



## Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

**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 A-status was renewed in 2019.**

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

#### The Scope:

Older persons have the right to contribute to sustainable development. The right to participate in, and contribute to, development is affirmed in the Declaration on the Right to Development. Article 25 of the International Covenant on Civil and Political Rights recognizes the right to participate in public affairs. Effective and meaningful participation enables the advancement of all human rights. On the other hand, when older persons are denied the ability or opportunity to contribute, or when their contribution is unrecognized or devalued, their dignity is denied. Understanding the contribution of older persons to sustainable development as a right enables States to identify steps that can be taken to uphold their dignity.

#### Substantive guiding questions:

#### National Legal and Policy Framework

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:

- a) ensuring that relevant human rights (in particular the right to freedom of opinion and expression, the right of access to information, and the rights to freedom of peaceful assembly and of association) are protected and implemented;

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.*

National Commission on Sustainable Development:

The mandate of the National Commission on Sustainable Development, chaired by the Prime Minister, is 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 in order 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 people are not in the focus of the work of the Commission in the same way as young people. It is assumed that as a general rule older people have the same possibilities to participate and contribute to sustainable development as other adults. The question of older persons' possibilities to participate in the work has, nevertheless, been risen in the work of the Commission. As participation of all the society in decision-making is one of the key principles of Finland's sustainable development policy, it is relevant to ask whether older people have in fact equal possibilities to be part of that society. Therefore, in preparing the roadmap following issues are covered:

- One area of concern in the work of the Commission is life-long learning. The concept of life-long learning as a tool to participating through life covers working life, non-formal adult education, cultural and other activities etc.
  - Regarding well-being, health and participation in society emphasis is in the possibility and responsibility for municipalities to promote the well-being, health and security of their inhabitants, taking into account the needs of various groups of people, including older people. Focus will also be on the active civil society and its participation in decision-making.
- b) protecting and enhancing civic space and collaboration with civil society that represents the voices of older persons in sustainable development;

There are in the National Commission on Sustainable Development 60 members and 60 deputy members who represent different actors of the society. Older people are not directly represented in the Commission, but nevertheless have some connection to it through civil society organizations. (At least one deputy member, Kansalaisareena, has as its members several older persons' organizations.)

- c) good practices to ensure older persons' participation in, and contribution to sustainable development.

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 (b. 1917), a visionary social scientist, member of parliament, public servant and briefly member of the national government.

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.

2. What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?

The voice of older persons is not always heard in mutual matters since the oldest age groups are not necessarily included in different surveys.

3. What data, statistics and research are available regarding older persons' contribution to sustainable development?

### **Equality and non-discrimination**

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development?

The Ombudsman for the Elderly started her work in Finland on January 15, 2022. The Ombudsman for the Elderly is an autonomous and independent authority. The duty of the Ombudsman for the Elderly is to promote and assess the realisation of the basic and human rights of the elderly in legislation and decision-making in the society. The duties of the Ombudsman for the Elderly involve advocacy.

### **Remedies and Redress**

5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

A person has the possibility to file a complaint with the Parliamentary Ombudsman if the complainant feels that a public authority or an official has not observed the law or fulfilled a duty, or if the complainant suspects that fundamental and human rights have not been appropriately implemented.

## Focus area 2: Economic security

### National legal and policy framework

1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

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.

2. How is poverty defined in the national policy framework?

There is no official definition of poverty in Finland. Definitions by Eurostat are frequently used.

3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?
4. What data, statistics and research are available regarding older persons living in poverty?

Statistics Finland uses the so-called AROPE indicator (At Risk of Poverty or Social Exclusion) to measure the risk of poverty or social exclusion. The indicator has several variables, including sex and age.

### Progressive realization and the use of maximum available resources

5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

The Prime Minister Sanna Marin's government program has as one of its objectives to protect income security and reduce poverty among older people, mainly by increasing the lowest pensions and by clarifying the social security system.

In 2020 full national pensions were increased by 34 euros and the guarantee pension by 50 euros per month as of the beginning of 2020.

A parliamentary committee (2020-2027) is in charge of reforming social security as a whole. It addresses questions related to basic social security, earnings-based benefits and social assistance, and examines the financing and connections between these forms of support. Attention is also given to ways to better integrate services with benefits.

The work takes into account the diversity of people's life situations and changes in people's lives, and the transition from one benefit to another. The committee will not discuss old-age pensions. The social security reform is closely linked to other key reforms of the Government Programme, such as the reform of health and social services, the work ability programme and the working groups on employment.

6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

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7. What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?

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### **Equality and non-discrimination**

8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?

Preparation of the programme on ageing is included in the Government Programme of Prime Minister Marin's Government (2020). The key impact objectives of the programme on ageing 2030 are to direct to older people and risk groups preventive measures that improve functional ability; to extend the functional ability and working careers of older working-age people, especially in social and health care; to increase and enable voluntary work; to ensure the equality, more efficient coordination and economic sustainability of services for older people; to increase

the age-friendliness of housing and residential environments; and to highlight the development and utilisation of Finnish technology for ageing.

The new Ombudsman for the Elderly will probably, depending of its resources, work against ageism and discrimination in the field of economic safety of older persons.

### **Remedies and redress**

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?

There are appeal procedures in place regarding social assistance as well as retirement benefits.