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REVISED EUROPEAN SOCIAL CHARTER

6th National Report on the implementation of
the European Social Charter (revised)

submitted by

THE GOVERNMENT OF FINLAND

(Articles 7, 16 and 19
for the period 01/01/2005 – 31/12/2009
Articles 8, 17, 27 and 31
for the period 01/01/2003 – 31/12/2009)

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CYCLE 2011

**SIXTH PERIODIC REPORT ON THE IMPLEMENTATION OF
THE REVISED EUROPEAN SOCIAL CHARTER**

SUBMITTED BY THE GOVERNMENT OF FINLAND

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SIXTH PERIODIC REPORT ON THE IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL CHARTER

for the period from 1 January 2005 to 31 December 2009 as regards Articles 7, 16 and 19 and for the period from 1 January 2003 to 31 December 2009 as regards Articles 8, 17, 27 and 31, made by the Government of Finland in accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter, on the measures taken to give effect to Articles 7, 8, 16, 17, 19, 27 and 31 of the Revised European Social Charter (Finnish Treaty Series 78-80/2002), the instrument of acceptance of which was deposited on 21 June 2002. In addition, the report contains answers to the conclusions made by the European Committee of Social Rights in 2006 and 2007 on the basis of Finland's periodic reports.

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this official report in the English language have been communicated to the Central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Salaried Employees (STTK), the Confederation of Unions for Academic Professionals in Finland (AKAVA), the Confederation of Finnish Industries (EK) and the Federation of Finnish Enterprises (FFE).

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ARTICLE 7: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

Article 7 para. 1: Minimum age of admission to employment

Questions 1), 2) and 3)

In respect of this paragraph the Government refers to its tenth periodic report on the implementation of the European Social Charter and notes that the relevant legislation remained basically unchanged during the reporting period. However, because of the reform of regional administration, section 15 of the Young Workers' Act (998/1993), concerning special permits, has been amended so that special permits are now granted by Regional State Administrative Agencies instead of occupational safety and health offices in occupational safety and health districts.

The Annual Holidays Act (272/1973), which also applies to young employees, has been amended by act (162/ 2005) which was reported in Finland's second periodic report on the implementation of the Revised European Social Charter. The Act on Co-operation within Undertakings (725/1978) has been amended by the Act on Personnel Representation in the Administration of Undertakings (334/2007) which was reported in Finland's fifth periodic report on the implementation of the Revised European Social Charter.

The report is accompanied with Finland's report of 2010 on the implementation of ILO Convention no. 138 (Minimum Age Convention).

Answers to the Committee's conclusions

In Finland, the procedure regarding occupational safety and health inspections is based on the Act on the Supervision of Occupational Safety and Health and Cooperation on Occupational Safety and Health at Workplaces (44/2006, Supervision Act). The Supervision Act defines the procedure followed by occupational safety and health authorities when they control compliance with the regulations on health and safety at work.

According to the Supervision Act, these regulations include, for example, the Young Workers' Act (998/1993). The Young Workers' Act contains also provisions regarding workers under the age of 15, and compliance with these provisions is controlled by the occupational safety and health authorities. Occupational safety and health inspectors get information about young workers (under 18) from the records that employers are obliged to keep by law.

No statistics are available on illegal work carried out by children under 15.

Article 7 para. 2: Dangerous or unhealthy work

Questions 1), 2) and 3)

The Federation of Accident Insurance Institutions compiles statistics on occupational accidents and diseases. The latest statistics cover the years 1999–2008. The statistics include data on occupational accidents, occupational diseases, and suspected cases of occupational diseases regarding employees aged 0–14 and 15–19 years (see Table below).

	2000	2001	2002	2003	2004	2005	2006	2007
0-14	11	10	11	9	5	8	4	7
15-19	1600	163	1509	1067	1114	1306	1414	1694

In other respects regarding this paragraph the Government refers to its tenth periodic report on the implementation of the European Social Charter.

Article 7 para. 3: Safeguarding the full benefit of compulsory education

Questions 1), 2) and 3)

According to the Basic Education Act (628/1998), children permanently residing in Finland must attend compulsory schooling. Compulsory schooling starts in the year during which the child turns seven, and ends when the basic education syllabus has been completed or ten years after the beginning of the compulsory schooling. A child of compulsory school age must attend basic education or otherwise obtain knowledge corresponding to the basic education. The education provider is obliged to monitor the absences of a pupil in basic education and notify the pupil's parent or carer of unauthorised absence. The parent or carer of a pupil in compulsory education must see to it that the compulsory schooling is completed. If a child of compulsory school age does not participate in education provided under the Act, the local authority of the pupil's place of residence is obliged to supervise his or her progress.

According to the Young Workers' Act (998/1993) a person may be admitted to work if he has reached the age of 15 and is not liable to compulsory school attendance. Furthermore, a person may be admitted to work if he has reached the age of 14 years or will reach that age in the course of the calendar year and if the work in question consists of light work that is not hazardous to his health or development and does not hinder school attendance, as follows:

- 1) for at most half of the school holidays, and
- 2) temporarily during schoolwork or otherwise, for individual work performances of a short duration. (754/1998)

For a special reason, a person younger than laid down in paragraph 2 may be permitted, pursuant to section 15, to work temporarily as a performer or an assistant in artistic and cultural performances and other similar events. Before a person under 18 years of age is admitted to work, he must produce reliable evidence of his age and whether he is liable to compulsory school attendance.

Answers to the Committee's conclusions

Section 4(2) of the Young Workers' Act provides that the daily working hours of a person of school age must not exceed two hours on school days. In this respect the Committee's interpretation is right.

However, the Act does not prescribe that work is permitted on school days only after school. Such a provision could even be counterproductive to the protection of young workers. In Finland the length of school days and the timing of lessons vary largely. Some days, pupils may have only three or four lessons, depending on the subjects chosen by each pupil. In such cases the school day may start as late as 11 or even 12 o'clock and end as late as 16 o'clock in the afternoon, when it is already dark in Finland in winter. Therefore it has been considered appropriate to permit employees subject to compulsory education to work also before school lessons. In practice, however, such situations are rare.

The Government further notes that there are no long lunch hours during school days. Schools provide their pupils daily a cost-free meal, which is served during a lunch break that is slightly longer than the other breaks between lessons.

The Department for Occupational Safety and Health maintains that free paper and leaflet delivery is one of the most popular jobs for children under 15. However, it is not the only job available. Children under 15 work, for example, in theatre and opera productions and in television series.

According to the Young Workers' Act, the employment of children under 15 is subject to a special permit granted for the employer. The special permit is granted by one of the five Regional State Administrative Agencies. For example in 2010, the Regional State Administrative Agency for Southern Finland processed and granted 98 special permits regarding employment of children (under 14 years). The applications concerned around 180 children, and a permit was granted in each case. The applicants are usually large and well-known employers, and the productions are short in duration or there are several child performers working on alternate days.

Article 7 para. 4: Limited working hours of persons under 18 years of age

Questions 1), 2) and 3)

The Basic Education Decree (852/1998) provides that the school days in pre-primary education and at the first two grades of basic education must not exceed 5 lessons, and 7 lessons at the other grades and in voluntary additional basic education. If it is necessary for arranging appropriate teaching, a pupil's school day at grades 7-9 may temporarily exceed the maximum length prescribed by law.

No legal provisions on the length of working days exist for general upper secondary education and vocational upper secondary education and training. In principle, students should complete such education and training in 3 years, their average working week corresponding to 40 hours of work for attaining the objectives of the education and training.

Part of vocational upper secondary training is provided at workplaces, in practical tasks, on the basis of written agreements between the providers of training and the employers in question. The agreements concern such issues as the objective and essential content of the training at the workplace, and its length and timing.

The regular working hours of a person at least 15 years old must not exceed the regular working hours of workers at least 18 years old and engaged in the same type of activity. The total length of training time and working hours of an apprentice in apprenticeship training as defined in the Act on Apprenticeship Training (1605/1992) must not exceed eight hours a day or 40 hours a week (754/1998). During the school year, the daily working hours of a person of school age must not exceed two hours on school days and seven hours on other days. The total length of the school day and working hours together cannot, however, exceed eight hours, and the weekly working hours cannot exceed 12 hours (408/1996). The working hours of a person under 15 must not exceed seven hours a day and 35 hours a week during school holidays.

A young worker's working hours must not exceed nine hours a day or 48 hours a week.
The working hours of a person who has reached the age of 15 must fall between 6 a.m. and 10 p.m.

Young workers who have reached the age of 15 and are employed for training purposes in jobs approved and supervised by public authorities may, however, only be employed in a two-shift system until 12 midnight (24.00) (408/1996).

The working hours of persons under 15 years of age must fall between 8 a.m. and 8 p.m. For impelling reasons related to the organization of work, persons under 15 years can, however, be employed between 6 a.m. and 8 p.m. (408/1996).

A person of 15 years or older must be granted at least 12 consecutive hours of rest in every 24 hours. Where the daily working hours of young workers exceed four hours thirty minutes, they must be granted a rest period of at least thirty minutes in the course of their work, during which they must be free to leave the workplace. If, under the collective agreement observed at the workplace, an exception has been made to the provision on the periods of rest laid down in the Working Hours Act, the provision concerning periods of rest can also be applied to young workers (754/1998).

Young workers must be granted a weekly break of at least 38 consecutive hours (408/1996).

Article 7 para. 5: Fair remuneration for young workers and apprentices

Questions 1), 2) and 3)

A person aged 15 or more may, as a worker, sign a contract of employment personally or give notice on it or cancel it. For a person under 15, a guardian can sign the contract of employment or, with the consent of the guardian it can be signed by the young person personally. The wage paid to school pupils is usually determined by the collective agreement applicable in the field in question.

Apprenticeship training is based on a written fixed-term employment contract concluded between a student who has reached the age of 15 and an employer. Apprenticeship training is subject to the Employment Contracts Act (55/2001). Students in apprenticeship training are also subject to the legal provisions on working hours, annual leave, occupational safety and health, and other protection of workers.

During the period of theoretical instruction in apprenticeship training, students have the right to daily allowance as compensation for their loss of income, family allowance for dependent children under 18, and compensation for accommodation costs, if the theoretical instruction is arranged outside their place of residence or place of apprenticeship training. In addition, these students have a limited right to compensation for travel costs incurred because of the theoretical instruction.

Answers to the Committee's conclusions

In Finland minimum wages are determined according to industry-specific collective agreements. There is no statutory minimum wage. The determination of minimum wages is nevertheless based on law. The Employment Contracts Act provides that industry-specific collective agreements are the tools for determining the amounts of minimum wages. Therefore, it is justified to say that the foundations of the minimum wage system are laid down in legislation.

In Finland, the minimum terms of employment relationships are mainly determined by existing collective agreements. The Collective Agreements Act (436/1946) provides that an employer who on the basis of membership in an employer association or as a party to a collective agreement, is bound by the collective agreement in question, is obliged to comply with the agreement, which constitutes the minimum terms of employment relationships. This organised field covers approximately three-quarters of the Finnish labour market.

According to an explicit provision included in the Employment Contracts Act, a collective agreement drawn up pursuant to the Collective Agreements Act takes precedence at all times when one of the parties to the collective agreement is a national trade union. Thus, a collective agreement signed by a single employer with a national trade union always takes precedence over other contracts.

The obligation to comply with collective agreements pursuant to the Collective Agreements Act is complemented by the system of general applicability prescribed in the Employment Contracts Act. According to Chapter 2, section 7 of the Employment Contracts Act, the employer must observe at least the provisions of a national collective agreement (generally applicable collective agreement) on the terms and working conditions of the employment relationship that concern the work that the employee performs or the nearest comparable work. Therefore, if the employer is not bound by a so-called normally applicable collective agreement and if a generally applicable collective agreement has been confirmed in the industry in question, the minimum wage is determined according to the generally applicable collective agreement.

The Employment Contracts Act includes provisions on the precedence of the generally applicable collective agreement over the terms and conditions of an employment contract: if any part of the employment contract contradicts the provisions of the generally applicable collective agreement, this part of the contract is null and void and the provisions of the applicable collective agreement are observed instead. The Collective Agreements Act includes a corresponding provision on the precedence of the collective agreement over the terms and conditions of an employment contract.

A national collective agreement confirmed as generally applicable in the relevant industry has been selected as the tool for implementing and safeguarding the minimum terms of employment in the particular field that the agreement concerns. In practice, the system safeguards the same minimum levels of the terms of payment, the security of the employment relationship and the minimum level of employment protection in the field, regardless of whether the employee works for a unionised or non-unionised employer. On the other hand, the general applicability system ensures the same competitive position for all employers operating in the field. The system does not allow free competition over the terms of employment contracts.

The so-called system of normal applicability and the system of general applicability cover over 90% of the labour market.

In those fields where no national generally applicable collective agreement exists and where employers are not bound by a collective agreement in accordance with the Collective Agreements Act, the minimum wages of employees are determined according to employment contracts between the employers and the employees.

Chapter 2, section 10 of the Employment Contracts Act also includes a provision for cases where no agreement has been reached on wage in an employment contract and no collective agreement is applied to the employment relationship. In such cases, the employee must be paid a normal and reasonable wage. The normality and reasonableness is assessed by courts of justice in each individual case. In this case, the level set for the wage is evaluated according to the minimum wage level in the generally applicable collective agreement for a closely related field or the wage level applicable in the municipality. Even though the minimum wage level, in these cases, has not been fixed to a certain amount in euro, the wage level must correspond to the ordinary (generally applicable) wage level applied to the work in question or other closely related work.

In situations where no collective agreement is applicable to the work, the employer and the employee can use employment contracts for determining the amount payable for the work. If an unreasonably low wage has been agreed on in the employment contract, the term of the employment contract can be adjusted in accordance with Chapter 10, section 2 of the Employment Contracts Act, or it can be disregarded in respect of the remaining period of validity of the employment contract. The starting point for the assessment of the reasonableness is the above-mentioned normal wage level – either locally applicable or related to an associated collective agreement.

The provisions on minimum wages are further complemented by Chapter 47, section 3a of the Criminal Code (39/1889, as amended by Act 302/2004) which includes provisions on discrimination at work. Discrimination at work takes place when discrimination places an applicant or an employee at a significantly prejudicial position by exploiting the economic position or other disadvantage, dependency, incomprehension, lack of consideration or ignorance of the applicant or the employee. The provisions on discrimination at work may become applicable if the employee is inappropriately persuaded to agree on an unreasonably low wage.

In summary, the Finnish minimum wage system is comprised of different elements. The starting point is that the minimum wage level is agreed upon in industry-specific collective agreements between the labour market organisations. The system of general applicability safeguards the comprehensive application of industry-specific agreements. The wage payable in an employment relationship in fields where no collective agreement is applied may be agreed upon by using employment contracts. In these cases, the wage must also be reasonable. In practice, this means that a normal wage must be paid for the work. In these cases, the yardstick is either the generally applicable wage level in the field in question or the wage level applied for some similar job. In practice, a comparison can be made with a collective agreement applicable to an industry similar to the one in question. According to the Criminal Code, the payment of a wage clearly below the general wage level is a crime if the wage has been agreed on by taking advantage of the economic situation or other disadvantage of the employee.

In this connection, the Government notes that in an unofficial meeting that was arranged in 2003 between the Committee of Experts and Nordic experts in labour law it was concluded that the Nordic system based on collective agreements, which determine the minimum wages, complies with the requirements of the European Social Charter.

As reported earlier, students in apprenticeship training have an ordinary employment relationship with the employer and are paid the gross wage determined by the relevant collective agreement for their work described above. Wages are not determined directly by the students' age but by their tasks. Students in apprenticeship training may also be adults. Wages determined by collective agreements are increased by the students' experience and skills in the task, and sometimes also by the time served in the task. Employees with an apprentice's status, e.g. employees in apprenticeship training, have the lowest wages.

No statistics exist on net wages in Finland. Each employee's personal net wage is influenced by e.g. the employee's municipality of residence, because municipal taxes are determined by the tax unit of each municipality, which currently varies between 16 and 21 %. Moreover, the net wage is influenced by many tax deductions, e.g. housing debts, student deductions, and church taxes for church members etc. On the whole, however, the overall tax percentage of persons with a low income is lower than that of persons with a high income, because the state tax is progressive and persons with a low income are granted earned income allowance in municipal taxation.

If an employer does not pay a wage to an employee in apprenticeship training during the theoretical instruction, the employee is paid educational social benefits for that period, i.e. daily allowance, family allowance and compensation for travel and accommodation costs. The amount of the daily allowance is EUR 15 per day of instruction. The amount of the family allowance is EUR 17 per day of instruction, if the student has dependent children under 18. Compensation for travel costs is paid for the least expensive way of travelling, if the distance between the student's home or place of apprenticeship training and the place of theoretical instruction exceeds 10 kilometres. The compensation for overnight accommodation costs is EUR 8 per day.

It follows from the system described above that the wage of a young person in apprenticeship training can never, not even at the beginning of the training, be lower than one third of the wage of an adult employee performing corresponding work. Currently, collective agreements usually prescribe that wages of students in apprenticeship training are at least 80 % of the normal wage. Depending on agreement, the provisions vary so that the wage is increased to 100 % after one year or that it is during the second year 85 or 90 % of the normal wage, etc. The Government is not aware of collective agreements prescribing a wage for apprenticeship training that is lower than 67 % of the normal wage.

If a student in apprenticeship training continues to work for the same employer after the training, his or her wage is determined by the system described above. Because the employee is then no longer an apprentice under collective agreements, he or she must be paid a task-specific wage under collective agreements on the same grounds as other employees.

Article 7 para. 7: Annual holiday with pay of young persons under eighteen

In respect of this paragraph the Government refers to its tenth periodic report on the implementation of the European Social Charter.

Article 7 para. 8: Prohibition of night work for young persons under eighteen

In respect of this paragraph the Government refers to its tenth periodic report on the implementation of the European Social Charter.

Article 7 para. 10: Special protection against physical and moral dangers

Question 1)

According to the Occupational Safety and Health Act (738/2002), employers are required to take care of the safety and health of their employees. This obligation covers both physical and mental protection. Employers must take into account, for example, factors relating to the employee's personal attributes, such as age, gender, and professional skills.

The Occupational Safety and Health Inspectorates inspect the working conditions of persons under 16 or 18 years of age by virtue of the Occupational Safety and Health Act. It provides e.g. the following: “An employee performing night work shall, when necessary, be provided with opportunity to change tasks or move over to day work if this is possible in consideration of the circumstances and if changing tasks is necessary, in view of the employee’s personal capacities, in order to eliminate risks arising from the conditions of the workplace or the nature of the work to the employee’s health.” The Young Workers Act (998/1993) contains sections on admitting to work, regular working hours, overtime work and emergency work, maximum working hours, occupational safety and health, training and guidance etc.

The Government Decree (15.6.2006/475) lays down that conditions for young persons are hazardous if the work involves too much strain or responsibility, if the young person works alone and in risk of hazard or violence, if she/he must care psychiatric patients or handle or transport corpses, if she/he must work in a butchery or in diving, or be exposed to poisoning material or harmful radiation. This work is possible for young persons during education, at schools, but only under the leadership and control of professionals.

Protection from sexual exploitation

Chapter 20 of the Criminal Code concerns sex offences and Chapter 17 offences against public order. The new legislation on sex offences came into force in 2004.

According to Chapter 17, section 22 of the Criminal Code, a person who has sexual intercourse with his/her child or other descendant, his/her parent or other ascendant, or his/her sibling is sentenced for incest to a fine or to imprisonment for at most two years. A person who has had sexual intercourse with his/her parent or other ascendant while under 18 years of age and a person who has been coerced or unlawfully enticed into the sexual intercourse is be punished for incest.

According to Chapter 20, section 6 of the Criminal Code:

“A person who has sexual intercourse with a person younger than sixteen years of age or by touching or otherwise performing a sexual act on a person younger than sixteen years of age, the said act being conducive to impairing his/her development, or gets him/her to perform such an act, shall be sentenced for sexual abuse of a child to imprisonment for at most four years.

However, an act referred to in paragraph (1) shall not be deemed sexual abuse of a child if there is no great difference in the ages or the mental and physical maturity of the persons involved.

A person shall also be punished for sexual abuse of a child if he/she commits an act referred to in paragraph (1) with a person over sixteen but younger than eighteen years of age, if the offender is the parent of the child or, if living in the same household with the child, the offender is in a position comparable to that of a parent.

Attempt is punishable.”

According to Chapter 20, section 7 of the Criminal Code:

“If, in the sexual abuse of a child,

the victim is a child whose age or stage of development are such that the offence is conducive to causing special injury to him/her;

the offence is committed in an especially humiliating manner; or

the offence is conducive to causing special injury to the child owing to the special trust he/she has put in the offender or the special dependence of the child on the offender, and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated sexual abuse of a child to imprisonment for at least one and at most ten years.

An attempt is punishable.”

In 2010 a new proposal was made to amend the legislation in order to protect children against sexual exploitation and sexual abuse. In May 2010 a working group set up by the Ministry of Justice published, in the form of a government bill, a report on how to protect children against sexual exploitation and abuse. The report examined the Finnish legislation and the necessary amendments to it due to the national ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Ministry proposed that the minimum punishment for sexual abuse should be raised to four months. Sexual intercourse with a child under 16 years of age should, as a rule, be classified as aggravated sexual abuse of a child. Similarly, certain other forms of abuse would be included as essential elements of an aggravated offence.

The government bill (282/2010) was submitted to Parliament on 3 December 2010.

Question 2)

In 2005 the Government approved a National Plan of Action against Trafficking in Human Beings. A steering group was established to assess the plan of action and also to prepare a more detailed plan of action.

The Government adopted a revised National Plan of Action against Trafficking in Human Beings on 25 June 2008. It is based on the assessment made by the steering group mentioned above. Like its predecessor, the revised plan of action is built on a human-rights-based and victim-oriented approach and aims to take the child and gender aspects more closely into account in the implementation of the planned measures.

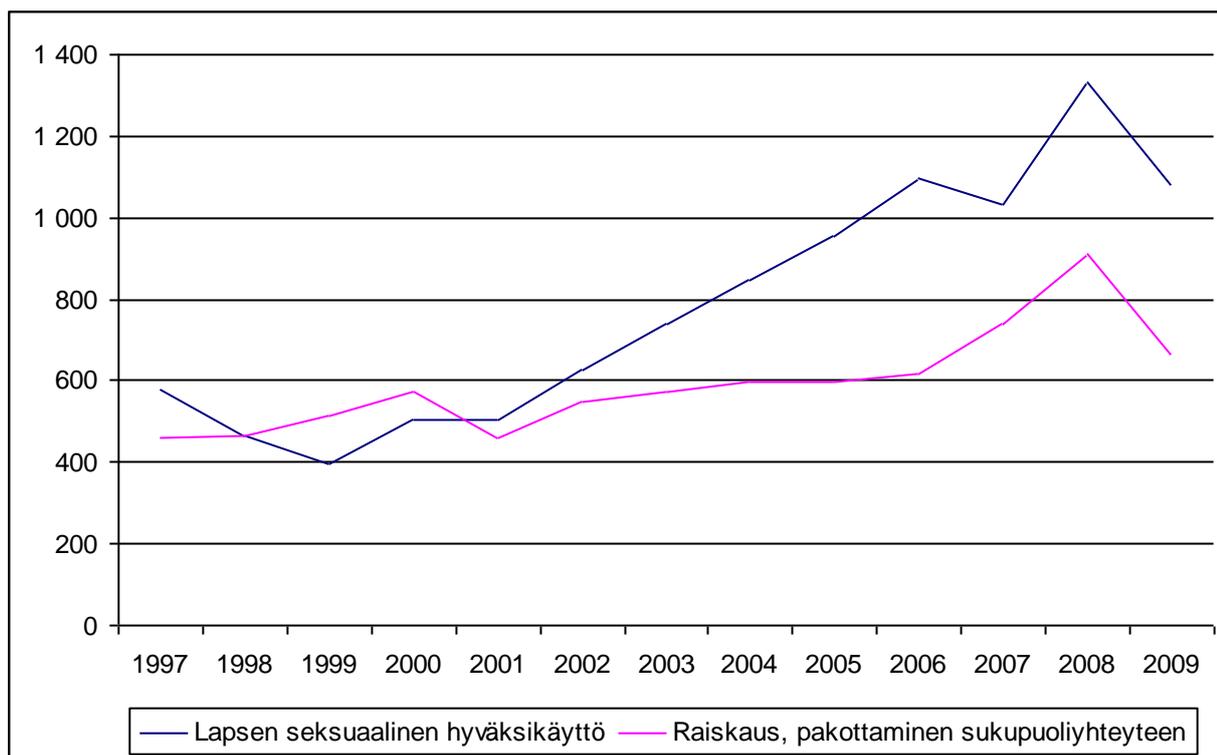
A reshaped steering group set up by the Ministry of the Interior for monitoring the implementation of the revised Plan of Action will draw up recommendations for action to further develop the legislation and measures against human trafficking by March 2011. Also the Ombudsman for Minorities, acting as the National Rapporteur against trafficking in human beings since 2009, gave her first report on human trafficking in June 2010.

So far, the enlargement of the European Union has not increased the volume of human smuggling and illegal entry into Finland, or transit traffic through Finland to other EU member states.

The authorities aim at enhancing their cooperation to prevent and detect human trafficking.

Operative cooperation between the police, the Border Guard, and customs, visa and immigration authorities against human trafficking will be improved and extended to involve stakeholders. Cooperation between Finland's diplomatic and consular missions and liaison officers abroad in preventing human trafficking will be extended to involve other missions and also airlines. Cooperation among the police, Customs and the Border Guard (known by its Finnish acronym as PTR-cooperation) will be pursued between Finland and the Baltic states, particularly Estonia, in order to exchange information and to coordinate operations.

Question 3)



Child sexual offences known to police 2000-2009 (blue line: child sexual abuse, red line: rape, coercion into sexual intercourse)

Answers to the Committee's conclusions

Information concerning incidences of the sexual exploitation on children in Finland

The number of sex offences has increased significantly in Finland over the last few years. The largest growth has been recorded in crimes against children. In 2000, approximately 500 child sexual abuse offences were reported to the police in the entire country, whereas the corresponding figure in the previous year was 1,079. Compared to the year 2008 (1,333 cases) the cases have decreased significantly. A major explanation to this trend is the effective implementation of the Government's Resolution concerning the Internal Security Programme through three specific measures, e.g. a children's house model. The model is beginning to ensure the availability of special expertise for dealing with children as regards criminal investigation, child-oriented judicial processes, care and support.

There are no known cases concerning children trafficked for the purposes of economic exploitation.

In other respects regarding this Article the Government refers to its previous reports.

ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

Article 8 para. 2: Illegality of dismissal during maternity leave

Questions 1), 2) and 3)

The provisions of the Employment Contracts Act and the Seamen's Act on adoptive parents' right to child-care leave, non-custodial parents' temporary right to child-care leave and the right of parents of children with disabilities or long-term illnesses to partial child-care leave have been amended by Acts 533/2006 and 534/2006.

According to the amended Acts, employees are entitled to take child-care leave in order to care for a child living permanently in their household until the child reaches the age of three years. The entitlement to child-care leave of a parent of an adopted child has been extended to continue after the child's reaching the age of three until a period of two years has elapsed from the adoption. However, the right to child-care leave expires at the latest when the child starts school. The right to temporary child-care leave has been extended to non-custodial parents, too. 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 been extended until the time when the child in need of special care and treatment reaches the age of 18.

The new Acts also amended the time limits for notifying of maternity, paternity and parental leave and child-care leave so as to better meet the needs of contemporary working life.

The new Acts took effect on 1 August 2006, with the exception of those provisions on the notification of maternity, paternity and parental leave and child-care leave which took effect already on 1 July 2006.

Answers to the Committee's conclusions

For cases of unlawful discriminatory dismissal the Employment Contracts Act provides for compensation, the minimum amount of which is 3 months' pay and the maximum amount 24 months' pay. The compensation payable to a shop steward is 30 months' pay. In addition, the victim may seek redress under other legislation, such as the Non-discrimination Act (21/2004), the Act on Equality between Women and Men (609/1986) or the Tort Liability Act (412/1974), provided that the special conditions laid down in each act are met.

Under the Non-Discrimination Act the victim is entitled to a maximum compensation of 15,000 € for suffering caused by the discriminatory action. However, this sum may be exceeded for special reasons, as stated in Working Document 2009 of the Governmental Committee.

The amended Act on Equality between Women and Men provides for unlimited compensation in cases of discrimination based on gender, except in cases of recruitment, where the maximum amount is 3,000 €.

Under the Tort Liability Act the victim may be compensated for material losses caused by the employer's negligence or fault, as well as for suffering if the employer has committed a crime. It is to be noted that an unlawful dismissal may fulfil the essential elements of work discrimination, which is criminalized in the Criminal Code.

According to the Committee (Working Document 2009 of the Governmental Committee, page 37 in the English version), Article 8, para. 2 requires that any compensation awarded to the victim of discrimination must be effective and proportionate and act as a deterrent in order to be dissuasive to the employer. It should also be commensurate with the losses and damages. However, the Committee does not give more concrete guidelines on the amount of compensation, nor does it establish for how long the employer is responsible for the harmful consequences – whether the period of responsibility is 1, 2 or 5 years.

The Finnish legislation mentioned above does not prescribe a ceiling to compensation. It only defines the maximum time within which the employer is responsible for the damages caused by its unjustified act. The legislation provides a system where the victim has several options for seeking redress for unjustified dismissal, because the act usually fulfils the essential elements of at least one of the acts mentioned above. The options do not exclude each other. The possibility of having to pay an employee a sum of 24 months' pay and possibly redress based on the Non-Discrimination Act (max. 15 000 €, which, however, may be exceeded for special reasons) or the Act on Equality between Women and Men (unlimited compensation) or all possible acts probably discourages employers from dismissing an employee without a valid reason. As mentioned above, the Tort Liability Act (compensation for material losses and suffering) covers cases which fulfil the essential elements of work discrimination defined in the Criminal Code.

This also applies to the Committee's conclusion concerning Article 27, para.3. According to the conclusion, courts and competent bodies must be able to order reinstatement and/or a level of compensation that is sufficient both to deter the employer and proportionate to the damage suffered by the victim and not subject to ceiling. (See also the Governmental Committee's Working Document 2009, page 25 in the English version). Although the legislation does not provide the right to reinstatement, the employer and the employee may always agree that the dismissal is null and void. Naturally a victim who considers that his or her right has been violated may also take the case before a court.

In other respects regarding this paragraph the Government refers to its previous reports.

Article 8 para. 4: Night work of pregnant women, women who have recently given birth and women nursing their infants

In respect of this paragraph the Government refers to its second periodic report on the implementation of the Revised European Social Charter.

ARTICLE 16: THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

Question 1)

The Social Assistance Act (1412/1997) was amended on 1 September 2007 to the effect that a certain percentage of the client's housing costs is no longer included in the basic amount of social assistance. Housing costs are now part of supplementary social assistance. In a trial lasting from 2002 to the end of 2010, part of the earnings of households receiving social assistance were not taken into account when the social assistance was granted.

The Criminal Code (39/1889) was amended on 1 January 2011 (1082/2010). The provision in Chapter 21, section 16 of the Code concerning the right to bring charges in case of petty assault was amended so that petty assault committed against a minor and his or her close person as well as petty assault committed against a person because of his or her work duties are now subject to public prosecution.

Question 2)

The entry into force of the non-discrimination legislation has increased public awareness of discrimination and equality issues. Authorities have paid increasing attention to equal treatment in their activities and services, and prepared equality plans to promote non-discrimination. The protection against discrimination has improved especially in respect of discrimination based on gender and ethnic origin, because a specific ombudsman monitors these grounds of discrimination. However, the number of discrimination judgments passed by virtue of the Non-discrimination Act is still rather low, for e.g. most work discrimination cases are processed by virtue of other legislation.

The Ministry of Social Affairs and Health has carried out an action programme (for years 2004-2007) with the main focus on preventing intimate partner violence and domestic violence. The objectives of the programme were: to improve the support services network for victims and perpetrators of violence; to increase assistance for children and young people experiencing violence and to develop professional aid. A basis for multi-agency approach for sub-regional service chains for victims and perpetrators of violence as well as for children and young people exposed to violence was developed in co-operation with regional authorities.

The Ministry of the Interior is responsible for coordinating an extensive Internal Security Programme (2008-2011), which is a joint programme of various ministries and also includes measures to prevent domestic and family violence. This programme is steered by the ministerial group for internal security. For 2006-2008, the National Council for Crime Prevention under the Ministry of Justice drew up an extensive cross-sectoral National Programme for Reducing Violence, which also aimed to reduce violence against women. The police administration has prepared an action programme for reducing violence.

Resolution on guidelines to promote Finland's policy on Roma

On 9 December 2010 the Government adopted a resolution on guidelines to promote Finland's National Policy on Roma. The resolution is a strong message from the Government, signalling that it considers the policy on Roma important and is committed to the implementing the National Policy on Roma.

The Government will initiate intensified measures to enhance the inclusion of the Roma population at local level and to study their housing conditions. The Government also wants to improve the status of the Roma language and to increase the opportunities of Roma children and adolescents for social participation and hobbies. Furthermore, an international strategy will be drawn up to influence policies on Roma.

According to the resolution, the Government Ministries will implement the measures assigned to them in the National Policy on Roma within the framework of the appropriations available to them. The implementation of the measures will be monitored. The Ministry of Social Affairs and Health will set up a monitoring group for the National Policy on Roma to evaluate the implementation of this cross-sectoral policy. The first monitoring report will be submitted in 2013.

The resolution is based on Finland's first National Policy on Roma, which was published in December 2009. The objective is to promote the inclusion and equality of the Roma in various spheres of life. The National Policy on Roma comprises a total of 10 policy guidelines and 147 measures, which several administrative sectors are responsible for implementing.

The goal is that Finland will be a trailblazer in promoting the equal treatment and inclusion of the Roma in Europe by 2017.

Action plan to reduce violence against women

When adopting the Government Action Plan for Gender Equality 2008–2011 the Government decided to draw up a multi-sectoral action plan aiming to reduce violence against women. The Government considered such an instrument important since Finland has not had an action plan focusing on this theme since the project to prevent violence against women and prostitution was carried out in 1998–2002. The Ministerial Working Group on Internal Security adopted the action plan in June 2010.

The aim of the action plan is to tackle violence proactively by influencing attitudes and models of behaviour, to prevent re-victimisation violence, to improve the position of victims of sexual violence and the crisis assistance and support provided for them, to develop methods to identify and intervene in violence experienced by vulnerable persons, and to increase the knowledge and competence of authorities needed in the prevention of violence against women and in helping victims of violence. The action plan approaches the reduction of violence against women from a comprehensive perspective, by means of three principles. The comprehensive approach means that the action plan covers extensive measures to prevent violence, to protect the victims and to support them, as well as to bring the perpetrators to justice for their acts. The proposed measures total 66, and some of them can be carried out without separate funding. The starting point for the action plan is an evaluation of the present state of violence against women and an analysis of the fringe areas of the previous action plans. The international treaties and commitments binding on Finland have been taken into account in preparing the action plan.

Question 3)

The numbers of subsidised objects and the average amounts of received grants per year

Year	Objects	Average grant €
2003	3475	3413
2004	3428	3443
2005	3025	3575
2006	2878	3507
2007	1762	3692
2008	1895	4070
2009	1703	3728

Under the Services and Assistance for the Disabled Act 380/1987), persons with disabilities may obtain grants for converting their dwellings and acquiring special equipment and devices for the dwellings.

The six largest cities in Finland, i.e. Helsinki, Espoo, Vantaa, Turku, Tampere and Oulu, have compared their services and support measures based on the Services and Assistance for the Disabled Act since 2005. In 2009, 1.5–3.4% of the populations in these cities benefited from services and support measures under the Act. In 2009 a total of 34,586 persons in these cities benefited from services and economic support measures under the Act. The number of beneficiaries had increased by more than 200 clients, i.e. by slightly less than one percentage unit from the previous year. Most clients, that is 69 %, used transport services.

Clients benefiting from services and support measures under the Services and Assistance for the Disabled Act in the six largest cities in 2005-2009

	2005	2008	2009
Total number of clients	31 920	34 389	34 586
Transport services	27 174	25 000	24 155
Interpreter services	1 350	1 505	1 556
Service housing	585	698	789
Personal assistance	1 238	1 604	2 083
Conversion of dwelling	1 549	1 502	1 644
Equipment and devices	1 153	1 438	1 510
Day activities for persons with severe disabilities	365	420	

In 2009, a sum of EUR 121 million was used for services and support measures under the Services and Assistance for the Disabled Act. In 2007, the corresponding sum was EUR 96.2 million.

Net costs of services and support measures under the Services and Assistance for the Disabled Act in the six largest cities in 2005-2009 (value in 2009)

	2005	2008	2009
Total number of clients	97 482 027	112 401 912	120 976 131
Transport services	40 589 581	45 579 303	46 347 292
Interpreter services	4 205 855	6 902 596	7 841 336
Service housing	21 805 143	30 022 500	34 349 087
Personal assistance	17 934 403	21 336 883	24 385 572
Conversion of dwelling	2 881 949	3 128 796	2 989 945
Equipment and devices	907 858	1 322 445	1 437 843
Day activities for persons with severe disabilities	1 449 000	1 881 785	
Other costs	4 788 239	2 660 389	1 743 273

For instance in 2001, on the basis of the Services and Assistance for the Disabled Act, compensation was paid to slightly fewer than 5,000 persons for costs incurred in the conversion of dwellings and to more than 4,000 persons for costs incurred in acquiring special equipment or devices for dwellings. Among all clients receiving services under the Act, the percentage of beneficiaries of compensation for conversion of dwellings was more than 5%. The costs for conversion of dwellings and for equipment and devices for dwellings amounted to approx. EUR 8.9 million, which accounted for 5.4% of the total costs of services under the Act. The costs for conversion of dwellings per client were more than EUR 2,000 and the costs for equipment and devices for dwellings were EUR 800. Of the clients converting their dwellings, 55% were 65 years old or older.

In 2006 social assistance was paid to 227,000 households and in 2009 to 244,000 households. In 2009 supplementary social assistance was paid to 98,435 households and preventive social assistance to 27,890 households. A handbook for granting social assistance was issued in 2001 (revised in 2007; Social Assistance. Handbook for the Application of the Act on Social Assistance. 6th revised edition, Helsinki).

The table below describes the number of households receiving social assistance in 2006–2009. Column 4 gives the number of households receiving social assistance during each year. Some of the households receive supplementary and preventive social assistance in addition to the basic amount of social assistance while other households receive only one or two of the types of social assistance.

Year	Households receiving basic amount of social assistance	Households receiving supplementary social assistance	Households receiving other forms of social assistance	Households receiving social assistance, total*
2006	235 497	97 032	23 733	226 617
2007	224 728	92 108	25 378	217 842
2008	221 488	94 091	26 616	215 570
2009	244 123	98 435	27 890	236 600

* One and the same household may have been receiving all the forms of social assistance

The global financial crisis of 2009 has had an impact on Finland as well, and for example unemployment has taken an upward turn, which is manifested as a growing number of households receiving social assistance.

According to a study carried out by the Statistics of Finland the poverty of children and families with children has more than doubled in the past ten years. The group of the poorest persons includes approximately 14% of all the families with children. The amounts of child benefits and parental benefits have in fact declined. Families with children are the only group where the number of the poor has grown. Well-being has increased for most adults but poverty has mostly increased in families with children under 3 years of age.

In 2008 nearly a half (ca. 43%) of the households receiving social assistance were still mostly single-male households, while single-female households accounted for approx. 28%, single-parent households for ca. 13%, and two-parent households for 9% of all the households receiving social assistance. Households with two adults and no children accounted for the remaining 7%.

Single-parent households ran the greatest risk of poverty in 2008, as 23% of all single-parent households received social assistance at least once during the year. Single-male households had the second highest risk of poverty, as approx. 12% of them received social assistance at least once. The corresponding percentages for two-parent households and single-female households were 4 and 8. Of all households, 7.4% received social assistance at least during one month in 2008. Although the risk of poverty for two-parent households is in general relatively low, it grows higher when there is only one parent with more than one child under school age.

Statistics on violence against women

According to a recent research (The National Research Institute of Legal Policy, Domestic violence in Finland, 2009):

- A situation where a woman is killed by her partner is the second most common type of homicide in Finland. One-fifth of all homicides fall into this category. 4% of cases involve women killing their spouses, 6% parents killing a child, and 6% occur between other family members. In all, crimes related to domestic or intimate partner violence account for one-third of all homicides committed annually in Finland.
- According to statistics on causes of death, the number of women and men killed by their spouse has remained largely static since 2000. Similarly, the number of minors killed by a parent has remained stable.
- In an EU-wide comparison, the risk of Finnish women being killed is the 11th highest. Men face the 7th highest risk.
- Of all violence known to the police, approximately 12% is domestic violence (9% against women and 3% against men).
- According to statistics from 2007, 71% of petty or ordinary family assaults known to the police were committed against women older than 15 years, 15% against men older than 15 and 14% against children younger than 15. In aggravated assaults and attempted homicides, 50% of the victims were women 15 years of age or older, 42% were men 15 years of age or older and 8% were children below the age of 15.

- According to the 2006 National Victim Survey, 0.5% of women and 0.2% of men reported being victims of physical abuse committed by a (co-habiting) spouse or permanent partner during the previous 12 months.
- According to the National Victim Survey, domestic violence against women has decreased slightly over the past 25 years; against men it has remained relatively static. Surveys of violence against women show a declining trend in spousal violence between 1997 and 2005.
- Domestic violence cases known to the police have increased since 2000. This is largely due to an increased tendency to report crimes and to the attention paid by the police to the phenomenon.

Answers to the Committee's conclusions

Housing for families

The housing of persons with a low income is supported by housing allowance arrangements based on means tests. All population groups and forms of housing are eligible for housing allowance. More than half of the general housing allowance is paid to families with children. Of this sum, two thirds are paid to single parents. Moreover, housing is supported through deductibility of interest expenses in taxation. In practice, also this support, which is not means tested, is largely granted to families with children.

The State grants interest subsidies also for the construction of dwellings for families. In the construction of rental dwellings subsidised by the State, dwellings for families (3 or more rooms and kitchen) continue to account for a high percentage: in 2007 more than one third and in 2008 nearly half of all constructed dwellings.

In recent years, the interest rates for housing loans have been rather low and thus encouraged purchases of dwellings and especially large dwellings for families. People have increasingly moved from rental to owner-occupied dwellings. Of all dwellings completed in 2008–2009, the percentage of those for families (3 or more rooms and kitchen) was still large, approx. 65 % of all completed dwellings.

Improvements of the housing conditions of special groups may be subsidised by State funds, as prescribed by the act on grants for repairing dwellings or improving their energy economy and health standard (1184/2005, amended by act 1059/2008). Under this act, elderly persons and persons with disabilities have the right to repair grants for their dwellings. Such grants may be applied for within a nationally fixed period of application, which usually ends in early April. The appropriations for the grants are allocated to municipalities in May-June.

An applicant is eligible for a repair grant if his or her income does not exceed the limit set in the legislation and he or she does not have sufficient own funds for paying the necessary repairs without help from society. In general, every spring, municipalities have been granted funds for 80–85% of the need they have reported. In recent years, the funding situation of municipalities has been checked in autumn, and on that occasion it has been possible to allocate so much extra appropriations to municipalities that all applicants eligible for grants have obtained them.

The results achieved regarding ethnic discrimination, particularly against Roma

In respect of the Roma, as all other groups, it is difficult to assess the real decline or growth of the amount of discrimination, for related research and other monitoring of discrimination has mainly been developed only after the Non-Discrimination Act took effect. The Ombudsman for Minorities reports that Roma people are the largest single client group in discrimination issues. Roma have frequently contacted the Ombudsman especially regarding housing.

The Ministry of Employment and the Economy has commissioned a study on the employment of Roma and the obstacles to it. The study indicates that employers' attitudes have a significant impact on the employment opportunities of Roma, in addition to their education and training and work experience. The Ministry of Social Affairs and Health has studied the experience of elderly Roma people of services for the elderly and access to these services. Moreover, transfers of Roma pupils to special classes and their impacts from the equality standpoint have been examined. The Ombudsman for Children has conducted a separate study on the situation of Roma children and young people. In addition, funding has been granted for both local and nation-wide anti-discrimination campaigns and events, which Roma themselves have organised and planned jointly with representatives of other minorities.

Continuous attention has been paid to applications of Roma people for state-subsidized housing, features of Roma culture, and equality aspects in the training and information directed at municipal housing authorities and owners of non-profit (state subsidized) housing. The Ministry of the Environment, the Housing Finance and Development Centre (the former National Housing Fund) and the Advisory Board on Romani Affairs have encouraged problem solving at local level in municipalities. The number of complaints made to the Housing Finance and Development Centre by Roma people has declined considerably. The Centre receives annually only few complaints compared to the early 2000s.

The Non-Discrimination Act has improved the opportunities to tackle with possible discrimination. The scope of the prohibition of discrimination under the Act has been extended to cover also relationships between private citizens in cases related to publicly available dwellings.

Child care

Every child under school age has the right to municipal day care once the parental allowance period of the mother or the father ends, regardless of the income level of the parents or whether the parents are employed. In Finland, day care combines good quality care and early education. Known as the 'educare' model, this approach always incorporates educational features in care and, correspondingly, elements of care in teaching. This system emerged from the need to provide full-day care when both parents are at work, and it covers all children from 0 to 6 years of age.

The child's municipality of residence must offer day care in the child's mother tongue if it is one of the official languages of Finland, i.e. Finnish, Swedish or Sámi. Day care personnel also support development of the language and culture of Roma and immigrant children.

Municipalities arrange day care at day care centres and in supervised family day care at a child minder's home or in the form of group family day care. Many municipalities also arrange supervised play activity open to all at playgrounds and so-called open day care centres.

The staff-child ratio in day care is regulated by legislation, and so are the qualifications required of the staff. Most of the children in day care are in full-day care, but part-time care is also provided. Municipal authorities also operate 24-hour day care for children of parents at shift work. Children in day care are given adequate and healthy meals during the day.

The client fees are also regulated by law. Municipalities charge a fee for day care on a percentage basis, according to the size and income of the family. In 2010 this fee amounted to a maximum of EUR 233 per month for the first child, a maximum of EUR 210 per month for the second child and a maximum of EUR 46.6 per month for each subsequent child. In August 2010 the maximum fee rose to EUR 254. The lowest-income families are wholly exempt from client fees. Client fees cover approx. 14 per cent of the overall costs of day care.

Families are entitled to free pre-school education for one year before their children start school. The teaching is based on local curricula, which are derived from the national curriculum for pre-primary education. Municipal authorities are required by law to organize 700 hours of pre-primary education per child per year. In practice, this means three to four hours per day. Although attending pre-primary education is voluntary, some 97% of all six-year-old children attend pre-school, and some 67% also need day care (2008).

Economic protection of the family

Parents are eligible for a variety of benefits from the Social Insurance Institution of Finland (Kela) as their children are born and grow up. Even before the child is born expecting mothers are entitled to a maternity grant, which can be provided either in the form of a cash benefit or a maternity package.

Parents are entitled to various parental leaves, during which mothers are paid a maternity allowance and fathers a paternity allowance. Parental allowance is payable for either the mother or the father, depending on which of them looks after the child.

Kela provides a monthly child benefit for each child under 17 years of age. Higher rates of child benefit apply for single parents.

To support the care of small children who are not in municipal day care, Kela provides child home care and private day care allowances. Child home care allowance is paid until the child turns 3 years, and private day care allowance until the child starts school.

Adoptive parents are eligible for nearly all of the same benefits as biological parents.

In 2009 the minimum amount of sickness benefit, maternity/ paternity allowance, parental allowance, special care allowance and rehabilitation allowance was raised from EUR 15.20 to EUR 22.04 per day. The amounts will be raised again as of 1 March 2011. These benefits, as well as child benefit, child home care allowance and private day care allowance will be tied to the national pensions index, which follows the cost-of-living index.

The payment of maternity allowance starts at the latest 30 weekdays before the expected date of delivery and ends when the allowance has been paid for 105 weekdays. Parental allowance is paid for a maximum of 158 weekdays immediately after the maternity allowance. If, in the case of premature childbirth, the period of maternity allowance has started earlier than 30 weekdays before the expected date of delivery, the period of parental allowance is extended by as many days as the maternity allowance was brought forward. If more than one child is born at the same time, the period of parental allowance is lengthened by 60 days for the second child, 120 weekdays for the third etc.

Sickness insurance covers also examination and care fees from private sector health care services and medicine costs in connection with pregnancy and birth.

The child's father has the right to paternity allowance if he participates in caring for the child and is not working at the same time. He also has to live with the child's mother in the same household. During the period of maternity and parental allowances, paternity allowance is paid for a maximum of 18 weekdays. In addition, if the father is paid paternity allowance for the last 12 weekdays of that period, he is also entitled to 24 paternity allowance days which have to be taken in one block of time either immediately when the parental allowance period ends or later, but at the latest when the child is approx. one year and four months old. The parents can decide between themselves how they use the parental allowance period (158 weekdays). Parental allowance can be paid in a maximum of two stages to both parents.

In other respects regarding this Article the Government refers to its previous reports.

ARTICLE 17: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

Article 17 para. 1: Assistance, education and training

Question 1)

According to the Basic Education Act (628/1998), each municipality is obliged to arrange basic education for children of compulsory school age residing in its area, and also pre-primary education during the year preceding compulsory schooling. All children residing permanently in Finland must attend compulsory schooling. Compulsory schooling starts in the year during which the child turns seven. Compulsory schooling ends when the basic education syllabus has been completed, or ten years after the beginning of compulsory schooling.

According to the legislation on basic education, general upper secondary education and vocational upper secondary education and training, pupils and students have the right to a safe learning environment. The education provider is obliged to draw up a plan, in connection with curriculum design, for safeguarding pupils and students against violence, bullying and harassment, to execute the plan and to supervise adherence to it and its implementation. The National Board of Education issues regulations in the core curriculum concerning the formulation of the plan.

The education provider must adopt school rules or issue other regulations to be applied in the educational institution with a view to promoting internal order, unhindered learning and the safety and satisfaction of the educational community.

Pupils in basic education are entitled to cost-free pupil welfare necessary for their attendance in education. Pupil welfare is action to promote and maintain good learning, good mental and physical health and social well-being, and conditions conducive to these. Pupil welfare encompasses pupil welfare determined in the curriculum adopted by the education provider, and pupil welfare services, which comprise school health care referred to in the Primary Health Care Act (66/1972) and support to education and parenting referred to in the Child Welfare Act (417/2007). Arranging school health care is the responsibility of municipal health care authorities. The Child Welfare Act provides that municipalities must arrange psychologists' and counsellors' services for providing the necessary support and guidance to pupils in pre-primary education, basic education, voluntary additional basic education and instruction preparing for basic education under the Basic Education Act. The purpose of psychologists' and counsellors' services is to support and guide pupils in their participation in education, and to prevent and correct social and psychological problems related to their development. Pupil welfare services must also promote cooperation between school and home.

The General Upper Secondary Schools Act (629/1998) and the Vocational Education and Training Act (630/1998) contain provisions on student welfare services. According to the provisions the education provider must ensure that students in need of special support are informed about the available social welfare and health care services and guided to consult them.

Municipalities are also obliged to arrange health care services for post-basic education students in educational institutions located in their areas, irrespective of students' municipality of residence. Under the Primary Health Care Act (626/2007), health care services for students comprise promoting a healthy and safe learning environment, promoting the health and learning ability of students, providing proactive and responsive health care services, including mental health services and dental care, and contributing to the well-being of the educational community.

Since 2007, educational authorities have been developing the service structure and quality of pupil welfare in pre-primary and basic education, and the activity has also been extended to general upper secondary education in more than 200 municipalities. The activity has produced regional or municipal strategies, process descriptions, crossing of administrative levels and borders, new cooperation structures, manuals of pupil welfare, instructions, service maps and paths, and pupil welfare plans. Pursuant to proposals for measures made by the pupil and student welfare working group of 2009, a government proposal is being drafted for a single uniform act on pupil and student welfare. In principle, the legislation under preparation is coordinating and supplementary legislation, which does not change the financing shares of the different administrative sectors or impose new obligations. The government proposal is being drafted by the Ministry of Education and Culture in close cooperation with the Ministry of Social Affairs and Health and the Association of Finnish Local and Regional Authorities.

The Act on Equality between Women and Men (232/2005) obligates educational institutions to draw up equality plans, where particular attention must be paid to the attainment of gender equality in student selections and when organizing teaching and evaluating study performance, and to measures to ensure the prevention and elimination of sexual harassment and gender-based harassment. The obligation does not concern providers of education and schools subject to the Basic Education Act.

Question 2)

Measures taken to promote the early prevention of violence and training of attitudes include the KiVa Koulu programme, funded by the Ministry of Education and Culture. KiVa Koulu consists of a series of measures aimed to reduce and prevent bullying at school. The programme was introduced gradually in Finnish- and Swedish-speaking comprehensive schools all over the country in school years 2009–2010. In 2006–2009, more than 30,000 children and young persons in the whole country participated in developing the programme. In autumn 2009, approx. 300,000 children attended schools implementing the KiVa Koulu programme, which was the first anti-bullying research and development project of this magnitude ever implemented in the whole world. By international standards, it is also exceptional that the programme was introduced at national level free of charge. The measures under the programme are targeted at individual pupils, school classes and schools, and parents. Studies show that the programme has achieved its objective of reducing bullying at all year-classes of basic education.

As the Committee has mentioned, different measures are being taken to support school attendance of Roma children. The National Board of Education offers a particular form of support to municipalities which want to improve the attendance and success of Roma children in basic education. Supported measures have produced good results. The above-mentioned anti-bullying campaign, KiVa Koulu, has also paid particular attention to Roma pupils' experience of discrimination at school.

The national anti-discrimination campaign ("*YES – Equality is priority*"), included a qualitative study on the equality effects of transfers of pupils to special classes. The groups studied consisted of young Roma, young immigrants or young people with disabilities who had studied in special classes. One of the most important findings was that the decisions on transfers to special classes had actually been made by parents and authorities, and the children and young persons themselves had had a minor role in the decision-making. Many of them did not finally have any idea of the reason for the transfer. The participants in the study considered that their parents did not have the necessary information about the effects of the transfers, and that the parents' opinions were largely based on authorities' views. The transfers to special classes had influenced the pupils' further studies and their whole future to a significant extent. The instruction in special classes often did not provide the basic knowledge necessary for further studies, and this restricted pupils' options in choosing a career.

The results of the study have been discussed at related seminars and a publishing meeting. They have been distributed in printed form to educational institutions, and the availability of an electronic version (e.g. at address www.equality.fi) has been mentioned on different occasions. Discussions with Roma indicate a change of attitudes among Roma parents towards special classes: they prefer their children to study in "normal classes". However, the proportion of Roma pupils in special classes remains higher than that of pupils of the majority population in such classes.

In 2010 the national anti-discrimination campaign funded studies on discrimination experienced by children and teenagers in different minorities. An information meeting on the results of the studies was held in December 2010. Roma children and young people were one of the minority groups studied.

Tip-off Service

Finland has adopted an internal security programme, which is a strategic tool for law enforcement and contains for example measures and guidance for tackling criminality. The programme obliges the police to offer a centralised service through which individual citizens, companies and organisations can easily report suspected or actual cyber threats and crimes, by using the Internet. The fight against Internet crime faces similar challenges as the prevention of other cyber crime.

In order to be ready to meet youth where they are and to offer them proper information, the police have created a tip-off system on the Internet for effortless reporting to the police of suspected crimes found on the Internet.

Through the tip-off service, citizens can give tips on suspected criminal material that they have found on the Internet, by using an online form at the police website. This system was introduced in March 2010.

The online form is a protected page, and the data is encrypted for online transmission. Tip-offs can be sent anonymously, even though the senders are requested to give their contact information.

As regards pictures involving sexual exploitation of children, tip-offs can be made at the website of Save the Children Finland. The police and Save the Children Finland have had fruitful co-operation, and the organisation is working with the National Bureau of Investigation (NBI) on the filtering of websites involving sexual exploitation of children. Relevant instructions will be given in the tip-off service of the police.

The Finnish police created recently a Facebook profile of its own, in order to improve contacts with youth, above all. Furthermore, the police have profiles in IRC-galleria, which is a Finnish social service network on the Internet. Three police from the Helsinki Police Department have blogs of their own in IRC-galleria, and the Oulu Police Department, too, cooperates in the gallery in an online youth work project entitled NETARI.

Question 3)

A summary of teaching of Sámi in Finland in 2008–2009 (changes from previous report marked with red)

Teaching in Sámi	Mother tongue	Voluntary/Optional	Total
144 (-2)	53 (+7)	286 (-8)	483 (-6)
comprehensive schools, total: 140 (+1)	30 (+6)	251 (-18)	421 (-11)
general upper secondary schools, total: 4 (-3)	23 (+3)	35 (+5)	62 (+5)
vocational educational institutions, total: 12 (+4)	8 (0)	65 (-20)	85 (-16)
in the Sámi Homeland, total: 156 (+2)	56 (+20)	288 (-42)	500 (-20)
teaching in basic education outside the Sámi homeland; total: 0	5 (-11)	63 (+9)	68 (-2)
in comprehensive schools, general upper secondary schools and vocational institutions; total: 156 (+2)	61 (+9)	351 (-33)	568

Breakdown of schools at basic education level in towns, densely populated areas and rural areas in 2009

Primary schools and Lower Secondary schools

	Number of schools	%
Towns	1383	47.3
Densely populated areas	647	22.1
Rural areas	897	30.6

Special education schools

	Number of schools	%
Towns	95	68.8
Densely populated areas	25	18.1
Rural areas	18	13.0

* Definition of densely populated area: At least 200 inhabitants housing not further than 200 meters from one house to another.

Number of public and private schools

	Primary schools	School for children with special needs	Upper Secondary Schools (general)	Combined Primary, Lower and Upper Secondary Schools
Total	2 889	138	398	38
Private	31	7	8	25
State	5	14	0	11
Municipality	2 828	111	379	2
Joint municipal authorities	0	6	10	0
Åland	25	0	1	0

Geographical distribution of schools in urban and rural areas

	Number of pupils	%
Whole country	546 423	100
Urban schools	356 350	65.2
Schools in densely populated areas	96 877	17.7
Rural schools	93 196	17.1

Average class size, by type of institution and level of education 2008 (calculations based on number of students and number of classes)

	Public institutions	Total private institutions	Government dependent private institutions	Independent private institutions	Total private and public institutions
Primary education	19.8	18.4	18.4	a	19.8
Lower secondary education	20.0	21.7	21.7	a	20.1

Ratio of students to teaching staff in educational institutions 2008 (by level of education, calculations based on full-time equivalents)

Pre-primary education, students to teaching staff	11.4
Primary education	14.4
Lower secondary education	10.6
Upper secondary education	15.9
All secondary education	13.6
All tertiary education	15.8

The report is accompanied with statistics concerning offences reported to the police in Finland.

Answers to the Committee's conclusions

The rate of enrolment in primary and lower secondary school is 100 %.

Roma

The number of Roma residing permanently in Finland is 10,000–12,000.

In 2008 – 2010, state subsidies were granted for supporting the basic education of Roma children. In 2010, 31 municipalities received state subsidies. Approximately 80 % of all Roma children at the age of basic education live in these municipalities. The development programmes for supporting Roma children's attendance in basic education include measures for interacting with Roma children, developing cooperation between Roma families and schools, promoting tolerance and positive ethnic relations, increasing awareness of Roma culture, promoting connections between the Roma minority and the majority at school, promoting the Roma identity of Roma pupils, promoting acquisition of the Roma language, contributing to enhancing the learning abilities of Roma children, developing teaching methods for Roma pupils requiring special support, and developing pedagogy and materials that take into account the varying backgrounds of Roma pupils.

- In those municipalities which receive state subsidies for supporting the basic education of Roma pupils, more than 1,000 Roma children attend basic education. The total number of Roma children at the age of compulsory education in Finland is approx. 1,200–1,500. In recent years, the number of Roma drop-outs from schools has been very small, some tens of pupils.
- Most municipalities report that their Roma pupils have been integrated into normal basic education. Some municipalities are developing their practices in order to reduce the number of pupils in special education. Pupils may be transferred to special education by separate decisions.
- The National Board of Education is implementing the European Language Portfolio project of the Council of Europe, by preparing a Roma language portfolio for Roma pupils at different ages. A story book in Roma is being prepared. Teaching material, including dictionaries and grammar books, exists for Roma pupils at different ages. The results of these measures are difficult to assess, but the availability of teaching material has increased in recent years.
- In 2011 the National Board of Education will conduct a new study on the status of Roma children's basic education.
- Since 2010, the University of Helsinki has arranged courses on the Roma language for university students. This activity is being developed further. Teachers of Roma as a mother tongue have been educated further. In 2009–2010 the National Board of Education and a training centre for the educational sector (Opetusalan koulutuskeskus Educode Oy) have jointly trained a network of approx. 20 teachers. In municipalities receiving special state grants, supplementary courses on Roma culture have been arranged for ordinary teachers in basic education.
- The basic education of Roma children is also being promoted within a programme aimed to improve the quality of basic education (*Perusopetus paremmaksi*, POP) during the years 2008–2011. The main goal of this development programme is to establish the methods created under it as part of everyday activities in schools, municipalities and districts.

Teaching of the Sámi language was introduced in Finland with the introduction of comprehensive schools in the 1970s. Teaching in Sámi started in Utsjoki and Inari municipalities in mid-1970s. Currently, all comprehensive schools and general upper secondary schools in the Sámi Homeland provide teaching of Sámi. Most classes in Sámi are taught in forms 1–6 of comprehensive schools.

So far, Sámi is taught outside the Sámi Homeland only to a limited extent, but the number of pupils is increasing. Part of the teaching is provided on the Internet. Teaching in Sámi has not been provided outside the Sámi Homeland.

Sámi may be the language of instruction at schools, or it may be taught as a mother tongue or a voluntary/optional foreign language. By law, Sámi-speaking pupils residing in the Sámi Homeland must receive the main part of their basic education in Sámi. The legislation concerns all three Sámi languages spoken in Finland: Inari Sámi, Skolt Sámi and North Sámi.

Of the three municipalities in the Sámi Homeland, Ivalo and Enontekiö have ordinary general upper secondary schools and Utsjoki has a Sámi general upper secondary school. All general upper secondary schools in the Sámi Homeland have taught North Sámi both as a mother tongue and as a foreign language. In addition, the Ivalo general upper secondary school has taught Inari Sámi as a mother tongue and as a foreign language, and Skolt Sámi as a foreign language.

- A test of Inari Sámi or North Sámi can be taken as the mother tongue test in the national matriculation examination. In the 2000s, the number of participants in the test of North Sámi has varied from 1 to 10 in different examinations. During the corresponding period of ten years, only three students have taken the mother tongue test in Inari Sámi. After 2001 no one has taken the test. The mother tongue tests in Sámi differ structurally from corresponding tests in Finnish and Swedish, because Sámi language material used for preparing the tests, i.e. newspapers and literature, is scarcely available and does not suffice for preparing identical tests. In addition, tests in Sámi as a foreign language, based on the basic syllabus, have been arranged in Inari Sámi, Skolt Sámi and North Sámi.
- The Sámi Education Institute (Sámi oahpahušguovddáš) in Inari (Anár) is the only vocational educational institution in Finland where also Sámi is a language of instruction.
- Sámi language and culture can be studied at three Finnish universities: in Oulu, Helsinki and Lapland. Nationally, Giellagas Institute at the University of Oulu has the special task of teaching and researching the Sámi language at university level. Sámi allaskuvla, located in Koutokeino (Guovdageaidnu) in Norway, is the only Sámi university in the Nordic countries where Sámi is the main language of instruction, research and administration. Sámi allaskuvla educates e.g. Sámi-speaking teachers and recruits students also from the neighbouring countries, i.e. Finland, Sweden and Russia.
- Thus, Sámi is taught as a mother tongue and an optional (voluntary) subject both in comprehensive schools and general upper secondary schools. From 2008 to 2009 the number of pupils studying Sámi as their mother tongue or as another language grew by 5.

Article 17 para. 2: Free primary and secondary education

Questions 1) and 2)

The Child Welfare Act (417/2007) provides that when a child taken into care is placed in the area of another municipality, the obligation to arrange education for the child under the Basic Education Act is transferred to the municipality of placement i.e. the child's real municipality of residence. The municipality of residence is obliged to arrange pre-primary and basic education for all children residing permanently in its area, on equal grounds. If a child taken into care does not attend basic education arranged by the municipality of residence on grounds of a decision of the body responsible for foster care, the municipality is obliged to ensure progress in the pupil's completion of the compulsory schooling.

At the beginning of 2010, flexible basic education (JOPO) to prevent school drop-outs and interruptions in basic education was established as part of basic education at forms 7–9. This flexible basic education emphasises activating methods in teaching and work and encourages pupils to regular school attendance. Pupils are instructed in small guided groups, partly at school and partly at workplaces or other learning environments. Flexible basic education is arranged in multiprofessional cooperation between experts specialised in supporting the social growth of youth, cooperation with families, other support and counselling, and development of workplace networks.

Question 3)

The number of school drop-outs in Finland is small, 100-200 pupils per year. In 2004 the number of drop-outs was 243. Thereafter, the number has declined, and was only 162 in 2008.

Drop-outs in comprehensive schools in school years 1999/2000–2008/2009

School year	Complete failure of compulsory school attendance during school year	Pupils exceeding age limit of compulsory education and without general upper secondary school certificate				Compared to the number of 9-formers at end of spring term	Number of 9-formers at end of spring term
		Pupils with certificate of resignation	Pupils without certificate of resignation	Total			
1999/2000	90	69	124	193	0.29	66 821	
2000/2001	69	79	131	210	0.33	64 512	
2001/2002	63	82	109	191	0.31	62 095	
2002/2003	79	63	98	161	0.26	61 419	
2003/2004	67	94	84	178	0.28	64 456	
2004/2005	70	94	124	218	0.34	64 350	
2005/2006	60	86	92	178	0.27	66 473	
2006/2007	55	79	73	152	0.23	66 230	
2007/2008	47	56	59	115	0.17	67 388	
2008/2009	39	69	81	150	0.23	65 687	

Drop-outs in education in general upper secondary schools, vocational educational institutions, polytechnics and universities in school years 2006/2007 and 2007/2008, %

Educational sector	School year 2006/2007	School year 2007/2008
General upper secondary education (for young people)	4.2	4.5
Vocational education and training (for young people)	10.2	9.8
Education in polytechnics (polytechnic degrees)	9.0	9.2
University education (lower and higher university degrees)	5.6	6.1

In other respects regarding this Article the Government refers to its previous reports.

ARTICLE 19: THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

Article 19 para. 1: Assistance and information on migration

Answers to the Committee's conclusions

The Legal Affairs Unit of the Ministry of the Interior coordinates measures aimed to promote equality and non-discrimination regarding different groups at the same time (ethnic minorities, such as the Roma; religious and convictional minorities; and discrimination on grounds of age, disability or sexual orientation).

These measures include training for authorities and support for their equality planning, coordination of the implementation of the national system for monitoring discrimination, equality projects implemented by co-funding from EU programmes, as well as EU cooperation and other international cooperation related to discrimination issues. Actors representing the Roma population are important cooperation partners in the equality promotion by the Legal Affairs Unit, and they are represented in different working groups, the Discrimination Monitoring Group and the management group of the national anti-discrimination campaign (2007–2013).

Article 19 para. 2: Measures to facilitate the departure, journey and reception of migrant workers and their families

In respect of this paragraph, the Government refers to its previous reports.

Article 19 para. 3: Promotion of co-operation between social services in emigration and immigration countries

In respect of this paragraph, the Government refers to its previous reports.

Article 19 para. 4: Treatment of migrant workers no less favourable than that of own nationals

Questions 1), 2) and 3)

A person's residence in Finland is determined by the Municipality of Residence Act (201/1994) and the Act on the Application of Residence-Based Social Security Legislation (1573/1993, 'the Application Act'). The concept of residence under the Municipality of Residence Act determines the right to public health care services and social welfare services, e.g. day care and services for persons with disabilities and the elderly. The concept of residence under the Application Act concerns the following forms of social security: child benefit, maternity grant, general housing allowance, housing allowance for pensioners, child home care allowance, disability allowance, front veteran's pension and special assistance for immigrants.

In addition, the concept of residence under the Application Act is applied under the Health Insurance Act (1224/2004) and the Unemployment Security Act (1290/2002). Employment pension, occupational accident insurance and occupational disease insurance, as well as occupational health care arranged by employers, constitute social security based exclusively on work.

The above-mentioned acts concern immigrants in the same manner as the original population, if they fulfil the residence condition and the other conditions laid down in law. Thus, the answers of different ministries cover also immigrants. In addition, ministries are implementing different projects and measures to improve the position of immigrants.

In addition to the right to public health care and social welfare services and social security under the Application Act, immigrants are entitled to measures under the new Act on the Promotion of Integration that was adopted on 30 December 2010 and will take effect on 1 September 2011 (previously the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999, 'the Integration Act').

In the future, all immigrants would be given basic information about Finnish society and their rights and duties in connection with being issued a residence permit. They would also be informed about the available services and the integration system. An immigrant would also be entitled to an initial assessment, in which his or her needs for linguistic training and an integration plan would be evaluated. The duration of the integration plan would be determined on an individual basis, while the duration of the first plan would be a maximum of one year. The aim is to speed up integration and employment and to ensure that integration measures take the individual needs of each immigrant into consideration better than today.

Section 10 of the Act provides that the relevant Employment and Economic Development Office must start the initial assessment of the situation of an immigrant who is unemployed and registered as a jobseeker in the Employment and Economic Development Office as prescribed by the Act on Public Employment Services (1295/2002). The municipality in question must start the initial assessment of the situation of an immigrant who receives social assistance under the Social Assistance Act (1412/1997) on a non-temporary basis. An Employment and Economic Development Office or a municipality may also start the initial assessment of the situation of another immigrant who has requested such an assessment if they consider that the person needs it. The initial assessment must start within two months from the immigrant's becoming a client of the Office or the municipality or from the request for an initial assessment.

The new Act also contains provisions on integration training and authorities' obligation to arrange such training and to guide immigrants to it. Important elements in the training would include courses on Finnish or Swedish, working life skills and societal skills. Integration training could also include instruction in reading and writing.

The Aliens Act (301/2004) provides that employers must attach to applications for a residence permit for an employed person written information on the principal terms of work referred to in Chapter 2, section 4 of the Employment Contracts Act (55/2001). Moreover, employers must attach to such applications an assurance that the terms comply with the provisions in force and the relevant collective agreement or, if a collective agreement is not applied, that the terms correspond to those applied to employees in the labour market doing similar work.

A person's eligibility for housing allowance is not influenced by e.g. his or her citizenship, not even Finnish citizenship, or time of residence in Finland. The eligibility conditions for the allowance are permanent residence and a permanent dwelling in Finland. Immigrants, too, may be eligible for general housing policy benefits, and they are not subject to special arrangements, with the exception of asylum seekers, whose accommodation has been arranged in a different manner. In this connection, reference is also made to the information given in connection with Article 31 below.

A pilot study on discrimination that has come to the knowledge of occupational safety and health districts has been published in the national system for monitoring discrimination (Publications of the Ministry of the Interior 43/2009).

The study showed that 32% of all known cases of work discrimination were based on ethnic or national origin. Most cases involved discrimination in the form of dismissal or layoff or discrimination regarding pay, working hours or work conditions.

Article 19 para. 5: Treatment no less favourable with regard to employment taxes, dues or contributions payable in respect of employed persons

In respect of this paragraph, the Government refers to its previous reports.

Article 19 para. 6: Reunion of the family of a foreign worker

Questions 1), 2) and 3)

According to the Aliens Act, all foreign workers are entitled to family reunification. The family members are granted a residence permit for the same period as the foreign worker. The right to family reunification does not depend on the status of the worker's residence permit or length of stay or the type of his or her work. The same principle applies to citizens of the European Union.

In 2005–2009, nearly 6,000 residence permits were granted to family members of foreign workers. During the same period, nearly 600 applicants received a negative decision. This means that the great majority, over 90% of all applicants, received a positive decision as a family member of a foreign worker.

Article 19 para. 7: Treatment no less favourable in respect of legal proceedings

In respect of this paragraph, the Government refers to its previous reports.

Article 19 para. 8: Protection against expulsion

Questions 1), 2) and 3)

According to the Aliens Act, lawfully residing workers, i.e. those in possession of a valid residence permit, are not expelled unless there exist security reasons mentioned above. Even then, the competent authorities must assess the matter thoroughly and make a decision on an expulsion order, which may be appealed against. The same principle applies to citizens of the European Union. In 2005–2009, a total of 17 foreign workers were expelled.

Article 19 para. 9: Permission of the transfer of earnings and savings

In respect of this paragraph, the Government refers to its previous reports.

Article 19 para. 11: Promotion and facilitation of the teaching of the national language to migrant workers and members of their families

Questions 1), 2) and 3)

Immigrants are guided to acquire an integration plan, if they are unemployed job-seekers or recipients of living allowance.

If necessary, the integration plans include integration training (incl. language courses). In addition, different educational institutions provide a wide variety of language teaching, which all immigrants are entitled to attend at their own initiative.

One of the priorities in liberal adult education in Finland is to increase the education and training intended for immigrants. The development of studies suited for immigrants has been supported by grants and training of educational staff.

Since 2007, all educational institutions providing liberal adult education, excluding sports training institutions, have been paid study voucher grants so that they may abolish or cut study fees for target groups whose studies are to be activated. Such target groups have consisted of immigrants, unemployed, pensioners and persons in need of educational rehabilitation.

In 2009, the study voucher grants paid to educational institutions amounted to a total of approximately EUR 2.7 million, and approximately 20,000 persons could be exempted from study fees or be charged reduced fees. Of this group, the percentage of immigrants was approximately 15–20%.

Article 19 para. 12: Promotion and facilitation of the teaching of migrant workers' mother tongues to their children

Questions 1), 2) and 3)

Immigrant children at compulsory school age or pre-primary school age may participate in instruction preparing for basic education. This instruction is intended to support the balanced development of pupils and their integration into Finnish society, and to provide them with the skills needed for starting basic education. If instruction preparing for basic education is arranged, its duration varies from half a year to one year or more, depending on each pupil's individual needs.

In general, immigrant children are placed in classes that correspond to their age, knowledge and skills. If necessary, they may be taught Finnish or Swedish in accordance with a special syllabus for immigrants (Finnish/Swedish as the second language).

In addition to instruction of Finnish or Swedish and pupils' mother tongues, schools provide immigrant pupils with remedial teaching in different subjects, to the extent possible. Remedial teaching may be provided in different subjects also in the pupil's mother tongue.

By legislative amendments that took effect on 1 August 2009, the amount of instruction preparing for basic education was increased to 900 hours for pupils aged 6–10 and to 1,000 hours for pupils over 10 years of age. This doubling of the hours of instruction facilitates the integration of children and young people with immigrant background and ensures them equal opportunities to attend basic education.

The State budget proposal for 2010 suggested an increase in the appropriations for supporting the instruction of mother tongue, Finnish or Swedish as the second language and other subjects to pupils speaking foreign languages. The proposed sum totalled EUR 12 million.

In addition, the Decree on the Financing of Education and Culture (1766/2009), which took effect at the beginning of 2010, lays down the criteria for granting state subsidies for supplementary instruction of pupils speaking foreign languages, Sámi or Roma, in basic education and general upper secondary education.

In other respects regarding this Article the Government refers to its previous reports.

ARTICLE 27: THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT

In respect of this Article, reference is also made to information given in connection with Article 16 as well as to Finland's second report on the implementation of the Revised European Social Charter.

Article 27 para. 1: Measures

Question 1)

Chapter 4, section 9 of the Employment Contracts Act (55/2001), concerning return to work at the end of family leave, provides that employees are in the first place entitled to return to their former duties. The employee's conditions of employment remain at least at the same level as before the family leave, with the exception of general changes made to the employment relationship during the family leave. An employer returning from partial child-care leave is correspondingly entitled to return to his or her former duties.

If returning to their former duties is not possible, employees must be offered equivalent work in accordance with their employment contract. Thus, employers are not entitled to offer employees duties of any kind instead of the earlier work: the work offered must correspond both to their employment contract and their former duties. In assessing the correspondence between the offered and the earlier work, attention is paid not only to the content of the earlier work but also to the employee's education and experience. If the employer cannot offer employees equivalent work in accordance with their employment contract, they must be offered other work in accordance with the employment contract.

It is not always possible to offer employees returning from family leave their former duties or other duties in accordance with their employment contract. In such cases the employer's right to dismiss or lay off employees is determined by the general provisions of the Employment Contracts Act on dismissals and lay-offs, and the related provisions of the Act on the obligation to provide training and re-assignment services apply.

According to Chapter 2, section 1 of the Employment Contracts Act the employer must ensure that employees are able to carry out their work even when the enterprise's operations, the work to be carried out or the work methods are changed or developed. Chapter 7 of the Act contains provisions on the obligation to provide training to employees at risk of being dismissed.

Questions 2) and 3)

During the reporting period, information, counselling and guidance services for adult students have been developed. The work is based on measures proposed by a preparatory group set up by the Ministry of Education and Culture and the Ministry of Labour (currently the Ministry of Employment and the Economy).

The objective of the group's work was to prepare, by 2008, arrangements for citizens' access to versatile and client-centred information and counselling services encompassing the whole supply of education. Further, the purpose was that all universities and other educational institutions providing adult education also have guidance services suited for adult education. These developmental activities were intended to promote the identification and recognition of knowledge and know-how, to improve the handling of learning difficulties and to make the groups underrepresented in adult education attend it more actively. The activities were also intended to strengthen the guidance skills and adult pedagogical skills among teaching and guiding staff, to improve the counselling, guidance and know-how in the employment administration, and to reinforce network cooperation among different actors. High-quality guidance and counselling of adults requires purpose-oriented cooperation and use of multiprofessional know-how in the educational and employment administration.

In addition, information, counselling and guidance services for adult students are being developed further under national and regional projects funded by the European Social Fund in 2008–2013. The development programme consists of three comprehensive sub-programmes:

- 1) Development of electronic services especially in counselling activities, in order to make adult education more effective and systematic;
- 2) Development of different means to instruct and advise guidance, counselling and teaching staff, strengthening of their know-how, and identification and recognition of the knowledge and skills of adult students; and
- 3) Evaluation and research of guidance activities.

In the strategy of the development programme, information, counselling and guidance services refer to an aggregate of services produced in cross-administrative network cooperation and directed at all adults choosing education or career and at businesses for their staff development. The target group consists of individuals which attend education or are either employed or unemployed, as well as businesses and users of services provided in work communities and business life. The planning and development of comprehensive services and service processes requires cooperation among different sectors of administration, actors in working and business life, and different communities.

The Ministry of Education and Culture has set up a cooperation group to draft a proposal for a strategy of lifelong guidance. The working group follows up the development programme on information, counselling and guidance services for adult students.

The strategy encompasses, from the standpoint of lifelong learning and studies, the information, counselling and guidance services provided by all levels and forms of education and by the employment and economy administration. The Ministry prepared the setting up of the cooperation group jointly with the Ministry of Employment and the Economy.

The task of the cooperation group is

1. to draft a proposal for a national strategy for lifelong guidance, which encompasses, from the standpoint of lifelong learning and studies, the information, counselling and guidance services provided by all levels and forms of education and by the employment and economy administration,
2. to draft proposals for implementing the strategy for lifelong guidance,
3. to support and promote the national, regional and local development of information, counselling and guidance services and to strengthen cooperation among different sectors of administration and different actors.

The cooperation group should complete the proposal for a national strategy for lifelong guidance by 28 February 2011. The group is expected to take into account, among other things, the proposals made earlier by a working group on measures to speed up students' start-up and completion of education. The group's mandate lasts from 1 September 2010 to 31 December 2013.

In 2005 the labour market parties adopted an operational model concerning employment and change security. The model is intended to improve cooperation between employers, employees and employment authorities for re-employment of employees in connection with dismissals on financial or production-related grounds.

The study on Family Leaves and Gender Equality in Working Life (2009) examined how employees returning from family leave to their former duties experienced their adaptation to changes that had taken place at the workplace. The study showed that these employees were mainly introduced to the changes by colleagues. One fifth of all mothers who returned to their former work were trained by the employers, and one fifth was guided by their stand-ins. Two thirds of all returning employees reported that they had oriented themselves to the changes independently. Orientation by colleagues was particularly common (94%) at workplaces of the State sector. Training organised by employers was more common in large organisations.

The family policy of the Ministry of Social Affairs and Health places an emphasis on the reconciliation of work and family life in order to improve the opportunities for parents to spend more time with their children and to make it easier for women to go to work. The Ministry's developmental work in this area seeks ways of improving the reconciliation of work and family life, by the following means:

- Legislation on working life takes parenthood better into account
- Financial benefits are put in place to enable families to select the best form of care for their children
- Child day care services are reformed and diversified
- More equality is created between mothers and fathers in caring for their children.
- Both parents have various options for taking leave in order to care for children.

The Ministry of Social Affairs and Health has initiated a paternity leave campaign with labour market organizations. Its aim is to encourage fathers to make more use of their entitlement to paternity leave. Each year, the Ministry awards a prize of Father of the Year, in support of fatherhood and in order to provide good role models for fatherhood.

Answers to the Committee's conclusions

Equal treatment as regards benefits paid by the employer

Parents have a right to partial parental leave, if the mother and the father share the responsibility for caring for their child by agreeing about part-time work for a period during which they take turns in caring for the child. The parents are eligible for partial parental allowance if both of them have agreed with their employers on part-time work for at least 2 months. Work is considered part-time work if the working hours and the pay amount to 40–60% of the working hours and pay of a full-time employee. During partial parental leave, the parent entitled to parental allowance works part-time and takes parental leave part-time. The person is paid remuneration for the working hours and partial parental allowance for the parental leave.

Partial parental leave is payable for one child for the maximum of 158 week days, *i.e.*, slightly longer than half a year. If one parent no longer meets the eligibility requirements for partial parental allowance, neither parent can receive it. Thereafter the Social Insurance Institution of Finland pays regular parental allowance to the parent caring for the child. Adoptive parents and persons in registered partnerships, too, are eligible for partial parental allowance, but single parents or students do not receive it.

The amount of maternity, paternity and parental allowance is determined on the basis of the recipient's earned income, in the same manner as the daily allowance payable under health insurance. The maternity allowance and the mother's parental allowance are calculated in proportion to the mother's earned income, and the paternity allowance and the father's parental allowance according to the father's earned income. The amount of maternity, paternity and parental allowance is calculated on the basis of the annual earned income confirmed in the latest taxation decision. The amount of partial parental allowance is half of the regular parental allowance. The minimum amount is always EUR 11.02 per week day. The allowance is calculated for both spouses separately.

Unpaid periods give entitlement to a pension if the employee has had insured earnings of at least EUR 12,566.70 under the earnings-related pension acts prior to the start of the pension contingency year.

Unpaid periods giving entitlement to pension

Pension entitlement is calculated on the basis of the income constituting a benefit for an unpaid period, calculated from the beginning of the calendar month following the employee's 18th birthday until the end of the year immediately prior to the pension contingency. When calculating the old-age pension, however, the income forming the basis of the employee's benefit is taken into account until the end of the old-age pension contingency month.

Income forming the basis of benefits during an unpaid period is considered earnings from the year for which the benefit period is paid. The income forming the basis of benefits giving entitlement to pension is as follows:

- 1) 117 per cent of the earnings pursuant to the Health Insurance Act that form the basis of maternity, special maternity, paternity or parental allowance for the period during which the benefit has been paid to the employee, and 17 per cent for the period during which the benefit has been paid to the employer;
- 2) 75 per cent of the earnings forming the basis of compensation for job alternation leave pursuant to the Act on Job Alternation Leave;
- 3) 75 per cent of the earnings forming the basis of earnings-related allowance relative to earnings pursuant to the Unemployment Security Act, insofar as the allowance has been received by the end of the month during which the 63rd birthday occurred;
- 4) 65 per cent of the earnings forming the basis of earnings-related allowance pursuant to the Act on the Public Employment Service;
- 5) 65 per cent of the earnings forming the basis of the training allowance referred to in Chapter 10 of the Unemployment Security Act;
- 6) 65 per cent of the earnings forming the basis of adult training allowance pursuant to the Act on Adult Training Allowance;

7) 65 per cent of the earnings forming the basis of rehabilitation allowance under the earnings-related pension acts or the Act on the Social Insurance Institution's Rehabilitation Benefits and Rehabilitation Allowance Benefits, or compensation for loss of income granted on the basis of the provisions on rehabilitation under workers' compensation insurance or motor liability insurance, for the time period during which the benefit has been paid to the employee, however not if the rehabilitation allowance has been paid in addition to the pension;

8) 65 per cent of the earnings, as referred to in the Health Insurance Act, that form the basis of sickness allowance, partial sickness allowance and special care allowance for the period during which the benefit has been paid to the employee, however such that the income forming the basis of the partial sickness allowance is half of the earnings on which sickness allowance is based; (1274/2006)

9) 65 per cent of the earnings forming the basis of loss of earnings compensation pursuant to the rules governing accident, traffic or military injury insurance for the period during which the allowance has been paid to the employee, however not insofar as pension accrues for the same reason as provided in section 8.

If the benefit referred to in subsection 3, point 1 has been paid as a minimum allowance due to a lack of or small amount of earnings, the income forming the basis of the benefit is considered to be EUR 532.61 per month. If the benefit is the amount of the minimum allowance as a result of a return to work, the income forming the basis of the benefit is considered to be the amount of the minimum allowance paid to the employee.

Pension does not accrue on the income forming the basis of the benefit for periods during which the employee has received pension in accordance with the earnings-related pension acts, a comparable benefit from abroad or benefit on the basis of service in an international organization or an institution of the European Community. However, pension also accrues from periods of part-time and survivors' pension on the basis of the income forming the basis of the benefit. (7.12.2007/1164) (Employees Pensions Act)

Information on arrangements available to workers with caring responsibilities of other members of the immediate family

Currently, informal carers have limited opportunities to take leave from work in order to care for a sick family member. A provision in the Employment Contracts Act permits temporary absence from work. In addition, other mechanisms exist which permit an employee's total absence from work or changeover to part-time work. The opportunity to take job alternation leave or to agree about part-time work or temporary interruption of work already permits an employee to be absent from work temporarily in order to care for a close person who needs care.

The Ministry for Social Affairs and Health has set up a tripartite working group which continues its work and is examining questions related to care for family members, the reconciliation of carers' work and private life and the future challenges in the labour market. The group has discussed for example the question whether an employee could be given an opportunity for temporary absence from work for caring for a family member or another close person. The feasibility of such care leave of informal carers is being examined as part of the more extensive question of reconciliation of work and family life.

The provision on absence for compelling family reasons in Chapter 4, section 7 of the Employment Contracts Act supplements the right to absence for caring for a sick child. In addition to children, the provision covers the whole family. According to section 7 employees are entitled to temporary absence from work if their immediate presence is necessary because of an unforeseeable and compelling reason due to an illness or accident suffered by their family. Only temporary absence is permitted. The provision does not specify the number of days of absence, but because of its nature the absence must be short (temporary), and not necessary for a continuous need of care. Employees have the right to be absent only as long as their immediate presence is necessary for handling the problem situation in their family in each individual case. Employers are not obliged to pay employees remuneration for the period of absence.

Article 27 para. 2: Parental leave

Answers to the Committee's conclusions

Rules on parental leave apply to all categories of workers – also part-time workers.

Article 27 para. 3: Family responsibilities and termination of employment

In respect of this paragraph reference is made to the information given in connection with Articles 8 and 16.

In other respects regarding this Article the Government refers to its previous reports.

ARTICLE 31: THE RIGHT TO HOUSING

Article 31 para. 1: Promotion of access to housing of an adequate standard

Questions 1) and 2)

The Child Welfare Act (417/2007) provides that when the need for child protection is essentially due to inadequate means of support, unsatisfactory circumstances regarding accommodation or having nowhere to live, or when these constitute an essential barrier to the rehabilitation of the child and the family, the local authority (municipality) must immediately organise adequate financial support and resolve the accommodation problems or organise accommodation if required. Adequate financial support and housing must also be arranged for children or young people receiving aftercare, if their rehabilitation makes it necessary.

The Act on Repair and Energy Grants (1184/2005) prescribes the eligibility criteria for grants for the elderly and people with disabilities for housing repairs, and the eligibility criteria for general grants for lift construction in existing buildings and for creation of obstacle-free access. Elderly people and people with disabilities may obtain repair grants on social and financial grounds. The maximum amount of a repair grant is usually 40% of the approved repair costs. Grants may cover up to 70% of the approved costs if the repair is indispensable in order to remove obstacles to movement or if an old or disabled person would, without the repair, have to move out immediately and permanently. The higher coverage is also granted if the person living in the dwelling, without the repair, could not be provided with the social and health services that he or she needs in the existing facilities. Housing associations and owners of rental dwellings may obtain grants for lift construction and repair and grants for eliminating obstacles to movement. The maximum amount of these grants is 50% of the approved costs. In addition to the State grants, some cities give grants for lift construction, amounting to 10–15% of the costs.

The Act on Subsidies for Improving the Housing Conditions of Special Groups (1281/2004) contains provisions on grants issued for the construction, acquisition or renovation of rental buildings or rental dwellings for special groups, for example the elderly or people with disabilities, when a loan granted for the same project is approved as an interest-subsidy loan. Investment grants for housing for special groups are issued together with interest-subsidy loans, if the project for which the grant is applied fulfils the eligibility criteria for interest-subsidy loans. The maximum amount of investment grants is 10% of the costs, if living in the dwelling does not involve any particular exceptional space solutions or other solutions. The maximum amount is 25% of the costs if more support services than normal are needed for living in the dwelling and this is taken into account in the project. The maximum amount is 40% or 50% if the need for services requires special space and amenity solutions or the dwellings are intended for a specific target group, for example long-term homeless persons.

Question 3)

In 2008, housing was supported by a total of EUR 2,160 million. Of this sum, 47% consisted of housing allowances, 13% of production subsidies and grants, and 40 % of interest deductions in taxation.

Housing policy support in 2003-2008

	Housing allowances	Production subsidies and grants	Interest deductions in taxation	Total
2003	924	180	370	1474
2004	947	192	370	1509
2005	966	259	390	1616
2006	1007	274	490	1771
2007	1007	267	720	1995
2008	1020	260	880	2160

By virtue of the legislation on interest subsidies, the Government gives such subsidies for loans and also issues grants for the production or repair of rental dwellings. Interest subsidies are available to municipalities, to companies owned effectively by municipalities and to non-profit entities specified by the Housing Finance and Development Centre of Finland. The conditions for eligibility for interest subsidies and grants are that the dwellings for which interest subsidised loans are applied must be appropriate for living and be located in a well-functioning living environment, and that the costs for their construction, acquisition or renovation as well as the maintenance and living costs must be reasonable. The subsidised dwellings must be used for their original purpose, *i.e.*, as rental dwellings, for a fixed period (40 years).

The interests on a loan raised for acquiring an owner-occupied dwelling are deductible in taxation if the owner or his or her family uses the dwelling for permanent residence. In 2009 the percentage of the deduction was 28% of the interest and at most EUR 1,400 per person. The maximum total amount of deduction for spouses was EUR 2,800.

First-time dwelling buyers are entitled to deduct 30% of the interest on a housing loan during 10 tax years. They are also exempt from asset transfer tax if they own at least half of the dwelling. Young (aged 18–30) first-time dwelling buyers may obtain a State interest subsidy for buying a dwelling, and banks grant home savings loans, based on an interest subsidy loan supplemented with an additional loan.

Publicly advertised state-subsidised rental dwellings and applicants 2005-2009

	Number of dwellings	Number of applicants	Applicants/dwelling
2005	87 691	79 315	0.90
2006	82 306	92 768	1.13
2007	84 828	96 640	1.14
2008	81 758	92 850	1.14
2009	80 994	96 077	1.19

In 2005-2009, the number of applicants for state-subsidised rental dwellings increased because the overall economic situation weakened and migration to growth centres increased. At the same time, the supply of state-subsidised rental dwellings declined in the whole country, but the number of empty rental dwellings increased in areas of population loss.

In state-subsidized housing there is no queuing system, as the selection criteria for tenants are the applicant's homelessness or great need for housing, low income and limited means. Applicants who have a great need for housing and limited income and means usually get a dwelling quickly. An applicant may also apply for a dwelling from other owners of state-subsidized dwellings.

Owner-occupied dwellings

The difference between average housing square metre prices in the Helsinki metropolitan area and elsewhere in Finland has grown considerably compared to information from years 2000, 2005 and 2009. In 1995, a housing square metre in a block of flats in the metropolitan area was ca. 50% more expensive than housing square metres elsewhere in the country. The difference has remained proportionally unchanged in the 2000s. In 2009, the average housing square metre price in the metropolitan area (2,932 €/m²) was nearly double the prices elsewhere in Finland (1,469 €/m²).

Average housing square metre prices of blocks of per area (€/m²)

	2000	2005	2009
Entire Finland	1327	1662	1990
Helsinki metropolitan area	2080	2410	2932
Remaining Finland (Entire Finland - Helsinki Metropolitan area)	1023	1247	1469

Rental dwellings

In 2005 the level of rents in the Helsinki metropolitan area was ca. 25% higher than elsewhere in Finland. The difference remained unchanged until 2009.

Average rents per area in 2000, 2005 and 2009 (€/m²)

	2000	2005	2009
Entire Finland	7.10	8.27	9.04
Helsinki metropolitan area	8.61	10.07	10.89
Remaining Finland (Entire Finland - Helsinki Metropolitan area)	6.54	7.60	8.33

Every year, approx. 3,000 dwellings of elderly persons or persons with disabilities have been repaired with grants issued by the Housing Finance and Development Centre of Finland (ARA, the former Housing Fund of Finland). Approximately EUR 10 million have been used for these repairs annually. In recent years, ca. EUR 17–20 million have been granted for the construction of lifts in old buildings, and ca. EUR 10 million for renovation of old lifts.

Grants for lift construction issued by the Housing Finance and Development Centre of Finland in 2003–2007

	2003	2004	2005	2006	2007
Number of new lifts	152	146	203	240	247
Grants for building new lifts, million €	8.1	9.4	14.1	17.4	18.4
Renovation of old lifts, number	230	388	455	638	375
Grants for renovation of old lifts, million €	4.9	6.5	10.7	17.8	10.0

In 2005–2009, in all 15,305 dwellings for special groups were constructed, repaired or acquired with investment grants issued by the Housing Finance and Development Centre of Finland. Of these, 5,050 were service flats for elderly people and the rest were dwellings for persons with disabilities, mental health rehabilitees, homeless persons, substance abuse rehabilitees, students and other special groups. Of these dwellings, 9,162 were new and 5,595 renovated, and 548 were acquired for special groups from the existing housing stock.

Dwellings funded with investment grants for construction, reparation and acquisition of rental dwellings for special groups in 2005-2009

	2005		2006		2007		2008		2009		Total	
	dw.	milli- on €	dw.	million €	dw.	million €	dw.	million €	dw.	million €	dw.	million €
Service housing for the elderly	803	17.7	885	21.2	847	24.8	1 283	34.1	1 232	45.0	5 050	142.8
Other dwellings	1 396	15.1	1 849	21.5	1 074	20.1	2 886	50.6	3 179	64.9	10 255	172.0
Total	2 199	32.8	2 734	42.5	1 921	44.8	4 169	84.7	4 282	109.9	15 305	314.8

Overcrowded housing

Statistics show that the share of people living in overcrowded housing has decreased from 10% of all dwellings in 2005 to 9.1% in 2008.

Year	Overcrowded	All housing	Share of people living in overcrowded housing, %
2005	242 761	2 429 500	10.0
2006	235 998	2 453 826	9.6
2007	230 770	2 476 505	9.3
2008	228 457	2 499 332	9.1

Inadequate housing

In Finland, dwellings are fairly well equipped because the legislation on housing construction requires a high level of equipment in new dwellings. In this respect dwellings in Finland are of high quality.

Share of housing %

Year	Drains	Running water	WC	Central heating	Hot water	Washing facilities	Private sauna
2005	97.8	98.1	96.1	92.7	96.4	99.0	51.2
2006	98.0	98.2	96.4	93.2	96.7	99.0	51.7
2007	98.0	98.2	96.4	93.3	96.8	99.1	52.4
2008	98.1	98.3	96.5	93.4	96.8	99.1	52.9

In 2005–2008 all equipment in housing has improved. In 2008, 98.1% of all housing had drains, 98.3% running water, 96.5% indoor WC, 93.4% central heating, and 96.8% hot water. In 2008 all housing had washing facilities and nearly a half of all housing had a private sauna.

In other respects this paragraph the Government refers to its second periodic report on the implementation of the Revised European Social Charter.

Answers to the Committee's conclusions

Criteria for adequate housing

The criteria for adequate housing apply to both rental and owner-occupied housing. The Land Use and Building Act (132/1999), as well as the national building standards, are applied for all construction. Costs are formed in different ways in rental and owner-occupied housing. In practice, no equality problems exist, because rents of rental dwellings are supported by means of housing allowance, and capital expenses and maintenance costs of owner-occupied housing are supported with both housing allowance and for example tax deductions of loan interests. The general housing allowance system treats all dwellings neutrally, irrespective of the form of possession. Households with the lowest income may also be eligible for social assistance, if their housing costs jeopardize their subsistence. The ownership of a dwelling does not exclude eligibility for social assistance.

Responsibility for adequate housing

In Finland residential buildings are rarely exposed to lead (in the air) and asbestos. However, the Health Protection Act (763/1994) also applies to situations where residential buildings have been exposed to these substances. Authorities may order restoration under penalty of a fine. If a building has a defect that causes detriment to the health of its residents or users, the municipal health inspector may order the defect to be corrected. This also applies to the control of exposure to lead and asbestos.

Legal protection

In state-subsidized housing there is no queuing system, as the selection criteria for tenants are the applicant's homelessness or great need for housing, low income and limited means. Applicants who have a great need for housing and limited income and means usually get a dwelling quickly. An applicant may also apply for a dwelling from other owners of state-subsidized dwellings.

As an applicant does not have a subjective right to state-subsidized housing, he or she cannot bring an action for a long waiting-time for access to housing. However, the Non-Discrimination Act (21/2004) has improved the opportunities to tackle with possible discrimination. So far, there is no case-law on the subject. An applicant may also complain about a tenant selection decision to the Housing Finance and Development Centre of Finland, but the Centre does not have the authority to amend decisions.

In November 2008 slightly over 90,000 applications for state-subsidized housing were pending. Nearly 60% of all applicants are single households. There is a shortage of affordable one- and two-room flats especially in the Helsinki region. However, the State and municipalities have taken a number of measures to improve the situation.

Residential homes are mainly used for institutional care in the social welfare or health care sector as defined in the Social Welfare Act (710/1982, section 24), not for housing or accommodation. The physical condition and the tenancy of residential homes are not covered by housing legislation.

Sheltered housing and supported housing are social services defined in the Social Welfare Act (710/1982, sections 17 and 23) and Social Welfare Decree (607/1983, section 10). The premises used for these services are for the major part normal dwellings which have been modified to some extent for better accessibility and service provision. The inhabitants and the landlord normally sign rental agreements and agreements on the services to be included.

Municipalities are obliged to provide social welfare services as prescribed by law. According to section 27 of the Social Welfare Act, municipalities may establish, acquire or otherwise reserve the number of service housing and supported accommodation units required to meet local needs. People with severe disabilities have a special right to service housing prescribed by the Services and Assistance for the Disabled Act (380/1987).

Unlike for rental dwellings, no queuing system exists for social welfare services. Instead, social welfare authorities issue written decisions on applications for such services. Anyone dissatisfied with a decision may appeal against it before the social welfare board of the municipality within a fixed period. If the applicant is dissatisfied with the board's decision, too, he or she may appeal to the relevant administrative court (Chapter 7 of the Social Welfare Act).

Article 31 para. 2: Prevention and reduction of homelessness

Questions 1) and 2)

General framework

A common definition and typology have been in use in Finland from 1987. The Housing Finance and Development Centre of Finland (ARA) is responsible for producing a yearly report on homelessness and its profile on the basis of a statistical market survey. The survey is conducted by the municipalities.

The homeless include the following categories:

- Persons staying outdoors, in staircases and night shelters etc.
- Persons living in other shelters or hostels or boarding houses for homeless people
- Persons living in care homes or other housing units of social welfare authorities, rehabilitation homes or hospitals because of lack of housing
- Homeless prisoners soon to be released
- Persons living temporarily with relatives and acquaintances because of lack of housing
- Families and couples who have split up or are living in temporary housing because of lack of housing.

The Ministry of the Environment is responsible for planning and monitoring the work against homelessness/housing exclusion in matters concerning overall housing conditions, strategies, special programs, housing advice and other preventive measures. Individual municipalities or municipalities in regional co-operation implement the above-mentioned tasks on the local level.

The Ministry of Social and Health Affairs is responsible for social welfare and health care services delivered both to the whole population and to vulnerable groups. This concerns also social and health services related to housing (e.g. home care, social assistance, housing allowances). Individual municipalities or municipalities in regional co-operation are responsible for the implementation. Regional state authorities supervise the provision of services. The Ministry of Justice (the Prison Service) is responsible for release plans for prisoners, which include accommodation arrangements.

The Finnish social welfare and health care legislation is based on the 'normality' principle, according to which the homeless are entitled to the same social security benefits and social welfare and health care services as other Finnish citizens and anyone else living in the country. Eligibility for benefits is based on the statutory criteria of needs for individual services and is therefore not dependent on whether the beneficiary is homeless or not.

A separate social welfare unit intended solely for the homeless exists in Helsinki, but for health care services the homeless in Helsinki use the services of municipal health centres. The most difficult task is to help homeless people with multiple problems who do not turn to the available services for help. To reach them, cities and organisations organise street-level search teams. Because of the normality principle applied in social welfare and health care work, it has not been justifiable to draft separate norms or quality standards for social welfare services for the homeless.

The homeless are entitled to the general services provided by the employment administration to unemployed jobseekers. Those homeless people who have been unemployed for a long time can engage in vocational rehabilitation, which is based on individual activation plans drawn up jointly by social welfare authorities and the employment administration. The local authorities are responsible for organising the rehabilitation. Homeless people are also entitled to statutory public health care services.

The largest cities with a homelessness problem organise day centre services for the homeless and search work to reach those who live outdoors. The homeless people who live outdoors (mainly in huts in woods) in the Helsinki metropolitan area may number between 50 and 100, depending on the time of the year. In Helsinki, social welfare authorities started the search work to reach those living outdoors already in the 1960s. Moreover, the homeless people's own organisation, Vailla vakinaista asuntoa ry ('No Fixed Abode'), carries out such search work in Helsinki at night. Day centre services for the homeless have been provided since the mid-1980s. At the beginning of June 2011 the City of Helsinki opened a new service centre (Hietaniemenkatu). It is the first reception and assessment unit of a new type for the homeless, and provides both social welfare and health care services.

The Government Programme to Reduce Long-term Homelessness 2008-2011

The Government's Programme to Reduce Long-term Homelessness, adopted in 2008, incorporates a programme to convert residential homes into supported accommodation and sheltered housing units by the end of 2013. The investment and renovation costs of this programme are financed by the Housing Finance and Development Centre of Finland and the Finnish Slot Machine Association.

Former programmes to reduce homelessness have been criticised for not targeting measures satisfactorily at homeless people with multiple problems, who are worst off. The Programme to Reduce Long-term Homelessness is specifically targeted at the long-term homeless with multiple problems, who are worst off and need much support. Estimates suggest that around a third of all homeless people are long-term homeless persons, whose homelessness has been prolonged or threatens to be prolonged due to social and/or health problems.

The goal of the programme is to halve the homelessness figures by 2011 and to place 1,250 homeless people in either supported housing or service housing. The programme is being implemented with reference to letters of intent concluded by the state authorities and the 10 largest Finnish cities with a homelessness problem. The letters of intent cover programmes of measures within the context of single projects and their financing. The programme, launched in 2008, has progressed in accordance with the qualitative targets set for it.

The Programme to Reduce Long-term Homelessness also contains a recommendation for the number of support personnel required in different situations. It suggests that there should be at least one worker per 10 residents in separate supported housing units. With intensive supported accommodation, which is comparable to service housing, there should be one worker for every two residents. These new units of intensive support are being introduced as projects under the Programme to Reduce Long-term Homelessness.

Long-term homeless people constitute a group of persons whose homelessness is classified as prolonged or chronic, or threatens to be that way because conventional housing solutions fail with this group and there is an inadequate supply of solutions to meet individual needs. It has been estimated that around one third, i.e. approx. 2,500, of all homeless people are long-term homeless persons, of whom ca. 2,000 live in the Helsinki metropolitan area.

The overall policy framework is a combination of state, local and private (including NGOs) actors, which have at their disposal both general and specific measures to prevent and reduce homelessness. General measures are available for the whole population. Special measures are delivered according to need. Some groups have been given extra resources (positive discrimination) both at the state level (e.g. psychiatric care for children) and in municipalities (e.g. schools in distressed areas).

The Programme to Reduce Long-term Homelessness includes for the first time an earmarked grant for increases in personnel needed to produce support services, enabling the implementation of approved programme projects. Under the programme, projects undertaken as the cities' own or outsourced services receive state funds to the maximum amount of 50% of salary costs.

Plans for new accommodation units and support services include both genders. Special accommodation has been organised for women and families, but more units are needed. Many of the new units are available for both men and women, but the programme naturally concentrates on measures to help men, which account for ca. 75 % of the homeless population.

The measures under the programme include:

1. Housing investment grants by the Housing Finance and Development Centre of Finland to provide housing for the homeless in 2008-2011 with the maximum amount of €80 million.
2. The Ministry of Social Affairs and Health to allocate state funding for personnel expenditure for the programme period 2008–2011 in the amount of €10.3 million.
3. The Slots Machine Association to channel €20.5 million as investment grants for the renovation of shelters, acquisition of rental accommodation from the housing stock and special projects for vulnerable groups.
4. Financial support to housing advisory services of local authorities in 2009-2011.

Prevention of homelessness

Many of the larger cities in Finland employ personnel specialised in resident cooperation to act as housing advisors and social management officers. Their salaries are generally paid by the city authorities and non-profit rented property providers together. The housing advice system has proved satisfactory and the aim is to broaden its scope. Local authorities are able to receive a maximum of a 20% contribution to the hire of housing advisers out of the Housing Finance and Development Centre.

The ten largest Finnish cities with a homelessness problem are involved in the Government's Programme to Reduce Long-term Homelessness.

Finland has a system of emergency social services that covers all local authorities in case of sudden crisis situations. Emergency shelters provide accommodation on a temporary, short-term basis, and they usually have separate facilities where substance abusers can stay also when intoxicated. They need a permit from the Regional State Administrative Agencies to operate. The local social welfare authorities can grant financial help in the form of social assistance for rent arrears.

The Prison Service is obliged to produce a 'release plan' for released prisoners. The plan also includes accommodation arrangements. The current estimate is that a release plan is drawn up for approximately half of all prisoners released in the country. A survey carried out in 2007 revealed that a third of all released prisoners need help with arranging accommodation. The Finnish Criminal Sanctions Agency coordinates a related development project, associated with the Homelessness Programme. The 'Own Home' project covers the period 2008–2011. The project is concerned with establishing and developing viable local and client-specific practices in cooperation with the cities involved in the programme and organisations that produce housing services. It is aimed at supported accommodation for homeless released prisoners and clients of the Probation Service. A good example of a lengthy period of official cooperation is found in the City of Kuopio, where released prisoners themselves attend meetings of an official working group in order to agree on accommodation arrangements, means of support and employment/studies after their release.

In principle, no patient can be discharged from hospital before the hospital has ensured his or her continued care and treatment and accommodation. Accommodation arrangements are part of the patient's care and service plan. Social welfare authorities are obliged, under the Social Welfare Act, to provide housing services for persons who, for special reasons, need help or support with organising their housing or their living conditions. 'Housing services' means the provision of service housing and supported accommodation. The organisation of accommodation for those discharged from hospital relies on seamless cooperation between the social welfare and health care authorities. However, there are local differences in practices and procedures, owing e.g. to the stock of available accommodation.

Under the Child Welfare Act (2007), when the need for child protection is essentially due to inadequate means of support, unsatisfactory circumstances regarding accommodation or having nowhere to live, or when these constitute an essential barrier to the rehabilitation of the child and the family, the local authority (municipality) must immediately organise adequate financial support and resolve the accommodation problems or organise accommodation if required. Adequate financial support and housing must also be arranged for children or young people receiving aftercare, if their rehabilitation makes it necessary. All children and young people who have been in substitute care are covered under this obligation and the aftercare service regardless of whether the substitute care has been with an institution or a family. The obligation to organise aftercare ends when the young person reaches the age of 21.

Temporary accommodation

There are also residential homes for temporarily accommodating the homeless under the Accommodation and Catering Act (308/2006). At present these are mainly maintained by third sector charitable organisations and mostly exist in Helsinki, there are some 600 places in all. The number of places in temporary accommodation is adequate and the aim has been systematically to cut their overall number and replace them with better-standard housing solutions that make more permanent living arrangements possible.

Supported accommodation

The basic idea behind the Finnish supported accommodation scheme is that clients go through a series of stages where they are gradually provided with less support as they move towards independent living. Supported housing units are organised by local authorities, organisations and parish councils. Supported accommodation is arranged in separate supported accommodation units, and in support homes and private supported housing units.

The basic idea is to spread supported accommodation to the rest of the housing stock. Support homes are group-home type units which house between 8 and 24 residents, each of whom has his or her own room and WC. In addition, there is a communal living area and a kitchen. Some units have cooking facilities in the rooms, too. Support homes do not generally have staff on the premises around the clock. The biggest units usually have their own caretaker-manager or 'support family' living there in their own dwelling. Trained social workers and instructors are responsible for supporting the residents individually, with reference to a service plan based on individual needs. It is also possible to get complementary support from volunteers, although their availability obviously varies locally, or various types of peer support.

Supported housing units are normally based on a cell layout, where three to five residents are housed. Each resident has his or her own room, but the other areas (WC, living room and kitchen) are communal. Support for the residents is organised in the same way as in support homes, and it is always based on an individual support relationship. For some groups, such as released prisoners, individual support may continue after the client has moved into his or her own dwelling to live independently. The support offered by social workers to residents is thus social work based on personal interaction, which also extends to service counselling, i.e. guiding residents to other services, if required. Supported residents are entitled to the social welfare and health care services available to all citizens, and they also use them.

Question 3)

By November 2009 the number of homeless people diminished from over 18,000 in the end of the 1980's to approx. 8,150. The biggest group is those living temporarily with friends and relatives (almost 5,000). Almost 1,500 persons live in different kinds of institutions, because of lack of suitable housing. Approximately 1,000 persons live in shelters. A very small number lives outdoors. About 25 % of all homeless are women, and the percentage of young persons is approximately the same. Immigrants represent ca. 4-5% of the single homeless and ca. 15% of the homeless families.

Homelessness increased from 2007 to 2009. The main reason is the fact that, during recent years, municipalities in the growth centres have not produced sufficiently rental dwellings, especially small flats with reasonable rents, in proportion to the increasing demand.

Homeless people in 2002 -2008

	2002	2003	2004	2005	2006	2007	2008
1. outdoors in emergency shelters	480	504	476	470	432	489	488
2. residential homes, boarding houses	1580	1482	1436	1153	1215	985	1028
3. different institutions	1385	1307	1264	1277	1289	1350	1404
4. homeless prisoners to be released	695	337	283	286	286	246	240
5. temp. with friends and relatives	5420	4556	4192	4244	4177	4463	4795
Single homeless people total	9561	8186	7651	7430	7399	7533	7955
Of these							
- women	1628	1574	1450	1434	1365	1435	1494
- young people, under 25 years	1644	1558	1424	1368	1399	1328	1319
- immigrants	330	243	282	232	289	306	356
Homeless families	774	415	357	355	295	305	299
Of these, immigrants	210	79	80	50	42	47	39

Eviction applications in enforcement offices in 1996 – 2009

Year	Entire Finland
1996	6 513
1997	6 939
1998	7 365
1999	7 253
2000	7 297
2001	6 880
2002	7 616
2003	7 767
2004*	5 830
2005	7 327
2006	7 813
2007	7 899
2008	7 328
2009	7 510

*Because of a change in the statistics system, the statistics of 2004 are not directly comparable with those of the previous years, as they probably show too low figures compared to the older statistics. The 2004 statistics were calculated by multiplying the data of March-December with 1.2.

Evictions in 2007 -2009

Year	Number of evictions conducted
2007	2 607
2008	1 448
2009	1 409

Answers to the Committee's conclusions

Forced eviction

A lessor has the right to give notice on a lease agreement or to rescind the lease agreement only in accordance with the Act on Residential Leases (481/1995). A tenant may be evicted only on the grounds of an eviction judgment passed by a court. In 2007 district courts in Finland passed 7,899 eviction judgments, but only 2,607 evictions were executed.

According to the Constitution of Finland everyone has the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority, as well as to have a decision pertaining to his or her rights or obligations reviewed by a court of law or other independent organ for the administration of justice. Provisions concerning the publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal, as well as the other guarantees of a fair trial and good governance must be laid down by an Act.

The lessor cannot evict the tenant against the tenant's will (if the tenant objects) as long as the lease agreement is valid. Any eviction must be decided in judicial proceedings, and the judgment is implemented by enforcement authorities.

If the tenant has failed to comply with the conditions of the lease agreement, the lessor may rescind or terminate the agreement. However, eviction against the tenant's will is only permissible if a court judgment to that effect exists. The tenant may appeal against the judgment of the court after registering his or her intent to appeal.

A final eviction judgment is enforced by enforcement authorities. If the bailiff is aware that children reside on the premises covered by the ground for enforcement and their further housing is unclear, or that persons in need of immediate care reside there, the local housing and social welfare authorities must be notified as soon as possible of the pendency of the eviction matter and its circumstances, regardless of any secrecy provisions.

Social welfare authorities can help evicted persons by means of the last resort assistance system, by social assistance, for instance payment of outstanding rents, and by renting a new dwelling.

According to the Legal Aid Act (257/2002) legal aid is intended to give individuals the opportunity to obtain assistance for legal matters fully or partially at the expense of the State. Legal aid is given for example in cases of rent arrears, notice and eviction. If a person cannot afford to cover the costs of necessary legal assistance, the funding may be provided partially or fully at the expense of the State. Legal aid is not given, if the person has adequate means for covering the costs, e.g. a household insurance policy which includes also costs of legal aid. Legal aid is granted on the basis of the applicant's income, expenditures, wealth and maintenance liability. The recipient of legal aid is to pay a certain percentage of the fee of the attorney, which depends on the monthly available means of the applicant.

Legal aid is always applied for from a state legal aid office. The application may be filed with any of the legal aid offices, regardless of where the applicant lives. In most cases, the client first contacts the attorney of his or her choice, who then draws up an application for legal aid. In court cases the client has a choice of attorneys, between a public legal aid attorney working at the state legal aid office, an advocate and another private lawyer. Compensation for the attorney's work can be paid for a maximum of one hundred hours. However, in special cases the court may grant a dispensation from this limit. In addition, a recipient of legal aid is exempt from paying the court charges and other similar payments. The State will not compensate the opposing party for any legal costs in the event that the recipient of legal aid loses the case.

Compensation for illegal eviction and in case of rescission (the termination of a lease)

1. Compensation for loss incurred through termination of a non fixed-term lease agreement

If a lease agreement is terminated by the lessor by giving notice which cannot be considered to conform with acceptable tenancy practice, the tenant shall be entitled to compensation from the lessor for the cost of removal and of acquiring a new dwelling and for any repairs and alterations carried out by the tenant which have increased the rental value of the apartment, the compensation for said repairs or alterations being based on their current value at the time of termination of the lease, provided that under the Act on Residential Leases the tenant had the right to perform said work and has not previously received compensation for it. Furthermore, the tenant is entitled to a sum equivalent to no more than three months' rent as compensation for the inconvenience caused by removal.

If it has been agreed that the tenant is responsible for the upkeep or maintenance of the apartment, the tenant is entitled to compensation from the lessor, after the lessor has given notice on the agreement, for any repairs or alterations carried out by the tenant that have increased the rental value of the apartment. In determining said compensation, the current value of the repairs or alterations at the time of termination of the lease and any separate compensation or rent reduction already received by the tenant is taken into account.

2. Compensation for repairs and alterations at the termination of a fixed-term lease agreement

If the tenant notifies the lessor no less than three months before termination of a fixed-term lease agreement that the tenant wishes to extend the lease, but the lessor refuses without grounds considered acceptable under tenancy, the tenant is entitled to compensation for any repairs or alterations carried out by the tenant that have increased the value of the apartment, said compensation being based on the current value of the repairs or alterations at the time of termination of the lease, provided that under the Act on Residential Leases the tenant had the right to perform said work and has not previously received compensation for it.

3. Compensation for loss arising from rescission

The tenant is entitled to compensation from the lessor for any loss caused to the tenant by rescission of the lease agreement, if the rescission was due to a reason which must be considered the lessor's fault, negligence or other carelessness.

Article 31 para. 3: Price of housing

Questions 1), 2) and 3)

State funded rented dwellings are allocated according to applicants' income, property, assets and urgent need. Homelessness is naturally assessed as an urgent need.

In Finland, social mix in the planning, construction and upkeep of housing areas (leasing sites, funding, architecture of buildings, allocation of housing) has been the mainstream ideology in housing since the 1960s. Concentration has been avoided effectively by means of public grants for the acquisition of rental dwellings from the owner-occupied housing stock (from housing companies). There are approximately 40,000 supported dwellings of this kind in Finland.

Rent control was gradually abolished in 1992–1995. Thus, at present, there is no general system for controlling rents. Housing subsidised by the State (by interest subsidies) is based on the cost-effectiveness principle, so that rents are determined according to costs and income. Rents in the open market are determined freely.

The real economic burden caused by housing costs is measured by housing expenditure burden, which is the share of a household's housing costs of its disposable monetary income. The housing costs of tenants consist of rent, and the housing costs of owners of dwellings consist of housing service charges, housing loan instalments and interests on loans.

Information about the distribution of income in Finland shows that in 2005 the average monthly housing costs of Finnish households amounted to EUR 454 per month, which accounted for 17.9% of their disposable income. The housing expenditure burden of owners of dwellings was 16.9% and that of tenants 22.1%. The income of owners of dwellings per household was 75% higher than the income of tenants.

Housing costs of households in 2005

	Disposable monetary income per household €/month	Gross housing costs €/month	Percentage of gross housing costs %	Housing costs (deducted by housing benefits)	Housing expenditure burden %
Owner-occupied dwellings	2 957	523	17.7	500	16.9
Rental dwellings	1 687	459	27.2	372	22.1

Regional breakdown

	Disposable monetary income per household €/month	Gross housing costs €/month	Housing costs (deducted by housing benefits)	Housing expenditure burden %
Helsinki metropolitan area	932	613	556	19.0
Other growth centres	2 588	538	490	18.9
Remaining Finland	2 361	433	397	16.8

	Disposable monetary income per household €/month	Gross housing costs €/month	Housing costs (deducted by housing benefits)	Housing expenditure burden %
Quintile I	971	331	235	24.2
Quintile II	1 845	413	386	20.9
Quintile III	2 428	499	475	19.6
Quintile IV	3 049	574	552	18.1
Quintile V	5 056	743	716	14.2

Housing expenditure burden of low-income households living in rental dwellings

Rental dwellings	I Quintile	II Quintile
Helsinki metropolitan area	31.0 %	28.1 %
Other growth centres	28.1	26.2
Remaining Finland	27.0	23.0

Housing costs are reduced by grants for the production of housing, by paying interest subsidies, by granting state guarantees for housing loans and investment subsidies and other subsidies, by granting direct housing allowances, and by reducing interest costs by means of deduction in taxation. In the last resort, social assistance is paid to eligible persons in order to compensate for their housing costs.

Housing subsidies are granted for dwellings located in Finland and the households living in them. The citizenship of the residents does not affect the subsidies. Housing allowance is payable through three different systems: general housing allowance, housing allowance for pensioners and housing supplement for students. In addition, persons performing military service or non-military service are paid housing assistance for conscripts. The payment of housing allowance is based on applications. The eligibility for the allowance is influenced by the income, housing costs and property of the applicant and his or her family. The amount of the allowance also depends on the location, size, equipment standard and age of the dwelling. In 2005–2009 approx. 40,000–161,000 households received general housing allowance.

Number of recipients of housing allowances and payment thereof in 2005-2008

	General housing allowance	Housing allowance for pensioners	Housing supplement for students	Total
2005	154 814	170 281	157 016	482 111
2006	154 814	174 210	151 107	475 486
2007	150 169	173 518	145 666	461 419
2008	142 235	175 449	149 649	464 484
2009	161 842	177 916	159 201	498 959

Paid allowance EUR million/year

	General housing allowance	Housing allowance for pensioners	Housing supplement for students	Total
2005	436.9	297.7	213.7	966.3
2006	439.4	316.9	250.6	1006.9
2007	430.7	333.9	242.7	1007.3
2008	428.3	349.3	241.9	1019.5
2009	482.1	370.1	266.6	1118.8

Housing allowances have a substantial impact, for they approximately halve the proportion of housing costs to households' income. In 2005-2009, the payment of general housing allowance reduced the housing costs of recipients living in rental dwellings from ca. 60% to ca. 30% of their income.

Housing expenditure burden in proportion to housing allowance income of recipients of general housing allowance living in rental dwellings

	Before housing allowance	After housing allowance
2004	57.8	28.4
2005	60.2	29.2
2006	61.8	29.5
2007	64.5	30.7
2008	67.6	32.3

In other respects regarding this Article the Government refers to its previous reports.

ANNEXES

- 1 Child Welfare Act (417/2007)
- 2 Statistics, Offences reported to the Police 2005 - 2009
- 3 Young People and Labour Legislation, brochure, 2005
- 4 The Government's report of 2010 on the implementation of ILO Convention no. 138 (Minimum Age Convention)