



Dnro 9C/3542

To: Office of the United Nations High Commissioner for Human Rights
Attn: Mr. Graig Mokhiber/Mr. Facundo Chávez Penillas

Subject: Human Rights Council resolution 22/3 – "The work and employment of persons with disabilities"

Reference: RRDD/HRESIS/JS/FCP/is

The Finnish Human Rights Centre provides the following information to the study on the rights to education of persons with disabilities:

General information:

- Finland has not yet ratified the **UN Convention on the Rights of Persons with Disabilities**.
- **Finland has a Disability Policy Programme 2010–2015** which outlines the concrete disability policy actions. The programme can be accessed through following link:
http://www.vane.to/images/stories/vampo2012/vampo2012_english.pdf
- **The National Council on Disability VANE** is a co-operative organ for authorities, disability organisations and organisations for relatives of disabled people. It closely follows the decision-making in the society, gives statements and promotes the real implementation of human rights of disabled people. The Council is working in close connection with the Finnish Ministry of Social Affairs and Health.
- **Handbook on disability services (in English)** can be accessed through following link: <http://www.sosiaaliportti.fi/en-GB/the-handbook-on-disability-services/>

Answers:

1. There is no barrier for persons with disabilities to attend regular schools in existing laws or policies. According to the Government Report on Disability Policy released in 2006, all children with disabilities receive basic education.

However, according to the NGO's working in the field of disabilities, various barriers are found in the implementation of the right to education. These barriers have to do for example with the physical inaccessibility of the

schools and/or classrooms and denial of supportive measures guaranteed by the legislation (for example translators or assistive technical devices). Furthermore, the Finnish Federation of the Visually Impaired reports cases (11 cases between 2012-2013) concerning mainly vocational training in which the student have been denied the right to study in a certain institution because of his/her disability. The Federation is of the opinion, that in many of those cases the grounds for the denial have been illegal. The matter has not been systematically studied, and therefore we are unfortunately unable to give a comprehensive answer to this question.

2. Please see the attached excerpt from the Finnish National Board of Education titled "Special needs education in Finland".
3. Finnish Ministry of Social Affairs and Health coordinates the governmental policies concerning persons with disabilities; the responsibility to implement the policies falls upon all the ministries.
4. Yes, there are effective mechanisms to claim in case of rejection. Mechanisms vary depending on the grounds of the complaint.

The Parliamentary Ombudsman has expressed his opinion in a case (Dnro 577/4/11) concerning a certain large municipality, which had decided that all mentally disabled students with a disability diagnosis of mild or medium severity would attend special classes, or the so called group integration class. Furthermore, the municipality had decided that all severely mentally disabled students would attend one or the other designated special classes that existed in two schools. Attending a regular class was therefore categorically ruled out as an option for mentally disabled students. Ombudsman considered national legislation as well as Finland's international human rights obligations, and expressed his view that the municipality did not fulfil its legal obligation to make an individual assessment in every case of disabled students.

The Supreme Administrative Court has decided on cases regarding the denial of special supportive measures guaranteed by legislation.

For example case 165/3/06 (2876) of a Student with attention deficit disorder. In this case the parents had demanded a personal assistant to the Student, which the municipality had not granted. However, there was an assistant in the school, who had been assigned to the class of the Student, and who was in practise mainly assisting the Student. The Supreme Administrative Court ruled that the municipality had not violated the right of the student to special supportive measures.

In another case of a Student with dysphasia (KHO:2006:80), the parents had wanted the Student to attend the closest school, and to be integrated into a regular classroom. However, the municipality had enrolled the Student into another school, 14 km from the family's home, which had a special class and a personal assistant to the Student. The Court ruled that the community had fulfilled its legislative obligations.



5. We are not aware of such international cooperation.

We hope this information is useful for the Office of the High Commissioner for Human Rights and the Human Rights Council.

Yours sincerely,

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Director, FTA