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TURKU MOVING WITH HUMAN RIGHTS?

A CASE STUDY ON THE LOCALISATION OF HUMAN RIGHTS AT THE
CITY OF TURKU

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Abstract for Master's Thesis

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<p>Abstract:</p> <p>This study aims to generate a locally informed understanding of the current human rights practice in Turku, using a participatory approach to gauge the perception and prioritisation of human rights among its residents via a survey. The study analyses city's approach to human rights by evaluating its policies and practices, specifically focusing on areas emphasised by the residents' survey feedback. Accordingly, the thesis primarily reviews policies in the context of health and well-being, specifically focusing on sports and physical activities as a means to enhance the quality of life for its residents.</p> <p>The study uses a Human Rights-Based Approach to analyse Turku's policies, aligning with the PANEL-principles (Participation, Accountability, Non-Discrimination, Empowerment, and Legality) to assess their effectiveness in implementing human rights. It highlights Turku's worthy emphasis on the health and well-being of its residents and its legal adherence to national and international regulations concerning health, well-being, and sports development.</p> <p>Key findings suggest that while Turku's policies and initiatives embody a rights-based approach, there is a distinct shortfall in the explicit use of human rights language in policy-making and public communications. The city's efforts reflect an ideological commitment to empowerment and inclusivity, but fail to educate residents about their rights and entitlements.</p> <p>Study also reveals a widespread concern across diverse demographics regarding non-discrimination and equality. Turku's policies demonstrate a commitment to these principles, aiming to integrate them into various aspects of governance and service provision. The city strategy and initiatives like the Moving Turku-policy are focused on addressing the needs of vulnerable groups and promoting inclusivity, recognising that preventing social exclusion is key to advancing equality and non-discrimination.</p> <p>The study reinforces the importance of localising human rights to enhance their relevance in local contexts. It underlines the role of local governments like Turku in this process. It shows that local authorities can actively contribute to the realisation of residents' human rights. To further these efforts, the study recommends Turku to explicitly use human rights language, foster social cohesion and promote human rights awareness.</p> <p>The study's timing aligns with the current global focus on localising human rights and the ongoing impetus on increasing awareness among local authorities of the benefits in embracing a rights-based approach in their governance.</p> <p>To conclude, the thesis presents Turku as a city that, while implementing human rights in practice, remains detached from the rights discourse due to the lack of explicit acknowledgment and education on human rights. The recommendations urge the city to bridge this gap through an active commitment to human rights.</p>	
<p>Keywords: human rights, localism, localisation, participatory approach, local governance, HRBA, PANEL-principles, right to the highest attainable standard of health, well-being, sports development, human rights cities</p>	
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Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CFR	Charter of the Fundamental Rights of the European Union
CoE	Council of Europe
CoR	Committee of Regions
CRC	Convention on the Rights of Child
ECHR	European Convention on Human Rights
ECLSG	European Charter of Local Self-Government
ESC rev	European Social Charter (revised)
EU	European Union
FRA	Fundamental Rights Agency of the European Union
GA	General Assembly
GDPR	General Data Protection Regulation
HiAP	Health in All Policies
HRBA	Human Rights Based Approach
HSWS	the Act on Organising Healthcare and Social Welfare Services
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
KAP	Kazan Action Plan
LGA	Local Government Act

NUA	New Urban Agenda
PANEL	Participation, Accountability, Non-Discrimination, Empowerment, Legality
SDG	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	Universal Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UN-Habitat	United Nations Human Settlements Programme
UNICEF	United Nations Children's Fund
YHRCI	York Human Rights City Initiative

1. Introduction

1.1. Introduction

This study is inspired by the story of York, the first human rights city in the UK, whose journey to becoming a human rights city begun by the adoption of a participatory approach to human rights by identifying locally relevant rights. ‘The founding father’ for this idea was Professor Paul Gready, founding director of the Centre for Applied Human Rights at the University of York, according to whom localism in human rights, starts from local priorities and needs, and supports people to translate these concerns into rights-based demands for change.¹

Turku shares many similarities with the city of York. They are both towns of around 200,000 people² and as hosts to two universities (each), they have a similar diverse demographic structure, with a mix of age groups due to both also being popular tourist destinations, and places with a growing local economy. Whilst they are relatively small compared to major urban centers, both cities play a vital role within their respective regions.

In 2011 in York, a local group of activists, the York Human Rights City Initiative, began advocating for the city to better embrace human rights values and principles. The network comprised of a diverse range of members, including local residents, community organisations, activists, and volunteers who were committed to the promotion of human rights in York. The approach they chose in York, as summarised by professor Gready was participatory, locally informed and related to everyday concerns.³

As identified above, York is of modest size and relative economic prosperity. Gready observes that “it is precisely its ordinariness, its middle of the road, middle class status – which is the point. These are places where, and people for whom, human rights no longer seem relevant.”⁴ Work on York becoming a human rights city started “against a backdrop of austerity, rising inequality, Brexit, and growing political polarisation.”⁵ It was recognised that human rights doubtlessly had a human image problem, not least identifiable from the fact that many a time it was recommended to YHRCI –activists that their work in York would be more effective should they leave out the term

¹ Gready P and Lockey L, ‘Rethinking Human Rights in York as a Human Rights City’ (2019) 90 The Political Quarterly 383, 384

² York has a population of approximately 210,000 people and as of 31 December 2022, the population of Turku was 197,917

³ Gready P and Lockey L, ‘Rethinking Human Rights in York as a Human Rights City’ (2019) 90 The Political Quarterly 383, 383

⁴ Gready P, ‘Reflections on a Human Rights Decade, Near and Far’ (2019) 11 Journal of human rights practice 422, 423

⁵ Gready P and Lockey L, ‘Rethinking Human Rights in York as a Human Rights City’ (2019) 90 The Political Quarterly 383, 383

'human rights'.⁶ Presenting a more positive and balanced view of human rights was seen to be important.⁷

To continue outlining the similarities between cities of Turku and York, particularly in terms of their historical significance and cultural aspects, it can be noted that both cities boast with rich histories that have left a lasting impact on their cultures and identities. York is known for its well-preserved medieval architecture, and its significance in the history of England, not least for pioneering local democracy in 1212 when the York citizens, amongst the first in the United Kingdom, created a council led by a mayor to manage the city's affairs.⁸ Turku too has a deep historical legacy, with its own share of historic landmarks and cultural heritage, Turku is Finland's oldest city, its first capital, and takes pride in the fact that "European ideas regarding culture, science, religion and politics first arrived in Turku before spreading to the rest of Finland."⁹ Both cities, York and Turku are established along the rivers (Ouse and Aura, respectively), which rivers have played a significant role in their layout and history, not least for being essential to their trade and development. They have diversified economies that include education, tourism, and other sectors. While York's economy is characterised by a more significant influence of tourism and the service industry, Turku's economy has a stronger industrial base, particularly in the maritime and manufacturing sectors. Their rich history, diversified economies and geographical positions as trading places all contribute to their ongoing cultural vibrancy.

Lastly, it is the view of the Author, that in accordance with the prevailing atmosphere in Turku, like in York, human rights are too often associated only with extreme situations, immigration and minority groups. Human rights do not seem relevant to the majority who appear to have become distanced from these vital concepts. While the work of local authorities is, in essence, human rights implementation, it is rarely perceived as such.

Ergo, this study aims to echo the ideology of York to present a more positive and balanced view of human rights by highlighting that human rights relate to everyday concerns. They have relevance in the things we often take for granted, like fair treatment in our workplace, the privacy of our personal data online and the standards of education in our local schools. "Human rights concern the ordinary and the ongoing, and not just extreme, exceptional or spectacular events."¹⁰

⁶ *ibid.*

⁷ *ibid.*, 425

⁸ van Aarsen, et al., York: Telling a different story about Human Rights (2013) 151 in J. van Aarsen (ed.), Human Rights Cities: Motivations, Mechanisms, Implications. A Case Study of European Human Rights Cities. Report of an undergraduate research project (Middelburg: UCR, 2013)

⁹ City of Turku, Turku Brand Manual (02/2023) 6

¹⁰ Gready P, 'Reflections on a Human Rights Decade, Near and Far' (2019) 11 *Journal of human rights practice* 422, 425

An objective of this study is to emphasise the everyday relevance of human rights. Following in the footsteps of York, this study will adopt a participatory approach firstly, in order to establish the degree in which Turku's residents perceive the realisation of their human rights in a list of given issues here in Turku and secondly, to identify the rights that are priorities locally. This will be done by distributing a survey which will (hopefully) also contribute towards 'sensitising' the residents to the language of human rights by linking everyday issues with the realisation of human rights within their hometown.

Thereafter, this thesis undertakes an analysis of Turku's policies, focusing on the issues that address the priorities voiced by the majority of respondees in the survey. By scrutinising Turku's policies through a human rights-based approach, this study assesses the extent to which Turku is genuinely human rights-friendly and intends to shed light on the positive aspects of the city's commitment to human rights.

The third theme in this study is the significance of localised human rights. Central to the localisation of human rights is the ethos of interpreting global human rights norms at a local context and the need for them to be situation-specific, whereby reinforcing their local relevance among the residents. The Congress of Local and Regional Authorities of the Council of Europe has identified that "there definitely is a lack of awareness about human rights and capacity to identify which aspects of day-to-day political work entail a human rights notion."¹¹ This study aims to assist in that identification process and in doing so, aspires to emphasise the significant and practical role of local governments, such as Turku, in promoting, protecting, and ensuring the realisation of human rights within their jurisdictions.

In 2022, the Institute for Human Rights at Åbo Akademi conducted a research project 'Human Rights Cities: A Framework for Localising Human Rights' that evolved around the hypothesis that a human rights-based approach adopted within the framework of the human rights city concept could be a useful method to systematise work towards human rights related goals.¹² The author of this thesis was acting as an assistant in that research project and aims now with this study to build on that project by generating a locally informed understanding of the current human rights practice in Turku.

The study's timing aligns with the current global focus on making human rights more relevant and accessible to citizens in their daily lives and the ongoing impetus on increasing awareness of the benefits of local authorities in embracing a human rights-centered approach in shaping public

¹¹ Congress of Local and Regional Authorities, Monitoring Committee, Congress Human Rights Action Plan 2016-17, p.4/7

¹² Institute for Human Rights, Åbo Akademi University, 'Human Rights Cities -A framework for localizing human rights', About the Project (2022), available at: <https://blogs2.abo.fi/humanrightscities/>

policies. In the words of Bernd Vöhringer, President of the Chamber of Local Authorities of the Congress at the Brussels Urban Summit 2023 upon commenting the intentions of the Congress to become increasingly involved in human rights: “We have to raise awareness on the advantages for local authorities to adopt a human rights-based approach in public policies making. In the end, it is at the local level where social, political and economic issues exist, where policies are translated into concrete actions, and where human rights are implemented.”¹³

1.2. Research questions and Delimitations

The primary research question of this study reads: How human rights friendly is Turku in the eyes of its residents and as reflected by its policies and practices? Before proceeding to the primary question, the question of local priorities and the residents’ current views on the realisation of their rights in Turku needs to be established. Thus, the preliminary research questions in this study seek to empirically identify what are the residents’ views on the current state of realisation of their rights in Turku and what are the priority concerns of Turku's majority population in their everyday lives?

In the process of answering the primary research question, the study will present its secondary research question to evaluate, on the basis of a Human Rights-Based Approach (HRBA), the extent in which Turku and its policies and practice align with human rights principles and values, particularly concerning the issues prioritised by the majority of its residents.

The final research question examines how significant and practical the role of Turku is, as a form of local government, in promoting, protecting, and ensuring the realisation of human rights within their jurisdictions, and how can their efforts be highlighted in the context of the broader human rights discourse?

These research questions guide the study in assessing Turku's human rights landscape, promoting human rights awareness, and re-engaging the city's majority population with the concept of human rights in their everyday lives.

The thesis comprises several chapters, each dedicated to different facets of the study’s objectives. Chapter 2 provides a brief literature review on the existing literature on human rights localisation and urban governance. Chapter 3 presents an overview of the growing recognition of local governments as significant players in the advancement of human rights by various influential international organisations. This chapter aims to establish the context in which Turku's human

¹³ CoE Congress of Local and Regional Authorities, News 2023, ‘Strasbourg will strengthen the protection of human rights closer to citizens’ (15 June 2023), available at: <https://www.coe.int/en/web/congress/-/the-congress-will-strengthen-the-protection-of-human-rights-closer-to-citizens>

rights initiatives are analysed and offers a broader framework for the study. In chapter 4, the findings from the survey are presented and analysed, proceeding then to outline a selection of Turku City policies that are to be the subject of the HRBA analysis of this study.

The overall legal framework is set out in Chapter 5. Chapter 6 focuses on the concept of a HRBA, providing an overview of its evolution from the international human rights development context to being promoted as a useful tool in policy-making for any organisation or body. The chapter also presents the key elements of a HRBA. Chapter 7 contains the actual HRBA analysis of the earlier presented policies of Turku.

Finally, in chapter 8 the findings of the study are discussed together with any recommendations that may have arisen. The thesis is concluded by summarising key insights as well as reflecting on the broader significance of the study.

The findings of the study have some limitations.

The study relies on feedback obtained from a survey distributed to Turku's residents, but the number of responses is restricted to just 126. This represents a small fraction of Turku's population, which exceeds 190,000 residents. This limited sample size may affect the generalisability of the findings to the entire population. While the study strives to draw meaningful insights from the data collected, it is crucial to acknowledge the inherent constraints of this modest sample.

The distribution method may introduce clustering effects in the data, as the survey was distributed through several channels within Åbo Akademi, which could result in certain survey recipients receiving multiple invitations to participate, in contrast to the potential randomness of residents in general learning about the survey. Further clustering may have resulted from the composition of the student's personal network, which includes a relatively higher number of disabled individuals than might be typical in the broader population.

These asymmetries in distribution methods may lead to disparities in respondees' backgrounds and viewpoints, influencing the research outcomes.

Lastly, the student conducting the study is a proponent of human rights principles, heartened to promoting and safeguarding human rights in the local context. Further, she is an 'Åboriginal',¹⁴ a native and raised resident of the area. These biases may influence the interpretation of the data and the framing of research findings. It is essential to be mindful of these potential biases and their implications for the study's objectivity.

¹⁴ The word 'Åboriginal' communicates a self-ironic pun about where the actual Finns of this country live. This idea originates from the Marketing Agency 'Satumaa' who developed it for Turku Touring whilst creating the people of Turku their very own 'fan product' that would "convey pride in their distinctive home town, whilst simultaneously being humorous". (quote from Mari Varjonen, Satumaa Marketing Agency. see: <https://www.ts.fi/viihde/1073979492>)

1.3. Material and Method

This chapter provides an overview of the methodology employed in this study, including the rationale behind the survey design, data collection methods, instrument development, ethical considerations, and data analysis techniques. The methodology too draws inspiration from the study conducted in York (as outlined in the introductory chapter), where the collection of public opinions on the realisation of various human rights and priority issues served as the initial impetus for this study itself.

This empirical case study employs a mixed-methods approach, combining quantitative and qualitative methods to comprehensively examine the residents' perceptions of human rights in their hometown and the alignment of city policies and practices with human rights principles.

The primary data collection method in this study is a structured survey questionnaire. The foundation for the survey instrument used in this research was derived from a similar survey conducted in York. In the spirit of maintaining comparability and aligning with the global framework for human rights, the York survey questionnaire¹⁵ was thoroughly reviewed and adapted.¹⁶ The Universal Declaration of Human Rights (UDHR) served as a key reference point during this process to ensure that the questions were grounded in internationally recognised human rights principles.

In an effort to tailor the questionnaire to the specific context of Turku, additional categories from the Universal Declaration of Human Rights were incorporated. These categories were selected based on their relevance to municipal influence and the potential for local impact. Questions addressing rights solely within the domain of the state's responsibilities were deliberately excluded.

Several questions from the original questionnaire were restructured to enhance user-friendliness and accessibility. This involved dividing certain questions into multiple parts, simplifying response options, and making the survey more inclusive across diverse recipient groups.

Participants were invited to complete the survey online, primarily. The survey exists in an electronic format, accessible through a QR code. To ensure a broader reach, paper copies of the questionnaire were also made available to selected groups, including elderly individuals, disabled people and residents in areas of Turku characterised by lower educational levels. This strategy aimed to enhance participation opportunities for groups that might face barriers to online surveys.

¹⁵ A. Khachatryan, J. Leonard, M. Vukovic and R. Sasaki, *A Report on the 5 Human Rights Most Important to the People of York*, YHRCN, University of York, 2015

¹⁶ Whilst most questions used in the survey at York were retained for use in this research, one question pertaining to violence against women was removed due to ethical considerations. The time constraints of this study did not allow for consultation with the University's ethical board, necessitating a cautious approach to sensitive topics.

The questionnaire was distributed through multiple channels, including email distribution lists and public notice boards situated in various supermarkets across Turku. This diverse approach sought to maximise survey participation and capture a wide spectrum of community voices.

The survey was designed to guarantee participant anonymity. Responses to individual questions cannot be linked, and as such, the General Data Protection Regulation (GDPR) does not apply.¹⁷

Participants received a clear explanation of the research's purpose and their rights. Informed consent was obtained from all participants.

Recognising Turku's multicultural population, the questionnaire was available in four languages: Finnish, Swedish, English, and Arabic. This multilingual approach was adopted to ensure inclusivity and to accommodate respondees from different linguistic backgrounds.

In order to answer the preliminary research questions, quantitative data collected through the survey was analysed statistically. Qualitative data subject to analysis, namely the official documents of the city of Turku relating to local plans and programmes, including any associated preparatory studies and evaluations, were selected on the basis of the human rights concerns and priorities of the residents of Turku, as revealed by the survey results. In answering the secondary research question, as well as the final research question, a thematic comparative analysis by using a human rights-based approach was conducted to the qualitative data identified above, as well as to the open-ended survey responses, in order to evaluate the alignment of city policies and practices with human rights principles. This approach involved identifying any possible recurring themes and patterns in participants' comments, offering a deeper understanding of their perspectives on human rights issues. The primary research question was answered by pooling together the findings established in answering the preliminary and the secondary research questions.

Demographic information collected through supplementary questions was analysed to explore potential variations in perceptions and opinions among different demographic groups.

¹⁷ The Data Protection Officer at Åbo Akademi University was consulted on 4 September 2023 for confirmation regarding this matter.

2. Localisation of human rights

Localisation of human rights reflects a growing recognition of the importance of protecting human rights at the local level. Central to the localisation of human rights is the ethos of interpreting global human rights norms in a local context and the need for them to be situation-specific,¹⁸ thereby reinforcing their local relevance among the residents. It represents an important development in the protection of human rights, as it seeks to ensure that protections are implemented in a way that is specific to the needs and challenges faced by local communities. Proximity of local and regional authorities to the citizens places them in a prime position for this. De Feyter observes that "it is at the local level that having human rights either proves vital or illusory."¹⁹

In a chapter of *Myth or Lived Reality: On the (In)Effectiveness of Human Rights*,²⁰ a book that seeks to explore, from a multidisciplinary perspective, whether human rights are, in fact, a myth or a lived reality, Sabchev, Miellel and Durmus²¹ provide a brief review of the varying human rights practices in the context of which the term 'localisation' has been used. According to their analysis, the term 'localisation' initially referred to the strengthening of local civil society and institutions in their mission to protect fundamental rights. The term later expanded to include human rights practices that involved aspirations to make them more reflective of local concerns. Eventually, the term 'localisation' has evolved to reflect a shift in perspective that considers the role and responsibilities of a wider range of actors in place of nation states alone. Sabchev *et al.* summarise: "the scholarship on localisation demonstrates the limits of state-centric approaches, and the importance of including non-state and sub-state actors in discussions on human rights effectiveness."²²

Starl summarises the development of recognising the relevance of human rights at the local level observing that the process began to take momentum in the 1980's.²³ At that time various progressive municipalities and civil society actors initiated a shift into a rights-based perspective rather than viewing the city merely as a social organisation. A decade later, human rights

¹⁸ De Feyter K, 'Localizing Human Rights' (University of Antwerp 2006) 5

¹⁹ *ibid.*, 12

²⁰ Claire Boost and others (eds), *Myth or Lived Reality: On the (In)Effectiveness of Human Rights* (TMC Asser Press 2021)

²¹ Tihomir Sabchev, Sara Miellel and Elif Durmuş, 'Human Rights Localisation and Individual Agency: From "Hobby of the Few" to the Few Behind the Hobby' in Claire Boost and others (eds), *Myth or Lived Reality*

²² *ibid.*

²³ Starl K, 'Human Rights and the City: Obligations, Commitments and Opportunities: Do Human Rights Cities Make a Difference for Citizens and Authorities? Two Cases Studies on the Freedom of Expression' in Barbara Oomen, Martha F Davis and Michele Grigolo (eds), *Global Urban Justice: The Rise of Human Rights Cities* (Cambridge University Press 2016)

implementation at the local level gained increased attention on the UN arena through the increasing activities of UN-Habitat in promoting sustainable urban development and UNESCO's focus on education and gender and race equality.

Lastly, following the turn of the century, Starl notes widespread official recognition to have taken place "among international and regional governmental organisations that local authorities play a major role in human rights implementation in practice, and that they have a legal obligation to do so".²⁴ He acclaims the pioneering role of the Council of Europe's Congress of Local and Regional Authorities in 2010 with the development of a series of conventions and resolutions explicitly directed at local authorities²⁵. The CoE Congress also held, for the first time, an international implementation forum for local and regional authorities entitled 'Focusing on Human Rights', in Graz in 2015.²⁶ In the same vein, the Human Rights Council Advisory Committee observed in 2015 in its report to the UN General Assembly that "local authorities are actually those who are to translate national human rights strategies and policies into practical application."²⁷

Gready and Lockey distinguish between 'localisation' of human rights and 'localism' emphasising the importance of understanding human rights being shaped by context (localism) rather than merely being interpreted in context (localisation); "Localism starts from local priorities and needs and supports people to translate these concerns into rights-based demands for change."²⁸ They observe that "localism or vernacular rights cultures will resonate with histories, cultures and political contexts" and as such, may improve people's understandings of rights.²⁹

Second important aspect of localism is a 'bottom-up approach' to human rights development. A bottom-up approach entails seeking locally informed perspectives that translate global rights into local systems and frame local needs in human rights language. Gready and Lockey note that

²⁴ *ibid.*, 200

²⁵ Council of Europe Congress of Local and Regional Authorities, Recommendation 280 (2010); Resolution 296 (2010); 'Developing indicators to raise awareness of human rights at local and regional level; Resolution 334 (29011); Graz Declaration on the Implementation of Human Rights, Graz, Austria, adopted 28 May 2015

²⁶ Starl K, 'Human Rights and the City: Obligations, Commitments and Opportunities: Do Human Rights Cities Make a Difference for Citizens and Authorities? Two Cases Studies on the Freedom of Expression' in Barbara Oomen, Martha F Davis and Michele Grigolo (eds), *Global Urban Justice: The Rise of Human Rights Cities* (Cambridge University Press 2016, 199–200

²⁷ UN. Human Rights Council. Advisory Committee, 'Role of Local Government in the Promotion and Protection of Human Rights - Final Report of the Human Rights Council Advisory Committee' (Human Rights Council, 7 August 2015), UN Doc A/HRC/30/49, para 21

²⁸ Gready P and Lockey L, 'Rethinking Human Rights in York as a Human Rights City' (2019) 90 *The Political Quarterly* 383, 384

²⁹ *ibid.*, 385

“Moving upstream from local to the global is potentially a crucial way to build support for human rights and ease ... implementation.”³⁰

De Feyter also supports “an infusion from below”³¹ and emphasises the potential value of the ‘bottom-up approach’ in inspiring further interpretation and elaboration of human rights norms.³² He notes that: “localisation implies taking human rights needs as formulated by local people (in response to the impact of economic globalisation in their lives) as the starting point for both the further interpretation and elaboration of human rights norms, and for the development of human rights action, at all levels, ranging from domestic to global.”³³

Baumgärtel and Oomen explore potential factors behind the localisation phenomenon in a chapter on human rights cities in the SAGE Handbook of Human Rights.³⁴ They identify that localisation of human rights has been driven in part by the growing importance of regional or local governance structures, such as devolved governments, municipalities, and other sub-national authorities³⁵. These structures have become more prominent in recent years, as central governments have transferred greater powers and responsibilities to local authorities.

Globally, urbanisation too plays an important role in the increasing focus of local governance in the human rights implementation arena. In the New Urban Agenda adopted by the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in October 2016 it is acknowledged that most of humanity already lives in cities and that by 2050 the world's urban population is expected to double.³⁶ As cities continue to expand, they face new challenges that impact the protection and promotion of human rights. Through their proximity to the people, cities are also often in a better position and more readily adaptable to address local manifestations of global problems, such as climate change.³⁷ There also appears to be an upward trend in the assertion of autonomy and urban identity by individual cities and local authorities.³⁸ Cities are

³⁰ Ibid.

³¹ De Feyter K, ‘Localizing Human Rights’ (University of Antwerp 2006) 5

³² Ore Aguilar G, ‘The Local Relevance of Human Rights: A Methodological Approach’ (University of Antwerp 2008) 8

³³ De Feyter K, ‘Localizing Human Rights’ (University of Antwerp 2006) 5

³⁴ Oomen B and Baumgärtel M, ‘Human Rights Cities’ in Anja Mihr and Mark Gibney, *The SAGE Handbook of Human Rights* (SAGE Publications Ltd 2014) 713

³⁵ *ibid.*

³⁶ *New Urban Agenda: H III: Habitat III: Quito 17-20 October 2016* (United Nations 2017) 3

³⁷ Szpak A, ‘Human Rights Approach in Selected European Municipal Strategies of International Relations’ (2023) 31 *Journal of Contemporary European Studies* 169, 83

³⁸ Oomen B and Baumgärtel M, ‘Human Rights Cities’ in Anja Mihr and Mark Gibney, *The SAGE Handbook of Human Rights* (SAGE Publications Ltd 2014)

becoming more influential and assertive both nationally and internationally, causing a paradigm shift in the traditional approach to global politics and law.³⁹

Further, non-governmental organisations (NGOs) and civil society groups ever increasingly focus on promoting the localisation of human rights, arguing that local authorities are better placed to identify and respond to human rights abuses within their communities. These groups have advocated for greater participation of local communities in decision-making processes and for the development of local human rights programs and initiatives.

³⁹ Chrystie Swiney, 'The Urbanization of International Law and International Relations: The Rising Soft Power of Cities in Global Governance' [2020] *Michigan Journal of International Law* 227, 228; Szpak A, 'Human Rights Approach in Selected European Municipal Strategies of International Relations' (2023) 31 *Journal of Contemporary European Studies* 169, 2

3. The role of local governments in human rights implementation

The recognition of local governments as key actors in the implementation of human rights is a relatively recent development. This chapter provides a brief overview of some of the key organisations and agreements that have played a part of that development.

UN-Habitat, the United Nations Human Settlements Programme, began emphasising the importance of the right to the city and urban human rights in the early 2000s.⁴⁰ It has a mandate to promote socially and environmentally sustainable towns and cities⁴¹. In the Habitat Agenda⁴² 1996 in, it was proclaimed by the participating governments that "cities must be places where human beings lead fulfilling lives in dignity, good health, safety, happiness and hope."⁴³

In 2001, it began publishing a series of reports titled 'the State of the World's Cities', in which urbanisation trends and challenges were examined while simultaneously emphasising the importance of human rights in urban development. In 2008 UN-Habitat launched a "Cities for All" -campaign, which aimed to raise awareness about the right to the city and promote inclusive urban development. The campaign highlighted the need for equitable access to urban services, housing, and opportunities for all residents, including marginalised and vulnerable groups.

UN-Habitat played an instrumental role in the adoption of the New Urban Agenda (NUA), a political declaration signed by all UN Member States, during the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in 2016.⁴⁴ NUA is a global framework that emphasises sustainable urban development and the right to the city. NUA outlines key principles related to the right to the city and urban human rights. It promotes a human rights-based approach to policy making and service delivery for the achievement of inclusive and sustainable urban development.⁴⁵

NUA envisages cities that:

'are participatory, promote civic engagement, engender a sense of belonging and ownership among all their inhabitants, prioritise safe, inclusive, accessible, green and quality public spaces

⁴⁰ The United Nations Human Settlements Programme (UN-Habitat), 'Learn more', available at: <https://unhabitat.org/about-us/learn-more>

⁴¹ The United Nations Human Settlements Programme (UN-Habitat), 'About Us', available at: <https://unhabitat.org/about-us>

⁴² United Nations Conferences on Human Settlements ((Habitat II), 'The Habitat Agenda: Goals and Principles, Commitments and Global Plan of Action' (3-14 June 1996), UN doc A/CONF.165/14

⁴³ *ibid.*

⁴⁴ New Urban Agenda: H III: Habitat III: Quito 17-20 October 2016 (United Nations 2017).

⁴⁵ Da Silva KG, 'The New Urban Agenda and Human Rights Cities: Interconnections between the Global and the Local' (2018) 36 Netherlands Quarterly of Human Rights 290

that are friendly for families, enhance social and intergenerational interactions, cultural expressions and political participation, as appropriate, and foster social cohesion, inclusion and safety in peaceful and pluralistic societies, where the needs of all inhabitants are met, recognising the specific needs of those in vulnerable situations.’

NUA is the first document declaring that protection, fulfilment, respect for and promotion of human rights in all fields of local competence is the responsibility of local authorities.⁴⁶ In the NUA, it is also observed that most of the humanity already lives in cities⁴⁷ and that by 2050 the world's urban population is expected to double.⁴⁸

A significant European milestone in the recognition of local self-governments as fundamental aspects of democracy and human rights, is the adoption of the European Charter of Local Self-Government (ECLSG) in 1985.⁴⁹ As Starl observed, this was the first time that a body of law was being expressly addressed to local authorities.⁵⁰ ECLSG emphasises the importance of safeguarding and reinforcing local self-government in the States Parties for the promotion of principles of democracy and the decentralisation of power. It reinforces the right of local self-governments to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population, thus promoting their rights to participate in the conduct of public affairs. ECLSG recognises that the existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizen. ECLSG affirms that local authorities are best placed to understand and address the specific human rights needs and aspirations of their communities. ECLSG thus emphasises the importance of local authorities in respecting human rights. It represents recognition within CoE of the central local and regional authorities play in the practical realisation of human.

Another major development within the CoE framework, was the creation of the Congress of Local and Regional Authorities of the Council of Europe in 1994,⁵¹ which illustrates the “unanimous

⁴⁶ *ibid.*

⁴⁷ Chrystie Swiney, ‘The Urbanization of International Law and International Relations: The Rising Soft Power of Cities in Global Governance’ [2020] *Michigan Journal of International Law* 227

⁴⁸ *New Urban Agenda: H III: Habitat III: Quito 17-20 October 2016* (United Nations 2017) 3

⁴⁹ The Council of Europe, *The European Charter of Local Self-Government*, adopted on 15 October 1985, entry into force 1 September 1988. ETS No. 122

⁵⁰ Starl K, ‘Human Rights and the City: Obligations, Commitments and Opportunities: Do Human Rights Cities Make a Difference for Citizens and Authorities? Two Cases Studies on the Freedom of Expression’ in Barbara Oomen, Martha F Davis and Michele Grigolo (eds), *Global Urban Justice: The Rise of Human Rights Cities* (Cambridge University Press 2016) 200

⁵¹ the Committee of Ministers of the Council of Europe, *Statutory Resolution 94(3) Relating to the Setting up of the Congress of Local and Regional Authorities of Europe* (14 January 1994)

recognition by governments of local democracy as a cornerstone of the democratic system.”⁵² The Congress, *inter alia*, is responsible for monitoring the implementation of ECLSG and provides recommendations and guidance to member states on improving their local and regional governance structures and practices.

The Congress, as a consultative body, represents and advocates for the interests of local and regional authorities within the Council of Europe and has further underlined the importance of local and regional authorities in the European human rights landscape. It emphasises that local governments, with a political leadership accountable to citizens, are key players in guaranteeing human rights. As local authorities are inextricably linked to the communities they serve, it is clear that they have a paramount role in making human rights a reality.

The Congress has a clear line of promoting adherence to human rights as essential components of good governance. Not only does it claim it to be “convinced that local and regional good governance entails a full compliance with fundamental freedoms and human rights,”⁵³ but it also observes *good* governance to be an utter impossibility without respect for human rights [emphasis added].⁵⁴ An effective, practical implementation of human rights is a precondition for any democracy.⁵⁵

The Congress has identified that the work of local and regional authorities “is rarely perceived as human rights implementation, neither by the authorities, nor by the public.”⁵⁶ It has adopted several reports and been collecting data and examples of good practices regarding human rights applications at local and regional levels of government. The three reports from 2010 to 2014, contained in compendium of texts ‘Promoting Human Rights at Local and Regional Level - The human rights dimension of the activities of the Congress of Local and Regional Authorities’, all aim at raising the awareness of local and regional authorities to respect, protect, fulfil and promote human rights at local and regional level. These reports, together with other work of the Congress, highlight its view that “human rights must be operationalised i.e., understood and applied in all levels and sectors of public life to have the necessary impact.”⁵⁷

⁵² Congress of Local and Regional Authorities of the Council of Europe, Origins and History, available at: [https://www.coe.int/en/web/congress/origins-and-history#{:2229886548%22:\[:2229886575%22:](https://www.coe.int/en/web/congress/origins-and-history#{:2229886548%22:[:2229886575%22:)

⁵³ Congress of Local and Regional Authorities of the Council of Europe, ‘Promoting Human Rights at Local and Regional Level: The human rights dimension of the activities of the Congress of Local and Regional Authorities - Compendium of Texts (March 2016), p.7

⁵⁴ *ibid.*, p.13

⁵⁵ *ibid.*, p.9

⁵⁶ *ibid.*, p.15

⁵⁷ *ibid.*, p.15

The European Union (EU) has acknowledged the significance of decision-making at the local and regional levels in its founding treaties, alongside the EU's dedication to upholding fundamental rights, democracy, and the rule of law across its diverse jurisdictions. According to the principle of subsidiarity⁵⁸, all decisions should be taken as closely as possible to the citizen, emphasising, *inter alia*, the role that local and regional authorities have in addressing human rights issues. It recognises that local and regional authorities are often best placed to understand the unique human rights challenges and needs of their populations. Further, the EU has increasingly acknowledged the importance of decentralisation and local autonomy in effective governance. In 1992, the Committee of the Regions (CoR)⁵⁹ was established as an advisory body to serve as a platform for local and regional authorities for representing their interests in the European Union and address opinions on their behalf to the Council and the Commission. Its mission is to involve regional and local authorities in the European decision-making process and thus encourage greater participation by citizens.

One of the expressions of the increasing focus on human rights at a local level is the rise of human rights cities.⁶⁰ Human rights cities are a series of urban local authorities that are committed to promoting and protecting human rights at the local level, as the matters of human rights may represent shared principles since they are commonly considered as the core of universal moral thought.⁶¹ The HRC-phenomenon began in the 1990's with the city of Rosario in Argentina being the first city in a world to declare itself as a human rights city. The first European city that began to call itself a 'human rights city' was Graz in Austria 2001. There is no specific criteria for a city to comply with to be able to call itself a 'human rights cities' and their practices may vary largely depending on factors, such as the approach applied (rights-based or advocacy based), the instruments used and the commitments taken (charters, local declarations, action plans), and the driving force(s) (civil-society initiated or government driven). In a human rights city the local government, local actors and people in the city work together and commit (often, but not necessarily, by making a declaration) to uphold international human rights standards and legal obligations. These cities typically commit to adopting local human rights charters, conducting human rights impact assessments, involving local communities increasingly in the decision-making processes and possibly even adopt a human rights-based approach for their policy making and conduct in general.

⁵⁸ Consolidated Version of the Treaty on European Union (2008) OJ C115/13, Arts 5(3) and 10(3)

⁵⁹ Consolidated Version of the Treaty on European Union (2008) OJ C115/13, Art 13

⁶⁰ Dragicevic N and Porter B, Human Rights Cities: The Power and Potential of Local Government to Advance Economic and Social Rights (Maytree 2020) 4

⁶¹ Szpak A, 'Human Rights Approach in Selected European Municipal Strategies of International Relations' (2023) 31 Journal of Contemporary European Studies 169

The increased emphasis on the importance of local and regional authorities in the practical realisation of human rights is also evidenced in the work of the EU Agency for Fundamental Rights (FRA) through the support it provides for promoting the growth of the global Human Rights Cities-phenomenon in Europe. FRA is an organisation dedicated to advancing human rights in the EU. In November 2021, it published a Framework for Human Rights Cities in the EU. The Framework aims to showcase what being a Human Rights City means and promotes more European cities and local governments to make human rights an integral part of their work. It provides guidelines on how to integrate a commitment for upholding human rights into the city's work and offers methods and resources to assist in the implementation of a human rights-based approach in the city's daily activities. Gomes da Silva identifies that there are three pillars behind the HRC-concept: societal development, a culture of human rights, and urban justice.

As already noted in the introduction, in 2020, the Human Rights Institute at Åbo Akademi, conducted a research project 'Human Rights Cities – A Framework for Localizing Human Rights' with an objective to “provide a comprehensive knowledge base enabling Turku to decide whether it would benefit from becoming the first Human Rights City of Finland.”⁶² Whilst it is not the intention to repeat the contents of that research here, this study wishes to highlight the expanding phenomenon of human rights cities as a significant form of expression of the rising role of local and regional governments in human rights implementation, as well as observe the existing prevalence of discussions surrounding human rights in Turku.

Another organisation championing the role of local and regional governments and promoting the idea of human rights cities, is United Cities and Local Governments (UCLG), a global organisation dedicated to representing and serving local and regional governments on a worldwide scale. The UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights (UCLG-CSIPDHR) is a thematic committee of UCLG that aspires to articulate the common voice of the world organisation of local and regional governments on key issues within the thematic agenda as is expressed in its name.⁶³

In 2022, UCLG-CSIPDHR launched a campaign “10, 100, 1000 Human Rights Cities and Territories by 2030”. The aim of the campaign is threefold: 1) to make visible and organise the global movement of cities and territories wishing to commit themselves to human rights; 2) to

⁶² Institute for Human Rights, Åbo Akademi University, 'Human Rights Cities -A framework for localizing human rights', About the Project (2022), available at: <https://blogs2.abo.fi/humanrightscities/>

⁶³ The UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights: About the Committee, available at: <https://www.uclg-cisdp.org/en/about-committee#background-42>

develop cooperation and solidarity links between all participating territories; and 3) to make such a commitment visible within their community of cities, as well as internationally at large.⁶⁴

For UCLG-CSIPDHR, becoming a Human Rights City or Territory represents not only a commitment to improve the living conditions of all inhabitants, but also to define new modalities of public action, enhancing the role of local and regional governments to build inclusive, resilient and peaceful societies, recognising the needs of specific groups.⁶⁵ They acclaim human rights as “a source of inspiration for inclusion and social innovation, creating new areas of action to respond to local demands and realities.”⁶⁶ Human rights are perceived as “added value that allows local administrations to assert themselves as political actors, as local governments addressing the demands and accompanying aspirations of their inhabitants.”⁶⁷

UCLG-CSIPDHR sees human rights as offering a framework for acknowledging inventive initiatives and practices undertaken by local governments. By connecting innovative approaches to international human rights principles and regulations, these practices gain credibility, become more commonplace, and become part of the established system. This institutionalisation process makes it easier to spread these practices to other settings and governmental levels, while also prompting discussions about the long-term sustainability of local efforts and the kind of legacy that local and regional governments aim to create for their constituents in the years to come.

The objective of the campaign is to gather 1000 Human Rights Cities and Territories by 2030. According to the UCLG-CSIPDHR every city and territory is critical and can actively contribute to human rights protection, promotion and advancements globally.⁶⁸

⁶⁴ The UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, The letter with the call of the Co-Presidency of the UCLG- CSIPDHR inviting to join the Global Campaign “10, 100, 1000 Human Rights Cities and Territories by 2030” (15 July 2022), available at: https://www.uclg-cisdp.org/sites/default/files/CSIPDHR%20letter-%2010%20100%201000%20Campaign_ENG_0.pdf

⁶⁵ The UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, Detailed presentation of the Global Campaign “10, 100, 1000 Human Rights Cities and Territories by 2030” (22 July 2022) p.1, available at: https://www.uclg-cisdp.org/sites/default/files/ENG_Global%20Campaign_Presentation.pdf

⁶⁶ *ibid.*, p.4

⁶⁷ *ibid.*

⁶⁸ *ibid.*, p.1

4. Turku Case-study

4.1. Background details about the survey

As part of this study, a survey was conducted among those who live, work or study in Turku.⁶⁹ The methodology too draws inspiration from the study conducted in York (as outlined in the introductory chapter), where the collection of public opinions on the realisation of various human rights and priority issues served as the initial impetus for this study itself.

The survey was primarily available in an on-line format with some paper copies being made available in a selection of care homes, so as to broaden the audience to whom the survey was accessible.

In the survey, the residents were presented a range of questions relating to their views on the state of realisation of their human rights in Turku. A sample of the survey is available in Annexe 1.

4.2. Presentation of survey results

4.2.1. Background information

The survey⁷⁰ received 130 responses, of which 126 identified themselves as persons who either live, work or study in Turku. The remaining four participants were from the neighbouring municipalities, but had responded negatively to the first question. The following analysis includes only those 126 respondees, who answered this first question in the affirmative.

Of the 126 respondees, 102 were from different postcodes around Turku and 25 from the neighbouring municipalities of Lieto, Kaarina, Raisio, Rusko, Paimio and Mynämäki. There were participants from 25 different post code areas of Turku.

Although this overall number of participants in the survey is rather modest, it is nevertheless likely to give a reasonable indication of the views of the Turku residents. This expectation is based on the demographic diversity of the survey participants,⁷¹ which indicates that they are from a varied cross-section of the potential respondent pool.

⁶⁹ See Annexe 1 for a sample of the survey

⁷⁰ See Annexe 2 for a breakdown on the survey results

⁷¹ *ibid.*

4.2.2. Residents' levels of satisfaction regarding the realisation of their human rights in Turku

When respondents were questioned about the extent to which they could enjoy their human rights in the areas mentioned in the survey, their highest satisfaction was evident regarding the right to education. A significant 88% of those surveyed believed that this right is either well or very well realised. Additionally, a minimum of 80% of the participants were content with the level of realisation on rest, leisure and cultural life, liberty and security of person, as well as rights to marriage and property.

The concept of non-discrimination and equality scored the lowest, with only 53% of survey participants believing that this right is either well or very well realised. To break it down further, 9% expressed the view that its realisation was poor, 29% found it satisfactory, and 10% of the respondents did not comment on this matter.

The 9% who believed that the realisation of non-discrimination and equality in Turku was poor represented also the highest percentage of respondents who had this view compared to other listed rights (on average, 4% of the respondents considered different rights to be poorly realised). Among these respondents, 64% are women, 45% have Finnish as their mother tongue, 27% primarily speak English, 36% fall into the 46-65 age group, and 27% are aged 26-35. Regarding their annual income, it shows a diverse distribution, with roughly one-third in each of the income categories: 0-30,000€, 30-50,000€, and 50-100,000€, respectively.

This is a concerning result, as non-discrimination and equality are essential components of human rights. The fact that only 53% of survey participants believed that this fundamental human right is well or very well realised in Turku, combined with 9% of respondents viewing its realisation as poor, suggests that Turku faces significant challenges in realising non-discrimination and equality within the city. Moreover, the wide age range and the varying annual income levels among this group indicate that dissatisfaction with the realisation of non-discrimination and equality affects diverse categories, suggesting a potentially widespread issue. Lastly, it is notable that 45% of this group speak Finnish as their mother-tongue, underlining that this is not an experience of minority populations only, but an issue of pervasive nature.

The score for the concepts of health and an adequate standard of living was mediocre, with 69% and 72% of survey participants, respectively, believing that these rights are either well or very well realised. About 7% and 6% of respondents, respectively, were of the view that their realisation was

poor, while just over 20% found them to be satisfactory.⁷² Interestingly, these two issues were also identified as the top priorities for residents in the survey. This is analysed further in the section below.

Additionally, more than 5% of respondees expressed dissatisfaction with matters of work (7%) and the prohibition of cruel or inhuman treatment (7%) and on average, around 20% considered their realisation to be satisfactory.⁷³

On the whole, an average of 72% of the participants believed that the human rights listed in the survey were effectively realised in Turku.

4.2.3. Priorities of the residents

The residents were asked to rank, into order of their preference for Turku to focus on, eight categories of areas of development that are within the competence of local authorities. For the majority of the respondees, the most important subject matter for Turku to focus on was health, welfare and physical activity with 37% of the respondees holding such an opinion. Standard of living was prioritised by 30%. These are evidently overall important concerns for people, as these subject matters were among the top two priorities for 54% of the respondees in relation to health and welfare, and 50% doing the same for the standard of living. It must also be remembered that earlier in this study, the respondees' perceptions regarding the extent of realisation of these issues were found to be mediocre.

The prominence of health and welfare-related concerns in people's priorities is hardly surprising, especially given the significant coverage these issues have received in the news over recent years. Several factors contribute to this. Firstly, the extensive duration of the SOTE reform⁷⁴, along with the extensive debates and preparations, has kept these topics in the public eye. Secondly, the ongoing discourse regarding the shortage of healthcare staff in Finland, combined with the current demographic structure and the prospect of larger aging generations, only intensifies the strain on the healthcare system. Thirdly, there has been considerable discussion, particularly in the wake of the COVID-19 pandemic, regarding the increased demand for mental health services.

What is, perhaps, somewhat surprising, is that the age group in whose priorities this issue featured most heavily, was the under 18's, with 57% of the 15-17 year olds considering it the most

⁷² Exact individual figures: see Annexe 2

⁷³ *ibid.*

⁷⁴ for an explanatory of Sote-Reform, see n 189

important issue and 43% of the same age group had it among their top two priorities.⁷⁵ This might mirror the fact that the widely reported surge in demand for mental health services is predominantly driven by young individuals. Some of the open comments from the survey participants also support this finding with the health and welfare of young people featuring in them repeatedly. The comments suggest the need for an emphasis on preventive measures in the context of health and welfare promotion. Additionally, there is a call for better overall inclusion of young people and improved accessibility to mental health services.

However, it is evident that there exists a knowledge gap among the residents regarding the redefined distribution of roles and responsibilities among various public authorities concerning the delivery of health, welfare, and social services. This knowledge gap has likely influenced the survey results, as local authorities are often perceived to wield greater influence over these matters than they actually do. Many of the open comments indicate that residents still believe the responsibility for providing these services lies primarily with local authorities.

However, it's undeniable that health and welfare are top priorities for people. Considering that local authorities are tasked with the responsibility of promoting health and welfare, there is a clear and substantial demand for these matters to be a primary focus for local authorities in any event.

It seems that Turku is already aware of this issue, as their most recent welfare report addresses a range of wellbeing issues.⁷⁶ As an example, the report acknowledges that the sense of wellbeing has declined among all age groups except those of working-age.⁷⁷ To illustrate further, the report also acknowledges that approximately 40% of elementary school children exhibit functional levels that may pose challenges in coping with daily life. Multiple indicators suggest that both physical and mental health have been on a declining trend, with distinct challenges in mental well-being becoming increasingly apparent.⁷⁸

The report also outlines, as part of one of the spearhead projects and external funding, many new projects have started or are about to start, all of which focus on various well-being concerns. It observes further, that it is important to integrate the results of the projects as part of the development of the basic functions, so that the developed outputs remain part of normal operations in life even after the development.⁷⁹

⁷⁵ As no: 1 in other age-groups: 18-25 (29%), 26-35 (30%), 36-45 (30%), 45-65 (40%), over 65's (33%), see Annexe 2

⁷⁶ City of Turku, Welfare Report 2023, p-4-5

⁷⁷ *ibid.*, p. 21

⁷⁸ *ibid.*, p. 5

⁷⁹ *ibid.*, p. 26

The report highlights that several new projects, initiated under the spearhead project ‘Communal Turku’ and external funding, are either underway or in the planning stages. These projects address various well-being issues. Additionally, the report stresses the importance of integrating such project outcomes into the ongoing development of essential functions, so as to ensure that all of the improvements become an integral part of daily life beyond the developmental phase.⁸⁰ The report outlines some of these projects. These include, *inter alia*, arranging a series of lectures and training to residents and third sector organisations on strengthening mental well-being⁸¹. Secondly, the growth of walking and cycling as a form of movement is promoted in urban planning.⁸² These programs accentuate the promotion of an active lifestyle in daily routines. Furthermore, cycling is highlighted for its positive impact on well-being and health, and accordingly, the city plans for significant enhancements for the conditions for walking and cycling.⁸³

While respondees aged 26-45 regarded health and welfare-related issues as highly important, a larger proportion of them also emphasised the need to enhance their standard of living. This was especially significant for 45% of individuals in the 35-45 age group and 39% of those aged 25-35.

Regarding those who prioritised health, there seems to be little disparity between the genders, with 35% of women (across all age groups) and 38% of men emphasising health. Nonetheless, when it comes to living standards, there are apparent differences. The group that expressed the highest level of concern about this aspect are individuals identifying as transgender, with 75% of them prioritising it, in contrast to 33% of women and 23% of men.

Living standard featured also as an important subject matter to the residents through the open comments given in the survey. In these, the importance of living being secured became emphasised and one respondent suggested stronger attention be given to the actors in the third sector, such as ‘the Operation Foodbag.’⁸⁴

Turku acknowledges the existence of challenges with the standard of living of some of its residents. As an example, the 2023 welfare report observes that there is a significant percentage of residents living with low income levels, specifically 19% in the year 2021. This figure surpasses

⁸⁰ *ibid.*

⁸¹ *ibid.*, p. 29

⁸² City of Turku, Turku Cycling Development program 2029; Turku Walking and Leisure Development Programme 2029, p.30

⁸³ City of Turku, Turku Cycling Development program 2029, p.11

⁸⁴ Operaatio Ruokakassi is an aid organization in Turku, founded on March 1, 2008. Operation Ruokakassi's task is to centrally acquire and deliver food to be distributed through the association's member organizations to needy people. available at: <https://operaatio.ruokakassi.fi/>

that of most major cities in Finland, which typically range from 9.8% to 13.6%, and also exceeds the national average of 13.2%.⁸⁵

Housing and environment was considered the highest priority by 29% of respondents in the 18-25 age group, while the overall average for all participants stood at 9% (and for 18% it was among their top two choices). Despite its relatively low overall ranking, this topic generated the highest number of suggestions (36%) when respondents were asked in the final survey question to provide open-ended feedback on areas for city improvement.

Residents expressed a desire for a more attractive urban environment with some requesting better architecture, although there were concerns about excessive apartment building construction. The diminishing green spaces due to housing development raised unease, many highlighting the importance of maintaining recreational areas in the city, as well.

Moreover, respondents emphasised the integration of nature into the urban landscape and the significance of green spaces. Keeping the city clean and ensuring proper waste disposal garnered attention. Suggestions included making parking garages more user-friendly, improving the vitality and accessibility of the city center, and enhancing the bus network, although there were differing opinions on the proposed tram system.

Key priorities included enhancing safety for cyclists, expanding bicycle paths, and improving lighting in the evenings to ensure personal safety for those walking alone in the dark. Overall, there was a collective call for a greener and more appealing urban environment, not forgetting the need to mind the archipelago's well-being, too.

Work was a second choice of priority for 18% of the respondents, but topped as a priority for only 5% of the respondents. An interesting finding in this regard is that it was twice as popular among the individuals aged 36-45 (10%) compared to the average of 5%, and among those under 18, it was a significantly higher percentage, almost tripling the average (14%).

The comments from the participants called for better employment support for partially disabled individuals, increased job opportunities for English speakers and internationals, and improved integration measures for immigrants by focusing on the availability of work opportunities for English speakers, instead of having them attend solely language lessons in schools. These responses emphasise inclusivity and diversity in employment and integration efforts.

⁸⁵ City of Turku, Turku Welfare Report 2023, p.12

Education was prioritised among the two most important issues by 27% and as a first by only 7%. This is hardly surprising, since a significant 88% of those surveyed believed that this right already is either well or very well realised.

Only 2% of respondees ranked cultural activities and local identity as their number one concern. These were the lowest levels of prioritisation among the available categories.

4.2.4. How good is Turku in fighting discrimination and promoting equal values and rights?

The average rating Turku received in response to this question was 3.25 out of 5. Interestingly, this score is slightly more favourable than what the earlier figures regarding satisfaction levels in the realisation of non-discrimination and equality would suggest. In the earlier data, only 53% of survey participants believed that this human right is well or very well realised in Turku, while 9% of respondees viewed it as poorly realised. This may indicate that while some residents express dissatisfaction, there is a degree of optimism or recognition that efforts are being made to address the issue, albeit with much room for improvement. Again, this highlights the multifaceted nature of addressing human rights and equality, combined with complexities of public perception.

The public's feedback highlights several key concerns for promoting a more inclusive and harmonious community. Residents are calling for improved communication with people of immigrant backgrounds to enhance understanding and integration. There is a strong desire to foster social cohesion by replacing divisive "us vs. them" thinking with an improved focus on equality and unity. Again, the importance of facilitating immigrant integration through enhanced availability of job opportunities for non-Finnish speakers, was emphasised. This would undoubtedly contribute to a more diverse and inclusive society. Residents were also seeking a shift towards more genuine care and support, rather than mere rule compliance. Civil servants are encouraged to show authentic concern for individuals' well-being. These recommendations from the public collectively stress the importance of inclusivity, equality, integration, and open communication in addressing discrimination and creating a more cohesive and welcoming community.

However, this view somewhat contradicts with the overall prioritising expressed by the respondees, since the promotion of local identity and social cohesion ranked low as a priority among residents, with only 2% of respondees identifying these issues as their top concern. Could it be possible that the focus on individual experiences of discrimination and inequality may overshadow the broader societal culture that perpetuates such issues. This individual-centric view

might lead residents to expect improvements primarily from external sources, such as local authorities, rather than recognising the collective responsibility in fostering social cohesion.

In this context, social cohesion could indeed be a critical factor for achieving improved equality, as it can help shape the very cultural norms and values that underpin discrimination and inequality. By fostering a stronger sense of community and inclusivity, individuals may become more aware of the need for collective change and be more willing to actively contribute to a more equal society.

This in turn highlights the need for better public awareness and education on the interconnectedness of these issues and the role that a cohesive society can play in addressing discrimination and inequality. The importance of promoting empathy, understanding, and collective responsibility in efforts to combat these complex challenges is vital. It is essential be mindful of the multi-faceted nature of social issues and the potential for positive change through a collective, community-oriented approach.

4.2.5. Participatory decision-making

The majority of respondees (76%) believed their human right to participate in decision-making was realised either well or very well, suggesting a general level of satisfaction with the current state of participatory processes. Yet, when asked how desirable it would be to have an increase in democracy-promoting activities, the average score was 7/10. The responses regarding proposals for improving participatory decision-making in the town provided a range of suggestions, emphasising the opportunity to be genuinely heard. Particularly, for decisions involving large investments, a desire for increased opportunities for participation featured repeatedly. A proposal was for multiple discussion forums in cases involving controversial decision-making. Additionally, increased involvement of younger residents was promoted in several of the comments. As a specific example, a holding of "junior" communal elections was suggested by one of the respondees. These recommendations appear to reflect a desire for more meaningful and transparent resident involvement in decision-making. However, it's noteworthy that the percentage of respondees expressing dissatisfaction regarding their right to participate in decision-making is relatively low (4%), indicating that while there is some room for improvement, participation this is not necessarily a widespread issue.

4.2.6. Security in Turku

The majority of residents (83%) feel that their human right to liberty and security of person is well realised in the town. Only a small percentage (2%) expressed dissatisfaction. On a scale of 1-10, residents reported an average safety score of 7.8/10, indicating a generally positive perception of safety while moving around the town.

Several specific safety concerns and improvement suggestions were raised by residents. These include addressing nightlife safety in restaurants and clubs, increasing police presence around the marketplace in the evenings, improving street lighting, enhancing safety during evenings and weekends, and addressing restlessness concerns, particularly among young people. There were also concerns about drug-related issues in certain areas, suggesting a need for comprehensive measures to ensure safety and security.

4.2.7. Concluding remarks on the survey results

The survey aimed to assess residents' views on the realisation of human rights in Turku, with a particular focus on non-discrimination and equality.

When residents were questioned about their satisfaction with the realisation of human rights, education emerged as the most well-realised right, with 88% of respondents expressing satisfaction. Other rights, such as rest, leisure, cultural life, liberty, security of person, marriage, and property, were also viewed favourably by over 80% of the participants. However, non-discrimination and equality scored the lowest, with only 53% of respondents believing that it is well realised. Notably, 9% of respondents considered the realisation of non-discrimination and equality to be poor, which was the highest level of dissatisfaction among all listed rights. These dissatisfied individuals were diverse in terms of gender, language, age, and income, indicating a broad-based issue.

Moreover, the survey results indicate the need for more employment support, job opportunities for non-Finnish speakers, and integration measures for immigrants. While the promotion of local identity and social cohesion ranked low in residents' priorities, there may be a disconnect between individual experiences of discrimination and inequality and the broader societal culture that perpetuates such issues. The survey suggests that fostering social cohesion could be a key factor in achieving improved equality.

Participatory decision-making was also examined, with a majority of respondents (76%) expressing satisfaction with their human right to participate in decision-making. However, there is room for

more meaningful and transparent resident involvement in decision-making, as highlighted by various suggestions from residents.

In terms of security in Turku, most residents (83%) feel that their human right to liberty and security of person is well realised. Specific safety concerns and improvement suggestions were raised, including addressing nightlife safety, increasing police presence, improving street lighting, and addressing issues related to restlessness and drug-related concerns.

In summary, the survey results reflect both areas of satisfaction and areas where improvements are needed. While some residents express dissatisfaction with the realisation of non-discrimination and equality, there is a collective call for a more inclusive and harmonious community.

4.3. The selection of Turku policies for the HRBA-analysis forming part of the study

Among the provided categories, respondees expressed a clear preference for prioritising the development of health, well-being, and sports activity services.

Until recently, the provision of public health and social services has been the responsibility of the local authorities. At the beginning of the year 2023, the health and social services reform changed the public health care system in Finland and under the new law, the Act on Organising Healthcare and Social Welfare Services ('HSWS'), this obligation is designated to the wellbeing services counties⁸⁶. In other words, pursuant to HSWS, the organisation of public health care, social welfare, and rescue is now the responsibility of the wellbeing services counties.

Local authorities have retained a responsibility for pre-emptive work with regard to public health and wellbeing. Under HSWS, the promotion of health and well-being ('Hewe-work') of the population is a joint task of the wellbeing services counties and local authorities. Accordingly, this study reviews the policies of the city of Turku regarding the promotion of health and well-being of its residents.

Turku is actively pursuing a City Strategy for 2030 that focuses on promoting well-being and physical activity among its residents. The city acknowledges the economic cost of physical inactivity and emphasises the importance of an active lifestyle in improving health and overall quality of life.

⁸⁶ the Act on the Wellbeing Services Counties (611/2021)

Turku's City Strategy is divided into two main programs: "Well-being and Activity" and "Competitiveness and Sustainable Development." These programs prioritise the health, knowledge, and activity of residents while also focusing on sustainable development.

Turku aims to invest in preventive measures that support residents' well-being and emphasises the significance of physical activity. The city's policies seek to integrate physical activity into residents' daily lives as a fundamental part of their well-being. Additionally, Turku has developed various development programs to promote physical activity, including those for the sports facility network, cycling, and walking. These programs recognise the importance of mobility and physical activity in enhancing residents' overall health and well-being.

Accordingly, focusing on the issues voiced as priorities by the majority of respondees in the survey, it is these development programs of Turku for the promotion of physical activity that will be analysed in this study by using a human rights-based approach.

5. Legal Framework

5.1. Normative focus of the study

This chapter outlines the relevant international and national legislation upon which the human rights-based analysis of the selected Turku city policy documents in chapter seven is based.

In the context of this study, the focus is primarily on the international human rights framework as rooted in UN treaty law. This choice is motivated by the study's inherent connection to UN treaty law, as is evidenced by the survey design structured around the UDHR. Due to constraints related to the scope and depth of the study, the examination of regional human rights law, including key conventions within the Council of Europe (CoE) framework such as the European Convention on Human Rights (ECHR) and the European Social Charter (revised), along with the Charter of the Fundamental Rights of the European Union, are not explored in this study.

Further, this overview mainly focuses on the right to health and the role of physical activity and sport as an element of it, and the State obligations arising therefrom. Other than the foundational aspects of the right to health outlined in the proceeding section, any wider discussion on the right to health on its own is beyond the scope of this study.

5.2. International human rights law

Human rights are principles or norms that aim to respect and protect human dignity, establish equality and defend individual freedoms. These rights are inalienable and universal, meaning that people are entitled to them by virtue of being human.⁸⁷ “Human rights are applicable everywhere, for everyone, at all times and should not be limited, except through the human rights of others or in times of emergency”.⁸⁸

International human rights law is comprised of a combination of various international agreements, customary law, and principles. States have legally binding obligations under those human rights treaties and conventions to which it is a party. When a state becomes a party to an international human rights treaty or convention, it incurs a legally binding obligation to uphold the rights enshrined in that treaty and commits to implementing the provisions of the treaty within its domestic legal system. Furthermore, States have binding obligations under customary international law, which can create such obligations without their explicit consent. Customary international law

⁸⁷ Universal Declaration of Human Rights (1948), Art 2

⁸⁸ Borry EL and Reuter TK, ‘Humanizing Bureaucracy: Applying the Human Rights-Based Approach to Weber’s Bureaucracy’ (2022) 5 Perspectives on Public Management and Governance 164-173, 166

comprises state practices and *opinio juris* (the belief that a practice is legally required). An example of customary international law is the prohibition of torture.

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in Paris on 10 December 1948⁸⁹, can be regarded as the foundation in the international codification of human rights norms. It sets out, for the first time, a comprehensive list (including civil and political, as well as economic, social, and cultural rights) of fundamental human rights that are to be universally protected.

While not a legally binding treaty itself, the UDHR is widely acknowledged for its role in inspiring and laying the groundwork for, the adoption of more than seventy legally binding human rights treaties that are currently in effect at both global and regional levels.⁹⁰ In subsequent proclamations, the UN general assembly has confirmed that the “UDHR states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community.”⁹¹ There is some scholarly discussion that UDHR (as a whole or in part) has become part of customary international law⁹².

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are two legally binding treaties that expand on the rights outlined in the UDHR and build on them. These treaties set out a range of specific obligations on governments with regard to the protection and promotion of fundamental human rights. Collectively, the UDHR and the two Covenants are known as the International Bill of Human Rights. Finland accessed the ICCPR in 1976⁹³ and the ICESCR in 1976.⁹⁴

5.3. The right to the enjoyment of the highest attainable standard of a physical and mental health

5.3.1. Foundational aspects of Right to Health

The right to health is established in article 25 of the UDHR according to which everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. It is recognised more specifically in ICESCR, in which pursuant to article 12 “everyone has the right

⁸⁹ UNGA, resolution 217 A (8 December 1948) A/RES/217 (III) A

⁹⁰ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁹¹ UN International Conference on Human Rights, Proclamation of Teheran (13 May 1968) A/CONF.32/41, Art 2

⁹² De Feyter K, ‘Localizing Human Rights’ (University of Antwerp 2006) 7

⁹³ International Covenant on Civil and Political Rights, signed by Finland on 11 Oct 1967 and ratified on 19 Aug 1975

⁹⁴ International Covenant on Economic, Social and Cultural Rights, signed by Finland on 11 Oct 1967 and ratified on 19 Aug 1975

to the enjoyment of the highest attainable standard of a physical and mental health". Health is also recognised as a right explicitly in the CRC (art 24), CRPD (art 25), CERD (art 5) and CEDAW (art 11.1).

The right to health should not be interpreted as an absolute entitlement to perfect health, nor should it be limited to access to healthcare alone. It encompasses the concept of achieving the highest possible standard of health, taking into consideration both an individual's biological and socio-economic conditions and the resources available to the State.⁹⁵

The right to health is a socio-economic right, subject to progressive realisation. State parties are not under a duty guarantee good health to the rights-holders.⁹⁶ They are obliged to make every possible effort, to the maximum of their available resources, to realise the right to health and to take steps in that direction as expeditiously and effectively as possible.⁹⁷ There's a strong assumption against the permissibility of any measures that would lead to regression in the right to health. Should, however, any retrogression be contemplated, the State party has the burden of proving that these measures are a result of thorough consideration of all possible alternatives and are justifiable by reference to the totality of the rights in ICESCR in the context of the full use of the maximum available resources.⁹⁸

Any limitations imposed by a State on the enjoyment of right to health itself, or on the exercise of other fundamental rights on grounds of public health, must be in accordance with law, including human rights standards, compatible with the nature of the rights protected by ICESCR, in the interest of legitimate aims pursued, and strictly necessary for the promotion of the general welfare in a democratic society.⁹⁹ Limitations must be proportional, i.e., the least restrictive alternative must be adopted where several courses action are available. Any such limitations must be of a limited duration and subject to review.¹⁰⁰

⁹⁵ the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on The Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 9

⁹⁶ *ibid.*

⁹⁷ the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on The Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4., para 31; the Committee on Economic, Social and Cultural Rights, General Comment No. 3 on the Nature of States Parties' Obligations (Art. 2), (14 December 1990) E/1991/23, para 9

⁹⁸ the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on The Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 32; the Committee on Economic, Social and Cultural Rights, General Comment No. 3 on the Nature of States Parties' Obligations (Art. 2), (14 December 1990) E/1991/23, para 9

⁹⁹ ICESCR, Art 4

¹⁰⁰ the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on The Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 28-29

Notwithstanding any possible resource constraints, some obligations have immediate effect. State parties have immediate obligation to guarantee the exercise of right to health in a non-discriminatory manner, to develop specific legislation and plans of action, or take other similar steps towards the full realisation of the right, which steps must be deliberate, concrete and targeted.¹⁰¹ The realisation of the right to health, in its various forms and across all levels, encompasses several interconnected and essential elements. The specific implementation of these elements varies based on the prevailing conditions in each State party: Availability, accessibility, acceptability and quality.¹⁰² Of note in particular with regard to accessibility, is that health facilities, goods and services must be accessible to everyone, without discrimination and especially, the most vulnerable or marginalised sections of the population must be considered with care.¹⁰³ In all policies and programs aimed at guaranteeing the right to health of Children and adolescents their best interest shall be a primary consideration.¹⁰⁴

The right to health embraces a wide range of social economic factors that promote conditions in which people can lead a healthy life and, and extends to the underlying determinants of health, such as food, housing, clean and accessible water, sanitation, safe workplaces, and a healthy environment. It should be understood as the right to access a wide range of facilities, goods, services, and conditions necessary for achieving the highest possible standard of health.¹⁰⁵

Like all human rights, the right to health imposes three levels of obligations on State parties: the duty to respect, protect, and fulfil. The obligation to fulfil can be further categorised into the obligations to facilitate, provide and promote.¹⁰⁶

In July 2014, recognising the need for States to create favourable conditions to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health¹⁰⁷, whilst simultaneously acknowledging the potential of sport as a universal language that contributes to educating people on the values of respect, diversity, tolerance and fairness and as a means to combat all forms of discrimination and promote social inclusion for

¹⁰¹ the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on The Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 30; the Committee on Economic, Social and Cultural Rights, General Comment No. 13 on the Right to Education (8 December 1999) (Art. 13) E/C.12/1999/10), para 43

¹⁰² the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on The Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 12

¹⁰³ *ibid.*, para 12(b)

¹⁰⁴ *ibid.*, para 24

¹⁰⁵ *ibid.*, paras 9 & 11

¹⁰⁶ *ibid.*, para 33

¹⁰⁷ UN Human Rights Council, Res 26/18 on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health: Sport and Healthy Lifestyles as Contributing Factors (14 July 2014) A/HRC/RES/26/18, p2

all¹⁰⁸, the Human Rights Council requested the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to prepare a study on the theme “Sport and healthy lifestyles as contributing factors to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.¹⁰⁹

In his report, the Special Rapporteur concludes that the adoption of healthy lifestyles is integral to realisation of the right to health and that “sport and Physical activity are a vital part of healthy lifestyles, and States and other factors incur important obligations to maximise individual capacity to exercise and to live healthily.”¹¹⁰

In this study, the analysis shall from here on focus on the role of physical activity and sport as an element of the right to health, and the State obligations arising therefrom.

5.3.2. Respect

The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of right to health. In particular, States must refrain from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum-seekers and irregular immigrants, to preventive, curative and palliative health-services and abstain from any discriminatory practices as a State policy.¹¹¹ The obligation to respect the right to health extends to participation in sport and physical activity.¹¹²

States should establish inclusive, participatory, and transparent practices and rules related to sports, eliminating any discriminatory elements.¹¹³ Furthermore, sport and physical activity should be taken into account in all governmental policies in accordance with the Helsinki Statement on Health in All Policies.¹¹⁴ For example, in formulating planning policies, States should take note to equitably allocate communal spaces for public recreation and exercise. They should also ensure that infrastructure for active transport, including walking, cycling, and skating, is evenly distributed across all regions, without concentration in more affluent areas.¹¹⁵

¹⁰⁸ *ibid.*

¹⁰⁹ *ibid.*

¹¹⁰ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 96

¹¹¹ the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 34

¹¹² UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 16

¹¹³ *ibid.*

¹¹⁴ *ibid.*, para 17; World Health Organisation, the 8th Global Conference on Health Promotion, Helsinki, Finland, the Helsinki Statement on Health in All Policies (10-14 June 2013), available at:

https://iris.who.int/bitstream/handle/10665/112636/9789241506908_eng.pdf?sequence=1

¹¹⁵ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 17

5.3.3. Protect

Obligations to protect requires the State to establish such legislation or implement alternative measures that guarantee equitable access to healthcare and related services offered by third-party providers. It is also important to safeguard against such privatisation in the health sector that might jeopardise the availability, accessibility, acceptability, or quality of healthcare facilities.¹¹⁶

States must ensure full compliance between sports policies, rules, programs, and practices with human rights law and require all providers (public and third-party) to adopt policies that are compatible with human rights standards. For example, making public funding could be contingent on the adoption of appropriate policy programmes, or mandatory monitoring and reporting of participants' rights in sport.¹¹⁷ The Special Rapporteur observes that protection of the human rights of those participating in sport and physical activity is a State obligation under the right to health.¹¹⁸

Another aspect of the obligation to protect is to ensure that all healthcare personnel meet the necessary standards of education, skill and code of ethics.¹¹⁹ States should offer training and materials to sports organisations for the adoption of rights-based approaches to health within the sporting context.¹²⁰ This extends to competitive sporting as well. Whilst some level of competitiveness may well foster participation, encourage individuals strive for excellence and promote empowerment, appropriate safeguards need to be implemented to protect competing athletes from any harmful effects of overly competitive environments.¹²¹

5.3.4. Fulfil

The obligation to fulfil necessitates that States, inter alia, take positive measures to enable and support individuals and communities in enjoying the right to health. This includes efforts to reduce unhealthy or risky behaviours, even if individual behaviour cannot be directly controlled. Fulfilling (promoting) the right to health also entails actions that contribute to the health of the population, such as promoting awareness of factors conducive to good health, disseminating relevant information on healthy lifestyles and nutrition, and assisting individuals in making

¹¹⁶ the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 35

¹¹⁷ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 19

¹¹⁸ *ibid.*, para 21

¹¹⁹ the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 35

¹²⁰ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 20

¹²¹ *ibid.*, para 23

informed choices about their health.¹²² This includes the provision of information regarding sport and physical activity and ensuring the availability, accessibility, acceptability and quality of certain goods, services and facilities therein.¹²³

It is imperative for states to take actions that allocate sufficient resources and infrastructure to facilitate people's access to and participation in sport and physical activity as part of a broader strategy to promote healthy lifestyles.¹²⁴ In doing so, there are three primary issues for States to consider. Firstly, they should immediately incorporate the promotion of physical activity and healthy lifestyles into their national planning, if not already done. Secondly, they must establish (or update) high-quality physical education programs, including those within schools and healthcare settings, in accordance with human rights standards. Finally, states should progressively implement, expand, and improve goods, facilities, services, and information that support and promote healthy lifestyles, while considering resource limitations. The Special Rapporteur reminds that the integration of physical activity and healthy lifestyles into existing national health plans represents a core obligation and is not subject to the principle of progressive realisation, alongside the principle of non-discrimination.¹²⁵

Under the ICESCR, the provision of education, including physical education, is a State obligation¹²⁶, recognition also echoed in the CRC.¹²⁷ The International Charter of Physical Education, Physical Activity and Sport underscores the right of every human being to physical education that inspires lifelong participation. Following that ethos, the Special Rapporteur recommends that all States update school curricula and relevant policies to align them with the principles of human rights instruments and the International Charter of physical education, physical activity, and sport.¹²⁸

¹²² the Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the Right to Highest Attainable Standard of Health (Art.12), (11 August 2000) E/C.12/2000/4, para 37

¹²³ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 13

¹²⁴ *ibid.*, para 25

¹²⁵ *ibid.*, para 25

¹²⁶ ICESCR (16 December 1966) Art 13; UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 29

¹²⁷ CRC (20 November 1989) Art 28

¹²⁸ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 29

States must implement measures to facilitate the use of sporting goods, services, information, and facilities. Such facilitation should encompass aspects of availability, accessibility, acceptability, and quality, and may take the form of economic assistance, direct interventions, or training. States may also enter into financial partnerships with private entities to construct facilities that improve availability in specific areas or regions.¹²⁹ Furthermore, States should enhance the acceptability and quality of existing resources by providing training and sensitising personnel at sporting facilities.

The construction and maintenance of adequate public spaces for active transport and participation in physical activity represent also core state responsibilities.¹³⁰ The provision of these public goods facilitates equitable adoption of healthy lifestyles. For example, States should ensure the availability and accessibility of safe walking and cycling paths to encourage increased pedestrian and cycling activity for both transportation and exercise.¹³¹

The preferences and experiences of target populations should be taken into account when formulating policies, programs, and facilities related to sport and healthy lifestyles to ensure relevance and effectiveness, as health behaviour is influenced by social structures and practices. Interventions should be tailored to specific groups based on their perceptions of healthy lifestyles to promote adoption and avoid poor lifestyle choices.¹³²

5.3.5. Special obligations

Specific obligations arise concerning the right to health, particularly in relation to children and the promotion of healthy lifestyles.¹³³ The benefits of participation in physical activity and sport and the adoption of healthy lifestyles are especially pronounced for children.¹³⁴ The advantages of sport and physical activity extend to holistic development, and sport is recognised as a tool to address social exclusion among children. Efforts to include marginalised children in sports activities have been shown to change community perceptions of particular groups' capabilities, promote self-empowerment, and alter children's self-perceptions and beliefs in their abilities.¹³⁵

The Committee of ESCR acknowledges the importance of an integrated approach to the health of older persons. Encouraging participation in sport and physical activity is among the most cost-effective interventions states can undertake to prevent morbidity and mortality among older

¹²⁹ *ibid.*, para 31

¹³⁰ *ibid.*, para 34

¹³¹ *ibid.*, para 34

¹³² *ibid.*, para 39

¹³³ *ibid.*, para 42

¹³⁴ *ibid.*, para 43

¹³⁵ *ibid.*, para 44

persons and to ensure they achieve the highest possible standards of physical and mental health.¹³⁶ Regular exercise also plays a crucial role in preventing depression and cognitive decline. Sports can be employed as a tool to promote active aging, empowering elderly individuals to stay active and engaged in society and challenging negative stereotypes that portray aging as an inevitable decline in function.¹³⁷ States should respect the right to health of elderly individuals by refraining from discriminatory practices that deny access to conditions enabling them to lead healthy lifestyles. Additionally, states must fulfil the right to health of the elderly by providing or facilitating goods, services, facilities, and information related to sports and exercise that are available, acceptable, accessible, and of high quality.¹³⁸

Persons with disabilities should have access to and benefit from medical and social services that enable them to become independent, prevent further disabilities, and integrate into society.¹³⁹ States are required to take appropriate measures to enable persons with disabilities to participate on an equal basis with others in recreational, leisure, and sporting activities. These measures include encouraging and promoting the participation of persons with disabilities in mainstream sporting activities at all levels. CERD explicitly recognises the right of children with disabilities to have equal access to play. Physical inactivity is associated with the physical and psychological health deterioration of persons with disabilities, making their participation in sport and physical activity potentially more beneficial than for the general population. Investment in achieving equitable health outcomes for this population subgroup is of paramount importance, with children with disabilities receiving particular attention.¹⁴⁰

Another group gaining benefits above average from possible increase in physical activity, is young adolescent girls from highly urbanised areas among whom overweight and obesity are increasingly prevalent and who are particularly vulnerable to anxiety and depressive disorders, in comparison to boys.¹⁴¹

Promoting sport and physical activity for people with disabilities has shifted from a medical therapeutic focus on exercise as rehabilitation or treatment to a more inclusive paradigm rooted in human rights. This paradigm emphasises the abilities and agency of people with disabilities, focusing on their better health, empowerment, and the acquisition of new skills. Increased participation of people with disabilities offers numerous social benefits, including breaking down stereotypes, increasing social cohesion, and fostering inclusion by challenging negative

¹³⁶ *ibid.*, para 74

¹³⁷ *ibid.*, para 76

¹³⁸ *ibid.*, para 77

¹³⁹ *ibid.*, para 78

¹⁴⁰ *ibid.*, para 80

¹⁴¹ *ibid.*, para 64

perceptions and stereotypes of individuals with disabilities as passive, inactive, or incapable of participation.

From a gender aspect, States should identify groups that are historically excluded from, or have limited access to sport and physical activity, and through participatory mechanisms, create and inclusive culture wherein all persons can participate on the basis of their self-identified gender and sexuality. Practical steps to create welcoming spaces for participation in sports and physical activity could include installations of appropriate changing rooms, the sensitising of sporting communities and the enrolment of anti-discrimination laws and policies in the sporting context.¹⁴²

5.4. The Recognition of Physical Activity in other international human rights instruments

Primary international human rights law does not explicitly recognise as an independent human right ‘a right to physical activity’. However, in some UN documents, *participation* in sport and physical activity is recognised as a stand-alone right¹⁴³ [emphasis added].

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) contain references to physical activity and sport from equality and non-discrimination aspect highlighting the equal rights of access and participation for the respective right-holders of the two conventions. Art 13 of CEDAW obligates States Parties to eliminate discrimination in order to ensure, on a basis of equality of men and women, the same rights to participate in recreational activities, sports and all aspects of cultural life whilst Art 30(5) of CERD obliges state parties to take appropriate measures to, inter alia, enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities and encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels. Further, children’s right to ‘engage in play and recreational activity’ contained in the Convention on the Rights of the Child¹⁴⁴ has been defined by the Committee on the rights of child as involving physical exercise and sport among sample recreational activities.¹⁴⁵

Additionally, there are several ‘soft-law’ documents that acknowledge the importance of sports and physical activity to human development.

¹⁴² *ibid.*, paras 54 & 61

¹⁴³ *ibid.*, para 5

¹⁴⁴ CRC art 31

¹⁴⁵ Committee on the Rights of the Child, General comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31) (2013), CRC/C/GC17, Arts 7, 14(c)-(d)

The International Charter of Physical Education and Sport, adopted in 1978 at the 20th UNESCO Conference, was the first rights-based document to state that “the practice of physical education and sport is a fundamental right for all”.¹⁴⁶ In 2015 the Charter was reviewed and updated, *inter alia*, to better support policy- and decision-making in sport.¹⁴⁷ The revised Charter highlights the health benefits of physical activity, social inclusion in and through sport and the role of sport for development and peace. It emphasises the inclusion of young people, including children of pre-school age, the aged and persons with disabilities. It takes note of the need to protect the integrity of sport from doping, violence, manipulation and corruption.¹⁴⁸

The Magglingen Declaration¹⁴⁹, produced by the first International Conference on Sport and Development¹⁵⁰ in 2003, acknowledges sports as a human right in its opening words: “While accepting the diversity of sports, we believe it is a human right and an ideal learning ground for life’s essential skills”. The Declaration addresses the importance of sport holistically and the role it can play in a variety of situations, ranging from its role in health and education, local development and social dialogue to the situations of violence and crisis, conflict prevention and peace promotion.

In June 2013, following the 8th Global Conference on Health Promotion in Helsinki, Finland, the participants adopted the Helsinki Statement on Health in All Policies,¹⁵¹ which reflects a commitment to promoting health and well-being as integral components of public policies at all levels of government and emphasises the importance of incorporating a health perspective into all areas of policymaking, not just within the healthcare sector. Health in All Policies (HiAP) is an approach that recognises that health is influenced by a wide range of factors beyond the healthcare system and that addressing health disparities and promoting well-being requires a holistic, cross-sectoral approach. It includes an emphasis on the consequences of public policies on health systems, determinants of health and well-being.

¹⁴⁶ The UNESCO International Charter of Physical Education, Physical Activity, and Sport, adopted at the 20th session of the UNESCO’s General Conference (1978)

¹⁴⁷ The UNESCO International Charter of Physical Education, Physical Activity, and Sport, adopted at the 20th session of the UNESCO’s General Conference (2015) SHS/2015/PI/H/14 REV

¹⁴⁸ UNESCO, International Charter of Physical Education, Physical Activity and Sport, available at: <https://www.unesco.org/en/sport-and-anti-doping/international-charter-sport>

¹⁴⁹ https://www.sportanddev.org/sites/default/files/downloads/18_the_magglingen_declaration.pdf

¹⁵⁰ The first International Conference on Sport and Development, co-organised United Nations Office on Sport for Development and Peace, Swiss Agency for Development and Cooperation and Swiss Federal Office of Sport, took place in Magglingen, Switzerland, 16.-18. February 2003 and was attended by 200 high-profile representatives from the United Nations, politics, sport, science and business, available at: <https://press.un.org/en/2003/org1374.doc.htm>

¹⁵¹ World Health Organisation, the 8th Global Conference on Health Promotion, Helsinki, Finland, the Helsinki Statement on Health in All Policies (10-14 June 2013), available at: https://iris.who.int/bitstream/handle/10665/112636/9789241506908_eng.pdf?sequence=1

A further noteworthy internationally produced document is the Kazan Action Plan ('KAP'), adopted by UNESCO's Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, MINEPS VI, on 15 July 2017,¹⁵² which reinforces the value sports can play in the promotion of sustainable development.¹⁵³ KAP marks the commitment to link sport policy development to the 2030 Agenda of the United Nations. In the 2030 Agenda, sport is recognised as an enabler of the Sustainable Development Goals (SDGs), but physical education, physical activity or sport are not mentioned in any of the goals and targets of the Agenda. KAP endeavours to bridge that gap. It is:

a voluntary, overarching reference for fostering international convergence amongst policymakers in the fields of physical education, physical activity and sport, as well as a tool for aligning international and national policy in these fields with the United Nations 2030 Agenda.¹⁵⁴

A section of KAP links explicitly links recent developments in physical education, physical activity and sport with the 2030 Agenda and provides an outline of how they can contribute to distinct SDGs.¹⁵⁵ Section II.1. highlights the value of physical activity in the promotion of health, linking increase in activity and regular participation in sports as a contributor for achieving SDGs 3.4 (non-communicable diseases), 3.5, (substance abuse) 3.3 (infectious diseases) and 3.7 (sexual and reproductive health). In Section II.4, it is observed that "participation in physical education... and sport can facilitate intercultural and inter-religious understanding and contribute to efforts build peaceful, inclusive and equitable societies" and it is also linked with achieving SDGs 10.2, (empower and promote the social, economic and political inclusion of all), 16.1 (significantly reduce all forms of violence) and 10.7 (facilitate orderly, safe, regular and responsible migration and mobility of people).¹⁵⁶

In the academic field, Messing et. express some concern that there is "no clear understanding"¹⁵⁷ on "whether right to physical activity represents a human right"¹⁵⁸ and aim to demonstrate how a right to physical activity can be derived from well-established human rights, such as the right to health, the right to rest and leisure, the right to education and the principle of non-discrimination.

¹⁵² UNESCO International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, 6th, Kazan, Russian Federation, 2017 the Kazan Action Plan (2019), SHS/2017/PI/H/14 REV

¹⁵³ *ibid.*, para 4-5

¹⁵⁴ UNESCO, The Kazan Action Plan (KAP) Overview (2019) SHS/SPORT/KAP/2019

¹⁵⁵ UNESCO International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, 6th, Kazan, Russian Federation, 2017 the Kazan Action Plan (2019), SHS/2017/PI/H/14 REV, Main policy area II, p.9

¹⁵⁶ *ibid.* p.10

¹⁵⁷ Sven Messing and others, 'Physical Activity as a Human Right?' (2021) 23 Health and Human Rights 201, 202

¹⁵⁸ *ibid.*, 202

Further, they propose that “conceptualising it as a standalone right would better recognise its multidimensional nature and sharpen its profile.”¹⁵⁹

¹⁵⁹ *ibid.*, 207

5.5. Finland's domestic legislation

5.5.1. Finland's international human rights obligations and the role of local authorities in upholding them

Finland is a State party to all previously identified relevant international conventions, namely: ICESCR¹⁶⁰, CEDAW¹⁶¹, CRC¹⁶², CRPD¹⁶³ and CERD¹⁶⁴. By becoming a party to an international human rights treaty, a State assumes obligations to respect, protect and fulfil human rights. Being regarded as a single entity, only the State as a whole is bound by obligations stemming from any international treaties to which it is a party¹⁶⁵ and it is the central government which has the primary responsibility for the promotion and protection of human rights.¹⁶⁶

Many of Finland's international state obligations for human rights are reflected in the fundamental rights established by the Finnish Constitution.¹⁶⁷ Pursuant to the Constitution, public authorities must promote justice in society¹⁶⁸ and people are equal before the law.¹⁶⁹ 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.¹⁷⁰ The prohibition against discrimination is further set out in the Non-Discrimination Act¹⁷¹ which prohibits discrimination on various grounds, including gender, age, disability, ethnic origin, religion, sexual orientation, and language. The principle of equality is reinforced in Finnish legislation by, *inter alia*, the Equality Act.¹⁷² This law obligates public authorities to promote equality and prevent discrimination in all their activities and services.

A State may delegate implementation of its obligations, but not the resulting responsibilities, to lower tiers of government, such as local authorities. Local authorities are obliged to comply, within their local competences, with their duties stemming from the international human rights obligations of the State.¹⁷³ At all times, a State, as represented by the central government, is

¹⁶⁰ ICESCR signed on 11 Oct 1967, adopted 19, Aug 1975

¹⁶¹ CEDAW signed 17 Jul 1980, adopted 04 Sep 1986

¹⁶² CRC signed 26 Jan 1990, adopted 20 Jun 1991

¹⁶³ CRPD signed 30 Mar 2007, adopted 11 May 2016

¹⁶⁴ CERD signed on 06 Oct 1966, adopted 14 Jul 1970

¹⁶⁵ UNGA, Final report of the Human Rights Council Advisory Committee on the role of local government in the promotion and protection of human rights (07/08/2015) A/HRC/30/49, para 17

¹⁶⁶ *ibid.*, para 21

¹⁶⁷ the Constitution of Finland (731/1999)

¹⁶⁸ *ibid.*, Art 1

¹⁶⁹ *ibid.*, Art 6

¹⁷⁰ *ibid.*

¹⁷¹ the Non-Discrimination Act (21/2004)

¹⁷² the Equality Act (1325/2014)

¹⁷³ UNGA, Final report of the Human Rights Council Advisory Committee on the role of local government in the promotion and protection of human rights (07/08/2015) A/HRC/30/49, para 21

responsible for all acts of all its organs and agents¹⁷⁴ and the conduct of any State organ shall be considered an act of that State under international law.¹⁷⁵ Section 22 of the Finnish Constitution explicitly extends the obligation to guarantee the observance of basic rights and liberties and human rights to public authorities in general. Further, local authorities have several statutory duties under the Finnish Local Government Act 2015¹⁷⁶, which reflect some of the obligations that the state of Finland has under the human rights treaties that it is a party to, *inter alia*, ICCPR, ICESCR, CRC, ECHR, ESC (rev) and CFR. These duties include the provision of basic services to their residents such as education, housing, promoting the well-being of the community, business development, promoting cultural services and maintaining public order and safety (list not exhaustive). In short, local authorities in Finland are responsible for the delivery of two thirds of public services.¹⁷⁷ Ergo, local authorities wield considerable influence over the well-being of their residents, enabling them to lead dignified lives and actively engage in society.

5.5.2. Right to health in Finland

Under Section 19 of the Constitution of Finland, public authorities shall guarantee for everyone adequate social, health and medical services and promote the health of the population. Further, everyone shall be guaranteed 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. The public authorities shall support families and others responsible for providing for children so that the wellbeing and personal development of the children can be ensured.¹⁷⁸

Pursuant to the Constitution, public authorities must promote justice in society¹⁷⁹ and people are equal before the law.¹⁸⁰ The prohibition against discrimination, as set out in the Non-Discrimination Act¹⁸¹, ensures that healthcare services are provided without discrimination, in line with the ICESCR's principle of non-discrimination in access to health services. The principle of

¹⁷⁴ Vienna Convention on the Law of Treaties, Adopted 23 May 1969, entered into force 27 January 1980. 1155 UNTS 331, Art. 27; UNGA, Final report of the Human Rights Council Advisory Committee on the role of local government in the promotion and protection of human rights (07/08/2015) A/HRC/30/49, para 18

¹⁷⁵ UNGA, Final report of the Human Rights Council Advisory Committee on the role of local government in the promotion and protection of human rights (07/08/2015) A/HRC/30/49, para 19

¹⁷⁶ Local Government Act 2015 2015/410

¹⁷⁷ Kuntaliitto, Kuntien ja kuntayhtymien toiminta (25.3.2019) available at: <https://www.kuntaliitto.fi/kunnat-ja-kuntayhtymat/kuntien-ja-kuntayhtymien-toiminta>

¹⁷⁸ the Constitution of Finland (731/1999) Art 19

¹⁷⁹ *ibid.*, Art 1

¹⁸⁰ *ibid.*, Art 6

¹⁸¹ the Non-Discrimination Act (21/2004)

equality obligates public authorities, including healthcare providers, to promote equality and prevent discrimination in all their activities and services.¹⁸²

There are several Acts detailing the execution and implementation of those rights, of which some of the most central ones are the Health Care Act¹⁸³, the Act on Organising Healthcare and Social Welfare Services, Social Welfare Act¹⁸⁴, Child Welfare Act¹⁸⁵, Act on Supporting the Functional Capacity of the Older Population and on Social and Health Services for Older Persons¹⁸⁶ and Mental Health Act¹⁸⁷.

The Health Care Act set outs the health care cover of the national healthcare services. The objectives of the Health Care Act include promoting and maintaining the population's health and welfare, work ability and functional capacity, and social security reducing health inequalities between different population groups ensuring universal access to the services required by the population and improving quality and patient safety. In the Act, health promotion is understood as actions aimed at individuals, the population, communities, and living environments with the aim of maintaining and improving health, working capacity and functional capacity, influencing health determinants, preventing diseases, accidents and other health problems, strengthening mental health, reducing health inequalities between population groups and the systematic allocation of resources in a health-promoting way.¹⁸⁸

The Social Welfare Act stipulates the statutory services for the promotion and maintenance of well-being and social security. It focuses on individuals in need of special support, such as child welfare, the treatment of substance abusers, the special care of people with intellectual disabilities, disability services, informal care support, family care, rehabilitation and older people. The primary aim of the act is to identify and rectify deficiencies in their well-being and thus reduce inequalities and promote inclusion.

At the beginning of the year 2023, the health and social services reform changed the public health care system in Finland.¹⁸⁹ Whereas previously, the provision of public health and social services

¹⁸² the Equality Act (1325/2014), Art 2

¹⁸³ Health Care Act 1326/2010

¹⁸⁴ Social Welfare Act 1301/2014

¹⁸⁵ Child Welfare Act (417/2007)

¹⁸⁶ Act on Supporting the Functional Capacity of the Older Population and on Social and Health Services for Older Persons (980/2012)

¹⁸⁷ Mental Health Care Act (1116/1990)

¹⁸⁸ the Health Care Act, Art 3(1)

¹⁸⁹ This legislative reform is often referred to as 'SOTE-reform'

was the responsibility of the local authorities, the new law, the Act on Organising Healthcare and Social Welfare Services ('HSWS'), designates this obligation to the wellbeing services counties¹⁹⁰.

However, the promotion of health and well-being (HeWe-work) of the population is a joint task of the wellbeing services counties and local authorities.¹⁹¹ This work must be based on the strategies of both the welfare region and the municipality, which provide a framework for their work on health promotion. The goal of HeWe-work is to improve the well-being, health and functional capacity of local residents, prevent sickness and social exclusion, and strengthen inclusion.

HSWS designates several specific responsibilities to local authorities in respect of the promotion of the health and wellbeing of their residents, which include, *inter alia*, integrating relevant objectives and planned actions into their strategic planning, appointing a designated individual or body to oversee health and well-being and monitoring and annual reporting.¹⁹²

According to the Local Government Act, the key functions of a local authority are the advancement of the well-being of its residents and the vitality of its area, and the organisation of its services to the residents in an economically, socially and environmentally sustainable way.¹⁹³ The Local Government Act also repeats the obligation to specifically incorporate the advancement of the well-being of the municipality's residents in the municipal strategies¹⁹⁴.

5.5.3. Sport-related legislation

According to the Government's report on sports policy (2018)³⁰, Finland's most important sports policy objective for the 2020s is to significantly increase the physical activity of citizens in all age and population groups so that the population takes part in physical activity as widely as possible and in sufficient quantities for health and well-being.

The Sports Act¹⁹⁵ provides a legal framework for the promotion of sports and exercise, emphasising the significance of physical activity for public health and well-being. The Act designates the overall duty of creating the necessary prerequisites for residents' physical activity to local authorities.¹⁹⁶ Under the Sports Act²⁸, municipalities are responsible for creating the conditions for physical activity by organising sports services and health and well-being promoting physical activity, supporting sports activities including clubs, and building and maintaining sports

¹⁹⁰ the Act on the Wellbeing Services Counties 611/2021

¹⁹¹ The Act on Organising Healthcare and Social Welfare Services (612/2021) 6-7 §

¹⁹² The Act on Organising Healthcare and Social Welfare Services (612/2021) 6 §

¹⁹³ LGA 1 §

¹⁹⁴ LGA 37 §

¹⁹⁵ the Sports Act (2015/390)

¹⁹⁶ the Sports Act, 5§

facilities. In addition to the Sports Act, the Local Government Act also regulates the construction of sports facilities, including the municipality's obligation to consult residents in the planning process of sports facility projects.

The application of the principles of the Helsinki Statement on Health in All Policies is also encouraged in Finland.¹⁹⁷ The Finnish institute for health and welfare provides guidance on health in all policies (HiAP) on its internet pages and observes that "many of the decisions and policies of different government sectors can impact positively or negatively on the health and well-being of citizens. For this reason, health needs to be considered as a basic resource in all policy making."¹⁹⁸ HiAP is introduced as a strategic tool for policy makers and administrators with a potential to contribute significantly to population health by positively affecting the determinants of health.¹⁹⁹

¹⁹⁷ Finnish Institute for Health and Welfare, Health in All Policies (4 May 2022) available at: <https://thl.fi/en/web/management-of-health-and-wellbeing-promotion/management-of-wellbeing/practices/health-in-all-policies>

¹⁹⁸ Finnish Institute for Health and Welfare, Health in All Policies, Introduction (12 Apr 2016), available at: <https://thl.fi/en/web/management-of-health-and-wellbeing-promotion/management-of-wellbeing/practices/health-in-all-policies/introduction>

¹⁹⁹ *ibid.*

6. The Concept of a Human Rights Based Approach

6.1. Emergence of the concept of a HRBA

The human rights-based approach (HRBA) is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.²⁰⁰ It aims to examine the disparities that form the core of development challenges and rectify unfair practices and unequal distributions of authority that hinder progress in development and frequently lead to certain groups of people being marginalised.²⁰¹ It is a useful tool not only for integrating and mainstreaming human rights into policies and practices, but also for monitoring and assessing their implementation.²⁰²

During the 1970s and 1980s, as development efforts expanded, there was a growing recognition that development initiatives should not only focus on economic growth, but also on addressing human rights issues, social justice and equity.²⁰³ The acknowledgment that human rights should serve as the fundamental principles guiding development and development programming gained momentum at the 1993 World Conference on Human Rights in Vienna in which development was confirmed as a right and its link with human rights was emphasised. The conference further decided to establish the post of High Commissioner for Human Rights as the coordinator for all human rights activities within the UN system.²⁰⁴

In 1997, the UN Secretary General Kofi Annan initiated a UN reform programme that focused primarily on improving leadership and management structures throughout the UN system²⁰⁵. He called on all entities of the UN system to mainstream human rights into their various activities and programmes within the framework of their respective mandates.²⁰⁶ In his report to the UN General Assembly “promoting sustained and sustainable” development was identified to be a central priority of the United Nations and he called for “extending human rights activities by reorganising

²⁰⁰ UN Sustainable Development Group, Human Rights-Based Approach, available at: <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>

²⁰¹ *ibid.*

²⁰² Vainio, K., Grans, L., Varho, M., Strömberg, S., & Pirjatanniemi, E. (2022). *Becoming a Human Rights City: Policy Brief*. Institute for Human Rights, Åbo Akademi University. <https://blogs2.abo.fi/humanrightscities/wp-content/uploads/sites/193/2023/01/Policy-paper-FINAL.pdf>

²⁰³ Peter Jackson, UN Chronicle, A Prehistory of the Millennium Development Goals: Four Decades of Struggle for Development in the United Nations, available at: <https://www.un.org/en/chronicle/article/prehistory-millennium-development-goals-four-decades-struggle-development-united-nations>

²⁰⁴ OHCHR the World Conference on Human Rights in Vienna, the Vienna Declaration of Programme of Action (25 June 1993) A/CONF.157/23

²⁰⁵ UNESCO STRATEGY ON HUMAN RIGHTS, The Human Rights based approach and the United Nations system -desk study prepared by André Frankovits (2006) SHS 2006/WS/5//cld 27071, p.17

²⁰⁶ UN Development Group, The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies, Attachment 1 (2003) 1

and restructuring the human rights secretariat and the integration of human rights into all principal United Nations activities and programmes.”²⁰⁷

In the same 51st session, the UN General Assembly adopted the Agenda for Development, which “not only addresses conventional development issues but also stresses mutually supportive, though complex relationships among development, peace, democracy, good governance and human rights.”²⁰⁸

Accordingly, the United Nations embarked on a reform process in 2018 that emphasised the integration of human rights into development work. The reform aimed to strengthen the UN's commitment to the HRBA and enhance its effectiveness in promoting sustainable development and human rights.

The UNDP policy document titled 'Integrating Human Rights with Sustainable Human Development' in 1998 marked a significant milestone within UN agencies, as it was the first time when a mission was explicitly outlined to be based on the comprehensive human rights framework.²⁰⁹ This marked a significant institutional commitment to integrating human rights principles into development programs and policies.

While UNICEF had previously embraced the Convention on the Rights of the Child as its guiding mission²¹⁰, the UNDP's mission embraced a more expansive human rights framework and adopted a holistic view stressing the indivisibility of rights. The policy document also reinforces the principle of universality by emphasising the importance of protecting the human rights of disadvantaged and minority groups.²¹¹

One of the earliest notable UN documents to explicitly use the term "human rights-based approach" is the United Nations Development Programme's (UNDP) "Human Development Report 2000." This report highlighted further the importance of integrating human rights principles into development efforts and marked a key moment in the adoption of the HRBA within the UNDP and, by extension, the broader UN system.

²⁰⁷ UNGA, Report of the Secretary-General, Renewing the United Nations: A Programme for Reform (14 July 1997) A/51/950

²⁰⁸ UN Meetings Coverage and Press Releases, Press Release, United Nations must undergo fundamental, not piecemeal, reform, Secretary-General says in report to General Assembly, 19970922 Three-Part Report on Organization's Work, Reviews Forces Shaping World Agenda, Efforts to Adopt and Guide Them (22 September 1997) SG/2039 GA/9303 ORG/1248

²⁰⁹ UNESCO Strategy on human rights, The Human Rights based approach and the United Nations system -desk study prepared by André Frankovits (2006) SHS 2006/WS/5//cld 27071, p.18

²¹⁰ UNICEF Executive Directive 1998-004, Guidelines for Human Rights-Based Programming Approach (1998)

²¹¹ UNESCO Strategy on human rights, The Human Rights based approach and the United Nations system -desk study prepared by André Frankovits (2006) SHS 2006/WS/5//cld 27071, p.17-18

In order to ensure coherence between each agency's interpretations of approach on how HRBA was to be operationalised, in 2003 at the Interagency Workshop on Human Rights in the context of UN reform, a statement of Common Understanding was made by the agencies²¹².

The Common Understanding²¹³ is based on three key elements:

- All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the UDHR and other international human rights instruments.
- Human rights standards contained in, and principles derived from, the UDHR and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
- Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

Beyond the efforts of UN Agencies, in the UN Millennium Declaration of 2000, member states themselves committed to respecting human rights principles in their pursuit of the Millennium Development Goals (MDGs). This was the first time when development goals were linked with human rights objectives.

The recognition of basing the process of human development on international human rights standards can be said to culminate in the 2005 World Summit Outcome document²¹⁴, where Member States, without exception, expressed their endorsement for the increased integration of human rights principles across the entire United Nations system, as well as into their own national policies.²¹⁵

The document records:

“We resolve to integrate the promotion and protection of human rights into national policies and to support the further mainstreaming of human rights throughout the United Nations system, as

²¹² UNSDG, The Statement of Common Understanding by UN agencies at the Interagency Workshop on Human Rights in the context of UN reform 3-5 May, 2003, available at: <https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un>

²¹³ UNSDG, The Statement of Common Understanding by UN agencies at the Interagency Workshop on Human Rights in the context of UN reform 3-5 May, 2003, p.1

²¹⁴ UNGA Resolution 60/1, 2005 World Summit Outcome (16 September 2005) A/RES/60/1

²¹⁵ Applying a Human Rights-Based Approach to Development Cooperation and Programming: A UNDP Capacity Development Resource Capacity Development Group Bureau for Development Policy UNDP, September 2006

well as closer cooperation between the Office of the High Commissioner for Human Rights and all relevant United Nations bodies.”²¹⁶

Since then, the application of HRBA has evolved beyond development and humanitarian contexts and is now employed in various fields, including public policy, education, healthcare, and environmental sustainability.

For example, FRA Framework suggests a HRBA that includes the key elements of the UN approach combined with ‘promotion of diversity, respect and a sense of belonging for everybody in the communities.’²¹⁷

Perhaps the best example of the over-reaching role that HRBA has achieved is the fact that it forms one of three²¹⁸ guiding principles of the Agenda 2030²¹⁹, which contains goals and plans for the development of issues in a variety of economic, social and environmental contexts.

The usage of a human rights-based approach in public policy by local governments is a relatively recent development in many parts of the world.

6.2. Key elements of HRBA

There exists no definitive blueprint for the application of a human rights-based approach. The main goal of HRBA could be summarised to be the realisation of human rights principles of universality, equality, participation, accountability, and indivisibility. The concept underlines the idea that all policies and practices should be grounded in respect for human rights and the principles of equality and non-discrimination. It reflects a commitment to building a more just and equitable world where human dignity and rights are upheld and respected.

The PANEL (Participation, Accountability, Non-Discrimination, Empowerment, and Legality) principles are an often used framework to assist in implementing HRBA in practice. According to Regus, “an approach like ‘the PANEL-principles’ is somehow about moving beyond the minimum legal requirements and mainstreaming human rights in services, policies, and practice to make

²¹⁶ UNGA, resolution 60/1, 2005 World Summit Outcome (16 September 2005), A/RES/60/1, para 126

²¹⁷ Fundamental Rights Agency of the European Union (FRA), Human Rights Cities in the EU —A Framework for reinforcing rights locally (11 October 2021)

²¹⁸ the other two being the elimination of gender inequalities and all forms of discrimination and ensuring that no one is left behind

²¹⁹ UNGA, resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development (25 September 2015) A/RES/70/1

them run better”²²⁰ for the rights holders. As an example, the PANEL-principles form the basis of the HRBA adopted by the Scottish Human Rights Commission²²¹ and are used in the current Scottish National Action Plan (SNAP2).²²² This framework for implementing a HRBA was also used in the study that was conducted in York²²³.

Borry and Reuter²²⁴ identify as main components and principles of a HRBA: 1) non-discrimination and equality; 2) empowerment; 3) agency by underrepresented groups; 4) accountability and transparency; 5) participation and inclusion; 6) access; and 7) indivisibility and interdependence of human rights.

Evidently, HRBAs are firmly rooted in the principles of non-discrimination and equality. They require that policies, programs, and actions do not discriminate against any individual or group based on characteristics such as race, ethnicity, gender, age, disability, religion, or any other prohibited grounds of discrimination. Attention must be given to identify and address any structural inequalities and for the avoidance of any possible indirect discrimination (such as policies that may lead to inequality based on gender-or race-blindness).

Focus on participation emphasises that individuals and communities affected by decisions and actions must have a say in those decisions. Such ethos promotes inclusive and meaningful participation in all stages of decision-making processes, from planning to implementation and evaluation.

HRBAs aim to empower individuals and communities to claim and exercise their rights. They promote awareness, education, and capacity-building to enable people to advocate for their rights effectively. Borry and Reuter underline that a HRBA “allows underserved groups to mobilise and claim their entitlements... permits them to challenge human rights violations in court and in public and it changes the nature of their demands.”²²⁵

Accountability is another key element in an effective HRBA. Monitoring and evaluation mechanisms need to be put in place to assess progress and identify areas of improvement and to inform policies and programs. A part of this is having accurate and up-to-date data and evidence

²²⁰ Indonesian Catholic University of St. Paul Ruteng, Indonesia and Max Regus, ‘Decolonization, Early Childhood Education, and Human Rights-Based Approach: Regenerating New Cultures, Perspectives, and Actors’ (2019) 2 Education Quarterly Reviews, 421

²²¹ The Scottish Human Rights Commission, Human Rights Based Approach, The Panel Principles (2023), available at: <https://www.scottishhumanrights.com/projects-and-programmes/human-rights-based-approach/>

²²² The Scottish Human Rights Commission, Scotland’s second National Human Rights Action Plan 2023-2030 (March 2023), available at: <https://www.snaprights.info/wp-content/uploads/2023/03/SNAP-2-March-2023-FINAL-PDF.pdf>, p.103

²²³ Gready P and Lockey L, ‘Rethinking Human Rights in York as a Human Rights City’ (2019) 90 The Political Quarterly 383, 384

²²⁴ Borry EL and Reuter TK, ‘Humanizing Bureaucracy: Applying the Human Rights-Based Approach to Weber’s Bureaucracy’ (2022) 5 Perspectives on Public Management and Governance 164, 167

²²⁵ Borry EL and Reuter TK, ‘Humanizing Bureaucracy: Applying the Human Rights-Based Approach to Weber’s Bureaucracy’ (2022) 5 Perspectives on Public Management and Governance 164, 167

together with transparency and access to information. Information about policies, programs, and budgets should be readily available to the public to facilitate informed decision-making and accountability. Accountability of duty-bearers to rights-holders also involves mechanisms for redress and remedies when rights are violated.

At the core of any HRBA is the recognition and emphasis on human rights. This includes respect for all internationally recognised human rights, both civil and political rights and economic, social, and cultural rights. HRBAs are underpinned by the rule of law, ensuring that human rights principles are incorporated into legal frameworks and institutions. HRBAs emphasise the obligations of duty-bearers to respect, protect, and fulfil human rights.

Finally, HRBAs recognise the indivisibility and interdependence of all human rights. They emphasise that civil and political rights are intertwined with economic, social, and cultural rights and recognise that the full realisation of latter may be progressive over time due to resource constraints. This holistic approach acknowledges that violations in one area can impact rights in other domains.

While different organisations may offer specific guidelines and recommendations, the core principles of HRBA ensure that the rights, dignity, and well-being of individuals and communities are central to decision-making and actions.

7. HRBA analysis of selected policies of Turku

7.1. Turku City Strategy

In line with the City Strategy, Turku is in the process of reforming its policies relating to sports and promotion of physical activities of its residents. The habits of Turku residents relating to physical exercise are much polarised.²²⁶ In proportion to its population, the cost of physical inactivity in Turku is approximately 112–260 million euros per year.²²⁷

Turku City Strategy 2030 on high level is divided into two strategic implementation programmes:

1. Well-being and activity –programme, the key themes of which are a Healthy and Thriving resident, a Knowledgeable and Continuously Learning resident, and an Active resident;
2. Competitiveness and Sustainable development –programme that comprises of three key themes: Entrepreneurial and Competent Turku, Impactful and Renewable Turku and Constructive Turku and Environment.²²⁸

According to its City Strategy 2030²²⁹, Turku has as committed to investing in preventive work that supports the well-being of its residents²³⁰ and has as one of its objectives to have active residents observing that “a city dweller who works out and is active will feel well.”²³¹

The balanced development of communality, well-being and residential areas is defined as one of the spearhead projects in the Mayor's Programme for the council term 2021-2025. In the programme it is noted that “exercise supports health and a good quality life.. Physical activity enhances well-being in a versatile manner.”²³²

Turku city defines as one of the primary objectives of its activities, the sustainable well-being of its residents.²³³ In the Turku City Welfare Report of 2020 the promotion of residents’ health and welfare is recorded as an essential task of a local authority and also seen as an economically beneficial investment in the future.²³⁴ Further, it is observed in the same report that being active is linked to better perception of one’s health and experiences of a good life. Being active supports

²²⁶ City of Turku, Turku Moves everyone - future guidelines for the development of the sports venue network and sports culture (11.03.2022), p. 3/21

²²⁷ City of Turku, Turku Moves everyone - future guidelines for the development of the sports venue network and sports culture (11.03.2022)

²²⁸ City of Turku, Turku City Welfare Report 2020, p.4-5

²²⁹ City of Turku, Minutes of the meeting of the Turku City Board, (7 April 2022) Kh § 53

²³⁰ City of Turku, Turku City Strategy – Turku in the 2030s, objective 5

²³¹ *ibid.*, objective 18

²³² City of Turku, Turku of Mayors - Decade of Action 2021-2025, p.15

²³³ City of Turku, Turku City Welfare Report 2020, p.5

²³⁴ *ibid.*

control and meaningfulness in life, provides experiences and has a positive impact on health and life expectancy.²³⁵

7.2. Turku city development programmes for the promotion of physical activity

In the policy document for the development of the sports facility network²³⁶ approved by the City Council on 11 April 2022²³⁷ (“the Moving Turku-policy“), mobility and physical activity are identified as key to promoting well-being. The policy further outlines that physical activity, through all its various manifestations, should be placed – theoretically and practically - alongside basic services and that it “should be seen as an equally important part of residents' everyday lives, together with social and health services, and education.”²³⁸ The development policies contain proposals for the reform of both, the physical facilities network, as well as those relating to the financial aspects of promoting sporting activities among residents.

Other related development plans for the promotion of residents' activity include Turku cycling development program 2029²³⁹ and Turku walking and leisure development program 2029.²⁴⁰ Cycling and walking are recognised by the city to have a significant impact on overall well-being and health.²⁴¹ Urban planning initiatives aim to make walking and cycling accessible year-round,²⁴² encouraging residents to incorporate these activities into their daily routines.

The overall objective of the development of the sports facilities network is to create a wider and more diverse network of sports facilities, built, updated and maintained through cooperation between different actors. As equally essential, and as part of the overall development of the sports facilities network, is seen the restructuring and review of the pricing of sports facilities and the system of subsidies for sports activities.²⁴³ The aim is to create a model of subsidies and pricing for sports facilities that supports the use and development of the sports facilities network, encourages children and young people to exercise regularly, prevents the exclusion of children and

²³⁵ *ibid.*

²³⁶ City of Turku, Turku Moves everyone - future guidelines for the development of the sports venue network and sports culture (11.03.2022)

²³⁷ City of Turku, Minutes of the meeting of the Turku City Council (11 April 2022)

²³⁸ City of Turku, Turku Moves everyone - future guidelines for the development of the sports venue network and sports culture (11.03.2022)

²³⁹ City of Turku, Turku development programme for cycling 2029 (2018) 12522-2016 (634), available at: <https://ah.turku.fi/kh/2018/1126026x/Images/1663910.pdf>

²⁴⁰ City of Turku, Turku development programme for walking and leisure 2029 (3/2023), available at: <https://ah.turku.fi/kh/2023/0320007p/Images/2203866.pdf>

²⁴¹ City of Turku, Turku development programme for cycling 2029 (2018) 12522-2016 (634), p.30

²⁴² City of Turku, Turku development programme for walking and leisure 2029 (3/2023), p.11

²⁴³ City of Turku, Minutes of the Meeting of the Turku City Council deciding on the main guidelines for reforming the sports grant system and sports facility pricing (12 December 2022) Kh §493

young people, curbs the rising cost of exercise and supports sports clubs in their activities to promote mobility, physical activity and sport.

The revised subsidy scheme is premised on the idea of a ‘service voucher’, or more leisurely referred to as a ‘hobby card’, to be given to all children and youths between the ages of 7-19. It is the intention that in addition to the already existing municipally run free recreational clubs, the city would offer every young person aged 7-19 an annual financial grant for the use of sporting activities in private sports clubs of Turku. The aim is also to inspire neighbouring municipalities to adopt similar schemes, so as create a ‘regional’ hobby-card and thus better promote equal status among local children and youths.²⁴⁴ According to the current plans, the grants would be 200 and 300 euros per annum to the children aged 7-11 and youths aged 12-19, respectively. Additionally, for those children from low-income families, there would be further financial support, the details of which are yet to be decided.²⁴⁵

Another aspect of the revised subsidy programme is that those sports clubs that are unable to use public sporting facilities will be given a subsidy for their use of private or club-owned facilities.

Many of the reforms will be introduced in 2025. The aims of these reforms are to promote the well-being of children and young people through physical activities, promote equality between genders, sports and residential areas and in opportunities for hobbies, prevent social exclusion and to control the increase in the costs of hobbies.

The overriding idea is that the city of Turku invests in the well-being of its citizens by ensuring the availability of appropriate sports facilities by providing a financial contribution to physical activity in sports clubs and sports associations.²⁴⁶

In the following the Turku city policy document for the development of the sports facility network and the related revised subsidy scheme are analysed by using a human rights-based approach by using the PANEL-principles, albeit not in that order.

7.3. Legality

HSWS obligates local authorities to designate a person or an organ responsible for the promotion of health and well-being. In Turku this task has been appointed by the City Council to a new the Board of well-being and health promotion²⁴⁷ that started its work on 8 February 2023.

²⁴⁴ Moving Turku-policy, p.18/21; City of Turku, Minutes of the meeting of Turku City Council, Turku Moves everyone - future guidelines for the development of the sports venue network and sports culture (11.04.2022) Kh §160, p.3/4, para. 5

²⁴⁵ City of Turku, Minutes of the meeting of Turku City Board (30.05.2022) Kh §246

²⁴⁶ the Moving Turku-policy, p.16/21

In its meeting on 20 September 2023 the Board approved the Turku City Welfare Report for 2023.²⁴⁸

The Turku City Welfare Report 2023²⁴⁹ acknowledges that following the SOTE-reform²⁵⁰, subject to the Act on Organising Healthcare and Social Welfare Services²⁵¹, the promotion of health and well-being (HeWe-work) of the population is a joint task of the wellbeing services counties and local authorities. It notes that this work must be based on the strategies of both the welfare region and the municipality, providing a framework for their respective work on health promotion. The goal of HeWe-work is to improve the well-being, health and functional capacity of local residents, prevent sickness and social exclusion, and strengthen inclusion.²⁵² The report also sets out the other tasks of local authorities regarding HeWe-work, as set out by HSWS.²⁵³ The report further notes that according to the Local Government Act, a municipality must promote the well-being of its residents and the vitality of its area, and organise services for its residents in an economically, socially and environmentally sustainable way²⁵⁴.

The Moving Turku-policy records the legislation and national sports policies that govern the building of municipal sports facilities.²⁵⁵ Under the Sports Act²⁵⁶, municipalities have a duty to create appropriate premises for the promotion of residents' physical activity, inter alia, by organising sports services, supporting sports activities including clubs, and building and maintaining sports facilities.

The policy also records that in addition to the Sports Act, the Local Govt Act²⁵⁷ regulates the construction of sports facilities, including the municipality's obligation to consult residents in the planning process of sports facility projects. Further, it is observed in the Moving Turku-policy that according to the Government's report on sports policy (2018)²⁵⁸, Finland's most important sports policy objective for the 2020s is to significantly increase the physical activity of citizens in all age and population groups so that the population takes part in physical activity as widely as possible

²⁴⁷ City of Turku, Minutes of the meeting of Turku City Council (17.04.2023) Kv §73

²⁴⁸ City of Turku, Minutes of the meeting of the Turku City Board for Wellbeing and health promotion (20.09.2023) §23

²⁴⁹ City of Turku, The Turku City Welfare Report 2023, p. 3

²⁵⁰ for meaning of SOTE-reform, see note 203

²⁵¹ the Act on Organising Healthcare and Social Welfare Services (612/2021) 6 -7§

²⁵² *ibid.*, p.3

²⁵³ *ibid.*, p.6

²⁵⁴ *ibid.*, p. 6

²⁵⁵ The Moving Turku –policy, p.5-6 /21

²⁵⁶ Sports Act (390/2015) 5§

²⁵⁷ LGA (410/2015)

²⁵⁸ Finland Government report on sports policy (2018) VNS 6/2018 vp

and in sufficient quantities for health and well-being.²⁵⁹ Thus, the Moving Turku-policy comprehensively records the national applicable legislation.

The aims and objectives of the Moving Turku-policy together with the broader city strategy accord in many instances with the State obligations to in respect of the realisation of the right to health through participation in sports.

The Special Rapporteur observes that in fulfilling the State obligations for the increase in participation in physical activity, the facilitating measures for the use of goods, services, information and facilities may take the form of economic assistance, or direct interventions or training. The Moving Turku-policy contains all these three forms of measures.²⁶⁰ The overall sports development programme comprises of the review of sports facilities network, review and restructuring of the pricing of the sports facilities, the provision of a new system of subsidies for sports activities and a provision of a new form of training for sports coaching. To quote the Moving Turku-policy itself:

the overall objective... is to create a wider and more diverse network of sports facilities, built, updated and maintained through cooperation between different actors... to create a model of subsidies and pricing for sports facilities that supports the use and development of the sports facilities network, encourages children and young people to exercise regularly, prevents the exclusion of children and young people, curbs the rising cost of exercise and supports sports clubs in their activities to promote mobility, physical activity and sport.²⁶¹

The establishment of the new sport subsidy programme, which includes direct sponsorship of sports for all children and young people, aims to enhance the availability and ease of access to physical activities for these individuals. This aligns with the obligations to provide as mandated by international obligations. A separate additional support for underprivileged children and young people will also be introduced.²⁶² This will further equitable availability and access of physical activity to those children.²⁶³

The aims of this new model for creating more equal opportunities for everyone to start engaging in physical activity and preventing the exclusion of children and young people, echoes the observations of the Special Rapporteur when emphasising the importance of holistically

²⁵⁹ The Moving Turku –policy, p.6/21

²⁶⁰ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33., para 31

²⁶¹ City of Turku, Minutes of the meeting of Turku City Council, Turku Moves everyone - future guidelines for the development of the sports venue network and sports culture (11.04.2022) Kh §160, p.3/5

²⁶² City of Turku, Minutes of the meeting of Turku City Board (30.05.2022) Kh §246

²⁶³ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33., para 35

recognising the benefits of sport and physical activity and that sport has been identified by UNICEF as a tool for overcoming children's social exclusion.²⁶⁴

Further, the review of the current pricing practices of the city-run sports facilities in itself, together with the recognition of the existing inequalities therein²⁶⁵ and the subsequent revision of such practices to ensure that all people are permitted to access State-run sporting facilities on an equal basis,²⁶⁶ complies with the obligation to respect, as set out by the Special Rapporteur.²⁶⁷

An aspect of the Moving Turku-policy that contains the creation of a brand new support scheme for sports clubs, the aim of which is to guarantee the quality of coaching that is available in the Turku region. The scheme will focus on developing coaching competence and is stated to be founded upon the four fundamental principles of CRC, namely: 1) the child must not be discriminated against; 2) the best interests of the child must be taken into account; 3) the child has the right to live and develop; and 4) the child's opinions must be respected in matters concerning them.²⁶⁸

Turku aims to become a city of excellence in the provision of in sports for children and young people.²⁶⁹ This is in line with the obligation to protect with regard to the provision of training to sports clubs on the adoption of rights-based approaches in the sporting context,²⁷⁰ as well as with the obligation to fulfil by taking steps to improve the quality of existing resources through training of sports personnel.²⁷¹ Further, it is emphasised in the plans of the coaching model that the possible inclusion of a local sports club within the sports subsidy scheme will be conditional on the presentation of sufficient levels of competence in coaching by the club in question.²⁷²

All in all, the Moving Turku-policy together with the related plans for the promotion of physical activity by the residents of Turku undoubtedly contribute significantly towards the realisation of the right to health through participation in sports.

²⁶⁴ *ibid.*, para 44

²⁶⁵ The Moving Turku –policy, p.4

²⁶⁶ The Moving Turku –policy, p.5

²⁶⁷ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 16

²⁶⁸ City of Turku, Model for developing coaching competence (2023), available at: <https://www.turku.fi/kulttuuri-ja-liikunta/liikunta/valmennusosaamisen-kehittamisen-malli>

²⁶⁹ *ibid.*

²⁷⁰ UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 20

²⁷¹ *ibid.*, para 31

²⁷² City of Turku, Model for developing coaching competence (2023), available at: <https://www.turku.fi/kulttuuri-ja-liikunta/liikunta/valmennusosaamisen-kehittamisen-malli>

However, the references to the underlining international obligations, namely international human rights legislation, are nominal. The policies also fail to identify any of the forthcoming changes as acts towards the realisation of *the right to health of the residents*.

The policy does consider the effectiveness of the proposed changes. It is explicitly stated that in the process of updating the subsidy system and the network of physical activity facilities, it is important to explore the most effective way to enable municipalities to support the well-being of their citizens.²⁷³ It is also noted that it is essential to consider what the most effective way to support exercisers is. What form of subsidy would best and most equally support the mobility and physical activity of the local residents and promote the development of a network of sports facilities that activate physical activity. The guiding idea behind the update of the network of sports facilities and the subsidy system should be to promote the mobility and well-being of Turku residents. Identifying and responding to user needs, determining the effectiveness of space subsidies and forms of assistance, and providing equal support to users of sports facilities to promote mobility, physical activity and sport are central to updating the assistance system to meet the dynamic demand for physical activity in the 2020s.²⁷⁴ As is discussed in more detail below in section 7.5 on Participation, public consultations were used to obtain such user needs.

7.4. Transparency and accountability

The actual decision-making process in respect of the Moving Turku-policy and the consequent decisions for the implementation of the developments set out in the Moving Turku-policy (such as the sports subsidy-scheme) follow the City strategy and is clearly set out and publicly available for information and inspection.²⁷⁵

As part of the design and decision-making process there were public hearings (as described in more detail in the next section on participation) in which the proposed changes were explained and the opinions of the public were gathered.

²⁷³ The Moving Turku –policy, 5/21

²⁷⁴ The Moving Turku –policy, 16/21

²⁷⁵ City of Turku, Pillars of decision-making: Decisions on the reform of the City of Turku’s sports grant system and sports facility pricing have been made by the Sports Committee, the City Council and the City Board, available at: <https://www.turku.fi/en/pillars-decision-making>

Further, the fact that the information on the designed policy changes and their rationale is available on the internet pages of the city of Turku in multiple languages (Finnish, Swedish and English) promotes the availability and accessibility of the information to the wider public.²⁷⁶

The annual reporting, as required by the Act on Organising Healthcare and Social Welfare Services, contains several welfare indicators, of which some specifically monitor the development of the levels of physical ability. For example, the MOVE-measurements assist in following the level of physical activity of the school aged children. It is observed in the latest Turku Welfare Report (2023) that according to Move-measures for the year 2022, the levels of physical activity for pupils in years 5 (39.3%) and 8 (43.8%) were at a worrying level.

The percentages of population who exercise according to the national health recommendations are recorded by age group, as well as the reporting also follows indicators on perceived health and the levels of mental health, exhaustion, anxiety and loneliness.

It will be interesting to see what will be the development of these indicators in the years to come following the implementation of the new sports policy, albeit direct causality between any changes in the indicators and the new city policy may not be unequivocal.

The Turku city strategy contains twenty measurable objectives, each of which has at least one indicator that is being regularly monitored. Objective 5 on investment in preventive work to support residents' well-being and objective 18 relating to residents' activity and wellbeing have 6 indicators, collectively.

7.5. Participation

Under the LGA, local authorities in Finland have an obligation to ensure residents' opportunities for participation and influence. The consultation of its residents on key decisions concerning physical activity is a specific obligation within that general obligation.

The sports development –policy outlines the ways in which public was consulted in preparation of the new plans.²⁷⁷

User feedback was collected through a series of surveys conducted in 2020 to assess the development requirements of Turku City's sports facilities network. These surveys aimed to gauge

²⁷⁶ City of Turku, Turku makes everyone move development policies, available at: <https://www.turku.fi/en/culture-and-sports/sports/turku-makes-everyone-move-development-policies>

²⁷⁷ The Moving Turku –policy, users' views (Annexe 3)

the future needs for sports training facilities from the perspective of both self-motivated individuals and organised sports enthusiasts.

During the spring of 2020, electronic surveys were distributed to the primary user clubs of key municipal sports facilities, including the Impivaara football hall, Impivaara ice rink, Lintula and Kupittaa sports hall. For other sports clubs in Turku that were not part of the main users of these specific municipal sports facilities, an electronic survey was sent in June 2020, seeking feedback on the broader municipal sports facilities network and soliciting suggestions for its improvement. In total, 90 clubs responded to these questionnaires.

Additionally, sports services organised a series of sport-specific forums and meetings for Turku clubs in early autumn 2020 to discuss their unique needs and conditions. Feedback was also sought from primary schools to obtain their perspective on the existing state of the sports facilities network and any areas requiring development, resulting in 45 responses.

To ensure a comprehensive and inclusive approach, the Turku Sports Academy was consulted to gather insights into their anticipated requirements for the sporting environment in the coming years. Furthermore, local residents were invited to share their opinions and perspectives during the summer of 2020 through a survey entitled ‘Turku that moves everyone.’²⁷⁸ This survey too was conducted electronically on the ‘Voice Your Opinion’ –platform,²⁷⁹ generating a total of 218 comments.²⁸⁰

More recently in September 2023, the City Sports Services organised an information event open to all sports clubs and sports associations in Turku during which evening, the most important reforms of sports grants and facility pricing were discussed, as well as examples of the effects of the reforms.²⁸¹

Moreover, the augmentation of participatory procedures, as integrated into the City's health promotion strategies, is an essential aspect of the City's spearhead project ‘Communal Turku’.²⁸² The primary focus of this community project is to empower Turku residents to enhance their overall well-being and actively contribute to the development of their unique neighbourhoods. The project's initiatives are designed to tackle societal issues such as social isolation, mental health concerns, exclusion, limited mobility, and geographical segregation through a comprehensive

²⁷⁸ Voice Your Opinion - electronic platform for public hearings in Turku, public survey on the Moving Turku -policy, available at: <https://kerrokantasi.turku.fi/turkuliikuttaakaikkia?lang=fi&headless=false>

²⁷⁹ Voice Your Opinion - electronic platform for public hearings in Turku, available at: <https://kerrokantasi.turku.fi>

²⁸⁰ The Moving Turku –policy, Annexe 3: (p31)

²⁸¹ https://www.turku.fi/uutinen/2023-10-09_seurafoorumi-kutsui-turkulaiset-seurat-yhteisen-keskustelun-aareen

²⁸² City of Turku, the Spearhead Project Action Plans (2022) Communal Turku, p. 17

collaborative effort. Community and inclusiveness stand as central themes within the project's framework.²⁸³

It is stated in the Sports Development that “sport is not just a separate additional service behind basic services. Mobility and physical activity - enabling and promoting them are matters for the whole municipality.”²⁸⁴

7.6. Empowerment & Identification of rights-holders and duty-bearers

“Human rights are a tool to empower people to claim what they are entitled to.”²⁸⁵ Through empowerment, people should understand their rights better. What may previously have been perceived as assistance to the 'needy' or 'charitable', will be recognised as an entitlement of all.

A key element of empowerment in any policies and projects, is the clear identification of rights-holders and duty-bearers. In other words, in relation to public policy, empowerment involves explicitly designating in official policy documents those individuals entitled to rights and authorities responsible for fulfilling them. In the reviewed materials, the recognition of residents as rights holders is nominal²⁸⁶ or entirely absent. Specific references to human rights standards or fundamental rights are notably lacking, save for the reference to the UN Rights of the Child in the Model for developing coaching competence.²⁸⁷

Nevertheless, when examining the sports development program and health reports from a broader perspective and keeping in mind that empowerment is a “process that fosters power (that is, the capacity to implement) in people, for use in their own lives, their communities, and in their society, by acting on issues that they define as important,”²⁸⁸ it becomes evident that the intended advancements align closely with such a psychological principle of empowerment. Firstly, the aim of ‘activating residents’ is repeated numerous times throughout the reviewed policies. The 2020 Health report identifies that enabling self-reliance and self-sufficiency, targeting services to inactive residents and developing shared services are key to increasing activity.²⁸⁹ It is observed that active leisure activities are associated with better perceived health and experiences of a good life. The

²⁸³ *ibid.*

²⁸⁴ The Moving Turku –policy, p.3/21

²⁸⁵ Borry EL and Reuter TK, ‘Humanizing Bureaucracy: Applying the Human Rights-Based Approach to Weber’s Bureaucracy’ (2022) 5 Perspectives on Public Management and Governance 164, 167

²⁸⁶ Children are identified as rights holders under the CRC in the Turku Model for developing coaching competence (2023), available at: <https://www.turku.fi/kulttuuri-ja-liikunta/liikunta/vaalmennusosaamisen-kehittamisen-malli>

²⁸⁷ City of Turku, Model for developing coaching competence. (2023), available at: <https://www.turku.fi/kulttuuri-ja-liikunta/liikunta/vaalmennusosaamisen-kehittamisen-malli>

²⁸⁸ Soraia Chung Saura and Ana Cristina Zimmermann, ‘Traditional Sports and Games: Intercultural Dialog, Sustainability, and Empowerment’ (2021) 11 Frontiers in Psychology 590301

²⁸⁹ City of Turku, Turku City Welfare Report 2020, p.6

report goes on to identify that being active supports life management and has a positive impact on health and life expectancy. “Active leisure time provides meaning to life and is an essential part of the basis for a good life. An active Turku citizen is well.”²⁹⁰ According to the city strategy, there is an emphasis on enhancing individual self-sufficiency and self-service, departing from traditional approaches and innovating and enhancing services collaboratively with both civic and organisational initiatives. Furthermore, efforts will be made to enhance citizen involvement in the planning, execution, and decision-making processes while reinforcing Turku's role as a cultural hub.²⁹¹

Another empowering objective that the reviewed documents reveal, is the alleviation of social exclusion. It is recognised that the promotion of hobbies and enhanced availability for sporting activities is an important part of the work against exclusion.²⁹² Empowerment, together with the promotion of social inclusion of all, is a target for sustainable development (10.2) and a specific policy area in the MINEPS Sport Policy Follow-up Framework (I.7)²⁹³. The International Charter of Physical Education, Physical Activity and Sport also recognises that one of the benefits of sporting activities is youth empowerment.²⁹⁴

7.7. Equality and non-discrimination

As previously noted above, HRBAs are firmly rooted in the principles of non-discrimination and equality. The centrality of these principles in Turku's decision making becomes clearly visible in the documentation subject to this analysis.

The Turku's equality policy states that one of its main objectives with regard to the promotion of equality and equity, is to mainstream those so that they become a regular part of preparation, decision making, guidance of action and budgeting, organisation and production of services, employee rules and in reinvigorating the local vibrancy.²⁹⁵

Turku's new urban strategy for the 2030s is aimed at fostering a multicultural and international city while adhering to sustainable development principles. To enhance equity and equality, there is a specific focus on addressing the needs of disadvantaged minority groups, especially in areas related to healthcare, poverty reduction, and education. In response to the growing disparities in

²⁹⁰ *ibid.*, p.5-6

²⁹¹ *ibid.*, p.4

²⁹² City of Turku, Minutes of the meeting of Turku City Council, Turku Moves everyone - future guidelines for the development of the sports venue network and sports culture (11.04.2022) Kh §160, p.2/5

²⁹³ UNESCO International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, 6th, Kazan, Russian Federation, 2017 the Kazan Action Plan (2019), SHS/2017/PI/H/14 REV, p.6

²⁹⁴ International Charter of Physical Education, Physical Activity and Sport, Preamble para 6

²⁹⁵ The City of Turku's Equality Plan 2022-2023, p.4

health and well-being among its residents, Turku has dedicated as one of its spearhead projects the promotion of balanced community development, well-being, and neighbourhood enhancement.²⁹⁶ The Communal Turku²⁹⁷ -initiatives are designed to tackle the intricate challenges of issues like loneliness, mental health concerns, social exclusion, limited mobility, and spatial segregation.²⁹⁸ Active Turku is one of the three key themes of this spearhead project and the ‘the Moving Turku-sports development plan forms one of the main tools of implementation in that regard.’²⁹⁹

Many of the key policy documents outline the promotion of equality and non-discrimination at the outset in the introductory chapters.

The Turku City welfare report for 2020 begins with an outline of the city strategy in respect of its work for the promotion of the residents’ health and welfare. According to the city strategy, Turku is committed to actively preventing and reducing inequality amongst residents and aims to be a frontrunner in equal urban planning and the development of suburban policies.³⁰⁰ Turku promises to promote the acceptance of differences, communality, equality and equity in the whole city.³⁰¹

The report raises as an issue that there are notable differences in the perceived health and perceived ability to work, and be active, among the residents living in different parts of Turku.³⁰² The report identifies that challenges need to be addressed more strongly by the city as a whole, as well as regionally due to the nature of some more regionally specific phenomena.³⁰³

In the Sports Development policy, several of the areas that have been identified as requiring reform, are driven by the recognition of some existing inequalities in the current system. For example, there exists disparity in the pricing of the use of local sporting facilities depending on whether the user does so through a club or on their own as an individual user. ³⁰⁴ For example, the network of sports facilities and the subsidy system are identified to be developed hand in hand, ”so that the different ways in which the city supports users of sports facilities are even more equitable for both self-motivated users and users of guided club activities.”³⁰⁵

²⁹⁶ City of Turku, Minutes of the Meeting of the Turku City Board (17.1.2022) kh §15

²⁹⁷ *ibid.*, section 5

²⁹⁸ The City of Turku's Equality Plan 2022-2023, p.6

²⁹⁹ City of Turku, Minutes of the Meeting of the Turku City Board (17.1.2022) kh §15, section 5

³⁰⁰ City of Turku, Turku City Welfare Report 2020, p3.

³⁰¹ *ibid.*, p.4

³⁰² *ibid.*, p.14

³⁰³ *ibid.*,p.34, section 2.2

³⁰⁴ The Moving Turku –policy, p.16/21

³⁰⁵ *ibid.*, p.5/21

The 2023 welfare report highlights various issues that require attention to narrow the gap in well-being among different demographic groups within the city.³⁰⁶

An important aspect of the promotion of equality is the identification of those in vulnerable position and any possible structural (or otherwise) inequalities that may exist or could result from any future policy changes. The Sports Development policy outlines that the measures within the equality and equity plan are primarily directed at enhancing decision-making and service planning's responsiveness to the unique circumstances and viewpoints of marginalised and diverse segments of the population. Therefore, the essential principles of reasonable accommodation and positive discrimination will be applied to actively advance meaningful equality.³⁰⁷

Of the various groups of vulnerable people, children and youths are in particular focus in the new sports subsidy programme, as well as low-income families.³⁰⁸ In the sports facility framework plans usability of the services by the elderly has been raised as a consideration as well.³⁰⁹

It is also recognised that the promotion of hobbies and enhanced availability for sporting activities is an important part of the work against exclusion.³¹⁰ Bearing in mind that the root causes of social exclusion are often founded upon inequalities that exist within the structures of society, for example as a result of multiple non-material dimensions of deprivation such as identity, structures, cultural norms and expectations, social relations and processes, work in prevention of social exclusion undoubtedly promotes equality and non-discrimination.

7.8. Conclusions from the HRBA-analysis

The HRBA-analysis of Turku's policies and actions aimed at promoting health, well-being, and physical activity reveals several key findings. These findings align with the PANEL principles and shed light on the city's commitment to human rights in these domains.

Turku places significant emphasis on the health and well-being of its residents. The city's policies, like the Turku City Broad Welfare Report and the "Moving Turku-policy," highlight its investment in residents' health and happiness, acknowledging the positive impact of physical activity on overall well-being.

³⁰⁶ City of Turku, The Turku City Welfare Report 2023, p3.

³⁰⁷ The Moving Turku-policy, p.7/21

³⁰⁸ City of Turku, Minutes of the meeting of Turku City Council (12.12.2022) Kh §493.p. 1/7 & 3/7

³⁰⁹ the Moving Turku-policy, p. 7/21

³¹⁰ Moving Turku-policy, p.18/21; City of Turku, Minutes of the meeting of Turku City Council, Turku Moves everyone - future guidelines for the development of the sports venue network and sports culture (11.04.2022) Kh § 160, p.1/5

In the aspect of legality, the study highlights Turku's adherence to national and international regulations concerning health, well-being, and sports development. The policies and reports reviewed, such as the Turku City Welfare Report and the Moving Turku-policy, demonstrate the city's acknowledgment of its responsibilities in promoting health and well-being and providing suitable facilities for physical activity.

In terms of transparency and accountability, the text illustrates Turku's commitment to ensuring that its decisions and strategies are accessible and comprehensible to the public. Public consultations, public hearings, and a strong online presence contribute to transparency and open communication, allowing residents to engage in the decision-making process and access information about the city's policies. Nevertheless, the survey's open comments suggest room for improvement in terms of genuinely listening to residents, enhancing transparency in decision-making, and executing plans clearly.

Participation is another central focus of Turku's approach to health and well-being promotion. The city actively involves residents, sports clubs, and organisations in shaping policies and decisions. Surveys, forums, and consultations help gather input from a wide spectrum of the population. This inclusive approach fosters a sense of community and shared responsibility in enhancing physical activity and overall well-being. That said, in their open comments, the survey participants called for more genuine listening of the residents, increased transparency in the city decision-making and in the execution of their plans.

The reviewed materials lack explicit references to international human rights standards and fail to identify residents as rights-holders, or the city as a duty-bearer. In short, the city fails to educate residents about their rights and entitlements. However, the policies reflect an ideological commitment to empowerment. By promoting physical activity and access to sports facilities, Turku aims to empower its residents to improve their well-being, exercise regularly, and partake in physical activities as an essential part of daily life. The clear focus on enhancing individual self-sufficiency and self-service, as articulated in Turku's city strategy, aligns with the principles of empowerment, fostering a sense of confidence and the belief that residents can shape their own well-being. The policies also aim to alleviate social exclusion and promote inclusivity by addressing existing inequalities, especially in pricing and access to sports facilities.

Reviewing the city's policy documents demonstrates a clear commitment to equality and non-discrimination. These policies explicitly prioritise reducing disparities in health and well-being. Moreover, the measures taken to address existing inequalities in sports facility pricing and usage

demonstrate the local government's practical role in promoting human rights, particularly in the context of non-discrimination and equality.

In summary, Turku demonstrates a commitment to human rights in promoting health, well-being, and physical activity. The city places an emphasis on resident participation, along with a clear focus on reducing disparities and promoting inclusivity. While there is room for improvement in areas like transparency and particular efforts are needed in educating residents about their rights, Turku's overall approach aligns with human rights principles.

8. Conclusions

8.1. Findings

This study has aimed to provide insight into Turku's alignment with human rights principles and values, with particular attention to issues prioritised by the majority of its residents.

Before proceeding to the primary question, the preliminary questions were answered through conducting a survey among the residents. First, the study established residents' current views on the levels of realisation of selected human rights. Secondly, it identified residents' top priority areas for further development, which, according to the survey prominently included health, wellbeing, and sports activities.

The primary research question of 'how human rights friendly is Turku in the eyes of its residents and as reflected by its policies and practices?' was answered in stages. Firstly, the study assessed views of the residents on the levels of realisation of selected human rights, as established by the survey.

Subsequently, as part of the second stage of answering the primary research question, the study presented its secondary research question *to evaluate, on the basis of a Human Rights-Based Approach (HRBA), the extent in which Turku and its policies and practice align with human rights principles and values, particularly concerning the issues prioritised by the majority of its residents.*

The study then conducted a comprehensive HRBA-analysis of the policies and actions undertaken by the city of Turku to promote health, well-being, and physical activity and its findings were discussed in accordance with the PANEL-principles in five key areas: legality, transparency and accountability, participation, and empowerment, as well as equality and non-discrimination.

In answering the preliminary research question, the survey results from the residents reflected both areas of satisfaction and areas where improvements are needed. Education emerged as the best-realised right, and also rights on rest, leisure, cultural life, liberty, security of person, marriage, and property, were viewed favourably by the majority of the participants. However, the overall dissatisfaction with the realisation of non-discrimination and equality in Turku stands out as a particular concern compared to other human rights. There was some evidence among the open comments from the participants for a collective call for a more inclusive and harmonious community. While the promotion of local identity and social cohesion ranked low in residents'

priorities, there may be a disconnect between individual experiences of discrimination and inequality and the broader societal culture that perpetuates such issues.

Secondly, in answering the secondary research question and ergo, simultaneously the primary research question of *how human rights friendly a city is Turku in the eyes of its residents and as reflected by its policies and practices*, upon conducting the HRBA- review of the selected city policy and strategy documents of Turku, it is evident that the city's governance embodies a rights-based approach. A notable shortcoming is the limited use of human rights language in their policy-making, since the residents are not explicitly recognised as rights-holders, and specific references to human rights standards or fundamental rights are notably scarce. Although Turku respects and fulfils human rights in practice, these rights remain unacknowledged, leaving residents short of empowerment and unaware of their rights. Further, as identified in the course of establishing answers to the preliminary questions, a notable gap exists between the experiences of residents concerning equality and non-discrimination, and the actual policies and practices implemented by the city of Turku. This also reflects negatively on the human rights friendliness of the city.

The final research question examined, *how significant and practical is the role of Turku, as a form of local government, in promoting, protecting, and ensuring the realisation of human rights within their jurisdictions, and how can their efforts be highlighted in the context of the broader human rights discourse?*

The study has shown that Turku's policies and initiatives demonstrate that local authorities can actively contribute to the realisation of their residents' human rights, namely, in this instance, through the promotion of residents' health, well-being, by aligning their current development policies and strategies with human rights principles. Their initiatives, such as the new subsidy programme to promote the levels of physical activity among young people that simultaneously address inclusivity and inequalities, demonstrate a growing recognition that welfare promotion should extend beyond conventional thinking.³¹¹

Moreover, recalling the observations of the Special Rapporteur that:

there has been a troubling tendency to view engagement in physical activity as an individual or moral obligation, and to characterise a sedentary lifestyle as a personal failing, to be overcome

³¹¹ The current Minister of Local and Regional Government, Anna-Kaisa Ikonen has stated in August 2023 that "there is a need to broaden the scope of promotion of welfare beyond previous thinking. This includes everyday life, leisure time, building opportunities for participation and influence", see: Mettinen Ville, "Kuntaministeri toivoo kunnilta ideoita normitalkoisiin – "Nyt on aito paikka vahvistaa kunnallista itsehallintoa", Kuntalehti 14.8.2023, available at: <https://kuntalehti.fi/uutiset/paatoksenteke/kuntaministeri-toivoo-kunnilta-ideoita-normitalkoisiin-nyt-on-aito-paikka-vahvistaa-kunnallista-itsehallintoa/>

with willpower. This ignores the powerful role that social or structural determinants of health play in dictating supposed lifestyle 'choices', and the vital role of the state in mitigating the effect of such negative determinants by promoting, facilitating and encouraging the adoption of healthy lifestyles through education, social policy and public investments³¹²

It is perceivable that cities like Turku, in their pursuit of residents' health and well-being, are at the forefront of innovative policies and initiatives. They are taking concrete steps to increase physical activity among residents and ensure equal access to it. Their proactive policies and initiatives align with human rights principles and actively contribute to the promotion of health, well-being, and inclusivity. Their efforts to address inequalities emphasise the crucial role that local governments can play in advancing human rights at the local level. Ultimately, the study highlights the significance of local governments in promoting and ensuring human rights within their jurisdictions, reinforcing the crucial role they play in the broader human rights discourse.

8.2. Recommendations

As already noted previously, even though local authorities essentially engage in implementing human rights, this aspect is seldom recognised as such.³¹³ The ongoing absence of human rights terminology in the policymaking and public communications of the City of Turku upholds the unfamiliarity with the concept of human rights and the fact that Turku, like all local and regional authorities, in fulfilling their duties related to local self-government, plays an essential role in the realisation of the human rights of its residents. This situation portrays Turku as a city where human rights, while implemented in practice, remain a distant frame of reference.

To address this shortcoming, the study recommends that Turku capitalises on its positive human rights efforts to bridge the gap of what is already being done by the municipality and how it is perceived by all parties against a human rights framework. To quote the Mayor of Turku, Minna Arve, who in her opening speech on the Council of Europe Human Rights Day, held in Turku, Finland on 4 May 2023, observed that: "Human rights are too important a subject matter to stay silent about."³¹⁴ By actively using human rights language, Turku can empower its residents in raising their awareness of their rights and of the realisation of these rights. This shift can contribute

³¹² UN Human Rights Council, Report by Special Rapporteur Dainius Pūras (4 April 2016) A/HRC/32/33, para 13

³¹³ UN. Human Rights Council. Advisory Committee, 'Role of Local Government in the Promotion and Protection of Human Rights - Final Report of the Human Rights Council Advisory Committee' (Human Rights Council, 7 August 2015), UN Doc A/HRC/30/49

³¹⁴ Council of Europe Human Rights Day, held in Turku, Finland on 4 May 2023, see.

<https://www.abo.fi/en/news/coe-human-rights-day-in-turku/>;

<https://www.ihmisoikeuspaiva.fi/ohjelma/asiantuntijaseminaarin-ohjelma/>

to greater social cohesion and deepen the understanding of human rights' relevance in everyday life.

Accordingly, this study recommends to the city of Turku:

1. Active and explicit use of human rights language by the city in its policies and practices, and in its public communications in general;
2. Fostering social cohesion in achieving improved equality and resolutely progressing its spearhead project 'Communal Turku' that has as its objectives investment in the balanced development of residential areas and promotion of avenues for residents to enhance their quality of life and overall wellbeing;
3. Promotion of human rights awareness among its residents, as well as civil servants. This is fundamental to improving the realisation of non-discrimination and equality and fostering social cohesion. It equips individuals with the knowledge and tools to advocate for their rights and hold institutions accountable, contributing to a more just and harmonious society.
4. Follow the recommendation of one of the participants of the survey to "take pride in Turku!"
5. Consider becoming a human rights city. Becoming a human rights city could represent the logical next step for Turku, as it would further promote human rights awareness in a city that is already acting in accordance with human rights norms and Turku could continue its pioneering legacy³¹⁵ and become the first human rights city in Finland.

Could the ethos of human rights cities indeed begin in Turku, paving the way for other cities across Finland? As the Turku brand manual aptly suggests, this nearly 800-year-old pioneer is in search of new partners and experiences.³¹⁶ Human Rights Cities could answer this call.

³¹⁵ City of Turku, Turku Brand Manual (02/2023), p.8

³¹⁶ *ibid.*, p.15

Annexe 1 – Sample survey

Consent to participate in research

Åbo Akademi University requires that all persons who participate in research studies give their informed consent to do so. Kindly review the following statement and tick the box, if you agree with its contents and wish to continue with the questionnaire.

I freely and voluntarily consent to take part in this study conducted by Mia Varho, student in the master's degree programme in international law and human rights at Åbo Akademi University, and supervised by Elina Pirjatanniemi, professor of constitutional and international law, director of the Institute for Human Rights, academic director of the master's degree programme in international law and human rights.

I have been informed of the broad aim of this study to promote the overall understanding of Turku residents' perceptions of human rights in their hometown and to find out which human rights are priorities for them.

I have been informed that participation in the survey only entails filling out this form, which should not take more than 5-10 minutes.

I have been told that my answers are anonymous. I will not be asked for my name (or any such identifying detail) and will not be identified (directly or indirectly) from the collected information.

I will not be identifiable in any subsequent report produced by the student. Please, refrain from providing personal information when responding to questions with free-text fields.

I also understand that my participation in this study is completely voluntary. I do not have to answer any particular question(s) that I do not want to answer. I can stop responding to the survey at any time.

Based on all the responses collected in the survey, the study analyses, using human rights-based approach, a limited number of the City of Turku's practices relating to the topics that have arisen as important to the people of Turku. The research data will be shared with Turku Urban Research Programme and the research results will be published as part of the student's Master's thesis.

I have read and understand the above and consent to participate in this study.

My consent to participate is not a waiver of any legal rights

YES, I AGREE WITH THE ABOVE (tick the box)

Date: _____

Survey on human rights in Turku

This survey forms part of a pro gradu study that is funded by Turku Urban Research Programme and that aims to contribute towards a better understanding of the perceptions and experiences that the residents of Turku have regarding the fulfilment of their human rights. Responding is anonymous.

Background questions

1. Do you live/ work/ study in Turku? *Yes/ No*
2. What is your post code? _____

Research questions

Human rights are a set of basic rights and freedoms that are considered essential for every person and that we have simply because we exist as human beings. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, colour, religion, language, or any other status. They range from the most fundamental - the right to life - to those that make life worth living, such as the rights to food, education, found a family, work, health, and liberty.³¹⁷ Below is a list of issues that are all protected as human rights.

3. In your view, to what degree is it possible to enjoy your human rights in the issues listed below here in Turku?

	Poorly	Satisfactorily	Well	Very well	I don't know/ No comment
Right to an adequate standard of living					
Right to education					
Right to health					
Prohibition of cruel or inhumane treatment and punishment					
Non-discrimination and equality					
Right to work					
Right to rest, leisure and cultural life					
Right to liberty and security of person					
Right to seek asylum					
Right to housing					
Right to found a family					
Right to privacy					
Right to own property					
Freedoms of religion, expression and assembly					
Right to participate in public affairs					

4. In which order of importance do you think the City of Turku should focus on improving its practices in the areas listed below?

Please number 1-8 (1 being most important)

- Adequate standard of living
- Education

³¹⁷ OHCHR, 'What are human rights?', available at: <https://www.ohchr.org/en/what-are-human-rights>

- Health and sport services
- Housing and environment
- Promotion of employment and equal access to it
- Recreational and cultural services
- Promotion of personal safety
- Promotion of local identity and cohesion (e.g. community spirit, opportunities for NGOs, integration)

5. How good is Turku in fighting discrimination and promoting equal values and rights?

(choose the appropriate amount of stars)



6. How desirable would it be to increase democracy-promoting activities in Turku (e.g. more diverse opportunities for participation, participatory budgeting, greater use of citizens' panels, etc.)?

Give 1-10 (Not necessary /Very desirable) _____

7. If your answer above was positive, do you have any specific proposals for the increase of participatory processes?

—

—

8. How safe do you feel when moving around in Turku?

Give 1-10 (Not at all/ Very safe) _____

9. What is one specific thing you would like to see improved in Turku?

Demographic questions

10. How old are you?

- 15-17
- 18-25
- 26-35
- 36-45
- 46-65
- > 65
- Prefer not to say

11. What is your gender identity?

- Female
- Male
- Transgender
- Prefer not to say

12. What is your native language?

13. What is the highest level of education you have completed?

- Primary school
- Secondary school
- Bachelor's degree
- Master's degree
- Doctoral
- Prefer not to say

14. Which option best describes your employment status?

- Employed
- Entrepreneur
- Student
- Unable to work
- Unemployed
- Retired
- Prefer not to say
- Other, please specify _____

15. Which category best describes your annual income?

- max. 30 000€
- 30 000-50 000€
- 50 000-100 000€
- 100 000 -300 000€
- 300 000€ or more
- Prefer not to say

Annexe 2 – Survey results

Q1. Do you live/ work/ study in Turku?

Yes: 126 responses

No: 4 responses

Q2. What is your post code?

Turku 81

Kaarina 4

Lieto 5

Mynämäki 1

Paimio 1

Raisio 6

Rusko 1

6 declined to provide a postcode

Q3. In your view, to what degree is it possible to enjoy your human rights in the issues listed below here in Turku? (no: of responses)

	Poorly	Satisfactorily	Well	Very well	I don't know/ No comment
Right to an adequate standard of living	7	26	52	39	2
Right to education	1	10	39	72	4
Right to health	9	30	59	28	0
Prohibition of cruel or inhumane treatment and punishment	9	19	43	38	17
Non-discrimination and equality	11	36	46	21	12
Right to work	9	28	47	37	5
Right to rest, leisure and cultural life	5	17	42	59	3
Right to liberty and security of person	2	16	52	52	4
Right to seek asylum	3	9	28	15	71
Right to housing	2	11	58	40	15
Right to found a family	1	5	41	64	15
Right to privacy	1	12	50	47	16
Right to own property	2	14	51	53	6
Freedoms of religion, expression and assembly	4	20	45	49	8
Right to participate in public affairs	5	15	51	45	10

Q4. In which order of importance do you think the City of Turku should focus on improving its practices in the areas listed below?

	Priority 1	% as 1	Priority 2	% as 2
Adequate standard of living	38	30%	24	19%

Education	9	7%	25	20%
Health and sport services	46	37%	21	17%
Housing and environment	12	10%	10	8%
Promotion of employment and equal access to it	6	5%	22	18%
Recreational and cultural services	2	2%	3	2%
Promotion of personal safety	10	8%	14	11%
Promotion of local identity and cohesion (e.g. community spirit, opportunities for NGOs, integration)	2	2%	6	5%

Q5. How good is Turku in fighting discrimination and promoting equal values and rights?

Average: 3,3/5

Q6. How desirable would it be to increase democracy-promoting activities in Turku (e.g. more diverse opportunities for participation, participatory budgeting, greater use of citizens' panels, etc.)?

Average: 7/10

Q8. How safe do you feel when moving around in Turku?

Average: 7,8/10

Demographic questions

Q10. How old are you?

15-17	7
18-25	17
26-35	23
36-45	20
46-65	42
> 65	15
Prefer not to say	2
total	126

Q11 What is your gender identity?

Female	72
Male	47
Transgender	4
Prefer not to say	3
total	126

Q12. What is your mother tongue?

Finnish	77
Swedish	29
English	5
Arabic	2
Bulgarian	1
Hungarian	1
Portuguese	1
Russian	1
Ukrainian	1
Prefer not to say	5
total	123

Q13.What is the highest level of education you have completed?

Primary	9
Secondary	44
Bachelor's degree	21
Master's degree	32
Doctoral	11
Prefer not to say	9
Total	126

Q14.Which option best describes your employment status?

Employed	63
Entrepreneur	4
Student	27
Unable to work	3
Unemployed	3
Retired	18
Prefer not to say	4
In rehabilitation	3
 Total	 123

Q15. Which category best describes your annual income?

max. 30 000€	45
30 000-50 000€	29
50 000-100 000€	29
100 000 -300 000€	6
300 000€ or more	1
Prefer not to say	16
Total	126

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