



GEN7W0018-27

VERBAL NOTE

The Permanent Mission of Finland to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights in Geneva and referring to the Office's request, dated 7th August 2013, to submit information on the right of persons with disabilities to education for a study to be prepared by the OHCHR as requested by the Human Rights Council in its resolution 22/3, has the honour to provide the following information:

1. Do the national or local constitutions or laws of your country prevent or restrict access to any student with disabilities to regular schools at any levels? (e.g. based on a diagnosis or an assessment of their capabilities).

The Finnish Constitution and national laws do not prevent or restrict students with disabilities from attending regular school. Quite the opposite, they actually facilitate access to education for students with disabilities and promote the transformation of educational facilities to meet the needs of students with special needs. The laws and core curricula in education apply nation-wide and are the same for everyone. The interpretation and execution of legislation varies to some extent at the local level depending on the service provider in education. The Constitution, national legislation and core curricula are based on the principle of equal treatment of all students, and where necessary, access to positive special treatment.

The *Association of Finnish Local and Regional Authorities* (representing local authorities that in Finland provide basic education) states that the fundamental principle of education system in Finland is equity and non-discrimination. Children with disabilities have right to education and their effective access to education is supported by special support and services. Local authorities have main responsibility also for the basic education of children with disabilities and their educational support. The *Association of Finnish Local and Regional Authorities* believes that children's right to education is implemented well and notes as its statement that the Finnish national legislation in force includes the following provisions regarding the right to basic education for children with disabilities and special educational needs:

According to the Constitution of Finland (731/1999):

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 16 - Educational rights

Everyone has the right to basic education free of charge. Provisions on the duty to receive education are laid down by an Act.

The public authorities shall, as provided in more detail by an Act, guarantee for everyone equal opportunity to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship.

The freedom of science, the arts and higher education is guaranteed.

According to the Basic Education Act (628/1998)

Basic Education Act (628/1998) provides for basic education and compulsory schooling. In addition, the Act provides for pre-primary education, which is primarily given during the year preceding compulsory schooling, for voluntary additional basic education for those who have completed the basic education syllabus, for instruction preparing immigrants for basic education, and for before- and after-school activities (section 1).

Section 3

The foundation for education

1. Education shall be governed by a unified national core curriculum in accordance with this Act.
2. Education shall be provided according to the pupil's age and capabilities and so as to promote healthy growth and development in the pupil. (Amendment 477/2003)

Section 4

Statutory duty to arrange basic education and pre-primary education

1. The local authority shall have an obligation to arrange basic education for children of compulsory school age residing in its area and pre-primary education during the year preceding compulsory schooling. In addition, the local authority shall have an obligation to arrange pre-primary education for children within prolonged compulsory schooling referred to in Section 25(2) and for children who, under Section 27, start basic education one year later than prescribed.

Section 9

Duration of education

1. The extent of the basic education syllabus shall be nine years.
2. Pre-primary education and voluntary additional basic education shall be one year in duration. The duration of pre-primary education in special-needs education given to pupils within prolonged compulsory schooling under Section 25(2).

Section 10

Language of instruction

1. The language of instruction and the language used in extracurricular teaching shall be either Finnish or Swedish. The language of instruction may also be Saami, Roma or sign language. In addition, part of teaching may be given in a language other than the pupils' native language referred to above, provided that this does not risk the pupils' ability to follow teaching.

Section 16a
Enhanced support

1. A pupil who needs regular support in learning or schoolgoing shall be provided enhanced support in accordance with a learning plan devised for him or her. The learning plan must be prepared, unless there is an apparent reason not to do so, in collaboration with the pupil, the parent, carer or, where necessary, some other legal representative of the pupil. The enhanced support shall comprise forms of pupil support, especially those referred to in Sections 16, 31 and 31a, and the required pedagogical arrangements. The salient content of the enhanced support and the learning plan shall be laid down in the core curriculum.
2. The commencement and provision of enhanced support shall be determined multi-professionally based on a pedagogical assessment in pupil welfare work referred to in Section 31a (1) and (2). The support to be provided for the pupil shall be recorded in the learning plan. The enhanced support shall be provided qualitatively and quantitatively in a manner appropriate for the pupil's level of development and individual needs.

Section 17
Special-needs support

1. Special-needs support consists of special-needs education and other support provided under this Act. Special-needs education is provided, allowing for the pupil's interests and the facilities for providing the education, in conjunction with other instruction or partly or totally in a special-needs classroom or some other appropriate facility. The education of a pupil referred to in this subsection may deviate from the provisions of Section 11 as laid down in Section 14.
2. The education provider shall make a written decision for the provision of special-needs support, which is reviewed at least after the second year-class and before transfer to the seventh year-class. The decision on special-needs support shall determine the pupil's primary teaching group, possible interpretation and assistant services and other services referred to in Section 31 and, where needed, exceptional teaching arrangements referred to in subsection 1 above.
3. Before the decision on the special-needs support is made, the education provider shall hear the pupil and his or her parent, carer or legal representative in accordance with the provisions of Section 34 of the Administrative Procedure Act (434/2003) and obtain a report on the pupil's progress in learning and an account of the enhanced support given to the pupil and the pupil's overall situation which has been prepared in multi-professional pupil welfare cooperation and, based on these, undertake an assessment on the need for special-needs support (pedagogical examination). The pedagogical examination shall be supplemented by a psychological or medical opinion or a corresponding social assessment.
4. The decision on special-needs support may be made before the start of pre-primary or basic education or during pre-primary or basic education without a prior pedagogical examination and enhanced support if it is evident based on a psychological or medical examination that the pupil cannot be taught otherwise owing to a disability, illness, delayed development or emotional dysfunction or some other corresponding reason. In a case referred to above, the decision on special-needs support shall be reviewed in accordance with the provisions of subsection 2.
5. Where an education provider other than the local authority does not provide the support referred to in subsection 1, the decision on special-needs support to be provided for the pupil shall be made by the local authority of the pupil's home municipality on the proposal of the education provider.
6. Provisions on the formation of teaching groups containing one or more pupils who have a decision on special-needs support or who are within prolonged compulsory schooling shall be enacted by Government Decree.

Section 18

Special teaching arrangements

1. A pupil's education may to a certain degree be arranged otherwise than provided in this Act if:
 - (1) the pupil is considered to have some degree of prior knowledge and skills corresponding to the basic education syllabus;
 - (2) the completion of the basic education syllabus would in some respect be unreasonable for the pupil in view of the circumstances and prior learning; or
 - (3) it is justified for reasons relating to the pupil's health.

Section 25

Compulsory education

1. Children permanently residing in Finland shall attend compulsory schooling. Compulsory schooling shall start in the year during which the child turns seven. Compulsory schooling shall end when the basic education syllabus has been completed or ten years after the beginning of compulsory schooling.
2. If, owing to the child's disability or illness, the objectives set for basic education cannot be achieved in nine years, compulsory schooling shall begin one year earlier than provided in subsection 1 and be 11 years in duration.

Section 26a

Right to pre-primary education

1. A child shall be entitled to pre-primary education during the year preceding the beginning of compulsory schooling. A child within prolonged compulsory schooling referred to in Section 25(2) above and a child who under Section 27 begins basic education a year later than enacted, shall be entitled to pre-primary education during the first year of statutory compulsory schooling.

Section 31

Free education

1. Teaching, the necessary textbooks and other learning materials, and school equipment and materials shall be free of charge for the pupil. A disabled child or a child with special educational needs has additionally the right to get the interpretation and assistance services he or she needs to participate in education, other educational services, special aids and the services provided under Section 39 free of charge.

According to the Basic Education Decree

Section 2

Formation of teaching groups

1. In education given pupils special- needs education under Section 17(2) of the Basic Education Act (628/1998), the teaching group may consist of a maximum of ten pupils, with exceptions enacted below. The maximum size of a teaching group may be exceeded when justified in terms of the abilities of the pupils or the working method used in teaching and if the arrangement does not endanger the achievement of the objectives set for education.
2. In education given to pupils within prolonged compulsory schooling under Section 25(2) of the Basic Education Act (628/1998), the teaching group may consist of a maximum of eight pupils. However, the maximum size for a teaching group consisting of pupils with profound developmental disabilities shall be six pupils. If a pupil referred to in this subsection is taught together with pupils other than those referred to in this subsection or in subsection 2, the teaching group may consist of a maximum of 20 pupils.

2. Is all education of children and adults with disabilities under the control of the Ministry of Education? Please specify if other ministries (eg. Social Affairs or Health) have control over some educational facilities and detail the functions of such facilities.

All education that results in a degree of any kind is under the mandate of the Ministry of Education and Culture. Education and training related to labour policy measures and integration training for immigrants is under the mandate of the Ministry of Employment and the Economy. Police academy education and fire and rescue service training are under the mandate of the Ministry of the Interior. Training and education in prison services is under the mandate of the Ministry of Justice.

3. Does your country have a plan or program that progressively promotes the transformation of the education system into an inclusive education system including some or all of the following measures? (Please specify which measures):

All matters referred to in points A to K in question 3 are at least satisfactorily organised in Finland. The Government has also pledged to introduce a good number of measures to further improve the situation. The ultimate goal is an inclusive educational system to which the various organisers are committed.

4. Does your country have accountability mechanisms in place to monitor exclusion, school registration and completion of education by persons with disabilities and are persons with disabilities and their families directly involved in the process?

No statistical data exists on students or pupils with disabilities and their exclusion, school registration or completion of education. The Government awards special grants to education providers to be used for disabled and severely disabled pupils and students, but even the data on these grants does not cover all students with disabilities in Finland. In vocational education, the numbers of special needs students are monitored through the education providers. The Programme for the Completion of Education in Vocational Education examines the drop-out level and the completion of education of special needs students too. However, different groups persons with disabilities are not specified (the Report 2011-2012, only in Finnish

http://www.oph.fi/julkaisut/2013/ammattillisen_koulutuksen_lapaisyn_tehostamisohjelma_vuosina_2011_2012

The Finnish Government has adopted a programme called Finland's Disability Policy Programme 2010–2015 that contains many concrete educational goals. The aim of the Programme is to engage disabled people and their families to participate in the disability policy. The programme (also available Finnish Plain Language) can be found in following address:

<http://www.stm.fi/julkaisut/nayta/-/julkaisu/1522141> (click "In English")

5. Does your country have disaggregated data on children and adults with disabilities in education by facility (mainstream school, special school, social facility or institution, mental health institution, others), gender, impairment and environmental barriers that prevent or restrict access to education (transport, accessibility, affordability of services, other)? Please provide the available data.

There is no statistical data. There are only estimations on secondary education.

The Permanent Mission of Finland to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 10 October 2013



Office of the United Nations High Commissioner for Human Rights