



**National Institutions and Regional
Mechanisms Section**

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Guiding questions for the focus area on participation in public life and in decision-making processes, answers of the Human Rights Centre / Finnish National Human Rights Institution

The Finnish Human Rights Center (HRC) is an autonomous and independent expert institution whose task is to promote and monitor the implementation of fundamental and human rights in Finland as well as to increase cooperation and exchange of information between various actors in the field. According to its founding legislation, one of the tasks of the HRC is to participate in European and international cooperation related to the promotion and protection of fundamental and human rights.

The HRC represents the Finnish NHRI in international NHRI cooperation. The HRC forms the National Human Rights Institution (NHRI), alongside with its pluralistic 39-member Human Rights Delegation and the Parliamentary Ombudsman.

The National Human Rights Institution in Finland was established by law in 2012 and received **A-status in 2014. The status was renewed in 2019.**

National and local legal and policy framework

1. *What are the national and local legal provisions and policy frameworks in your country that guarantee*
- a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes;*
 - b) elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes;*
 - c) right to freedom of expression, including freedom to seek, receive and impart information;*
 - d) right of peaceful assembly;*
 - e) right to freedom of association;*
 - f) right to take part in the government of one's country, directly or through freely chosen representatives;*
 - g) active, free and meaningful participation of older persons and their representative organizations in all matters*

related to participation in public life and in decision-making processes; h) access to prompt remedies and redress when older persons' above mentioned rights are violated.

There is a limited number of provisions in the Finnish legislation that seek to tackle ageism. However, general provisions against discrimination naturally apply to older persons and a person's age is a prohibited ground of discrimination.

According to the paragraph 6 of the Constitution of Finland, "people are equal before the law. No one should, without acceptable reason, be placed in a different position based on gender, age, origin, language, religion, belief, opinion, health status, disability, or any other personal reason."

The same applies to the Non-discrimination Act: "No one shall be discriminated against on the grounds of age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family status, health status, disability, sexual orientation, or any other personal reason. Discrimination is prohibited regardless of whether it is based on a fact or assumption concerning the person themselves or someone else." The Non-discrimination Act applies to both public and private activities, including employment and education.

There are specific provisions about the right to participation of older persons in The Law on Supporting the Functional Capacity of the Older Persons and on Social and Health Services for Older Persons:

"The purpose of the law is:

1. to support the well-being, health, functional capacity, and independent performance of older people;
2. to improve the opportunities of older people to participate in the preparation of decisions affecting their living conditions and in the development of the services they need in municipalities and welfare counties;
3. to enhance the older person's ability to access high-quality social and health services and guidance on using other available services according to their individual needs and in a timely manner when their diminished functional capacity requires it; and
4. to strengthen the older person's ability to influence the content and implementation of the social and health services provided to them and to participate in decisions regarding them."

2. What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?

There are senior councils in municipalities and well-being counties. Senior councils must be given the opportunity to influence the planning, preparation, and monitoring of various sectors concerning matters relevant to the well-being, health, participation, living environment, housing, mobility, or daily activities, as well as the services they require, for the older population. However, since there are no specific provisions on the exact process in which the senior councils should be heard and since their opinions are not in any way binding, their real influence varies greatly.

Data and research

3. What data and research are available regarding older persons' participation in public life and in decision-making processes? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor older persons' participation in public life and in decision-making processes.

A survey conducted by the Human Rights Centre to municipal councils of older persons in 2021 indicated that their opportunities to influence matters related to older persons varied depending on the municipality in question. The survey highlighted that initiatives, statements, and opinions expressed by councils of older persons were not perceived to lead to changes, and there was a lack of response or information regarding their processing and progress. (Human Rights Center, 2021).

In the autumn of 2023, the Elderly Ombudsman, in collaboration with the Age Institute and the Ministry of Finance's Open Government initiative, conducted a survey for municipal and welfare area councils of older persons. The survey focused on the composition of the councils, their opportunities for influence, and their wishes for cooperation with the Elderly Ombudsman. According to the survey, welfare area elderly councils had more rights to participate in the meetings of councils and boards than municipal elderly councils.

Equality and non-discrimination

4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?

Different surveys often exclude persons over 70 or 80 years old. Nevertheless, the results are reported to apply to the entire adult population. This information is used in societal decision-making. Consequently, the experiences and perspectives of the oldest persons remain unheard.

See also answer to question 2.

Accountability

5. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?

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