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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

3 June 2021

Case Document No. 4

Validity v. Finland
Complaint No. 197/2020

**REPLY BY THE GOVERNEMENT
TO VALIDITY'S REPOSE ON ADMISSIBILITY**

Registered at the Secretariat on 25 May 2021



25 May 2021

Mr Henrik Kristensen
Deputy Executive Secretary
European Committee of Social Rights

Complaint No. 197/2020
VALIDITY v. FINLAND

FURTHER OBSERVATIONS ON THE ADMISSIBILITY OF THE COMPLAINT

Sir,

With reference to your letters of 15 April and 18 May 2021, 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 letters of 15 April and 18 May 2021 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 29 January 2021 on the admissibility of the complaint.
3. The Government refutes all further allegations made by Validity (later, "the applicant association") in its response of 8 April 2021 to the Government's aforementioned observations.
4. The Government notes that the applicant association's response contains no relevant new information relating to the admissibility of the complaint.
5. Article 4 of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints provides that for the admissibility of a collective complaint, the complaint must, among other things, indicate in what respect the Contracting Party has not ensured the satisfactory application of the Charter. In its observations of 29 January 2021, the Government considered that the complainant has failed to meet this admissibility criterion. The Government did not take a stand on the merits of the collective complaint in its observations but presented reasoned counterarguments to substantiate that the complaint does not meet the admissibility criteria.

6. The applicant association's response to the Government's observations of 29 January 2021 does not give the Government grounds for changing its views expressed in the observations.
7. The Government considers the applicant association's allegations as unfounded and illogical. The Government points out that the applicant association admits in its response that the Government has managed to prevent the virus from spreading to housing service units. The admission conflicts with the applicant association's allegation that the Government has exposed people living in housing service units to the virus.
8. Moreover, the applicant association untruthfully alleges that the Government cannot provide statistics over the incidence of the virus in housing service units. The Government has been informed about the virus situation in housing service units every week. The Government's observation that no large-scale infections are known to have occurred in housing service units is based on specific situation reports received by the Government from housing service units, not on lack of information.
9. The applicant association also admits that the Government, in the spring of 2020, issued instructions according to which the obligation to provide social and health services would continue to apply despite the pandemic and the activation of the Emergency Powers Act (*valmiuslaki, beredskapslag*; 1552/2011). However, the applicant association suggests that, in practice, the instructions were not observed in the field. The Government points out that, because of the pandemic situation, it was necessary to reallocate human resources to prevent the spread of the new highly contagious disease and to treat those who had caught it, and this unavoidably affected the availability of other, non-urgent services. Nevertheless, the Government underlines that, despite the pandemic, all necessary services were provided.
10. As to the other views expressed by the applicant association in its response, the Government refers to its observations of 29 January 2021.

Conclusion

11. In the Government's view, in the applicant association's observations of 8 April 2021, there is no relevant new information with regard to the admissibility of the complaint.
12. The Government is of the view that in the specific circumstances of the present complaint, it is of importance to decide upon the admissibility of the complaint separately.
13. The Government's firm view is that the complaint does not fulfil the conditions for admissibility under Article 4 of the Additional Protocol, and it should therefore be declared inadmissible.
14. 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