**Questionnaire: The right to housing of persons with disabilities**

**Reply by the Government of Finland**

**4 July 2017**

***Provisions in the Constitution of Finland***

According to section 19 of the Constitution of Finland, the public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.

Also some other basic rights provisions of the Constitution relate to housing. According to section 9, “Finnish citizens and foreigners legally resident in Finland have the right to freely move within the country and to choose their place of residence”. According to section 19, “those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care. Everyone shall be guaranteed by an Act the right to basic subsistence in the event of unemployment, illness, and disability and during old age as well as at the birth of a child or the loss of a provider. The public authorities shall guarantee for everyone, as provided in more detail by an Act, adequate social, health and medical services and promote the health of the population.” Reasonable housing conditions are necessary for the materialisation of subsistence and care necessary for a life of dignity. The share of housing expenses in disposable income has a central impact on basic income security during unemployment, sickness, incapacity for work and old age.

***Housing services under Section 21 of the Social Welfare Act (30.12.2014/1301)***

Housing services are provided for persons who, for special reasons, need help or support with organizing housing or their living conditions. Services provided at home take precedence over services requiring moving and covering both housing and services. Temporary housing is provided for persons who need urgent short-term assistance.

Supported housing is provided for persons who need support for independent living or for moving on to live independently. Housing support services include social counselling and other social services.

Service housing with part-time assistance is provided for persons who need suitable housing and care and attention. Service housing with 24 hour assistance is provided for people who need 24-hour care and assistance.

Service housing refers to accommodation and services provided in sheltered flats. The services, provided according to client needs, are: care and assistance, activities promoting and maintaining functional capacity, meals, care of clothing, help with personal hygiene care, cleaning services and services promoting participation and social interaction. Service housing with 24 hour assistance services are provided around the clock according to clients’ needs.

In service provision, care must be taken to ensure that clients' right to privacy and participation is respected and that they are provided with the appropriate rehabilitation and health care services.

***Housing for persons with disabilities***

The provision of housing for persons with disabilities is provided for in special legislation. Section 8 of the Services and Assistance for the Disabled Act (1987/380) defines sheltered housing as a service that a municipality is required to engage in by law. Under Section 2 of the Act on Special Care for People with Intellectual Disabilities (519/1977), special care covers services such as provision of housing. Both acts secure for people with disabilities the kind of housing they necessarily need because of their disability.

Persons with disabilities are generally not classed as homeless, because under special legislation they are provided housing in either housing units/group homes. However, those persons who lack dwelling and  are assigned institutional care are regarded as homeless. In 2010 and 2012, the Finnish Government issued resolutions on securing housing and services for people with intellectual disabilities. According to these resolutions, persons with intellectual disabilities have a right to housing similar to that of other municipal residents. Society must offer them the opportunity to live in individual housing, rather than in institutions or their childhood homes. This also requires that municipalities have individual services to replace institutional care. The objective is that no persons with intellectual disabilities will be living in institutions by year 2020. Based on these resolutions, the Government launched a programme to provide housing and services for the intellectually disabled persons (KEHAS) for years 2010-2015 with the aim to enable individual housing arrangements for persons with intellectual disabilities. Consequently, there has been a reduction of institutional care and an increase in housing services.

The Government supports housing production for special groups, such as persons with disabilities and homeless persons, with interest subsidies for loans taken out to finance the construction, renovation and acquisition of rental dwellings, and with state grants up to 50 % of the investment, depending on the needed support (Act on Interest Subsidy for Rental Housing Loans and Right of Occupancy Housing Loans, 604/2001, and Act on Subsidies for Improving the Housing Conditions of Special Groups, 1281/2004). Lately, the focus of the financing of housing production for persons with disabilities has been in utilizing the ordinary housing stock. Moreover, state renovation grants are awarded for the installation of lifts in older multi-storey residential buildings and, on social grounds, for repairs and renovations of the homes of older people and people with disabilities (Act 1087/2016, not available in English).

The Government has a special Action Plan for Preventing Homelessness for years 2016–2019. The Action Plan consistently emphasises early recognition of the risk of becoming homeless and rapid intervention when a person is at risk of homelessness or has recently become homeless. This requires cooperation between different sectors, integrated support services with a low threshold and increasing the production of reasonably-priced housing. The Action Plan is based on the “housing first” principle, where housing is secured by an individual rental agreement and other support is tailored individually according to the resident’s needs.

The Government adopted its second National Action Plan on Fundamental and Human Rights for 2017–2019 on 16 February 2017. The objective of the Action Plan is to promote the obligation of the public authority to guarantee the observance of basic rights and liberties and human rights as stipulated in Section 22 of the Constitution of Finland. The measures taken under the Action Plan are designed to act on identified problems with fundamental and human rights and to complement the work being carried out in various policy sectors to promote fundamental and human rights.

The four focus areas of the Action Plan on Fundamental and Human Rights for 2017–2019 are: fundamental and human rights education, equality, the right to self-determination as well as fundamental rights and digitalisation. The Action Plan includes, amongst others the following concrete projects aiming at promoting and protecting the rights of persons with disabilities:

1. **Overall reform of disability services legislation:** The present Disability Services Act and the Act on Intellectual Disabilities mentioned above will be amended and consolidated into an act on special services provided on the basis of disability. The act would be applied to a person who, due to a long-term disability or capacity limitation caused by an illness, necessarily and regularly needs assistance or support to cope with daily life. The realisation of human rights of persons with disabilities and client-orientation will be strengthened, and persons with disabilities will be provided with the possibility of making their own choices. The use of expertise based on experience and people’s participation will also be reinforced.
2. **Strengthening the right to self-determination of social welfare and health care clients and patients:** Preparing legislation: an Act on strengthening the right to self-determination of social welfare clients and patients and on the conditions for use of restrictive measures (known as the Act on the Right to Self-Determination, the RSD Act). Continuing the preparation of a more comprehensive Act on the Right to Self-Determination. Amendments are needed to the legislation on the right to self-determination in respect of, for example, child welfare, mental health services and alcohol and substance abuse counselling services, which were excluded from the earlier preparation of the RSD Act. It will also be checked that provisions on the right to self-determination of persons with intellectual disabilities are included in the RSD legislation covering the whole social welfare and health care sector. The realisation of human rights and client-orientation will be strengthened, and people will be provided with the possibility of making their own choices. The use of expertise based on experience and people’s participation will also be reinforced.
3. **Promoting the equality of persons with intellectual disabilities in housing:** The realisation of equality will be investigated in respect of government-funded housing projects intended for persons with intellectual disabilities. Government-supported housing units for persons with intellectual disabilities have mainly been group homes with a place for 15 or more persons. In the future, government funding should be directed to decentralised housing solutions for persons with intellectual disabilities and to living in ordinary apartments, where they will receive the support and services they need. Consequently, the implementation of government-subsidised housing projects intended for persons with intellectual disabilities will be studied in comparison to government-subsidised ’ordinary’ rental apartments and in relation to various factors of housing equality, such as location, quality, regulations, rent and taxation. The study will be used as a basis for launching necessary measures for promoting the equality of persons with intellectual disabilities in housing.

Information on services and support, including in relation to housing, for persons with disabilities is available at the webpages of the Ministry for Social Affairs and Health <http://stm.fi/en/disability-services> .

Information on the Government’s housing policies and legislation is available at the webpages of the Ministry of the Environment <http://www.ym.fi/en-US/Housing>.

***Statistics***

The National Institute for Health and Welfare (THL) promotes research and development on the independent living of people with disabilities and barrier-free planning, as well as on various services, such as personal assistant, housing, and assistive devices. THL also keeps statistics on disability issues.

The statistical report *Institutional care and housing services on social care 2015* was published in Finnish on 14th February 2017.

*According to the aforementioned report, in the year 2015 the number of clients receiving institutional care and housing services under the Act on Special Care for People with Intellectual Disabilities are as follows:*

*Institutional care*: 1093

*Service housing with 24-hour assistance for persons with intellectual disabilities*: 7728

*Service housing with part-time assistance for persons with intellectual disabilities*: 2006

*Supported housing for persons with intellectual disabilities*: 1548

Compared to previous years the number of clients in institutional care has decreased and clients in service or supported housing have increased.

There are approximately 6 700 homeless one-person households and 325 homeless families in Finland. Contrary to all the other EU member states, homelessness has decreased in Finland in recent years despite the economic recession and social pressures. This is achieved through consistent partnership between central and local government, private enterprise and organizations.

***Oversight***

The National Supervisory Authority on Welfare and Health (Valvira) and Regional State Administrative Agencies supervise service provision and quality in institutional care and other services.

The Parliamentary Ombudsman of Finland provides oversight to ensure that public authorities and officials observe the law and fulfil their duties in the discharge of their functions. The Ombudsman carries out inspections at offices and institutions. This enables him to oversee for example the treatment of persons confined to institutions. The tasks of the Ombudsman are defined in the Constitution and in the Parliamentary Ombudsman Act (197/2002). Also the Chancellor of Justice supervises the lawfulness of acts by authorities. The Non-Discrimination Ombudsman monitors the prohibition to discriminate in housing for example on the ground of disability.

The Convention on the Rights of Persons with Disabilities and its Optional Protocol took effect in Finland in June 2016. To comply with the requirements of Article 33 of the Convention, Finland has developed structures for implementing the Convention and monitoring the implementation. The national focal points under the Convention are the Ministry for Foreign Affairs and the Ministry of Social Affairs and Health. A new Advisory Board for the Rights of Persons with Disabilities was appointed in January 2017. It replaces the earlier National Council on Disability. The Advisory Board operates as a coordination mechanism under the Convention. Its members represent ministries, persons with disabilities or their family members, regional and local government, and labour market organisations. The term of the first Advisory Board will expire in April 2019. The national human rights institution, consisting of the Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman, is an autonomous and independent structure that works to promote, protect and monitor the national implementation of the Convention. In June 2016 a human rights committee of persons with disabilities was established as a permanent division under the Human Rights Delegation for the inclusion and participation of these persons and their representative organisations.

The Housing Finance and Development Centre of Finland awards the above-mentioned interest subsidies and grants for construction, renovation and acquisition of rental dwellings for special groups as well as grants for the installation of lifts for repairs and renovations of the homes of older people and people with disabilities. Special attention is paid to monitoring of the quality of housing and level of housing expenses.