



**Written submission by
the Validity Foundation – Mental Disability Advocacy Centre and
the European Network on Independent Living
to the UN Committee on Economic, Social and Cultural Rights
for consideration of the seventh periodic report of**

FINLAND

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Validity Foundation – Mental Disability Advocacy Centre
Address: Impact Hub, Ferenciek tere 2, 1053 Budapest, Hungary
Tel: +36 1 780 5493; email: validity@validity.ngo; website: www.validity.ngo

European Network on Independent Living
Address: Mundo J, 7th Floor, Rue de l'Industrie, 1000 Brussels, Belgium
Tel: + 32 2 893 25 83; e-mail: secretariat@enil.eu; website: www.enil.eu

Introduction

1. 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.
2. 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.
3. The aim of this written submission is to provide the UN Committee on Economic, Social and Cultural Rights 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, 9, 11 and 12 of the ICESCR

4. 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.
5. 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.
6. In relation to the above-mentioned measures, the submitting organisations invite the Committee to find Finland in violation of Article 2 on the right to freedom from discrimination, Article 9 on the right to social security, Article 11 on the right to an adequate standard of living and Article 12 on the right of everyone to the enjoyment of

the highest attainable standard of health of the International Covenant on Economic, Social and Cultural Rights.

7. We invite the Committee to recommend that the Government release persons with disabilities detained in institutions and urgently provide them with appropriate and individually tailored services in the community as a core obligation under Articles 11 and 12 that is immediately applicable (see Annexed Collective Complaint). In order to prevent further harm and protect their rights and lives, the Government must ensure that persons with disabilities released from detention in institutions have access to necessary services to secure an adequate standard of living and the highest attainable standard of health, 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.
8. 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, 9, 11 and 12 of the International Covenant on Economic, Social and Cultural Rights and to call on the Finnish Government to release persons with disabilities detained in institutions and urgently provide them with appropriate and individually tailored services in the community.

Note: The information provided above can be posted on the CEDAW website for public information purposes.