



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

10 June 2019

Case Document No.4

Finnish Society of Social Rights v. Finland
Complaint No.172/2018

**FURTHER RESPONSE FROM THE GOVERNMENT
ON ADMISSIBILITY**

Registered at the Secretariat on 10 May 2019



10 May 2019

Mr Henrik Kristensen
Deputy Executive Secretary
European Committee of Social Rights

Complaint No. 172/2018

Finnish Society of Social Rights v. Finland

FURTHER OBSERVATIONS ON THE ADMISSIBILITY OF THE COMPLAINT

Sir,

With reference to your letters of 15 March and 3 April 2019, I have the honour, on behalf of the Government of Finland, to submit the following further observations on the admissibility of the aforementioned complaint.

Further observations

Inadmissibility of the complaint

1. The Government observes with reference to your letter of 3 April 2019 that the President of the European Committee of Social Rights has invited the Government to submit further observations on the admissibility of the complaint.
2. The Government reiterates its observations of 25 November 2018 on the admissibility of the complaint.
3. The Government refutes all further allegations made by the Finnish Society of Social Rights (later, "the applicant association") in its response of 10 March 2019 to the Government's aforementioned observations.
4. The Government notes that the applicant association's said observations contain no relevant new information relating to the admissibility of the complaint.

5. Moreover, the applicant association's new allegations are not only confusing and unsubstantiated but to a large extent, merely general comments and references to various selected sources.
6. Furthermore, some allegations refer to still on-going or even hypothetical future events which may or may not happen, and which thus have no relevance as regards admissibility of the complaint.
7. The Government observes that for instance on page 16 of its submission the applicant association refers as an annex to a Government Bill which is yet to enter into force.
8. The Government observes in this connection that in the applicant association's new submission the time frame occasionally referred to by the applicant association has now been extended to the on-going year 2019 and beyond which approach in the Government's view, remains rather confusing.
9. The Government further notes in this connection, nevertheless, with reference to the applicant association's submission on page 3, that to the Government's understanding, the said Committee of Ministers' resolutions are publicly available online and thus available to the applicant association, too.
10. With reference to the applicant association's submission (pp. 7 to 8) the Government further observes that the applicant association still appears somewhat dissatisfied with the Committee's decision on Article 12§3 concerning its previous Complaint No. 88/2012.
11. The Government recalls its preliminary objection that the present complaint clearly relates to claims already examined in the context of the Complaints Nos. 88/2012 and 108/2014, which in itself should be a reason for inadmissibility and accordingly, the complaint should thus be rejected.
12. The Government further underlines as is evident in its submissions that the applicant association still has not at all specified its allegations under the specific provisions of the Charter, and recalls that due to its nature and scope, the present complaint can be seen as alternative, rather than a complement to the reporting procedure, and should thus be rejected.

Conclusion

13. The Government recalls its view that in the specific circumstances of the present complaint, it is of importance to decide upon the admissibility of the complaint separately.
14. The Government observes in this connection that for instance in its recent decision of 19 January 2019 (*ATTAC ry, Globaali sosiaalityö ry and Maan ystävät ry v. Finland*, No. 163/2019) the Committee held that the complaint, as submitted, did not meet the requirements of Article 4 of the Protocol and declared the complaint inadmissible without examining the merits of that complaint.

15. Should the Committee come to a different conclusion concerning the Government's preliminary objections, the Government is firmly of the view, without taking any stance on the merits of the case, that for the reasons mentioned by the Government in its observations of 25 November 2018 and above, the applicant association has failed to substantiate how the complaint relates to the provisions of the Charter, as well as to indicate in what respect Finland has not ensured the satisfactory application of the Charter's provisions. Thus, the applicant association has failed to meet the admissibility criteria laid down in Article 4 of the Additional Protocol. Accordingly, the complaint should be declared inadmissible.
16. At any rate, the Government is of the view that there has been no violation of any of the articles of the Charter in the present case.

Accept, Sir, the assurance of my highest consideration.



Krista Oinonen

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