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European Ombudsman
1 Avenue du Président Robert Schuman
67001 Strasbourg
France

Reference: Strategic inquiry OI/2/2021/MMO, your letter of 3 February 2021

Dear Ms O'Reilly

Thank you for providing us the opportunity to participate in your important inquiry about the European Commission's monitoring funds into promoting the right to independent living. As regards the situation in Finland concerning the EU funding towards deinstitutionalization of institutions for persons with disabilities, I kindly inform you of the following.

Since in Finland the deinstitutionalization of institutions for persons with disabilities (mostly intellectually disabled) has not been financed by EU funds, the issue has not been discussed to a great extent. Organisations representing disabled persons have participated in European projects promoting deinstitutionalization. However, for example ESR funding has mainly been directed on projects promoting the employment of disabled persons.

The Ombudsman has not, to my knowledge, dealt with complaints about deinstitutionalization and its funding even though complaints about the right to self-determination and issues relating to institutionalization are regularly dealt with, especially on inspections. One of such inspection was conducted in 2018 (EOAK/3524/2018).

Finland has participated in FRA's research project on deinstitutionalization of institutions for disabled persons. The project, "From institutions to community living: drivers and barriers of deinstitutionalization" (Case study report: Finland 2018), was conducted by the FRANET contractor, Åbo Akademi University – Institute for Human Rights (https://fra.europa.eu/sites/default/files/fra_uploads/finland-independent-living-case-study-report_fi.pdf).

On page 11 of the research project, it was noted that **in its process of deinstitutionalization, Finland had not received funding from the European Regional Development Fund (ERDF) or the European Social Fund (ESF) in their current or previous programming periods** (ERDF, programming periods 2007-2013 and 2014-2020). A footnote (18) on the afore-mentioned page mentions that the information was obtained from the structural fund information data page where all projects funded by ERDF and ESR are listed. There are no such projects which actually relate to the transition from institutions to community-based services and support.

According to the above-mentioned research report, both institutional care and housing services are financed with municipal budgetary funding. The municipalities also receive state aid for the implementation of social and health services to ensure that services of equal quality are available for everyone irrespective of his/her domicile. However, many interviewees in every interview group were of the opinion that there is great variation between municipalities in terms of quality and amount of the services available. The options in small and rural municipalities were found to be much more limited than those in cities.

The implication of deinstitutionalization in Europe is dealt with in more detail in an [FRA project](#), which was begun in July 2014. It aims to assist EU institutions and Member States to ensure that the right of people with disabilities to live independently and to be included in the community is fulfilled. It does this by examining how measures to achieve the transition from institutional to community-based support are implemented, and by identifying drivers and barriers to this transition.

Please see also Report ["From institutions to community living – Part II: funding and budgeting."](#)

As regards the elderly, the money promoting independent living received from these funds has not been significant. Supporting independent living for the elderly is a national objective and prioritizing services delivered to home are defined by law. Different services promoting home care are being developed, including support for carers, utilization of the digitalization etc. However, there are regional variations in the extent and availability of the services in sparsely populated areas.

According to the mandate entrusted to the Parliamentary Ombudsman of Finland, the Ombudsman acts as a retroactive legality overseer of the activities of authorities, public officials and those who per-

form a public task. In the performance of these duties the Ombudsman monitors the implementation of basic rights and liberties and human rights. Therefore, instead of the Ombudsman, the primary overseeing duty on a potential monitoring committee should, in my view, be bestowed on the representatives of the administration and possibly on the representatives of the third sector. Additionally, since the Ombudsman oversees the overseer at least in cases where this kind of body is considered to perform a public task (and in case representatives of an authority are members in it), increases legal protection as well as the overseeing of the implementation of EU-law. Taking into account the mere workload required by this task the emphasis of the Ombudsman's overseeing should be in cases where there is a strong fundamental rights connection.

I hope you and your staff have stayed healthy and well despite the still ongoing Covid 19-pandemic.

Please do not hesitate to contact us if we can be of any further assistance.

Best wishes from a rainy Helsinki.

Yours sincerely

Deputy Ombudsman

Maija Sakslin

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This document has been approved in the case management system.