

Barriers of Access to Justice for Persons with Disabilities in the EU context

Barriers, Challenges and Solutions

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**KEHITYSVAMMAISTEN
PALVELUSÄÄTIÖ**

BARRIERS & CHALLENGES



Samuli Palmu, KVPS Expert Group Member, January 2019

- Persons with disabilities face discrimination, hate speech, bullying -> not often recognised as legal issue also
- People are often not heard in decisions on their everyday life and support
- People feel marginalized and they don't have equal opportunities to work or being part of the society.
- Low income & raised customer fees are marginalizing people even more

BARRIERS & CHALLENGES



- Supported-Decision making is not part of the current legislation in Finland
- Services and support are more and more planned on a personal basis. There are more possibilities and mechanisms for freedom of choice (service vouchers, in the future self-directed support)
- By putting accent on freedom of choice, the service users are regarded to some degree as *consumers*.
- It's important to take into account the relation between the service promise and the subjective right when organizing services, as well as need for supported decision making.

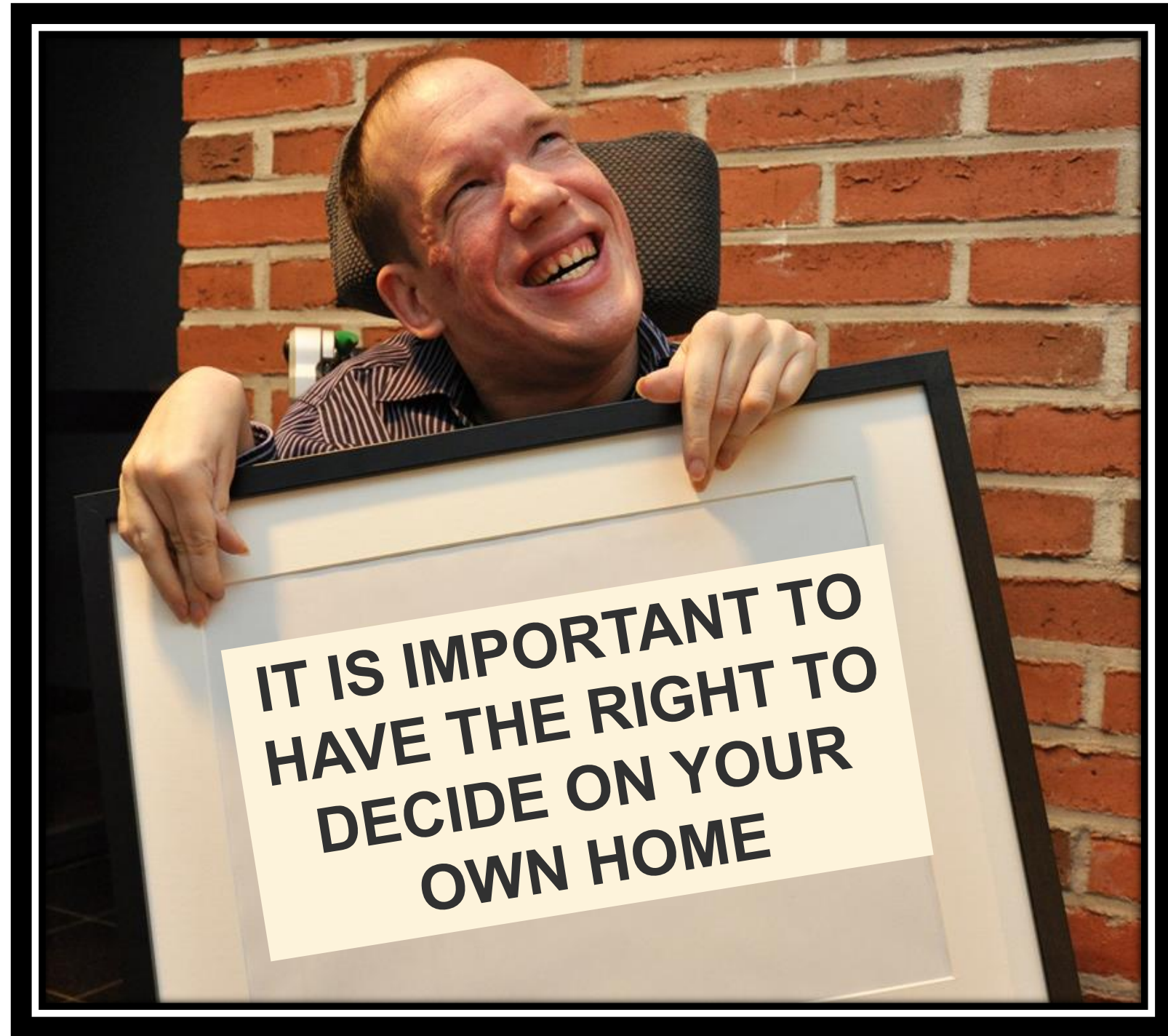
BARRIERS & CHALLENGES I



- The interpretation of the Act on Public Procurement has been violating the rights of persons with disabilities in Finland:
 - People have not been included or heard during the processes of organizing services
 - Competitive tendering and re-tendering processes have led to poor quality of services
 - People have not have the right to choose where and with whom they live with
 - People have not been able to efficiently complain: the contract is done between municipality & service provider

(www.eimyytavana.fi)

BARRIERS & CHALLENGES II



Tommi Korhonen, KVPS Expert Group Member, January 2019

- Municipalities have a lot of power over persons with disabilities and their services:
 - It is not always possible for persons with disabilities to choose the municipality where they wish to live or the housing services they would need/want
- People are not necessarily being involved in planning their own support & services
- Municipalities sometimes make decisions that are against the law
 - Persons involved do not necessarily have the needed support, resources or knowledge on how to complain & start legal processes.
- Family members lack of trust to public authorities, family members are tired of safeguarding, complaining and keeping up with the information.

BARRIERS & CHALLENGES III



Lari Fills, KVPS Expert Group Member, January 2019

- There is not enough easy to understand or easy to read materials on the rights & access to justice
- Professionals do not always have the needed communication tools & skills
- Lack of self-determination, legislation changes on improving self-determination is being delayed
- New Disability Act that would strengthen the voice of persons with disabilities is being delayed
- Inclusion and access to justice of children with disabilities needs still a lot of work

(Disability Rights Committee VIOK, 04/2018)

SOLUTIONS & OPPORTUNITIES



Krisse Pääskynen, KVPS Expert Group Member, January 2019



- New ways of organizing individualized support and services and supported decision making. For example www.suunta.fi -> but still delays in the legislation
- NGO's providing legal counselling & easy to read materials on access to justice www.tukiliitto.fi
- Work of the non-discrimination ombudsman
- Work of the parliamentary ombudsman
- NGO's working together (for example citizens initiative)
- Awareness raising campaigns on access to justice: [#oikeuskuuluukaikille](https://twitter.com/oikeuskuuluukaikille) (justice belongs to all) done by the Association of Finnish Lawyers
- NGO experts working in the expert groups (for example in the working group on the new Disability Act)
- Trainings for judiciary staff (with self-advocates)
- Public legal aid offices & chat-service www.oikeus.fi
- Co-operation with the National Supervisory Authority for Welfare & Health -> especially housing issues
- Social Rights Guide (yearly) www.sosiaaliturvaopas.fi
- UN CRPD, Constitution of Finland, Non-Discrimination Act, Disability Service Act





Example: Not for sale! Campaign & citizens' initiative to promote the rights of persons with disabilities

- The interpretation of the Act on Public Procurement has been violating the rights of persons with disabilities in Finland
- NGO's made a citizens' initiative to change the law and initiated Not for sale -campaign to promote it.
- Not for sale -campaign collected 72 059 signatures (from June to December 2017) to support the initiative, so parliament had an obligation to take it under consideration.
- Parliamentary process was finished in March 2019.
- Problems were taken seriously, especially the lack of self-determination and access to justice.
- All parties agreed.
- Work continues in a working group established by the Ministry of Social Affairs and Health
 - > NGO's are involved
 - > goal is to find a legal solution.

Thank you!

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