



European  
Social  
Charter

Charte  
Sociale  
Européenne



COUNCIL  
OF EUROPE

CONSEIL  
DE L'EUROPE

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

26 July 2011

**Case No. 1**

**Association of Care Giving Relatives and Friends**  
Complaint No. 70/2011

**COMPLAINT**

**Registered at the Secretariat on 6 July 2011**



## **Secretary General of the Council of Europe**

### **Collective complaint due to Finnish legislation that violates the Articles in the European Social Charter**

#### *Contents of the complaint*

The complaint is mainly related to Article 23 of the European Social Charter (revised) concerning the right of elderly persons to social protection.

According to the article with a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties (including Finland) undertake to adapt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

to enable elderly persons to remain full members of society for as long as possible, by means of:

- a) adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;
- b) provision of information about services and facilities available for elderly persons and their opportunities to make use of them;

to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

- a) provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;
- b) the health care and the services necessitated by their state;

[...]

#### **The right of the Association of Carers and Relatives in Finland to make complaint is based on the following:**

The Association of Care Giving Relatives and Friends (Omaishoitajat ja Läheiset –Liitto ry, Närståendevårdare och Vänner -Förbundet rf) is a bilingual society (Finnish, Swedish) and the home base of the Society (Union) is Helsinki, Capital of Finland.

The Association has been founded 20.5.1991 and it has been registered in the Association Register of Finland the same year.

The activities of the Association (Union) concern all Finnish relative and near carers who take care of their citizens.

Our Association aims to promote legislation and implementation of law concerning the interests of our affiliates and promotes at the same the interest of all those people who deliver care to their sick, disabled or elderly relatives or friends at home.

There are also many projects and research activities within our Association (Union) and its

72 locals.

Furthermore, our Association (Union) and its locals arrange many lectures, seminars congresses, club activities etc. to the affiliates. Besides we have publication activities, periodicals etc.

Our Association lodges initiatives, suggestions and bill motions to officials and politicians of the matters concerning care at home.

The membership of our Association is open to all carers and to those who are interested in our activities.

The amount of membership in our Association is some 10 000 members affiliated in 72 locals of our Association (Union) in the whole country.

We are convinced that our Association (union) as a nationwide actor in the field of relative and friend care is entitled along the rules adopted during the 201<sup>st</sup> session on 29 March 2004 and revised during the 207<sup>th</sup> session on 12 May 2005 and during the 234<sup>th</sup> session on 20 February 2009, to request the Social Committee to assess whether the rights and obligations of the Care Giving Relatives and Friends and of those persons they are taking care of are in conformity with the above mentioned regulations in the European Social Charter (revised). Our Association (Union) is convinced that there exists violations in Finland and due to that we are processing this complaint.

### **Complaint concerning the equality of the care giving relatives and friends in Finland**

1. In the article 23 of the European Social Charter (revised) concerning the right of elderly persons to social protection there is a view to ensuring the effective exercise of the right of elderly persons to social protection.
2. Due to that the Parties (including Finland) undertake to adapt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

to enable elderly persons to remain full members of society for as long as possible, by means of:

- a) adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;
  - b) provision of information about services and facilities available for elderly persons and their opportunities to make use of them;
- to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:
- a) provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;
  - b) the health care and the services necessitated by their state;

The system of relative and near care in Finland is determined in the law concerning the support of relative and friend care (see appendix 1, law in Finnish). In the paragraph 3 is specified granting of the support (minimum 363 Euros/month), but in the beginning of the paragraph is said the municipality *can* grant support for the relative and friend carers within the municipality. So the support is depending on the allocations decided in the municipal council in resolving in the context of the municipality budget for the next year. Due to that the implementation of the support varies heavily from municipality to municipality and the money decided by some commune may be so tiny that the money is used long before the budget year is finished. In that case many carers who are entitled to the support along the law do not receive it due to the communal decision. Some carers may be in heavy caring situation taking care day and night their relative or friend at home and are in desperate need to get the support, but the municipal budget decision prevents the support. There are 338 communes in Finland and in every commune makes its budget decisions independently and as a follow-up the relative and friend carers are in unequal position depending where they live in Finland. Our Society (Union) regards that the situation in Finland violates the above mentioned paragraphs in the treaty though Finland is obliged to implement the rules in the treaty in the whole Finland irrespective the place the carer lives in Finland. The carers cannot be in such unequal position in Finland along the treaty. This kind of situation creates violation with the article 23 in the treaty. [...]

**Conclusion and claim of Association of Care Giving Relatives and Friends in Finland:**

Our Association (Union) sees that [...] the case [...] violate[s] the Treaty's article mentioned above. Therefore the Association of Care Giving Relatives and Friends in Finland has made this complaint and is ready to give further information to the Committee, if needed.

**Helsinki 25.6.2011**

**Association of Care Giving Relatives and Friends  
Helsinki, Finland**



**Anneli Kiljunen**  
Chairperson of the Association  
Member of Parliament



**Merja Salanko-Vuorela**  
Executive Manager

**Appendix: The laws concerning the Complaint (in Finnish) \_**