

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**



28 November 2017

Case Document No. 5

Central Union for Child Welfare (CUCW) v. Finland
Complaint No. 139/2016

**FURTHER RESPONSE FROM THE
GOVERNMENT**

Registered at the Secretariat on 21 November 2017



21 November 2017

Mr Henrik Kristensen
Deputy Executive Secretary
European Committee of Social Rights

Complaint No. 139/2016
Central Union for Child Welfare (CUCW) v. Finland

Sir,

With reference to your letter of 11 October 2017 concerning the aforementioned complaint, I have the honour, on behalf of the Government of Finland, to submit the following further observations on the merits of the aforementioned complaint.

FURTHER OBSERVATIONS ON THE MERITS OF THE COMPLAINT

1. The Government recalls its observations of 18 July 2017 on the merits of the communication.
2. The Government notes with reference to the Central Union for Child Welfare's (CUCW) submission of 29 September 2017 the following.

Every child is guaranteed 20 hours of early childhood education and care

3. The Government recalls that according to the amended Act on Early Childhood Education and Care, the municipalities have an obligation to provide early childhood education and care (later, "ECEC") to all children residing in their area. Every child is entitled to a minimum 20 hours of early childhood education and care per week (4 hours per day), which also includes necessary and healthy nutrition, and to more than 20 hours, when it is necessary, based on the individual situation of the child's guardian (employment, study etc.) The child is also entitled to full-time ECEC, when considered necessary due to the child's individual development, need for support or circumstances of the family or when considered otherwise necessary for the best interests of the child. Therefore, the amended legislation leaves no child without the support and care offered in ECEC.

4. All children are guaranteed not less than 20 hours of early childhood education and care under section 11a of the Act on Early Childhood Education and Care. Any extended early childhood education and care provided in addition to this will be based on a needs assessment that is the same for all children. There are no default child groups, and each case is decided according to the individual circumstances.
5. In this connection, the Government emphasises that no discrimination arises in determining entitlement to early childhood education and care in Finland, as the basis for determining early childhood education and care has changed for all children. Contrary to the CUCW's allegation, no distinction can be drawn between any two particular groups under the scope of part-time early childhood education and care, and in addition to the children of caregivers who are unemployed or on parental leave, children also fall within the said scope when they have a parent at home, for example in the role of a homemaker or due to retirement.
6. Further, according to the *travaux préparatoires* to the Act, the interests of the child are paramount when arranging activities in accordance with the amended right to early childhood education and care. Regular participation of the child in early childhood education and care provides a favourable starting point for the child's comprehensive learning and development, preventing learning difficulties, establishing peer relationships, and realising the assigned objectives of early childhood education and care activities. Continuous and lasting human relationships are very important for the security of the child and for a high standard of early childhood education and care. The arrangements for early childhood education and care must therefore remain flexible, with consideration always given to individual family circumstances when changing care times. Municipalities are free to arrange early childhood education and care that is more extensive than the legally mandated minimum.
7. The Government observes that, as the CUCW noted in its submission, the Chancellor of Justice submitted the following observations on the draft Act on 24 September 2015:

"The proposed amendments to the Act on Early Childhood Education and Care mean that access to early childhood education and care exceeding 20 hours will be based on a municipal needs assessment except in the cases referred to in subsection 2 of section 11a of the draft statute. This means that the child's entitlement to more than the statutory 20 hours per week of early childhood education and care will not be determined according to equality rights, but on the basis of the status of the child's parents. The situation created by the statutory reform of early childhood education and care rights thereby raises problems of principle in relation to sections 6 and 16 of the Constitution. ---

I do not feel that the weight to be given to the interests of the child in a municipal needs assessment is prescribed by law with enough precision to give any assurance of the equality required under section 6 of the Constitution. I consider that there are grounds for submitting the Government Bill for consideration by the Constitutional Law Committee."

8. The Government refers to its previous observations of 18 July 2017 and recalls that the Constitutional Law Committee of Parliament has issued a Statement on the legislative amendment to the Act on Early Childhood Education and Care (Statement PeVL 12/2015 vp).

9. The Committee evaluated the amendment also in regards to section 6 of the Constitution, the section on equality, which regulates that everyone is equal in front of law and that no one shall be discriminated based on reasons originating from his or her person. The Committee stated that in the assessment of the need of daycare, the determining factor is the child's interest in each individual situation. According to the consideration of the Constitutional Law Committee, the required level of equality is sufficiently ensured as every child ultimately has the right to fulltime ECEC if it is found to be necessary for the child's individual development, due to the need of support of the child or the family circumstances, or if it for any another reason is considered to be in the best interests of the child. Thus, fulltime ECEC is provided for those children who need it.
10. The Government further recalls that the distinction due to the amendment to the Act on Early Childhood Education and Care has an objective and reasonable justification because it is based on the differing needs of different families and yet no one is left entirely without early childhood education and care. Thus, the right of a child to ECEC is ensured. Therefore, there is no discrimination based on the social and socioeconomic status of parents or any other criteria. The Charter in itself is based on the principle of ensuring that families, children and workers have access to the services, benefits and other arrangements that they need. The specifics of the childcare system are within the discretion of the State Party.
11. In this connection and with reference to the CUCW's submission the Government considers that the CUCW's allegation that services should be universal and identical to all regardless of relevant differences in families' situations, is too rigid and not in line with the case-law mentioned in the Government's previous observations.
12. The Government further corrects a misconception of the CUCW with respect to Article E concerning discrimination and points out with reference to paragraphs 4 and 63 of the Government's previous observations that the wording the Government has applied was "Articles 16, 17 and 27§1 c alone or in conjunction with Article E" and that the Government otherwise took note of Article E.

Child home care allowance

13. The Government notes that for arranging care for their children, parents may, on the basis of the Act on the Child Home Care Allowance and the Private Care Allowance (1128/1996), be granted a child home care allowance, or a provider of care specified by the parents may be granted a private day care allowance. These allowances are granted on the condition that the child is cared for outside municipal early childhood education and care. The child home care allowance consists of a fixed-amount care allowance, based on the number of the children cared for, and of an income-based care supplement. In addition to the statutory child home care allowance, some municipalities pay a municipal supplement to the allowance.

14. The child home care allowance is payable at the same time as an unemployment benefit. However, under chapter 4, section 8 of the Unemployment Security Act (1292/2002), a child home care allowance paid to a jobseeker or his or her spouse is deducted from their unemployment benefit. The child home care allowance has been deducted from the basic unemployment allowance since 1993.
15. The deduction is intended to serve the objective of the unemployment benefit system, *i.e.*, that the system must support a jobseeker's seeking of employment or use of services promoting employment, and that unemployment benefits are intended for jobseekers who can accept employment on conditions generally applied in the labour market. If the child home care allowance were not deducted from the unemployment benefit, the jobseeker's income level compared with his or her income from paid work would be disproportionate. This might create a threshold or barrier for jobseekers receiving a child home care allowance to seek employment or to use services promoting employment.

Part-time early childhood education and care implements objectives of early childhood education and care in accordance with law

16. The Government notes that according to the *travaux préparatoires* to the Act on Early Childhood Education and Care, part-time early childhood education and care will also be arranged in a manner that realises the objectives of early childhood education and care prescribed in the said Act with the same quality as whole-daily operations. Even after the amendment, early childhood education and care will be arranged in the form preferred by the child's parents or other custodians where possible. Early childhood education and care will be arranged either on a part-daily or part-weekly basis as the parents prefer.
17. The Ministry of Education and Culture provides further guidance to ensure that meals are properly arranged in part-time early childhood education and care. According to the Ministry guidelines, the amended right to early childhood education and care must not place any child in circumstances where the child would not enjoy the same service as the other children when attending. A child in early childhood education and care for four hours per day is entitled to meals and snacks corresponding to those provided for children in whole-daily early childhood education and care at the times when the child attends together with children in longer early childhood education and care.
18. Section 2b of the Early Childhood Education and Care Act provides that healthy and necessary nourishment that satisfies the child's nutritional requirements shall be arranged for a child in early childhood education and care, unless otherwise required by the nature of the early childhood education and care provided at a daycare centre or in private family care. Meals shall be arranged and managed expediently.
19. The times and sizes of meals are decided locally. The food must satisfy general quality requirements for nutrition and health, and must be served in adequate quantities and frequency, depending on the length of the child's day spent in early childhood education and care.

20. The meal requirements of the child will depend on both the child's individual needs (including age, development, needs for support and nutritional needs) and the length of the child's day spent in early childhood education and care. The meals of a diabetic child or a very small child, for example, cannot depend solely on fixed meal times or on the length of the day spent in early childhood education and care, and must instead be assessed as necessary according to the circumstances. Decisions on nutrition must be made primarily from the perspective of promoting and safeguarding the interests and wellbeing of the child, as required by the Early Childhood Education and Care Act.
21. The National Nutrition Council of Finland has also issued recommendations on the diet of families with children. The recommendations also give guidance on nutrition in early childhood education and care (*Eating together - food recommendations for families with children*, 2016).
22. Staffing levels in early childhood education and care are prescribed in the Decree on Children's Day Care (239/1973). Different staffing levels apply to early childhood education and care of children over three years of age arranged in whole-daily and part-daily daycare centres. The ratio of educational staff to children in early childhood education and care continuing for more than five hours daily is 1:8, meaning that eight children may be present for each educator at any time. The corresponding ratio in part-daily operations is 1:13. The staffing level for children under three years of age is 1:4 regardless of duration. No changes were made in staffing levels on reforming the right to early childhood education and care, and the staffing level of part-daily early childhood education and care remained unchanged. It should nevertheless be noted that the staffing ratio for children over three years of age in whole-daily early childhood education and care was also changed from 1:7 to 1:8 with effect from the date of implementing the said reform.
23. Pursuant to section 9 of the Early Childhood Education and Care Act, the Finnish National Agency for Education prepared a new National Core Curriculum for Early Childhood Education and Care, dated 18 October 2016, that requires both municipalities and private organisers of early childhood education and care to implement this function in accordance with the curriculum entries. There is now also a statutory duty to prepare local curricula. Deployment of local early childhood education and care curricula was required by no later than 1 August 2017. Section 7a of the Early Childhood Education and Care Act also imposes a duty to prepare a personal early childhood education and care syllabus for every child.
24. The personal syllabus sets out the objectives of implementing early childhood education and care for the child in a manner that supports the child's learning, development and wellbeing, together with measures for realising the objectives. It also records the child's support needs, the support measures, and their realisation. The personal syllabuses must be drawn up on the basis of the revised curriculum. An early childhood education and care syllabus is prepared for each child, ensuring implementation of early childhood education and care objectives and child support for all children in early childhood education and care.

25. According to its impact assessment (Finnish National Agency for Education, 27 September 2016) the National Core Curriculum for Early Childhood Education and Care was designed to provide more transparent guidance and support for organisers of early childhood education and care, and for drafting local early childhood education and care curricula, collaboration, ensuring the participation of children and caregivers, and the practical organisation and realisation of early childhood education and care.

The scope definition of early childhood education and care

26. The Government observes that the CUCW states in its aforementioned submission that: "*the Government has not provided any instructions for municipalities for interpreting this exceptional rule (means-tested possibility of full-time attendance)*".

27. The Government notes in this connection that the detailed reasoning on section 11a, subsections 3 and 4 of the Act on Early Childhood Education and Care nevertheless seek an optimally versatile description of situations related to family circumstances and the individual development of the child. However, the circumstances of families are so diverse that it is not possible for the text of that section to prescribe detailed scope criteria for early childhood education and care.

28. Further, according to the *travaux préparatoires* to section 11a, subsection 3 of the Act, the life situation of a family will be considered in municipal decisions on entitlement to early childhood education and care and the regular scope of entitlement will be determined accordingly. For example, early childhood education and care should also be arranged on a whole-daily basis during working weeks when the work of a part-time retired parent requires full-time work in alternate weeks. According to the *travaux préparatoires* to the Act, even when the working time of a child's parent or other caregiver is less than 80 per cent of the maximum working time of a full-time employee in the industry concerned and the work is therefore defined as part-time, such working should nevertheless be possible and the scope of entitlement to early childhood education and care must adapt to the circumstances of the family in the particular case. The definitions of a service that promotes employment and of rehabilitation are comprehensively examined in the *travaux préparatoires* to the Act. The *travaux préparatoires* to the Act nevertheless state that the reform may not result in needless relocations of a child from one place of early childhood education and care to another with fluctuations in the employment situation of the parents or other caregivers.

29. According to the *travaux préparatoires* to section 11a, subsection 4 of the Act the organiser of an operation must jointly consider the need and reasons for whole-daily early childhood education and care together with the family. An individual case assessment must be made of the information required to decide the case.

30. The threshold for arranging whole-daily early childhood education and care must be low, and should not generally require any specialist opinion or other corresponding evidence when early childhood education and care is provided because of the child's development, the need for support or the circumstances of the family.

31. If the child's caregivers and the municipality nevertheless disagree on the need to arrange whole-daily early childhood education and care, it may then be necessary to procure statements on the need for whole-daily early childhood education and care, for example from social and welfare authorities and specialists.
32. According to the *travaux préparatoires* to the Act, changes in a subjective right may nevertheless not result in having to seek entitlement to early childhood education and care falling within the scope of the previous Act, for example as a community care support measure for child welfare or through some other public authority such as the municipal social administration or family counselling clinic, which could be a slow and costly option overall.
33. The *travaux préparatoires* further state that the child may be in need of support in a physical, cognitive, artistic, emotional, social or other corresponding area of learning or development, which from the child's perspective could be more effectively supported through early childhood education and care than at home. Details of family circumstances may also render participation in whole-daily early childhood education and care in the child's interests. The *travaux préparatoires* suggest that details of this kind could include physical and psychological health issues for the parents, use of intoxicants, or prevention of family problems. For example in the case of multiple births in the family, the early childhood education and care of older siblings could prevent parental exhaustion. A similar situation could arise if a family has a premature baby, a child with a disability or sick child, or a stay-at-home parent or other child in the family is chronically ill or with disability.
34. The *travaux préparatoires* also indicate that a need for extended entitlement to early childhood education and care may also arise, for example, in the case of immigrants, as extended entitlement may support the linguistic development of the child, the development of friendships and the general social integration of the child and family. The need for extended entitlement may also be due to such factors as developing the child's readiness for school or a need to practice teamwork skills.
35. The Government observes in this connection that the *travaux préparatoires* to the Act find it essential to consider extended entitlement to early childhood education and care broadly, having regard to the overall situation of the child and family without branding or blaming the child and family, and maintaining the status of early childhood education and care as a key form of preventative child welfare. Considerations should ultimately stress the interests of the child.
36. According to the *travaux préparatoires*, the child's parent or other caregiver will not necessarily be capable of requesting early childhood education and care exceeding 20 hours, or to provide adequate evidence to justify the request. The municipality must take its own steps to ensure that the various service options and the procedures for requesting them are known to the child's parents or other caregivers. The information or evidence required, for example when assessing a request of the kind referred to in subsection 4, will also vary from case to case. The municipality must ask the client to supplement the application as necessary, and guide the client in completing the application.

37. The municipality may also decide to provide early childhood education and care to an extent exceeding the minimum standard required under section 11a of the Early Childhood Education and Care Act, but must then ensure equitable treatment of clients. Everyone in the same circumstances must be offered equal access to the early childhood education and care that exceeds the statutory minimum.
38. The *travaux préparatoires* indicate that the situation will be reviewed with respect to the parents or other caregivers living with the child when assessing the scope of a child's early childhood education and care. The child's need for early childhood education and care may have to be assessed separately for each parent when the child's parents or other caregivers are separated, particularly under the circumstances known as shared housing. Separate administrative decisions concerning entitlement to early childhood education and care must also be issued for the parents or caregivers as necessary. According to the *travaux préparatoires* to the Act, the child's need must be assessed as a whole, avoiding needless changes, and individually according to both places of residence and need when the parents are living in two districts.
39. The National Core Curriculum for Early Childhood Education and Care prepared by the Finnish National Agency for Education (section 2.2, Forms of action in Early Childhood Education and Care, p. 17) also states the following:
- "It is important for caregivers to have enough information on the content and characteristics of all forms of action. The form and scope of early childhood education and care measures that meet the needs and interests of the child will be negotiated with the caregiver. Advice and counselling will not only be provided when applying for services, but also when the child is already placed in the early childhood education and care service."
40. According to the detailed reasoning for the Government Bill, the scope of early childhood education and care of a child will be confirmed by a decision of the municipality on the basis of the family's principal life situation. The decision will be issued by a municipal decision-making body referred to in section 11d of the Act or by an official subordinate to the said body. Early childhood education and care exceeding the hours specified in the said decision will be provided for a child flexibly as necessary in temporary and unforeseen circumstances. The decision on the scope of early childhood education and care will be updated as necessary as the family's life situation changes.
41. The administrative decision will ensure an equitable assessment of the scope of early childhood education and care. The decision will also be open to correction or appeal insofar as it concerns the scope of entitlement to early childhood education and care. The right to appeal will also apply to a decision subsequently amending the scope of entitlement to early childhood education and care.

Impact assessment

42. The Government observes that in its aforementioned submission the CUCW states that: "...neither the real long-term cost savings associated with the restriction of the entitlement to early childhood education nor its impact on children were assessed in the preparation process of the amendment of the Act on Early Childhood Education".
43. The Government considers that the child impact assessments in the Government Bill were conducted appropriately and realistically and that they include both favourable and unfavourable evaluations. The child impact assessments considered children's early childhood education and care in both public and private sector. The child impact assessments stress solutions that realise the interests of the child at several points.
44. The *travaux préparatoires* to the Act also assessed economic impacts in the long term. For example the passage on cost savings envisages a saving of EUR 62 million as of 2017, comprising some EUR 15.9 million in statutory government transfers and approximately EUR 46.1 million in municipal co-financing. The economic impacts of the Government Bill are based on estimates, and the effects of the proposal on individual municipalities will vary.
45. The child impact assessment and economic impact assessment were drafted in the course of official duties at the Ministry of Education and Culture. The assessments were conducted in the light of the knowledge available when the Act was being prepared. The Government emphasises that naturally it was not possible to predict the situations of families in advance, and the effects of the amendments have accordingly been monitored comprehensively during and after their implementation through, for example, the *VakaVai* research project.
46. The Government recalls in this connection that the research project *VakaVai - Exploring the influences of new legislation of early childhood education and care in Finland* is being carried out in 2016 and 2017. The project comprehensively evaluates the effects of the legislative amendments that took effect in 2015 and 2016.
47. The reform of the right to early childhood education and care took effect relatively quickly, with the amendment enacted in January 2016 and entering into force in August of the same year. The material for the *VakaVai* project was also collected during this transition stage as municipal practices were still taking shape. The estimates of total effects, such as cost impacts, are accordingly only indicative. As the amendments entered into force on 1 August 2016, it has not been possible to verify all the effects or their scope by 2017.
48. Further, according to the *VakaVai* project, the individual entitlement to early childhood education and care has been restricted in 132 municipalities and 77 municipalities have decided to leave the entitlement unchanged. According to information provided by the National Institute for Health and Welfare (Early Childhood Education and Care in 2016 - Partial report of municipal survey 30/2017), approximately 10 per cent of children (21,488 children) within municipal early childhood education and care participated in early childhood education and care for a maximum of 20 hours per week in 2016.

Stability of children's relationships

49. The Government notes that according to section 11a, subsection 8 of the Act on Early Childhood Education and Care:

"the right to the same early childhood education and care place is maintained in daycare centres and, where possible, in private family care if the time the child spends in early childhood education and care changes as provided in subsections 1 to 4".

50. The provision guarantees that the child will have the same early childhood education and care place if the scope of the child's right to early childhood education and care changes.

51. The child impact assessments of the Government Bill expressly pointed out the importance of stable and continuous relationships. The impact assessments state the following:

"Stable and continuous relationships are important for the child's favourable development, for which reason regular changes in the time a child spends in early childhood education and care, and in particular in daycare groups, should be avoided. It should be ensured that variations and changes do not occur too frequently in daily life. The suggestion included in the proposal that the same early childhood education and care place should be maintained regardless of a change in the time a child spends in the said service would also safeguard stable and continuous relationships, which are important for the child's favourable development and prevent changes in daily life. It is also in the best interests of a child in private family care that the child would have the same early childhood education and care place whenever this is reasonably possible."

52. According to the *travaux préparatoires* for that section, the right to the same early childhood education and care place in a daycare centre is maintained if the parents or other caregivers so wish, even if the child's right to early childhood education and care would change due to changes in the scope of this right. The proposed amendments may not lead to situations where a child would be transferred, for example, to a part-daily group in another daycare centre because of a change in the scope of the right to early childhood education and care. It would be unreasonable for the child and family if a change in the right to early childhood education and care resulted in a change in the early childhood education and care place.

53. Private family care refers to early childhood education and care organised at the care provider's home, at the child's home, or at a separate centre designed for group family daycare. The *travaux préparatoires* for the Act state with respect to private family care that a definite provision on the right to the same place might make organisation of private family care more difficult and reduce the income of private family care providers, as a child in part-daily care might take the place of a child in whole-daily care. The wording of the Act is accordingly not definite in respect of private family care. The same early childhood education and care place should be maintained in private family care where possible.

54. The amendments were scheduled to take effect at the beginning of a new term in early childhood education and care when groups are formed. The objective was to ensure stability of children's relationships. The amendments may have been introduced no sooner than when the Act entered into force.

55. In addition to maintaining the early childhood education and care place, the Act imposes a two-month term on the restriction of entitlement to early childhood education and care. If the parent's full-time employment, studying or corresponding situation conferring entitlement to whole-daily early childhood education and care ends, early childhood education and care must, according to section 11a, subsection 2 of the Act, still be provided on a whole-daily basis for two months unless the child's parent stays at home to take care of another child living in the family, or retires. Consequently, a place in whole-daily early childhood education and care will not be lost, for example, because of short-term unemployment, which also encourages parents to actively seek new employment within the two-month period. Family leave and retirement are not unpredictable events in the same way as unemployment often is, and do not require a similar adaptation period.

Early childhood education and care in Sweden

56. The Government observes that in its submissions the CUCW appears to state that the Swedish system of early childhood education and care is not comparable to the Finnish system.
57. The Government clarifies in this connection that the Government referred to the Swedish system in its previous observations because the Committee has noted in connection with Sweden's country report that the right to 15 hours of early childhood education and care in Sweden is in conformity with the European Social Charter.

Measures to improve the participation rate and quality in early childhood education and care

58. The Government has resolutely sought to reduce client fees collected for early childhood education and care, and thereby improve the opportunities of children to participate in early childhood education and care. A new Act on Client Fees in Early Childhood Education and Care (1503/2016) entered into force on 1 March 2017. The client fee for early childhood education and care is set according to the size and income of the family and the time the child spends in early childhood education and care. The income thresholds used for setting the fee were increased with the result that the client fees for low-income families with two and three members decreased.
59. As part of its policy on reducing disincentives the Government indicated in April 2017 that client fees for early childhood education and care will be further reduced for low and average-income families, and for families with more than one child in early childhood education and care. In fact, the fees will be reduced by changing the income thresholds and payment percentages used for setting the fees. The fee for a second child will be reduced to no more than 50 per cent of the fee for the first child, instead of the current 90 per cent. It is estimated that following the amendment 6,700 families would be entitled to free early childhood education and care. The Government Bill was submitted to Parliament in September 2017, and the amendments are due to take effect on 1 January 2018.

60. The Government has also decided to launch a trial of free part-daily early childhood education and care for 5 year-old children together with municipalities. The Government has set aside EUR 5 million in state funding for the trial between 2018 and 2019. The Ministry of Education and Culture is currently preparing implementation of the trial of free early childhood education and care.
61. Provision of university-level kindergarten teacher education has been increased several times over the past years, so as to guarantee the availability of staff with pedagogical education. Educated staff will ensure that all children enjoy a high standard of early childhood education and care. More than 800 new study places were created for kindergarten teachers at the universities through special funding between 2012 and 2016. An annual objective of 590 kindergarten teacher degrees and 195 special kindergarten degrees was set for the universities for the 2017 to 2020 contracting period.
62. At a debate on spending limits (4/2017), the Government took a decision to fund the development of staffing structure in early childhood education and care with EUR 28 million between 2018 and 2021. The funding will be allocated to the universities, enabling them to create 1,000 more places for kindergarten teacher students.
63. The Ministry of Education and Culture is involved in a Government Key Project called the Programme to Address Child and Family Services (LAPE). The aim is to promote child and family-oriented services and create an operating culture that strengthens children's rights and a knowledge-based approach. The goal is to strengthen the wellbeing and resources of children, young people and families. An important premise is to increase participation among children, young people and families in planning their own services. Support for parenting and low-threshold services will be strengthened. Timely support will make services more effective. Cost savings will also be realised when the need for remedial services, such as taking children into care and institutional care, is reduced.
64. In addition, the Ministry of Education and Culture is currently preparing a comprehensive reform of legislation on early childhood education and care. The key objective is to complete the administrative transfer implemented in 2013, which integrated early childhood education and care into the education and training system and to the administrative branch of the Ministry of Education and Culture. The legislation dating from 1973 needs to be modernised and clarified, and references to social welfare legislation must be removed. No amendments are proposed to the right to early childhood education and care, but the objective is to further clarify and strengthen the regulation in respect of, for example, children in need of support.

Conclusion

65. In respect of the merits of the complaint, the Government recalls that in the Government's view, when in the present case the situation of the Finnish domestic legislation is assessed holistically and comprehensively with the Charter, the only available conclusion is that the relevant provisions in aggregate do fulfil the obligations set by Articles 16, 17, 27§1 c and E of the Charter.
66. Accordingly, there is no violation of Articles 16, 17 and 27§1 c alone or in conjunction with Article E of the Charter in the present case.

Accept, Sir, the assurance of my highest consideration.



Krista Oinonen
Agent of the Government of Finland
before the European Committee of Social Rights
Director, Unit for Human Rights Courts and Conventions