



International
Labour
Office

 THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Finland

ILO
TECHNICAL
NOTE

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The information and data contained in the Case Study is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Country profile by national indicators and minimum standards of social security

Table 1. Eurostat indicators	2007	2010	2013	2014	2015
At-risk-of-poverty threshold (40%, single person)	7,481€	8,539€	9,309€	9,481€	9,505€
At-risk-of-poverty threshold (50%, single person)	9,351€	10,674€	11,636€	11,851€	11,882€
At-risk-of-poverty threshold (60%, single person)	11,222€	12,809€	13,963€	14,221€	14,258€
At-risk-of-poverty rate –(40%, of median equivalised income)	2.3%	2.4%	2.2%	2.5%	2.3%
At-risk-of-poverty rate –(50%, of median equivalised income)	5.4%	5.5%	5.4%	5.5%	5.3%
At-risk-of-poverty rate after social transfers –(60%, of median equivalised income)	13.0%	13.1%	11.8%	12.8%	12.4%
At-risk-of-poverty rate before social transfers, pensions excluded –(60%, of median equivalised income)	28.9%	27.0%	26.4%	27.6%	26.8%
At-risk-of-poverty rate for pensioners after social transfers –(60%, of median equivalised income)	20.5%	17.0%	15.8%	15.3%	13.5%
Aggregate replacement ratio	0.47	0.50	0.49	0.51	0.52
Severe material deprivation (% of total population)	3.6%	2.8%	2.5%	2.8%	2.2%
Persistent at-risk-of-poverty rate –(60%, of median equivalised income)	7.6%	7.7%	7.0%	7.0%	8.3%
Gini coefficient	26.2	25.4	25.4	25.6	25.2

Table 2. National indicators of guaranteed minimum resources, MISSOC (2016)

Beneficiary	Base amount for household in material need
Single person household	€485.50
Single parent	€534.05
Other persons above 18 years old	85% of the abovementioned amount
Child who is 18 years or older and lives with his/her parents	73% of the abovementioned amount
Child 10 to 17 years of age	70% of the abovementioned amount
Child under the age of 10	63% of the abovementioned amount

Table 3. MISSOC (2016)

Social Security branch	Compensation rate/Level of benefit	Qualifying period
Sickness benefit	<p>Employer pays full salary for the first 9 days if the employment relationship has lasted at least one month. If under one month, 50% of the salary.</p> <p>By collective agreements most employers pay full salary during the first 1-2 months.</p>	<p>No qualifying period required</p>
Unemployment benefit	<p>The basic unemployment allowance and the earnings-related unemployment allowance are paid for five days per week.</p> <ul style="list-style-type: none"> * Basic unemployment allowance (peruspäiväraha): €32.68 per day; * Increased basic unemployment allowance (korotettu peruspäiväraha): €37.46 per day, paid during a maximum of: <ul style="list-style-type: none"> * 200 days during participation in a service promoting employment; * 90 days if the person has been employed for at least 20 years and his/her employment has been terminated; <ul style="list-style-type: none"> * Earnings-related unemployment allowance (ansiopäiväraha): The amount of the basic allowance &#43; 45% of the difference between the daily wage and the basic allowance. If the monthly wage is greater than 95 times the basic amount, i.e. €3,104,60 the amount is 20% of the excess; * Increased earnings-related unemployment allowance (korotettu ansiopäiväraha): The earnings-related component is increased to 58% and 35% of the excess of €3,104.60 during a maximum of: <ul style="list-style-type: none"> * 90 days if the person has been employed for at least 20 years and has been a member of an unemployment fund for at least 5 years and his/her employment has been terminated; * 200 days during participation in a service promoting employment. <p>Assistance (Labour market support, työmarkkinatuki):</p> <p>Full labour market support amounts to €32.68 per day and is paid for five days per week. A full allowance is payable if the monthly income is below €311 per month for a single person and below €1,044 for a family. The limit is increased by €130 for each child under 18 years of age. Income above the limit reduces the allowance by 75% for single persons and by 50% for a family. The amount of labour market support for a young person living with his/her parents is partially depending on the parents' income. (However the full amount of the benefit is paid during labour market measures).</p>	<p>Basic unemployment allowance (peruspäiväraha):</p> <ul style="list-style-type: none"> * Employees: Initial condition at least 26 weeks of employment during the last 28 months and during each week at least 18 hours; * Self-employed persons: at least 15 months of entrepreneurship during the last 48 months. <p>Earnings-related unemployment allowance (ansioperusteinen työttömyyspäiväraha):</p> <p>As under "basic unemployment allowance" and to have fulfilled the employment requirement while being insured as a member of an unemployment fund.</p> <p>Assistance (Labour market support, työmarkkinatuki):</p> <p>No qualifying period.</p>
Old-age benefit	<p>Statutory earnings-related pension (Työeläke):</p> <p>Age-dependent accrual rate on the annual earnings: 1.5% between 18 and 52; 1.9% between 53 and 62; and 4.5% between 63 and 68 years. For pensioners who are in employment, the accrual rate is 1.5% of the earnings. The accrual rate for unpaid periods is 1.5%.</p>	<p>Statutory earnings-related pension (Työeläke):</p> <p>Employees: No qualifying period.</p> <p>National pension (Kansaneläke) and</p>

	<p>National pension (Kansaneläke): Full amount between €562.62 and €634.30 per month according to marital status. If years of residence are less than 80% of the time between the age of 16 and 65 the pension is adjusted in proportion to the length of residence. Statutory earnings-related pension (Työeläke) and other Finnish or foreign pensions received reduce the national pension by 50% when annual total exceeds €671. Entitlement to national pension is lost when income from earnings-related pension exceeds €1,311.05 per month (for people living alone). Statutory earnings-related pensions earned after the age of 63 do not reduce the national pension.</p> <p>Guarantee pension (Takuueläke): The full amount is €766.85 per month.</p>	<p>guarantee pension (Takuueläke): 3 years of residence in Finland after attaining the age of 16.</p>
Family benefit	<p>First child: €95.75 Second child: €105.80 Third child: €135.01 Fourth child: €154.64 Fifth and each subsequent child: €174.27 The amount for each child of a single parent is supplemented by €48.55.</p>	<p>The child must be resident in Finland. No other conditions.</p>
Maternity benefit	<p>Maternity grant (äitiysavustus): Either a maternity package containing necessities for care of the child, or a lump sum of €140.</p> <p>Minimum cash benefit is €23.93 per day.</p> <p>For the first 56 weekdays of the maternal leave the maternity allowance (äitiysraha) and special maternity allowance (erityisäitiysraha) are 90% of earned income up to €56,443 (annual) and 32.5% for an income exceeding this level. For the rest of the maternity leave (49 days) the allowance is 70% up to earned income of €36,686, 40% between €36,687 and €56,443 and 25% of earned income exceeding this latter level.</p> <p>For the first 30 weekdays the parental allowance (vanhempainraha) and paternity allowance (isyysraha) are 75% of earned income up to €56,443 (annual) and 32.5% for an income exceeding this level. Both parents are eligible for an increased rate for the first 30 weekdays.</p> <p>For the rest of the leave the parental allowance and paternity allowance are 70% up to earned income of €36,686, 40% between €36,687 and €56,443 and 25% of earned income exceeding this latter level.</p>	<p>Mother (maternity allowance, äitiysraha, and parental allowance, vanhempainraha) and father (paternity allowance, isyysraha, and parental allowance, vanhempainraha) must have been resident in Finland for at least 180 days immediately before the expected date of confinement.</p>
Invalidity benefit	<p><u>National pension (Kansaneläke):</u> Flat-rate amounts depending on duration of residence in Finland, marital status and amount of other pensions based on employment. Full amount between €562.62 and €634.30 according to marital status. A full pension if resident of Finland, 80% of time after attaining the age of 16 and before pension starts. Otherwise pension is adjusted to the length of residence. Reduced by 50% of the amount of the <u>Statutory earnings-related pension (Työeläke)</u> and other Finnish and foreign pensions when annual total</p>	<p>National pension (Kansaneläke) and guarantee pension (Takuueläke): 3 years of residence in Finland after attaining the age of 16 (no residence period required if a person becomes disabled while resident in Finland before the age of 19 or when</p>

	<p>exceeds €671.</p> <p><u>Guarantee pension (Takuueläke):</u> The amount of the guarantee pension is affected by any other pension income one may have from Finland or abroad. The full amount is €766.85 per month.</p>	<p>entitled to a disability allowance at the age of 16). Statutory earnings-related pension (Työeläke): Employees: none.</p>
<p>Employment Injury benefit</p>	<p><u>Temporary incapacity:</u> The amount of the daily allowance (päiväraha) equals the sick pay for the first four weeks. After four weeks it corresponds to 1/360 of the insured person's annual earnings.</p> <p><u>Permanent incapacity:</u> The person's working capacity has to be reduced by at least 10% and the reduction in the amount of annual wages has to be at least 5%. The assessment of the level of incapacity is carried out by the insurance company.</p> <p><u>Total incapacity:</u> <u>The pension is equal to 85% x E.</u> <u>After the age of 65: 70% x E.</u> <u>E = annual earnings.</u></p> <p><u>Partial incapacity:</u> <u>Proportionally reduced amount of the full pension.</u></p>	<p>After the appearance of the incapacity, the benefit is immediately paid provided that the disability lasts for at least three consecutive days not counting the day on which the accident occurred (in case of a shorter period, no allowances are paid).</p>
<p>Survivor's benefit</p>	<p><u>National pension (Kansaneläke):</u> For the first 6 months the surviving spouse or partner receive €327.14 per month (full amounts; adjusted to the length of residence in Finland of the deceased). After 6 months the pension is continued if the surviving spouse is supporting a child under the age of 18 with a minimum amount of €102.47 with an income-related increase of maximum €531.83. If there is no child the entitlement and amount depends on other income.</p> <p><u>Statutory earnings-related pension (Työeläke):</u> The pension is 17-50% of the pension of the deceased, depending on how many children are entitled to a child pension. The pension equals the pension of the deceased when the beneficiaries are the surviving spouse or partner and two children. If the deceased person was not retired at the time of death, the survivors' pension is calculated on to the basis of the disability pension the deceased would have been entitled to at the time of death. The survivor's pension is integrated with her/his own (or anticipated) pension. If this is higher than a given amount (€686.50), the survivor's pension is accordingly reduced. The survivor's pension to be paid is then calculated following the formula: 50% deceased person's pension - 50% (surviving spouse's own pension - base amount). The benefit is not means-tested and it is paid monthly.</p> <p><u>Divorced spouse:</u> Survivor's pension is divided. The part to be paid to the divorced spouse depends on the amount of the alimony.</p>	<p><u>National pension (Kansaneläke):</u> 3 years of residence after the age of 16 and being resident in Finland at the time of death.</p> <p><u>For surviving spouses pension:</u> The deceased was under the age of 65 at the time of marriage.</p> <p><u>Statutory earnings-related pension (Työeläke):</u> Must be or have been insured at the time of death. There are several factors, which affect the entitlement and the amount of survivors' pension from national pension system such as:</p> <ul style="list-style-type: none"> * the length of residence in Finland of the deceased person; * the pension- and all other incomes of the surviving spouse.

Table 4. ISSA (2016)

Social Security branch	Min amount of benefits	RR	Qualifying conditions
Medical benefit	Cost sharing: An initial deductible of €50 a year for medicine; thereafter, 40% to 100% of the cost of medicine greater than €4.50, according to a schedule; 100% of transportation costs above €25 per one-way trip.	1.30% of gross monthly earnings; 1.47% of gross monthly earnings for pensioners and other social insurance beneficiaries.	Must reside or work (private-sector sickness insurance only) in Finland.
Sickness benefit	The minimum daily benefit is €23.93.	0.82% of gross monthly earnings. 70% of the insured's daily earnings is paid for annual earnings up to €30,000, 35% for annual earnings of €30,001 to €56,443, and 25% for annual earnings of €56,444 or more.	<u>Cash sickness benefits</u> : Must have been employed during the last three months, or involuntarily unemployed. The incapacity for work must be certified by a doctor from the ninth day. <u>Cash sickness allowances (means tested)</u> : Must be ineligible for cash sickness benefits and earn less than €1,386 a year.
Unemployment benefit	Basic unemployment allowance: €32.68 a day is paid. Supplementary allowance: €4.78 a day is paid. Child's supplement: A daily supplement of €5.27 is paid for one dependent child; €7.74 for two; €9.98 for three or more.	<u>Earnings-related benefit (unemployment fund)</u> : If the insured's monthly earnings are less than €3,104.60, the basic daily benefit is €32.68 plus 45% of the insured's daily wage; if monthly earnings are €3,104.60 or more, the daily benefit is €82.95 plus 20% of daily earnings in excess of €144.40. <u>Increased allowance</u> : 65% of the difference between the insured's daily wage and the basic daily benefit is paid for up to 90 days if the insured has at least 20 years of work and is a member of an unemployment fund; for up to 200 days if the insured took part in a service promoting employment. If the insured's monthly wage exceeds €3,429.30, the benefit decreases to 37.5% of the difference between the daily wage and the basic daily benefit.	<u>Basic unemployment allowance</u> : A resident of Finland with at least 26 weeks of work in the 28 months before unemployment began; entrepreneurs, membership in a single unemployment insurance fund for at least 15 months of the last 48 months. <u>Earnings-related allowance</u> : A resident of Finland with at least 26 weeks of work in the 28 months before unemployment began; entrepreneurs, at least 15 of the last 48 months. The insured was a member of an unemployment fund for at least 26 weeks.
Old-age benefit	Guarantee pension (income tested): €6.74 to €766.85 a month is paid, according to the value of other pension income received.	Earnings-related old-age pension: From age 18 to 52, the accrual rate on the insured's annual earnings is 1.5%; from age 53 to 62, 1.9%; from age 63 to 67, 4.5%. The benefit is based on average lifetime earnings. Credits may be given for periods of maternity, paternity, sick leave, unemployment, and	Statutory pensionable age (Men/Women) -65 Early pensionable age (Men/Women) - 63 Guaranteed pension (income tested): Paid to a pensioner with low pension income, who lives permanently in Finland and has lived in Finland at least three years after the age

		caregiving.	of 16.
Family benefit	<p><u>Family allowances:</u> €1,149 a year is paid for one child, €2,418.60 for two, €4,038.72 for three, €5,894.40 for four, and €7,985.64 for each additional child.</p> <p><u>Single-parent supplement:</u> €582.60 a year is paid for each qualifying child.</p> <p><u>Birth grant:</u> The mother can choose between clothing and other necessities (layette) for the newborn and a cash benefit of €140.</p> <p><u>Adoption grant:</u> A lump sum from €1,900 to €4,500 is paid.</p> <p><u>Child home care allowance:</u> A basic amount of €4,095.24 a year is paid for one child younger than age 3; a supplement of €1,226.04 a year is paid for each additional child younger than age 3, and €787.80 a year is paid for each additional child aged 3 to 7.</p> <p><u>Means-tested supplement:</u> Up to €182.64 a month is paid.</p> <p><u>Flexible care allowance:</u> €243.28 a month is paid if the parent works up to 22.5 hours a week or up to 60% of normal full-time hours; €162.19 a month with 22.5 to 30 hours a week or 60% to 80% of normal full-time hours.</p> <p><u>Partial care allowance:</u> €97.73 a month is paid.</p>		<p><u>Family allowances:</u> The child must be younger than age 17 and reside in Finland.</p> <p><u>Birth grant:</u> Paid to a pregnant woman (pregnancy lasts for at least 154 days) who has undergone necessary medical examinations and for adopting a child younger than age 18. The grant is increased for multiple births or adoptions.</p> <p><u>Adoption grant:</u> Paid to cover the expenses of adopting a child from abroad.</p> <p><u>Child home care allowance:</u> Paid for a child younger than age 3 who is not in municipal day care. The care must be provided by parents, other relatives, or a private child-care provider.</p> <p><u>Flexible care allowance:</u> Paid to a parent of a child younger than age 3 if the parent works up to 30 hours a week or up to 80% of normal full-time hours and cares for the child in the remaining time. Must not receive the parental allowance at the same time.</p> <p><u>Partial care allowance:</u> Paid to a parent with a child in the first or second year of school if the parent works up to 30 hours a week. Must not be receiving child home care allowance or parental allowance.</p>
Maternity benefit	The minimum daily benefit is €23.93.	<p>0.82% of gross monthly earnings.</p> <p>70% of daily earnings is paid for annual earnings up to €36,686, 40% for annual earnings of €36,687 to €56,443, and 25% for annual earnings of €56,444 or more.</p>	Must reside in Finland; new residents have a 180-day waiting period.
Employment Injury benefit	The minimum annual earnings used to calculate benefits are €13,910.	<p>For the first four weeks the benefit is the same as under sickness benefits; if sick pay has not been paid, the benefit is the insured's earnings in the four weeks prior to the accident or the onset of the occupational disease. Thereafter, the daily benefit is 2.7% of the insured's annual earnings.</p> <p><u>Permanent disability pension:</u> If assessed with a total disability, the basic pension is 85% of the</p>	There is no minimum qualifying period. Accidents that occur while commuting to and from work are covered.

		insured's annual earnings up to age 65; thereafter, 70% of earnings.	
Invalidity benefit	<p><u>Universal disability pension (income tested)</u>: €6.76 to €634.30 a month is paid, according to marital status and the value of other pension income received.</p> <p><u>Disability allowance (aged 16 or older)</u>: €92.92 (significant hardship and continuous expenses), €216.87 (considerable hardship and weekly supervision required), or €420.51 (substantial outside assistance on a daily basis) a month is paid, depending on the insured's circumstances.</p>	<p>Earnings-related disability pension: The benefit is based on the accrual rate. From age 18 to 52, the accrual rate on the insured's annual earnings is 1.5%; from age 53 to 62, 1.9%; for projected service, 1.5%.</p>	<p><u>Universal disability pension (income tested)</u>: Aged 16 to 64 and assessed with a permanent incapacity for suitable work. There is no partial pension.</p> <p><u>Disability allowance (aged 16 or older)</u>: Aged 16 to 64, assessed with a disability, and not receiving a full pension.</p> <p><u>Guaranteed pension (income tested)</u>: Must have an assessed disability, low pension income, live permanently in Finland and have lived in Finland at least three years after the age of 16.</p>
Survivor's benefit	<p><u>Universal spouse's pension (income tested)</u>: Up to €327.14 a month is paid to a widow(er) for the first six months following the spouse's death; a housing allowance may also be paid. From the seventh month, a surviving spouse caring for a dependent child is paid at least a basic amount of €102.41, plus an additional income-related amount of up to €531.83, depending on family situation.</p> <p><u>Universal orphan's pension</u>: €60.19 a month is paid to a child younger than age 18 (age 21 if a full-time student); up to €120.38 a month for a full orphan.</p>	<p><u>Earnings-related spouse's pension</u>: Up to 50% of the earnings-related old-age or disability pension the deceased received or was entitled to receive is paid to a widow(er).</p> <p><u>Earnings-related orphan's pension</u>: 33.3% of the earnings-related old-age or disability pension the deceased received or was entitled to receive is paid to a single orphan; a total of up to 83.3% of the deceased's pension is paid to four or more orphans.</p>	<p><u>Universal spouse's pension (income tested)</u>: The deceased was a resident of Finland for at least three years after age 16.</p> <p><u>Universal orphan's pension</u>: Paid to a child younger than age 18 (age 20 if a full-time student) and a resident of Finland or moved to Finland within a year of the insured's death.</p> <p><u>Earnings-related spouse's pension</u>: The deceased received or was entitled to receive an earnings-related old-age or disability pension at the time of death.</p> <p><u>Earnings-related orphan's pension</u>: Paid to a child younger than age 18.</p>

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

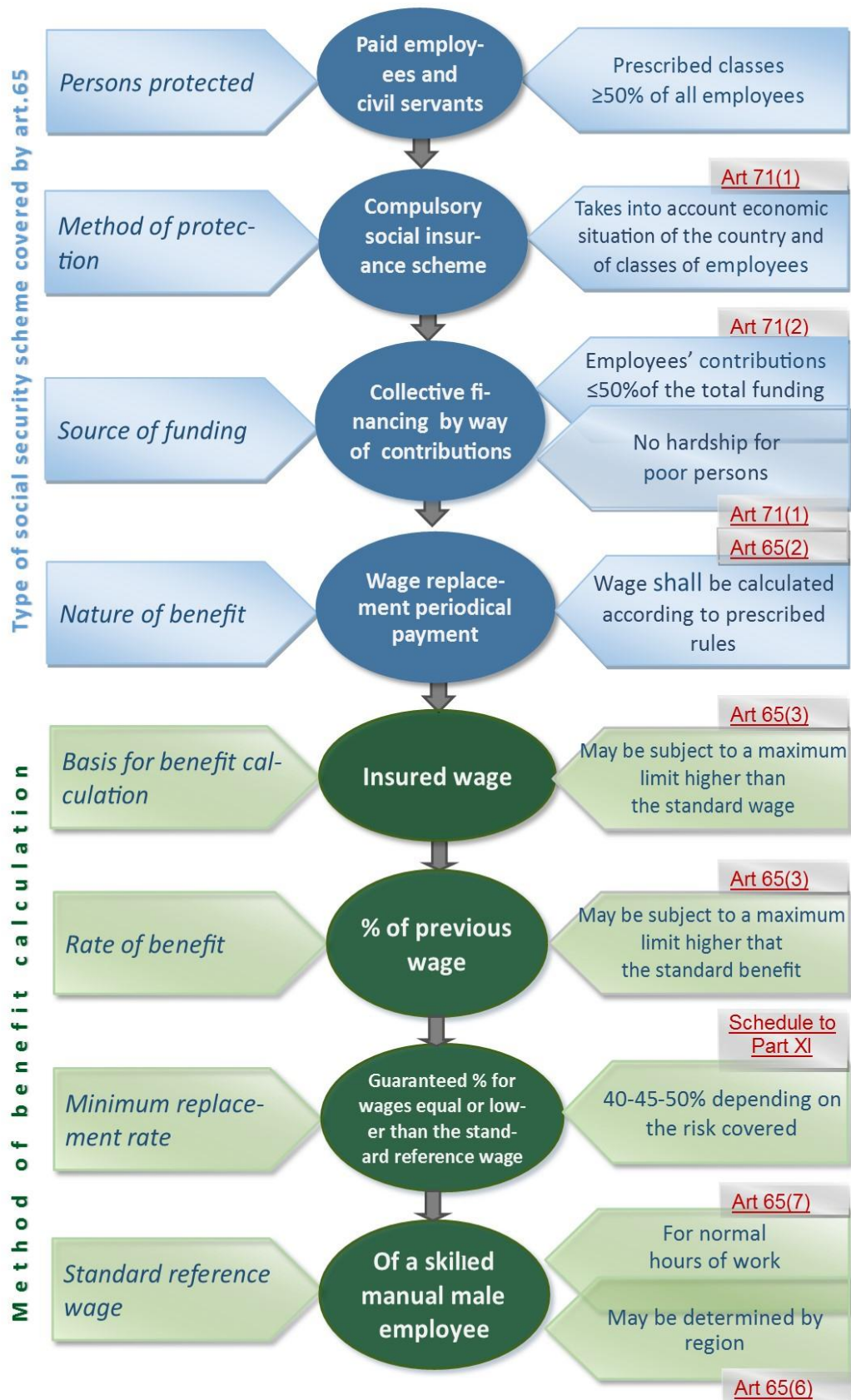


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

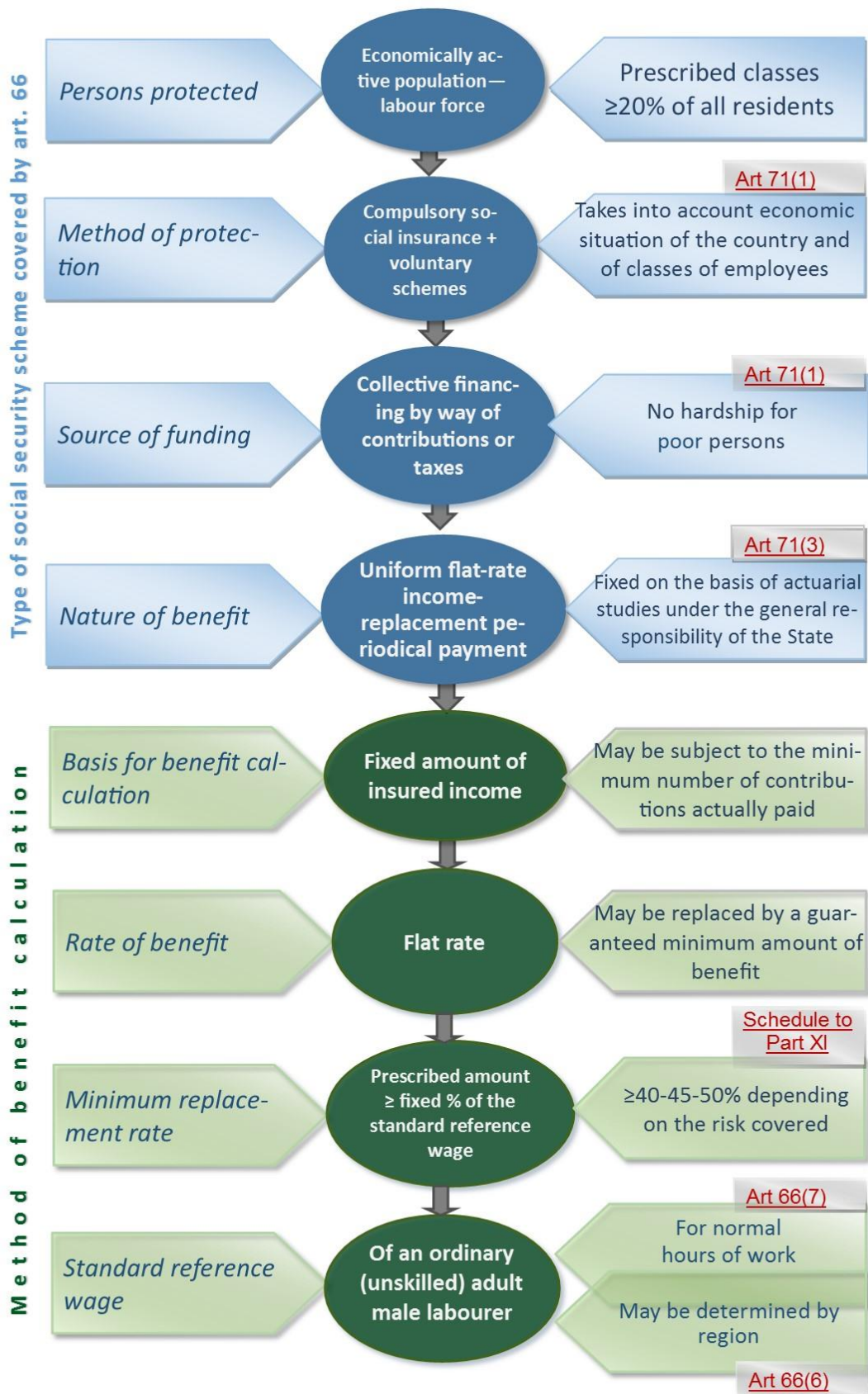


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

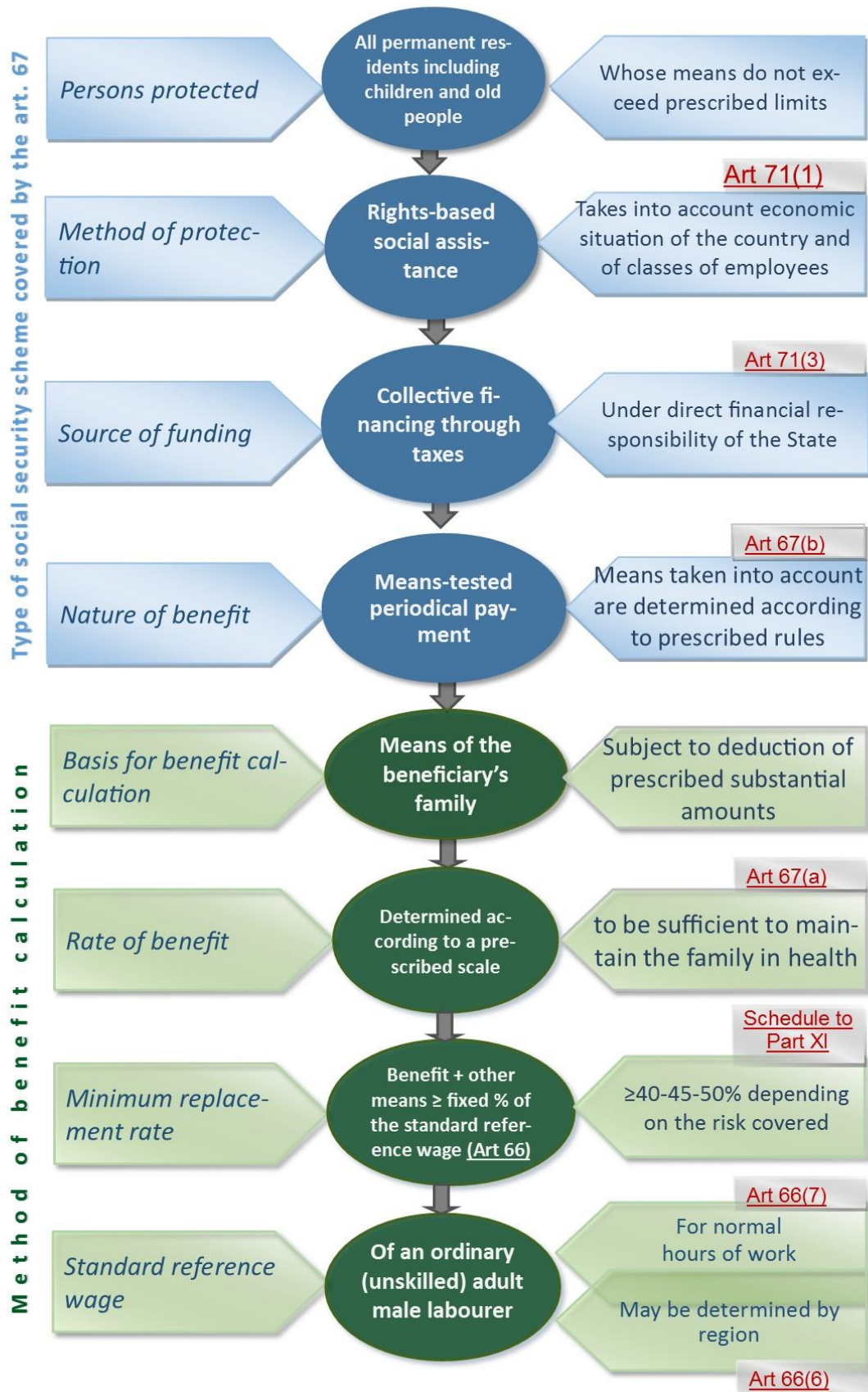


Table 5. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102

Articles in the ECSS/C.102	Comments	Reference wage: amount		
		ILO calculations ¹ -2010	Government ²	
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: typical skilled male worker in manufacturing	2802 euros	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	3736 euors	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in manufacturing	2690 euros	

* Gross wages are used unless stated otherwise

¹ ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

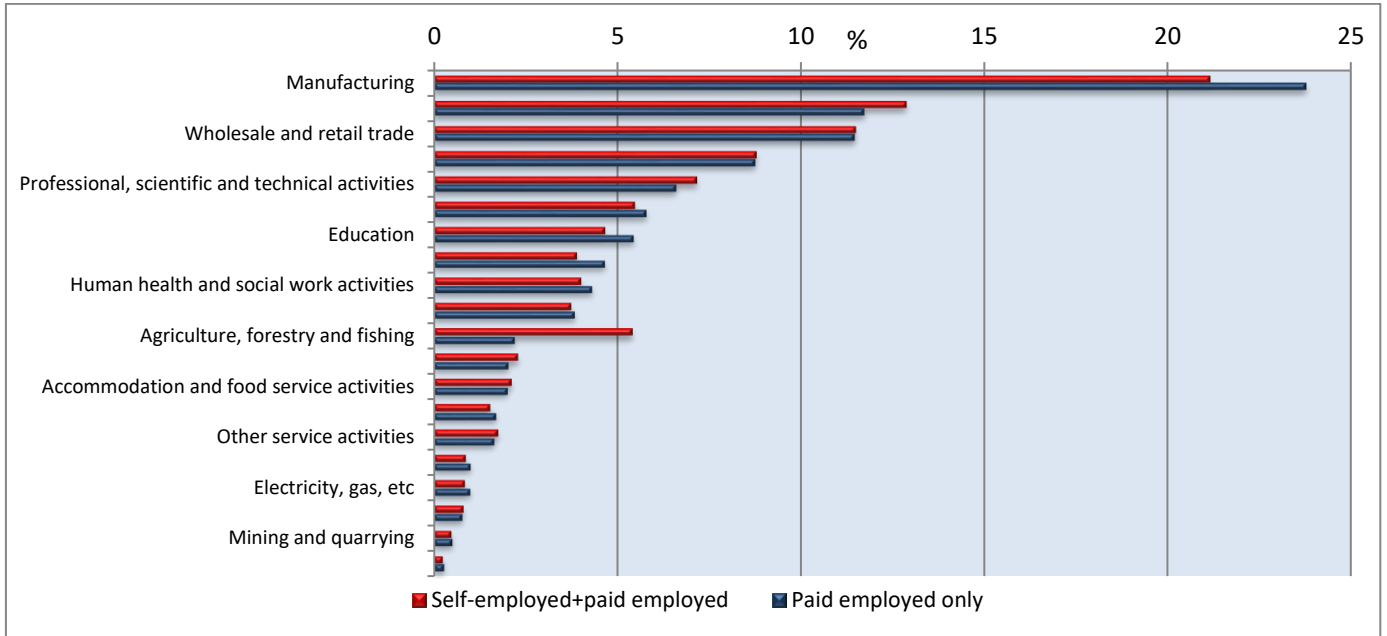
³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008 <http://unstats.un.org/unsd/cr/registry/isc-4.asp>

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

Fig. 4. Share of employed males by economic activity in total male employment and share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: Eurostat LFS - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_egaps&lang=en

Fig. 5. The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications:

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008



ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

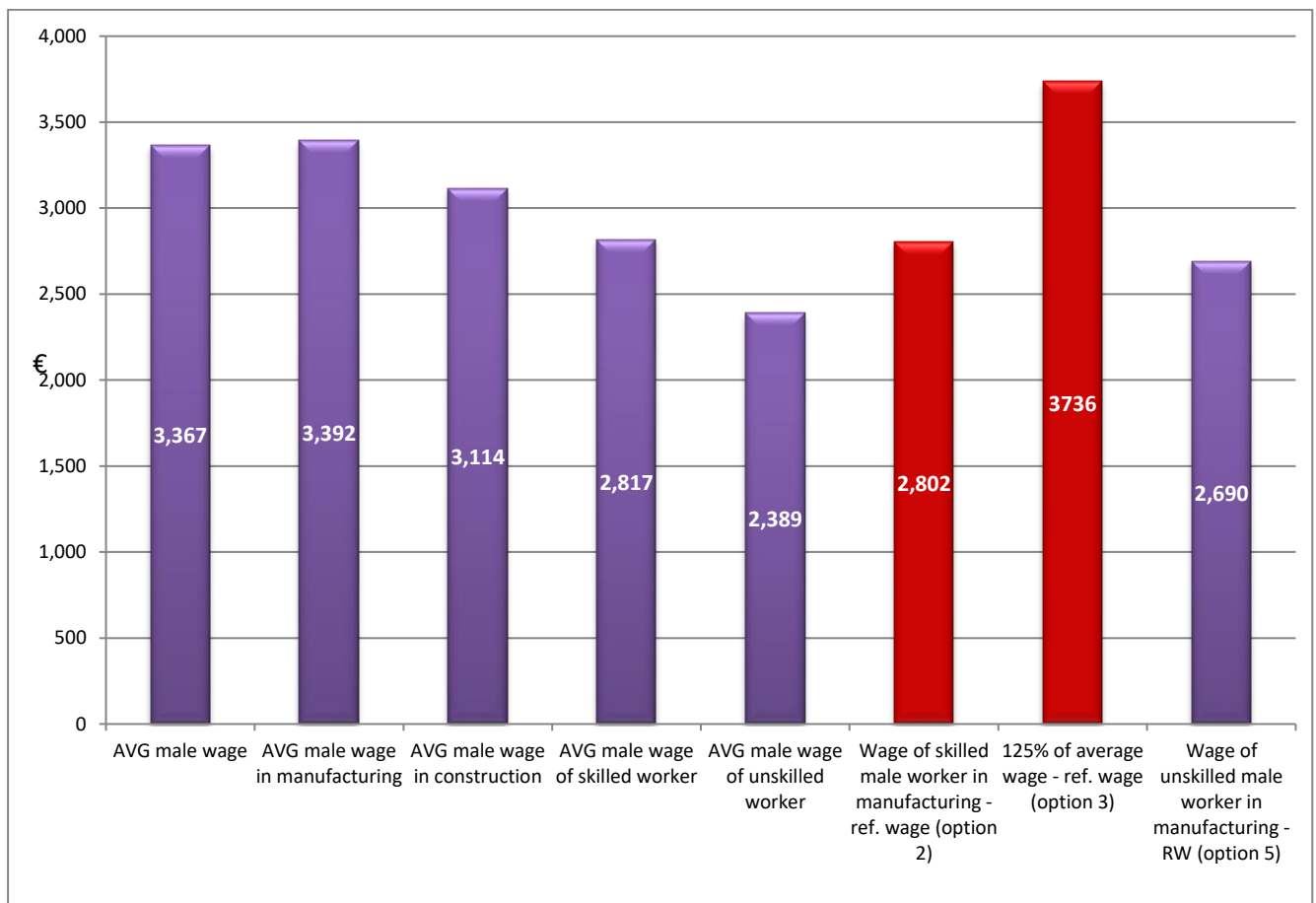
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig. 6. Comparison of the reported reference wage to other wage indicators in Finland, 2010, euros



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (include both full-time and part-time employees)

CHAPTER II. Integrated Management of compliance and reporting obligations of Finland under social security provisions of the ratified international treaties on social rights

- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2017](#)
- [Table 4. Up-to date standards on which reports are due in 2018](#)
- [Table 5. Up-to-date standards on which reports are due in 2019](#)
- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Fig. 1. Example of time management of the 5 years reporting cycle on international and European social security standards](#)
- [Fig. 2. Example of time management for reporting on social security standards](#)

Table 1. Up-to-date social security standards in force

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3 §1§4, 15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, Art.13§1§2§3, Art. 14,30	
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128mPart V, C121 Art.19-21, C130 Part III, C168 Art.15,16	C128 Part VI, C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14



Social Security Standards in force for Finland



Standards no longer in force



Social Security Standards not in force

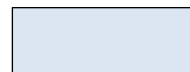
C42 – Automatic Denunciation on 23 Sep 1969 by C 121

Table 2. Pending comments of the supervisory bodies

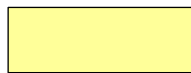
Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11		Art.1§1§3	Art.23	Art. 3 §4	Art.16	Art.8§1	Art.15 §1§3		Art.4§1,	
	Art.13§1				Art.3 §1, 15§2	Art.27§1b,c				Art.13§1§2§3, Art. 14,30	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128mPart V, C121 Art.19-21	C128 Part VI, C121 Art.22-26
										C130 Part III, C168 Art.15,16	C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14
					C042		C103				



Social Security Standards in force for Finland



Social Security Standards not in force



Pending comments of the supervisory bodies



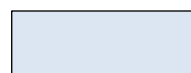
Critical comments or non-compliance

Table 3. Up-to-date standards on which reports are due in 2017

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3 §1§4, 15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, Art.13§1§2§3, Art. 14,30	
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128mPart V, C121 Art.19-21, C130 Part III, C168 Art.15,16	C128 Part VI, C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14



Social Security Standards in force for Finland



Social Security Standards not in force



Report in 2017

Table 4. Up-to-date standards on which reports are due in 2018

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3 §1§4, 15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, Art.13§1§2§3, Art. 14,30	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128mPart V, C121 Art.19-21, C130 Part III, C168 Art.15,16	C128 Part VI, C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14



Social Security Standards in force for Finland



Social Security Standards not in force



Report in 2018

* CRDP – Initial State party report

Table 5. Up-to-date standards on which reports are due in 2019

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3 §1§4	Art.16	Art.8§1	Art.15 §1§3		Art.4§1,	
					15§2	Art.27§1b,c				Art.13§1§2§3, Art. 14,30	
<i>Right to Social Security Art.12§1§2§3</i>											
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128mPart V, C121 Art.19-21, C130 Part III, C168 Art.15,16	C128 Part VI, C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14
					C042		C103				



Social Security Standards in force for Finland



Social Security Standards not in force



Report in 2019

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

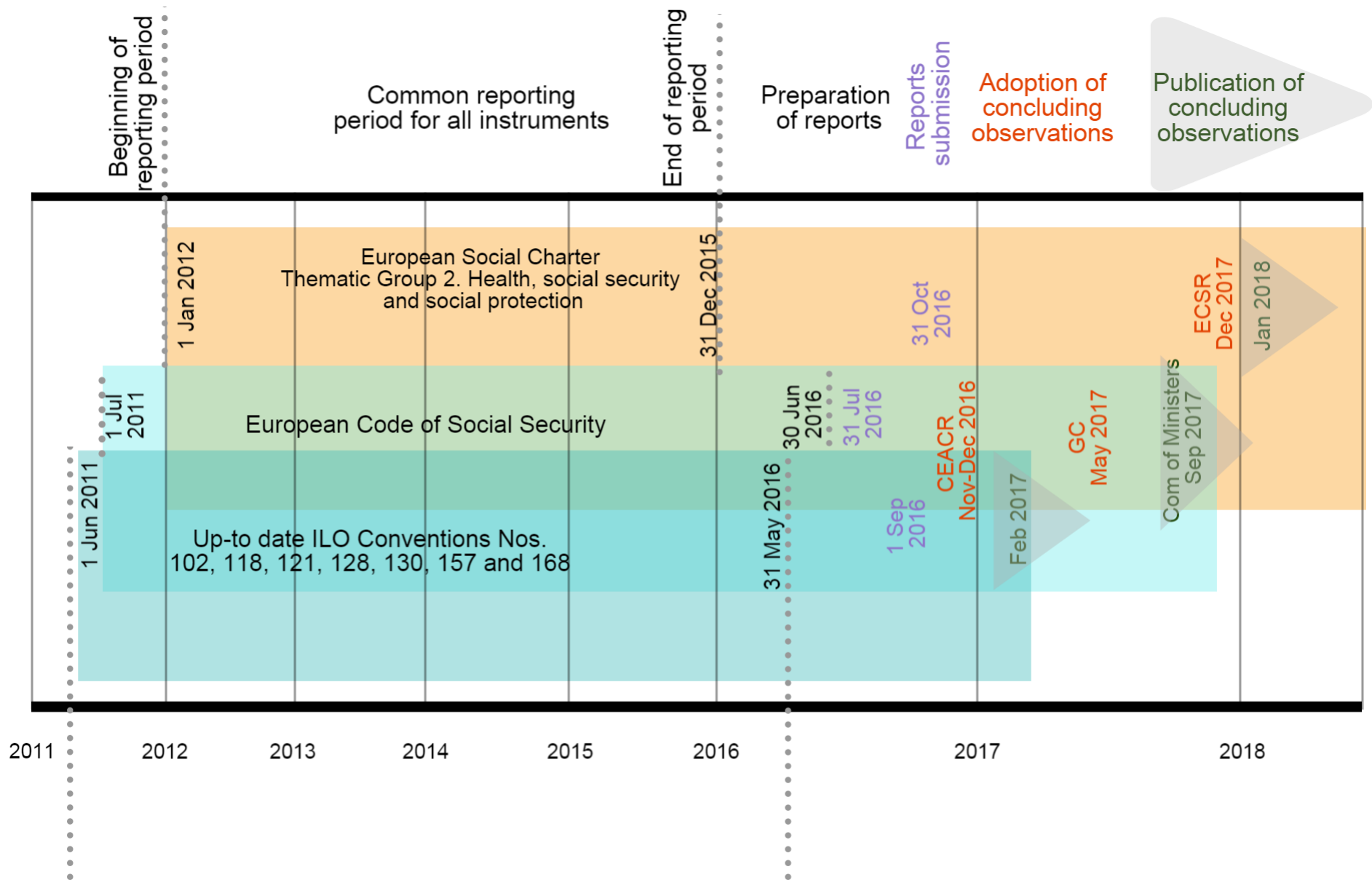
C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Fig. 1. Example of time management of the 5 years reporting cycle on international and European social security standards



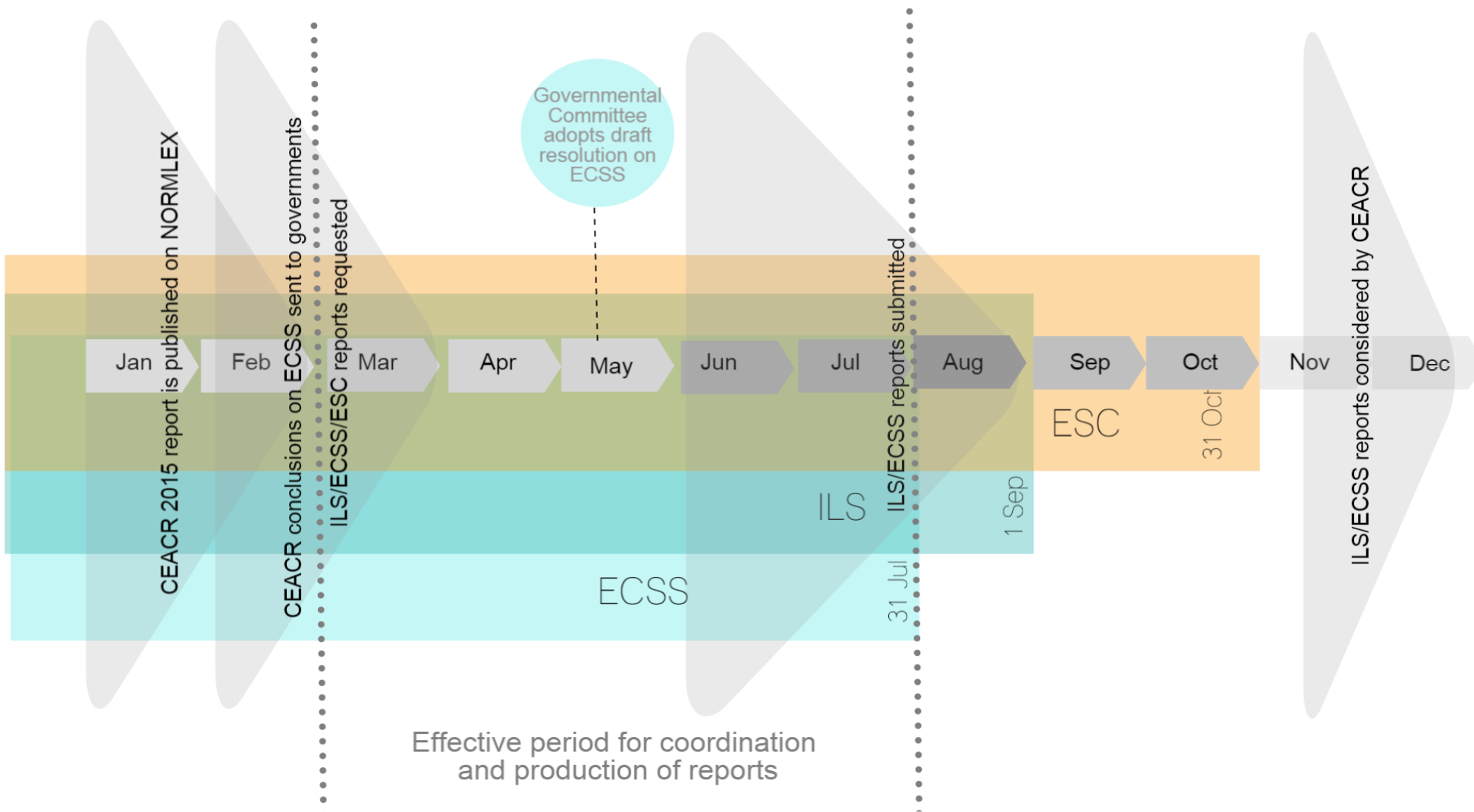


Fig. 2. Example of time management for reporting on social security standards

Chapter III. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Finland](#)
 - [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)
1. **[United Nations](#)**
 - [International Covenant on Economic, Social and Cultural Rights](#)
 - [Convention on the Rights of the Child](#)
 - [Convention on the Elimination of All Forms of Discrimination against Women](#)
 - [Convention on the Right of Persons with Disabilities](#)
 2. **[Council of Europe](#)**
 - [European Social Charter](#)
 3. **[International Labour Organization](#)**
 - [Employment Injury Benefits Convention, 1964 \[Schedule I amended in 1980\] \(No. 121\)](#)
 - [Invalidity, Old-Age and Survivor's Benefits Convention, 1967 \(No. 128\)](#)
 4. **[EU Country-Specific Recommendations](#)**

Table 1. In force international treaties on social rights ratified by Finland

Body	International Treaty	Entry into force for Finland	Next report due on
United Nations	International Covenant on Economic, Social and Cultural Rights	19 Aug 1975	30 Nov 2019
	Convention on the Rights of the Child	20 Jun 1991	19 Jul 2017
	Convention on the Elimination of All Forms of Discrimination against Women	04 Sep 1986	01 Feb 2018
	Convention on the Rights of People with Disabilities	11 May 2016	May 2018
Council of Europe	European Code of Social Security		
	European Social Charter	21 Jun 2002	31 Oct 2016
International Labour Organization	Convention 102		
	Convention 103		
	Convention 121	23 Sep 1968	1 Jun – 1 Sep 2017
	Convention 128	13 Jan 1976	1 Jun – 1 Sep 2017
	Convention 130	03 Sep 1974	1 Jun – 1 Sep 2017
	Convention 168	19 Dec 1990	1 Jun – 1 Sep 2017
	Convention 183		
	Convention 012	20 Jan 1950	1 Jun – 1 Sep 2017
	Convention 017	20 Jan 1950	-
	Convention 018	17 Sep 1927	-
European Union	Country-Specific Recommendation of 14 July 2015		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

UN Covenant on Economic, Social and Cultural Rights – Concluding observations 2014

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

Non-discrimination

The Committee is concerned that discrimination against persons with immigrant backgrounds and against members of minorities, such as Russian-speakers, Roma and Somali, persists in the State party, particularly in the fields of employment, education, health care and housing. While welcoming the implementation of the National Policy on Roma, the Committee is concerned about the lack of specific measures to address the persistent discrimination faced by other minorities (art. 2, para. 2).

The Committee recommends that the State party intensify its efforts to prevent and combat the persistent discrimination against persons with immigrant backgrounds and against persons belonging to national or ethnic, religious and linguistic minorities , including by adopting specific and targeted measures to address the problems faced by all minorities in having access to employment , housing, education and health care and by undertaking awareness - raising campaigns.

Persons with disabilities

The Committee is concerned that discrimination against persons with disabilities is widespread in the State party, particularly in the field of employment (arts. 2, para. 2, and 6).

The Committee recommends that the State party adopt all measures necessary to promote opportunities for productive and remunerated employment in the labour market for persons with disabilities, including through the application of employment quotas for persons with disabilities, both in the public and private sectors. The Committee also recommends that the State party include the prohibition of disability-based discrimination in the new non-discrimination act being considered in the State party. The Committee requests the State party to provide, in its next report, information on the situation of employment of persons with disabilities, disaggregated by sex and type of disability.

Equality between men and women

The Committee remains concerned that women, particularly women from ethnic minorities, older women and women with disabilities, continue to face multiple forms of discrimination in the enjoyment of their economic, social and cultural rights. The Committee also notes with concern the persistent gender-based segregation of occupations and sectors, which is the main cause of the continuing gender-based wage gap (art. 3).

Taking into account its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, the Committee recommends that the State party:

(a) Adopt all measures necessary to address the challenges faced by women from disadvantaged or marginalized groups in the enjoyment of their economic, social and cultural rights;

(b) Take appropriate measures to eliminate the persistent gender pay gap by addressing the significant vertical and horizontal gender-based segregation in the labour market, which result s in women occupying lower paid jobs and facing obstacles in the enjoyment of career opportunities on an equal footing with men;

(c) Increase its efforts to provide necessary social support in terms of children's centres and parental leave, including through more awareness - raising on the equal sharing of responsibilities within the family and in the society.

Labour conditions

The Committee is concerned about the discriminatory labour conditions faced by migrants and about the lack of regulations on working conditions, particularly with regard to seasonal workers who may be deprived of just and favourable conditions of work and social security benefits. The Committee also reiterates its previous concern (E/C.12/FIN/CO/5, para. 15) on the use of temporary employment contracts (arts. 7 and 9).

The Committee recommends that the State party:

(a) Redouble its efforts to combat discriminatory practices concerning migrant workers in the labour market, including by strengthening the enforcement of anti-discrimination legislation;

(b) Effectively regulate the labour sector, in particular with regard to labour conditions, including by granting all workers, including migrant workers, the right to register in and join social security schemes;

(c) Ensure that the informal sector is effectively monitored by the labour inspection services;

(d) Take all measures necessary to ensure that temporary employment contracts are not used to restrict the effective enjoyment of labour rights.

Discrimination against women based on maternity leave

The Committee regrets reported information about dismissals, non-recruitments or non-renewals of labour contracts owing to pregnancy, childbirth or maternity leave (arts. 7 and 10).

The Committee recommends that the State party take all necessary legislative and administrative measures, including labour inspections, to prohibit employers from dismissing, not recruiting or not renewing fixed-term labour contracts for women on the basis of pregnancy, childbirth or maternity leave.

Social security

The Committee is concerned about the inadequacy of the minimum levels of the basic social assistance and of the sickness and old-age benefits (art. 9).

Recalling its general comment No. 19 (2007) on the right to social security, the Committee recommends that the State party adopt the necessary measures to ensure that the minimum level of social benefits, including the basic social assistance, sickness and old-age benefits, are sufficient to cover the real costs of living.

Children placed in institutions

Despite the adoption of the Child Welfare Act, the Committee remains concerned about information on the increasing number of children placed in care institutions and at the relatively high proportion among them of children belonging to ethnic minorities (art. 10).

The Committee recommends that the State party take steps to ensure that family-type care rather than institutional care is offered for children deprived of a family environment and to ensure full protection to families with children belonging to national minorities . In that regard, the Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children.

Poverty

The Committee is concerned that about 11.9 per cent of the population lives below the poverty threshold and that certain segments of the population are at an increased risk of poverty, in particular single-parent families and families with children (art. 11).

The Committee recommends that the State party take steps to introduce measures to guarantee targeted support to all those living in poverty or at risk of poverty, in particular single - parent families and families with children. In that regard, the Committee draws the attention of the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001 (E/C.12/2001/10).

Homelessness and right to adequate housing

The Committee notes with concern that, despite the measures adopted, homelessness persists in the State party. The Committee is also concerned about the continuing shortage of social housing in the municipalities and the long waiting lists. It is further concerned that disadvantaged and marginalized groups, including Somali and Roma, face obstacles in realizing their right to adequate housing (art. 11).

Taking into account its general comment No. 4 (1991) on the right to adequate housing, the Committee recommends that the State party adopt all appropriate measures to improve the availability and provision of municipal low-cost social housing units, in particular to disadvantaged and marginalized groups and individuals, including Somali and Roma. The Committee furthermore recommends that the State party take all appropriate measures to improve the quantity of reception facilities, including emergency shelters, hostels and reception and social rehabilitation centres, and develop appropriate policies and programmes to facilitate the social re integration of homeless persons.

Right of women and girls with intellectual disabilities to sexual and reproductive health

While noting the information provided by the delegation on the safeguards to protect the right of women and girls with intellectual disabilities to sexual and reproductive health, the Committee is concerned that in particular cases the decision on sterilization might be made by the legal representative of the rights holder (art. 12).

The Committee recommends that State party effectively ensure that safeguards for the rights of women and girls with disabilities are adequately protected . It also encourages the State party to develop a model for support in the decision-making process with regard to their right to sexual and reproductive health.

Access to health-care services

The Committee is concerned that irregular migrants and asylum seekers do not have access to health-care services other than emergency health-care services (art. 12).

The Committee recommends that the State party take steps to ensure that irregular migrants , asylum seekers and refugees have access to all necessary health-care services, and reminds the State party that health facilities, goods and services should be accessible to everyone without discrimination, in line with article 12 of the Covenant . The Committee draws the State party's attention to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

Convention on the Rights of the Child – Concluding observations 2011

[UN OHCHR website link, Treaty bodies database](#)

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Coordination

10. While noting that the Ministry of Social Affairs and Health is responsible for the welfare of children, especially for the development of social and health services and income security for families with children, the Committee remains concerned that – given that the Ministry's responsibilities are limited to only certain areas of children's rights – it may not serve as an adequate coordination mechanism responsible for the overall coordination of the Convention's implementation between all the relevant bodies and institutions at national, regional and municipal levels, in view of the abundance of programmes and policies on children's rights.

The Committee calls upon the State party to ensure that it undertakes measures to establish an effective mechanism for coordinating the implementation of policies on child rights between all the relevant bodies and institutions at all levels. In doing so, the State party is urged to ensure that the mechanism is provided with the necessary human, technical and financial resources to implement policies that are comprehensive, coherent and consistent at national, regional and municipal levels.

Allocation of resources

16. The Committee notes that municipalities enjoy extensive autonomy in providing and financing public services, and is concerned that this might lead to insufficient allocation of resources to services for children and adolescents by some municipalities resulting in regional and local disparities in resource allocation to children. In the light of the State party's obligation under the Convention to fulfil the rights of children under its jurisdiction, the Committee regrets the lack of comprehensive national assessment, documentation and oversight, which leads to a weak system of control at national level.

The Committee recommends that the State party:

(a) Provide municipalities with sufficient resources allocated specifically for ensuring the implementation of rights of children, taking into account resources available to each municipality;

(b) Establish an effective monitoring of budget allocations for the needs of children in each municipality separately, ensuring appropriate levels of allocation; and

(c) Introduce child budgeting (budget tracking from a child right's perspective) with a view to monitoring budget allocations for children and take into account the Committee's recommendations resulting from its 2007 day of general discussion on resources for the rights of the child – responsibility of States.

Data collection

18. The Committee is concerned at the insufficient data available on the living conditions of children in vulnerable situations, including children affected by poverty, children with disabilities, minority/immigrant children and children in alternative care. It is also concerned at

the limited statistics on abuse, neglect and violence against children and on services provided to them.

The Committee urges the State party to strengthen the statistical system and analysis on the implementation of the Convention, and to ensure that data is collected and used to inform policies and programmes in relation to poverty, violence, children with disabilities, minority/immigrant children and children deprived of a family. It recommends that the State party continue to strengthen its capacity for the systematic collection and analysis of data throughout its territory disaggregated by, inter alia, age, sex and ethnic background on all persons under the age of 18 on all areas covered by the Convention.

C. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

31. The Committee is concerned at the high number of children who live with parents having problems relating to substance abuse and that professionals working with children do not pay sufficient attention in particular to these children, and often lack practical knowledge to respond to them. The Committee also reiterates its concern (CRC/C/15/Add.272, para. 26) at the very long duration of custodial disputes.

The Committee recommends that the State party:

(a) Increase resources and strengthen social services providing family counselling and parent education, and train all professionals working with children, including social workers and health-care professionals;

(b) Strengthen preventive services and early support and intervention measures, particularly with respect to families with problems related to substance abuse; and

(c) Enhance family mediation services for parents contemplating divorce, and ensure that disputes over the custody of children are resolved within an appropriate time, taking into account the best interests of the child.

Children deprived of family environment

33. While welcoming that the Child Welfare Act provides more precise provisions for, inter alia, taking a child into care and urgent placement of children, and requires that alternative care is provided primarily in small and family-like units, the Committee is concerned that, in practice, the number of children placed in institutions, including successive placements, is increasing, that number of foster family care placements is insufficient and that there is no unified nationwide standards establishing criteria for placements in alternative care, care planning and regular review of placement decisions, and that there is insufficient supervision and monitoring of alternative care facilities. It is also concerned at the lack of effective complaints mechanisms for children without parental care, including children in institutions. The Committee is further concerned that children in institutions are not always integrated into mainstream education and do not always receive the necessary mental health services. Furthermore, the Committee is concerned at the lack of support for biological families while their children are in alternative care aimed at reunification of these children with their biological families.

The Committee recommends that the State party:

- (a) Increase its efforts to ensure that children in need of alternative care are placed in family-type and foster family care and not in institutions, and take measures to avoid successive placement of children in public care by, inter alia, increasing the resources for foster care and support of foster parents;**
- (b) Provide training to all professionals working with children in alternative care settings, including foster parents and supervisors;**
- (c) Establish unified national standards for assessment and placement of children in alternative care, care planning and regular review of placement decisions and ensure adequate supervision and monitoring of the situation of children placed in foster homes or institutions;**
- (d) Take necessary measures to ensure the provision of effective, well-publicized, independent and impartial complaints mechanisms for children without parental care;**
- (e) Ensure that children in institutions are integrated into mainstream education, and that they have access to mental health services when required; and**
- (f) Provide support to biological families with the purpose of subsequent reunification of children in alternative care with their biological families, when possible.**

The Committee recommends the State party to take into account the Guidelines for the Alternative Care of Children.

D. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26 and 27 (paras. 1–3) of the Convention)

Children with disabilities

40. While welcoming the amendments to the Act on Services and Assistance for the Disabled in 2009 emphasizing assistance based on the individual needs of persons with disabilities and the Disability Policy Programme for 2010–2015, the Committee remains concerned about the insufficient supply of health-care services for children with disabilities in some municipalities and the lack of financial commitment by the State party in this respect. The Committee is also concerned that children with disabilities face limited mobility due to obstacles in the physical environment and public transportation, and thus the level of segregation of students with disabilities is high. Furthermore, it is concerned that teachers are not sufficiently trained to work with children with disabilities and families with children with disabilities do not receive sufficient, high-quality and up-to-date assistance or educational guidance to support their children's rehabilitation.

In light of article 23 of the Convention, the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:

- (a) Establish a holistic legal and policy framework to guarantee the equal right of children with disabilities to access good-quality health-care services, public buildings and transportation and to obtain education in mainstream schools;**
- (b) Ensure a sufficient number of personal assistants, interpretation and transportation services for children with disabilities;**
- (c) Improve the capacity of teachers to teach children with disabilities and special needs;**
- (d) Support families with children with disabilities by providing them with educational guidance; and**
- (e) Accelerate the process of ratification of the Convention on the Rights of Persons with Disabilities.**

Health and health services

42.The Committee welcomes the adoption of the Health Care Act in 2010, which introduces health examination and health education for children and youth. The Committee is, however, concerned at the lack of medical personnel permanently based in schools, including staff to provide children with psychological counselling. The Committee is also concerned that pregnant women with substance abuse problems have difficulties accessing medical treatment and that the State party does not provide sufficient attention to the development of children born to mothers abusing substances.

The Committee recommends that the State party establish permanent presence of medical personnel in schools, including psychologists in order to provide children with psychological counselling. The Committee also recommends that the State party ensures that pregnant women with substance abuse problems receive timely and quality medical assistance and treatment and that children born to such mothers are provided with assistance and support.

Mental health

44.The Committee is concerned at the high rate of depression and the number of suicides, as well as two school shootings in recent years, and at the insufficient mental health services for children. The Committee is also concerned that the prescription of psychostimulants to children diagnosed with Attention Deficit Hyperactivity Disorder and Attention Deficit Disorder has not decreased.

The Committee recommends that the State party:

- (a) Strengthen mental health services for children and guarantee access to examinations and treatment needed, as well as intensify suicide prevention measures;**
- (b) Monitor the prescription of psychostimulants to children and take initiatives to provide children diagnosed with Attention Deficit Hyperactivity Disorder and Attention Deficit Disorder, as well as their parents and teachers, with access to a wider range of psychological, educational and social measures and treatments; and**
- (c) Consider undertaking the collection and analysis of data disaggregated according to substance and age with a view to monitoring the potential abuse of psychostimulant drugs by children.**

Breastfeeding

46.The Committee welcomes the adoption of the Finnish National Programme of Action for Breastfeeding Promotion in 2009 and its monitoring by the Follow-up Group for Breastfeeding Promotion. However, it remains concerned that the rates of breastfeeding in the State party, although higher, remain low. It is also concerned that currently the majority of breastfeeding information is available only online and mothers have no access to breastfeeding information through other means and there is a lack of awareness and education on the importance of breastfeeding.

The Committee recommends that the State party strengthen its efforts to promote breastfeeding by providing access to materials, educating and raising awareness of the public on the importance of breastfeeding and risks of artificial feeding.

Adolescent health

48. The Committee welcomes the Action Plan for the Promotion of Sexual and Reproductive Health 2007–2011, as well as the creation of a Department of Child and Adolescent Health within the National Public Health Institute, in 2007. It is, however, concerned at the high level of alcohol and tobacco abuse among adolescents.

The Committee recommends that the State party strengthens its measures to divert adolescents from alcohol, tobacco and substance abuse by raising awareness on negative impacts of alcohol and tobacco and engage the mass media to ensure their contribution to healthy lifestyles and consumption patterns by children and adolescents.

Standard of living

50. The Committee welcomes the amendments to the Act on Child Home Care Allowance and the Private Care Allowance in 2010 increasing the amount of home-care allowance, extending the eligibility to self-employed persons and extending the length of paternity leave. However, the Committee remains concerned that the number of children and families with children, especially those under the age of 3, living in poverty has more than doubled in the last 10 years and that the amount of child benefits and parental benefits has de facto been reduced.

The Committee calls upon the State party to reinforce its efforts to provide support to economically disadvantaged families, including children of young families, single parents and families with many children, and to guarantee the right of all children to an adequate standard of living. The Committee also recommends that the State party take the measures necessary for the comprehensive collection and analysis of data on child poverty in order for it to be effectively addressed.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2014

[*UN OHCHR website link, Treaty bodies database*](#)

C. Principal areas of concern and recommendations

Employment

26. The Committee notes the Equal Pay Programme, which aims at reducing the gender pay gap to 15 per cent by 2015, and the strengthening of the practice of pay surveys within the context of the equality plan. The Committee, however, remains concerned, however, about the persistence of a gender pay gap of 17 per cent in the State party. The Committee is also concerned about the high unemployment rate and low wages among migrant and Roma women, single mothers, older women and women with disabilities. The Committee also reiterates its concern, expressed in its previous concluding observations (CEDAW/C/FIN/CO/6, para. 25) concerning illegal dismissals of women owing to pregnancy, childbirth and maternity leave. It further regrets that the percentage of men who take parental leave remains low and that family leave available to men and single parents remains considerably low.

27. The Committee recommends that the State party:

(a) Take immediate measures to meet the target set by the Equal Pay Programme of a gender-based wage gap of 15 per cent by 2015, with a view to closing the wage gap between men and women in accordance with the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization;

(b) Adopt temporary special measures to accelerate the equal participation of women from disadvantaged groups, including migrant women, Roma women, single mothers, older women and women with disabilities in the labour market, and undertake comprehensive studies on the employment and working conditions of those groups of women, with recommendations for enhancing their effective participation in the labour market;

(c) Amend legislation to specifically prohibit employers from not renewing fixed-term employment contracts based on family leave and from limiting their duration on that basis;

(d) Continue efforts to ensure the reconciliation of family and professional responsibilities and promote the equal sharing of domestic and family tasks between women and men, including by developing incentives to encourage more men to avail themselves of parental leave.

Health

28. The Committee notes with concern the increase in cases of depression, eating disorders, substance abuse, alcohol-related diseases and suicide among women and girls in the State party. The Committee is also concerned about the obligation on transgender persons to prove infertility or undergo sterilization for the legal recognition of their gender under the Law on Legal Recognition of the Gender of Transsexuals of 2002. The Committee is further concerned about the legal provisions that allow sterilization and contraception treatments for women with mental disabilities upon consent of a third party (legal representative) if a woman is deemed incapable of giving her consent.

29. The Committee recommends that the State party:

- (a) Take the measures necessary to address the deteriorating mental health situation of young women and girls and to prevent and address the abuse of alcohol and drugs, in addition to suicide, including through awareness-raising and educational campaigns targeted at adolescent girls, in particular in the media;**
- (b) Expediently amend the Law on Legal Recognition of the Gender of Transsexuals to ensure that gender recognition is carried out without requiring transgender persons to conform to stereotypical ideas of masculine or feminine appearance or behaviour and that it does not require individuals to consent to sterilization;**
- (c) Take immediate steps to repeal section 2 of the Sterilization Act, which permits the sterilization of women with disabilities who have limited legal capacity or who have been deprived of their legal capacity without their consent.**

Disadvantaged groups of women

Migrant women

30. The Committee welcomes the State party's Government Integration Programme and numerous inclusion and integration projects aimed at promoting equal opportunities for migrant women, including in the labour market. The Committee nevertheless remains concerned that migrant women have only limited access to employment and health services. It is also concerned that migrant women are particularly vulnerable to various forms of violence, including domestic violence, female genital mutilation and so-called honour killing, and may encounter difficulties in gaining access to social and protection services against such forms of violence owing to legal illiteracy or fear of losing their residence permit or of being deported if they are in an irregular situation.

31. The Committee recommends that the State party:

- (a) Strengthen measures to eliminate discrimination against migrant women, both in society at large and within their communities;**
- (b) Develop targeted programmes and strategies to increase the awareness of migrant women of their rights and access to education, professional training, employment, health care and other basic services, as well as to free legal aid and effective remedies if their rights have been violated;**
- (c) Conduct comprehensive studies on discrimination against migrant women and collect statistics in employment, health care and on forms of violence that they may experience, with a view to identifying gaps and establishing policies directed at addressing multiple or intersecting forms of discrimination against migrant women.**

Women with disabilities

32. The Committee reiterates its previous concern (CEDAW/C/FIN/CO/6, para. 35) that women with disabilities suffer from multiple forms of discrimination, including with regard to access to education, employment, health care and participation in political life. The Committee is also concerned that the scope of the Non-Discrimination Act is wider for discrimination based on ethnic origin than for discrimination based on disability with regard to housing, social welfare, social security, health care and other public services. The Committee is further concerned about the high rate of sexual violence against women with disabilities and the lack of specialized services for victims, in particular shelters and 24-hour helplines accessible to women with disabilities. The Committee regrets the absence of sufficient information and data on the situation of women with disabilities in the State party, in particular their socioeconomic status and living conditions, as well as concerning violence against women with disabilities.

33. The Committee urges the State party:

- (a) To take steps to review its anti-discrimination legislation to ensure that discrimination on the basis of disability is prohibited in the public and private spheres and that remedies, sanctions and complaints mechanisms are available to women with disabilities, including in cases of multiple or intersecting forms of discrimination;**
- (b) To take specific measures to address violence against women with disabilities through the provision of accessible shelters and 24-hour victim support hotlines, and police training and awareness-raising regarding such violence;**
- (c) To conduct regular and comprehensive studies on discrimination against women with disabilities and collect disaggregated statistical data on their situation in employment, education, health and on all forms of violence that they may experience.**

Roma women

34. The Committee notes the measures taken by the State party to enhance the prevention of discrimination against Roma women and girls, including through the adoption of a national policy on Roma, in 2009. The Committee is concerned, however, that such measures lack sufficient gender perspective and do not adequately tackle the multiple or intersecting forms of discrimination faced by Roma women. The Committee is also concerned about the general lack of data on Roma women, their high unemployment rate and the difficulties that they face in gaining access to basic services and protection, including shelters for victims of domestic violence.

35. The Committee recommends that the State party:

- (a) Incorporate a gender perspective into all policies adopted to address discrimination against Roma and adopt effective measures that take into account the multiple forms of discrimination suffered by Roma women;**
- (b) Adopt proactive measures to prevent discrimination against Roma women, both in their communities and in society at large, combat violence against them and increase their access to social services and legal remedies, and educate Roma women and girls about their rights to equality and non-discrimination;**
- (c) Collect data on access by Roma women to education, employment, health care and shelters for Roma victims of violence, on the impact of the measures taken to enhance such access and on the results achieved.**

Sami women

36. The Committee is concerned about the low representation of Sami women in the Sami parliament and in other political decision-making bodies. It also notes that maternity clinics, hospitals and day-care and educational institutions rarely provide services in Sami languages. The Committee is further concerned at the lack of shelters in northern Finland for Sami women who are victims of domestic violence.

37. The Committee recommends that the State party:

- (a) Ensure that a gender perspective is mainstreamed in all policies and programmes regarding the Sami people;**
- (b) Adopt specific measures with the aim of increasing the representation of Sami women in the political and public life of both their community and the State party's society at large;**
- (c) Take steps to ensure that all Sami women are provided with adequate social and health services, including maternal health care;**

(d) Ensure that Sami women who are victims of domestic violence have access to shelters and services that address their needs.

Convention on the Right of Persons with Disabilities -

No Concluding Observations yet. The Initial State party report is expected in 2018.

2. Council of Europe

European Social Charter

[Official website of the European Social Charter, link to conclusions](#)

Article 1 - Right to work

Paragraph 1 - Policy of full employment – Conclusions 2012

The Committee takes note of the information contained in the report submitted by Finland.

Employment situation

The Committee notes from Eurostat that the GDP growth rate in Finland fell from 5.3 % in 2007 to 3.6 % in 2010, still above the EU-27 average (2.0 % in 2010). Affected like other countries by the global economic crisis, in 2009 the GDP contracted by 8.2 %. The economic recovery has nevertheless been strong, with GDP expanding by 3.6 % in 2010, sustained by both domestic demand and a rebound in exports.

The employment rate decreased from 70.3 % in 2007 to 68.1 % in 2010 (but was still higher than the EU-27 average of 64.1 %).

The unemployment rate showed an increase of about 2 percentage points, rising from 6.4 % of the labour force in 2008 to 8.4 % in 2010.

The youth unemployment rate was 21.4 % in 2010, up from 16.5 % in 2007. The long-term unemployment rate (as a percentage of all unemployed persons) also increased from 22.8 % in 2007 to 24 % in 2010 (but below the EU-27 average of 39.9 %).

The Committee notes that the unemployment rate increased during the reference period. However, with the resumption of growth in 2010, Finland has managed to maintain the increase of the overall unemployment rate at a moderate level.

Employment policy

The main objectives of employment policy which appear in Finland's National Reform Programme 2008-2010 are to raise the employment rate and to improve the functioning of the labour market. Key measures aimed at achieving these objectives consist of extending working careers, improving the incentive effect of tax and benefit systems and wage formation, and better matching of labour demand and supply.

The National Reform Programme 2008-2010 states that the number of hard to employ people has fallen faster than other unemployment, partly as a result of demographic change. A reform of the funding and terms of labour market support, the activity of employment service centres and the improved effectiveness of labour policy activation measures have contributed to the fall in structural unemployment. In addition, employment subsidies for the disabled and physically impaired have been doubled. The activation rate of the long-term unemployed was 28.2 % in 2006 and 2007, i.e. above the EU's employment policy target (25 %). As to the overall activation rate for unemployed job seekers, the report indicates it stood at 28.7 % in 2007, and fell to 24.5 % in 2010. As regards young persons, the National Reform Programme states that the aim is to give young people skills and bring them into working life more quickly than at present.

According to Eurostat, public expenditure on active labour market policies in Finland amounted to 0.88 % of GDP in 2009, which is just above the average of the EU-27 countries (where the average public spending on active labour market measures as a % of GDP that year was 0.78 %).

The Committee notes that the level of spending on active measures has slightly increased since the last report (0.7 % in 2005).

The Committee notes from another source¹ that although the Finnish authorities recognise the increase in long-term unemployment as a pressing issue, so far no comprehensive strategy has been designed to combat it ; the same source recommends that Finland should target active labour market measures better on the long-term unemployed and young people. The Committee therefore asks to be kept informed of any policies or measures implemented to support these vulnerable groups to re-integrate the labour market. More generally, it recalls that labour market measures should be targeted, effective and regularly monitored, and asks in this respect whether the employment policies in place are monitored and how their effectiveness is evaluated.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 1§1 of the Charter.

Paragraph 3 - Free placement services – Conclusions 2012

The Committee takes note of the information contained in the report submitted by Finland.

The report provides no information on the organisational changes that have taken place in the public employment services during the reference period. The Committee however notes from another source¹ that in 2009 the Employment Offices were renamed as Employment and Economic Development Offices (which have many responsibilities, but whose main focus remains on employment services). The same source mentions that a body for managing the public employment services at the national level does not exist and responsibility in the Ministry of Employment and the Economy seems to be spread across different units. The Committee asks whether the new institutional framework has had a positive impact on the quality of the labour market services provided by the employment services.

The report indicates that in 2010 there were 74 Employment and Economic Development Offices operating in 186 locations. The total number of staff in these offices was 4,003 persons, out of which 2,727 were customer service personnel. The Committee also notes from the above-mentioned source that the number of public employment service staff relative to the number of wage earners in the economy, or relative to the number unemployed, is reasonably high in Finland compared with other OECD countries, and that a comparatively high proportion of staff are concerned with placement activities.

The above source also states that with a view to supporting the establishment and implementation of effective action plans and more frequent interview contacts with job-seekers, the role of skilled and experienced case managers should be developed further (the case management function should involve job-matching and placement as well as traditional vocational guidance). The Committee asks if there are plans to develop the qualifications of staff in the employment offices in the said direction.

The report indicates that in 2011 the public employment agencies had 563,962 open vacancies. Out of these vacancies, 130,992 were filled by jobs seekers that were registered at the PES (a placement rate of 23,2%). The Committee asks the next report to provide placement figures for the different years of the reference period.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 1§3 of the Charter.

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

General objective of the policy

The Committee examined the general objective of the national occupational safety and health policy.

The report states that the policy is developed and monitored mainly by the Ministry of Social Affairs and Health, and evaluated periodically, using key indicators, in the light of changing risk factors. The Strategy on occupational safety and health of 1998 (Strategy), which according to the report reflects the Community strategy 2007-2012 on health and safety at work,¹ is the main reference document. According to the the Fourth follow-up report on the Strategy (Fourth follow-up report),² the policy fulfils the occupational safety, occupational health and working environment objective. The same applies to the Policies for the work environment and well-being at work until 2020, adopted in 2011, and designed to succeed the Strategy.

The Committee considers that the general objective of the policy is in conformity with Article 3§1 of the Charter. It asks, however, that the next report provide updated information on the legislative, regulatory and case-law developments that occurred during the reference period.

Organisation of occupational risk prevention

The report contains little relevant information for the reference period. The Committee wishes to point out that the information must be detailed in relation to the rights and obligations applicable to occupational risk prevention, and in relation to the public and private structures involved in the matter. According to the Strategy,³ employers and workers are the principal actors in the evaluation of working conditions and occupational risk prevention, under co-operation procedures determined by collective agreements, and additionally by law. According to the same source, employers and workers are informed and advised in their efforts by Regional State Administrative Agencies, under the supervision of the Ministry of Social Affairs and Health. According to the Fourth follow-up report, the Labour Inspectorate, attached to the Regional State Administrative Agencies, is involved in developing a culture of occupational safety and health among employers and workers (workplace monitoring; inspection reports communicated to employers and workers; consultation by phone; safety competitions).

Improvement of occupational safety and health

The report contains little information in this regard. According to the Strategy, employers and workers are the principal actors in evaluating and improving occupational safety and health. According to the same source, the Regional State Administrative Agencies are tasked with raising awareness among those directly concerned, and developing their ability to evaluate occupational safety and health through advice on good practice and workplace inspections. Sectoral public bodies (Finnish Transport Safety Agency; Finnish Safety and Chemicals Agency) and non-public bodies (Finnish Institute of Occupational Health; Centre for Occupational Safety; Finnish Work Environment Fund) support these efforts to improve workers' safety and health through research and development work and training measures and by disseminating information on the subject.

Consultation with employers' and workers' organisations

Although it lists numerous bodies, the report does not give an account of the mechanisms for consulting employers' and workers' organisations. According to the Strategy, the Ministry of Social Affairs and Health must consult the Advisory Committee on Occupational Safety and Health, a tripartite body, in administering occupational safety and health, developing good practice and preparing legislation. This consultation mechanism is replicated at regional level. According to the same source, numerous employers' and workers' organisations contribute to law-making and to the development and implementation of policy, including at corporate level. In the light of this information, the Committee notes the existence of effective social dialogue in the formulation, implementation and periodic review of policy.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 3§1 of the Charter.

Article 11 - Right to protection of health

Paragraph 1 - Removal of the causes of ill-health - Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

Right to the highest possible standard of health

The Committee notes from Eurostat that the life expectancy at birth in 2009 (average for both sexes) was 79.3 (the EU-27 average that same year was 79.0).

The death rate (deaths/1 000 population) was 9.49 in 2010, this indicator remaining quite stable during the reference period.

In its previous conclusion (Conclusions 2009), the Committee noted that deaths as a result of suicide were more frequent in Finland than in other European countries. The report indicates in this respect that during the reference period, the number of suicides has been on the decrease and is currently the lowest in 40 years.

Infant mortality has continued to decline slightly. In 2010 the rate of infant mortality in Finland was 2 per 1 000 live births, whereas the rate of 2009 was 2.7.

In reply to the Committee, the report indicates that the most important causes of infant mortality are perinatal causes (e.g. congenital structural defects; nearly half of all infant deaths), congenital malformations and chromosomal anomalies (approximately one third of all infant deaths), and cot deaths (slightly less than one tenth of all infant deaths).

In 2010 the rate of maternal mortality was 4.92 per 100 000 live births (a significant decrease from 8.4 deaths per 100 000 live births in 2008).

Right of access to health care

The new Health Care Act (1326/2010), regulating the content of health care services and activities, took effect on 1 May 2011. All local authorities and joint municipal authorities for hospital districts must ensure that services are available and universally accessible in their area to the residents who come under their jurisdiction. The content and scope of the health care services provided must correspond to the welfare, patient safety, social security, and health circumstances of the residents.

A patient may change his or her health station within the home municipality or the cooperation area once a year. The patient must inform both the new health station and the old one of the change three weeks prior to the first visit. It is also possible to change the specialised health care unit within a so-called area of responsibility, which is formed by neighbouring hospital

districts. The patient chooses the specialised health care unit in cooperation with the doctor issuing the referral to care. From 2014 onwards the patient will have the right to choose his or her health station and specialised health care unit from all the public health stations and hospitals in the country.

As regards waiting times, the report states that in recent years the waiting times for care in hospitals of the different hospital districts have stabilised. Since 2010, 22% of all patients have waited for access to care no more than three months. The percentage of patients waiting for care more than six months has varied between 1.2% and 1.7%. In specialised health care units maintained by primary health care services, the percentages have varied slightly more.

The waiting times for a first consultation have shortened considerably compared with previous years. This is visible in almost all specialised fields, and mostly in surgery and eye diseases. At the end of April 2012, nearly 8 700 persons (10% of all patients) had been waiting for the first consultation in a hospital district more than three months. This was one thousand persons less than at the end of December 2011.

The Regional State Administrative Agencies supervise access to care in health centres. The National Supervisory Authority for Welfare and Health (Valvira) supervises the overall situation of access to specialised health care, including mental health care services for children, young persons and adults.

According to the report, the supervising authorities have established that any treatment considered necessary must be provided to the patient within three months of the assessment of the need. It is difficult to define an unambiguous criterion for establishing whether this obligation has been fulfilled. In many cases providing the treatment means that the patient can consult a doctor in primary health care within three months. However, providing the treatment may also mean something else, e.g. care in a hospital, provision of medical aids or physiotherapy.

The assessment of the situation of access to care is initially based on reports of the National Institute for Health and Welfare on those daily situations where the patient's need for care has been established but consultation with a doctor has not been possible. Another criterion is that the health centre in question has not answered inquiries of the Institute. In the event of problems with access to care, the Regional State Administrative Agencies decide themselves what discretionary measure to take.

In the last examination the Committee adopted a general question addressed to all States on the availability of rehabilitation facilities for drug addicts, and the range of facilities and treatments. In response, the report indicates that pursuant to the Act on Welfare for Substance Abusers (41/1986), municipalities must provide substance abuse services that are in accordance with the needs of the municipalities both in their content and coverage. In addition to the units providing specialized services for substance abusers, increasing numbers of substance abusers are treated within primary social and health care services, including social welfare offices and child welfare services, mental health clinics, health centre clinics and wards, hospitals and psychiatric hospitals. The Finnish system emphasizes that drug treatment as such is often insufficient and the substance abuser should be assisted in solving problems related to income, living and employment.

As regards the right to protection of health of transgender persons the Committee received submissions from the International Lesbian and Gay Association (European Region) (ILGA) stating that "in Finland there is a requirement that transgender people undergo sterilisation as a condition of legal gender recognition". In this respect, the Committee refers to its question on this matter in the General Introduction.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 11§1 of the Charter.

Paragraph 2 - Advisory and educational facilities – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

Education and awareness raising

The Committee notes from the report that Section 12 of the Health Care Act obliges local authorities to promote the health and welfare of their residents and to monitor the health and welfare and any underlying factors per population group. Local authorities must report regularly on the health and welfare of residents and identify, in their strategic plans, objectives for health and welfare awareness-raising and promotion. They must assign coordinators for health and welfare promotion and cooperate with other actors on a broad basis.

Many local authorities provide information on health related issues at their own websites and in different publications. Some local authorities have arranged interactive programmes for their residents, e.g. health tests, health information and opportunities to ask questions. Such programmes are also being developed at national level. There are often television broadcasts dealing with healthy life habits, such as healthy nutrition, increased physical exercise and giving up smoking. In the field of sexual health, different organisations have carried out campaigns to promote the use of condoms.

As regards health education at schools, this has been a statutory obligation since 2001. Health education is a separate subject in grades 7 to 9 of comprehensive schools, in the first and second grades of general upper secondary schools, and in vocational institutions. In pre-primary schools and in the lowest grades of comprehensive schools, health education is integrated into other subjects.

Since 2007 health education has been included in the curricula for humanities and natural sciences. The content of health education in comprehensive schools essentially consists of 1) human growth and development (e.g. taking care of one's own health), 2) health in everyday choice situations (e.g. nutritional needs and problems in different situations, smoking, alcohol and other intoxicants, sexual health, the most common contagious diseases, traffic safety and behaviour); 3) resources and coping skills and 4) health, society and culture (e.g. national diseases).

Counselling and screening

The report states that pursuant to Section 15 of the Health Care Act local authorities must provide within their area maternity and child health clinic services for pregnant women and families expecting a child, as well as for children under school age and their families.

The services for pregnant women include regular checks to ensure the health of the mother and the foetus, foetal and infection screenings and other examinations. In addition, the services include family and health counselling. Mother and baby clinics provide their services free of charge.

As regards health checks for children, the activities of child health clinics and school-based health care are regulated by the Health Care Act and the Government Decree on Maternity and Child Welfare Clinics, School and Student Health Care and Preventive Oral Health Care for Children and Young People (338/2011). Local authorities must arrange at least 15 health checks at child health clinics for all children before they start school. Three of these are extensive health checks. A child's both parents are invited to attend the extensive health checks, during which the clinics assess the whole family's well-being and possible needs for support.

In addition, the health services at clinics and school must include health counselling according to need and identification of children and families in need of particular support. The necessary support must be arranged without delay. Health care at school must include monitoring and promoting the healthiness and safety of the school environment and community. Health care at school, too, includes a health check every year. The services of child health clinics and school-based health care are provided free of charge.

Monitoring reports show that the new legislation has considerably improved the implementation of health checks, although some deficiencies have still been found. In 2011, approximately four fifths of all health centres conducted extensive health checks. The National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies supervise the implementation of the above-mentioned legislation and intervene in the worst cases. The Committee asks what were the main problems identified in this area, and the follow-up action taken by the supervisory authorities.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 11§2 of the Charter.

Paragraph 3 - Prevention of diseases and accidents – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

Healthy environment

Environmental Health Care is part of preventive health care and protects the health of individuals and their living environment. Section 21 of the Health Care Act contains a provision on environmental health care, according to which local authorities must provide environmental health care services within their area according to the provisions of the Act on Cooperation Areas in Environmental Health Care (410/2009).

The Committee notes that according to Section 21(2) of the Health Care Act, the provision of environmental health care is governed by the Health Protection Act (763/1994), the Food Act (23/2006), the Chemicals Act (744/1989), the Tobacco Act (693/1976), the Veterinary Care Act (765/2009) and the Act on Safety of Consumer Goods and Consumer Services (75/2004). The latter has been repealed by the Consumer Protection Act (920/2011), which entered into force on 1 January 2012.

In 2011 Finland started to draft a national Water Safety Plan (WSP). The Finnish WSP covers the assessment of health risks and the organisation of water management in respect of both domestic water and waste water. The objective of the WSP is to ensure the safety of domestic water in all circumstances. The WSP should be available by the end of 2014. The Committee asks to be kept informed on its adoption and implementation.

During the reference period, Finland also implemented Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality. The purpose of the Directive is to ensure safe bathing water in all circumstances during the bathing season.

Tobacco, alcohol and drugs

The new Tobacco Act (693/1976, amended by Acts 1731/2009, 1538/2009 and 698/2010) entered into force on 1 October 2010, with the objective of putting an end to the use of tobacco products in Finland.

The purpose is to achieve this aim by preventing in particular children and adolescents from taking up smoking. Not only shops but also private persons may not sell or supply tobacco products to persons under 18. Persons under 18 are prohibited from importing and possessing tobacco products. Further, sellers of tobacco products must be at least 18 years old. There is a total ban on the sale of snuff in Finland, as the ban on import and sale has been extended to also apply to private persons. A maximum of 30 packets may however be imported for one's own use. In addition, the prohibitions against smoking have been extended to facilities used by children and young people, joint facilities of apartment house companies, outdoor events and hotel rooms. Since 2012 tobacco products or their trademarks may not be displayed in retail sale facilities. Furthermore, the sale of tobacco products from vending machines will be forbidden in 2015.

The Committee notes that during the reference period, smoking prevalence has decreased among both adults and youth. The rate of daily smoking among adults was 21% in 2007 and 19% in 2010. Daily smoking among men was at 23% and among women 16% in 2010. The percentage of young persons aged 14–18 using tobacco products daily decreased from 19% in 2007 to 17% in 2011. The daily smoking rate among boys that year was 18% and among girls 16%.

As regards the consumption of alcoholic beverages, the report states that it declined for three consecutive years between 2008 and 2010 to 10.0 litres of 100 per cent alcohol per capita. This is due to three increases in alcohol excise duties in 2008 and 2009. The detrimental effects of alcohol have also been declining. Until 2010, the police filed fewer cases of domestic disturbances, aggravated assaults, and drunken driving. These positive trends nevertheless stopped in 2011. The Committee asks what measures have been taken in view of the deteriorating trends in 2011.

Immunisation and epidemiological monitoring

As the report does not address this question, the Committee asks for up to date information on the national vaccination programme, as well as the vaccination coverage rate.

Likewise, it requests up to date information on the arrangements for reporting and notifying diseases and emergency measures in case of epidemics.

The Committee notes the HIV and AIDS situation in Finland and the mortality of HIV infected patients in Finland in 2008–2011.

Accidents

According to the report, the number of deaths caused by traffic and occupational accidents has been on the decrease. Likewise, the number of deaths caused by home and leisure time accidents has decreased slightly. Nevertheless, 80% of accidents still happen at home and during leisure time. The Committee wishes to receive information in the next report on the measures taken to prevent these accidents.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 11§3 of the Charter.

Article 12 - Right to social security

Paragraph 1 - Existence of a social security system – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

Risks covered, financing of benefits and personal coverage

In its previous conclusion (Conclusions 2009) the Committee asked for information regarding the personal coverage of the social security branches. It notes from the report that social security is to a significant extent based on residence and mainly tax-financed. All legal permanent residents are entitled to certain benefits, such as the national pension, health insurance, labour market allowance, maternity allowance, housing allowance, social assistance and student grant.

As regards the *unemployment benefit*, according to the report the share of wage earners who are members of unemployment funds stood at 83.3% in 2011. These are the persons who fulfil the employment requirement (have been gainfully employed for 34 weeks during the membership). Moreover, unemployed persons who do not fulfil this requirement and are not members of unemployment funds may receive the basic unemployment allowance.

The Committee further notes from the report that self-employed persons may insure themselves through the unemployment fund of self-employed persons. In 2010 the employment requirement for self-employed persons was shortened from 24 to 18 months. A self-employed person who is not a member of the fund may receive a basic daily allowance from the Social Insurance Institution of Finland (at €31.36 per day in 2012).

The Committee notes that the personal coverage of the unemployment benefit is satisfactory. However, the Committee wishes to be informed of the percentage of all persons insured against unemployment risk out of the total active population (i.e. total number of employed and unemployed persons).

As regards personal coverage of the *healthcare*, according to the report, all people residing in Finland are covered by the health insurance.

As regards the *sickness benefit*, the report states that as compensation for loss of income due to short-term sickness, sickness allowance is paid for the time of the person's incapacity for work. The Committee asks what is the percentage of all persons insured against sickness risk out of the total active population.

As regards personal coverage of *old-age benefits*, the report states that the population share of persons older than 65 years among all pension recipients in Finland is close to 100%. The Committee asks what is the percentage of persons insured against old-age risk out of the total active population.

Adequacy of the benefits

The Committee notes that 50% of the Eurostat median equivalised income stood at € 909 in 2011.

In its previous conclusion the Committee held that the minimum levels of sickness, maternity and national pension for single persons were manifestly inadequate.

As regards the *sickness benefit*, the Committee notes from the report that in 2011 the daily allowance for sickness was increased to €22.13 for 25 days a month, thus amounting to €553.25 per month. The Committee holds that the minimum level of sickness benefit is manifestly inadequate as it falls below 40% of the median equivalised income.

As regards *old-age benefits*, the Committee notes from the MISSOC that the guarantee pension (*takuueläke*) guarantees a minimum pension for residents with a small pension or with no other pension. According to the report, the Act on Guarantee Pensions (2010/703) entered into force on 1 March 2011. The guarantee pension is financed by the State and administered by the Social Insurance Institution. The amount of the guarantee pension stood at €688 in 2011. According to the report the amount of the housing allowance for pensioners is affected by their

pension income, including the guarantee pension. The Committee holds that the minimum level of guarantee pension is inadequate as it falls below 40% of the median equivalised income.

As regards *unemployment benefit*, the Committee notes from MISSOC that the Basic Unemployment Allowance (*peruspäiväraha*) amounted to €31.36 per day in 2011. At the rate of 25 days for month, it amounted to €784 per month. The Committee asks what supplements (e.g. a housing benefit) may be added to the unemployment benefit and what is their average amount.

In reply to the Committee's question, the report states that the system of unemployment insurance must steer job seekers to search for employment actively and to improve their personal capacities for finding work. The rules governing the sanctions were revised (effective on 1 June 2012) and the applicable rules were clarified.

According to the report, during the first three months of their unemployment, skilled persons may, without forfeiting their right to an unemployment benefit, refuse to accept employment that can be considered unsuitable for them considering their skills.

Likewise, a jobseeker who has received labour market subsidy on account of his or her unemployment for at least 500 days or has received labour market subsidy on account of unemployment for at least 180 days after the maximum period for the basic unemployment allowance, forfeits his or her right to labour market subsidy if he or she, without a valid reason, refuses to accept offered employment or services of an Employment and Economic Development Office, resigns from work or interrupts employment services.

An Employment and Economic Development Office issues, for unemployment fund or the Social Insurance Institution, a binding employment policy statement on the question how a jobseeker's refusal to accept employment, resignation from work or refusal or interruption of a measure has influenced his or her right to an unemployment benefit. On the basis of the statement the unemployment fund or the Social Insurance Institution issues the decision. The decision may be appealed against to the Unemployment Appeal Board, whose decision can further be appealed with the Insurance Court.

Conclusion

The Committee concludes that the situation in Finland is not in conformity with Article 12§1 of the Charter on the grounds that:

- the minimum level of sickness benefit is manifestly inadequate.
- the minimum level of old-age benefit is inadequate.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security - Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that Article 12§2 obliges states to establish and maintain a social security system which is at least equal to that required for ratification of the European Code of Social Security. The European Code of Social Security requires acceptance of a higher number of parts than ILO Convention No. 102 relating to social security; six of the nine contingencies must be accepted although certain branches count for more than one part (old-age counting per three for example).

The Committee notes that Finland has not ratified the European Code of Social Security nor ILO Convention No. 102. Therefore the Committee cannot take into consideration other sources, such as the resolutions of the Committee of Ministers on the compliance of the States bound by

the European Code of Social Security and has to make its own assessment based on the information received in the report.

The social security system of Finland covers all the nine branches. The Committee notes that the situation is in conformity with the Article 12§1 as regards the personal scope of social security risks.

The Committee notes from the report that earnings-related pensions have remained at a stable level in relation to pay (the net compensation rate is around 65%). Insurance against employment accidents or occupational diseases guarantees a high compensation rate, over 90% of the recipient's net pay. The compensation rate of the unemployment insurance is around 60% of the net pay. Daily sickness allowances compensate for almost 90% of the net pay.

Finland has ratified ILO Conventions No. 121 (Employment Injury Benefits, 1964), No. 128 (Invalidity, Old-Age and Survivors' Benefits, 1967), No. 130 (Medical Care and Sickness Benefits, 1969) and No. 168 (Employment Promotion and Protection against Unemployment, 1988). The ratification of these Conventions is an indicator of the possibility for Finland to accept the corresponding branches of the Code.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 12§2 of the Charter.

Paragraph 3 - Development of the social security system – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

According to the report, the Act on Guarantee Pensions (2010/703) entered into force on 1 March 2011. According to the Act, those with a very small pension may apply for a guarantee pension to ensure a reasonable level of income. According to the report, in 2010 the legislation on earnings-related pensions was reformed in order to raise the level of disability pensions, particularly for the young. Disability pensions that have continued for five years were increased permanently by a lump sum, the amount of increase depending on the age of the pension recipient.

As regards unemployment benefit, a number of legislative amendments improving unemployment security took effect at the beginning of 2010. The qualifying period was reduced from 43 to 34 weeks while that for an entrepreneur from 24 to 18 months. As a new benefit, an increment in the basic unemployment allowance was introduced for the first 20 days of unemployment. Those participating in activation measures now receive an increment in the basic daily allowance for a maximum of 200 days of their participation. Moreover, all unemployed job seekers attending training are entitled to an equal amount of a benefit irrespective of whether the training is arranged by an Employment and Economic Development Office or sought by themselves. Besides, the Act 144/2011 supplemented the Unemployment Security Act with a provision on a time limit, within which applications for unemployment benefits must be processed. A decision must be issued within 30 days of the receipt of the application.

The Committee also notes that, since the beginning of 2012, employees working a shortened week because of a layoff receive a full unemployment benefit instead of an adjusted benefit for the layoff days.

As regards the sickness allowance, according to the report, the provisions of the Health Insurance Act were amended by an Act (532/2009), whereby the insured person on sick leave is given the right to work part time and at the same time to receive a part-time sickness allowance from the beginning of his/her disability for work, after a waiting period stipulated in

the Health Insurance Act. The payment of a part-time allowance is no longer conditional upon an immediately preceding continuous period of 60 days with a sickness allowance. The amount of the part-time sickness allowance is already half of the amount of the immediately preceding sickness allowance.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 12§3 of the Charter.

Paragraph 4 - Social security of persons moving between States – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

Equality of treatment and retention of accrued benefits (Article 12§4)

Right to equal treatment

Equal treatment between nationals and nationals of other States Parties in respect of social security rights shall be ensured through the conclusion of bilateral or multilateral agreements or through unilateral measures.

The coordination of social security systems of the European Union Member States (EU) is governed by Regulation (EC) No. 883/2004 and by Regulation (EC) No. 987/2009 (these regulations apply also to Member States of the European Economic Area – EEA). Article 4 of Regulation (EC) No. 883/2004 explicitly provides for equality of treatment between nationals, on the one hand, and, on the other hand, nationals of other Member States, stateless persons and refugees resident in the territory of a Member State who are or have been subject to the social security legislation of one or more Member States, as well as to the members of their families and to their survivors. Regulation (EC) No. 883/2004 and Regulation (EC) No. 987/2009 are extended by Regulation (EU) No. 1231/2010 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality, as well as to members of their families and their survivors, provided that they are legally resident in the territory of a Member State and are in a situation which is not confined in all respects within a single Member State (Article 1). This concerns, inter alia, the situation of a third country national who has links only with a third country and a single Member State.

The Committee recalls that, in any event, under the Charter, EU States are required to secure, to the nationals of other States Parties to the 1961 Charter and to the Charter not members of the EU, equal treatment with respect to social security rights provided they are lawfully resident in their territory (Conclusions XVIII-1). In order to do so, they have either to conclude bilateral agreements with them or take unilateral measures.

Finland has not negotiated any bilateral agreements with States Parties that are not EU or EEA members. The report indicates that third country nationals coming to Finland from other Nordic countries (or EU/EEA countries) benefit from equal treatment. However, the report is silent on the situation of third country nationals coming from outside these above-mentioned countries. The Committee, therefore, concludes that the situation is not in conformity with Article 12§4 of the Charter on the ground that equal treatment in matters of social security entitlement is not guaranteed between Finnish nationals and nationals of all the other States Parties.

In respect of the payment of family benefits, the Committee previously considered that, under Article 12§4, any child resident in a country is entitled to those benefits on the same basis as the citizens of the country concerned. Whoever the beneficiary may be under the social security

scheme – the worker or the child – the States Parties are obliged to guarantee, through unilateral measures, the effective payment of family benefits to all children resident on their territory. In other words, the requirement for the child concerned to reside on the territory of the State concerned is compatible with Article 12§4 and with its Appendix. However, as not all the countries apply such a system, the States, which impose a child residence requirement, are under an obligation, in order to secure equal treatment within the meaning of Article 12§4, to conclude within a reasonable period of time bilateral or multilateral agreements with those States which apply a different entitlement principle. Given that no such agreements exist with non EU/EEA countries, the Committee concludes that equal treatment is not guaranteed with regard to access to family allowances in respect of nationals of all other States Parties.

Right to retain accrued benefits

The Committee recalls that in order to ensure the exportability of benefits, States may choose between bilateral agreements or any other means such as unilateral, legislative or administrative measures. The report states that work-related benefits are exportable outside the EU/EEA states, but fails to indicate the means ensuring this exportability. The Committee, therefore, concludes that the situation is not in conformity with Article 12§4 of the Charter on the ground that it has not been established that the retention of accrued benefits is guaranteed for nationals of all other States Parties.

Right to maintenance of accruing rights (Article 12§4b)

Given the silence of the report, the Committee concludes that the situation is not in conformity with Article 12§4 of the Charter on the ground that the right to maintenance of accruing rights is not guaranteed for nationals of all other States Parties.

Conclusion

The Committee concludes that the situation in Finland is not in conformity with Article 12§4 of the Charter on the grounds that:

- equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties;
- equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties;
- it has not been established that the retention of accrued benefits is guaranteed to nationals of all other States Parties;
- the right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties.

Paragraph 4 - Social security of persons moving between States – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Finland in response to the conclusion it had not been established that the retention of accrued benefits was guaranteed to nationals of all other States Parties (Conclusions 2013, Finland).

The Committee recalls that in order to ensure the exportability of benefits, States may choose between bilateral agreements or any other means such as unilateral, legislative or administrative measures (Statement of interpretation on Article 12, Conclusions XIII-4).

The report states that Finnish legislation guarantees the retention of accrued benefits relating to work, including for nationals of non-EU States Parties to the Charter. The legislation on earnings-related pensions does not limit payment on the basis of nationality or residence. Thus, pensions are exported to all countries irrespective of the nationality of the recipient as provided for in Chapter 8, Section 112 of the Employees Pensions Act No. 395/2006. This provision expressly stipulates that pensions may be paid to the recipient's account abroad. Similarly, accrued benefits from the occupational accident and disease insurance scheme are exported to all workers irrespective of nationality and wherever the worker chooses to reside. On this basis, the Committee considers that the situation is in conformity with the Charter as regards retention of accrued benefits.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 12§4 of the Charter with respect to the retention of accrued benefits for nationals of all other States Parties.

Article 13 - Right to social and medical assistance

Paragraph 1 - Adequate assistance for every person in need – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland, as well as of the additional information provided in an addendum to the report.

Types of benefits and eligibility criteria

The report indicates that the competence for implementing the Social Assistance Act has been transferred from the municipalities to the Regions (from 2010) and that the basic amount of social assistance has been unified (in 2008) and increased by 6% (from 2012, i.e. outside the reference period). In addition, new rules have been introduced to ensure that requests for social assistance are speedily decided and implemented.

In its previous conclusions (Conclusions 2009 and XVIII-1) the Committee noted that the possibility to reduce the social assistance benefit by up to 20% under certain circumstances did not amount to a breach of the Charter, insofar as this does not amount to the deprivation of means of subsistence for the person concerned.

In this connection, the report reiterates that, as from 2011, such reduction can be applied to young persons aged 18-24 who are not entitled to an unemployment benefit for having, without a valid reason, refused work or an employment policy measure, or interrupted education or training. The report highlights that this only concerns the basic amount of social assistance and that the reasonableness of the measure is assessed in the light of the protection of fundamental rights. Therefore the Committee considers that such situation does not amount to a breach of the Charter.

Level of benefits

To assess the situation during the reference period, the Committee takes account of the following information:

- Basic benefit: according to MISSOC and the report, the monthly amount of the basic social assistance benefit stood at €419 in 2011;
- Additional benefits: other expenses for which additional social assistance may be granted include 100% of reasonable housing costs, substantial medical expenses, child day-care costs and other costs which are considered to be essential. The national

statistics on social assistance do not provide information on assistance for housing costs or health costs;

- Poverty threshold (defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value): it was estimated at €909 in 2011.

According to the information provided in the report, the basic benefit only corresponds to 23% of the median equivalised income. In its previous conclusion (Conclusions 2009) the Committee had however noted from the report that the basic benefit on average represented around 40% of the total social assistance, with housing expenditure making up another 40% and the rest accounting for everything else, and had accordingly found that the situation was in conformity with the Charter. The Committee asks the next report to indicate whether these estimations still apply, and reserves meanwhile its position on this issue.

Right of appeal and legal aid

In reply to the Committee's question, the report confirms that applicants wishing to appeal to the municipal social welfare board can get cost-free counselling from the municipal officer for social affairs. They can also seek advice from the local legal aid office of the state which, depending on their resources, will provide legal aid free of charge or upon a contribution.

The decisions of the municipal social welfare board can be appealed to an administrative court and the procedure is free of charge for the applicant. Aid and counselling from municipal officers for social affairs and legal aid office of the state are also available for appeals against decisions of the administrative courts to the Supreme Administrative Court.

The report furthermore indicates that decisions concerning pensions and benefits paid by the Social Insurance Institution can also be appealed to specialised appeal boards, whose decisions can be appealed to the Insurance Court. The appeal boards and the Insurance Court do not charge any processing fees and, depending on the applicant's resources, free legal aid can be provided.

Personal scope

In its previous conclusion the Committee noted that under the Social Welfare Act (710/1982) municipalities are obliged to provide assistance to their residents – including foreign nationals – without resources. In response to the Committee's question, the report indicates that this applies to foreign nationals with a valid permanent residence permit. The report specifies that if the residence permit is temporary, social assistance is usually granted only in urgent cases and for indispensable costs of living, i.e. emergency social and medical assistance. The additional information provided indicates that the granting of residence status is subject to a condition of resources, however the requirements laid down in the Aliens Act for nationals of the EU/EEA states and their family members are different from those for nationals of other countries. The Committee notes from the official website of the Ministry of Foreign Affairs of Finland¹ that foreign nationals wishing to stay in Finland for 90 days or longer must apply for a residence permit, which can be initially granted for a period of one year, renewable. A permanent residence permit can be granted when the applicant has been resident in Finland for four consecutive years on a continuous residence permit. Nationals from Nordic countries (Sweden, Norway, Denmark, Iceland), EU and EEA, as well as nationals from Switzerland and Liechtenstein are not required to hold a residence permit. The Committee understands from the information available that nationals which are not from the above-mentioned countries, but are nonetheless from States which are Parties to the Charter, are not entitled to social and medical assistance on an equal footing with Finnish nationals unless they have a permanent residence,

i.e. unless they have regularly and continuously been resident in Finland for at least four years. It accordingly holds that the situation is not in conformity with Article 13§1 of the Charter.

Conclusion

The Committee concludes that the situation in Finland is not in conformity with Article 13§1 of the Charter on the ground that the granting of social assistance benefits to foreign nationals from certain States Parties to the Charter, legally residing in Finland, is subject to an excessive length of residence condition.

Paragraph 2 - Non-discrimination in the exercise of social and political rights - Conclusions 2013

The Committee takes note of the detailed information contained in the report submitted by Finland in reply to its request.

The report states that political and social basic rights and liberties are safeguarded under the Constitution and guaranteed for every person within the jurisdiction of Finland. These principles apply to everybody, and no restrictions are permissible under the constitutional law in the exercise of social and political rights.

In particular, the Act on the Status and Rights of Social Welfare Clients (812/2000) provides that clients should be treated without violating their human dignity and respecting their convictions and privacy. Furthermore, the Non-Discrimination Act (21/2004) applies *inter alia* in the context of social welfare and health care services.

In addition, no restriction applies in practice to recipients of social assistance.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 13§2 of the Charter.

Paragraph 3 - Prevention, abolition or alleviation of need - Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

The Committee refers to its previous conclusions of conformity on this provision. In addition, it notes from the report that the Social Assistance Act provides for preventive social assistance, aimed at enabling participation in societal activities. Preventive social assistance (including for example measures to secure housing, to support the activation of the recipient or to alleviate difficulties resulting from over-indebtedness) is granted by municipalities on the grounds decided by them, without endangering the client's right to indispensable subsistence and care. The law provides that the decision on social assistance should be taken at the latest on the next working day after receipt of the application in the most urgent cases, and at the latest within one week in other cases. The decision to grant social assistance must be enforced without delay and if the client wishes to consult a social worker or a social advisor he must be able to do so within one week from the request.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 13§3 of the Charter.

Paragraph 4 - Specific emergency assistance for non-residents - Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

The Committee refers to its previous conclusion (Conclusions 2009), where it had noted that aliens without a permanent residence permit are entitled to emergency assistance by the municipalities, such as food, shelter, other expenses or assistance to return home and that the Constitution provides for the right of everyone to receive indispensable subsistence and care. The Committee had also noted that all persons in need of urgent medical care are entitled to receive it.

In particular, while recalling that, as a rule, social assistance to aliens without a residence permit (such as tourists) is limited to covering their travel and other expenses necessary to help them to return their country of residence, to the extent that no other means are available, the report indicates that, in certain cases, social assistance can be provided also to aliens without a residence permit on equal footing with residents (for example, pending examination of the alien's request for a residence permit, when the issuing of such a permit is probable).

The Committee notes from another source (FRA – Fundamental rights of migrants in an irregular situation in the European Union, November 2011) that irregular aliens are issued with a temporary residence permit if they cannot be returned for temporary reasons of health or if they cannot actually be removed from the country. A number of sources, including UNHCR, research studies carried out in the framework of the EU and the Red Cross indicate however that undocumented aliens (whose number was estimated in 2012 to range between 3000 and 4000) do not have in practice an effective access to healthcare and that, to improve the situation, a special clinic, operated on a voluntary basis, was opened in 2011 near Helsinki.

The Committee asks the next report to provide updated information and details of the nature and extent of the emergency social assistance which can be provided to foreign nationals in immediate and urgent need and, in particular, to undocumented aliens.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 14 - Right to benefit from social services

Paragraph 1 - Promotion or provision of social services – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

Organisation of the social services

The report states that a comprehensive overhaul of the social welfare legislation is being carried out to improve the existing legislation. The Committee asks that the next report describe the changes adopted.

The revised Act on Services and Assistance for the Disabled (Act 380/1987; revised in 2009) improves access to services for people with disabilities. In particular, it states that the assessment of the person's need for services must start within seven days following the application and that the decisions must be taken and implemented within three months following the request. In addition, under the revised Act, persons with severe disabilities, who require repeated assistance in their everyday activities, are entitled to personal assistance, to be provided free of charge by the municipal authorities.

Effective and equal access

In the absence of new information in the report on equal and effective access to social services, the Committee wishes to know whether the description provided in the previous conclusion (Conclusions 2009) is still accurate.

Quality of services

The Government has launched a national development plan for social welfare and health care (the so-called *Kaste* Programme) for the period 2012-2015. The aim of the programme is to renew these services and to improve their availability, notably by organising them in a more client-oriented way. The Committee requests that the next report provide an assessment of this programme.

The Social Welfare Act (710/1982) was supplemented by Act 670/2008, which came into force in the beginning of 2010, on the supervision of the quality of services provided by municipalities and municipal boards. Inspections of activities and premises may be carried out by the National Supervisory Authority for Welfare and Health (Valvira) and by the regional agencies. The authority can order municipalities to correct any shortcomings found that endanger client safety. Where necessary, it can threaten them with fines, suspension of activity and even closure.

Noting that the report does not provide the requested information on the staffing of social services, the Committee reiterates its request. The Committee underlines that if the necessary information is not provided in the next report there will be nothing to show that Finland is in conformity with the Charter.

Act 272/2005 and Decree 638/2005 on qualification requirements for social welfare professionals, which came into force on 1 August 2005, lays down the qualification requirements by job title, including for management posts. This applies to both public service providers and private service providers, who are governed by Act 603/1996 on the supervision of private social services. The Committee refers to the report, which gives details of the levels of qualification required for social welfare staff by type of activity.

A handbook on services for people with disabilities (the eHandbook on Disability Services) has been published on-line for people working in the field. Its purpose is to improve nationwide equality in services for people with disabilities, to improve service quality and to promote a new approach to disability policy, giving people with disabilities more right to self-determination and better opportunities for participation. The handbook contains, inter alia, a description of the services available, the procedures for accessing these services, links to the relevant legislation, a list of contacts and various links to other sources of information on the subject.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 14§1 of the Charter.

Paragraph 2 - Public participation in the establishment and maintenance of social services – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland and in the supplementary information provided by the Government.

The municipalities have the primary role in the provision of social services (in accordance with Section 13 of the Social Welfare Act (710/1982)). They may delegate this task to private bodies or non-governmental organisations under Section 2(3) of the Local Government Act (365/1995). According to the report, the role of private social service providers has grown considerably, so that they now account for 30% of all service-provision.

Since the report provides little updated information with regard to non-public providers of social services, the Committee asks that the next report provide an up-to-date description of current legislation and practice in this regard. In particular, the Committee asks for pertinent

figures, statistics or any other relevant information to demonstrate the participation of the voluntary sector to the provision of social services, as well as the effective access of individuals to these services. In addition, since the Government does not provide the supplementary information requested, the Committee also wishes to know whether and how the Government:

- helps voluntary organisations working in the social services field and, in particular, whether they are entitled to financial assistance or tax benefits;
- ensures that services managed by the private sector are effective and are accessible on an equal footing to all, without discrimination at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion; and
- encourages individuals and organisations to play a part in maintaining services, for example by taking action to strengthen the dialogue with civil society in areas of welfare policy which affect the social welfare services.

The Committee underlines that if the necessary information requested above is not provided in the next report there will be nothing to show that Finland is in conformity with the Charter.

In addition, the Committee asks for the next report to explain what the procedures are and what conditions voluntary organisations have to satisfy before they can offer their services to users and, in particular, whether a system of authorisation or accreditation has been set up.

The report states that the supervision of social welfare administration has been centralised, since the beginning of 2010, under the National Supervisory Authority for Welfare and Health (Valvira) (see conclusion under Article 14§1 of the Charter). Since the report does not elaborate on this point, the Committee wishes to know whether this supervision applies solely to public social services or whether it also applies to social services provided by private operators.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 14§2 of the Charter.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community

Paragraph 1 - Vocational training for persons with disabilities – Conclusions 2012

The Committee takes note of the information contained in the report submitted by Finland. Finland signed the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol on the 30 March 2007, but has not ratified it yet. The Ministry for Foreign Affairs has, in May 2011, set up a working group to prepare the measures necessitated by the ratification of the Convention and its Optional Protocol in Finland. Its work is still ongoing. The intention is to ratify the Convention during the current Government's term of office (2011-2015).

The report does not provide data regarding the total number of persons and children with disabilities. According to the Academic Network of European Disability experts (ANED)¹ disabled people are not identified in census data, but the number of people who use disability services is recorded in official statistics. The Fifth Disability High Level Group Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities confirms that, since disability is not used as a variable in population surveys, it is impossible to gather comprehensive data on persons with disabilities in Finland. Statistics on disability are collected mainly by the National Institute for Health and Welfare, Statistics Finland and the Social Insurance Institution of Finland, and describe mostly services and benefits provided to persons with disabilities. Some statistics on special education in comprehensive schools and vocational training are available.

The Social Insurance Institution of Finland (Kela) provides annual statistics about the benefits it grants to persons with disabilities – it states that the total number of recipients of disability benefits at the end of 2010 equalled to 296,324 (out of which 33,263 constituted disability allowance for under 16), compared to 254,000 in 2005 (Conclusions 2008).

The Committee recalls that where it is known that a certain category of persons is, or might be, discriminated against, it is the national authorities' duty to collect data to assess the extent of the problem (European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and against other abuses) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005, §23). The Committee notes, in particular, lack of data with regard to special educational needs of upper secondary students (see below). The Committee therefore asks how the Government ensures implementation and monitoring of relevant law and policies under Article 15§1.

Definition of disability

The Committee recalls that there is no single definition of disability, but that each piece of legislation concerning persons with disabilities refers to its own definition. Nonetheless, the principle underlying every policy measures for persons with disabilities is guaranteeing them with the right and opportunity for integrated living (see Conclusions 2007).

Anti-discrimination legislation

In reply to the Committee's question the report explains that the Basic Education Act (628/1998) contains no provision explicitly prohibiting discrimination, however the general anti-discrimination legislation – the Non-Discrimination Act (21/2004) applies to both public and private activities with regard to access to education, including advanced education and retraining, or vocational guidance. Section 6 of the Act prohibits discrimination *inter alia* on the grounds of disability.

According to Section 4 of the Act, the authorities shall, in all they do, seek purposefully and methodically to foster equality and consolidate administrative and operational practices that will ensure the fostering of equality in preparatory work and decision making. In particular, the authorities shall alter any circumstances that prevent the realisation of equality. Section 31 provides that every disabled pupil is entitled to receive the interpretation services and assistance necessary for participating to basic education free of charge.

In its previous Conclusions (Conclusions 2008) the Committee asked the report to clarify whether a victim could claim compensation for the damage suffered as a result of discrimination and to provide examples of relevant case-law. The Committee now notes from the report that according to the Basic Education Act, guardians may appeal a decision made by the education provider. Such an appeal is filed following the procedure stipulated in the Administrative Procedure Act (586/1996). The Basic Education Act does not recognise, however, any compensation in this regard. To claim compensation, a special action for damages must be brought to the District Court under the Tort Liability Act (412/1974). Furthermore, under Section 9 of the Non-Discrimination Act, a supplier of work, services, education or benefits, who has infringed provisions prohibiting discrimination or victimisation on the grounds of, *inter alia*, disability shall pay the injured party compensation for suffering resulting thereof. The compensation shall not exceed €15,000, unless special circumstances occur. Payment of compensation under these provisions does not preclude an injured party from claiming damages under the Tort Liability Act or other legislation. Likewise, under Chapter 11, Section 11 of the Penal Code (39/1889), discrimination is punishable by a fine or imprisonment

and the victim may simultaneously claim damages for emotional suffering under the Tort Liability Act.

The Committee notes from the report that legal proceedings related to education have mostly concerned an issue of adequate assistance being granted to a student in need. According to the report of the Ministry of Justice (59/2010), little case-law exists to date with regard to the liability of a party exercising public authority to pay compensation for fundamental rights violation.

Education

According to European Union Statistics on Income and Living Conditions (EU-SILC) data for 2009, compiled by ANED, the proportion of disabled people (aged 30-34) having completed tertiary level education in Finland was 35.4, compared to 48 for non-disabled people. The proportion of young disabled people (aged 18-24) leaving school early in Finland was 14.5, compared to 8.4 for non-disabled people.

In Finland learners with special needs are classified into two basic categories: those with an official decision (45,493 in 2008/2009 academic year) and those without an official decision. This second group includes learners with minor learning difficulties (dyslexia, maths, speech difficulties etc.). There were 126,288 pupils who received part-time special needs education in 2007/08². According to the report, in 2009 there were 47,168 special education students at schools, of whom 1,491 were severely disabled and 10,574 otherwise mentally disabled.

Data from Statistics Finland suggest that transfer of pupils from comprehensive to special education has been increasing for more than a decade. 8.5% of comprehensive school students, or over 46,700 pupils, had been transferred to special education in autumn 2010. The share was unchanged from the previous year. Special education is increasingly organised in conjunction with comprehensive education. In all, 23.3% of pupils, or 128,700 comprehensive school students received part-time special education during the 2009-2010 academic year. In 2010, 30% of those transferred to special education were fully and 24% partially integrated into groups attending general education. 32% of those transferred to special education received teaching in special groups in comprehensive schools and 14% in special schools. Special education was arranged in general education groups more often than in the previous year, and the number of pupils studying in special schools and in special groups decreased (respectively 5,2% and 3,1%).

The Committee notes that the proportion of students with special educational needs integrated fully or partially into mainstream education is considerably higher compared to the previous reference period. Nevertheless, it would like the next report to explain the increased number of transfer of students from general to special education. The Committee also asks whether there is a general policy to integrate children with disabilities into mainstream education and what are the criteria and legal basis for placing children in special or segregated educational systems. In its previous Conclusion the Committee reiterated its request for figures on mainstreaming in general upper secondary education, including an estimation of how many students have intellectual disabilities, as well as information on whether general teacher training includes a module on special educational needs. It now notes from the report that relevant legal provisions (the Act on General Upper Secondary Schools 629/1998 and the Decree on General Upper Secondary Schools 810/1998) do not mention special education. However, according to other sources³ the Upper Secondary Schools Act provides that students with disabilities and those in need of special support for some other reason are entitled to assistant services, other teaching and student welfare services and special aids, as required in their studies. Furthermore, the National Core Curriculum for Upper Secondary Schools emphasises the fact that the purpose of

special support is to help and support students so as to guarantee them equal opportunities to complete their upper secondary school studies.

The report states that no systematic, comprehensive or regularly gathered data are available with regard to the extent and type of special educational needs of upper secondary students.

As regard teacher training, the report explains that the learning process and the child's developmental phases are among the key subjects studied by class teachers; modules focusing on special education are common in the early part of the education, mainly when students take their bachelor's degrees. The Committee further notes from ANED that in Finland inclusive teacher training is not organised in disability-oriented streams. The aim is to provide to teachers with a range of knowledge and skills that they can apply in various settings and situations to arrange inclusive educational possibilities. This training is not focused on disability awareness, but on opportunities for the participation of every pupil. Disabled people or their organisations are not systemically involved in training.

The Committee notes from ANED database that the Basic Education Act has been amended (Amendment 642/2010, entered into force as of 1 January 2011) to provide for support to disabled pupils. The Committee wishes the next report to provide detailed information on the reform and its outcome.

Vocational training

The Committee notes from the report that under Section 20 of the Act on Vocational Education (630/1998), instruction to students who need special education or student care services because of a disability, illness, retarded development, emotional disorders or other such reason is to be provided in the form of special education. Under Section 9 of the Act, the Ministry of Education and Culture may order an education provider to organise special education, preparatory and rehabilitative instruction and guidance, as well as a range of education-related development, guidance and support services. In special education, exception can be made to the provisions of the Act on Vocational Education and the related Decree (811/1998) as specified in the core curriculum or qualification requirements. Instruction in special education is to be adjusted so as to enable the students, where possible, to attain the same level of competence as in other vocational education. Remedial teaching given to those temporarily falling behind in studies or to students with minor learning or adaptation disorders is not deemed to constitute special education. Preparatory or rehabilitative instruction and guidance may be organised for students with disabilities, and it has to follow the core curricula adopted by the National Board of Education.

According to the report, in 2010, vocational and career planning services were provided to 5,716 persons with disabilities, representing 20.8% of the total number of persons benefiting from such services (compared to 20.7% in 2009). No statistical information concerning rehabilitative instruction and guidance, in particular concerning the percentage of those entering some kind of work relationship, is available. However, the report provides some statistics with regard to the number of vocational special education students, according to which 4,464 students received coaching and rehabilitative/preparatory training in 2010 (out of 21,895 student in different special vocational education).

Since the beginning of 2008, the intake of students for upper secondary vocational education has increased by nearly 11,700. According to the report, increasing the intakes of vocational special education providers, as well as charging vocational education establishments with providing special education, allowed to strengthen service capacity of special education institutes and respond to the training needs of persons with most serious disabilities in the various regions. The adequacy of vocational education and its availability throughout the country have been improved. According to Statistics Finland, in 2010 students of special

vocational education constituted 6.9% of all students in vocational education (compared to 5.8% in 2007), and the majority studied in curriculum-based education.

To facilitate access to further studies following the completion of basic education, a pilot project concerning a preparatory training for upper secondary vocational training called 'Profession Start' (*ammattistartti*) was launched in autumn 2006 and established on a permanent basis in 2010. According to the follow-up study, approximately 70% of the Profession Start students had continued their studies or had found employment. The Committee wishes to know how this programme affected the results of students with disabilities.

In spring 2010, the Ministry of Culture and Education launched a project to update the strategy for vocational special education. The proposals for guidelines to develop vocational special education were completed in spring 2011. The Committees asks the next report to provide more information on the reform.

In this respect the Committee notes from the ANED report in respect of Finland that universities may make special arrangements for entrance examinations, campus accessibility and learning support, but they are not obliged by any legislation to provide any special educational support or physical arrangements. There is no specific, separate system of financial support for disabled students, however, financial aid is available to all students in financial difficulty and disabled students receive rehabilitation allowances (the Act on Rehabilitation and Rehabilitation Financing Benefits).

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 15§1 of the Charter.

Paragraph 3 - Integration and participation of persons with disabilities in the life of the community – Conclusions 2012

The Committee takes note of the information contained in the report submitted by Finland.

Anti-discrimination legislation and integrated approach

The Committee recalls that Article 15§3 requires the existence of comprehensive non-discrimination legislation covering both the public and private sphere in fields such as housing, transport, telecommunications and cultural and leisure activities and effective remedies for those who have been unlawfully treated (Conclusions 2007, Slovenia).

In the previous conclusions (Conclusions 2007 and 2008), the Committee concluded that the situation in Finland was not in conformity with the Revised Charter on the grounds that there was no anti-discrimination legislation prohibiting discrimination on grounds of disability in the areas covered by this provision.

Although during the reference period there has been little change in the legal framework in this respect (that is the Non-Discrimination Act covers disability only with regard to education and employment), the Committee now notes from the report and from the Governmental Committee Report¹ that in Finland, the main provisions pertaining to discrimination have been laid down not only in the non-discrimination Act, but also in the Constitution and the Penal Code.

Article 6 of the Constitution provides for equality and prohibits discrimination. The main thrust of this constitutional guarantee is to ensure formal equality, i.e. the principle that people are to be treated similarly in similar circumstances, but it also aims at promoting the achievement of full, substantive equality in practice. The constitutional prohibition of discrimination may be directly invoked in courts (e.g. as a grounds for claiming damages) and regular laws are to be interpreted in accordance to it. So far the constitutional anti-discrimination provision has been

applied mainly in situations involving the use of public power, but it may in some instances have a bearing on relationships between private parties as well.

The prohibition of discrimination in Article 6(2) is general in scope and its field of application has not been limited in any way. The provision does not use the concept of “discrimination” as such but speaks instead of “differential treatment without an acceptable reason”. The non-discrimination clause of Article 6(2) in combination with the obligation of authorities to promote human rights and fundamental freedoms, as laid down in Article 22 of the Constitution, have been taken to mean that the legislator has an obligation to make sure that the legislation does not contain provisions that without an acceptable reason treat people differently on a prohibited ground.²

The Committee would like the next report to provide examples of relevant case-law involving the constitutional provision.

The Penal Code has two provisions on discrimination. The first covers discrimination, inter alia, in the provision of services and in the discharge of public duties, while the second covers discrimination in the field of employment. Discrimination is considered a crime under public prosecution, which means that after a victim of discrimination has filed a crime report to the police, the police has to institute an investigation led by a prosecutor (pre-trial investigation). There is a considerable amount of case law under the first provision (for example, in 2005 the District Court of Vaasa found that denying a person with a severe sight disability access to a restaurant with her guide dog on the grounds that dogs were not allowed, constituted discrimination on the ground of disability, as defined in Article 11 :9 of the Penal Code. The owner of the restaurant, who had given instructions not to let dogs into the restaurant, and the waiter who had acted in accordance with these instructions, were ordered to pay fines)³.

The Committee asks the next report for examples of more recent case-law under the Penal Code. Furthermore, the Committee notes from the report that the Ministry of Justice set up in January 2007 a committee (“Equality Committee”) to review and prepare a reform of the current anti-discrimination legislation. One of the key objectives of this committee is to work towards a more integrated legislative framework where the available legal mechanisms and remedies would not, as a matter of principle, depend on the ground of discrimination in question. The equality committee submitted its final report in December 2009. The Government bill based on the report is expected during the electoral period 2011-2015.

The Committee further notes that the Government Report on Disability Policy 2006 focused on legislative reforms relating to the equality of people with disabilities, the right to social inclusion and the right to necessary services and supportive measures. The Disability Policy Programme 2010–2015 contains proposals for promoting and implementing the UN Convention on the Rights of Persons with Disabilities in different sectors.

In the light of the foregoing, the Committee considers that the existing legislation in Finland provides comprehensive protection against discrimination in fields covered by this provision. Nevertheless, it wishes to be informed of developments regarding the above-mentioned reform of the anti-discrimination framework.

Consultation

The Committee recalls that under Article 15§3, people with disabilities should have a voice in the design, implementation and review of a coherent policy in the disability context. (Conclusions 2003, Italy).

The National Council on Disability is a national coordinating body, which involves key government departments with organisations of disabled people and their families. There are also local municipal disability councils. The council is responsible for coordinating the follow-up on the implementation of Finland’s Disability Policy Programme.

The Finnish Disability Forum encourages disabled people's equality and participation and seeks to influence national and international policy. The Finnish Disabled People's International Development Association (FIDIDA) has had the status of a partnership organisation of the Ministry for Foreign Affairs of Finland since 2010. This status is helping to involve FIDIDA in official development policy programmes. Assistentti-info is a nationwide network of personal assistance and information services, which produces educational materials.⁴

Forms of financial aid to increase the autonomy of persons with disabilities

The Committee notes from ANED⁵ that a disability pension is available to eligible disabled persons. The criterion for receiving the pension is incapacity to work. Persons who have a permanent mobility disability or sightless persons always receive the full amount of this pension. The disability allowance is an alternative to the disability pension and is tax free.

The national pension is a basic income for persons who are entitled only to a very small earnings-related pension or to none at all. The national pension is paid by the Social Insurance Institution. To qualify for a national pension, any other pension or benefits received may not exceed a certain limit. The age limits for the disability pension is 16-64 years and after that the disability pension is automatically converted into the old-age pension. According to the Act on Services and Assistance for the Disabled, extra costs will be paid when a disabled person requires special clothing or a special diet.

Measures to overcome obstacles

It follows from the report that Finland's 336 municipalities are responsible for providing social and health care services to their residents, including services for the disabled. The services are funded by state aid to local government, municipal tax revenues and service charges. The services for the disabled are usually free of charge. The Government's policy is to provide the services to all citizens on equal terms. Additionally, there is a range of special services provided for the disabled under the Act on Services and Assistance for the Disabled and the Act on Special Care of Mentally Disabled Persons. Under those Acts, persons with severe disabilities have a subjective right to transportation services, sheltered housing, day activities, personal assistance, home conversion services, and the right to have assistive devices installed in their apartments. In this context, 'subjective right' means that the municipality has an obligation to provide the service as soon as the criteria prescribed by law are met, regardless of the municipality's financial standing.

The objective of the Finnish Design for All (DfA) Network is to support the development of the information society, according to objectives defined at European and at national level. Another relevant context for the Finnish Design for All Network is sustainability that is, economically, ecologically and especially socially sustainable development.

Technical aids

The Committee notes from ANED that assistive and adaptive equipment is available as a part of public service for people with disabilities. Assistive device services include instruction of use, renewal and maintenance. They are free of charge. Assistive devices aiming at improving social life and recreation are also available as a disability service from social welfare departments. Persons with severe disabilities are reimbursed the costs of adaptation of their home and of necessary equipment installed. Assistive devices are provided by local authorities. This service is based on the Act on Services and Assistance for the Disabled and the Act on housing condition improvement of special groups.

Furthermore, the report states that an amendment of 1 September 2009 to the Disability Service Act provides a right to free personal assistance for severely disabled persons, including

persons with an intellectual disability. Personal assistance can be granted for daily activities, educational and employment purposes ; in addition, they have a right to minimum 30 hours per month of assistance for other purposes, such as recreation and social interaction.

The provision of services for persons with disabilities is granted on the basis of an individual assessment of the person's needs. The law underlines the importance of the disabled person's active participation in this assessment.

Communication

Recognition of Finnish sign language is laid down in the Constitution of Finland (731/1999). According to Article 17, the rights of persons using Sign Language and of persons in need of interpretation or translation assistance owing to disability shall be guaranteed by the law. The Act on the Research Institute for the Languages of Finland (1403/2011) states that the Institute shall ensure the research and preservation of the purity of Sign Language and Romany language.⁶

The amended Act on Interpreter Services for Hearing and Visually Impaired, Hearing Impaired and Speech-Impaired persons entered into force on 1 September 2010, shifting the responsibility for financing the interpreter service from municipality to the State. The right to interpreter services remained unchanged. The hearing and visually impaired persons are entitled to minimum of 360 hours of interpreter services per year and those with hearing and speech impairment to a minimum of 180 hours. The extent of interpreter service may vary according to personal needs. In 2009, 4,088 disabled persons benefited from interpreter services (4,500 in 2010).

According to ANED, Finland does not have much ICT and web accessibility legislation. The anti-discrimination clause of the Constitution would apply as would anti-discrimination legislation regarding employment. There is a national action programme 'Towards Barrier Free Communication', which includes initiatives in sectors such as broadcasting, telecommunications and websites.⁷

Mobility and transport

Municipalities provide transport services to those who have severe disabilities causing exceptional mobility difficulties. Transport services may include the assistance service. A Government Decree (275/2010) guarantees subsidies for municipalities to develop accessible public transport.⁸

The report submits that during 2003–2006, the Ministry of Transport and Communications implemented a Research and Development Programme for Accessibility named 'ELSA'. The programme aimed, inter alia, at increasing awareness of importance of accessibility among the municipal sector, transport service providers, and the public. According to the evaluation report, the programmed contributed to improvement of accessible transport system.

Housing

Several acts and decrees applicable in Finland pose requirements in this respect. For instance Land Use and Building Act (*maankäyttö- ja rakennuslaki* (1320/1999)) and Land Use and Building Decree (*maankäyttö- ja rakennusasetus* (895/1999)) require that buildings used by the administration, service providers or businesses (subject to certain conditions) have to be accessible to persons with disabilities. The equality laws or their *travaux* do not, however, address the question whether a failure to comply with this legislation constitutes discrimination. Such cases need to be assessed on a case-by-case basis to see whether the facts of the case are subsumed under the relevant provisions of the equality legislation (the general definitions of discrimination).⁹ It is required that where necessary, any reasonable steps are

taken to help a person with disabilities to gain access to work or training, to cope at work and to advance in their career.

Finland's National Building Code contains a Barrier-free Building regulation which is binding. It consists of 10 pages of detailed technical requirements for buildings promoting their accessibility and accommodation for disabled persons, for example provisions and recommendations on facilitating the accessibility for persons using wheelchairs and other similar technical assistance equipment. Subsidies and supports for housing for people with disabilities are available under the Act on Services and Assistance for the Disabled.

The Act on Residential Renovation and Energy Saving Grants (1021/2002) lays down conditions for reimbursement of house repairs, lift construction and removal of obstacles to mobility. The Act on Subsidies for Improving Housing Conditions for Special Groups (1281/2004) provides for subsidies for acquirement and modernisation of rental houses and dwellings intended for special groups such persons with disability.

The Committee further notes from the report that in January 2010, the Government adopted a decision-in-principle on a programme to provide housing and related services for mentally disabled persons in 2010–2015. The purpose of the housing programme is to promote independent living by mentally disabled persons in a normal living environment, and hence to strengthen their inclusion and equal treatment in the community and society.

Culture and leisure

The Committee acknowledges the measures described above and relating to mobility and accessibility, in particular personal assistance, interpreter services and financial aid, aim also at facilitating access of persons with disabilities to culture and leisure activities.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 15§3 of the Charter.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2011

The Committee takes note of the information contained in the report submitted by Finland. As the notion of the “family” is variable, the Charter applies to every family according to the definition of this notion in domestic law. The Committee asks that the next report indicate how the “family” is defined in domestic law.

Social protection of the family

Housing for families

Finland has accepted Article 31 of the Charter on the right to housing. As all aspects of housing of families covered by Article 16 are also covered by Article 31, for states that have accepted both articles, the Committee refers to Article 31 on matters relating to the housing of families.

Childcare facilities

The Committee notes that as Finland has accepted Article 27 of the Charter, measures taken to develop and promote child day care structures are examined under that provision.

Family counselling services

Families must have access to appropriate social services, particularly when they are in difficulty. States are required in particular to set up family counselling services and services providing psychological support for children's education. The Committee asks for up-to-date information on family counselling services to be included in the next report.

Participation of associations representing families

To ensure that families' views are catered for when family policies are framed, the authorities must consult associations representing families. The Committee asks for information in the next report on the participation of relevant associations representing families in the framing of family policies.

Legal protection of the family

Rights and obligations of spouses

The Committee asks for up-to-date information in the next report on the system governing the rights and obligations of spouses in respect of one another and their children.

Mediation services

The Committee asks for information in the next report on access to family mediation services, whether they are free of charge, how they are distributed across the country and how effective they are.

Domestic violence against women

Between 2004 and 2007, the Ministry of Social Affairs and Health introduced an action programme geared to preventing domestic violence between partners. The aim of the programme was to improve the network of support services for victims and perpetrators of violence and to develop assistance. Regional agencies were set up. Furthermore, for the period 2006-2008, the National Council for Crime Prevention, which operates under the Ministry of Justice, devised a national intersectoral programme designed to reduce violence against women. When adopting the 2008-2011 Governmental Action Plan on Gender Equality, the Government decided to devise a multisectoral action plan to reduce violence against women. The aim of this action plan is to combat violence proactively by changing attitudes and behavioural models, improving assistance to victims and increasing the knowledge and skills required by the authorities in preventing violence against women.

The Committee would like the next report to provide information on the results obtained by these different programmes and the action plan, and also on the services devoted to prevention, protection and psychological support for victims of domestic violence.

Of the overall cases of violence recorded by the police, some 12% concerned conjugal violence. According to 2007 statistics, 71% of attacks or assaults committed in families were against women aged 15 or over, 15% against men aged 15 or over, and 14% against children under the age of 15. In connection with serious assault and attempted homicide, 50% of the victims were women aged 15 or over, 42% men aged 15 or over and 8% children under the age of 15. Homicides linked to family violence concern one third of all homicides committed each year. According to statistics on causes of death, the number of women and men killed by their spouses has remained stable since 2000.

Economic protection of the family

Family benefits

The Committee considers that, in order to comply with Article 16, child allowances must constitute an adequate income supplement, which is the case when they represent a significant percentage of median equivalised income. According to MISSOC¹, in 2009 the monthly amount of family benefits was € 100.00 for the first child, € 110.50 for the second child, € 141.00 for the third child and € 181.50 for the fourth child. The amount for each child of a single parent is supplemented by € 46.60. The Committee notes that these amount per month correspond to 5,7%, 6,3%, 8,1% and 10,4% of monthly median equivalised income. The Committee recalls that it previously considered that the amount of benefits was sufficient. It notes that basic child allowances have risen compared with the previous reference period. Based on the information at its disposal, the Committee considers that the amount of family benefits is sufficient.

Vulnerable families

States' positive obligations under Article 16 include implementing means to ensure the economic protection of various categories of vulnerable families, including Roma families.

On 9 December 2010 the Government adopted a resolution designed to promote a national policy in favour of the Roma community. This resolution is geared to improving the inclusion of the Roma population at the local level and promoting the equality of Roma in various sectors of everyday life. The Ministry of Social Affairs and Health has set up a Group responsible for monitoring the national Roma policy in order to assess the implementation of this intersectoral policy. The first monitoring report will be submitted in 2013. The aim of this resolution is to enable Finland to pioneer the promotion of equal treatment for, and the inclusion of, Roma in Europe by the year 2017.

The Committee asks what measures are taken to ensure the economic protection of Roma families.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

In its previous conclusion (Conclusions 2006), the Committee noted that, under Act No. 1573/1993 of 30 December 1993, a length of residence requirement of six months for child allowance was required. The Committee noted that the length of residence requirement applied both to nationals and nationals of other States Parties to the Charter. It considered that this length of residence was in conformity with the Charter.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 16 of the Charter.

Article 23 - Right of the elderly to social protection – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Finland in response to the conclusion that it had not been established that there is an adequate legal framework prohibiting discrimination on grounds of age (Conclusions 2013, Finland).

The Committee recalls that Article 23 requires States Parties to combat age discrimination in a range of areas beyond employment, namely in access to goods, facilities and services (see for example Conclusions 2009, Andorra).

The Committee's previous conclusion of non-conformity was specifically based on the absence of information on the progressive expansion of the ban on age discrimination to include the areas of social security, health care and goods.

The report refers to Article 6§2 of the Finnish Constitution which expressly prohibits discrimination on the basis of age. This prohibition applies to all public functions, including the spheres of social security, health care and other provision of goods and services. This provision is also considered to be of interpretational value in relations between private parties (e.g. private companies and individuals). The Government also indicates that Chapter 11, Article 11 of the Penal Code criminalises discrimination and covers all public and private activities, including areas such as social security, health care and provision of goods and services.

The report further states that relevant prohibitions of discrimination have been laid down in various specific acts, such as the Consumer Protection Act No. 38/1978, the Status and Rights of Patients Act No. 785/1992 and the Status and Rights of Recipients of Social Welfare Act No. 812/2000.

Finally, the Committee notes that the Government has submitted a new Equal Treatment Act to Parliament on 3 April 2014. According to the Government the proposed act has a very broad scope: it would be applicable to all public and private activities, the only exceptions being activities that take place in the realm of private and family life as well as the practice of religion. The new act would expressly prohibit discrimination on a number of grounds including age. The Committee asks that the next report contain information on the implementation of the act, if adopted, especially in so far as it impinges on age discrimination outside employment.

In view of the information provided the Committee considers that the situation is in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 23 of the Charter as regards the legal framework prohibiting discrimination on grounds of age.

Article 23 - Right of the elderly to social protection – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland.

Legislative framework

In its previous conclusion (Conclusions 2009) the Committee considered that the interplay of the main anti-discrimination provisions laid down in the Constitution, the Non-Discrimination Act and the Penal Code, prohibited age-discrimination on a sufficiently wide variety of grounds outside employment, namely education and the provision of services. It nevertheless recalled that the prohibition of discrimination based on age should be progressively expanded to include the areas of social security, health care and goods. The Committee notes that the report does not provide information on this. Therefore, the Committee concludes that it has not been established that there is an adequate legal framework prohibiting discrimination on grounds of age.

The Committee asked whether there exist safeguards to prevent the arbitrary deprivation of autonomous decision-making by elderly persons. It notes from the report that in 2010, the Ministry of Social Affairs and Health set up a working group to consider "the right to self-determination of social welfare and health care clients". The preliminary proposals of the working group deal, in particular, with the issue of the use of restrictive measures in the voluntary care of persons with memory disorders, brain damage or intellectual disabilities. The Committee would like to receive more information about the follow-up of the working group's

proposals, in particular whether any new legislation was adopted and how it prevents abuse of the autonomous decision-making by elderly persons. In this respect, the Committee refers to its statement of interpretation in the General Introduction.

Adequate resources

When assessing adequacy of resources of elderly persons under Article 23, the Committee takes into account all social protection measures guaranteed to elderly persons and aimed at maintaining income level allowing them to lead a decent life and participate actively in public, social and cultural life. In particular, the Committee examines pensions, contributory or non-contributory, and other complementary cash benefits available to elderly persons. These resources will then be compared with median equivalised income. However, the Committee recalls that its task is to assess not only the law, but also the compliance of practice with the obligations arising from the Charter. For this purpose, the Committee will also take into consideration relevant indicators relating to at-risk-of-poverty rates for persons aged 65 and over.

In its previous conclusion, the Committee concluded that the situation in Finland was not in conformity with Article 23 of the Charter on the ground that the level of the national pension for low-income elderly persons was manifestly inadequate.

The Committee notes from another source¹ that Finland has two pension systems: the statutory earnings-related pension scheme and the national pension scheme (including the guarantee pension, *takuueläke*). The earnings-related pension scheme provides earnings-related and insurance-based pensions, whereas the national pension scheme grants minimum pensions on the basis of residence. Together, these two pensions form the total statutory pension. They are integrated and when statutory earnings-related pension exceeds a given limit, no national pension or guarantee pension is paid. The national pension can also include a care allowance, a housing allowance and a dependent child supplement. The Committee also notes from the Government's submissions to the Governmental Committee (Report concerning Conclusions 2009, T-SG (2011)¹final) that the national pension is only a part of the minimum social security provided to elderly people. Furthermore, if the national pension or the earnings-related pension is below the minimum level of pension laid down by law, the difference is paid as guarantee pension.

According to the report, resident pensioners are eligible for a guarantee pension if their total gross pension income is less than the full amount of the guarantee pension (€714 in 2012, and about €688 in 2011). The amount of the guarantee pension is affected by any other pension income one may have from Finland or abroad. Other pension income is deducted from the full amount of the guarantee pension (€687.74).

The guarantee pension is not reduced by earnings, capital income or assets. Its amount is also not affected by the care allowance for pensioners, the housing allowance for pensioners or the informal care allowance, for which a pensioner may be eligible. However, according to the report, the amount of these allowances for pensioners is affected by many factors, and providing an estimated amount is not possible. The Committee notes from MISSOC that the amount of the pensioners' housing allowance (*eläkkeensaajan asumistuki*) is proportional to the pensioner's income and housing costs, as well as some other factors. The care allowance for pensioners is intended to help pensioners with a long-term illness or disability with their daily activities, to assist with the maintenance of their functional capacity, and to support their care and rehabilitation. According to MISSOC, the care allowance for pensioners (*eläkettä saavan hoitotuki*) is graded into three categories depending on the need of assistance: €57.55, €143.27 and €302.96 per month.

Furthermore, the State and municipal authorities offer health and social services as well as home help, residential services and institutional care. Voluntary and community-based

organisations also deliver services and recreational opportunities for retirees. When a person has retired, he/she may qualify for discounts on domestic travel tickets.

The poverty threshold in Finland, defined as 50% and 40% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value, was estimated to be at respectively €909 and €728 per month in 2011. The Committee considers that the guarantee pension when combined with all relevant supplements will possibly meet the threshold. The Committee asks to be kept informed of all developments in the situation.

The Committee further notes from Eurostat that in 2011, 1% of persons aged 65 and over received income falling below 40% of median equivalised income (compared to 0.7% in 2010 and 0.8% in 2007). The Committee nevertheless asks the Government what measures are taken to address the situation of this group.

Prevention of elder abuse

The Committee notes from the report that in 2008, the Ministry of Social Affairs and Health issued "Recommendations for the prevention of interpersonal and domestic violence. Recognise, protect and act. How to guide and lead local and regional activities in social and health care services", addressed to the local and regional organisations responsible for municipal social and health care services. The municipal inspection boards will assess the implementation of these recommendations.

The Committee asks for more information about Government's actions in this area, in particular whether and how the Government evaluates the extent of the problem, and if any legislative or other measures have been taken or are envisaged in this area.

Services and facilities

The Committee refers to previous conclusions for an overview of the most important social services for elderly people.

The Committee notes that the new Act on Private Social Welfare Services (922/2011) entered into force on 1 October 2011. The legislative reform emphasised, among other things, proactive supervision, as well as increased service providers' own responsibility for the quality of services. To ensure appropriate activities, the service providers must prepare a self-supervision plan, keep it publicly available and monitor its implementation. Furthermore, the 2011 amendments to the Act on Support for Informal Care (937/2005) provided for a possibility of organising necessary substitute care during an informal carer's leave or other temporary absence, through an agreement concluded by a municipality with a person fulfilling the requirements laid down in the Act.

According to the report, at the end of 2009, approximately 36,000 clients with memory diseases were covered by institutional social welfare and health care services, service housing and regular home care, which constitutes almost 1/4 of all clients receiving such services.

The Committee also notes from the report and another source² that in 2010 clients (aged 75 and over) of service housing with 24-hour assistance constituted 5.6% of this age population, compared to 11.9% receiving regular home care, 4.1% – support for informal care, and 4.7% – care in residential homes or long-term institutional care in health centres.

The Committee previously asked to be updated on any evaluation on the effectiveness of the system of individual service needs assessment for persons over 80 years of age. The report does not provide relevant information in this regards. The Committee reiterates its question.

On 4 December 2012, the Committee decided on the merits of the Complaints Nos. 70/2011 and 71/2011 "*The Central Association of Carers in Finland v. Finland*" and found violations of Article 23 on the grounds that:

- the legislation allows practices leading to a part of the elderly population being denied access to informal care allowances or other alternative support (Complaint 70/2011);
- insufficient regulation of fees for service housing and service housing with 24-hour assistance combined with the fact that the demand for these services exceeds supply, does not meet the requirements of Article 23 of the Charter insofar as these:
 - Create legal uncertainties to elderly persons in need of care due to diverse and complex fee policies. While municipalities may adjust the fees, there are no effective safeguards to assure that effective access to services is guaranteed to every elderly person in need of services necessitated by their condition.
 - Constitute an obstacle to the right to the provision of information about services and facilities available for elderly persons and their opportunities to make use of them as guaranteed by Article 23 of the Charter (Complaint 71/2011).

Given that these decisions were adopted outside the reference period, their follow-up cannot be carried out in this Conclusion. Consequently, the Committee asks the next report to provide full information on the implementation of legal and other relevant measures undertaken to remedy the shortcomings indicated.

According to the report, the Government supports the housing of certain groups, such as the elderly, with interest subsidies for loans taken out to finance the construction, renovation or acquisition of rental dwellings, as well as with grants up to 50% of the investment, depending on the needs (Act on Interest Subsidy for Rental Housing Loans and Right of Occupancy Housing Loans, 604/2001; Act on Subsidies for Improving the Housing Conditions of Special Groups, 1281/2004).

The Committee notes from the report that about 80% of all persons over 65 years of age are owners of their dwellings. In 2010, about 45.2% of the elderly lived in single-detached houses and 39.3% in apartments in blocks of flats. Many old multi-storey residential buildings are not equipped in lifts. However, State renovation grants are available for the installation of lifts and, on social grounds, for maintenance and renovation of homes for the elderly (Act 1184/2005). The report further states that in 2009–2011, the Government spent €330 million to finance the construction of over 11 000 new dwellings for special groups. Most of these dwellings are intended for elderly persons for the provision of service housing. Special attention is paid to monitoring the quality of housing. The Committee notes that a new programme for developing the housing for the elderly for 2012–2015 is in preparation. It wishes to be informed about the impact of this programme on the housing situation of elderly persons.

The Committee would like to receive more detailed information and statistics in order to assess the housing situation of the elderly, in particular whether the housing provided is adequate to the particular needs the elderly, and whether the supply is sufficient.

Health care

According to the report, in December 2009, the health centre hospitals had proportionally the highest number of clients with memory diseases, while the lowest percentage was recorded in specialised institutional care. The report also provides the percentage of clients with memory diseases receiving other type of care, such as regular home care (12.2%), ordinary service housing (12.5%) or service housing with 24-hour assistance (29,6).

The report states that the Draft Act on Supporting the Functional Capability of Ageing Population and on Social and Health Services for Older Persons was prepared by a steering group established by the Ministry of Social Affairs and Health. The Committee wishes to be informed about the legislative stage and the scope of this proposal.

Institutional care

The Committee notes from the report that at the end of 2010, one in eight over-65-years-olds, one in four over-75-years-olds and almost half of all over-85-years-olds were receiving regular services. These services include regular home care (home help services and home nursing), sheltered housing for elderly people, care in residential homes and long-term inpatient care in health centres. At the end of 2010, the clients receiving these services totalled some 120 000. A majority of them (103 000) were 75 years old or older. A total of 23 300 clients aged 65 or over received institutional care (in residential homes and long-term inpatient care in health centres). In this regard the Committee previously asked (Conclusions 2009) whether the authorities considered that the capacity in institutional care met in general terms the demand for places in these structures.

As regards the monitoring of institutions, the Committee considered that the system in place in Finland at the relevant time did not guarantee a sufficient degree of independence, and asked whether the Government envisaged establishing of an independent body with the authority to visit homes to monitor standards and check for signs of abuse and neglect.

In reply to the Committee's question the report states that as a part of implementing the national framework for high-quality services for older persons, the Ministry of Social Affairs and Health set up a working group to draft proposals for developing the structures and contents of 24-hour care. The change is to be implemented so that institutional care is not replaced by institutional-like solutions. There has been an on-going change in the long-term care service structure: the traditional institutional care has been replaced by 24-hour care given in service house -settings with 24-hour assistance. The change has enabled better physical environments (home-like) for older persons, as well as a better quality of life (with a less institution-like care culture).

In light of the Committee's decisions of 4 December 2012 on the merits of complaints "The Central Association of Carers in Finland v. Finland", Nos. 70/2011 and 71/2011 (see above), the Committee asks whether the supply of institutional facilities and alternative services for elderly persons is sufficient, whether the relevant cost of such facilities/services is affordable or assistance to the costs is available, and how the quality of such services is ensured.

Conclusion

The Committee concludes that the situation in Finland is not in conformity with Article 23 of the Charter on the grounds that:

- it has not been established that there is an adequate legal framework prohibiting discrimination on grounds of age;
- the legislation allows practices leading to a part of the elderly population being denied access to informal care allowances or other alternative support;
- insufficient regulation of fees for service housing and service housing with 24-hour assistance, combined with the fact that the demand for these services exceeds supply, does not meet the requirements of Article 23 of the Charter insofar as these:
- Create legal uncertainties to elderly persons in need of care due diverse and complex fee policies. While municipalities may adjust the fees, there are no effective safeguards to assure that effective access to services is guaranteed to every elderly person in need of services necessitated by their condition.
- Constitute an obstacle to the right to the provision of information about services and facilities available for elderly persons and their opportunities to make use of them as guaranteed by Article 23 of the Charter (Complaint 71/2011).

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life – Conclusions 2011

The Committee takes note of the information contained in the report submitted by Finland.

Employment, vocational guidance and training

In its previous conclusion, the Committee noted that when employees required special skills for the performance of their job, guidance and training would be provided by the employer to allow the employee to adapt to any changes (Conclusions 2007). The current report states that a study carried out in 2009 on Family Leave and Gender Equality in Working Life has shown that employees returning from family leave are primarily assisted by their colleagues in adapting to changes. Only around one fifth of mothers returning to their former work were trained by employers, the others being guided by colleagues or orienting themselves to the changes independently. Training by employers is more common in large organisations and less frequent in the State sector.

According to the report, information, counselling and guidance services for adults have been developed during the reference period. The target group are adults whom attend education (whether they are employed or unemployed), as well as services for companies aimed at the development of their staff. The Ministry of Education and Culture has set up a group to draft a proposal on lifelong guidance. The Committee also notes from another source, that there has been a considerable amount of investment in new labour market policies. In 2005, a labour market reform introduced more individualised employment services and emphasised guidance and counselling¹.

It asks the next report to clarify whether there exist specific placement, counselling, or training programmes for workers with family responsibilities, or whether this category of workers fall under the general employment services mentioned above.

Working conditions, social security

The Committee recalls from previous information that parents may make use of different working time arrangements such as part-time work or telework (Conclusions 2007). The report indicates that when the parents share the care responsibilities they can agree to part-time work for a period during which they take turns in caring for the child. Work is considered part-time when the working hours and pay amount to 40-60% of the full-time working hours and pay.

The Committee notes from another source² that there is no negative influence on social security rights and benefits, including health care, during periods of parental/childcare leave.

The report states that pension entitlement is calculated on the basis of the income which constitutes a benefit for any unpaid period of leave. The income forming the basis of benefits during an unpaid period of leave is a percentage of the earnings from the year during which the benefit is paid, which varies depending on the benefit (for example, 117% of the earnings under the Health Insurance Act, 75% of the earnings under the Act on Job Alternation Leave, etc).

Child day care services and other childcare arrangements

In its previous conclusion (Conclusions 2007), the Committee already noted that every child under school age had the right to municipal day care. The fee being determined according to the size and income of the family, with the lowest-income families being exempt of charges. When parents opted for private day care they were eligible for a day care allowance.

The report explains that day care incorporates educational features (known as the 'educare model'), and that municipalities should offer day care should in the child's mother tongue if it is one of the official languages of Finland, i.e., Finnish, Swedish or Sami.

The staff-child ratio in day care is regulated by legislation, and so are the qualifications required of the staff. The Committee asks the next report to provide information on how standards of day care are monitored in practice.

Finally, the Committee notes that pursuant to the Employment Contracts Act employees have a right to temporary absence from work on grounds of urgent family reasons in cases of sickness or accident making the immediate presence of the worker indispensable. The Act does not specify the number of days of absence, but given its nature the absence must be short (temporary). Employers are not obliged to pay remuneration for the period of absence.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation is in conformity with Article 27§1 of the Charter.

Paragraph 2 - Parental leave – Conclusions 2011

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that the focus of Article 27§2 are parental leave arrangements which are distinct from maternity leave and come into play after the latter. National regulations related to maternity or paternity leave fall under the scope of Article 8§1 and are examined under that provision.

The Committee recalls that Article 27§2 requires States to provide the possibility for either parent to obtain parental leave. Consultations between social partners throughout Europe show that an important element for the reconciliation of professional, private and family life are parental leave arrangements for taking care of a child. Whilst recognising that the duration and conditions of parental leave should be determined by States Parties, the Committee considers important that national regulations should entitle men and women to an *individual right* to parental leave on the grounds of the birth or adoption of a child. With a view to promoting equal opportunities and equal treatment between men and women, the leave should, in principle, be provided on a non-transferable basis to each parent.

In its previous conclusions, the Committee noted that maternity leave is followed by a 158 working days' parental leave, which can be used by the mother or the father according to their choice. There is also the possibility for parents to take subsequent unpaid care leave until the child reaches the age of three years. A child care benefit is payable for this period to families which choose not to place their child in municipal day care (Conclusions 2007).

As from 1 August 2006, the right to temporary child-care leave has been extended to non-custodial parents. In order to facilitate the reconciliation between work and family for parents of children with disabilities or long-term illnesses, the right to partial child-care leave has also been extended until the time when the child in need of special care and treatment reaches the age of 18.

The Committee notes that in 2009 the minimum amount of parental allowance was raised from € 15.20 to € 22.04 per day. It recalls in this respect that remuneration of parental leave (be it continuation of pay or via social assistance/social security benefits) plays a vital role in the take up of childcare leave, in particular for fathers or lone parents.

The report confirms that rules on parental leave apply to all categories of workers, including part-time workers.

It also states that pursuant to the Employment Contracts Act, employees are entitled to return to their previous job at the end of the leave. If this is not possible, they must be offered equivalent work in accordance with their employment contract.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 27§2 of the Charter.

Article 30 - Right to be protected against poverty and social exclusion – Conclusions 2013

The Committee takes note of the information contained in the report submitted by Finland. The Committee refers to its statement of interpretation on Article 30 in the General Introduction to these Conclusions and invites the Government to take it into account when drawing up the next report.

Measuring poverty and social exclusion

The report contains no information as to the methodology and indicators used to measure poverty and social exclusion, or as to the respective results.

The Committee notes from another source¹ that Finland uses multiple approaches combined and compared: a comparative analysis on the extent of poverty by various measures. Finland uses three lower thresholds to assess poverty:

- 50% of the median before housing costs;
- 60% of the median held constant in real terms over several years; and
- the material deprivation for children (introduced in 2008).

All these are derived from the European Union Statistics on Income and Living Conditions (EU-SILC) and are EU Social Inclusion Indicators, but they are now part of the national portfolio of Finnish statistics.

The Committee notes from Eurostat that in 2011, 18.3% of population was at risk of poverty and social exclusion, which rate stands below the average indicator of the EU countries (23.4%).²

Approach to combating poverty and social exclusion

The report states that "The National Strategy Report on Social Protection and Social Inclusion" is based on the Europe 2020 Strategy of the European Council, one of whose main targets is the reduction of poverty and social exclusion. The Government has drawn up a strategic plan for the implementation of its programme in accordance with the Europe 2020 Strategy. The strategic plan has three priority areas:

- the reduction of poverty, inequality and social exclusion;
- the consolidation of public finances;
- the strengthening of sustainable economic growth, employment and competitiveness.

The measures by which the Government aims at preventing poverty, inequality and social exclusion have been collected together as a cross-sectoral action plan, in which the main objectives, key projects, division on responsibilities and preliminary timetables and indicators are outlined. The ministerial working group on social and health policy is responsible for the implementation of the action plan. The preparation of the implementation is coordinated by a broad-based steering group including the ministries and other stakeholders. The policy measures are monitored by the Government and the progress is assessed in annual strategy review sessions.

The action plan to combat social exclusion, poverty and health problems consists of measures aimed to tackle unemployment, poverty, people's lack of prospects and non-participation. The main areas of development are:

- improving employment and income security and
- reducing differences in income, well-being and health and promoting equality.

The latter area includes objectives such as reducing social exclusion, stopping intergenerational poverty and social exclusion, safeguarding citizens' equality and equal opportunities for participation, strengthening and reforming social welfare and health care services, and strengthening young people's inclusion and early childhood education.

The Committee notes from the report that with the aim of fighting against poverty and social exclusion, the Government has introduced several measures such as the improvement of the quality of basic education. The financial aid to students has been linked to an index. Also, regarding the most disadvantaged groups, taxation has been eased, the basic daily allowance and the labour market support for the unemployed have been improved, the income limits for housing allowance have been raised, the basic amount of social assistance has been raised by 6%, the social assistance for single parents has been improved, and the production of social rental housing now receives extra support.

In the field of pensions, some progress has been made recently. A guarantee pension was introduced in March 2011, which as a result increased the income level of poor elderly people, especially women and immigrants. Moreover, the changes made in the 2005 pension reform have had a positive influence on the length of working careers and raised the effective retirement age. The Government foresees that the introduction of a life expectancy index, effective as from 2010, will improve the sustainability of the pension system and provide incentives for prolonged working careers.

According to the report, the Government has also adopted the social partners' policy outlines on further agreed social security measures. According to the negotiating parties' own assessment, the changes will prolong working careers by slightly over one year on average. The following changes will be implemented in the pension system between 2014 and 2015: the early old-age pension (now available from the age of 62 years onwards) will be abolished, the minimum age of eligibility for the part-time pension will be raised from 60 to 61 years and the minimum age of eligibility for the unemployment path to retirement will be raised from 59 to 60 years. Furthermore, the employee's and the employer's employment pension contributions will be increased by 0.2 percentage points in both 2015 and 2016.

The report further states that in autumn 2011, the Government Institute for Economic Research carried out an estimation on the immediate effects of these reforms on the income distribution and relative poverty. A study was carried out using micro simulation models. According to the study, the changes in income security benefits and direct taxation reduced the relative poverty by 0.4 percentage points. The reforms also reduced income inequality more generally. The so-called Gini-coefficient was reduced by 0.4 percentage points. The simultaneous increase in consumption taxes had an opposite effect, but it was much smaller (an increase in the relative poverty by 0.02 percentage points and an increase in the Gini-coefficient by 0.07 percentage points).

The Committee takes note of the measures taken to reduce health disparities and long-term unemployment, prolong working careers, introduce social guarantees for young people, as well as to provide housing, especially for people with disabilities, as described in the report.

Monitoring and assessment

The Ministry of Social Affairs and Health is the responsible institution for monitoring the trends in health and welfare. The indicators used for this purpose aim at monitoring the attainment of

the strategy goals and performance management, including also the goals of the action plan to combat social exclusion, poverty and health problems. The indicators are monitored at four levels:

- social, economic and ecological sustainability;
- economic and welfare growth;
- implementation of the Government Programme, policy programmes and action plans;
- effectiveness and efficiency of social protection.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 30 of the Charter.

3. ILO Conventions

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) - Finland (Ratification: 1968) – due in 2017

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Reform of national legislation on employment injuries. With reference to the issues raised previously by the Central Organization of Finnish Trade Unions (SAK) and by the Confederation of Unions for Academic Professionals in Finland (AKAVA), the Government indicates that a reform process of the legislation on accident insurance and occupational diseases is currently being prepared by the Ministry of Social Affairs and Health together with key central labour market organizations and other stakeholders. The goal of the reform is to update the national legislation to correspond to the altered conditions of working life and new objectives. The reform will also address issues brought up by central labour market organizations concerning, for example, the level of benefits and the improvement of the protection of workers suffering from symptoms caused by moisture damage in the workplace. For their part the SAK, the AKAVA and the Finnish Confederation of Salaried Employees (STTK) stress that, while there have been attempts to solve the problem as part of the reform process, progress has so far been slow. Victims of moisture damage are often left without social security coverage following expiry of their sick leave compensation, since their symptoms are not regarded as sufficient for an occupational disease diagnosis. These problems could be solved rapidly by ensuring prompt examination of persons concerned and uniformity between insurance companies' compensation practices. ***The Committee takes note of this information and hopes that the Government together with the social partners will reform the national legislation on employment injuries in the best interest of protected persons and in accordance with the provisions of the Convention.***

Article 8 of the Convention. Occupational diseases. With reference to previous comments, the Government indicates that, since the current list of occupational diseases contained in Decree 1347/1988 (*ammattitautiasetus*) is not a closed list, a disease not mentioned in the list can nonetheless be compensated as an occupational disease on the basis of a general provision of the Act on occupational diseases (1343/1988) (*ammattitautilaki*) if a likely causal relationship can be proven to exist between the disease and the work considering the worker's degree of exposure. The Government also indicates that, given that the legislation on accident insurance and occupational diseases is currently being reviewed, the list of occupational diseases will be updated in view of European Commission Recommendation 2003/670/EC of 19 September 2003 concerning the European schedule of occupational diseases. ***Taking note of this information, the Committee asks the Government to indicate progress achieved in the reform process with respect to the list of occupational diseases, indicating how the new list,***

if adopted, gives effect to Article 8 of the Convention. Please also provide information regarding the implementation of the procedure for the recognition of the occupational origin of diseases which are not included in the national list.

Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) - Finland (Ratification: 1976) – due in 2017

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 13 of the Convention (read in conjunction with Article 32). Introduction of active labour market policies for beneficiaries of disability pensions. The Committee notes that, in 2009, a workbank pilot was established aiming at finding employment for persons at a potential disadvantage in the labour market, such as partially disabled persons and the long-term unemployed. Workers have an employment relationship with the workbank, which then hires the workers out to enterprises and communities. The periods during which workers are not occupied are used for education and training purposes. The Committee also notes the concomitant adoption of a provisional Act promoting the return to work from disability pension (738/2009), in force from 2010 to 2013 at which stage the impact of the provisional act will be assessed. The Government indicates that the provisional Act makes it easier to suspend the disability pension and raised the maximum limit of earnings permitted during the payment of disability pension, offering better opportunities for low-income retirees only living on a pension to engage in and try gainful employment. Thus, a beneficiary of full disability pension may perceive an income up to 40 per cent (subject to a maximum of €714 per month) of his/her previous earnings without losing full pension rights. ***The Committee takes due note of this information and would be grateful if the Government would provide information in its next report on the results of the assessment of these measures indicating the extent to which they contributed to improve suitable employment opportunities for disabled persons as envisaged by the above provisions of the Convention.***

4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

COUNCIL RECOMMENDATION of 14 July 2015 on the 2015 National Reform Programme of Finland and delivering a Council opinion on the 2015 Stability Programme of Finland (2015/C 272/04).

[*Official Website of the European Commission*](#)

(8) Finland is currently in the preventive arm of the Stability and Growth Pact. In the 2015 Stability Programme submitted by the outgoing government, which is based on a no-policy-change assumption and covers the period 2014-2019, the headline deficit, which was increased to 3,2 % of GDP in 2014 and thereby exceeded the reference value of 3 % of GDP, is projected to further deteriorate to 3,4 % of GDP in 2015, before gradually declining to 3,1 % in 2017 and further to 2,5 % of GDP in 2019. According to the 2015 Stability Programme, the Government debt-to-GDP ratio is expected to increase over the programme's forecast horizon and to reach 67,8 % by 2019. The medium-term objective — a structural deficit of 0,5 % of GDP — is not reached by the end of the programme period. The macroeconomic scenario underpinning these budgetary projections is plausible. Based on the Commission's 2015 spring forecast, Finland's general government deficit is forecast at 3,3 % of GDP in 2015 and 3,2 % of GDP in 2016, while the debt-to-GDP ratio is forecast to increase to 64,4 % of GDP by 2016. The Commission published on 13 May 2015 a report in accordance with Article 126(3) of the Treaty concluding that deficit and debt criteria were not considered to be complied with. However, on 27 May the incoming government published its Strategic Programme, including planned consolidation

measures. According to an assessment by the Commission, if fully implemented, these measures are expected to reduce the headline deficit to well below 3 % of GDP in 2016. After a deterioration in 2014, there is another deviation from the required structural effort under the preventive arm in 2015. The expenditure benchmark is expected to be met by a wide margin in 2015. There may thus be a risk of a significant deviation from the required adjustment towards the MTO over 2014-2015, which will need to be reassessed ex post. In 2016, taking into account the measures announced by the incoming government there is a risk of some deviation. Therefore, further measures will be needed to reach the required structural adjustments. Based on its assessment of the Stability Programme and taking into account the Commission's 2015 spring forecast, as well as an assessment of the incoming government's consolidation measures as presented on 27 May, the Council is of the opinion that there is a risk that Finland will not comply with the provisions of the Stability and Growth Pact. Although Finland has made some progress in implementing administrative reforms, the efficiency of the Finnish public sector could be improved further, particularly in areas that face cost pressures in the future from ageing.

Social partners reached agreement on the content of the pension reform in autumn 2014, but this has yet to be adopted. Increasing the participation of older workers in the labour force is crucial in view of the fiscal sustainability gap and the planned increase of the statutory retirement age. Early exits from the labour market are mainly due to disability or on the basis of extended unemployment benefits for older workers. The Government's bill on the reform of social and healthcare services was presented to Parliament in December 2014, but no solution was found to balance the administrative model of large municipal coalitions with the autonomy of single municipalities guaranteed by the Constitution before the parliamentary elections in April 2015, and the bill lapsed. Finnish municipalities are relatively small but carry out quite extensive tasks as compared with those in other European countries. The reform of municipal structures is proceeding with some delay and the municipalities are conducting studies on the benefits of mergers. According to the 2015 National Reform Programme, a new legislative proposal may be submitted to Parliament by the end of 2016.

(9) In view of ageing population and the shrinking working-age population, it is important that the labour market has access to the full potential workforce. Finland has made some progress on this and taken several measures, including a better organisation of wage subsidies, with a particular focus on the elderly, and of the public employment service. The unemployment rate was 8,7 % in 2014 and is on the rise, particularly among young people and older workers. The moderate wage agreement of 2013 supports the restoration of cost and export competitiveness through lower growth in unit labour costs.

HEREBY RECOMMENDS that Finland take action in 2015 and 2016 to:

2. Adopt the agreed pension reform and gradually eliminate early exit pathways. Ensure effective design and implementation of the administrative reforms concerning municipal structure and social and healthcare services, with a view to increasing productivity and cost-effectiveness in the provision of public services, while ensuring their quality.
3. Pursue efforts to improve the employability of young people, older workers and the long-term unemployed, focusing particularly on developing job-relevant skills. Promote wage developments in line with productivity fully respecting the role of the social partners and in accordance with national practices.