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EUROPEAN SOCIAL CHARTER

14th National Report on the implementation of
the European Social Charter
submitted by

THE GOVERNMENT OF FINLAND

Article 7, 8, 16, 17, 19, 27 and 31

for the period 01/01/2014 - 31/12/2017

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CYCLE 2019

FOURTEENTH PERIODIC REPORT

ON THE IMPLEMENTATION OF

THE REVISED EUROPEAN SOCIAL CHARTER

SUBMITTED BY THE GOVERNMENT OF FINLAND

OCTOBER 2018

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

for the period 1 January 2014 to 31 December 2017 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 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

Question 1

The *Annual Holidays Act* (162/2005) was amended during the reporting period.

According to the said amendment (182/2016): "Under the Act, if an employee is in-capacitated due to illness or an accident during their annual holiday, the first six days of incapacity are considered to be a "waiting period", which does not entitle the employee to postpone their holiday. Notwithstanding the provisions on waiting period, employees who, during the holiday credit year, have earned an annual holiday of four weeks or longer are always entitled to an annual holiday of at least four weeks. Moreover, amendments were made to the provisions on periods equivalent to employment so that annual holiday can be earned during a maximum of six months during maternity, paternity and parental leave."

The *Act on Co-operation within Undertakings* (334/2007) was amended during the reporting period.

Section 16 of the Act was amended by Act (1137/2013) on (personnel and training plan) as part of the legislation on financially supported development of professional skills.

Section 16 of the Act was further amended by Act (1471/2016) so that under its wording an employer that regularly employs at least 30 people must include in its personnel and training plan principles according to which the employer will provide coaching or training to further the employment prospects as specified in Chapter 7, Section 13 of the Employment Contracts Act (55/2001) or Chapter 8, Section 11 of the Seafarers' Employment Contracts Act (756/2011) to employees who have been given notice due to economic or production-related reasons.

Section 19, subsection 1 of the Act was amended by Acts (1344/2014 and 1347/2014) to include a reference to Section 7, subsection 2 of the Non-discrimination Act (1325/2014) under which employers must prepare a plan for the necessary measures to promote equality.

A technical amendment (208/2017) concerned Section 48 of the Act, replacing the former "employment office" with "employment and economic development office".

Questions 2 and 3

The Government has no new information to report under the current reporting period.

Article 7 para. 2: Dangerous or unhealthy work

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Provisions on duties which might be harmful or hazardous to a young worker are laid down in Section 9 of the Young Workers' Act (998/1993). A young worker may only be used for this type of duties on conditions laid down in the Government Decree on work that is considered particularly harmful and dangerous for young workers (475/2006). This Decree was issued by virtue of the Young Workers' Act and the Occupational Safety and Health Act (738/2002).

Penal provisions concerning violations of the Young Workers' Act are contained in Section 18 of the Act. Under subsection 1, the penalty for violating the labour protection provisions, for causing a defect or fault which violates said provisions, and for allowing a state of affairs violating the provisions to continue is prescribed in Chapter 47, Section 1, of the Criminal Code (39/1889). Under subsection 2, the penalty for a violation of the protective provisions on the working hours of young employees, committed notwithstanding an admonition, order or prohibition issued by the labour protection authorities, is prescribed in Chapter 47, Section 2 of the Criminal Code. Moreover, under subsection 3, any employer or representative of the employer that deliberately or out of carelessness contravenes the provisions of the Young Workers' Act or of a decree passed under it in a manner other than that stated in subsections 1 and 2 shall be sentenced to a fine for violation of the provisions on the labour protection of young workers. The distribution of liability between an employer and an employer's representative shall be determined according to Chapter 47, Section 7 of the Criminal Code.

In addition, provisions on the means of administrative supervision are laid down in Chapter 3 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006). These means include issuing written advice and an improvement notice (Section 13), submitting the matter to occupational safety and health authorities (Section 14) and a binding decision by an occupational safety and health authority (Section 15), which the occupational safety and health authority may enforce by imposing a default fine or threat that the concerned activity will be stopped.

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

Question 1

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 caretaker of unauthorised absence. The parent or caretaker 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 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 or she 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 or her 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 (as amended by Act 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.

Questions 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's General Questions and conclusions

As noted in the previous report, under Section 2, subsection 1 of the Young Workers' Act, a person who has reached the age of 15 and has completed their compulsory schooling may be admitted to work.

Under Section 2, subsection 2, a person who has reached the age of 14 years or will reach that age in the course of the calendar year may be admitted to work if the work in question consists of light work that is not hazardous to the person's 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.

As specified in the detailed rationale of subsection 2 (Government Bills 92/1993, p. 17 and 89/1998, p. 2), Section 2, subsection 2 applies to persons who have turned 14 or will be turning 14 and have not yet completed their compulsory schooling. The provision of subsection 2, paragraph 1 applies to work carried out by a person of compulsory school attendance age during the official school holidays. These include summer and Christmas holidays, spring break and autumn break. The provisions do not apply to normal weekend breaks.

Provisions on the duration of the school year in basic education are issued in the Basic Education Act (628/1998) and in decrees issued under it that come under the area of responsibility of the Ministry of Education and Culture. In practice, summer holiday in Finnish comprehensive schools usually begins in early June and ends in early August. This means that children of compulsory school age have approximately two months of summer holiday, and a child who has turned or will be turning 14 may work at the most half of this period. Christmas holiday as well as spring and autumn breaks may vary in length depending on the locality. Irrespective of the duration, children of compulsory school age may be employed for light work for no more than half of the period of leave.

If a child of compulsory school age works during a holiday, provisions on the daily and weekly periods of rest laid down in the Young Workers' Act (Section 8) must also be taken into account. These provisions were described in greater detail in the Government's previous report.

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

Question 1

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.

According to the Act on Vocational Education and Training (531/2017), vocational education and training may include training organised at the workplace in connection with practical work tasks. The training provided in connection with practical work tasks may be organised at a workplace outside the education provider based on an apprenticeship or a training agreement. When the training is based on an apprenticeship the student is not in an employment relationship. A training agreement is individually drawn up in writing for each student, one vocational qualification unit or smaller study module at a time.

Apprenticeship training is based on a written fixed-term employment contract between the student and employer or a written fixed-term contract between an employer and a student in a public-service employment relationship or an employment relationship governed by public law comparable to a public-service employment relationship (apprenticeship). In apprenticeship training, the majority of competence is acquired at the workplace while engaged in practical work tasks. The weekly working hours of a student engaged in apprenticeship training must amount to at least 25 hours on average. The student's personal competence development plan is attached to the agreement on training organised at a workplace.

The plan surveys and recognises the competence previously acquired by the student and devises what kind of competence the student requires. 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 (as amended by Act 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. (as amended by Act 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 (605/1996), the provision concerning periods of rest can also be applied to young workers (as amended by Act 754/1998). Young workers must be granted a weekly break of at least 38 consecutive hours (as amended by Act 408/1996).

Questions 2 and 3

The Government has no new information to report under the current reporting period.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Young workers

The Government observes that the Committee is right in noting that no changes or amendments were made to practices and legislation during the last or current reporting periods.

In Finland, young workers are subject to the same terms and conditions pertaining to pay as other employees. The previous national report described in greater detail the determination of minimum wages in Finland regarding apprentices. The same principles for setting minimum wages are applicable to other young workers, and no amendments have been made to legislation in this respect. In Finland, minimum wages are usually determined in accordance with a collective agreement that binds the employer under the Collective Agreements Act (436/1946) or a collective agreement that has been declared generally applicable in the sector.

In accordance with Chapter 2, Section 7, subsection 1 of the Employment Contracts Act, the employer must observe at least the provisions of a national collective agreement considered representative in the sector in question (generally applicable collective agreement) on the terms and working conditions of the employment relationship that concern the work the employee performs or nearest comparable work.

If no collective agreement applies to the employer’s sector, the employer and the employee agree on the remuneration for work in the employment contract. A contract provision on remuneration may not be unreasonable. In the absence of a collective agreement, if the employer and employee have not agreed on the remuneration for work, the employee shall receive a reasonable, normal remuneration for the work performed, as provided in Chapter 2, Section 10 of the Employment Contracts Act.

The provisions on the adjustment or unenforceability of unreasonable terms in employment contracts (Chapter 10, Section 2 of the Employment Contracts Act) as well as the provisions in the Criminal Code on extortionate work discrimination (Chapter 47, Section 3 a), which were pointed out in the previous report, remain the same.

The previous report contained a detailed description of the determination of wages for apprentices. Since the same principles can be applied, where appropriate, to other young workers, the Government refers to the descriptions provided in the previous report. In practice, wages are usually determined by the employee’s tasks. Wages determined by collective agreements are increased by the employee's experience and skills in the task, and sometimes also by the time served in the task. Employees with an apprentice's status usually have the lowest wages. As stated in the previous report, no statistics exist on net wages in Finland.

Apprentices

The following can be noted in the context of apprenticeships. A person aged fifteen or more may, as a worker, make a contract of employment himself or give notice on it or cancel it. For a person under 15, a guardian can make the contract of employment or, with the consent of the guardian; it can be made by the young person himself. The salary paid for a pupil is typically stated on the industry's collective agreement.

Apprenticeship is based on a written fixed-term employment contract drawn up between the student and employer. The Employment Contracts Act is applied to an apprenticeship. In addition, the provisions issued on workers regarding working hours, annual leaves, occupational safety and health and other protection of employees are applied to students engaged in apprenticeship training.

During the apprenticeship training, the student is entitled to receive a daily allowance as compensation for a loss of income during theoretical studies, a family allowance if the student has a child under the age of 18 under his or her guardianship, and compensation for accommodation costs if the theoretical instruction is provided outside the student's home or apprenticeship municipality. In addition, the student may be entitled to a limited amount of reimbursement of travel costs for the travels to theoretical instruction.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

The Government notes in this connection that the same terms and conditions pertaining to holiday apply to young workers and other employees. Provisions on the employee's right to annual holiday are issued in the Annual Holidays Act which amendments were discussed earlier under Article 7, paragraph 1. No other amendments to legislation have been made during the reporting period.

The Government notes that it is the duty of the occupational safety and health authorities to supervise the employer's activities by means of occupational safety and health inspections carried out on workplaces. The purpose of these inspections is to supervise compliance with employment legislation. Occupational safety and health inspections are carried out as frequently and efficiently as required to ensure effective supervision. The legislation to be supervised includes the Annual Holidays Act, which contains provisions on an employee's entitlement to paid annual holidays. This Act also applies to workers aged under 18.

Supervision of compliance with the Annual Holidays Act usually targets the granting of annual holiday (Section 20), the holiday pay statement (Section 28) and keeping records of annual holidays (Section 29). Through the supervisory actions, the authorities conducting occupational safety and health inspections can ascertain that workers aged under 18 can also take their statutory paid annual holidays. Since 1 January 2016 the keeping of records of annual holidays, for example, has been supervised on 2,447 inspections, and the granting of annual holiday on 361. Itemising the proportion of young persons in these figures is currently not possible.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

It is the duty of the occupational safety and health authorities to supervise the employer's activities by means of occupational safety and health inspections carried out on workplaces. The purpose of these inspections is to supervise compliance with employment legislation. Occupational safety and health inspections are carried out as frequently and efficiently as required to ensure effective supervision.

The legislation to be supervised includes the aforementioned Young Workers' Act. Section 7 of the Act contains provisions on the distribution of working hours. Under this Section, the working hours of a person who has reached the age of 15 shall fall between 6 a.m. and 10 p.m. Young workers who have reached the age of 15 years and are employed for training purposes in jobs approved and supervised by the public authorities may, however, only be employed in a two-shift system until 12 midnight. The working hours of persons under 15 years of age shall 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. However, with the worker's consent, it shall be possible for the working hours of a young worker performing domestic work at the employer's home to last until 11 p.m.

The occupational safety and health authority supervises compliance with working hours by inspecting the working hours register, which employers are obliged to keep under the Working Hours Act.

Every year, the occupational safety and health authorities have uncovered a few violations of the prohibition on night work in the course of their supervisory activities.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Online safety/prevention of abuse/media literacy

In recent years, youth work has been paying increasing attention to the safety of children and young people as internet users and content creators. In order to reach this goal, youth workers must have sufficient knowledge and skills in acting in digital environments.

Different measures have been implemented to promote the competence of youth work professionals in digital youth work. In 2017, the Ministry of Education and Culture appointed the Centre of Digital Youth Work (VERKE) of the City of Helsinki as the *National Centre of Expertise for Digital Youth Work*. The task of VERKE as a National Centre of Expertise is to ensure that awareness and competence on digital youth work is increased, and that information on digital youth work is produced for the needs of experts and utilised in developing the youth sector. One of the key areas of these activities is promoting safe internet use among young people.

Finland has taken measures to protect children and young people against all forms of sexual abuse and sexual harassment in the internet.

The *Finnish Safer Internet Centre* (FISIC) exists to promote a safer and better use of the internet and mobile technologies among children and young people. The objective of the awareness centre is to raise citizens' awareness and competences in creating better and safer internet and other digital environments.

The centre organises awareness-raising campaigns and develops materials and toolkits for dissemination. One of the main awareness-raising efforts of the Finnish Safer Internet Centre is the annual Media Literacy Week (MLW) that includes the Safer Internet Day (SID) campaign. The MLW is planned and carried out together with around 50 partners and the actions are implemented in various educational institutions.

Within the structure of Safer Internet Centres (SICs) exists Insafe network of helplines. Helplines provide information, advice and assistance to children, young people and parents on how to deal with harmful content, harmful contact (such as grooming) and harmful conduct (such as cyberbullying or sexting). In Finland the Helpline activities are based on two well-known national general helplines: the Child and Youth Phone and the Parent Phone. Both services are run by volunteers. All helpline volunteers go through basic training before they start volunteering. The volunteers are also offered training on online safety issues and are provided with online safety support material.

Within the structure of European Safer Internet Centres, INHOPE Hotlines offer the public a way of anonymously reporting internet material, including child sexual abuse material (CSAM), they suspect to be illegal. INHOPE is an active collaborative network of 51 hotlines in 45 countries worldwide The Hotline will ensure that the matter is investigated and if found to be illegal the information will be passed to the relevant Law Enforcement Agency and in many cases the internet service provider (ISP) hosting the content. Finnish Hotline *Nettivihje –service* is provided by the NGO Save the Children.

Nettivihje passes all the information related to illegal online content (CSAM) located outside Finland to the Hotline in the country where the illegal material is hosted, as well as to the Finnish National Bureau of Investigation. If there is no Hotline in the country in question, the information regarding the illegal content is passed to law enforcement in Finland. All relevant information regarding Finland is passed to Finnish law enforcement for evaluation and possible actions.

There is also a lot of material available on the internet for educators and people working with children on internet bullying etc. at the web site of National Audiovisual Institute.[1]

Finnish police also has a website, *Net tip* in which citizens can submit nonemergency information to the Police for any suspicious material they find on the Internet. The Police will investigate the submitted information on weekdays during normal hours, 8:00am-4:00pm.[2]

Actions against hate speech

In 2012-2017, the Council of Europe coordinated a campaign against hate speech in its Member States. In Finland, the campaign was implemented in practice by Plan Finland with funding provided by the Ministry of Education and Culture. In 2012, the Ministry of Education and Culture appointed a national commission in support of the campaign. The commission included a wide range of authorities, non-governmental organisations and other agents. The campaign was particularly aimed at, and included the involvement of, young people, and the campaign was particularly focused on opposing hate speech on the internet. After the end of the actual campaign, the National Youth Committee has been coordinating anti-hate speech activities in Finland, e.g. by creating networks of different agents.

[1] http://mediataitokoulu.fi/index.php?option=com_content&view=article&id=1139&Itemid=454&lang=fi, http://mediataitokoulu.fi/index.php?option=com_jreviews&Itemid=388&url=tag/asiasanat/english/&lang=fi

[2] www.poliisi.fi/nettip.

In the spring of 2016, the Ministry of Education and Culture launched the Action Plan to prevent hate speech and racism and to foster social inclusion:"*Meaningful in Finland*". The action plan included ten measures aimed at, e.g. training education personnel, youth work, physical activity and dialogue between religions. At the same time, everyone under the ministry's administrative branch was challenged to become involved in the joint work against hate speech.

A key measure of the Meaningful in Finland action plan in the youth sector involved opening a special government granted application process for municipal youth services, which aimed to prevent hate speech and promote equality. In total, grants were awarded to 14 projects.

The projects increase knowledge and awareness of equality and human rights among young people and foster young people's capabilities in acting against hate speech and intolerance manifested in all kinds of ways. For instance, the projects included events, training, and producing and disseminating materials on the topic. The projects organise goal-oriented joint activities for young people belonging to different groups during their leisure time. The aim of the activities was to increase hate-speech-free interactions between young people with different origins in a manner that strengthens mutual understanding among young people and reduces their prejudices. The activities and results of the projects will be assessed during 2018.

As concerns formal education, Finland has recently updated the *national core curricula* for early childhood education, pre-primary, basic education and upper secondary education. All of these emphasize human rights and the respect of human dignity in many ways.

The national core curriculum is determined by the Finnish National Agency of Education. It contains the goals and core content of different subjects. Learning materials are designed on the basis of this framework. The education providers draw up their own curricula within the framework of the national core curriculum. Thus, there is room for local or regional specificities. All local curricula must, however, define the values, underlying principles, as well as general educational and teaching goals. The new curriculum for preschool and basic education introduces the areas of transversal competences in addition to the content and goals of subjects. These seven areas are: Thinking and learning to learn, Cultural competence, interaction and self-expression, Taking care of oneself and managing daily life, Multiliteracy, ICT Competence, Working life competence and entrepreneurship, Participation, involvement, and building a sustainable future.

The National Agency of Finland is currently conducting an evaluation on the implementation of the local curricula. As this work is ongoing, the results are not yet available.

Measures against bullying and harassment in schools

The Ministry of Education and Culture has supported the *Kivakoulu* ("Nice school") programme aimed at reducing school bullying. The majority of all comprehensive schools in Finland (ca. 2500 schools) have used the program and they have reached good results. The programme has been implemented in other countries too.[3]

[3] http://www.kivaprogram.net/

The *Study Buddy project* financed by the Ministry of Education and Culture develops an operational programme for upper secondary educational institutions. The aim is to promote studying skills and motivation, psychosocial well-being and life management skills as well as to reduce bullying. After a trial period, the programme will be widely disseminated to upper secondary schools and vocational education and training institutions in the autumn of 2018.

In March 2018, a report by a working group set up by the Ministry of Education and Culture and related recommendations on the means to prevent and intervene in bullying and promoting undisturbed conditions at school was published. The work covered early childhood education care, pre-primary and basic education, and upper secondary education. The working group proposed 24 measures aiming to safeguard each child's safety and well-being as they participate in early childhood education and care, instruction or training.

Among the measures proposed by the working group was including an entry in the Act on Early Childhood Education and Care that the child must be protected against bullying, violence and other harassment. The working group also proposed that a research and development project supporting children's socio-economic development and preventing bullying should be launched in early childhood education and care. According to the working group, a national assessment body on finding methods to reduce bullying and improve well-being and undisturbed conditions in education should be established in Finland.

The prevention of school bullying and promotion of undisturbed conditions in early childhood education, schools and educational institutions is primarily concerned with the development of operating culture. Teachers play a key role in creating and maintaining peaceful conditions in the classroom. Therefore, pedagogical competence related to the promotion of well-being and undisturbed conditions as well as the prevention of loneliness and bullying should be determined as one of the focus areas of supplementary training provided to staff and management. The working group would launch separate investigations for determining which measures are currently used by teachers and principals in basic education and upper secondary institutions in safeguarding undisturbed conditions and restoring the peace in the classroom in case of a disturbance.

The proposals also include raising awareness among teaching and education providers on the available operating models for preventing bullying and promoting undisturbed conditions. The cohesiveness of methods used by schools and educational institutions in investigating bullying should be promoted by the introduction of *guidelines*. The guidelines would be prepared by the Finnish National Agency for Education and the National Institute for Health and Welfare. Many agents are responsible for the implementation of the proposals. In addition to teachers and management, key agents include student welfare staff, pupils and students, and guardians. Indeed, the working group notes that the role of parents in preventing bullying and promoting undisturbed conditions should be strengthened.

In February 2018, the Finnish National Agency for Education published updated instructions to primary schools, upper secondary schools and vocational institutions on preventing and intervening in sexual harassment. The work was based on a commission by the Ministry of Education and Culture.

In addition, the Health Care Act requires triennial checks on the health and safety as well as psychosocial welfare of school environments. The check also covers sexual harassment and related operating approaches.

Regardless of this, 21% of upper secondary schools and 18% of vocational institution providers have introduced no written practice or method for recognising or intervening in sexual harassment. The rate was 12% in primary schools. These numbers are apparent in the data collection by the National Agency for Health and Welfare related to health promotion activity conducted in cooperation with the Finnish National Agency for Education.

View by the Finnish Confederation of Salaried Employees (STTK)

As regards Article 7, the Finnish Confederation of Salaried Employees has emphasized the fact that in Finland, working conditions and working times of a person under 15 are well regulated and usually no problems arise.

Views by non-governmental organisations

As regards Article 7, non-governmental organisations have drawn attention for instance to unpaid internships and trainee programmes.

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 Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Prohibition of dismissal

The Government notes that Chapter 7, Section 9 of the Employment Contracts Act regarding the termination of an employment contract of an employee who is pregnant or on family leave is also applicable to employees working in the public sector in a contractual employment relationship.

Under Chapter 7, Section 9, the employer may not terminate an employment contract on the basis of the employee's pregnancy or because the employee is exercising his or her right to family leave. On request, the employee must present the employer with proof of pregnancy. If the employer terminates the employment contract of a pregnant employee or an employee on family leave other than the leave provided for in Chapter 4, Section 7 a, the termination is deemed to have taken place on the basis of the employee's pregnancy or family leave unless the employer can prove there was another reason. The employer is entitled to terminate the employment contract of an employee on maternity, special maternity, paternity, parental or child care leave on the grounds laid down in Section 3 of the Employment Contracts Act only if its operations cease completely.

Finnish legislation protects pregnant employees irrespective of whether their employment relationship is fixed-term or open-ended. The Act on Equality between Women and Men (609/1986, later "the Equality Act") has an express provision that forbids employers from not renewing a fixed-term employment contract on the basis of pregnancy and which is applied in the private and the public sector alike, and to permanent as well as fixed-term employment relationships. Not renewing a fixed-term contract due to pregnancy is equivalent to gender-based discrimination, which is prohibited in the Equality Act and based on which the employer can be sentenced to pay compensation, as provided in the Equality Act, and damages, as specified in the Employment Contracts Act.

The provisions of the State Civil Servants Act (750/1994) and the Act on Municipal Officials (304/2003) are applicable to public-service employment relationships. In accordance with Section 25, subsection 5 of the State Civil Servants Act, an authority may not terminate the employment contract of a public official on the basis of pregnancy. If an authority terminates the employment contract of a pregnant public official, the termination is deemed to have taken place on the basis of pregnancy unless the authority can prove there was another reason. The authority may not terminate the employment contract of an employee on special maternity, maternity, paternity, parental or child care leave. Furthermore, the authority may not, having learned of the public official's pregnancy or intention of exercising one of the said leaves, terminate the employment relationship with effect at the beginning or during the leave. Under Section 38 of the Act on Municipal Officials, a public official who has been granted leave of absence due to family leave enjoys the same protection against unjustified dismissal as an employer under the Employment Contracts Act. The same applies to a public official who is pregnant or intends to exercise their right to the leaves specified above.

Consequences of unlawful dismissal

No amendments have been made to the provisions on re-employment. In this respect, the Government refers to its 10th report on the European Social Charter as well as the 2nd and 6th reports on the European Social Charter (revised).

The Government observes that Article 8 paragraph 2 makes no direct reference to a requirement for reinstatement of employment. The Government further observes that it may be interpreted by the interpretation stated by the Committee on Article 8 paragraph 2 that it would suffice that a court would have an opportunity to consider the reinstatement of the employment relationship.

Finland has interpreted Article 8 paragraph 2 to mean that the purpose of the said Article is essentially to secure the continuity of employment relationships and that other ways of protecting the status of employees and the continuity of employment relationships may also be applied.

In Finland, the protection of employees has been secured with measures that differ from the Committee's interpretation practice concerning Article 8 paragraph 2 Finland aims at securing the continuity of employment relationships and the status of employees through legislation both when employment is terminated and afterwards, in many different ways which are explained in further detail below. Different mechanisms are in place in Finland's labour legislation to prevent these kinds of terminations of employment relationships from happening. In the Government's view, the legislation of Finland sufficiently protects the status of an employee on the whole.

Furthermore, the Finnish legislation reflects the tri-partite agreement in the Finnish labour market. As the Committee states in its conclusion, Finland's Employment Contracts Act makes no provision for reinstatement. The previous Employment Contracts Act did contain a provision on alternative compensation, according to which courts were obliged to examine on request whether, in a dispute situation, it was possible to continue an employment relationship or to reinstate an already dismissed employee. However, this provision turned out to be ineffective in practice and so the provision on alternative compensation was repealed in 2001 when the new Employment Contracts Act was drafted. Finland has thus noted, on the basis of earlier experience over many decades that the possibility of reinstatement will not work in practice in Finland.

The Government wishes to draw attention to the fact that any possible amendments would require much more comprehensive evaluation than that concerned with individual legislative amendments. The practical and legislative details described below should be taken into account when assessing the question at hand.

Terminating an employment contract in Finland's labour legislation

The Government is of the view that the employment contract is a contractual relationship between employer and employee and thus a legal obligation of reinstatement in case of unlawful dismissal would poorly suit the Finnish legal system. Freedom of contract is protected under the Constitution of Finland (731/1999). The parties to an employment relationship are also always free to agree about reinstatement.

Under the Employment Contracts Act, situations of the termination of an employment contract are divided into terminations on individual and on collective grounds. The thresholds for terminating an employment contract on both individual and collective grounds are fairly high, which contributes to the protection of the continuity of employment relationships. As regards the grounds for termination of employment, the grounds arising from the employee and the grounds arising from a lack of work should be examined separately.

During unemployment, employees are protected by a collective unemployment security system as well as public employment services.

Situations of terminating an employment relationship on individual grounds

Termination of employment on individual grounds requires a proper and weighty reason, such as serious breach or neglect of obligations or such essential changes in the conditions necessary for working related to the employee's person as render the employee no longer able to cope with his or her work duties. Termination of an employment contract on individual grounds is often concerned with a lack of trust between the parties and there no longer being conditions for continuing the employment relationship.

Employees whose conduct has been reprehensible shall not be given notice on individual grounds, however, before they have been warned (with the exception of cancellation of the employment contract) and heard.

Termination of an employment contract is the last resort in a situation in which continuing the employment relationship is not possible by offering the employee other work and the training possibly required to perform it.

The employer is only upon an extremely weighty cause entitled to cancel an employment contract with an immediate effect regardless of the applicable period of notice or the duration of the employment contract. Such a cause may be deemed to exist in case the employee commits a breach against or neglects duties based on the employment contract or the law and having an essential impact on the employment relationship in such a serious manner as to render it unreasonable to expect that the employer should continue the contractual relationship even for the period of notice.

The nature of an employment relationship is personal, and the possibility of reinstatement would not be possible in practice after a termination or cancellation of the employment contract on individual grounds. Reinstatement would create an impossible and impractical situation for both the employee and the employer.

Situations of terminating an employment relationship on collective grounds

An employment contract may be terminated on collective grounds if the work to be offered has diminished substantially and permanently for financial or production-related reasons or for reasons arising from reorganisation of the employer's operations. In addition, the Act contains provisions on the termination of an employee's employment contract in connection with a reorganisation procedure, or if the employer is declared bankrupt.

The Government draws attention to the fact that there are many practices in place to promote the continuity of the employee's employment relationship in situations when the employment relationship is about to be terminated on collective grounds.

If work has not diminished permanently, the employer may adapt its need for workforce through lay-offs, which is a special feature of Finland. Employment relationships remain in force during lay-offs, although the main obligations related to the employment relationship, *i.e.*, working and the obligations regarding the payment of salary are dormant during the lay-off. Lay-off is an excellent way to secure the continuity of employment in situations in which it is anticipated that employment will be available at the end of the lay-off period. The employment contract may also not be terminated if the employee can be placed in or trained for other duties.

An obligation for the re-employment of the employee is connected to the termination of an employment relationship on collective grounds. Under the Employment Contracts Act, if an employee is given notice on the collective grounds and the employer needs new employees within four months of termination of the employment relationship for the same or similar work that the employee given notice had been doing, the employer shall offer work to this former employee if the employee continues to seek work via an Employment and Economic Development Office. However, if the employment relationship has lasted without interruption for at least 12 years prior to its termination, the re-employment period shall be six months.

Regulations concerning the negotiation procedure under the Act on Co-operation within Undertakings and regulations concerning change security training also aim to promote the quick re-employment of those whose employment contracts have been terminated on collective grounds. Employment opportunities are discussed with representatives of the personnel group already during co-operation negotiations prior to making decisions on possible terminations.

Mechanisms for settling disputes

In the Government's view, any assessment of the reinstatement of employment must also take the Finnish collective agreements system into account, including the related orders of negotiation, which are applied in disputes over employment relationships.

Disputes over termination of employment contracts are processes dealt with either in a general court or in the Labour Court of Finland. Before a matter is transferred to a court, in most cases, negotiations are conducted on whether the ground for terminating the employment relationship has been sufficient. Before a dispute is brought to the Labour Court, negotiations regarding the dispute must be conducted in accordance with the regulations concerning the order of the negotiations in the applicable collective agreement. In practice, this means that the reasons behind the termination of employment and the adequacy of the grounds for terminating the employment relationship are first negotiated at the level of the workplace and then between the employer and employee organisations concerned.

The negotiation mechanism is in place in the organised field, which covers around 80% of all employment relations. The collective agreements of different industries usually include regulations on the negotiation procedure applied in solving dispute cases concerned with said collective agreement. The procedure is divided into local and sectoral negotiations. If no settlement is reached even at the sectoral negotiations, the employers' association tied to the collective agreement (or the responsible employer) or the employees' association may file a claim on the issue in the Labour Court if the case concerns an issue that falls under the jurisdiction of the Labour Court.

A significant part of disputes over termination of employment relationships are resolved in these negotiations and the employment relationships continue if the conditions for them exist. However, it is not possible to put an exact figure on the number of settlements reached.

In addition, collective agreements comprehensively regulate employment security in Finland. Collective agreements contain regulations concerning for example the amount of compensation in case of an unlawful dismissal.

In addition, labour law disputes are processed in several different courts and bodies, such as the Labour Court, courts of arbitration, general courts and administrative courts. It is possible to settle disputes concerned with the termination of an employment relationship both during, as well as after, the period of notice and even later during an ongoing court process. The courts are also obligated to promote reconciliation.

Other perspectives influencing the assessment

Returning the possibility of reinstatement of employment to the national legislation would require a more extensive examination of the employment security regulations. The reinstatement of employment, with all its effects on the legislation, would not be practically possible without other significant legislative amendments.

Laying down provisions on the possibility of reinstatement of employment would result in numerous spill over effects to other legislation, which would then have to be evaluated as a whole, depending on whether the employment relationship would be considered as continuing or whether the reinstatement would be considered as the beginning of a new employment relationship. The problems to be solved would include reimbursement of paid unemployment benefits, the accumulation of annual holidays and other employment benefits, taking into account the salary received for other paid employment during the legal process when determining the compensation, the status of the employee hired to replace the employee who had been given notice, possible coercive measures for the reinstatement of employment as well as social problems which might arise at the workplace as a result of the reinstatement. The spill over effects would also vary depending on whether a situation deals with an unlawful dismissal on collective or individual grounds.

Due to the nature of the practical situations related to personal grounds for termination and cancellation, in the Government's view, it cannot in any way be required that an employment relationship of an employee be considered to continue, for instance, over the course of the entirety of a legal process or having the reinstatement be possible in practice.

The consideration of the possibility of reinstatement of employment also requires evaluating what kind of a process would be used to handle reinstatement claims and how could the related sentences be enforced. In the Government's view, the reinstatement of employment would only be applicable in situations where the case concerned with the reinstatement could be settled before the end of the period of notice. However, in Finland's general courts, processing periods are fairly long and coming to a final settlement might take several years, depending also on whether an appeal is made against a decision by a general court or an administrative court to a higher instance or instances. Long processing times would, in practice, affect the possibility to reinstate the employment relationship.

Under Section 55, subsection 3 of the State Civil Servants Act, a public official’s public-service employment relationship continues unbroken if, according to an enforceable decision, the termination or cancellation of the employment relationship has taken place without a valid basis specified in the Act. An equivalent provision applicable to municipal officials is found in Section 44, subsection 1 of the Act on Municipal Officials.

As regards employment relationships in the public sector, it is possible and even appropriate to continue employment and reinstate employees. This is because public service employment relationships differ from private ones in many respects. Matters related to public service offices are based on underlying administrative decisions: all public offices are established, abolished and filled by decision of public authorities. Moreover, public service employment relationships are governed by legislation and obligations different from those regulating private employment relationships, and matters concerning public service employment are usually litigated in administrative courts.

The Government is of the opinion that these earlier-mentioned practical and legislative details should be taken into account when assessing the questions at hand. More extensive examination of the employment security regulations would be required for possible changes in legislation.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Finnish legislation does not contain special provisions on the night work of pregnant employees, women who have recently given birth or breastfeeding mothers. According to Section 2 of the Occupational Safety and Health Act, the Act, including Section 8 on the employer's general duty to exercise care and Section 30 on night work, is also applicable in the public sector, both for work carried out in a contractual employment relationship and in a public-service employment relationship or in a comparable employment relationship governed by public law.

The provisions of the Employment Contracts Act are applicable to work carried out in the public sector in a contractual employment relationship.

General provisions on working hours are laid down in the Working Hours Act, which is applicable to work carried out in a contractual employment relationship in the private and public sectors, as well as to work carried out in a public-service employment relationship in the public sector, unless otherwise provided. The Working Hours Act does not contain special provisions on night work carried out by pregnant employees, women who have recently given birth or breastfeeding mothers.

The terms and conditions of employment relationships for civil servants and employees under contract are agreed in the Collective Agreement for State Civil Servants and Employees. Under Contract at central level and in separate collective agreements for civil servants and employees under contract at agency level, in accordance with the government's system of negotiation and agreements. Collective agreements for civil servants and employees under contract specific to agencies or administrative branches are made by the agreement agencies for themselves and their administrative branches; there are approximately 60 such agencies altogether. These agreements are mainly used to agree on specific issues regarding wages and working hours, and they are approved by the Ministry of Finance.

Views by non-governmental organisations

Non-governmental organisations have drawn attention for instance to situation of pregnant women in the labour market.

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

Question 1

Act on Social assistance

A number of reforms regarding the *Act on Social Assistance* (1412/1997) have been carried out in recent years. The most significant change affecting the position of families was transferring the administration of basic social assistance from the local authorities to the Social Insurance Institution (Kela) at the beginning of 2017. In addition to this major administrative reform, several decisions to increase the amount of basic social assistance have been made, and the right to deduct 20% of any earned income when calculating the amount of social assistance was regularised in the legislation in 2014.

The administration of basic social assistance was transferred to Kela in order to make applying for it easier and to reduce the stigma associated with it. The objective was reducing the clients' need to use the services of two different authorities in order to access a basic benefit. It was also found necessary to introduce harmonised practices for granting social assistance across the country. Some expenses that previously were eligible for supplementary social assistance on a discretionary basis have now been included in basic social assistance with the aim of streamlining the use of these benefits. In addition to expenses covered by the basic amount of social assistance, housing costs are included in other basic expenses which must be granted in amounts sufficient for the beneficiary and which are handled by Kela.

From the beginning of 2017, it has been possible to apply to Kela for basic social assistance. The more discretionary portions of social assistance – supplementary and preventive social assistance – continue to be granted by the social services of local authorities. This change has been significant, and its impacts are closely monitored in a number of research projects conducted by the National Institute for Health and Welfare and Kela, as well as a project of the Government's analysis, assessment and research activities carried out on Government funding. Statistical data on basic social assistance is now easily accessible and can be combined with other data produced by Kela. This also makes all financial assistance provided for the lowest income groups visible in a new way.

Social Welfare Act

A reformed *Social Welfare Act* entered into force in 2015. The Act (1301/2014) promotes the equal availability and accessibility of social welfare services, shifts the emphasis in social welfare from corrective measures to promotion of wellbeing and early support, strengthens customer orientation and a comprehensive approach to responding to the client's needs, and secures access to support in the client's everyday environment. This Act increases cooperation aiming to promote and maintain clients' wellbeing between social welfare services and other actors.

Under the provisions of the reformed Social Welfare Act, necessary home help services for families with young children were made a subjective right from the beginning of 2015. Home help services are provided if the client's functional capacity is reduced or they are facing a special family or life situation. Causes for reduced functional capacity include illness, childbirth, disability or other similar reason, including burn-out. Examples of a special family situation include divorce, one of the parents serving a prison sentence, or the death of a family member. Needs for support arising from the client's life situation may occur at the time of the serious illness or death of some other person close to the client. Special family situations also include families caring for a disabled child, twins or an adult family member. Necessary home help services must be organised for a family with young children if safeguarding the child's wellbeing is not otherwise possible for reasons stated in the Act.

Home help services must be provided as part of general family services. Clients of child protection services also have a similar right to home help services. The purpose of the home help service is to support families in their everyday lives and strengthen the family's own resources. The home help service for families with children is also intended as an efficient method of preventive child protection. In addition to improved availability of home help services, family work, support persons and families and peer support activities must also be provided as general family services without the family having a client relationship with the child protection services.

Child Welfare Act

The purpose of the *Child Welfare Act* (417/2007) is to protect children's rights to a safe growth environment, to balanced and well-rounded development and to special protection. Under the Act, child welfare provision is child-specific and family-specific and consists of preparing a client plan and the provision of support in non-residential care. It also includes emergency placement of a child and taking a child into care, as well as substitute care and after-care related to these. In addition to child welfare, the municipalities provide preventive child welfare with the aim of promoting the wellbeing of children and young people when a child or a family is not a client of child welfare services.

Under the Child Welfare Act, the municipalities must ensure that preventive child welfare and child-specific and family-specific child welfare are arranged in such a way that the content and extent of such services accord with the need prevailing within the municipality. Child-specific and family-specific child welfare must be arranged to the extent necessary at the times of day when they are needed. Child welfare must be of such a nature that it guarantees the assistance and support needed by those children, young people and their families who require such services. Consequently, the protection afforded to the rights guaranteed under this Act and, similarly, the local authorities' obligations are stronger than usual.

In the context of the new Social Welfare Act, major amendments were also made to the Child Welfare Act. The client relationship with child welfare services only begins when, based on investigations carried out, it is found that a child needs child welfare services or when child welfare services or support measures are provided for a child or their family. The amendment laid down more stringent conditions for emergency placements from the beginning of 2016. An emergency placement of a child may only take place if the criteria for taking the child into custody are met and if the child is at immediate risk, or if restrictions must be enforced during the placement. Instead of emergency placement, non-residential placement and other non-residential support measures can be used. The purpose of the reform is to reduce the number of involuntary measures while reducing the workload of administrative courts.

In connection with this reform, the right of children and young people in after-care to housing and income security has been clarified. The reporting duty of professionals working with children has been expanded. To accelerate criminal investigations, the professionals subject to the duty to make a child welfare notification also have the duty to report any suspected child abuse directly to the police. The Customs, the Border Guard and the enforcement authorities also have the duty to submit a child welfare notification.

Disability Services Act

The position of disabled children and their families has been address in the process of reforming disability services, in particular. The reform of the disability legislation continues, and a proposal on a new Disability Services Act was submitted to Parliament in 2018. It is to enter into force on 1 January 2021. The objective of the Act is to treat disabled children and their families equally, regardless of the child's diagnosis. During the drafting process of the Act, an effort has been made to pay particular attention to supporting the participation of disabled children and hearing children in matters that concern them.

Health Care Act

The Health Care Act (1326/2010), which entered into force in 2010, contains provisions on health clinic services for pregnant women, families expecting a child, and children under the age of compulsory education and their families, school health care for children at comprehensive school, and student health care for young persons in post-comprehensive school education and training. The Government Decree on maternity and child health clinic services, school and student health services and preventive oral health services for children and youth (338/2011) entered into force in July 2009 and was updated in May 2011. The purpose of the Decree is to ensure that pregnant women and their families, children under the school age, schoolchildren and their families, and students receive systematic health guidance and health examinations in municipal health care services that are equal in quality and take into account the needs of individuals and the population at large.

Question 2

During the current Government term (2015–2019), the objectives of the Government Programme find their concrete expression in different key projects. One of these is the *Programme to address child and family services*. Its objective is to provide timely support based on the needs of children, young people and families in cooperation between different administrative branches and professionals. The programme creates content and structures for an extensive regional government and health and social services reform, in which responsibility for health and social services will be transferred from the local authorities to autonomous counties. The programme to address child and family services will ensure that the local authorities' educational services and the counties' health and social services will work together with a child and family centred approach.

The primary focus in the reform is on the child's best interest and rights and support for parenting. Primary services will be strengthened, and the emphasis will be shifted towards preventive services and early support. The programme comprises four different development areas: 1) Development and introduction of the family centre model; 2) Development of services at specialised and the most demanding levels; 3) Early childhood education, schools and other educational institutions support the wellbeing of children and young persons; and 4) A new operational culture to strengthen children's rights and basis in information. A family centre refers to a package of local services that contains services promoting well-being, health, growth and development for children and families as well as early support and care services. Services at specialised and the most demanding level will be developed by creating regional centres of expertise and support, to which the child welfare and family services of social and health care at the most demanding level will be centralised, including mobile, consultation and digital services.

In early childhood education and care as well as at schools and other educational institutions, the focus will be on strengthening the pupils' and students' knowledge, skills and wellbeing. At the centre of this reform will be preventing school bullying, providing more opportunities for leisure time activities, pupils' and students' participation in developing the activities, improving the quality of early childhood education and care, and developing new practices for student welfare.

Amidst a changing operating culture, administration and decision-making will be reformed to address the rights of the child and the latest information about children's wellbeing. In administrative structures, tools for assessing impacts on children will be developed, including impacts on costs and children's welfare in financial planning.

The *National Development Programme for Social Welfare and Health Care* (KASTE) laid the foundation for the Programme to address child and family services. During two programming periods (2008–2011, 2012–2015), it launched an almost nationwide reform of services for children, young persons and families as well as a reorganisation of the management and cooperation practices and methods supporting these services into more extensive entities. Primary services supported by specialised services were brought close to the environments in which children and young people grow and develop, including homes, day care and schools.

The Ministry of Social Affairs and Health organised a national round of *training events* in spring 2015 that provided information on the Social Welfare Act reform from the perspective of families with children. In November 2016, a training day was organised on services provided at home under the Social Welfare Act. In November 2015, the Ministry of Social Affairs and Health organised a training event concerning the amendments to the Child Welfare Act that entered into force at the beginning of 2016. A guide to support the application of the Social Welfare Act has also been published, which has been updated based on the feedback received and later legislative amendments. The guide also discusses amendments to the Child Welfare Act. Additionally, the National Institute for Health and Welfare maintains a web-based Child protection handbook, the contents of which are based on the Child Welfare Act and other acts relevant to child protection work.

Question 3

The table below describes the number of households receiving social assistance in 2010–2016. 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. The same household may have been receiving all the forms of social assistance.

	Households receiving basic social assistance	Households receiving supplementary social assistance	Households receiving preventive social assistance
2010	224,554	92,239	22,595
2011	222,451	94,816	24,511
2012	222,013	94,888	23,538
2013	228,290	98,745	24,379
2014	233,639	102,342	25,589
2015	236,972	105,978	26,089
2016	237,323	106,616	27,181
2017 *	277,316 (Kela statistics)		

*) official data to be compiled by the National Institute for Health and Welfare in November–December 2018

In 2016, actual social assistance (basic and supplementary assistance) was granted to 260,928 households and 398,406 individuals. Social assistance was received by 7.2% of the population, and it has become a form of long-term assistance for the beneficiaries. Of the beneficiaries of social assistance, 30% received it 10 to 12 months a year. As the levels of primary benefits have been frozen, this has increased the need for last-resort support forms.

When examined over a more extended time period, the proportion of long-term beneficiaries of social assistance has increased, while the proportion of short-term beneficiaries has decreased. The reason for beneficiaries' need for supplementary and preventive assistance often is long-standing financial problems, which is reflected as a growing trend in the number of people receiving these benefits. In 2016, the total expenditure on social assistance was EUR 734.5 million. One-adult households receive social assistance more frequently than households of other types. In 2016, one-person households accounted for a total of 73.55% of all households receiving social assistance, whereas 44.3% of all households receiving social assistance consisted of single men.

Preliminary data are only available on the number of households receiving social assistance in 2017. The amended legislation appears to have brought about the expected increase in basic social assistance granted by Kela. An initial finding of the Association of Finnish Local and Regional Authorities is that the use of supplementary social assistance has decreased as anticipated, whereas preventive social assistance is being used more by the local authorities. Especially in the early phase of the reform, the process of granting basic social assistance was fraught with problems, making it necessary for the local authorities to grant preventive social assistance as last-resort support for households.

As part of the central Government's fiscal adjustment measures, child benefit payments were reduced by 8.1% per child from the beginning of 2015. In 2015, the amount of child benefit was EUR 95.75 for the first child of the family, and EUR 105.80 for the second child, EUR 135.01 for the third, EUR 154.64 for the fourth and EUR 174.27 for each additional child. The amount of the single-parent supplement to child benefit was not reduced. In 2015, the single-parent supplement remained at EUR 48.55 per child for whom the parent was entitled to child benefit. From the beginning of 2018, the single-parent supplement to child benefit went up to EUR 53.30 a month.

When a child is born, the family can choose between two forms of support: either a maternity package containing baby clothes and accessories, or a tax-free sum of money. The amount of the maternity grant was increased from EUR 140 to EUR 170 a month, with the mother being eligible for the higher amount if her due date was on 1 June 2018 or later.

Child maintenance allowance is paid to secure the family's income if the child does not receive child support from the parent liable for the maintenance of the child. The child maintenance allowance is paid either in full or as a reduced amount. In 2018, the full child maintenance allowance is EUR 156.39/month. A reduced allowance is paid if a reduced amount of child support has been confirmed due to the liable parent's financial situation. In this case, the agreement or court decision on child support must refer to the liable parent's inability to pay the support in full. When Kela pays a reduced amount of child maintenance allowance, the parent receives the difference between the child maintenance allowance and child support, and also the child support paid by the other parent. The total amount thus equals the full child maintenance allowance. If a reduced amount of child support is paid for reasons other than the liable parent's financial situation, Kela will not make up the difference. Kela does not pay allowances amounting to less than EUR 5.

The amount of the child maintenance allowance was not reduced in connection with the fiscal adjustment measures. The amount of the child maintenance allowance is calculated annually with reference to any change in the cost of living index (1951:10=100). In keeping with the index change, the amount of the child maintenance allowance increased in 2011–2015. From the beginning of 2016, the amount of the allowance exceptionally decreased as the cost of living index dropped by 0.26%.

The full child maintenance allowance was reduced by EUR 0.40 a month to the amount of EUR 154.77 per child a month from the beginning of 2016. In 2017–2018, the child maintenance allowance amount again increased following the index change. From 1 January 2018, the full amount of the allowance is EUR 156.39 per child a month.

Answers to the Committee's General Questions and conclusions

How the "family" is defined in domestic law

In the legislation on social security benefits, there are slight variations in the definitions of "family", "family member" or "household", depending on the purpose and beneficiary of the benefit. Under the Child Benefit Act (796/1992), the benefit is paid for each individual child and intended to support the maintenance of children aged under 17.

Under the Health Insurance Act (1224/2004) and the Act on the Application of Residence-Based Social Security (1573/1993), a family member refers to an individual's spouse and a child aged under 18 of the insured or their spouse. As spouses are considered two individuals who continuously live in a shared household in circumstances similar to marriage.

Under the Social Assistance Act, a family means parents, a parent's minor children, married couples, and two persons living in circumstances similar to marriage who live in a common household.

Under the Housing Allowance Act (938/2014), persons permanently living in the same dwelling are considered to be members of the same household. Married spouses living in the same dwelling, persons living continuously in a joint household as husband and wife without marriage, their minor children and their relatives in a direct line of descent or ascent are always considered members of the same household. Adopted children and privately placed children referred to in the Child Welfare Act are also considered family members.

The legislation relevant to the definitions of a family and family members was most recently reformed on 1 March 2017 by improving the equal rights to social security of same-sex couples. As the Marriage Act was amended to allow same-sex marriages, more gender-neutral provisions on marriage and spouses were introduced in social security legislation.

Family counselling services

The New Social Welfare Act gives children and families stronger rights to access needs-based social services, including family work and family counselling. The necessary services should be organised without delay and at the latest within three months after the matter was initiated. When they meet certain criteria, a family with young children has a subjective right to home help services, see above.

The objectives of the new Social Welfare Act and the amendments to the Child Welfare Act which entered into force concurrently with it include striving to bring parents with intoxicant abuse problems to rehabilitation earlier and enabling joint rehabilitation for the entire family when this is a suitable support form for the family.

Participation of associations representing families

The participation of national organisations representing families in both framing child and family policy and developing the service system has been ensured. Some of the organisations working with children also play a significant role in providing child and family services.

Associations representing children and families participate in the Government's key project concerning the Programme to address child and family services referred to above, both in national level steering structures and in the implementation of local level reforms. One central element of the key project is harnessing NGOs and their expertise in the efforts to provide more child and family oriented services.

The current Government has initiated the drafting of a *national child strategy* as a separate project. The goal is at cross-administrative drafting extensively relying on research-based information that will sharpen the focus on the child's best interest in societal decision-making. The strategy aims to build up a child and family friendly society. Its preparation is directed by a broad-based child forum and a steering group. Associations representing children and families also participate in this work.

Legal protection of the family

As part of the Programme to address child and family services, an operating model based on family centres will be strengthened, and support for parenting and relationships as well as divorce-related services will be developed extensively. For professionals of parenting and family counselling as well as child welfare officers and officers preparing child welfare reports, national level development processes will be implemented to improve and harmonise these service packages. The emphasis in parenting and family counselling will be shifted from corrective services towards work intended for parents and families that promotes children's wellbeing, individual growth and positive development, supports parenting and promotes the coping and resources of families with children in compliance with the Social Welfare Act. Divorce-related services will be developed to promote a conciliatory approach and to take the child's best interest into account better.

Family counselling services are free of charge for families. Providing these services is a statutory duty of the local authorities, and the services must be available in all municipalities around the country equally and as indicated by the needs. The impact of these services is based on offering early-stage support, helping to avoid corrective last-resort special measures.

Domestic violence against women

The *Action Plan to Reduce Violence against Women* was a multidisciplinary programme aiming to combat all violence against women. In this Action Plan, the definition of violence against women employed in international conventions was used, according to which gender-based violence includes psychological, physical and sexual violence in both public and private life. The Action Plan spanned the years 2010–2015. While it was officially concluded at the end of 2015, the implementation of some measures contained in it has continued since that time.

The Action Plan was built on multi-professional and cross-administrative cooperation. In total, it contained 66 different actions. Each action was assigned to a certain authority/authorities. An intersectoral civil servant working group for the prevention of domestic and intimate partner violence coordinated and monitored Action Plan implementation and prepared a final report on it.

An external assessment found that the Action Plan was a good tool which successfully promoted actions aiming to reduce violence in Finland with a cross-administrative approach. It brought together different actors and enabled actions that could not have been achieved without it. It extensively promoted work to reduce violence through a total of 66 actions. The lack of resources allocated to the Action Plan was a contributing factor in the failure to make progress in some of the actions.

Key outcomes of the Action Plan included provisions in the new Social Welfare Act under which domestic and intimate partner violence are regarded as reasons for a need of support, quality recommendations for shelters, spreading information and expertise to the local authorities through key instructor training, developing and mainstreaming the MARAC risk assessment model, and different guides, such as *Turvataitoja nuorille* (Safety skills for young persons), *Uskalla olla, uskalla puhua – vammainen nainen ja väkivalta* (Disabled women and violence) and a guide on honour violence.

Finland has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the so-called Istanbul Convention). The Convention entered into force in Finland in August 2015.

In 2016, the Government appointed a *Committee for combating violence against women and domestic violence* for the term 2017–2020. The Committee is a co-ordinating body referred to in Article 10 of the Istanbul Convention. This cross-administrative committee works in conjunction with the Ministry of Social Affairs and Health and has representatives from different ministries as well as the agencies and institutions subordinate to them. Provisions on the Committee are contained in the Government Decree on the Committee for Combating Violence against Women and Domestic Violence (1008/2016). Under this Decree, the Committee's tasks include preparing a plan for implementing the Istanbul Convention in Finland. An action plan for implementing the Istanbul convention for 2018–2021 was completed in late 2017. The work in question is carried out in a number of different branches of administration together with non-governmental organisations. The total number of actions in the action plan is 46; as examples can be cited mainstreaming support centres intended for victims of sexual crimes, improving the geographical coverage of shelters, and providing training for police officers, prosecutors and judges on encountering victims sensitively and understanding trauma.

Under Section 11 of the Social Welfare Act, social services shall, among other things, be organised to respond to support needs caused by domestic and intimate partner violence and abuse. Social services refer to local authorities' social services and the support services included in them as well as other actions through which social welfare professionals and other staff participating in client work promote and maintain the functional capacity, social wellbeing, safety and social inclusion of individuals, families and communities. Under Section 14 of the Social Welfare Act, social work, social guidance, social rehabilitation, family work, home help services, home care, housing services, institutional services, services to support mobility, substance abuse work, mental health work, parenting and family counselling, supervision of meetings between a parent and a child as well as other social services essential for the client's wellbeing meeting the needs referred to in Section 11 shall be organised as local authorities' social services.

The *Act on Government Compensation to Providers of Shelter Services* (1354/2014, later *"the Shelter Services Act"*) entered into force in 2015. Its purpose is to safeguard comprehensive shelter services of a high quality in all parts of the country for persons who are subjected to violence in an intimate partner relationship or who live under the threat of such violence. Shelter staff participating in client work must have sufficient training related to working with children, intimate partner violence as a phenomenon and crisis work at a shelter. Government Decree on the Criteria for Providing Shelter Services (598/2015) specifies the required staff qualifications and competence.

Under the Shelter Services Act, the responsibility for funding shelter services was transferred to the central government. The National Institute for Health and Welfare acts as the Government aid authority, selects service providers and grants the government aid annually in amounts specified in the Budget. In 2015 and 2016, the funding allocated to shelter activities was EUR 11.55 million. Central government funding went up to EUR 13.55 million in 2017 and EUR 17.55 million in 2018. In 2015 and 2016, there were 19 shelters funded by the central government in Finland. They had 114 family places in 2015 and 118 in 2016. In 2017, there were 23 shelters and 143 family places. In 2018, these figures will reach 27 shelters and 185 family places.

A working group on planning the first SARC centre for victims of sexual violence was appointed in 2016. A decision was made to first pilot the SARC centre in the Helsinki region while creating a national model that can also be used in other regions. The goal is that in the future, each university hospital in Finland would have a SARC centre, which would have satellite centres in each region (at units with extensive emergency care services). The first SARC centre became operative in Helsinki in 2017. The next ones are to be established in Turku and Tampere, and subsequently in Oulu and Kuopio.

Nollalinja is a national helpline for those who have encountered intimate partner violence and violence against women. This service is organised by the National Institute for Health and Welfare and provided by a non-governmental organisation. Nollalinja helpline was opened in December 2016. Calls are free, and the helpline is open 24/7. Calls can be made anonymously, and they are confidential. The helpline personnel cannot see the caller's number. The calls are answered by social and health care professionals used to encountering people in difficult life situations. All helpline personnel answering the calls have participated in training on intimate partner violence and violence against women organised by the National Institute for Health and Welfare. Nollalinja only started operating in late 2016. A second line was opened in early 2018 to avoid situations where callers have to wait in a queue.

Vulnerable families

All Finnish Roma families with a citizenship and sedentary foreign Roma are within the universal social security and housing subsidy-system of the State. Special ESF-funded projects targeted at Roma such as Nevo Tiija, Tsetanes Naal, Lohiba buttijatta aim at supporting Roma education and employment. In the whole country Roma live in fully integrated housing, there are no segregated, impoverished living areas predominantly inhabited by Roma.

Economic protection of the mobile EU-Roma (between 500–3000 per year) in the capital area includes NGO- based Day-centre services funded by the City of Helsinki, the Lutheran church and other public funding. This funding makes up approximately 10 percent of the total funding targeted towards Roma integration policies. The Hirundo-day centre offers temporary work opportunities such as cleaning and gardening placements and the possibility to sell the Big Issue -magazine instead of begging on the streets. The day centre also offers immediate help such as food, clothes, showers, social work and health care. Pregnant women are offered prenatal health care.

Rights of refugees

In addition, the Government submits the following information as regards the Committee's General Question concerning the rights of refugees.

The Reception Directive (2013/33/EU) includes Article 15 relating to the matter according to which Member States shall ensure that applicants have access to the labour market no later than nine months from the date when the application for international protection was lodged if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant. In Finland, the provisions are more favourable than the EU regulations.

In Finland, asylum seekers have the right to work during the asylum process within certain time limits. In accordance with Section 79, subsection 2 of the Aliens Act, after applying for international protection, aliens shall have the right to gainful employment without a residence permit: 1) when they hold a required valid travel document that entitles them to cross the border and they have resided in the country for three months; 2) when they have resided in the country for six months.

A travel document shall be required as a precondition for entry and residence in the country in order to reliably establish the identity therefrom. Reliable establishment of the identity is important due to security and it also forms the basis for managed immigration. A waiting period has been laid down in Finland as the right to work of the asylum seekers has been considered a pull factor. Free and speedy access to the labour market would increase the risk of abuse of the asylum process. This would result in additional costs and enable the circumvention of the provisions normally related to immigration of labour as well as increase pressure on immigration.

As regards reception services, they are available to asylum seekers are governed by the provisions of the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (746/2011, "later, the Reception Act"). Persons applying for asylum in Finland shall have the right to receive reception services to secure the necessary livelihood and care. The reception centres shall be responsible for the social and health care services of asylum seekers. Under Section 13 of the Reception Act, the reception services include accommodation, reception allowance and spending allowance, social services, health care services, interpretation and translation services as well as work and study activities as provided in this Chapter. Also meals may be arranged as reception services.

An alien who has received reception services shall, after a negative decision on a residence permit or the termination of temporary protection, receive reception services until he or she has left the country. An applicant of international protection and a person receiving temporary protection shall be accommodated at a reception centre. The administrative sector of the Ministry of the Interior shall be responsible for the costs as long as the asylum seekers are in the reception centres.

The reception allowance granted to asylum seekers is governed by Sections 19-24 of the Reception Act. The social services are governed by Section 25 of the Reception Act and health care services by Section 26.

Under Section 19 of the Reception Act, an applicant of international protection and a person receiving temporary protection as well as a victim of human trafficking, who does not have a municipality of residence in Finland as referred to in the Municipality of Residence Act, shall be granted a reception allowance to ensure the person the income needed for a life of human dignity and to promote independent coping if he or she is in need of support and unable to make a living through gainful employment, other income or assets, by being cared for by a person liable to provide him or her with maintenance or in some other way. The basic amount of the reception allowance covers clothing and minor health care costs, expenses on the use of local transport and a telephone and other corresponding everyday living expenses of a person and family as well as food expenses when the reception centre does not arrange meal service.

The supplementary basic assistance covers expenses arising from special needs or circumstances of a person or family that are considered necessary.

Under Section 25 of the Reception Act, asylum seekers are not yet covered by public social security or municipal services. An applicant of international protection, a person receiving temporary protection or a victim of human trafficking, who does not have a municipality of residence in Finland as referred to in the Municipality of Residence Act, shall, however, have the right to receive social services referred to in Section 14 of the Social Welfare Act if deemed necessary by a social welfare professional during the period when the person is entitled to reception services or when he is within the assistance system.

Under Section 26 of the Reception Act, an applicant of international protection and a victim of human trafficking, who does not have a municipality of residence in Finland as referred to in the Municipality of Residence Act, shall be entitled to health care services as provided in Section 50 of the Health Care Act or in Section 3, subsection 2 of the Act on Specialized Medical Care as well as to other health-care services deemed necessary by a health-care professional. A person receiving temporary protection as well as a child applying for international protection and a victim of human trafficking, who is a child and does not have a municipality of residence in Finland as referred to in the Municipality of Residence Act, shall be provided health-care services under the same grounds as a person who has a municipality of residence in Finland as referred to in the Municipality of Residence Act.

Under Section 29 of the Reception Act, work and study activities shall be arranged at a reception centre other than a transit centre in order to promote the independence of persons seeking international protection and receiving temporary protection. Work and study activities may also be arranged at transit centres.

Under Section 30 of the Reception Act, an accident that has taken place during work and study activities or an occupational disease resulting therefrom shall be compensated from State funds under the same grounds as provided in the Workers' Compensation Act (495/2015) on an occupational accident and an occupational disease to the extent that the injured party is not entitled to at least an equal compensation under another Act (473/2015). The matter relating to the payment of compensation shall be handled by the State Treasury. Appeal against a decision made by the State Treasury under this Section shall be lodged as provided in Chapter 33 of the Workers' Compensation Act (473/2015).

The Finnish Immigration Service shall take out group liability insurance for those participating in work and study activities.

Under Section 16 of the Reception Act, an applicant of international protection and a person receiving temporary protection shall be accommodated at a reception centre. The age and gender of the persons to be accommodated shall be taken into account when organising accommodation. An applicant may be transferred to another reception centre if this is necessary due to himself or herself, the operations of the reception centre or the processing of the application relating to international protection. The accommodation shall be arranged so that family members may live together if they so wish. The decisions on accommodation and transfer shall be made by the reception centre. Before making a decision on transfer, the person to be transferred shall be heard. When deciding on the transfer of an unaccompanied minor, the representative of the child shall be heard.

The Finnish Immigration Service may reserve itself the decision-making power on accommodation or transfer if this is necessary due to the processing of an application for international protection or if no unanimity can be reached in the matter relating to the transfer referred to in subsection 1 as to which reception centre the transfer will be made.

More detailed provisions on the accommodation of an unaccompanied minor are laid down in Section 17 of the Reception Act.

An applicant of international protection or a person receiving temporary protection may, under Section 18 of the Reception Act, arrange the accommodation by himself or herself. The address shall be notified in writing and a rental agreement or another account of private accommodation shall be presented to the reception centre where the person is registered. Notification of the address and presenting the rental agreement or account are preconditions for receiving other reception services.

Views by non-governmental organisations

As regards Article 16, non-governmental organisations have drawn attention for instance to changes made in social benefits after 2015 affecting, *inter alia*, persons with low-income, client charges concerning pupils' after-school activities and situation of Sámi families.

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

Education

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 in addition 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 Agency 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. The *General Upper Secondary Schools Act* (629/1998) and the *Vocational Education and Training Act* (531/2017) 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.

Pupil welfare

The new *Pupil and Student Welfare Act* (1287/2013) was issued on 30 December 2013. Municipalities, schools and educational institutions introduced practices in accordance with the Act which entered into force on 1 August 2014. The Act combines provisions concerning pupil and student welfare, which were previously fragmented in legislation. The Pupil and Student Welfare Act applies to pre-primary and basic education, upper secondary school education, and vocational education and training. The Ministry of Education and Culture will submit a report on the implementation of the Act to the Parliament in 2018.

Pupil welfare refers to measures promoting and maintaining good learning, good mental and physical health and social well-being of pupils and the activities that promote their conditions in the school community. Pupils are entitled to receive pupil welfare services required by their participation in instruction free of charge. Pupil welfare is primarily implemented as preventive and communal pupil welfare services that support the entire school community. In addition, pupils have a statutory right to individual pupil welfare services.

Pupil welfare is organised in multidisciplinary cooperation with educational administration and social and health services in a manner that forms a functional and harmonious entity. Pupil welfare is implemented in cooperation with the pupil and his or her guardians, taking the pupil’s age and preconditions into account. If a concern is raised regarding the well-being of the school community or pupils, solutions are sought together with pupils and their guardians.

Pupil welfare is a joint task of all employees working in the school community and in charge of pupil welfare services. School staff carries the primary responsibility. Pupil welfare services include psychologist and school social worker services as well as school health care services. The services are provided to pupils and guardians in a manner that ensures their easy availability. The services are provided within the period required by legislation. Pupils and their guardians are provided with information about the available pupil welfare services, and they are referred to seek the services they need. The aims, tasks and principles for implementing pupil welfare form a continuum from pre-primary education all the way to upper secondary education.

The education provider establishes a steering group for pupil welfare and school-specific pupil welfare teams. The issues concerning individual pupils are processed in a group of experts appointed on a case-by-case basis. All pupil welfare groups are multidisciplinary, which means that, in addition to teaching staff, the group includes members representing school health care, and psychologist and school social workers services as required by each specific case.

The school-specific pupil welfare team is in charge of planning, developing, implementing and assessing the school's pupil welfare. The education provider and the providers of pupil welfare services decide on the composition, tasks and operating approaches of the team. If necessary, the pupil welfare team may consult experts. The key task of the team is promoting well-being and safety in the school community, and implementing and developing other communal pupil welfare.

A group of experts is appointed to investigate the support needs of an individual pupil or group of pupils and arrange related pupil welfare services. The multidisciplinary composition of the group is based on a case-by-case consideration. The appointment of experts as group members and the involvement of other partners or pupils' loved ones in the work of the group requires the consent of the pupil or his or her guardian. A pupil welfare report is drawn up by the group of experts during the processing of a case concerning an individual pupil.

Communal pupil welfare work involves monitoring, assessing and developing the welfare of the school community and pupil groups. It also includes ensuring the health, safety and accessibility of the school environment. The development of communal operating approaches includes cooperation with pupils, guardians and other authorities and agents promoting the well-being of children and young people. Encouraging the involvement of, and listening to, pupils and guardians is important and fosters well-being. The education provider is responsible for promoting pupils' involvement. Pupil welfare creates conditions for a sense of belonging, care and open interaction in the school community.

Individual pupil welfare refers to the school health care services, psychologist and school social worker services provided to a pupil, and multidisciplinary pupil welfare concerning an individual pupil. The extensive health examinations carried out in school health care and other periodic examinations are part of individual pupil welfare, and the summaries drawn up on these also produce knowledge for the implementation of communal pupil welfare. The aim of individual pupil welfare is to monitor and promote the comprehensive development, health and learning of pupils. Securing early support and preventing problems is also important. Pupils' individual capabilities, resources and needs are taken into account in both building the support of pupil welfare as well as in the daily life at school. Individual pupil welfare is always based on the consent of the pupil and, when necessary, the pupil's guardian.

The education provider is responsible for ensuring that a school-specific pupil welfare plan is prepared for the implementation, assessment and development of pupil welfare. For the parts concerning pupil welfare, the curriculum must be prepared in cooperation with the social and health care authorities in the municipality. Pupils are provided with an opportunity for participating in preparing the curriculum and related plans as well as the school's regulations.

The school's student association is consulted prior to confirming these plans and regulations. The preparatory work includes cooperation with guardians and, if necessary, other authorities and partners.

Three-tiered support

A set of laws concerning school attendance and learning (the Act Amending the Basic Education Act 642/2010) entered into force on 1 January 2011. The purpose of the legal amendments was to strengthen the right of pupils in pre-primary and basic education to obtain support in learning and school attendance sufficiently early and flexibly in connection with instruction, increase the goal-orientation of the support and enhance the support measures as well as multi-professional cooperation. A further aim was to change the process related to the provision of support and enhance its transparency.

The Ministry of Education and Culture submitted a report of the implementation of the Act to the Parliament at the beginning of 2014. According to the report, municipalities had made progress in line with the objectives set to the amendments to the Basic Education Act; however, there were considerable differences between the municipalities in the implementation of three-tiered support. The number of pupils receiving special support took a downward turn, while the share of pupils receiving intensified support grew. The amendments were considered necessary.

General support is the initial measure for responding to a pupil's support need. This refers to individual pedagogical solutions, and guidance and support measures. General support is provided as soon as a need for support is detected, and launching the support measures requires no special investigations or decisions.

A pupil whose learning and school attendance requires regular support or the application of multiple forms of support at the same time must be provided with intensified support based on the individual learning plan prepared for the pupil. The learning plan must be devised unless there is an obvious obstacle for this. The plan must be drawn up in cooperation with the pupil and his or her guardian or other legal representative. Intensified support includes the forms of support provided to the pupil and the necessary pedagogical arrangements. The national core curriculum issues the key contents of intensified support and learning plans. Arrangements for starting and organising intensified support are made based on a pedagogical assessment, in multi-professional cooperation with pupil welfare professionals.

For the provision of special support, the education provider must draw up a written decision, which is revised at least after the second grade and before transition to the seventh grade. The decision must determine the pupil's primary group of instruction, possible interpreter, assistant and other services, and, if necessary, exceptional arrangements for instruction. Before making a decision, the education provider must consult the pupil and his or her guardian and legal representative.

They must also obtain a report of the pupil's progress in learning and a report of the intensified support given to the pupil and the pupil's overall situation, drawn up in cooperation with pupil welfare professionals. These documents must then be used as the basis for assessing the pupil's need for special support (pedagogical assessment). If necessary, the report must be supplemented with a statement by an expert in psychology or medicine, or a similar social welfare report.

A Government Decree issues provisions on forming the groups of instructions with one or more pupils granted a decision on special support or subject to extended compulsory education. Special needs education is provided taking into account the best interest of the pupil and the precondition for education provision as part of other education or partly or fully in a special needs class or other suitable environment.

In order to implement a decision on special support, an individual educational plan must be prepared for the pupil in cooperation with the pupil and his or her guardian or other legal representative. The plan is revised when necessary, but at least once per school year, to ensure that it complies with the pupil's needs. The core contents of the plan are determined in the national core curriculum.

Equality and the broad principle of non-discrimination

Equality and the broad principle of non-discrimination guide the development of teaching in all levels of education. From 1 January 2017, all educational institutions (incl. comprehensive schools, for which the practice is new) are obligated to draw up a school-specific equality and non-discrimination plan under the Equality Act. Grounds for discrimination include gender/gender diversity, sexual orientation, ethnic background, religion/ worldview etc. In 2015, the National Agency for Education launched guidelines for equality in schools.[4]

Protection of children from ill treatment and abuse

Under a new provision included in the *Child Welfare Act* in 2015, a very extensive group of authorities and professionals have the duty to report directly to the police any suspicions of violence that causes a threat to a child's life or health. Previously, authorities and professionals already had a duty to report to the police any suspicions of sexual offences against a child, and notify the local authority's body responsible for social welfare of any knowledge they have acquired while performing their duties of a child whose need of care and attention, conditions harming their development or the child's own behaviour make it necessary to investigate the need for child protection. The web-based Child protection handbook, which provides guidance for child welfare and other professionals and is also accessible for private individuals, contains instructions on detecting and intervening in violence against children.

Question 2

Safety culture in learning communities

The measures for promoting safety culture in learning communities support and promote the extensive activities by the Ministry of Education and Culture as part of the programme to address child and family services as well as measures for preventing bullying and harassment.

Legislative amendments on undisturbed conditions at schools concerning the Basic Education Act, General Upper Secondary Schools Act, and laws concerning vocational education and training and vocational adult education entered into force on 1 January 2014. They provided teaching and education providers with new means to improve undisturbed conditions at schools and educational institutions.

Provisions on teachers' and principals' authority to confiscate dangerous objects and substances and to check pupils' or students' belongings and, superficially, clothing for such objects or substances were included in the acts. A provision on a disciplinary educational discussion, a new pedagogical means to intervene in a pupil's disturbing or inappropriate behaviour, was added to the Basic Education Act.

[4] Tasa-arvotyö on taitolaji. Opas sukupuolen tasa-arvon edistämiseen perusopetuksessa (Work related to equality is a skill. Guidelines for promoting equality in basic education)

The legislative amendments also specify the right of pupils and students, and the obligation of education providers to develop involvement in basic education, upper secondary school education, and vocational education and training. Increasing pupils' and students' opportunities for participation and influence can produce a lot of benefits in school work. Hearing the voices of pupils and students, and fostering their genuine involvement supports learning and well-being as well as effectively reduces disruptive behaviour.

Protection of children from ill-treatment and abuse

Intimate partner violence and child abuse are surveyed at periodical health examinations carried out by the child health clinic and school health care services, including extensive health examinations. These services reach almost all children and their families. Regarding child abuse, the child health clinic staff has been instructed to act immediately and to engage in multi-professional cooperation.

Finland collects extensive information on children's and young persons' health and wellbeing through a national *School Health Promotion Study*[5]. This survey is carried out every second year, and it contains questions about bullying, violence both experienced and witnessed by the respondent in the family, sexual harassment and sexual violence, and discrimination.

Additionally, the National Institute for Health and Welfare is currently piloting a survey titled *Children's Health, Wellbeing and Services* (*LTH*) intended for the parents of young children (babies aged 4 months and children aged 4 years), which also contains questions about violence against children. In the design of the questionnaire, different forms of violence as required under the Istanbul Convention have been taken into account in the data collection. In 2018, all 4-year-old children coming for a health examination will take part in the LTH survey. The questions related to violence cover the following areas: bullying, attitudes to the corporal punishment of children, intimate partner violence, abuse of and violence against children, and access to help and support in issues related to violence. The work related to updating the surveys is part of the programme to address child and family services.

In 2014–2016, the National Institute for Health and Welfare coordinated *LASTA*, a cross-administrative development project with national steering and regional leadership and implementation. It was carried out in the hospital district of Turku University Hospital and Southwest Finland with the objective of creating a national cooperation model for the police, the prosecution service, child protection services and somatic and psychiatric health care in situations where it is suspected that a child is a victim of physical or sexual abuse. The work developed in this project will be continued as part of the programme to address child and family services.

Together with the University of Jyväskylä and the Police University College, the National Institute for Health and Welfare will implement a project titled *Enhancing Professional Skills and Raising Awareness on Domestic Violence, Violence against Women and Shelter Services* (EPRAS). This project is associated with the EU's Rights, Equality and Citizenship programme and funded by the EU. Its objective is to build up social and health care and police professionals' competence and awareness related to intimate partner violence, violence against women and shelter services. The project will produce an online training programme on violence as a phenomenon for professionals of different fields, and tools for recognising and intervening in violence and assessing the risks. After the project, the online training course will remain a permanent part of the activities. It will be mainstreamed in the in-service training of different professionals in the police and social and health care services.

[5] The results of the School Health Promotion Study are available free of charge on the National Institute for Health and Welfare's website at https://thl.fi/fi/web/lapset-nuoret-ja-perheet/tutkimustuloksia

In cooperation with the Federation of Mother and Baby Homes and Shelters, the National Institute for Health and Welfare is developing tools for bringing up safety with children. Methods for bringing up safety and feelings of being unsafe are being worked on in the programme to address child and family services and the family centre model being developed as part of it. The goal is developing preventive work against violence carried out directly with children in low-threshold services.

The working method developed by the Federation of Mother and Baby Homes and Shelters is piloted in three locations in 2017–2018.

At periodic health examinations organised by the child health clinic and school health care services, practices related to children's upbringing as well as safety, interpersonal relationships and interaction in the home are discussed with all parents. These themes are also covered in private discussions between child health professional and older children. National instructions (National Institute for Health and Welfare 2012) and forms containing preliminary data ensure that the issue is brought up at all health examinations.

In 2010–2015, a national *Action Plan on Preventing and Reducing the Use of Disciplinary Violence* was implemented. The goals of this action plan included reinforcing the human dignity of children, eliminating violence as a method of disciplining children, and speeding up a change in attitudes towards physical punishment. Since 2009, the National Institute for Health and Welfare has coordinated a National Action Plan for Injury Prevention among Children and Youth, which has included the prevention of not only accidents but also suicides. These two programmes have been combined into the National Action Plan for Safety Promotion among Children and Youth I for 2018−2025[6], which was published on 13 April 2018. The Action Plan includes actions for preventing and reducing unintentional injuries, suicides and self-harm, as well as corporal punishment – both physical and psychological violence targeted at children as a method of disciplining them. Of accidents, the most common causes for loss of health in the relevant age group have been included, or road traffic accidents, poisonings, drownings and boating accidents. Preventing other violence against children, including sexual abuse, will also be included in the Action Plan in the future. This work continues, and the Action Plan will be expanded to several areas which it does not currently address. The goals of the programme to address child and family services include identifying children and families experiencing domestic and intimate partner violence better and supporting them.

Question 3

The Government notes that 17.5% of pupils in basic education were given intensified or special needs support in the autumn 2017. Intensified support was given to 54,300 pupils, or 9.7%, of pupils in basic education, and special support to 43,100, or 7.7%, of pupils in basic education. According to Statistics Finland 2018, the share of pupils receiving intensified support grew by 0.8 percentage points and the share of pupils receiving special support by 0.3 percentage points. The share of pupils in basic education receiving intensified or special support varies between counties.

[6] https://thl.fi/fi/tutkimus-ja-kehittaminen/tutkimukset-ja-hankkeet/kansallinen-lasten-ja-nuorten-turvallisuuden-edistamisen-ohjelma

The share of pupils whose education is fully provided in a special group at a special needs school has decreased each year; their share was 13% in 2011, 12% in 2014, and 10% in 2016. The share of pupils whose instruction was fully realised in a special group not in a special needs school has remained unchanged in recent years, at around 28%. Of the pupils receiving special support, the instruction of 37% was fully realized in a special group, and 21% in a mainstream education group. The remaining 42% received part of their instruction in a mainstream education group and the rest in a special needs education group. 24% of the pupils receiving special support participated in extended compulsory education. 22% of pupils in basic education received part-time special needs education.

Answers to the Committee's General Questions and conclusions

Rights of refugees

Under Section 5 of the Reception Act, in applying the Act to a person under the age of 18 special attention shall be paid to the best interests of the child as well as to factors relating to his or her development and health. In assessing the best interests of a child, the provisions of the Child Welfare Act (417/2007) on assessing the best interests of a child shall be taken into account. In implementing the measures provided in the Act, the wishes and views of the child shall be ascertained and they shall be taken into account as required by the child's age and level of development. The ascertaining of the views of a child may not be undertaken if the ascertaining would endanger the child's health or development or if it is otherwise manifestly unnecessary. A child who has turned 12 years of age shall be reserved an opportunity to be heard in a matter concerning him or herself as provided in Section 34 of the Administrative Procedure Act. Any matter concerning a child shall be handled urgently.

Under Section 29 of the Reception Act, work and study activities shall be arranged at a reception centre other than a transit centre in order to promote the independence of applicants of international protection and persons receiving temporary protection. Work and study activities may also be arranged at transit centres.

Children in public care

In the programme to address services for children and families, evidence-based methods for supporting parenting are mainstreamed among professionals working with children[7]. By providing early support, the incidence of taking children into custody and residential care can be avoided and the increase in costs curbed.

The Child Welfare Act was updated in connection with the Social Services Act reform in 2015. The amendments to the Child Welfare Act entered into force step-wise in 2014–2016. The Child Welfare Act contains provisions on urgent support measures in non-residential care as an alternative to emergency placement. Such support measures may include a non-institutional placement or intensified family work. The local authorities have a similar duty to organise support measures related to urgent non-residential care as they have to organise a foster care placement where a decision on the emergency placement of the child has been made. Before a child is placed outside the home alone as a non-residential support measure, it should be assessed if placing the child together with a parent, a guardian or another person responsible for their care would be in the child's best interest.

[7] www.kasvuntuki.fi

The purpose of foster care is to safeguard a child's balanced development and wellbeing according to their individual needs and preferences. The municipality placing a child is responsible for ensuring that the foster care place meets the child's needs. The foster care of a child may be arranged as family care, institutional care or in some other way that meets the child's needs. A foster care place that optimally responds to their specific needs shall be selected for a child. Under the Child Welfare Act, a child's foster care should primarily be arranged in family care, provided that the foster family meets the child's needs and sufficient support measures are provided for family care. A child that has been taken into custody may also be placed exceptionally and for a maximum period of six months under the care and upbringing of a parent or other custodian.

The programme to address services for children and families aims to develop foster care extensively, for example by providing more support for both family carers and the biological parents in different phases of the placement. The supervision of foster care is also being developed.

Additionally, the child's possibilities of making their voices heard in foster care issues will be improved. Experts by experience, or young people who have personal experience of foster care, are involved in the development efforts. So-called peer assessment is being piloted in two counties in the supervision of foster care: a young expert by experience helps the supervisory authority to focus the supervision on issues that are essential for young persons.

The criteria for the restriction of custody or parental rights

From the beginning of 2016, more stringent criteria were introduced for urgent placement. An urgent placement is only possible if the child is in immediate danger, their health or development is seriously endangered by lack of care or other circumstances in which they are being brought up, or they seriously endanger their health or development by abuse of intoxicants, by committing an illegal act other than a minor offence or by any other comparable behaviour. If the child needs urgent placement outside the home for reasons other than those listed above, the provision on urgent non-residential support measures described above can be applied. The amendment concerning decisions to continue an urgent placement stresses that during the extension period, any alternatives available in the situation should be considered. The grounds on which the periods of urgent placement are calculated and the procedure for finding out about the interested parties' views was also clarified.

Under the Child Welfare Act, children must be taken into care and substitute care must be provided for them by the municipal body responsible for social services if their health or development is seriously endangered by lack of care or other circumstances in which they are being brought up, or they seriously endanger their health or development by abuse of intoxicants, by committing an illegal act other than a minor offence or by any other comparable behaviour.

The child may only be taken into custody and substitute care organised for them if non-residential support measures are not suitable for providing care that is in the child's best interest or not possible, or if they have proven insufficient, and substitute care is expected to be in the child's interest.

Taking a child into custody is the last-resort means of safeguarding a child's growth and development in child welfare work. A child is only taken into custody and placed in foster care if the circumstances in the home or the child's own behaviour risk seriously harming the child's health or development. In addition, a child may only be taken into custody and foster care may be organised if non-residential support measures have proven impossible or unsuitable of if they have proven insufficient. It should also be assessed if foster care is in the best interest of the child.

Before a child is taken into custody, intensive negotiations on the matter are conducted with the child, their parents and their guardians. As in all child welfare work, the aim is at good cooperation with the family when a child is taken into custody. In order to assess the need to take a child into custody, statements may be requested from experts in children's growth and development, including the day care, school, a parenting counselling clinic or health care services. A social worker is entitled to expert assistance from other authorities and experts.

From the child's viewpoint, it must be ensured that taking the child into custody is the alternative that optimally safeguards their development. When organising foster care, merely "placing" the child can never be enough. It must be a better option than the child's existing situation and, in keeping with the child's best interest, respond to their individual need for care and attention.

From the parents' perspective, it should be ensured that everything possible has been done to support the family. The assessment must be child-oriented and take place from the child's viewpoint. In high-quality placements, the preferences, views and cultural background of both the child and the parents are taken into account.

Shortcomings in housing conditions, lack of housing or insufficient income can never alone be the grounds for taking a child into custody. In these situations, corrective action should be taken to rectify these specific shortcomings, and appropriate housing conditions or sufficient financial support should be arranged for the family.

Matters related to taking a child into custody and their foster care are prepared by the social worker responsible for the child's affairs together with another social worker or some other employee with expertise in child protection. If the child's guardian or a child aged over 12 do not object to having the child taken into custody, the leading office holder in the social welfare services makes a decision on the matter after the social worker responsible for the child's affairs has prepared it. The decision may be appealed. Persons who have previously consented to having their child taken into custody may appeal the decision within 30 days of being informed of it. The appeal may be submitted to the social services, which are obliged to submit it to the administrative court and attach their statement on the matter to it.

If a child aged over 12 or their guardian object to having the child taken into custody or any placement in foster care immediately associated with it, the decision cannot be made by the social services, and the leading office holder in the social welfare services or some other office holder appointed by him or her lodges an application for taking a child into custody with the administrative court. The application is prepared by the social worker responsible for the child's affairs.

While a matter concerning taking a child into custody or placing them in foster care is pending in the administrative court or the Supreme Administrative Court, the court hearing the matter may, on its own initiative or on the child's or their parent or guardian's request, issue a temporary ruling on the child's placement and on how the child's care and upbringing should be arranged during the court proceedings. This order may be issued without hearing the interested parties if the matter cannot be delayed.

If the child is in acute danger, they can be placed urgently even before the ruling or decision of the administrative court is issued if the requisite criteria are met.

Young offenders

In Finland, there are on average less than ten imprisoned juveniles on a daily basis. Currently six of these are remand prisoners. Due to the limited amount of juvenile detainees there are only two wards for convicted juveniles, the upper age limit for these being *de facto* 23 and 25. In addition, there is one ward for juvenile remand prisoners up to 21 years of age.

According to the *Remand Imprisonment Act* (768/2005) a remand prisoner under 18 years of age shall be held apart from adult remand prisoners unless otherwise required by his or her best interests, and the *Imprisonment Act* (767/2005) includes a provision of the same content. Allowing taking into consideration the best interests of a prisoner less than 18 years of age provides for some flexibility in arranging the placement of juveniles, *e.g.* placing them in prisons in the proximity of their families in order to facilitate the maintaining of family ties.

The Criminal Sanctions Agency has issued on 13 June 2017 an instruction regarding the treatment of juvenile prisoners under the age of 18. The instruction reminds prison personnel of its duty to notify the social care authorities of the municipality in which the prison is located in when a juvenile under the age of 18 years arrives at the prison.

The Government intends to take steps to place juveniles outside prisons and remand prisons as well as to separate juvenile detainees from adults as much as possible and as is deemed to be in the best interest of juveniles. Such steps can be taken within the framework of the current and upcoming legislation. In addition, the Government will to explore possibilities for legislative changes in order to allow placement of juvenile remand prisoners in institutions outside remand prisons, primarily within health care facilities.

Since the beginning of 2018, one of the new tasks of vocational qualification and education providers has been to provide vocational education and training in prisons under the *Act on Vocational Education and Training* (531/2017). The right to provide education in a prison decided in an authorisation to provide education and the weighting factor for education in prison included in the financing system for vocational education and training is used to safeguard the availability of education in prison.

Article 17 para. 2: Free primary and secondary education

Question 1

The Government has no new information to report under the current reporting period.

Question 2

In Finland, the rate of enrolment in primary and lower secondary school is 100 %. 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 (*joustava perusopetus, JOPO*) to prevent school drop-outs and interruptions in basic education was established as part of basic education at forms 7-9. The purpose is to comprehensively foster the pupil’s study motivation and life management.

In addition to completing the basic education syllabus, the aim is to support the pupils in making the transition to upper secondary education and provide them with capabilities for coping with their studies. Particular attention is paid to forms of work that foster the shared education duty of guardians and everyone working in flexible basic education. The education is organised as contact instruction at schools and partly as supervised studies at workplaces and other learning environments. Flexible basic education focuses on action-based and work-oriented studying methods. Emphasis is put on multi-professional cooperation between different organisations, which can be participated in by, e.g. vocational institutions and upper secondary schools, liberal adult education providers, and youth workshops.

An administrative decision on the student selection to flexible basic education is prepared in multi-professional pupil welfare work. A learning plan is prepared for pupils or a learning plan previously made for them is revised. Flexible basic education is implemented in small groups, which usually requires forming a separate group of instruction. Instruction may also be provided partly or fully as part of some other group. Learning that takes place in other learning environments, such as workplaces, is an essential part of flexible basic education. In addition to teachers, providing the education multi-professionally requires the involvement of person(s) familiar with supporting young people's social growth, cooperation with families, and other support and advice work appointed by the education provider.

In the autumn of 2017, over 1,900 pupils participated in flexible basic education. A maximum amount of EUR 6 million has been allocated to flexible basic education.

Question 3

Drop-out rates

According to a quantitative survey of the completion of vocational education and training, the mean average of drop-out rates at education providers was 11.4% in the school year 2016–2017.The rate was 8.6% in the data collection of school year 2013–2014.

In 2016–2017, a total of 107,366 students were enrolled in the vocational basic education in the educational institutions of the vocational education and training providers participating in the data collection; the total number of drop-outs was 12,856.

As regards school drop-outs in basic education 2016-2017, the number of drop-outs without a basic education certificate was 314, or 0.54%, of all 9th grade pupils in the spring term.

Answers to the Committee's General Questions and conclusions

Unlawfully present children

Under Section 50 of the Health Care Act, public health care shall always provide urgent medical care for all patients who need it regardless of their place of residence or if they have the right to health services on some other grounds.

Section 50, subsection 1 of the Health Care Act notes that urgent medical care, including urgent oral health care, mental health care, substance abuse care, and psychosocial support shall be provided for patients regardless of their place of residence. Urgent cases include cases involving an injury, a sudden onset of an illness, an exacerbation of a long-term illness, or a deterioration of functional ability where immediate intervention is required and where treatment cannot be postponed without risking the worsening of the condition or further injury.

Section 12 of the Social Welfare Act (1301/2014) contains a provision on the right of each person staying in a municipality to urgent social welfare. Under this provision, in urgent cases each person staying in the municipality has the right to social services based on their individual needs, ensuring that their right to essential care and subsistence is not put at risk. In other than urgent cases, sufficient social welfare services are organised for a person with a municipality of residence in Finland. Persons needing urgent social services referred to in the Social Welfare Act should apply for them to the municipality in which they are staying. Provisions on emergency social services are contained in Section 29 of the Social Welfare Act. Emergency social services mean the organisation of essential and urgent social services and other support measures so that the immediate security and care needed by the person can be provided for in different social emergency and crisis situations 24/7. The possibility of contacting the emergency services around the clock must be ensured.

Under Section 21, temporary housing must be organised for persons in need of urgent short-term assistance. The arrangement of temporary housing is associated with different crisis situations, and the aim is to find an appropriate solution for the person's situation. The need for other urgent assistance provided by the social welfare services should also be assessed. The assessment of urgent services needed by a person is always carried out by a social welfare professional. For example, this may involve organising a bed in emergency accommodation for a person who is unlawfully present in the country. Urgent social welfare associated with essential care may also include arranging food, clothing and essential medication. Even when providing urgent social services, the client should be issued with a decision that can be appealed and instructions concerning claim for a revised decision. Children who are unlawfully present have the right to the services cited in the Child Welfare Act.

Persons who are unlawfully present in the country are primarily directed to the local authorities, whose social and health care professionals assess the person's immediate support, care and service needs on a case-by-case basis and as a whole. Assistance is primarily provided as part of the local authority's own services, or outsourced to a private service provider under a payment commitment given by the local authorities.

The Ministry of Social Affairs and Health has prepared recommendations on the urgent social and health care of persons unlawfully present in the country. The purpose of these recommendations is to make clear which public services persons unlawfully present are entitled to, who is responsible for organising the services, and how compensation for the costs incurred from the services can be claimed.

Review on basic education of Roma pupils

It is estimated that about 10,000 Roma live in Finland. In 2011 the Finnish National Agency of Education published a *review on basic education of Roma pupils* (2011:26). The purpose of the review was not to gather statistical information, but to give a voice to Roma pupils in basic education, their parents and careers. Their interviews were gathered all over the country. School principals answered to an online questionnaire. The main results were following:

In the principals' estimation, general school performance among Roma pupils had improved somewhat or markedly during the previous three years. The principals estimated that 70% of the pupils were doing excellently, well or at least satisfactorily at school. Nevertheless, 30% of all Roma pupils were doing poorly or adequately in basic education. This means that necessary support methods should be employed to ensure that Roma pupils complete their basic education.

The message of both school heads and Roma parents or caretakers was clear: cooperation between home and school works. Of the heads, 94% considered the level of cooperation very good, good or at least satisfactory. Similarly, Roma parents and caretakers almost unreservedly valued cooperation with teachers and other educational staff.

Schools are still not aware of all cases of bullying, as the principals' estimates of the frequency of bullying experienced by Roma pupils are lower than those reported by parents and careers. Bullying of Roma pupils is largely ethnic name-calling. All school bullying, ethnic name-calling and exclusion should trigger immediate intervention.

An increasing number of Roma pupils completed their basic education. The development has been positive. The completion of basic education and seeking further education was the most important task for incoming years in many municipalities. In 2014–2016, state subsidies promoting basic education of Roma pupils were granted. Since 2008 totally 38 municipalities had received state subsidies. During 2014–2016 the granted municipalities focused their activities to completion of basic education and seeking further education. In many municipalities the results were good and Roma pupils completed their basic education.

Nevertheless, too many (often Roma boys) still fail to gain their basic education certificate or do not seek further education, at least immediately on leaving comprehensive school. Many of the granted municipalities developed programs for guidance of Roma pupils to further education. These programs were often successful. The activities in the granted municipalities were following:

Roma pupils were given intensive guidance counselling as early as in grades 1–6 of basic education. In grades 7–9 of basic education, Roma pupils received educational guidance specifically tailored to their needs, addressing practical challenges viewed from the Roma perspective. A good practice in school counselling was also to give space for people with Roma background.

Roma parents and caretakers were informed at the grades 7–9 of their children's education about application processes, selection criteria, study practices, and benefits and aids provided by society and available to students. A guide for Roma pupils and their families was prepared by the Finnish National Agency of Education. There is a continuing need for teaching materials in Romani language. A story book about Finnish Roma (Viljo Koivisto), a book of children's poetry (Seija Roth), fairy tales about a Roma girl and her family (Helena Blomérus, Satu Blomerus, Helena Korpela & Irmeli Matilainen) and language exercise books (Seija Roth & Tenho Lindström) have been published by the Finnish National Agency of Education during 2014–2017. A printed/electronic magazine concerning Roma education, Latšo Diives, has also been published twice a year. One of the actions of Finland's first National Policy on Roma (2009–2017) was a review of the educational backgrounds of adult Roma. Finnish National Agency of Education collected information during 2013–2014 in different parts of the country. Four surveys were drawn up: a survey for adult Roma and separate surveys for vocational institutions, general upper secondary schools for adults, and liberal adult education institutions. All information for the review was requested anonymously. The Roma population responded actively, and information from a total of 327 survey forms was utilized during the analysis of the results. The information was collected in close co-operation with the Roma community.

A *review of the educational backgrounds of adult Roma* was published by Finnish National Agency of Education in 2015 (2015:8) with following results:

Approximately two-thirds of the adult Roma respondents had completed basic education in comprehensive school or elementary school. The review material shows that 25% of Roma, who attended school in the 1950s, completed basic education, with the numbers increasing to approximately 40% in the 1960s, approximately 65% in the 1970s, nearly 70% in the 1980s, nearly 80% in the 1990s, and slightly more than 80% in the first decade of the 2000s.

Thus, completion of compulsory education by Roma pupils has increased massively over the past 60 years, and the percentage of those earning a basic education certificate has risen from 25% to more than 80%. Despite this, Roma are still much less likely to complete basic education than the rest of the population. The situation for young men is clearly worse in comparison to women.

Roma are familiar with the opportunities of vocational education and training. The majority studies in vocational institutions after basic education. A total of 39% of respondents in all age groups had completed a qualification in vocational education and training.

According to the vocational institutions, it is clearly more difficult to find work placements (work-based learning) and apprenticeship for Roma than for other students. In the opinion of Roma respondents, arranging of work placement was one of the most difficult stages of studying and could even lead to dropping out.

Roma have lower level of enrolment in general upper secondary school than others. They are not familiar with the content of upper secondary and are often afraid of its degree of difficulty. There is a need for communication between the Finnish National Agency of Education and the Roma about upper secondary school. The Finnish National Agency of Education has held a series of information events dealing with application for education of Roma adults. A co-operation with Roma community (NGO's etc.) is initiated in order to develop operating models to support studies of adult Roma. A guide book for Roma about upper secondary education has been published. The National Agency of Education plans to conduct a new study on the status of Roma children's early education and care and pre-primary education. The report is first of its kind, and it will be part of Finland's second National Roma Policy 2018– 2022.

In the field of education vocational schools and tertiary education institutions such as the Diaconia University of Applied Sciences (DIAK) develop mentoring and educational support for young adults and mature students with families. Normally such projects are funded with ESF-funding. The preliminary results of these mentoring models are promising.

The State currently pays 86% of the cost of the Romani language teaching in comprehensive education. However, the lack of qualified teachers hinders the language teaching everywhere in Finland. In principle, the basic and intermediary Romani language studies at the Open University of Helsinki are open and accessible to everyone but due to the costly course fees (EUR 75 per 5 study point unit) and the lack of distant learning opportunities they are not really accessible to most Roma outside academia and the capital area. Therefore no instant relief is to be expected in terms of strengthening Romani language teaching in the comprehensive schooling.

Views by non-governmental organisations

As regards Article 17, non-governmental organisations have drawn attention for instance to access to public health care of children and young persons' unlawfully present, reducing right to subjective day care to 20 hours per week as regards some children, sizes of the groups of children in day care, education of teachers and learning materials as regards Roma pupils and budget cuts to education in general.

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

Article 19 para. 1: Assistance and information on migration

Question 1

The *Act on the Promotion of Immigrant Integration* (1386/2010) has the purpose to support and promote integration and make it easier for immigrants to play an active role in Finnish society. The purpose of the Act is also to promote gender equality and non-discrimination and positive interaction between different population groups.

This Act applies to persons possessing a valid residence permit in Finland as referred to in the Aliens Act (301/2004). The Act also applies to persons whose right of residence has been registered or who have been issued with a residence card under the Aliens Act.

Question 2

The Act on the Promotion of Immigrant Integration states that Measures and services promoting integration are provided as part of basic municipal services and the services of the employment and economic administration and as other measures promoting integration. The services include basic information about Finnish society, guidance and provision of advice, initial assessment, integration plan as well as integration training.

The needs of the immigrant population and the promotion of integration shall be considered in the general planning, action and monitoring carried out by municipalities and other local level authorities.

The *Work in Finland* guide was updated in 2014. It is available in several languages on the website of the Ministry of Economic Affairs and Employment. English-language brochures describing Finnish labour legislation are also available on the site. The website of the labour protection authorities offers information in English regarding employment relationships. The labour protection helpline also provides service in English.

Question 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's General Questions

Rights of refugees

In addition to information submitted above, the Government notes with regard to labour legislation, that the rights mentioned by the Committee are protected partly by the Employment Contracts Act, the Annual Holidays Act, the Working Hours Act, the Young Workers' Act, the Collective Agreements Act and the Act on Medication in Labour Disputes. This labour legislation is applicable to work carried out in a contractual employment relationship and partly to work carried out in a public-service employment relationship. The Acts do not include special provisions on workers with refugee status. Provisions on the employer's liability if hiring employees who reside illegally in the country are issued in Chapter 11a of the Employment Contracts Act.

Under Chapter 2, Section 2 of the Employment Contracts Act, employers must treat employees equally, unless deviating from this is justified in view of the duties and position of employees. Provisions on equality and the prohibition of discrimination are issued in the Non-discrimination Act. To be employed in Finland, a person must have the right to work in the country.

As regards measures adopted to monitor labour discrimination the Government refers to information submitted in connection with Article 19 para. 4 below.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Work carried out in Finland in a contractual employment relationship is subject to Finnish labour legislation. There is no special labour legislation with provisions on measures to facilitate the departure, travel and reception of migrant workers and their families.

The *Act on Posting Workers* (447/2016), described under para. 4 in more detail, applies to posted workers. Pursuant to the Act on Posting Workers, acts such as the Occupational Health Care Act also apply to posted workers. According to the Act, a non-Finnish employer must organise statutory occupational health care for its employees during their period of work in Finland. A foreign company that posts workers to Finland must have a representative in Finland, who is available to the posted worker and the authorities throughout the period of posting. The posting company is liable to make information about the company and the posted workers accessible in Finland throughout the period of posting.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

In cross-border child protection issues, the Brussels II a Regulation, which is binding on EU Member States (Council regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000)) and the Hague Convention on Child Protection (Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, Finnish Treaty Series 9/2011) may be applicable. Under the Brussels II a Regulation and the Hague Convention on Child Protection, reports on the situation of the child in another state and information on pending proceedings or decisions concerning a child may be requested.

Whether this information is provided by the foreign authorities depends on the legislation of the country in question, and it should be noted that a report on the situation of the child, for instance, is not necessarily equivalent to a report drawn up in Finland, and obtaining it may take a long time.

Under the Brussels II a Regulation and the Hague Convention on Child Protection, consent for the placement in a foreign country of a child taken into custody may also be requested through the Central Authority. The state requesting for a placement of a child abroad must, as a rule, receive the consent of the receiving country before making a decision on the placement. When a child is to be placed in Finland, the request must be submitted to the Finnish Central Authority in advance. The Central Authority forwards the request to the competent authority under the national legislation for consideration.

The Central Authority may request for information on foreign law and transmit requests for reports on the situation of a child and placement of a child. The requesting authority is responsible for the expenses of the necessary documents and translations and for the possible advocate's fees. The Central Authority may also, where possible, enquire into the contact information of foreign advocates through the Central Authority of the foreign country in question.

Between the Nordic countries, the Convention[8] containing rules of private international law regarding marriage, adoption and guardianship is in force.

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

Question 1

During the reporting period, the *Act on the Conditions of Entry and Residence of Third-Country Nationals in the Framework of an Intra-Corporate Transfer* (908/2017) took effect in Finland on 1 December 2017. The said Act implements Directive 2014/66/EU of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

The Act on Posting Workers

During the reporting period, the Posted Workers Act (1146/1999) has been replaced by the *Act on Posting Workers* (447/2016), which entered into force on 18 June 2016. The new act implemented Directive 2014/67/EU of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ("the IMI Regulation"). As regards posted workers, reference is made to the answers provided under item 14 of the Committee's conclusions.

[8] Convention of 6 February 1931 between Finland, Iceland, Norway, Sweden and Denmark containing rules of private international law regarding marriage, adoption and guardianship, Treaty Series 20/1931.

Similar to the earlier act, the Act on Posting Workers applies to work that a worker posted from another state carries out in Finland in a contractual employment relationship as subcontracted work, as an internal transfer within a group of undertakings or as temporary agency work on the basis of the employer's contract concerning cross-border provision of services. The Act does not apply to the seagoing personnel of merchant navy undertakings. As in the earlier act, in the new act "posted worker" means a worker who normally carries out his or her work in a State other than Finland and whom an employer undertaking that is established and performing activities in another State posts to Finland for a limited period to perform temporary work in the course of a contractual employment relationship within the framework of providing cross-border services as subcontracted work, as an internal transfer within a group of undertakings or as temporary agency work.

The obligations of different parties involved in the posting of workers, as well as the provisions applied to the employment relationship of posted workers were included in the new Act on Posting Workers. The new act lays down provisions on the obligation to submit a notification about the posting of a worker.

The sanctions regime was amended by introducing an administrative negligence fee. Under Section 15 of the new act, if a posted worker has not been paid the minimum rate of pay referred to in Section 5, he or she may notify the construction site builder or the general contractor of the matter. After receiving the notification, the builder or the general contractor shall immediately request the posting undertaking to provide a report on the wages paid to the posted worker and whether these comply with Section 5. The builder or the general contractor shall immediately send the request for information and the report submitted by the posting undertaking to the worker. At the request of the worker, the information request and the report shall immediately be submitted to the occupational safety and health authority.

An amendment (451/2012) of the Employment Contracts Act entered into force on 1 August 2012, adding a new Chapter 11a to the Act. The Act implemented Directive 2009/52/EC of the European Parliament and of the Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (the "employer sanctions directive"). The objective of the employer sanctions directive is to fight against illegal immigration by preventing the employment of illegally staying third-country nationals. To this end, it lays down minimum common standards on sanctions and measures to be applied in the Member States against employers who infringe that prohibition.

The provisions in Chapter 11a of the Employment Contracts Act are applicable to an employer who employs an illegally staying third-country national referred to in Section 3, paragraph 2a of the Aliens Act (301/2004). An employer who has hired an employee or employees referred to in Section 1 is liable to pay a financial sanction of a minimum of EUR 1,000 and a maximum of EUR 30,000. An employer on whom a financial sanction referred to in Section 3 is imposed is liable to compensate for the costs of returning employees referred to in Section 1 in cases where the return procedures have been implemented, provided that the employer has, through their own actions, influenced the employees' entry or residence. The provisions are also applied to the employer's contracting party and other contracting parties, as provided in the chapter. The new Chapter also includes provisions for subcontracting cases regarding the liability of the contractor, main contractor and any other subcontractors to pay the financial sanction and the employee's other remuneration and costs if the employing subcontractor has hired a third-country national referred to in the Chapter.

Questions 2 and 3

Remuneration and other employment and working conditions

In recent years the Government has put great emphasis on addressing the underprivileged position of immigrants in the labour market. In 2015, as in many European countries, Finland received a large number of asylum requests. 32 000 individuals sought asylum in Finland – equivalent to 6.6 asylum seekers for every 1000 of the Finnish population. Because of the high amount of asylum seekers coming in 2015, on 3 May 2016 the Government approved its *Action Plan on Integration*.

The Act on the Promotion of Immigrant Integration (1386/2010) forms the basis for the integration work. The purpose of the Act is to support and promote integration and make it easier for immigrants to play an active role in Finnish society.

According to the Act the Government decides on the development of integration at the national level by drawing up a Government integration programme containing the integration objectives for four years at a time. The Ministry of Employment and the Economy is responsible for the preparation of the programme. The *Government Integration Programme 2016-2019*, approved on 8 September 2016, set out the goals, measures and resources to promote integration. The goal is to promote equality and ensure that the knowledge and skills of immigrants benefit the Finnish society. By means of an effective initial stage of integration and cooperation between authorities and stakeholders, efforts are made to ensure a smooth transition for immigrants into, for example, studies or working life.

The goals of the Government Integration Programme 2016-2019 are:

1. *Using immigrants' cultural strengths to enhance Finnish innovation capacity*: The objective is to utilise the knowledge and skills of trained immigrants and those foreign students who graduate from Finnish institutes of higher education and to promote career advancement in Finnish labour market, business growth, and internationalization

2. *Enhancing integration through cross-sectoral measures*: The conditions for integration of immigrants are established in the early stages. The objective is to equip people with the required resources for continued training and working life, to improve immigrants' position in the labour market, ensure the provision of multi-professional support to immigrant families, and support immigrants' participation in leisure activities.

3. *Increasing cooperation between the State and municipalities in the reception of beneficiaries of international protection*: The objective is that the placement into municipalities of quota refugees and asylum seekers that have received a residence permit takes place within two months of notification of the granting of the residence permit. The integration process begins immediately.

4. *Promoting a humane national discussion culture that will not tolerate racism*: The objective is that discussion about immigration be carried out openly and in a manner that respects human dignity. Official forums will also be created for dialogue between authorities and immigrants.

The most important measures that have been enforced as part of the implementation of the Government Integration Programme include *reforming integration training*. The integration training for immigrants has been renewed to better prepare for working life, by increasing the vocational content and on-the-job training and by facilitating a more flexible combination of integration training and vocational training. The Ministry of Employment and the Economy and the Ministry of Education and Culture have contributed to the identification of prior skills and guidance to a meaningful educational and employment path, including faster transition from integration training to vocational education and qualification training. Healthcare and social services help safeguard the functional capacity and health of those with residence permits.

The National Board of Education and Ministry of Employment and the Economy have specified new implementation models for the integration training of adult immigrants. These training models concern the integration training provided to adult immigrants both as labour market training and self-motivated education. The purpose of the new implementation models is to speed up access to training as well as entry to working life and further studies, to support supplementation of prior learning, to diversify and enhance implementation methods and to enhance the effectiveness of training.

Essential measures are the change in funding for teaching in primary education (January 2016), the reform of adult education (January 2018) and the provision of adequate supply. Furthermore, essential measures include additional funding for preparatory elementary education, adult basic education, non-formal adult education, funding for teaching foreign languages as a native language at schools as well as Finnish or Swedish as a second language, as well as supplementary funding for vocational education.

New and flexible ways of language training have been introduced. A new model for language training given by the *Non-Formal Adult Education -system* (*vapaa sivistystyö*) was introduced in the beginning of 2018 and it enables a greater variety in the forms and pace of education. It is available also for those immigrants who are not aiming directly to the labour market, including parents – often women – taking care of their small children at home, who have previously been in a blind spot of the education system. The participants in this Non-Formal Adult Education also get an individual integration plan.

As part of the implementation of the *Government Integration Programme*, the procedures regarding the assessment and recognition of prior learning have been developed and those with prior completed studies are channelled into appropriate training that will complement the prior studies more effectively than before. Resources have also been increased to culture, sport and youth work supporting integration. The specific needs of immigrants are taken into account in teacher training.

These changes, which are currently in the implementation stage, represent an important step forward; however it is still too early to assess their impact. Measured by a number of indicators, immigrants are in a weaker labour market position than the rest of the population. Their unemployment rate is 2.5-fold, their access to the labour market is slower, and they experience more frequent periods of extended unemployment. Differences in the employment rates between various immigrant groups are great, however, and level out with a longer period of residence in the country, approaching the levels of the main population. Gender differences are also significant: the employment rate of immigrant men is higher than that of women, even if women do catch up with the men as they live longer in the country.

As a rule, the rise in employment rates and earnings levels of immigrants have increased in recent decades: those who moved to Finland in the 2000s and 2010s have improved their employment and earnings levels faster than those who moved in the 1990s. In recent years, the unemployment rate has been declining: the unemployment rate of foreigners fell to 26% in 2017 (30% in 2016).

Measures against discrimination

Measures have also been taken by the Government to eliminate discrimination and improve attitudes among employers as concerns recruitment of people with foreign background.

The Ministry of Justice coordinates the implementation of the *Non-Discrimination Act* in the Government. The legislation on equality and non-discrimination was reformed in Finland in 2014. The Non-Discrimination Act prohibits all discrimination on the basis of gender, age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation, or other personal characteristics.

The Act aims at promoting equality and prohibition of discrimination. It provides equal protection against discrimination regardless of the life sphere and the ground of discrimination. The scope has expanded, and the prohibitions of discrimination have been clarified. The obligation to promote equality and non-discrimination has been expanded. There is also improved judicial protection: the Ombudsman for Equality, Equality Board as well as occupational safety and health authorities. Also, discriminatory job advertisements are prohibited and there is a clearer opportunity to address e.g. requirement discrimination based on a requirement of "perfect Finnish".

Compliance with the Equality Act is monitored by the Non-Discrimination Ombudsman, the National Non-Discrimination and Equality Tribunal and the Occupational Safety and Health Authorities. The monitoring concerns not only the prohibition of discrimination but also the obligation to promote equality. Supervision focuses, for example, on the existence of equality plans.

The Non-Discrimination Ombudsman provides advice, makes recommendations, acts as a mediator, grants legal aid to those that have experienced discrimination, conducts inquiries and initiatives, issues opinions, informs, educates etc. The Ombudsman for Equality provides legitimate positions on individual cases (excluding in work-life affairs).

The occupational safety and health authorities contribute to the investigation of employment-related offences. Supervision of individual cases of discrimination in the workplace is with the occupational safety and health authorities. They also collaborate closely with employers' and employees' associations in occupational safety and health matters.

The obligation to promote equality applies to authorities, training providers, educational institutions and employers. The promotion obligation applies to all grounds of discrimination.

The obligation of the employer to promote equality requires all employers to: 1) evaluate the achievement of equality in the workplace and 2) develop working conditions and practices (to be followed when selecting staff and making staff decisions) to promote equality. In addition, employers who regularly employ more than 30 people must: 3) design a plan for the necessary measures; (4) address activities and their effectiveness with the staff or their representatives.

A shop steward, a trustee or other representative of the staff who has participated in the planning of equality measures has the right to hear, on request, what steps the employer has undertaken to promote equality in the workplace

The *national discrimination monitoring system* has been in development since 2008. The development work began at the Ministry of Employment, later continued at the Ministry of the Interior. Today the work is being coordinated and developed by the Ministry of Justice. The tasks of the monitoring system are: 1) to produce up-to-date information on discrimination in the Finnish society, 2) to compile research data and statistics produced by others, 3) to promote cooperation of people and organisations working with discrimination research, 4) to suggest policy measures on promotion of non-discrimination.

The Ministry of Economic Affairs and Employment finances and the Ministry of Justice is implementing, in co-operation with the delegation of Ethnic Relations (ETNO), other authorities and non-governmental organizations, the *TRUST project* developing working models to promote good relationships between different groups at regional and local levels. Measures have been devoted to providing good public relations education for officials, volunteers and asylum seekers, as well as prepared training material, a published guide to reception centres on demographic policy and proven conflict resolution methods.

The Ministry of Education and Culture annually supports the cultural diversity of communities and anti-racism activities and projects in Finland, as well as the implementation of projects promoting the multiculturalism of artists and working groups. In 2017 they allocated EUR 641,000 in grants to multicultural communities and EUR 124,000 in grants to artists and working groups.

Monitoring labour discrimination

The Government monitors discrimination in the Finnish Labour market.

The first comprehensive research report that looks into labour discrimination in the Finnish labour market was published by the Ministry of Employment and Economy in 2012. The report includes an overview of studies on all forms of labour discrimination and a proposal for monitoring model as well as a summary on a field experiment on recruitment discrimination.

The latest comprehensive study concerning discrimination in the Finnish labour market was published in December 2014. This study (*Monitoring labour discrimination*) gives outline of existing research results and formal complaints data on labour discrimination on the grounds included in the Finnish Non-Discrimination Act and the Equality Act.

In this study, an overall picture was formed of discrimination and unequal treatment in working life. The examined grounds of discrimination were determined based on the grounds prohibited by law, which are gender, age, ethnic or national origin, nationality, language, religion, belief, opinion, political activity, industrial activity, family ties, health, disability, sexual orientation or other personal characteristics.

To *monitor discrimination*, a model was built to enable both comprehensive description of this occurrence and following of its development in future. There are three types of data in the monitoring model. Official data describe labour discrimination reported to the authorities and what has followed from reporting on dis-crimination. Surveys provide information about either personally experienced or observed discrimination. Register data offer background information on the position of different population groups in the labour market.

The various grounds of discrimination gain emphasis in different data. The differences are also due to the divergences and limitations of the data. In official data, the practices of recording cases and data in part affect the reported figures. In surveys, data are not even collected as concerns all the grounds of discrimination prohibited by law or by using legislative terms. In surveys covering the whole population, there is only scant information on some grounds of discrimination, such as that based on ethnic or national origin, disability or sexual orientation. Health, ethnic or national origin, gender and age were, however, the most common groups in several data sets selected for the monitoring model.

Health is the most general ground of discrimination in official data, such as communications received by occupational safety and health authorities (44%) and discrimination suspicions of the police (20 cases). As many as 12% of the wage and salary earners having replied to the Quality of Work Life Survey 2013 had observed discrimination or unequal treatment based on health in their work-place.

In communications or labour discrimination suspicions obtained by occupational safety and health authorities the second most common ground of discrimination was nationality or national or ethnic origin (16%). In addition, one-third of labour discrimination offences or extortion-type labour discrimination offences known to the police were connected to discrimination based on national or ethnic origin. Discrimination or unequal treatment based on surveys had been observed or experienced mostly on the basis of health, age or gender. Nearly 10% of wage and salary earners had observed discrimination based either on young or old age in their workplace in 2013.

The *Quality of Work Life Survey* shows that discrimination against aged people has decreased in workplaces on the longer term. However, according to the Eurobarometer old age is often seen as an obstacle to job search. Discrimination based on gender is clearly more often directed to women than men. Six to seven per cent of wage and salary earners had noticed discrimination against women in their workplace. Only two per cent had observed discrimination against men. According to the Quality of Work Life Survey, observations of discrimination or unequal treatment directed to women in their own work organisation has declined over last 15 years, however. In occupational safety and health authorities' data, 13% of discrimination communications or suspicions were related to gender or family leaves.

The Ministry of Economic Affairs and Employment promotes equality and diversity in labour market and entrepreneurship. The Ministry of Economic Affairs and the Employment has carried out a *Diversity Management Programme*, where the objective has been to promote diversity management in the public and private sectors. The Diversity Charter -concept, which was launched in Finland in October 2012, has been further developed in cooperation with FIBS e.g. a webpage and a data bank on the best practices of diversity management were established and a manual and a check list for the development of diversity management practices were published.

Answers to the Committee's General Questions and conclusions

Legislation and status of posted workers in Finland

In Finland, *the Act on Posting of Workers* (447/2016) applies to posted workers. This Act determines the provisions on working life which shall be applied whenever they are more advantageous for the employee than the legislation otherwise applicable to him or her.

For the purposes of applying the Act, it is irrelevant whether the posted worker´s employer is in another EU Member State or outside the EU. A posted worker is an employee from another country who is posted in Finland to perform work under a subcontract, as an internal transfer inside a company or as a temporarily agency worker. The habitual workplace of a posted worker consequently is located in some other country than Finland.

In Section 1, the Act on Posting of Workers there is a reference to the definition of a worker given in the Employment Contracts Act. In Finland, the decision whether a person is a worker or not (for example, a self-employed) is made according to the definition of a worker given in the Employment Contracts Act. This definition applies irrespective of that person's title or status in the country of origin.

The Employment Contracts Act defines the scope of application of the Act, *i.e.*, the criteria for work under employment contract. The Employment Contracts Act applies to contracts (employment contract) entered into by an employee agreeing personally to perform work for an employer under the employer’s direction and supervision in return for pay or some other remuneration. If these criteria for employment contracts are fulfilled, the Employment Contracts Act and other labour laws are applicable to the employment contract whatever the contract is called. Ultimately it is up to a court to decide whether these criteria are fulfilled in each individual case.

According to the case law of the Court of Justice of the European Union, the temporary nature of an activity carried out by a posting employer on the territory of a Member State in the context of free provision of services cannot be determined abstractly. In other words, there are not a maximum time limit for allowed cross border service provision and posting of workers in Finnish labour legislation. Whether the provision of service and posting of workers is only temporary by nature, should be judged on a case-by-case basis, depending on the duration, frequency and periodicity or continuity of a service provided by a posting employer.

It should be noted that if an occupational activity of a posting employer in Finland can no longer be considered as being exercised temporarily, taking account of the abovementioned criteria, but is stable and continuous, the workers are not posted workers.

Pay of a posted worker in Finland

Finnish law does not specify a minimum wage. Posted workers must be paid at least the wages specified in the relevant universally binding collective agreement. In general, the wages are paid per hour, per month or by the piece. The grounds for the determination of the wages, *i.e.*, the minimum rates of pay and its different components (constituent elements), the calculation method for the payable wages as well as the principles for placing workers in different payment categories are normally determined in accordance with the collective agreement.

The terms and conditions of employment of the posted worker are determined according to the legislation of both the country of origin and Finland. The terms and conditions of employment in the country of origin may differ from those in Finland. The purpose of the Act is to ensure that posted workers are treated equally compared to employees of companies operating in Finland.

Provisions of the Finnish labour legislation and the universally binding collective agreement granting the worker more favourable work life conditions than the legislation otherwise applicable to the employment contract of the worker shall apply to the work of a posted worker. In Finland, there is a universally binding collective agreement applicable to most branches.

Wages of posted workers in subcontracting situations and within internal transfers inside the company

Posted workers must be paid at least the compensation determined on the basis of a universally binding collective agreement as referred to in Chapter 2, Section 7 of the Employment Contracts Act. If there is no universally binding collective agreement for the sector and no other agreement or practice in force, the employee must be paid a usual and reasonable wage. The wage agreed by the employer and the employee must not be substantially less than the wage level that may be considered usual and reasonable. The above provision applies also to situations where wages have been agreed in the country of origin without knowledge of the level of wages in Finland.

Wages of posted temporary agency workers

The employment conditions of temporary agency workers posted to Finland are determined in the same way as for Finnish temporary agency workers. Posted temporary agency workers must be paid at least the compensation determined in accordance with Chapter 2, Section 9 of the Employment Contracts Act. In practice, primarily the collective agreement of the temporary work agency will be applied. If there is no such collective agreement, the minimum terms are determined in accordance with the collective agreement applied by the contracting company (the service recipient).

Should no collective agreement be applied to the employment relationship of the posted temporary agency worker, the conditions concerning wages, working hours and the annual holiday must be in accordance with agreements or practices which are binding for the contracting company or generally applied by it.

If there are no agreements or practices, which are binding for the contracting company or generally applied by it, the employee must be paid a usual and reasonable wage. The wage agreed by the employer and the employee must not be substantially less than a wage that may be considered usual and reasonable. The above provision applies to situations where wages have been agreed in the country of origin without knowledge of the level of wages in Finland.

The worker may agree with the employer, *i.e.*, the temporary work agency, on those working conditions, which are not determined in the collective agreements. The employment conditions of the temporary agency worker may therefore differ partly from those of the workers of the contracting company (for example lunch or phone benefits).

Compensation for working hours and annual holidays

In Finland, the minimum wages of a posted worker also include compensations related to the provisions on working hours and annual holidays. These may be based on the law or/and the collective agreement. It is possible to agree differently on certain conditions in collective agreements than what is laid down in the law on the same conditions. Therefore, it is important to consider both the provisions in the law as well as in the collective agreement[9].

The collective agreement may for example hold provisions on the compensations or time off for shortening of working hours or compensations for work on Church Holidays. There may also be agreements on the overtime compensations. Collective agreements may also contain provision, which differ from the law, on the determination of the annual holiday compensation and a holiday bonus, which is payable in addition to the annual holiday compensation.

Based on the collective agreement the annual holiday compensation may be determined as a percentage value of the paid wages or in accordance with a coefficient determined on number of the accumulated days of annual holidays. The holiday bonus is determined as a percentage value based on the annual holiday compensation.

Posted workers' freedom of association and right to assembly

In the Posted Workers Act there is a reference in Section 3 to the compulsory provisions of the Employment Contracts Act, Chapter 13 – Section 1 (freedom of association) and Section 2 (right to assembly).

According to Section 1 of the Act, employers and employees have the right to belong to associations and to be active in them. They also have the right to establish lawful associations. Employers and employees are likewise free not to belong to any of the associations referred to above. Prevention or restriction of this right or freedom is prohibited. Any agreement contrary to the freedom of association is null and void.

According to Section 2 of the Act, the employer must allow employees and their organizations to use suitable facilities under the employer's control free of charge during breaks and outside working hours in order to deal with employment issues and matters forming part of the function of trade unions. Exercise of this right of assembly must not have a harmful impact on the employer's operations.

The Collective Agreements Act governs the rights of employers and their employer organisations on one side and employee organisations on the other to agree on the terms applied to employment relationships in a way that binds employers and employees. Organised employers applied so called the normally applicable collective agreement and unorganised employers the generally applicable collective agreement (based on Employment Contracts Act).

[9] http://www.tyosuojelu.fi/web/en/employment-relationship/posted-worker/pay-in-finlan

A foreign employer (established outside Finland) may conclude a collective agreement

1) with the registered Finnish association which represents workers or

2) can join to the collective agreement that has already been concluded with the contracting parties' consent or

3) be a member of the employer organization in Finland.

In practice, a few foreign workers who are posted to Finland by their foreign employers, have joined the Finnish workers' association.

Remuneration

The Occupational Safety and Health Act contain provisions on working conditions. It applies to all employees (including migrant workers) who work in an employment relationship, a public-service employment relationship or an employment relationship comparable to a public-service employment relationship. This ensures that migrant workers' enjoy the same working conditions as Finnish citizens.

Membership of trade unions and enjoyment of the benefits of collective bargaining

The employer is required to ensure that foreign employees have a residence permit entitling them to work in Finland. The employer is also required to keep a record of foreign employees and the grounds for their right to work. The employer must further provide such information for the employment and economic development office (TE Services) and the personnel representative at the workplace.

The Aliens Act requires contractors contracting or subcontracting work or using agency workers employed by a foreign employer to ensure that such employees have the right to work.

Section 6 of the *Act on the Contractor's Obligations and Liability when Work is Contracted Out* (1233/2006) issues provisions on the provision of information to a personnel representative.

The Central Organisation of Finnish Trade Unions (SAK) has an EU-funded employee rights advisory service for immigrants, which advises employees of foreign origin on questions or problems concerning their employment. The service is free of charge and open to all and does not require trade union membership. The service offers help regarding employment contracts, remuneration, holiday entitlements and working hours, wage levels as well as help if a worker is suffering from harassment or discrimination at work and need advice on how to deal with it.

The occupational safety and health authorities contribute to the investigating of employment-related offences. Supervision of individual cases of discrimination in the workplace is with the occupational safety and health authorities. They also collaborate closely with employers' and employees' associations in occupational safety and health matters.

There are no provisions for migrant workers regarding membership in trade organisations and the right to enjoy benefits granted by collective agreements and collective agreements for public servants. The freedom of association laid down in Chapter 13, Section 1 of the Employment Contracts Act applies to all persons carrying out work under an employment contract. According to the Section, employees have the right to belong to associations and to be active in them. They also have the right to establish lawful associations. Employees are likewise free not to belong to any of the associations referred to above. Prevention or restriction of this right or freedom is prohibited. Any agreement contrary to the freedom of association is null and void.

The provision in Chapter 2, Section 7 of the Employment Contracts Act applies to posted workers (see above, the Act on Posting Workers). According to the provision, employers must observe at least the provisions of a national collective agreement considered representative in the sector in question (generally applicable collective agreement) on the terms and working conditions of the employment relationship that concern the work the employee performs or the nearest comparable work.

Compliance with the Employment Contracts Act and the Act on the Contractor's Obligations and Liability when Work is Contracted Out is monitored by the labour protection authorities.

Accommodation

According to the Constitution, public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.

The Ministry of Environment is in charge of housing issues and legislation in Finland. The housing team of the Ministry of the Environment's Department of the Built Environment is in charge of housing-related matters. The Housing Finance and Development Centre of Finland (ARA) grants subsidies, support and guarantees related to housing and building, and steers and controls the use of the ARA housing stock.

The Government Integration Programme (2016-2019) includes initiatives regarding the operating conditions of housing advisory services and information services that support independent searches for housing will be improved. Instruments that will promote the more efficient use of existing housing stock will also be developed. By coordinating different measures (including competence assessments, charting of housing and educational offerings) and through projects, an effort will be made to ensure that after an immigrant has received a residence permit, his or her settlement in a municipality and transition to education, training or employment will take place as appropriately and rapidly as possible. (Ministry of Education and Culture, Ministry of the Environment)

Those who have received a residence permit are free to move to their preferred locality in Finland and apply for a rental apartment in accordance with normal practice, either by a state-subsidized housing stock or by private individuals. A portion of those who have been granted a residence permit, usually in need of specific support, may also stay in the reception centre waiting for guests for negotiating with the municipalities.

State-subsidized rental apartments can be utilized when people who have been granted a residence permit are searched for housing. A migrant can be selected as a resident in state-subsidized rental housing if he or she has obtained a residence permit of at least one year. All apartment seekers are subject to the same residence selection criteria on the basis of housing needs, wealth and income. The flats are rented to the neediest, the most deprived and persons with the lowest income. At the same time, there is a striving for a diverse population structure and a socially balanced residential area.

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

Question 1

In the context of the rights of migrant workers and their families to social security, labour market subsidy for migrants paid as integration assistance was dropped from 1 January 2015 and replaced by labour market support paid to all beneficiaries. The conditions for receiving labour market subsidy paid as integration assistance and the amount of the assistance were the same as those of the labour market subsidy paid to other jobseekers. The change had no effect on the conditions for receiving the labour market subsidy paid to migrants or its amount. It was about no longer calling the labour market subsidy for migrant's integration assistance. The payment of labour market subsidy as integration assistance caused unnecessary administrative work for the Employment and Economic Development Offices and the Social Insurance Institution of Finland (*Kela*).

From the beginning of 2014, the requirement of being resident in the country in order to be eligible for parental allowance contained in the Health Insurance Act has been replaced by the requirement of being insured. The residence requirement in the Health Insurance Act had proven excessively stringent, especially for non-EU/EEA citizens working in Finland, as they were not able to accumulate the required period of residence merely by working in Finland. Non-EU/EEA citizens working in Finland were not entitled to parental allowance even if they had been covered by health insurance based on working immediately before the due date. The requirement of being resident for 180 days was replaced by the requirement of being insured for 180 days. Under this provision, persons who work in Finland and are covered by the health insurance receive the parental allowance when they take family leaves even if they do not meet the criteria for permanent residence under the Act on the Application of Residence-Based Social Security Legislation before the child is born. In particular, this amendment affected the status of workers from non-EU/EEA countries who do not have the right to use periods completed in another country in order to meet the waiting time requirement under EU Regulation (883/2004).

Questions 2 and 3

The Government has no new information to report under the current reporting period.

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

Question 1

The family members of a person residing legally in Finland may apply for a Finnish residence permit on the basis of family ties. A person who resides legally in Finland may have entered the country as an employee. Issuing a residence permit on the basis of family ties for a family member of a third-country national is mainly governed by Chapter 4 of the Aliens Act relating to residence.

A residence permit on the basis of family ties may, in principle, be issued only to a person who corresponds to the definition of a family member of the Aliens Act. The definition of a family member of the Aliens Act is based on the concept of the so-called nuclear family. In accordance with Section 37 of the Aliens Act, the spouse of a person residing in Finland and an unmarried child under 18 years of age over whom the person residing in Finland has guardianship is considered a family member. Also a minor child of the spouse is considered a family member. A person of the same sex in a nationally registered partnership is also considered a family member.

Questions 2 and 3

The Government has no new information to report under the current reporting period.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

In Finland, legal aid is provided at the expense of the State to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation. Legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses. Legal aid is also provided for pre-trial hearings. Legal aid includes free-of-charge interpretation and translation services required in the consideration of the matter.

Under *Legal Aid Act* (257/2002), legal aid is provided to persons with a municipality of residence in Finland and to persons domiciled or habitually resident in another Member State of the European Union (EU) or the European Economic Area (EEA). In addition, legal aid is provided, if the matter is to be heard before a Finnish court or if there are special reasons for legal aid to be provided. Legal advice, as a part of legal aid, shall also be provided if the conditions laid down in the Convention on International Access to Justice (Treaty Series of the Statutes of Finland 47/1988) are met.

Under *Criminal Procedure Act* (689/1997), anyone arrested or detained for a gross offence is entitled to a counsel without charge, irrespective of his or her financial situation. A gross offence means an offence where the minimum sentence is four months imprisonment. Anyone who is under 18 years of age is entitled to a counsel, if he or she is suspected of any offence. In both cases, the counsel shall be ordered by a court

The entitlement to free legal aid generally depends on the applicant's income and assets at his or her disposal, as provided by a Government Decree (388/2002).

Article 19 para. 8: Protection against expulsion

Question 1

Section 149 of the Aliens Act provides for the grounds for deportation. Under said Section, an alien who has resided in Finland under a residence permit may be deported if 1) he or she resides in Finland without the required residence permit; 2) he or she is found guilty of an offence carrying a maximum sentence of imprisonment for one year or more or if he or she is found guilty of repeated offences; 3) he or she has, through his or her behaviour, shown that he or she is liable to endanger other people’s safety; or 4) he or she has been engaged or, on the basis of his or her previous activities or for other justifiable reasons there are grounds to suspect that he or she may engage in activities that endanger Finland’s national security. An alien who has been issued with a long-term resident’s EU residence permit in Finland may be deported only if he or she poses an immediate and sufficiently serious threat to public order or security.

Under Section 146 of the Aliens Act, when considering refusal of entry, prohibition of entry and deportation as well as the issuing of an alert for the purpose of refusing entry and its duration, overall account shall be taken of the facts on which the decision is based and the facts and circumstances otherwise affecting the matter as a whole. In the consideration, particular attention shall be paid to the best interests of the children and the protection of family life. Other facts to be considered shall be at least the duration and purpose of the alien's residence in Finland as well as the nature of the residence permit issued to the alien, his or her ties to Finland and his or her family-related cultural and social ties to the home country.

Question 2

The Government has no new information to report under the current reporting period.

Question 3

In 2014-2017, altogether 30 persons residing in Finland under a residence permit for an employed person were deported.

Answers to the Committee's conclusions

Under Section 6 of the Aliens Act, in any decision-making under the Aliens Act that concerns a child less than eighteen years of age; special attention shall be paid to the best interests of the child and to circumstances related to the child's development and health. The assessment of the best interests of a child shall be made by the same authority that decides on deportation.

The contents of the best interests of a child have not been defined in more detail in the Aliens Act and their meaning has not otherwise been defined in a uniform manner. In accordance with the Government Bill (HE 28/2003) relating to the Aliens Act, the best interests of a child are always individual and connected to the life situation of the child at a given time. An overall consideration of the best interests of a child shall be made taking into account the personal needs, wishes and opinions of the child. In legal and administrative decisions, it is essential that the decision-making body establishes which solution in said case is in the best interests of said child. In matters relating to removal from the country, the best interests of a child form part of the overall consideration (Section 146). In the consideration, particular attention shall be paid to the best interests of the child and the protection of family life. The best interests of a child are always individual and connected to the life situation of the child at a given time. An overall consideration shall be given to the best interests of a child taking into account, where possible, the wishes, opinions and personal needs of the child. The hearing of the child is materially significant in the realisation of the best interests of the child.

If the child is 12 years of age or older, he or she may be requested to submit his or her own reply regarding the deportation of a guardian. The reply is usually requested to be given in writing. For special reasons, the child may be heard orally but this is uncommon in situations concerning a work-related residence permit for a sponsor, who is to be deported with his or her family, and the family has resided in Finland only for a short period of time from 1 month to 2 years. If the child is under 12 years of age, his or her guardian/guardians shall submit a reply on behalf of the child at the same time when they submit their own reply/replies.

It is possible to establish the overall circumstances of the family and the best interests of the child also by requesting as statement of the social service authorities especially if the Finnish Immigration Service is aware that the family or the child is a client of the social services office. The statement shall, however, not be requested in all cases, but there needs to be a special reason thereto relating to either the family circumstances or the child, for example, information that the use of intoxicants has caused problems in the family.

Situations where a sponsor's (the guardian to be deported) child, or a spouse and a child, who have been issued residence permits solely on the basis of family ties would not be deported together with the sponsor when they have resided in the country only for a short period, have not existed in practice. If a spouse and a child have resided in Finland for years and they have developed ties to Finland, the spouse and the child shall not be deported together with the sponsor (the other guardian) especially in cases where the sponsor (the other guardian) is deported on the basis of criminal activity. If the spouse and the child have independent grounds for the residence permit, they may continue to reside in Finland despite the deportation of the sponsor (the other guardian).

Nor has there been a situation where a child would not be deported with his or her sole guardian (when the guardian is the person to be deported). Family ties based on a biological tie between a child and the parent is, in principle, very strong. A child should not be separated from his or her parents against his or her will except where necessary for the best interests of the child. The issuing of an extended permit to a child in a situation where the child's guardian is deported from the country is rare, because the child would then remain in Finland without a guardian. In theory it is possible that a child is issued an extended permit despite the deportation of the guardian if the best interests of the child strongly support the issuing of the extended permit and the child strongly wishes this and a person or party is found for the child to whom the guardianship may be transferred with the consent of the guardian to be deported. This kind of situation could arise if a child has been in care already for a longer period, for example, due to an assault or use of intoxicants by his or her sole guardian who is to be deported and/or because the guardian has not been able to take care of the child. Such situations have barely existed in practice. Another theoretical situation could be, for example, that the child is about to come of age and the guardian is to be deported. The child has lived nearly all his life in Finland and his or her cultural and social ties are concentrated in Finland. In such a situation, the child might not be deported with the guardian.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

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

Question 1

An amendment (965/2017) on the *Liberal Adult Education Act (632/1998)* entered into force on 1 January 2018. The amendment enables a 100% central government transfer to local government for education approved in the integration plan of an immigrant (the share of a central Government transfer for other liberal adult education is 57% or 65%, depending on the type of educational institution). This enables the provision of education promoting literacy and other language instruction to immigrants during their integration. A new, significant target group for this education opportunity comprises immigrant mothers taking care of their children at home.

Question 2

Immigrants are guided to acquire an *integration plan*, if they are unemployed jobseekers 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. Nämä opintoseteliavustukset käytetään uudistuksen myötä maahanmuuttajien osalta sellaisille henkilöille, joilla kototutumisaika on kulunut umpeen.

In 2016, the study voucher grants paid to educational institutions amounted to a total of approximately EUR 2.4 million. An estimated 20-25% of this sum has been used to reduce or eliminate student fees for immigrant students. Since 2012, around EUR 2 million has also been granted to the education of young immigrants.

Question 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

According to the *Act on the Promotion of Immigrant Integration* (1386/2010), immigrants over the compulsory education age are provided with courses of Finnish or Swedish and are, if necessary, taught reading and writing skills and provided with other courses that promote access to employment and further training and social, cultural and life management skills as part of integration training. Integration training may also include identification of previously acquired skills, recognition of qualifications and degrees and vocational planning and career guidance.

Finnish or Swedish courses are provided in accordance with the national core curriculum for the integration training of adult immigrants drawn up by the National Board of Education. The teaching of reading and writing skills is provided in accordance with the national core curriculum for illiterate adult immigrants drawn up by the National Board of Education. The linguistic objective of integration training is to provide the immigrants with the basic language skills in Swedish or Finnish required in daily life.

As part of the implementation of the *Government Integration Programme*, integration training has been the object of several reforms during recent years. The reforms have had the aim of giving more, as well as more flexible, ways of learning Finnish or Swedish.

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

Question 1

According to the Act on the Promotion of Immigrant Integration, in addition to studies of Finnish or Swedish, it may also be agreed that the integration plan includes teaching of the immigrant's mother tongue.

Essential measures are the change in funding for teaching in primary education (January 2016) and the provision of adequate supply. Additional funding has been directed to preparatory elementary education, adult basic education, non-formal adult education, for teaching foreign languages as a native language at schools as well as Finnish or Swedish as a second language.

Question 2

All children under school-age have a subjective right to attend early childhood education and care (ECEC), should their parents so decide. The municipalities are responsible for arranging the ECEC services, for their quality and supervision. The municipalities can provide instruction preparing for basic education to all pupils of compulsory age and pre-primary (6-year olds) whose knowledge of Finnish or Swedish is not sufficient for instruction in a basic education group. The schools can give this instruction, with funding from the state. The instruction preparing for basic education is also stated in the national core curriculum. The education provider can receive funding for this activity for up to a year/pupil. The objective is to support the pupil's development and integration into Finnish society and to give them the necessary language skills to enable them to attend basic education. Pupils are offered instruction in basic education subjects as outlined in the pupil's personal curriculum. The objective of the national core curriculum for instruction preparing immigrants for basic education is to support the pupils' balanced development and integration into Finnish society and to give them the necessary skills to enable them to attend basic education. The education takes into consideration the fact that pupils are different in terms of age, learning capabilities and background. Pupil assessment is also part of the national core curriculum.

Preparatory education for migrants and foreign-language students who want to attend general upper secondary education was introduced in 2014. The education is voluntary for education providers. The objective of the education is to improve the students' basic proficiency in the language of instruction (Finnish or Swedish) and other skills required for studying at the general upper secondary level and additionally to help them integrating into Finnish society and culture.

In the education of migrant pupils and students, particular emphasis is given to the sufficient command of Finnish or Swedish. The migrant pupils and students are usually placed into a class that is in accordance to their age and knowledge. These pupils/students are also entitled to receive instruction in Finnish/Swedish according to the syllabus Finnish or Swedish as a second language, instead of Finnish or Swedish as a mother tongue. If, for some reason, the school does not offer instruction in Finnish or Swedish as a second language, the pupils participate in the mother tongue and literature classes, which will be modified to meet the needs of each individual student.

In addition to learning Finnish or Swedish, all pupils must be able to maintain and develop their own mother tongue. The objective is functional bilingualism and strengthening the pupil's intercultural identity. Instruction in mother tongue for pupils with an immigrant background is provided as instruction complementing basic education by means of separate state subsidy. This is taught based on the availability of teachers who can give out instruction in various different languages. Russian, Somali and Albanian have been the languages most widely taught in the past years.

Since 2007 providers of basic and general upper secondary education have been able to apply for extra state funding for providing instruction in the mother tongue of immigrant pupils .The pupils can also get remedial instruction in their mother tongue.

The new National Core Curriculum was introduced in schools in August 2016. The new core curriculum emphasises the joy of learning and the pupils´ active role. In order to meet the challenges of the future, the focus is on transversal (generic) competences and work across school subjects. One of the transversal competences mentioned in the core curriculum is cultural knowledge, interaction and expression. Pupils grow into a world, which is culturally, linguistically, religiously and ethnically diverse. Living a culturally sustainable way of life in a diverse society requires cultural knowledge based on the respect for human rights, interaction skills and skills how to express oneself and ones views.

Question 3

The Government has no new information to report under the current reporting period.

Views by non-governmental organisations

As regards Article 19, non-governmental organisations have emphasized for instance situation of foreign berry pickers and requirements on family reunification.

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

Article 27 para. 1: Participation in working life

Question 1

During the reporting period, Chapter 4 of the *Employment Contracts Act* was amended with a new Section 7a which issues provisions on absence from work for taking care of a family member. The amendment entered into force on 1 April 2011. The provision introduced a new form of family leave for situations in which a family member needs the employee's help for everyday activities. According to the new Section, if it is necessary for an employee to be absent so that he or she may provide special care for his or her family member, the employer must try to arrange the work so that the employee may be absent from work for a fixed period. The employer and employee agree on the duration of such a leave and on other arrangements. Return to work in the middle of the agreed leave must be agreed on between the employer and the employee. If agreement cannot be reached, the employee may discontinue his or her leave for a justifiable reason by informing the employer of his or her return no later than one month before the date of return to work. On the employer's request, the employee must present the employer with proof of the grounds for absence and for its discontinuation.

To meet its obligations under the Section, the employer must look into various alternatives for work arrangements and, if required, explain to the employee why a leave cannot be organized. A leave of absence referred to in the provision can be granted for the purpose of caring for a family member. Family members include persons living in the same household in family-like conditions, as well as, for example, close relatives in the ascending or descending line of the employee or the employee's spouse, cohabiting partner, or registered partner. Absence from work is based on a mutual agreement between the employee and the employer.

At the end of a leave referred to in Section 7a, employees are in the first place entitled to return to their former duties. If this is not possible, employees shall be offered equivalent work in accordance with their employment contract, and if this is not possible either, other work in accordance with their employment contract. The prohibition to terminate an employment contract on the basis of the employee being on family leave also applies to the situation referred to in Chapter 4, Section 7a.

Question 2

Working group investigating issues relating to return to work after family leave

On 20 May 2013, the Ministry of Employment and the Economy set up a working group to investigate issues relating to return to work after family leave.

The memorandum prepared by the working group[10] clarifies the role of legislation in safeguarding the rights of those returning to work after family leave. The memorandum examines the provisions concerning protection against dismissal and return to work contained in the Employment Contracts Act, as well as the Equality Act's non-discrimination provisions and the underlying EU legislation. The return to work after family leave is also inspected in light of the rulings of the domestic courts and European Court of Justice. The memorandum also addresses the ways in which legal protection is implemented following unfavourable treatment resulting from infringements of the rights of those returning to work after family leave.

The working group examined the statistical data on the use of family leave. Moreover, the working group reported on the labour market position of those using family leave, and particularly the durations of periods of family leave taken and the actions of mothers with children aged three years or less. The working group also examined means for facilitating and the factors negatively affecting the return to work from the perspectives of employers and employees. The practices of the relevant supervisory authorities were also examined by the working group, with the practices of companies and organisations in relation to return to work being mapped out. Measures adopted to monitor labour discrimination are described in more detail in connection with Article 19 para. 4.

Public employment services (PES)

The public employment services (PES) in Finland offer a wide range of different counselling and training services to support job seekers. However, no specific services or measures of PES are targeted to the category of workers or customers with family responsibilities.

One of the main reforms in the PES during 2014-2017 have been the increase in the outsourcing of services; the majority of group training to support career planning and job seeking are being purchased by the PES from private service providers. An even bigger reform has been planned in the recent years, but not yet implemented, to transform employment services into growth services as part of the regional government reform. The target of the growth services is to offer transparent, customer oriented and more efficient services.

The operations model of change security

The operations model of change security targeted for workers dismissed for economic reasons or those at risk of dismissal has facilitated employees to shift from one job to another since its adoption in 2005. The operations model has improved cooperation between employers, employees and employment authorities for re-employment of employees in connection with dismissals on financial or production-related grounds. Based on the competitiveness agreement, signed by the Finnish central labour market organisations on 29 February 2016, the change security offered for the employees was improved. The legislation regarding change security in the competitiveness agreement (Government Bill, HE 211/2016) entered into force 1 January 2017. The improvements concern employees dismissed for economic and productional reasons, who have at least 5 years employment relationship with the employer. The obligations concern employers who have at least 30 employees.

[10]https://tem.fi/documents/1410877/2859687/Ty%C3%B6h%C3%B6npaluuta+perhevapaan+j%C3%A4lkeen+selvitt%C3%A4neen+ty%C3%B6ryhm%C3%A4n+muistio+14052014.pdf

The employer has to offer the dismissed employee coaching and training which enhances the employability of the employee. In addition, the company has to include in the personnel and training plan principles, according to which the employer purchases the coaching or training for the employee. The employee also has the right to access the services of the occupational health care services six months after the termination of the obligation to work.

During the recent years, more and more emphasis has been placed on lifelong learning or continuous learning and upskilling and reskilling pathways. The improving employment rates are shadowed by matching problems – employers are having a hard time finding properly skilled workers. Several reports have been published that share light into solutions to these problems, for example with more flexible education possibilities, personalized guidance and funding structures. More emphasis has been put on the possibility to study while receiving employment benefit and labour market training has been developed more towards fitting labour market needs.

Working group for Lifelong Guidance Coordination and Cooperation

The National Lifelong Guidance Coordination and Cooperation Group established by the Ministry of Education and Culture and the Ministry of Employment was given a prolonged mandate for the years 2015-2020. The aim of the group is to enhance national, regional and local information, advice and guidance services with lifelong approach, support the implementation of the Youth Guarantee Initiative and strengthen multi-administrative and multi-professional co-operation among the service providers and policy makers. The Group acts as a steering group for the national development programmes in guidance under the European Social Funds. The work of the group is based on the strategic goals for lifelong guidance defined by the Ministry of Education and Culture and the Ministry of Employment and the Economy in 2011.

The chair of the national working group is split between the Ministry of Education and Culture and the Ministry of Economic Affairs and Employment. Regional groups are governed by centres for Economic Development, Transport and the Environment. The members are from public, private and third sector. The aims of the national and regional groups are large-scale coordination and sustainability of information and guidance services, facilitating improvement of career management skills of the citizens, ensuring competence level of guidance professionals and monitoring quality of guidance. In close co-operation with the working group a ground breaking one-stop-shop guidance centre model (*Ohjaamo*) has been established, offering cross-sectoral information, advice and guidance. The goal is to find a path towards education and employment for job seekers under 30-year-old; also the ones with family responsibility.

Digital youth work

Different measures have been implemented to promote the competence of youth work professionals in digital youth work. In 2017, the Ministry of Education and Culture appointed the Centre of Digital Youth Work (VERKE) in Helsinki as the National Centre of Expertise for Digital Youth Work. The task of VERKE as a National Centre of Expertise is to ensure that awareness and competence on digital youth work is increased, and that information on digital youth work is produced for the needs of experts and utilized in developing the youth sector. One of the key areas of these activities is promoting safe internet use among young people.

Question 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Child day care services

According to the new *Act on Early Childhood Education and Care* (2015), every child under school age has a subjective right to have ECEC. The Finnish ECEC system enables parents to take part in the labour market or to study. The reformed ECEC Act took effect on 1 September 2018.

The Finnish National Agency for Education released a new obligatory national curriculum for ECEC in 2016. Municipalities or other service providers have implemented the national curriculum since August 2017.

Municipalities are responsible for monitoring that the municipalities and private service providers within their own area follow legislation concerning ECEC. Regional State Officers are monitoring municipalities and private service providers. The Finnish National Evaluation Centre has been responsible for national evaluation of ECEC services since 2015.

The New *Act on client fees on ECEC* came into force 1 January 2017. The New Act reduced ECEC fees for many parents. In August 2018 the Government began an experiment for 5 year old children to have free of charge ECEC service for 20h/week. The aim is to increase participation rates for children in ECEC.

Article 27 para. 2: Parental leave

Question 1

An amendment to the *Health Insurance Act* (903/2012) entered into force at the beginning of 2013. According to the amendment a father is entitled to paternity allowance paid for at most 54 working days in total that cannot be transferred to the other parent. If a father does not exercise this right, it is forfeited.

Under the amendment, the entitlement to paternity allowance is no longer tied to parental allowance, and neither does it reduce the number of days during which the parents are entitled to parental allowance. The paternity allowance must be used before the child turns two. Family leave now consists of the mother’s maternity allowance period (105 working days), the parental allowance period (158 working days), which may be taken by the father or the mother, and the father's parental allowance period (54 working days). Should he wish, a father can take all these days after the parental allowance period in at most two periods before the child turns two. The father may also stay at home for 18 working days together with the mother during the maternity or parental allowance period and use the remaining 36 working days in at most two periods before the child turns two.

Before 2013, the father was entitled to paternity allowance for at most 18 working days during the maternity and parental allowance period. Subject to agreement between the parents, the father was entitled to a father's month to be taken at the end of the parental allowance period or after it. At that time, the father's month consisted of the last 12 working days of the parental allowance period, which had to be taken without interruption, and a paternity allowance period of at most 24 working days, which had to be taken immediately following the parental allowance period.

The father could thus also receive paternity allowance for at most 54 working days in earlier times, subject to agreement between the mother and the father on the father using the last 12 working days of the parental allowance period. Under the amendment, the father can take at most 54 working days of family leave, regardless of the family leaves used by the mother, without reducing the parental allowance days available to the family.

From 1 March 2017, a father responsible for caring for a child has been entitled to paternity and parental allowance even if the child's mother and father are not married or cohabiting or live in a shared household.

The Government has also implemented a legislative amendment (1342/2016), under which the costs incurred by the employer from the family leaves of female employees are compensated by a one-off payment of EUR 2,500 (Government Bill, HE 163/2016). The amendment entered into force on 1 April 2017.

Question 2

In 2015, the Ministry of Social Affairs and Health appointed a working group to improve equality between different family types and examine the parental leave provisions, especially from the viewpoint of single parents, non-resident parents and adoptive, multiple birth, rainbow and foster families. The working group gave several proposals for reforming the legislation.

A project on reforming family leaves initiated by the Government was concluded in February 2018. Reforming family leaves during the current Government term turned out not to be possible. Key objectives of the proposed reform included simplifying and developing the system to address the needs of different types of families better, to improve the balance between work and parenthood in a cost neutral manner, and to facilitate flexible return to work from family leaves. The family-leave models and their impact assessments have been published for further use.

In autumn 2017, the Ministry of Social Affairs and Health implemented a campaign titled *Isäaikaa* co-financed by the European Commission to encourage fathers, especially those in manual worker occupations, to use family leaves.

Question 3

The Government has no new information to report under the current reporting period.

View by the Ombudsman for Equality

According to the Ombudsman for Equality, in the beginning of 2016 the Finnish Parliament passed an amendment to the laws concerning early childhood education and day-care system (Government Bill HE 80/2015). The amendment weakened a child's subjective right to day care which was one of the major improvements in gender equality in the 1980's and 1990's. The amendment cuts a child's right to day care down to 20 hours a week for families in which at least one of the parents is on family leave or unemployed. As women take family leave more than men, any adverse impacts caused by the amendment will affect women more than men. Especially people with precarious work arrangements (such as fixed-term employment contracts, zero hour contracts, temporary and short-term work) and single parents may end up into an extremely vulnerable position due to this amendment and their possibilities for balancing work and family life will be hampered.

Together with the amendments to the Act on Unemployment Security (1290/2002, Government Bill HE 124/2017) which cuts unemployment benefits unless an unemployed person fulfils the activity requirements (e.g. working at least 18 hours in a 3-month period), this amendment makes it harder to return to working life after family leave in case of unemployment.

According to the Ombudsman for Equality, the Parliament also passed an amendment to the Annual Holidays Act (169/2005, Government Bill HE 145/2015) which disproportionately affected women in a negative way. According to the amendment, annual leave only accrues from the first six months of family leave. A mother who uses the 105 day of maternity leave allocated to her would earns annual holiday during only 51 of parental leave days, whereas a father who takes his paternal leave in its entirety (54 days) would earn annual holiday during 102 parental leave days. The difference in number of holidays that accrues during parental leave is therefore significant. Even if the parents divided the parental leave equally (78 days for both), mothers still would not earn annual leave during all the parental leave days. As mothers still use majority of family leave days, this amendment puts mothers at a disadvantage. Prior to the amendment, women earned annual holiday during an average of ten months when taking maternity leave and parental leave. The amendment reduced the annual holiday earned by the average mother during their family leave by almost 40 %. In contrast, a father's paternity and parental leave almost never exceed six months. Consequently, the amendment affects almost exclusively the annual leave that mothers earn during their family leave.

In October 2017 the Ombudsman for Equality launched a campaign "Pregnancy discrimination is no child's play" to raise awareness and combat discrimination on grounds of pregnancy and family leave. The law explicitly prohibits the discrimination of an employee on the basis of pregnancy and family leave. Despite this, pregnancy discrimination is still a significant problem for equality in working life. The Ombudsman for Equality gets inquiries about suspected pregnancy discrimination weekly.

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

Questions 1, 2 and 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Protection against dismissal

The Government notes in response to the Committee's question that yes, protection against dismissal applies in connection with family leave in respect of children as well as other members of the immediate family, for instance elderly parents, who require care.

Under Chapter 7, Section 9 of the Employment Contracts Act, the employer may not terminate an employment contract on the basis of the employee exercising his or her right to family leave, as specified in Chapter 4, for example, by taking leave of absence to care for a family member or other close associate, as referred to in Section 7a. Disputes over termination of employment contracts are processes dealt with either in a general court or in the Labour Court. Employees in a public-service employment relationship can lodge an appeal against a termination decision with an administrative court.

Effective remedies

Under Section 11 of the Equality Act, anyone who has violated the prohibition of discrimination in working life referred to in Section 8 or the prohibition of discrimination in Sections 8a–8e (including prohibition of countermeasures and harassment) will be liable to pay compensation to the affected person. Compensation referred to in the Equality Act is paid for non-material damage.

Compensation shall be claimed by legal action brought at the district court (court of first instance) within whose judicial district the employer has its general forum. Action for compensation shall be brought within two years of the discrimination prohibition being violated.

In cases concerning employee recruitment, however, the action shall be brought within one year of the discrimination prohibition being violated. In cases concerning dismissal, the period for the statute of limitations is only considered to start as the employment relationship ends following the period of notice.

The statute of limitations period in cases that concern failure to continue a fixed-term employment relationship is calculated from the date on which the employer failed to conclude a new fixed-term agreement with the employee. This period is also applied when the employer restricts the continuation of the employment relationship by concluding a fixed-term contract for a short period only, for example with an employee who has announced that she is pregnant. When an action for compensation on the basis of discrimination has been brought and more than one person is entitled to demand compensation on the grounds of the same act or omission, all claims for compensation shall be dealt with in the same proceedings as far as possible (Section 12).

In addition to recompense or as the only compensation, the victim of discrimination may claim damages for a financial loss under the Tort Liability Act (412/1974). Chapter 12, Section 1 of the Employment Contracts Act, which contains provisions on the employer's liability for damages caused to an employee, may also be applied. A legal action referred to in the Employment Contracts Act may be brought at the district court within whose judicial district the employer has its registered offices, or the district court in whose judicial district the work is carried out, if these two are different. A breach of the collective agreement is heard by the Labour Court.

In some situations a person who feels they have been discriminated against may only claim compensation for damages but not compensation under the Equality Act. These situations may include a violation of the general prohibition of discrimination under Section 7 of the Equality Act. The time periods for claiming compensation laid down in Section 12 of the Equality Act are not applied to claims concerning compensation for damages. Ending an employment relationship because the employee is pregnant or takes family leave may also constitute prohibited discrimination in working life. The penalties for discrimination in working life are laid down in the Criminal Code (39/1889). These actions are also heard by a district court.

The processing times depend on the backlog of cases before the court, which varies. According to a report on the development in the number of cases in different courts by the Ministry of Justice[11], hearing a major dispute took on average 12.3 months in 2016. Of major disputes, cases related to employment relationships, gender equality and non-discrimination were the second largest group.

[11] Tuomioistuinten työtilastoja vuodelta 2016 (19/2017)

View by the Finnish Confederation of Salaried Employees (STTK)

The Finnish Confederation of Salaried Employees has emphasized situation of persons on parental leave and possibilities of courts and authorities to intervene in cases of illegal dismissal.

ARTICLE 31: THE RIGHT TO HOUSING

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

Question 1

The Government has no new information to report under the current reporting period.

Question 2

According to the Constitution, public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.

The Ministry of Environment is in charge of housing issues and legislation in Finland. The housing team of the Ministry of the Environment's Department of the Built Environment is in charge of housing-related matters. The Housing Finance and Development Centre of Finland (ARA) grants subsidies, support and guarantees related to housing and building, and steers and controls the use of the ARA housing stock.

The *Government Integration Programme* (2016-2019) includes initiatives regarding the operating conditions of housing advisory services and information services that support independent searches for housing will be improved. Instruments that will promote the more efficient use of existing housing stock will also be developed. By coordinating different measures (including competence assessments, charting of housing and educational offerings) and through projects, an effort will be made to ensure that after an immigrant has received a residence permit, his or her settlement in a municipality and transition to education, training or employment will take place as appropriately and rapidly as possible.

Those who have received a residence permit are free to move to their preferred locality in Finland and apply for a rental apartment in accordance with normal practice, either by a state-subsidized housing stock or by private individuals. A portion of those who have been granted a residence permit, usually in need of specific support, may also stay in the reception centre waiting for guests for negotiating with the municipalities.

State-subsidized rental apartments can be utilized when people who have been granted a residence permit are searched for housing. A migrant can be selected as a resident in a state-subsidized rental housing if he or she has obtained a residence permit of at least one year. All apartment seekers are subject to the same residence selection criteria on the basis of housing needs, wealth and income.

The flats are rented to the neediest, the most deprived and the low income. At the same time, there is a striving for a diverse population structure and a socially balanced residential area.

Question 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's conclusions

Adequate housing

According to the Constitution, the public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing. Therefore, the right to housing is not included in fundamental rights in Finland, only that the public authorities shall promote it. In other legislation, however, certain groups are given a subjective right to housing, for example the disabled persons who cannot arrange their own housing.

Housing markets are clearly differentiated in different parts of the country. Helsinki and the capital region as well as certain other growth centres are suffering from housing shortages, high housing prices and high rents. To combat this problem, the Government, for example, supports the production of social housing in order to increase number of reasonable-priced housing in largest city regions. In other parts of the country, the housing market is balanced, or there may even be oversupply.

State-subsidised social housing is aimed for persons with low income and limited means as well as special groups such as older people, disabled persons, the homeless, mental health patients and students. The Government awards interest subsidy loans and investment grants to finance the construction, renovation and acquisition of reasonably priced rental dwellings for these groups. Rents in these dwellings must be set to cover only the costs of providing the housing. Tenants are eligible for these dwellings according to their need for housing, their income and their financial circumstances. Citizens of other countries can apply for state-subsidised rental housing once they have received a residence permit, which is valid for at least 12 months.

Exact conditions for awarding interest subsidy loans and investment grants as well as restrictions for the use and assignment of these dwellings are set down in law (*Act on Interest Subsidy for Rental Housing Loans and Right of Occupancy Housing Loans*, 604/2001, and *Act on Subsidies for Improving the Housing Conditions of Special Group*s, 1281/2004) to housing are therefore not available.

Criteria for adequate housing

The share of households living in overcrowded dwellings was 8.3% (223 500 households) of all households in Finland (2 680 077) in the end of 2017. A dwelling is considered overcrowded when there is more than one person living per room excluding the kitchen. There is no case law on inadequate housing conditions due to overcrowding. However, in the tenant selection for state-subsidised rental housing, an applicant is considered to be in need for housing if there is more than one person living per room excluding the kitchen in the applicant's current dwelling. An applicant is given priority in the tenant selection, if there are more than two persons living per room excluding the kitchen.

Legal protection

There is no queuing system for state-subsidised social rental housing. Applications are in force only for a limited period, for example three months. Priority is given to homeless applicants and other applicants in urgent need of housing, as well as applicants with the least means and lowest income. Applicants with the greatest need for housing get a dwelling quickly. In the end of 2017 there were altogether 93 700 applications for state-subsidised rental housing, and over 64 000 applicants obtained a state-subsidised dwelling during the last year. Nearly 62% of all applications concerned single households.

As noted before, the State has no general obligation to arrange housing for everyone living in Finland. Moreover, applications for the state-subsidised housing are only in force for a limited period, the number of homeless persons in Finland is relatively low and the majority of the applicants for the state-subsidised housing have some form of apartment already. Therefore, it is not possible to set a time limit for what length of waiting period for state-subsidised housing is considered excessive. Homeless applicants have the highest priority in tenant selection for the state-subsidised housing.

There are a number of remedies available for persons wishing to complain about an unfavourable decision or the length of the waiting period for the state-subsidised housing. If an applicant is dissatisfied with a decision concerning the selection or approval of a tenant for the state-subsidised housing, the applicant may request rectification of the decision. The request for rectification shall be made to the authority that took the decision that is the owner of the apartment building. Instructions on requesting rectification shall be appended to the decision, and the request shall be processed without delay. Moreover, the applicant can make a complaint against the decision or the fact that the owner of the apartment building has not processed the application within a due time limit. The complaint can be made to the municipality where the apartment building is situated or to the Parliamentary Ombudsman or the Chancellor of Justice. However, these remedies are only rarely used.

Measures in favour of vulnerable groups

In Finland, it is forbidden to register anyone according to one´s ethnic origin. Therefore, the Finnish authorities have no statistical figures on the housing situation of the Roma. However, the Roma are living in the same residential areas and have the same level of quality in housing as the main population in Finland. Most of the Roma live in the state-subsidised social rental housing. They are treated equally with other applicants in the tenant selection for the social housing.

Collecting data based on ethnic origin is forbidden in Finland and figures on the access of Roma to housing are therefore not available. In Finland, Roma live in fully integrated housing, there are no segregated, impoverished living areas predominantly inhabited by Roma. Roma are within the universal social benefit and housing subsidy-system of the State. According to the 2018 Follow-up *Report on Equality of the Roma in Housing* by the Ministry of Environment, Roma are still heavily discriminated in the open and privatized housing market. Therefore, most of the unemployed or only short-term employed Roma rely on publicly supported social housing. Furthermore, according to the report, bad personal financial history and unresolved community troubles between different Roma families make it even more difficult for the Roma to find a suitable rental flat from a suitable living area. These problems are prevalent especially in the capital area but sometimes also in the smaller communities of Eastern and Northern Finland. However, the amount of homeless Roma has stayed relatively low. There is a need for comparative research regarding the waiting times for apartments or the period of time spent homeless between the Roma and non-Roma.

Temporary emergency housing is available for the mobile EU-Roma in the capital area and normally this takes place during the coldest months (December–February). However, the needs of sick or elderly Roma would require more specific attention. The capital area has not recently seen a growth of temporary tent camps or other establishments and the police has not reported cases of evictions.

Article 31 para. 2: Prevention and reduction of homelessness

Question 1

The Government has no new information to report under the current reporting period.

Question 2

In 2008–2015, a two-phase *Programme on Reducing Long-term Homelessness* was implemented in Finland. During the term of this Programme, long-term homelessness went down by a total of 1,345 persons (35%). Additionally, the number of the homeless dropped for the first time below 7,000 people. The Programme put the so-called housing first principle on a permanent footing as part of the work to combat homelessness, and residential institutions were replaced by housing units based on assisted rental housing. An international evaluation was also commissioned on the Programme as a whole, which found Finland one of the best examples of implementing the housing first model.

Subsequently, an *Action Plan for Preventing Homelessness in Finland* has been launched and will be implemented in 2016–2019. The goal of the Action Plan is to strengthen the perspective of prevention in the work on homelessness and combat the renewal of homelessness. Its concrete targets are reducing homelessness, reforming the service system by making it more customer-oriented and preventive and achieving cost savings. Ten key municipalities for the work on homelessness have committed to implementing the action plan. So far, new housing advisers and experts by experience have been hired around Finland under the auspices of the action plan, and a number of projects focusing on the work on homelessness have been launched. By February 2018, a total of 38 separate projects had committed to the cooperation under the Action Plan.

In 2017, a working group on inequality appointed by the Prime Minister proposed that more affordable housing be provided, and as the goal was set halving homelessness by 2023. Before that year, the number of the homeless should be reduced to less than 4,000. According to the working group, the development that leads to inequality in housing could be resolved by increasing the production of affordable housing. The working group argued that in the future, the proportion of rental housing should be 30% of the total housing production in urban sub regions as a rule. The increasing segregation in housing must also be addressed, as the living area has an impact on wellbeing, especially for those in the most vulnerable position. Halving homelessness can only be seen as a mid-term target, while eliminating homelessness completely remains the actual goal.

Question 3

At the end of 2017, there were 7,112 homeless people in Finland, of whom 6,615 lived alone and 497 had families. The number of the homeless went down by approximately 331 from the year before. This figure has decreased for the last five subsequent years. The number of the long-term homeless declined by 154 persons. There were 214 homeless families, or 111 less than in 2016. Homeless persons were found in 113 municipalities. Most of them stay in the greater Helsinki area (Helsinki, Espoo, Vantaa), with 452 in Turku. Over one half of the homeless in Finland are found in Helsinki (3,760). The number of homeless young people went up by 186. Of these 100 were in Helsinki and 37 in Turku. The majority of the homeless in relative terms (84%) and as an absolute figure (5,528) are living on a temporary basis with friends or family.

Answers to the Committee's conclusions

Preventing homelessness

In addition to information submitted above, the Government notes that as result of programmes to Reduce Long-term Homelessness implemented during years 2008–2015, long-term homelessness has decreased by 1 345 persons (35 percent). Contrary to all the other EU member states, homelessness has decreased in Finland in last five consecutive years. In the end of 2017 there were 7 112 homeless persons in Finland.

The Government has a special *Action Plan for Preventing Homelessness in Finland* in 2016–2019. The Action Plan consistently emphasises early recognition of the risk of becoming homeless and rapid intervention when a person is at risk of homelessness or has recently become homeless. This requires cooperation between different sectors, integrated support services with a low threshold and increasing the production of reasonably-priced housing. Like the previous programs, the Action Plan is based on the "housing first" principle, where housing is secured by an individual rental agreement and other support is tailored individually according to the resident's needs. An international evaluation was also commissioned on the programme as a whole, which found Finland one of the best examples of implementing the housing first model.

Forced eviction

In Finland, it is forbidden to register anyone according to one´s ethnic origin. Therefore, it is not possible to note the number of evictions concerning Roma families.

Article 31 para. 3: Price of housing

Question 1

A reform of the general housing allowance entered into force on 1 January 2015. The determination of eligible maximum housing costs was simplified, and the size, age, standard of equipment or heating system of the residence no longer matters; the only factors affecting the maximum amount are the location of the residence and the size of the household. The calculation of the basic deductible, which is based on the household members' income, was clarified and the regional staggering of the deductible was dropped. The maximum housing costs were additionally increased by EUR 50 and the deductibles were reduced by 8%. To lower the threshold for accepting work, as from 1 September 2015, EUR 300 has been deducted from any salaries and income from self-employment for the purposes of determining the housing allowance, which corresponds to the amount deducted from the income when determining unemployed benefits

Question 2

The purpose of housing benefits is to reduce the housing costs of small-income households to a level corresponding to their ability to pay. The housing benefit system previously consisted of the general housing allowance, housing allowance for pensioners and housing supplement for students. An effort has been made to simply the housing benefit system by amalgamating different allowance forms. While the plans to combine the housing allowance for pensioners with the general housing allowance were dropped, the housing supplement for students was replaced by a general housing allowance from 1 August 2017. The separate housing supplement for students included in student financial aid is now only paid for those studying abroad and for the student accommodation of certain educational institutions.

In other cases, students today receive general housing allowance on the same terms as the other beneficiaries, and the months a student spends studying or the maximum periods of eligibility for student financial aid are not taken into account when granting the benefit. This reform has put students in the same position as applicants and beneficiaries of housing benefits as other low-income households. The purpose of the reform was to increase the citizens' equality in the field of housing benefits. In particular, the aim was to increase the level of housing benefits for one-person households with a low income and students who pay high housing costs.

A large proportion of students with a low income and high housing costs benefited from the reform. Due to the increased use of discretion, however, the level of housing benefits received by students living in shared accommodation or together with their spouse and by families with young children went down, in particular. Additionally, it is estimated that more than 40,000 students lost all assistance towards their housing costs. In addition to the actual housing benefits, the housing of servicemen is supported by housing assistance for conscripts. Housing costs are also taken into consideration in last-resort social assistance.

The numbers of beneficiaries of and expenditure on general housing allowance have increased since 2009 as the unemployment rate has risen. Between 2008 and 2014, the expenditure on general housing allowance increased from EUR 428 million to EUR 742 million. Since the comprehensive reform of the general housing allowance was carried out in 2015, both the number of beneficiaries and the expenditure have been growing more rapidly than before. Between 2014 and 2017, the expenditure on general housing allowance increased from EUR 742 million to EUR 1,261 million. It is estimated that the expenditure on general housing allowance will be EUR 1,479 million in 2018. The backdrop to this increase is long-standing low employment rates, rising rents and legislative amendments. A large proportion of the growth in expenditure in 2017 and 2018 is due to the fact that general housing allowance is now also paid to students, which has increased the number of beneficiaries. The growth of expenditure on the housing allowance for pensioners has been more moderate.

An effort has been made to control the growth in housing allowance expenditure by not increasing the amount of maximum housing costs in 2016–2018. Neither were the housing costs eligible for the housing allowance for pensioners increased in 2016–2017. As from 2019, the maximum housing costs eligible for the general housing allowance are tied to the cost of living index rather than the rent index.

Support for housing is available not only as housing benefits but also the last-resort social assistance. At the beginning of 2017, the task of granting basic social assistance was transferred from the local authorities to Kela, which has improved the availability of statistical data on social assistance. Based on statistical data from 2017, 44% of the total of EUR 722 million expenditure on basic social assistance was paid to cover actual housing costs. For the purposes of social assistance, the housing costs considered essential in each municipality are greater than the maximum housing costs eligible for the general housing allowance. The concept of housing costs is also broader in the context of social assistance than in the context of primary housing benefits, as they also include household electricity and home insurance.

The Government has initiated a project to overhaul the legislation on basic security and activity for the period 28 September 2017–28 February 2019. The project will support policy-makers and parties preparing for the parliamentary elections of 2019 in forming their views of reforming the basic security and activity system. The project will also look at options for supporting housing. Additionally, a working group led by Professor Juho Saari, which examined the reduction of inequality, proposed a reform of housing benefits in its final report (Publications of the Prime Minister's Office 1/2018).

Question 3

The Government has no new information to report under the current reporting period.

Answers to the Committee's General Questions and conclusions

Situation of refugees and displaced persons

In terms of social security, a person who is a refugee or who has been issued a residence permit in Finland based on secondary protection or humanitarian protection is regarded as living in Finland permanently, and they are in an equal position to any persons permanently resident in Finland (*Act on the Application of Residence-Based Social Security Legislation* 1573/1993). In this Act, a refugee means an alien who has been granted asylum in Finland or who has been granted within the refugee quota a residence permit in Finland by reason of his/her being a refugee, or who is a family member of those aliens who is considered to be a refugee and has been granted a residence permit on the basis of family relationships. In this respect, the Government further refers to the more detailed report on this Act and the scope of its application has submitted in the 6th periodical report under Article 19 para 4.

Social housing

See Legal protection above. Additionally, the Government has amended the terms of the interest subsidy loans in July 2018 in order to increase the number of reasonable-priced housing in largest city regions.

An effort is always made to allocate state-subsidised ARA housing to those whose need for it is the greatest. By means of appropriate resident selection, a diverse resident structure in rental housing and socially balanced living areas are aimed for. The resident selection is based on applicant households' need for housing, income and assets, always prioritising the applicant who has the greatest need for rental housing. If the needs of several households applying for housing are equally great, those with a low income and few assets are prioritised over those with a higher income and more assets. There are major variations between the local authorities regarding the offer of housing and the number of applications received. Consequently, reasonable or excessive waiting periods or remedies for such cases have not been specified separately. This rule is based on the Government Decree on the Selection of Tenants for State-Subsidised (ARAVA) and Interest-Subsidy Rental Dwellings (166/2008).

In late 2017, a total of 93,700 households in the country were in the queue for state-subsidised ARA housing. This marked a 3.1% increase year on year. ARA housing was granted to 64,400 households, or 0.7% fewer than the year before. The number of applicants aged less than 25 went down by 1,050 in Helsinki and 380 in Vantaa. This reduced the total number of young applicants for housing by more than 3 percentage points compared to 2016. The number of immigrant applicants increased by over 1 percentage point. For the first time, the number of applications received from one-person households exceeded the threshold of 60%. The number of those queuing for an ARA dwelling increased in almost all major cities. In the Helsinki region, the offer of ARA housing increased clearly year on year, whereas the number of those who received a dwelling went down.

See the Table below for general housing allowance data. The refusal may have been a refusal to grant housing allowances or the amount of housing allowance granted.

Table for general housing allowance data

Year	The number of rejections	Rejected, but appealed	Self-adjusted for the benefit of the customer	Appealed	Revised decisions	Unchanged decisions	Returned for re-handling
2014	55493	1655	749	907	15	720	85
2015	56584	2030	1093	937	12	756	112
2016	57823	1927	1061	866	14	632	143
2017	70145	2074	1102	972	14	588	121

Housing benefits

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Views by non-governmental organisations

As regards Article 31, non-governmental organisations have drawn attention for instance, to access to state-subsidised ARA housing, decrease of housing allowance concerning rent, possibilities of the disabled and the elderly to choose suitable apartment and situation of young adults with bad credit record in rental market.