

**Replies by the Government of Finland to the Questionnaire
on the identification of possible gaps in the protection of the human rights of older persons
and how best to address them**

24 November 2023

Identification of gaps

1. For each of the topics that have been considered by the Open-ended Working Group since its eighth session, please state possible gaps your Government/organization has identified in the normative framework and practical implementation for the protection of the human rights of older persons. (500 words each)

The ageing of the Finnish population is not only a question of an increase in the number of older persons but also of a change in the age structure of the entire population. Population projections indicate that the number of older persons in the oldest age groups will particularly increase while the number of children and working-age population will decline. The challenges posed by the ageing of the population are complex and interdependent.

The Government observes that the impacts of rapid digital progress, national priority of digital public services as well as digitalization and centralisation of private services impact older persons on a large scale. Impacts can be identified in education, training, lifelong learning and capacity building, economic security, right to and access to health services as well as social inclusion as well as in accessibility, infrastructure and habitat (transport, housing and access). When identifying gaps it is essential to acknowledge different contexts, especially the context of rural areas. Older persons in rural areas face significant challenges related to digital exclusion, particularly in the context of public sector and banking, and they have limited or no access to public transport services.

The rapid digitalization has led to certain services only being available through digital channels. This includes ticket sales for public transport and availability of timetables, for example. If the services are only available digitally, there is a risk that a large number of people will be excluded from the services or that at least independent use of services will become more difficult. In addition to making it more difficult or even impossible to use services, this causes extra costs, for example in the form of service charges and more expensive tickets. For example, the price of a bus ticket bought in advance from the application may be considerably cheaper than the price bought directly from the driver. Public transport is mainly only available in larger cities. Also, there is a lack of accessible vehicles in public transport, especially in long distance bus services. In addition, a major impact of the reform of the Taxi Traffic Act was seen in rural and especially sparsely populated areas and municipalities, where taxi services even ended. The information regarding the accessibility of services is not always available.

The prioritisation of digital – and digitalisation of – public services, including social and health care services, entails a key challenge regarding the lack of strong digital identification (online banking credentials provided by banks, mobile certificates issued by telecommunications companies, citizen certificates issued by the Digital and Population Data Services Agency (DVV) with identification through a police-issued ID card). Obtaining bank credentials requires an ID, but essential services for obtaining ID:s are often missing in rural areas due to the centralisation of police service points, the lack of photo studios and limited or no public transport. No legislation requires citizens to have an ID or bank credentials, yet strong identification is required in order to access services, such as digital social and health care services.

The Government notes that also information regarding public services is primarily online, making it challenging for anyone without reliable internet access or digital tools and knowledge to reach help. In addition the centralisation of both public and private services have created further challenges as the payment of *i.e.* parking services in city centres require strong identification and digital payment via mobile applications. The phasing out of 3G-networks in areas where new and alternative digital connections are not built on market-driven basis has created digital dark spots on the map. Therefore, the geographical context must be acknowledged. There are considerable gaps also between older persons living in urban areas and older persons living in rural areas (95 % of Finland, 28% of population). It is noteworthy that the population in rural areas is older than in urban areas.

According to the Prime Minister Petteri Orpo's Government Programme (2023 -), the Government will take urgent measures to improve the availability of health and social services and pay particular attention to the availability of primary healthcare services, older persons' coping at home and the availability of mental health assistance and services. In Finland, the services for older persons are developed to take into account the individual characteristics and needs of older persons and the diversity of the elderly population in all sectors of society. Service provision focuses on empowering customers to participate in decision-making that affects them, services and service development. Service coordination will be further developed, with special attention to older persons who require many services. Smooth access to services will add to the sense of security of older persons and their families alike. It will be ensured that, in practice, services will be available on an equal basis. Collaboration between the wellbeing services counties and the municipalities is needed in order to provide for accessible housing, recreational activities and mobility and prevent accidents.

In Finland, client participation is seen as a means to improve the quality, functionality and efficiency of services and to increase social inclusion in services and customer work.

According to the Government Programme (2023 -) timely and adequate home care services, service housing and communal housing, and 24-hour care services must be ensured in accordance with individual needs. Family care of older persons will be increased. The Government will ensure that that any employee groups authorised by law are recruited in an effort to reach the staffing level that meets the clients' need for care and nursing. The humane use of technological solutions, such as smart floors and smart watches that facilitate care work and increase patient safety will be made possible for the purpose of calculating staffing levels. The quality recommendations for guaranteeing a good quality of life and improved services for older persons will be updated. Ensuring the effectiveness of care and nursing will be underlined to a greater extent in such recommendations.

The Government observes that the challenges regarding older persons that should be prevented include the lack of physical activity, nutritional problems, such as overweight and underweight and undernutrition, and substance abuse, mental health problems and loneliness. The Government recognises the challenge of the threat of violence and harassment in the care sector.

The Government will combat age discrimination and remove barriers to the recruitment and employment of older persons. A tax reform to provide incentives for people over 65 years of age who are on pension to work more than at present will enter into force by 1 January 2025. The Government will review the obligations related to employment security for people over 55 years of age to ensure that people over 50 are able to continue their careers. The financial obligations related to the employment of older persons will be eased, for example by eliminating the effect of the contribution category of employers' pension insurance contribution for people over 55 years of age who are genuinely recruited as new employees.

The gender pay gap is a major equality problem. Women's lower earnings may affect their pension cover and, consequently, their financial situation as parents. Women also have smaller pensions on average, which may increase the risk of poverty, especially among women over 75 years of age.

The development of housing suitable for older persons is concentrated to more urban areas.

It has been noted that in Finland elderly people prefer accessible transport services, such as low-platform buses, trams and trains. They also appreciate clear passenger information and staff who understand their needs. In particular, elderly people appreciate service buses, which have been in service in Finland for quite some time, giving diverse attention to accessibility. By developing accessible transport services it is possible to serve the elderly people as well.

Options on how best to address the gaps

1. Please state how your Government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically with regard to older persons. (500 words)

UN Treaty Bodies

Finland is a party to the UN core human rights treaties and reports on their implementation to treaty bodies at regular intervals. The Government addresses the rights of older persons in its periodic reports and in dialogue with treaty bodies.

A good example of reviewing the realisation of the rights of older persons was the seventh monitoring round of the International Covenant on Economic, Social and Cultural Rights, during which Finland reported on the rights of older persons in its periodic report (E/C.12/FIN/7) in March 2020. The rights of older persons were discussed during the review of the report with the Committee on Economic, Social and Cultural Rights and the rights of older persons were included in the Committee's concluding observations (E/C.12/FIN/CO/7) in 2021. Last year, Finland received concluding observations from the Committee on the Elimination of Discrimination of Women addressing the rights of older women (CEDAW/C/FIN/CO/8).

The Government emphasizes the importance of incorporating the rights of older persons into States parties' periodic reports to treaty bodies because it ensures visibility and acknowledgment of the older persons within the human rights framework. It allows for a comprehensive evaluation of a State party's adherence to international human rights obligations, fostering accountability for the protection of older persons' rights. It facilitates the identification of areas that may require policy adjustments, new legislation or other targeted interventions to better safeguard the rights, well-being and dignity of older persons.

The Government considers that the existing core human rights treaties protect the rights of older persons. Finland's own experience shows that the treaty bodies already review the realization of the rights of older persons both in dialogue with the State party and in their concluding observations. However, the treaty bodies have a great deal of potential to address the rights of older persons more comprehensively, for example through a simplified reporting procedure, in which case a list of issues prior to reporting could always include questions about older persons. This could be a new standard procedure for all treaty bodies, naturally excluding the Committee on the Rights of the Child.

Regional Treaty Bodies

Correspondingly, Finland reports to the Council of Europe's treaty bodies on the rights of older persons. The revised European Social Charter protects, in particular, the rights of elderly persons to social protection and the Government reports on its implementation at regular intervals. Moreover, for example, the Government's latest report on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), submitted in October 2023, covers older persons.

Universal Periodic Review

The human rights situation in Finland has been peer reviewed four times in the Human Rights Council's Universal Periodic Review Working Group. In its fourth national report, Finland had a reference to its National Programme on Ageing 2030 (A/HRC/WG.6/41/FIN/1). During the dialogue with other UN Member States, held in November 2022, the Government remained aware of the need to ensure that the rights of older persons were fully protected in all circumstances. Four States issued a recommendation to Finland concerning older persons. Finland is committed to submitting a voluntary interim report halfway through the fourth UPR cycle and address all recommendations. The Government considers that the Universal Periodic Review also has considerable potential to address the rights of older persons more comprehensively.

Report of the Independent Expert on the enjoyment of all human rights by older persons

The UN Independent Expert on the enjoyment of all human rights by older persons, Ms Claudia Mahler, carried out an official visit to Finland from 26 October to 4 November 2021 to assess the human rights situation for older persons. Mahler presented her report (A/HRC/51/27/Add.1) at the 51st session of the UN Human Rights Council in Geneva in September 2022. The report contains recommendations to the Government on various measures to safeguard the rights of older persons. The Government participated in the dialogue with the Independent Expert when she presented her report to the Human Rights Council in September 2022.

2. Have those engagement resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate. (500 words)

Finland considers that the commitment to dialogue with human rights mechanisms has supported the Government in strengthening the rights of older persons in Finland. The observations and recommendations issued by human rights mechanisms to Finland have been reflected, for example, in the Government Programme of each Government. Prime Minister Petteri Orpo's Government Programme (2023 -) takes into account the challenges posed by ageing in Finnish society and aims at strengthening the implementation of the rights of older persons. The recommendations have served as the basis for Finland's national Action Plans on Fundamental and Human Rights and the ongoing work on human rights indicators. The recommendations are increasingly taken into account in legislative drafting. All these measures raise awareness of the rights of older persons and contribute their better implementation.

3. What other options can be considered to strengthen the protection of older persons? Please elaborate. (500 words)

In Finland, the rights of older people are safeguarded by means of the Constitution of Finland and legislation, policy programmes and projects as well as human rights structures.

Legislation

The Constitution of Finland provides a solid legal framework for providing equal rights to everyone, including older persons. The Non-Discrimination Act (1325/2014) prohibits discrimination based on age. Special legislation on care services for the elderly has a general objective to ensure access to timely, sufficient and necessary services.

National Programme on Ageing

Finland has launched a [National Programme on Ageing 2030: For an age-competent Finland](#), which provides guidelines for the development of services for older persons.

The programme on ageing sets long-term, measurable impact objectives related to the challenges arising from the ageing of the population for 2030. The programme on ageing consists of six impact objectives:

- The work ability of older working-aged people has improved and careers have a longer duration;
- Older persons retain their functional capacity for a longer time;
- Voluntary work has an established position in society;
- Digitalisation and new technologies have increased wellbeing;
- Housing and living environments are age-friendly; and
- Services are implemented in a socially and economically sustainable manner.

Services for older persons

The Government observes that the following issues should be taken into account in the development of services for older persons in Finland:

- Strengthening the inclusion, right to self-determination and resources of older persons in all sectors of society;
- Better consideration of the individual characteristics and needs of older persons and the diversity of the elderly population in all sectors of society;
- Influencing attitudes towards ageing and deepening intergenerational relations;
- Improving the reliability and comparability of data collected, developing the impact assessment of practices and defining indicators to ensure the quality of operations;
- Identifying and exploiting the opportunities associated with the ageing of the population.

Rural proofing

The Government emphasises that the rural proofing should be implemented in all policy making and legislative drafting concerning public services, digitalisation, transport and communications as well as banking. There are rural specific issues that need to be addressed in order to strengthen the protection of all older persons. Rural context matters and differs in many aspects to urban context.

Ombudsman for Older People

The Act on the Ombudsman for Older People (753/2021), which entered into force on 19 August 2021, established an autonomous and independent Ombudsman for Older People with a duty to promote and assess the realization of the basic and human rights of older persons in legislation and decision-making in the society. The duties of the Ombudsman for Older People involve also advocacy.

4. If applicable, what is your assessment on the protection of the human rights of older persons according to regional and international instruments? (500 words)

The Government considers that existing core human rights treaties provide adequate protection for all people when they have effective and forward-looking independent treaty bodies. International and regional treaty bodies and other human rights mechanisms have the powers and capacity to comprehensively address the rights of older persons. In this respect, Finland cannot identify any gap in the protection of the rights of older persons.

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