



# Guiding questions for defining the normative content of the issues examined at the twelfth session

**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.

## Focus Area 1: Contribution of older persons to sustainable development

### Definition

1. How are the key human rights relating to older persons' participation and, therefore, their contribution to sustainable development defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?

Finnish Constitution:

Section 6 -Equality

*Everyone is equal before the law. No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.*

Section 12 -Freedom of expression and right of access to information

*Everyone has the freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. More detailed provisions on the exercise of the freedom of expression are laid down by an Act. (...) Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an Act. Everyone has the right of access to public documents and recordings.*

Section 14 -Electoral and participatory rights

*Every Finnish citizen who has reached eighteen years of age has the right to vote in national elections and referendums. Specific provisions in this Constitution shall govern the eligibility to stand for office in national elections. Every Finnish citizen and every other citizen of the European Union resident in Finland, having attained eighteen years of age, has the right to vote in the European Parliamentary elections, as provided by an Act. (1112/2011, entry into force 1.3.2012). Every Finnish citizen and every foreigner permanently resident in Finland, having attained eighteen years of age, has the right to vote in municipal elections and municipal referendums, as provided by an Act. Provisions on the right to otherwise participate in municipal government are laid down by an Act. The public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her.*

#### Section 20 -Responsibility for the environment

*Nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment.*

### **Scope of the rights**

**2. Please provide references to existing national legal standards relating to older persons' contribution to sustainable development on normative elements such as;**

*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 sustainable development;*

NA

*b) elimination of all forms of ageism and age discrimination from sustainable development laws, frameworks, programs, policies, and practices;*

There are no legal standards relating to this normative element; there are general equality provisions and non-discrimination act but there is nothing specific related to sustainable development laws.

*c) right to freedom of expression, including freedom to seek, receive and impart information;*

Finnish Constitution:

#### Section 12 –Freedom of expression and right of access to information

*Everyone has the freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. More detailed provisions on the exercise of the freedom of expression are laid down by an Act. Provisions on restrictions relating to pictorial programmes that are necessary for the protection of children may be laid down by an Act. Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an Act. Everyone has the right of access to public documents and recordings*

*d) right of peaceful assembly; e) right to freedom of association;*

Finnish Constitution:

#### Section 13 -Freedom of assembly and freedom of association

*Everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them. Everyone has the freedom of association. Freedom of association entails the right to form an association without a permit, to be a member or not to be a member of an association and to participate in the activities of an association. The freedom to form trade unions and to organise in order to look after other interests is likewise guaranteed. More detailed provisions on the exercise of the freedom of assembly and the freedom of association are laid down by an Act.*

*f) right to take part in the government of his country, directly or through freely chosen representatives;*

Finnish Constitution:

#### Section 14 -Electoral and participatory rights

*Every Finnish citizen who has reached eighteen years of age has the right to vote in national elections and referendums. Specific provisions in this Constitution shall govern the eligibility to stand for office in national elections.*

*Every Finnish citizen and every other citizen of the European Union resident in Finland, having attained eighteen years of age, has the right to vote in the European Parliamentary elections, as provided by an Act. (1112/2011, entry into force 1.3.2012).*

*Every Finnish citizen and every foreigner permanently resident in Finland, having attained eighteen years of age, has the right to vote in municipal elections and municipal referendums, as provided by an Act. Provisions on the right to otherwise participate in municipal government are laid down by an Act.*

*The public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her.*

*g) right to development, including older persons as active participants and beneficiaries of development;*

NA

*h) active, free and meaningful participation of older persons and their representative organizations in all matters related to sustainable development, including in political processes;*

NA

*i) access to prompt remedies and redress when older persons' above mentioned rights are violated.*

The Non-Discrimination Ombudsman is an autonomous and independent authority, tasked with promoting equality, addressing discrimination and preventing it. One can lodge a complaint to the Non-Discrimination Ombudsman if they have experienced discrimination in public services.

The Parliamentary Ombudsman's duty is to promote the rights of the older people. One can complain to the Ombudsman about cases related to the actions of the authorities concerning

### **State obligations**

**3. What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons' contribution to sustainable development?**



The state must involve specifically organisations working on the rights of older people in the work related to sustainable development. Otherwise, there is a danger that the issue of ageing does not entail rights-based approach.

### **Implementation**

#### **4. What are the good practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' contribution to sustainable development?**

Ageing is sometimes portrayed as a challenge in sustainable development discourse, with the growing expenditure on social and health care being cited as the primary concern. The framing of ageing as a cost issue is detrimental to realising the rights of older people, as it fails to acknowledge the rights and contributions of older individuals to sustainable development and the society at large. Instead, greater emphasis should be placed on inclusive approaches that involve older people in the development, formulation, and implementation of sustainable policies.

The National commission on Sustainable Development, chaired by the Prime Minister, has a mandate to ensure that the international sustainable development goals are included in national policy.

During its current term, the Commission is tasked with speeding up the implementation of the Global 2030 Agenda for Sustainable Development. In addition, it will participate in the preparation of the Agenda 2030 roadmap. The roadmap describes the measures Finland is taking to meet the objectives of Agenda 2030 and defines a schedule for achieving them. The Commission will also monitor and assess the implementation of Agenda 2030 in Finland.

Older persons are not in the focus of the work of the Commission in the same way as young people. It is assumed that in principle older people have the same possibilities to participate and contribute to sustainable development as other adults. The question of older persons' participation has, nevertheless, been raised in the work of the Commission, as it should, since participation of all the society in decision-making is one of the key principles of Finland's sustainable development policy. There are in the National Commission on Sustainable Development 60 members and 60 deputy members who represent different actors of the society. Older persons are not directly represented in the Commission.

However, there are other ways in which older persons are active in sustainable development issues. The Pekka Kuusi Ecofoundation was established by a number of prominent foundations, and citizens of Finland, many of them scientists, in 1991 in honor of the memory of Dr. Pekka Kuusi.

The Foundation promotes scientific research and other activities for ecologically and socially sustainable development. Its members are carrying ideas from generation to generation as "Sustainability Elders". The National Commission on Sustainable Development has consulted Sustainability Elders during the preparation of the roadmap.



## Focus Area 2: Economic security

### Definition

**1. How are the key human rights relating to older persons' economic security defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?**

The Section 19 of the Constitution of Finland contains provisions on social security: *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.*

In Finland, the Social Insurance Institution (Kela), the municipalities, the unemployment funds, pension companies and other insurance providers implement the social security system. Some social security benefits are based on previously earned incomes or employment and some benefits are not dependent on incomes or previous employment. The social security system is financed through taxes and insurance contributions.

### Scope of the rights

**2. Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:**

*a) right to social security; including regular adjustment of benefits with changes in living costs;*

The Act on Social Assistance provides provisions for social assistance that comprises basic social assistance, supplementary social assistance, and preventive social assistance. The basic amount of the social assistance is a calculated amount of social assistance intended to cover the daily living expenses of different groups of people, corresponding to a minimum level of consumption. The basic amount is adjusted in accordance with the national pension index.

*b) right to adequate standard of living, including housing, clothing, food and water, among others;*

The social assistance should cover the right to adequate standard of living. The basic amount covers among other things the following:

- food
- clothing
- minor healthcare expenses
- personal hygiene and keeping your home clean
- local public transport
- telephone and internet
- other comparable daily living expenses of the person and family.

The amount of the basic social assistance granted depends on the applicant's income and assets. Municipalities may grant supplementary social assistance on a discretionary basis. Municipalities grant also preventive social assistance and decide on the grounds under the Act on Social Assistance. The purpose of preventive social assistance is to further a person's or family's independent coping as well as to prevent social exclusion.



Also, there is Act on General Housing Allowance that stipulates rules of receiving compensation to cover housing costs.

*c) right to work; and whether a national minimum wage or any alternative mechanism is in place to ensure an adequate standard of living, and whether a system of indexation and regular adjustment exists;*

The Finnish Constitution

Section 18 -The right to work and the freedom to engage in commercial activity

*Everyone has the right, as provided by an Act, to earn his or her livelihood by the employment, occupation or commercial activity of his or her choice. The public authorities shall take responsibility for the protection of the labour force. The public authorities shall promote employment and work towards guaranteeing for everyone the right to work. Provisions on the right to receive training that promotes employability are laid down by an Act. No one shall be dismissed from employment without a lawful reason.*

There is no law or provision that defines national minimum wage in Finland as it agreed in different industries through collective negotiations between Unions and Employers. Employment Contracts Act stipulates the employee shall be paid a reasonable normal remuneration for the work performed in the absence of a collective agreement.

*d) prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to economic security;*

Finnish Constitution:

Section 6 -Equality

*Everyone is equal before the law. No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.*

The Non-Discrimination Act also covers age as a discrimination ground.

*e) the connections between relevant economic, social and cultural rights with the right to freedom of expression, including freedom to seek, receive and impart information; and rights to peaceful assembly and freedom of association;*

*f) active, free and meaningful participation of older persons and their representative organizations in all matters related to ensuring their economic security, including in political processes;*

The Act on Wellbeing Counties in Article 29 stipulates that the residents of the counties should have different means to participate and influence the decision-making of the county.

*g) access to prompt remedies and redress when older persons' above mentioned rights are violated.*

The Non-Discrimination Ombudsman is an autonomous and independent authority, tasked with promoting equality, addressing discrimination and preventing it. One can lodge a complaint to the Non-Discrimination Ombudsman if they have experienced discrimination in public services.

The Parliamentary Ombudsman's duty is to promote the rights of the older people. One can complain to the Ombudsman about cases related to the actions of the authorities concerning



### ***State obligations***

#### **3. What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons' economic security?**

Act on Client Charges in Healthcare and Social Welfare was amended in 2021. It increased the number of free healthcare services but there are different payment ceilings for different services that may cause a compounded burden on the clients, particularly older people. Also, in practice people must follow how much money they are using in public healthcare and social services and realise when they have reached the payment ceiling to stop paying from additional costs. This burden should not be on the people but on the service providers.

SOSTE Finnish Federation for Social Affairs and Health found that there has been an increase of healthcare bills in debt recovery procedures, meaning that people are unable to afford basic healthcare services. There should be effective measures to ensure that burden of paying for basic services is minimal for older people. The number of older people with bad credit score has increased considerably in last years. Most recent studies show that last year number of older women (70 years or older) getting into debt increased by 22,4 % while for men the increase was 14,1 %.

Gender aspect must be considered when considering older persons' economic security. Promoting gender equality in pensions -project that women's pensions are on average are 20% lower than men's pensions. The project estimated that in year 2085 the median pension of women would be still 15% lower.

### ***Implementation***

#### **4. What are the best practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' economic security?**

NA