with mental disabilities worldwide. Validity’s vision is a world of equality where emotional, mental and learning differences are valued equally; where the inherent autonomy and dignity of each person is fully respected; and where human rights are realised for all persons without discrimination of any form. Validity has participatory status at the Council of Europe, and observer status at ECOSOC.
3. Law Firm Kumpuvuori Ltd. is a law firm specialised in the rights of persons with disabilities in Finland. The law firm was established in 2010. Today, it has around 1,500 ongoing social and health rights litigation cases before administrative courts around Finland. In addition to social and health rights cases, the firm handles discrimination cases for persons with disabilities. The law firm has also submitted the first case on independent living and personal assistance from Finland to the UN CRPD Committee in 2018, and successfully represented a Finnish case on personal assistance to study abroad before the Court of Justice of the European Union.
4. European Network on Independent Living (ENIL) is an international organisation defending the rights of persons with disabilities. ENIL is a Europe-wide network of disabled people, with members throughout Europe. ENIL advocates for Independent Living values, principles and practices, namely for a barrier-free environment, provision of personal assistance support and adequate technical aids, and access to mainstream services and facilities, together making full citizenship of disabled people possible. ENIL works to strengthen the empowerment of disabled people, mainly through providing resources for peer support and peer-to-peer training.
5. The aim of this written submission is to provide the UN Human Rights Committee with information on the unlawful measures confining persons with disabilities in institutions that were adopted by the Finnish Government to respond to the COVID-19 pandemic.

Violation of Articles 2(1), 4(1), 6 and 26 of the ICCPR

6. The measures adopted by the Government of Finland compounded existing violations of the rights persons with disabilities living in institutions; further restricting a range of rights, increasing their isolation and closing down the limited access that they did have to the outside world. The Finnish Government issued guidance that resulted in private and public institutions (“housing service units”) banning people with disabilities from leaving the services or receiving visits from family members and loved ones. In some cases, social and personal assistance was also stopped. These restrictions were in full force until at least the end of June 2020 and continue to be implemented in some institutions today.

7. Far from reducing the risk of disease transmission, this response has led to the development of [hotbeds of contagion](#) inside residential facilities for persons with disabilities, as well as institutions for older persons, asylum seekers and other groups. While countries around the world, including Finland, are unable to provide precise statistics on the incidence of infection and deaths in institutions, early figures from 21 countries indicated that persons in “care homes” accounted on average for [46% of Covid-19 deaths](#). Finland is not even able to provide information on the number of people with disabilities in institutions in the country affected by visiting restrictions as it does not collect this data.
8. Under the International Covenant on Civil and Political Rights, states have the duty to protect life by adopting appropriate measures to prevent direct threats to life, including life-threatening diseases.¹ To fulfil this duty, states must also adopt appropriate measures for the elimination of epidemics.² This means applying targeted protection to people whose lives might be put at risk, including health care provision and effective access, on a non-discriminatory basis, to essential goods and services.³ In the view of the submitting organisations, Finland has failed to comply with these obligations.
9. In relation to the above-mentioned measures, the submitting organisations invite the Committee to find Finland in violation of Articles 2(1), 4(1) and 26 on the right to freedom from discrimination and Article 6 on the right to life of the International Covenant on Civil and Political Rights.
10. We invite the Committee to recommend that the State adopt measures to protect the life of all persons with disabilities from avoidable health-risks, including pandemics, on a non-discriminatory basis. We also ask the Committee to call on the State to release persons with disabilities detained in institutions and urgently provide them with appropriate and individually tailored services in the community. In order to prevent further harm and protect their rights and lives, the State must ensure that persons with disabilities released from detention in institutions have access to necessary services, taking into account their access to general services and to disability-specific services, including personal assistance. This includes access to adequate community-based housing where persons with disabilities are able to self-isolate in their own homes in the same way as the rest of the population.
11. Further details can be read in our [collective complaint under the European Social Charter *Validity v. The Republic of Finland on the violation of the rights of persons with disabilities in institutions*](#) during the pandemic.

Recommendations

We invite the Committee to find Finland in breach of Articles 2(1), 4(1), 6 and 26 of the International Covenant on Civil and Political Rights and to call on the State (i) to adopt measures to protect the life of all persons with disabilities from avoidable health-risks, including pandemics, on a non-discriminatory basis, (ii) to release persons with disabilities detained in institutions and (iii) urgently provide them with appropriate and individually tailored services in the community.

Note: The information provided above can be posted on the Human Rights Committee’s website for public information purposes.

¹ UN Human Rights Committee, General Comment no. 36, 30 October 2018, CCPR/C/GC/36, § 26.

² UN Human Rights Committee General Comment no. 6, 30 April 1982, § 5.

³ UN Human Rights Committee, General Comment no. 36, 30 October 2018, CCPR/C/GC/36, § 26.