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Miniseminar on accessibility strategies at national and communal levels
- Theory, tools and praxis
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The state of art of the legislation of accessibility construction in Finland

- acts, statutes, regulations and guidelines and the UN Convention on the Rights of Persons with Disabilities

In Finland the key elements of the legislation concerning accessibility on the public buildings e.g. social and health care client/patient service institutes (health care stations, hospitals, polyclinics, social care offices etc) are:

- * Constitution of Finland (731/1999)
 - framework for the legislation below
- * Land Use and Building Act (132/1999) and Statue (895/1999)
 - main legislation for construction
- * F1 (2005) The National Building Code of Finland Barrier-Free Building:
 - regulations and guidelines

Italy has signed earlier and now ratified the UN Convention on the Rights of Persons with Disabilities and the optional protocol on 15.5.2009 Finland has signed the Convention and Optional Protocol on 2007 - no ratification has occurred yet. The impact on and accommodation with the Finnish legislation concerning accessibility has not been necessary at this phases.

The Ministry of Environment is, however, looking after the European Commission (EC) Directive to prohibit discrimination on the grounds of religion or belief, disability, age and sexual orientation which if accepted might influence on the Finnish legislation.

Below are the essential legislations in detail. The main practical document F1 (2005) The National Building Code of Finland Barrier-Free Building is annexed in a separate PDF-file.

The Constitution of Finland 11 June 1999 (731/1999, amendments up to 802 / 2007 included)

Chapter 2 - Basic rights and liberties 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. Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of

development. Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act.

Land Use and Building Act

(132/1999, amendment 222/2003 included)

Section 5

Objectives in land use planning

The objective in land use planning is to promote the following through interactive planning and sufficient assessment of impact:

- 1) a safe, healthy, pleasant, socially functional living and working environment which provides for the needs of various population groups, such as children, the elderly and the handicapped;*
- 2) economical community structure and land use;*
- 3) protection of the beauty of the built environment and of cultural values;*
- 4) biological diversity and other natural values;*
- 5) environmental protection and prevention of environmental hazards;*
- 6) provident use of natural resources;*
- 7) functionality of communities and good building;*
- 8) economical community building;*
- 9) favourable business conditions;*
- 10) availability of services;*
- 11) an appropriate traffic system and, especially, public transport and non-motorized traffic.*

The content requirements for the various plans concerning the objectives laid down in paragraph 1 above are prescribed separately below in this Act for each type of plan.

Section 12

Objectives of building guidance

The objective of building guidance is to promote:

- 1) the creation of a good living environment that is socially functional and aesthetically harmonious, safe and pleasant and serves the needs of its users;*
- 2) building based on approaches which have sustainable and economical life-cycle properties and are socially and economically viable, and create and maintain cultural values;*
- 3) the planned and continuous care and maintenance of the built environment and building stock.*

Section 117

Requirements concerning construction

A building must fit into the built environment and landscape, and must fulfil the requirements of beauty and proportion.

A building must meet the essential requirements for structural strength and stability, fire safety, hygiene, health and environment, safety in use, noise abatement, and energy economy and insulation, as set by its intended use (essential technical requirements).

A building must conform with its purpose and be capable of being repaired, maintained and altered, and, in so far as its use requires, also be suitable for people whose capacity to move or function is limited.

In repair work and alteration, the attributes and special features of the building and its suitability for the intended use must be taken into account. Alterations may not endanger the safety of the building's users or weaken their health conditions.

In addition, construction must in any case comply with good building practice.

Section 167

Maintenance of the environment

The built environment must be used as prescribed in the building permit and kept in good condition.

An authority appointed for the purpose by the local authority shall ensure that traffic ways, streets, market places and squares, and parks and areas intended for the enjoyment of residents meet the standards of a satisfactory townscape and of pleasantness and comfort. Routes provided for non-motorized traffic must be kept safe and free of obstacles.

If organization of the area of a block has not been stipulated in the local detailed plan or building permit and said organization is a substantial impediment to the organization of land use, the local building supervision authority may stipulate on reorganization of the use and repair of the block area (organization of a block area). Such regulations may be issued on condition that the organization is not clearly unreasonable to property owners.

A plot or building site may not be used in a manner which reduces the areas designated in its building permit for planting or as play areas or areas for the enjoyment of residents or other areas that affect pleasantness and comfort. Accessways indicated in the building permit for emergency vehicles or maintenance use must be kept in a suitable condition for motor vehicles.

Land Use and Building Statute 10.9.1999/895

Section 53

Ensuring accessibility in building

Administrative and service buildings, commercial and service premises in other buildings to which everyone must have access for reasons of equality, and their building sites shall also be suitable for use by persons with restricted ability to move around or function otherwise. Taking into account its design and the number of storeys and other circumstances, a residential building and associated spaces shall meet the requirements for accessibility in building.

For purposes of equality, buildings with work space shall be designed and built so that they provide the persons referred to in paragraph 1 with sufficient opportunity to work, taking into account the nature of the work.

More detailed provisions on ensuring accessibility in building are laid down in the National Building Code of Finland.

F1 The National Building Code of Finland Barrier-Free Building

Regulations and Guidelines 2005

Ministry of the Environment, Department of Housing and Building (separate PDF, Annex)

* The regulations and guidelines have been notified in accordance with Directive 98/34/EC, amended 98/48/EC.

UN Convention on the Rights of Persons with Disabilities

Some extracts concerning the accessibility issues:

Preamble:

(e) *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,

(f) *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(n) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(o) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

(v) *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

Article 1

Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2

Defintions

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- (b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- (a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- (b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- (c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- (d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- (e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- (f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- (h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

