

SAMS response to the list of issues prior to submission of the seventh periodic reports of Finland in relation to the International Covenant on the Economic, Social and Cultural Rights (“ICESCR”).

SAMS – the Swedish speaking Co-operative federation on disability issues (here on after “SAMS”) welcomes the possibility to provide comments for the ICESCR:s 7th periodic report on Finland.

SAMS would like to bring the following remarks into your attention in relation to the list of questions brought forward.

17. Q: Please provide statistical information, disaggregated by age, sex, disability, ethnic or national origin, on the employment situation in the State party. Please provide information on the implementation of the Young Guarantee scheme and its impact in combating youth unemployment, as well as on the progress made and remaining challenges faced in addressing high long-term unemployment rate.

17. A: Further studies are required in order to closer scrutinize the employment situation has developed for persons with disability. However, the available information is alarming. For instance, among those answering to the questionnaire assessing the realization of the rights in enshrined in CRPD (N 1526), less than 20% of persons aged between 16 and 64 were employed in the open labor markets. While the sample is not necessarily representative to the disabled population in general, the results are alarming as the employment rate for the general population is above 70%.

There are also considerable structural problems. For instance, many persons with intellectual disabilities (“ID”) are doing de facto real jobs, but only receiving a minimal nominal compensation. According to Inclusion Finland KVTL only 500 – 600 are currently employed by the open labour markets out of the 25 000 working aged persons with intellectual disabilities. Meanwhile more than 8000 persons with disabilities are daily taking part in work activities either in sheltered work or in ordinary workplaces, but only receiving a compensation between 0 – 12 euros each day. Inclusion Finland KVTL and the Finnish League for Human Rights estimates that around 3500 educated persons with intellectual disabilities could be employed in the open labour market with the right kind of assisting and support measures.

18. Q: Please explain the extent to which measures adopted have promoted opportunities for productive and remunerated employment for persons with disabilities. Please also provide information on measures adopted to provide reasonable accommodation.

18.A: Prior to ratifying the CRPD, Finland adopted the Non-discrimination Act. While it has been a considerable step forward, much remains to be done. According to the questionnaire study that was open for the public and promoted by disability rights organizations together with the Finnish Human Rights Centre, many were still facing discrimination and lack of reasonable accommodation in their workplace. For instance, in the open CRPD-questionnaire made by the Finnish disability organizations and the Human Rights Centre the results give reason for concern. Of those who answered (N 1426), 16.5% noted that they had been discriminated in access to the labour market and recruitment situations. Furthermore, 14.6 % had experienced discrimination due to lack of reasonable accommodations and 15.4 % had faced discrimination in other ways. Furthermore around 70 % had noted that these questions were not relevant for them, suggesting that many of them may have given

up any hope of even being a part of the open labour market. This is in stark contrast with the official records on the matter. For instance, in 2016 the regional authorities designed as a watch-dog over discrimination matters (Aluehallintovirastot/Työsuojeluviranomaiset), received in 2016 only 7 complaints on the grounds of discrimination due to disability.

This leads to poverty and inequality both in working life and during retirement, as no retirement funds are ever accumulated. So far – very few of these progressive measures have been adopted in Finland. Hence, the employment rates for persons with intellectual disabilities are even far lower than for other persons with disabilities. For instance, according to Inclusion Finland KVTL out of the 25 000 working aged persons with intellectual disabilities, currently only around 500 – 600 are employed by the open labour markets.

Studies have shown that real access to the open labour markets is possible, but currently measures for changing this have been insufficient. For a peer-reviewed compilation on existing studies in relation to persons with intellectual disabilities (“ID”), see “The Effectiveness of Rehabilitation Interventions on the Employment and Functioning of People with Intellectual Disabilities: A Systematic Review”. (Nevala and others, 2019, accessible at [ncbi.nlm.nih.gov/pubmed/31098847](https://pubmed.ncbi.nlm.nih.gov/pubmed/31098847).)

The quantitative studies shown that secondary education increases employment among people with ID when it includes work experience and personal support services. Supported employment also increased employment in the open labor market, which sheltered work did not. The barriers to employment in the open labour market were i.a. the use of sheltered work, discrimination in vocational experience and insufficient work experience while still at school. The facilitating factors of employment were one's own activity, the support of one's family, job coaching, a well-designed work environment, appreciation of one's work, support from one's employer and work organization, knowledge and experience of employment during secondary education, and for entrepreneurs, the use of a support person. In conclusion, the employment of people with ID can be improved through secondary education including proper teaching methods and personal support services, the use of supported work, workplace accommodations and support from one's family and employer. These results can be utilized in the development of rehabilitation, education, and the employment of people with ID, to allow them the opportunity to work in the open labor market and participate in society.

Also other structural and legislative problems on a societal level exist for all persons with disabilities. While nearly everyone would like to contribute more to the society by working as much as they, there are built-in pitfalls in the system. A person may for instance earn up to 784,52 euros a month without the additional income affecting the right to pension. The amount may also be higher as the limit is at most 40 % of the incomes prior to the disability pension (työkyvyttömyyseläke). However, even a little increase in the working hours and brutto salary may place the whole pension on hold. Hence, despite the individual's preferences and prospects of professional growth there are strong built-in-incentives in the system that keep persons outside the workforce and marginalized in the society. Essentially these pitfalls have meant, that a person working too many hours part-time may receive less income than a person working only little or not at all.

The current system has at least three major negative consequences. First of all, persons that have been disabled at a young age will likely limit their contribution to 784,52 due to the economic needs and incentives. Secondly this means that they are curtailed from professional growth and advancements in the career in an unjustifiable way compared to others. A third symptomatic consequence is that persons with disabilities are far more likely to suffer from relative or budgetary measured poverty than the population at large. While the population at large has had figures such as 12 % in relation to relative poverty and 8 % in relation to budgetary measured poverty, in the open CRPD-questionnaire collected in Finland, more than 52 % answered that they had suffered poverty during 2016 and 2018. This is also particularly alarming, as the factors leading to poverty tend to be quite permanent for persons with disabilities.

There is however, a solution to the existing problem.

The Finnish disability organizations have been advocating a linear system where the pension would gradually diminish, thus eliminating the current pitfall. Unfortunately, both political parties and the

powerbrokers in the Finnish labourmarkets have not shown any interest to adapt these changes and embrace a prospective soft re-entry to the labourmarkets. In Finnish disability organizations views this structural problem should be regarded as an infringement on the individual's right to both work and sufficient incomes.

25. Q: Please provide updated information on the reform of health and social services carried out by the State party, and how such reform envisages to improve accessibility, affordability and quality of health-care goods and services for disadvantaged and marginalized individuals and groups, particularly Roma and Sámi indigenous peoples. Please explain which steps is taking the State party to ensure that asylum-seekers and migrants, including irregular migrants have access to all necessary health-care services.

25 A: Also persons with disabilities can be regarded as a disadvantaged group in this regard. Service fees in Finland are in many municipalities too expensive for groups with low incomes. This could be seen for instance in the questionnaire assessing the realization of the rights in enshrined in CRPD. For instance, access to both healthcare and medicines was jeopardized for around 29% among those that answered to the open questionnaire. In effect, persons were forced to essentially choose between prioritizing basic needs, such as food, medicines or clothes for their children. It should be noted that many of the subscription medicines are subsidized by the states. The main problem however, is that there is an excess fee for both subscription medicine and healthcare and that the economic pressure of this is concentrated to the first months of every year. Furthermore, the freezing of the index adjustments of pensions have further aggravated this economic distress and access to healthcare. On this occasion there also exists positive exceptions. For instance, the city of Helsinki provides healthcare-center services and even access to regular doctors' appointments without any additional fees for the clients. In our understanding this has lowered the threshold to seek care for many groups. Meanwhile, it has not led to any remarkable increased costs, as many critics had originally feared.

26. Q: Please report on the steps taken to overcome remaining challenges that prevent women and girls from disadvantaged and marginalized groups to access sexual and reproductive health facilities, services, goods and information. Please provide information on the measures adopted to provide women and girls with disabilities support in the decision-making process with regard to their right to sexual and reproductive health.

26. A: In SAMS views there still exist problems within this field, in relation to e.g. access to information and services. Also, services such as women's shelters do not provide information to what extent the premises are accessible for e.g. persons using wheelchairs or in need of other reasonable accommodations. Similar problems have existed for decades. Organizations working with disabled women have noted critical improvement needs in women's shelters. While these shelters claim to be accessible, there is no information available on to what degree the shelters are accessible. This can ultimately leave women with disabilities without the protection offered by the shelters. In this regard, SAMS would like to highlight that available information and knowledge of accessibility is a critical factor in making premises truly accessible. Another issue is that there currently is no record being kept on persons who are being turned away from the shelters due to the lack of accessibility. This is an issue that should be given closer attention.

The ratification of the CRPD in 2016 compared with reports from the field suggests however that Finland has not in a sufficient manner realized many gender specific rights for persons with disabilities.

SAMS want's to pay attention to the fact that women and girls with disabilities in many cases are not sufficiently provided the support in the decision-making process with regard to their right to sexual and reproductive health.

27. Q: Please provide information on the measures adopted to ensure that children from disadvantaged groups, particularly those belonging to minorities, child migrants, child asylum seekers and refugee children have adequate access to preschool education. Please provide information on the specific steps taken to reduce school dropout rates and attainment gaps; to avoid de facto discrimination and segregation; and to combat bullying in schools of children of immigrant background and Roma children. Please describe the measures adopted to guarantee access to inclusive education for children with disabilities.

27. A: While Finland has internationally long cherished the principle of inclusive education, much remains to be done domestically. Disability right organizations are continuously contacted by parents whose disabled children are facing challenges, obstacles or outright discrimination in accessing the ordinary pre- and primary schools close to their homes. Persons with physical impairments may be directed to groups with intellectually challenged peers, solely on the ground that they have a disability and a record of needing extra assistance. Furthermore, inclusion has all too often been used only as an austerity policy; groups have been enlarged and special education diminished, with little or no additional resources given to the new class. There also still exists a strong discrepancy with theoretical rights and services and their implementation in practice. E.g. In one public case a young student with impaired sight was formally granted assistance. Despite her need for assistance on all lessons, the assistance was only given to a fraction of her lessons. Also remarkable structural flaws exists on practical and ethical level. For instance, the schools where future classroom teachers are trained receive their funding from the state. Due to the different funding, their policies have appeared to be much more discriminating even in instances where their premises would be the only accessible ones in the vicinity. On a principle and ethical level this is also extra problematic, as these are the very schools where all future teachers receive their training. This is often a tragedy for the individual families, but it is an insensible and discriminatory policy on the societal level. At the time of the writing several cases are pending by the Non-discrimination ombudsman.

On a general level, many families are relatively happy with the inclusive education solutions up until the age of 16. However, after the basic education is completed, the secondary education is often inaccessible and persons with disabilities – especially intellectual disabilities- are often directed to old-fashioned solutions, ultimately leading to an early marginalization both in education and later access to open labour market. Apart from the lack of access to employment, this often also hampers personal growth and the general well-being of the individual in question.

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