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EUROPEAN SOCIAL CHARTER

European Committee of Social Rights

Conclusions 2019

FINLAND

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.¹

The European Social Charter (revised) was ratified by Finland on 21 June 2002. The time limit for submitting the 14th report on the application of this treaty to the Council of Europe was 31 October 2018 and Finland submitted it on 30 October 2018. The Committee received on 24 January 2019 observations from the central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK), and the Confederation of Unions for Professional and Managerial Staff in Finland (Akava) on the application of Articles 8, 16, 17, 19 and 27. The Committee received on 24 January 2019 observations from the Federation of Finnish Enterprises (FFE), on the implementation of Articles 8 and 27.

This report concerned the accepted provisions of the following articles belonging to the thematic group "Children, families and migrants":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

Finland has accepted all the Articles from this group with the exception of Articles 7§6, 7§9, 8§1, 8§3, 8§5 and 19§10.

The reference period was 1 January 2014 to 31 December 2017.

The present chapter on Finland concerns 30 situations and contains:

– 26 conclusions of conformity: Articles 7§1, 7§2, 7§3, 7§4, 7§5, 7§7, 7§8, 8§4, 16, 17§1, 17§2, 19§2, 19§3, 19§4, 19§5, 19§6, 19§7, 19§8, 19§9, 19§11, 19§12, 27§1, 27§2, 31§1, 31§2 and 31§3;

– 2 conclusions of non-conformity: Articles 8§2 and 27§3.

In respect of the other 2 situations concerning Articles 7§10 and 19§1, the Committee needs further information in order to assess the situation.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Finland under the Revised Charter. The Government consequently has an obligation to provide this information in the next report from Finland on the articles in question.

The next report to be submitted by Finland will be a simplified report dealing with the follow up given to decisions on the merits of collective complaints in which the Committee found a violation.

The deadline for submitting that report was 31 December 2019.

¹ The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that in its previous conclusion (Conclusions 2011), it found the situation to be in conformity with Article 7§1 of the Charter.

The Committee refers to its Statement of Interpretation on Articles 7§1 and 7§3, (Conclusions 2015). It recalls that children under the age of 15 and those who are subject to compulsory schooling are entitled to perform only “light” work. Work considered to be “light” in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of “light work” and the maximum permitted duration of such work. The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education.

As regards the duration of light work during school term, the Committee has considered that a situation in which a child who is still subject to compulsory schooling carries out light work for 2 hours on a school day and 12 hours a week in term time outside the hours fixed for school attendance, was in conformity with the requirements of Article 7§3 of the Charter (Conclusions 2011, Portugal). The Committee asks the next report to indicate whether the situation in Finland is in conformity with the above-mentioned principles. It asks, in particular, for information on the daily and weekly duration of light work that children under the age of 15 are allowed to perform during school term and school holidays.

The Committee refers to its General question on Article 7§1 in the General Introduction.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 7§1 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that in its previous conclusion (Conclusions 2011) found the situation to be in conformity with Article 7§2 of the Charter.

The Committee takes note of the information contained in the report regarding the sanctions applied to the employers in case of breach of regulations protecting young workers against employment in dangerous or unhealthy activities.

The Committee recalls that the situation in practice should be regularly monitored and asks for up-to-date information on the situation in practice in the next report (e.g. up-to-date information on the number of occupational accidents and diseases among young workers).

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 7§2 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that in its previous conclusion (Conclusions 2011) found the situation to be in conformity with Article 7§3 of the Charter.

The Committee noted previously that according to the Young Workers' Act (998/1993) a person who has reached the age of 15 and has completed their compulsory schooling may be admitted to work (Section 2, subsection 1 of Young Workers' Act). Furthermore, a person who has reached the age of 14 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:

- for at most half of the school holidays, and
- temporarily during schoolwork or otherwise, for individual work performances of a short duration (Section 2, subsection 2 of the Young Workers' Act).

The Committee asked previously whether the rest period free of work has a duration of at least two consecutive weeks during the summer holiday. It also asked what are the rest periods during the other school holidays? (Conclusions 2011).

The current report indicates that light work is permitted for at most half of the school holidays in case of work carried out by a person of compulsory school attendance during the official school holidays which include summer and Christmas holidays, spring break and autumn break. For example, children may have two months of summer holiday, while Christmas holiday as well as spring and autumn breaks may vary in length depending on the locality. Children who have reached 14 or will be turning 14 may be employed for light work for no more than half of the period of leave, irrespective of the duration of holiday.

As regards work during school holidays, the Committee refers to its Statement of Interpretation on Articles 7§1 and 7§3, Conclusions 2015. It considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education. In addition, the Committee recalls that, in any case, children should be guaranteed at least two consecutive weeks of rest during summer holiday

The Committee asks the next report to indicate whether the situation in Finland complies with the principles set out in this statement in the case of children who are subject to compulsory schooling. It asks in particular which is the daily and weekly duration of light work that children who are subject to compulsory education are allowed to perform during school term as well as during school holidays.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 7§3 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that in its previous conclusion (Conclusions 2011) found the situation to be in conformity with Article 7§4 of the Charter.

The current report reiterates the information provided previously and states that there is no new information to report under the current reporting period.

The Committee notes that there has been no change to the situation which it has previously found to be in conformity with the Charter. It therefore reiterates its previous finding of conformity on this point.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 7§4 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 5 - Fair pay

The Committee takes note of the information contained in the report submitted by Finland.

In its Conclusions 2011, the Committee concluded that the situation with respect to pay of young workers was in conformity with Article 7§5 of the Charter.

Young workers

In Finland, young workers are subject to the same terms and conditions pertaining to pay as other employees. The report confirms that there have been no changes during the reference period.

Apprentices

The report indicates that the same principles for setting minimum wages are applicable to other young workers, and no amendments have been made to legislation in this respect.

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.

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.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 7§5 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by Finland.

The report indicates that 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.

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. The Committee notes that since 1 January 2016, controls have been carried out.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 7§7 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by Finland and notes that the situation has not changed.

The report indicates 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 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 authorised 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 compelling reasons related to the organization of work, persons under 15 years can, however, be employed between 6 a.m. and 8 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.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 7§8 of the Charter.

Article 7 - Right of children and young persons to protection
Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by Finland.

Protection against sexual exploitation

The Committee previously requested to be informed about amendments to the legislation on sexual abuse and exploitation of children following the ratification by Finland of the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Conclusions 2011).

No information is provided in the report on this issue. The Committee repeats its request for up to date information on the legal situation, i.e. does legislation protect all children under 18 years of age against all forms of sexual exploitation, as well as information on other measures taken to address the sexual exploitation of children.

The Committee recalls that in order to guarantee the right provided by Article 7§10, States Parties must take specific measures to prohibit and combat all forms of sexual exploitation of children, in particular children's involvement in the sex industry. This prohibition must be accompanied by an adequate supervisory mechanism and sanctions.

Protection against the misuse of information technologies

The Committee previously asked to be informed about measures taken to protect children from exploitation on the Internet (Conclusions 2011).

According to the report, increased attention is being paid to the safety of children and young people as internet users and content creators. Youth workers are being trained to ensure they have sufficient knowledge and skills in acting in digital environments.

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. One of the key activities of VERKE is to ensure that awareness and competence on digital youth work is increased. One of the key areas of these activities is promoting safe internet use among young people.

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 centre organises awareness-raising campaigns and develops materials and toolkits for dissemination. Within the structure of Safer Internet Centres (SICs) exists a network of helplines, which 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).

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. 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.

The Finnish Hotline *Nettivilje* –service is provided by the NGO Save the Children. *Nettivilje* passes all 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.

Protection from other forms of exploitation

The Committee previously asked to be informed about the implementation and follow up to the national action plan against trafficking against human beings, and in particular information on measures taken to strengthen the monitoring and evaluation of child trafficking as well as training in the areas relating to child trafficking (Conclusions 2011).

The report provides no information on this issue. The Committee repeats its request for information on measures taken to identify child victims of trafficking and to prevent child trafficking. The Committee considers that if no information is provided in the next report there will be nothing to establish that the situation is in conformity with the Charter.

The Committee notes from Finland's state report submitted to the UN Committee on the Rights of the Child in 2019 [CRC/C/FIN/5-6.] that a report concerning victims of trafficking in human beings under the age of 18 and 18 to 21 years of age was published in March 2019. It revealed that between 2006 and 2018, the Assistant system helped 55 children under the age of 18 and 141 young adults (18-21 years) and that sexual exploitation was the most often identified form of trafficking among children and youth.

The Committee asks what measures have been taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 8 - Right of employed women to protection of maternity
Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by Finland.

Prohibition of dismissal

In its previous conclusion (Conclusions 2011), the Committee found the situation to be in conformity as regards the prohibition of dismissal in the private sector and asked whether women employed in the public sector were afforded the same protection.

In response, the report states that the Employment Contracts Act, which prohibits the dismissal of a woman worker who is pregnant or on family leave, is also applicable to employees of the public sector. The provisions of the State Civil Servants Act N 750/1994 and the Act N 304/2003 on Municipal Official apply to public service employment relationships. In accordance with Section 25§5 of the State Civil Servants Act, an authority may not terminate the employment contract of a public official based on pregnancy. Moreover, 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.

The Committee notes that the situation remains in conformity with Article 8§2 of the Charter on this point.

Redress in case of unlawful dismissal

In its previous conclusions (Conclusions 2011 and 2007), the Committee found that the situation was not in conformity with Article 8§2 of the Charter on the ground that no provision was made in law for the reinstatement of women unlawfully dismissed during pregnancy or maternity leave.

The Committee notes from the report that under the current legislation, reinstatement pronounced by a court in cases of unlawful dismissal covers, in the public sector, only civil servants at the State and Municipal level, and the Evangelical Lutheran Church of Finland. As regards the private sector, the report indicates that legislation still does not provide for the right to reinstatement in case of unlawful dismissal, although an agreement can be reached between employer and employee to consider the dismissal null and void.

The Committee recalls that this is not a sufficient safeguard to fulfil the requirement of Article 8§2, and that, as a result, the situation is still not in conformity as the legislation does not provide for the reinstatement of women unlawfully dismissed during pregnancy or maternity leave in the private sector.

The Committee previously noted (Conclusions 2007) that the amended Act on equality between Women and Men 232/2005 removed the ceiling on the compensation that may be awarded in cases of unlawful dismissal.

Conclusion

The Committee concludes that the situation in Finland is not in conformity with Article 8§2 of the Charter on the ground that the legislation does not provide for the reinstatement of women illegally dismissed during pregnancy or maternity leave in the private sector.

Article 8 - Right of employed women to protection of maternity

Paragraph 4 - Regulation of night work

The Committee takes note of the information contained in the report submitted by Finland.

In its previous conclusion (Conclusions 2011), the Committee found that the situation was in conformity with Article 8§4 and asked whether the situation of women employed in the public sector was covered in the same manner.

In response, the report points out that there is no specific regulation on night work for pregnant women, women who have recently given birth or are nursing their infant. However, night work is subject to general regulations (see Conclusions 2007) which also apply to the public sector. This includes, in particular, Section 8 of the Occupational Health and Safety Act No. 738/2002, which imposes a general duty of care on employers and requires them to take employees' personal capacities into account, and Section 30, which requires employers to allow employees to move to daytime work in order to eliminate the health risks that night work may entail. The Committee finds that the situation remains in conformity with Article 8§4 of the Charter.

The Committee refers to its Statement of Interpretation on Articles 8§4 and 8§5 (Conclusions 2019) and asks the next report to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave; it furthermore asks the next report to confirm that the women concerned retain the right to return to their previous employment at the end of the protected period.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 8§4 of the Charter.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by Finland. It also takes note of the information contained in the comments by the central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK), and the Confederation of Unions for Professional and Managerial Staff in Finland (Akava), and the by Federation of Finnish Enterprises (FFE) registered on 24 January 2019.

Legal protection of families

Rights and obligations, dispute settlement

In its previous conclusion (Conclusions 2011), the Committee asked for up-to-date information on the system governing the **rights and obligations of spouses** in respect of one another and their children. As the report provides no clear information in this respect, the Committee reiterates its questions. In addition, it asks the next report to provide information on the existing provisions of legal arrangement related to the **settlement of disputes** between spouses and litigation concerning children.

Issues related to **restrictions to parental rights and placement of children** are examined under Article 17§1.

The Committee previously (Conclusions 2011) asked for information on access to family **mediation services**, whether they are free of charge, how they are distributed across the country and how effective they are. The report does not provide this information but indicates that, in the framework of an ongoing Programme to address child and family services, divorce-related services will be developed to promote a conciliatory approach and to take the child's best interest into account better.

Domestic violence against women

The Committee refers to its previous conclusions as regards the relevant legal framework, notably as regards prosecution measures (see Conclusions 2006) and the actions plans enacted to ensure prevention of domestic violence between partners, to improve the network of support services for victims and perpetrators of violence and to develop assistance and to reduce violence against women (Conclusions 2011). It takes note of the information provided, in response to its question, on the results obtained by these different programmes and the action plan, and also on the services devoted to prevention, protection and psychological support for victims of domestic violence.

In particular, the report indicates that new measures were adopted to increase the level of protection (new provisions on shelters, increase in the number of shelters and their funding, setting-up of a free national helpline and of SARC centres for victims of sexual violence – see details in the report).

The Committee further takes note of the information provided in terms of Integrated Policies, notably as regards the outcomes of the Action Plan to Reduce Violence against Women in 2015, the appointment of a co-ordinating body in 2016 and the preparation end 2017 of a new plan to be carried out, in 2018-2021, by different branches of administration together with non-governmental organisations.

Insofar as Finland has signed and ratified the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence (which came into force in Finland in August 2015), the Committee refers to the assessment procedure which took place in the context of this mechanism. It notes that in September 2019, the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) published its first baseline evaluation report on Finland. GREVIO recognised the many Finnish initiatives, past and present, taken to address violence against

women. Despite these steps, GREVIO has identified a number of areas where improvement is warranted (see details in GREVIO report).

The Committee asks the next report to provide updated information on domestic violence and related convictions, the implementation of the various measures described in the report and their impact on reducing domestic violence against women, also in the light of the abovementioned GREVIO recommendations.

Social and economic protection of families

Family counselling services

In response to the Committee's request for updated information (Conclusions 2011), the report states that 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.

In addition, the report indicates that the New Social Welfare Act gives children and families stronger rights to access needs-based social services, including family work and family counselling and, upon certain conditions, home help services (see details in the report). According to the report, 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. The report also indicates that, in the framework of the Programme to address child and family services, an operating model based on family centres will be strengthened, with a view to extend the support for parenting and relationships as well as divorce-related services (see details in the report).

The Committee takes note of the information provided, it considers that the situation is in conformity with the Charter on this point and asks the next report to provide information on the implementation of the measures planned.

Childcare facilities

The report indicates that a new Early Childhood Education and Care (ECEC) Act was adopted in 2015, and a revised version entered into force in September 2018 (out of the reference period). According to the report, under the ECEC Act all children under school age continue to be entitled to ECEC (see Conclusions 1998, Article 16 as well as Conclusions 2011, Article 27§1). The report also states that the National Agency for Education published a new mandatory national curriculum for ECEC in 2016, which has been implemented by municipalities and other service providers since August 2017.

In response to the Committee's question as to how childcare standards are monitored in practice, the report indicates that municipalities are responsible for checking that public and private service providers within their own area comply with the legislation on ECEC. Regional state officials in turn monitor municipalities and private service providers and, since 2015, the National Evaluation Centre ensures the National evaluation of ECEC services.

According to the report, ECEC fees were reduced by a new Act on client fees for ECEC which came into force on 1 January 2017. Further changes affecting fees were introduced in 2018, out of the reference period. The Committee asks the next report to provide updated information on the implementation of the new measures, as well as regards the coverage with respect to the number of children under school age, ratio of staff to children and cost of childcare to parents.

Family benefits

Equal access to family benefits

In its previous conclusions (2011) the Committee noted that the length of residence requirement of six months applied both to nationals and nationals of other States Parties to the Charter. It considered that this length of residence was in conformity with the Charter. The Committee notes that the report does not provide any updated information regarding this issue. The Committee asks the next report to indicate whether the prior residence requirement of 6 months still applies.

Level of family benefits

The Committee notes from the report that 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.

The amount of the single-parent supplement to child benefit was not reduced. In 2015, the single-parent supplement remained at € 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 € 53.30 a month.

The Committee notes that 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 stood at € 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.

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

In its previous conclusion (Conclusions 2011) the Committee considered that the situation was in conformity with the Charter as regards the adequacy of child allowance, as the latter represented 5.7%, 6.3%, 8.1% and 10.4% of monthly median equivalised income for the first, second and third child, respectively.

According to the report, in 2015, the amount of child benefit was € 95.75 for the first child of the family, and € 105.80 for the second child, € 135.01 for the third, € 154.64 for the fourth and € 174.27 for each additional child.

The Committee notes that according to MISSOC the following amounts were paid in 2018:

- First child: € 94.88;
- Second child: € 104.84;
- Third child: € 133.79;
- Fourth child: € 153.24;
- Fifth and each subsequent child: € 172.69.

The amount for each child of a single parent is supplemented by € 53.30.

The Committee notes that the median equivalised income stood at € 1998,9 in 2017. The Committee observes that the child benefit represented between 4.7% and 7.6% of the median equivalised income. The Committee notes that these percentages are lower than in 2011 and in 2015. However, the Committee considers that in the light of the fact that the at risk of poverty rate for children in Finland stood at 15.1% in 2017, which is considerably lower than the EU average, the situation is still in conformity with the Charter.

Measures in favour of vulnerable families

The Committee takes note of measures taken in respect of Roma communities. 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. According to the report, there are no segregated, impoverished living areas predominantly inhabited by Roma.

Housing for families

Finland has accepted Article 31 of the Charter on the right to housing. As all aspects of housing of families covered by Article 16 are also covered by Article 31, for states that have accepted both articles, the Committee refers to Article 31 on matters relating to the housing of families.

Participation of associations representing families

The report confirms that national organisations representing families participate in both framing child and family policy and developing the service system. In particular, associations representing children and families participate in the Government's key project concerning the Programme to address child and family services (see details in the report), both in national level steering structures and in the implementation of local level reforms, with the aim to provide more child and family-oriented services. The report also indicates that associations representing children and families also participate in the drafting of a national child strategy, which aims to build up a child and family friendly society.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 16 of the Charter.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by Finland.

The legal status of the child

The Committee notes that the situation which it has previously considered to be in conformity with the Charter has not changed. The Committee previously asked under what circumstances a child's right to know his or her origins would be restricted for example in adoption cases (Conclusions 2011). No information is provided in the current report on this issue. Therefore, the Committee repeats its request for this information.

The Committee has noted with concern the increasing number of children in Europe registered as stateless, as this will have a serious impact on those children's access to basic rights and services such as education and healthcare.

According to EUROSTAT in 2015 there were 6,395 first time asylum applications in the EU by children recorded as stateless and 7,620 by children with an unknown nationality. This figure only concerns EU states and does not include children born stateless in Europe or those who have not sought asylum. In 2015, UNHCR estimated the total number of stateless persons in Europe at 592,151 individuals.

Therefore, the Committee asks what measures have been taken by the State to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth).

The Committee further asks what measure have been taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers, persons in an irregular situation.

Protection from ill-treatment and abuse

The Committee notes that the situation which it has previously considered to be in conformity with the Charter has not changed (Conclusions 2011).

According to the report, the Child Welfare Act imposes a duty on an extensive group of authorities and professionals to report directly to the police any suspicions of violence causing a threat to a child's life or health. Domestic violence and child abuse are detected at periodical medical examinations carried out by paediatric clinics and school health care services.

From 2010 to 2015, a national *Action Plan on Preventing and Reducing the Use of Disciplinary Violence* was implemented. The goals of this action plan included several aims, among which reinforcing the human dignity of children, eliminating violence as a method of punishing children, and speeding up a change in attitudes towards physical punishment.

A National Action Plan for Safety Promotion among Children and Youth for 2018–2025 includes measures for preventing and reducing, *inter alia*, corporal punishment – both physical and psychological violence inflicted on children as a method of disciplining them (adopted outside the reference period). The Committee requests that the next report provide information on the implementation of this plan.

Rights of children in public care

The Committee previously asked for information on the criteria for the restriction of custodial or parental rights (Conclusions 2011).

The report states that, from the beginning of 2016, more stringent criteria were introduced for taking a child into care under the Child Welfare Act. Taking a child into care is a measure of last resort. A child is taken into care and placed in foster care only 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 be taken into care only if non-residential support measures have proven impossible or inappropriate, or insufficient. The report further states that inadequate housing conditions, lack of housing or insufficient income can never alone be the grounds for taking a child into care. Should the child (over 12 years of age), his/her parents or guardians object to the child being placed in foster care, the decision to do so must be taken by the Administrative Court. If the child is in great danger, he /she can be placed urgently even before the ruling or decision of the administrative court is handed down if the required criteria are met.

The Committee previously asked what measures were being taken to reduce the institutionalisation of children and increase foster care in families (Conclusions 2011).

According to the report, amendments to the Child Welfare Act which entered into force between 2014–2016. It provides for urgent support measures in non-residential care as an alternative to emergency placement. Such support measures may include a non-institutional placement and intensified assistance to families.

Before a child is placed outside the home alone, an assessment must be made to explore whether the child could live with persons close to the child or whether these persons could otherwise participate in supporting the child. The child should primarily be placed in residential foster care, in a family setting.

The Committee notes from other sources [Finnish Statistical Agency] that in 2015 and 2016 there was a decrease in the number of children placed outside the home. More than half of the children in care at the end of 2015 were placed in foster families. Out of these children, 13 per cent (646 children) were placed with relatives or other kin. However, in 2017 there was a slight increase in the number of children placed outside the home.

The Committee requests that the next report provide information on the number of children in foster care, the number of children placed in another family setting and the number of children placed in an institution, along with data on recent trends.

Right to education

As regards the issue of education, the Committee notes the information provided in the report and refers to its conclusion under Article 17§2.

Children in conflict with the law

The Committee previously asked for information on the maximum length of pre-trial detention and prison sentences for children. The Committee notes that no information has been provided on the maximum length of pre-trial detention, nor on the maximum length of prison sentences. It requests that this information be provided in the next report as well as information on the number of children serving a prison sentence, and those doing so outside prison. Should the information not be provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter. The Committee also asks whether children may be placed in solitary confinement, and if so, for how long and under what circumstances.

The Committee also asked whether children could be detained with adults (Conclusions 2011). According to the report, both the Remand Imprisonment Act and Imprisonment Act require that persons under 18 years of age shall be held apart from adult prisoners unless otherwise required by his or her best interests. The Committee asks under what circumstances children can be detained with adults.

The Criminal Sanctions Agency issued on 13 June 2017 an instruction regarding the treatment of prisoners under the age of 18. The instruction reminds prison personnel of their duty to notify the social care authorities of the municipality in which the prison is located when a person under the age of 18 years arrives at the prison. The report further states that the Government intends to take steps to place young persons in conflict with the law outside prisons.

Right to assistance

Article 17 guarantees the right of children, including children in an irregular situation and non-accompanied minors to care and assistance, including medical assistance and appropriate accommodation [International Federation of Human Rights Leagues (FIDH) v. France, Complaint No 14/2003, Decision on the merits of September 2004, § 36, *Defence for Children International (DCI) v. the Netherlands*, Complaint No. 47/2008, Decision on the merits of 20 October 2009, §§70-71, European Federation of National Organisations working with the Homeless (FEANTSA) v, Netherlands, Complaint No.86/2012, Decision on the merits of 2 July 2014, §50].

The Committee considers that the detention of children on the basis of their immigration status or that of their parents is contrary to the best interests of the child. Likewise, unaccompanied minors should not be deprived of their liberty. Detention cannot be justified solely on the grounds that they are unaccompanied or separated, or on the basis of their migratory or residence status, or lack thereof.

According to the report under Section 5 of the Reception Act, where a child asylum seeker is 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. Under Section 33 of the Reception Act, a representative must be appointed to an unaccompanied child asylum seeker.

Unaccompanied children seeking asylum in Finland are accommodated in group homes or supported housing units for the duration of the asylum application process. Unaccompanied children may also be accommodated in folk high schools or in private homes.

Children seeking asylum with their family are accommodated in reception centres. The Committee asks whether the conditions in reception facilities, group homes, and supported housing units are monitored so as to ensure they are suitable for the accommodation of children.

The Committee asks whether there are circumstances where children along with their families in an irregular situation may be detained.

As regards age assessment, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children is inappropriate and unreliable [European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, Decision on the merits of 24 January 2018, §113]. The Committee asks whether Finland uses bone testing to assess age and, if so, in what situations the State does so. Should the State carry out such testing, the Committee asks what potential consequences such testing may have (e.g., can a child be excluded from the child protection system on the sole basis of the outcome of such a test?).

Child poverty

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection. The obligation of State Parties to take all appropriate and necessary measures to ensure that children and young persons have the assistance they need is strongly linked to

measures directed towards the amelioration and eradication of child poverty and social exclusion. Therefore, the Committee will take child poverty levels into account when considering a State Party's obligations under the terms of Article 17 of the Charter.

The Committee notes that according to EUROSTAT in 2017 15.1% of children in Finland of children were at risk of poverty or social exclusion (lower than the EU average of 24.9%).

The Committee asks the next report to provide information on the rates of child poverty as well as on the measures adopted to reduce child poverty, including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc. Information should also be provided on measures focused on combatting discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty.

Conclusion

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 17§1 of the Charter.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note of the information contained in the report submitted by Finland.

The *Pupil and Student Welfare Act* (1287/2013) was adopted 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 consolidates provisions concerning pupil and student welfare, which were previously found in other 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 was to submit a report on the implementation of the Act to the Parliament in 2018. The Committee asks to be kept informed of the outcome of that report and the effect of the Act in practice.

Enrolment rates, absenteeism and drop out rates

According to the report, in Finland, the rate of enrolment in primary and lower secondary school is 100%.

The Committee notes from the UNESCO in 2017 that the net enrolment rate for primary education was 98.63%, for secondary education the corresponding rate was 96.65%.

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

At the beginning of 2010, flexible basic education (*jousta'va perusopetus*, JOPO) to prevent school drop-outs and interruptions in basic education was introduced as part of basic education in grades 7-9. In the autumn of 2017, over 1,900 pupils participated in flexible basic education. A learning plan is prepared for pupils in flexible education. Flexible basic education is implemented in small groups. Learning that takes place in other learning environments, such as workplaces, is an essential part of flexible basic education.

The Committee wishes the next report to provide updated information on enrolment rates, absenteeism and drop-out rates as regards compulsory education, as well as information on measures taken to address issues related to these rates.

Costs associated with education

The Committee asks the next report to provide information on measures in place to mitigate the costs of education, such as transport, books and stationary.

Vulnerable groups

According to the report the total number of Roma children of compulsory education age is around 1,200–1,500.

The Committee previously noted that the National Board of Education was to conduct a study on the status of Roma children's basic education and asked to be informed of the results (Conclusions 2011). According to the report, an increasing number of Roma pupils completed their basic (compulsory) education. Several measures, such as the development of teaching material in Romani, the specific training of teachers, as well as measures to prevent social exclusion and drop-out rates, have been implemented. Between 2014–2016, state subsidies promoting basic education of Roma pupils were granted to municipalities. In many municipalities the results were good and Roma pupils completed their basic education. Nevertheless, the report states that too many (often Roma boys) still fail to gain their basic education certificate or do not seek further education, at least immediately on leaving compulsory education. Many municipalities have developed programs for the guidance of Roma pupils into further education. For example, 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. Roma parents and caretakers are 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.

However the Committee notes from ECRI (Report on Finland fifth monitoring cycle (CRI)(2019)38 June 2019 (outside the reference period), that while the authorities underline that a growing number of Roma children continue directly with their upper secondary education after having completed basic education, they also informed ECRI that up to 20% of Roma children do not even complete their basic education.

The Committee asks the next report to provide updated information on the situation of Roma children in education, including information on educational outcomes as well as on the second National Roma Strategy (2018-2022) as it concerns education for Roma children.

The Committee asks whether children in an irregular situation are entitled to access compulsory education.

As Finland has accepted Article 15§1 of the Charter the Committee will examine the right of children with disabilities to education under that provision.

Anti-bullying measures

The Committee asks what measures have been taken to introduce anti bullying policies in schools, i.e., measures relating to awareness raising, prevention and intervention.

The voice of the child in education

Securing the right of the child to be heard within education is crucial for the realisation of the right to education in terms of Article 17§2 This requires states to ensure child participation across a broad range of decision-making and activities related to education, including in the context of children’s specific learning environments.

The report states that legislative amendments taken during the review period 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. The report notes the benefits of increasing pupils’ and students’ opportunities for participation and influence.

Conclusion

Pending receipt of the information requested the Committee concludes that the situation in Finland is in conformity with Article 17§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by Finland.

It also takes note of the information contained in the comments by the central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK), and the Confederation of Unions for Professional and Managerial Staff in Finland (Akava), and the by Federation of Finnish Enterprises (FFE) registered on 24 January 2019.

Migration trends

The Committee has assessed the migration trends in Finland in its previous conclusion ([Conclusions 2011](#)). The report does not address this point and the Committee asks that the next report provide up-to-date information on the developments in this respect.

Change in policy and the legal framework

The Committee notes that it has previously assessed the policy and legal framework relating to migration matters (Conclusions 2011). The report provides no information on any substantial changes in this respect. It specifies, however, in addition, that 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.

Free services and information for migrant workers

The Committee recalls that this provision guarantees the right to free information and assistance to nationals wishing to emigrate and to nationals of other States Parties who wish to immigrate (Conclusions I (1969), Statement of Interpretation on Article 19§1). Information should be reliable and objective, and cover issues such as formalities to be completed and the living and working conditions they may expect in the country of destination (such as vocational guidance and training, social security, trade union membership, housing, social services, education and health) (Conclusions III (1973), Cyprus).

The Committee considers that free information and assistance services for migrants must be accessible in order to be effective. While the provision of online resources is a valuable service, it considers that due to the potential restricted access of migrants, other means of information are necessary, such as helplines and drop-in centres (Conclusions 2015, Armenia).

The Committee has comprehensively assessed the services and information for migrant workers in its 2011 Conclusions. The report further specifies that 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. Finally, the report confirms that the relevant services are available to all persons whose right of residence has been registered or who have been issued with a residence card. 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.

The Committee notes that the SAK, STTK and Akava, highlight in their comments that there are some challenges to such cooperation, in particular as to division of responsibilities for immigrant integration between counties and municipalities which has not been defined comprehensively and is still partly unclear, as well as allocation of the necessary resources and availability of services. It asks the next report to comment on these observations.

Measures against misleading propaganda relating to emigration and immigration

The Committee recalls that measures taken by the government should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter (Conclusions XIV-1 (1998), Greece).

The Committee considers that in order to be effective, action against misleading propaganda should include legal and practical measures to tackle racism and xenophobia, as well as women trafficking. Such measures, which should be aimed at the whole population, are necessary inter alia to counter the spread of stereotyped assumptions that migrants are inclined to crime, violence, drug abuse or disease (Conclusion XV-1 (2000), Austria).

The Committee also recalls that statements by public actors are capable of creating a discriminatory atmosphere. Racist misleading propaganda indirectly allowed or directly emanating from the state authorities constitutes a violation of the Charter (Centre on Housing Rights and Evictions (COHRE) v Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010). The Committee stresses the importance of promoting responsible dissemination of information, and of deterring the promulgation of discriminatory views.

The Committee further recalls that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere. It underlines that the authorities should take action against misleading propaganda as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia).

Finally, the Committee recalls that States must also take measures to raise awareness amongst law enforcement officials, such as awareness training of officials who are in first contact with migrants.

In its conclusion in 2011, the Committee noted that the European Commission against Racism and Intolerance (ECRI) recommended in its third report on Finland that the Finnish authorities consider the adoption of legal provisions targeting specifically the use of racist and xenophobic discourse by exponents of political parties as well as to establish an independent body to investigate all allegations of misconduct by law enforcement officials and particularly allegations of racism and racial discrimination. ECRI also strongly recommended that the Finnish authorities take further steps towards a demonstrable and consistent public commitment against racism and racial discrimination in all its forms. It asked to be informed on the measures taken to respond to ECRI's recommendations.

The report does not provide the requested information. The Committee recalls its question and underlines that should the next report not provide comprehensive information in this respect, there will be nothing to show that the situation is in conformity with the Charter on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 2 - Departure, journey and reception

The Committee takes note of the information contained in the report submitted by Finland.

This provision obliges States to adopt special measures for the benefit of migrant workers, beyond those which are provided for nationals to facilitate their departure, journey and reception (Conclusions III (1973), Cyprus).

Reception means the period of weeks which follows immediately from their arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty (Conclusions IV, (1975) Statement of Interpretation on Article 19§2). It must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures (Conclusions IV (1975), Germany). The Charter requires States to provide explicitly for assistance in matters of basic need or demonstrate that the authorities are adequately prepared to afford it to migrants when necessary (Conclusions XX-4 (2015), Poland).

The Committee also reiterates that equality in law does not always and necessarily ensure equality in practice. Additional action becomes necessary owing to the different situation of migrant workers as compared with nationals (Conclusions V (1977), Statement of Interpretation on Article 19).

Immediate assistance offered to migrant workers

The Committee notes from the report and all information at its disposal that there have been no changes to the situation which it has previously considered to be in conformity with the Charter (Conclusions 2011).

The report specifies that 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.

The Committee notes from the outside sources that in the reference period the Ministry of the Interior co-ordinated and supported an extensive programme targeted specifically at the promotion of work-related immigration, including, for example, co-operation with countries of departure in terms of recruitment and language training, development of integration services for foreign employees and their families, promotion of multicultural skills at workplaces and specific programmes for highly-educated migrant employees. The Committee wishes to receive more information on these measures and their noted and/or expected outcomes.

Services during the journey

As regards the journey, the Committee recalls that the obligation to "provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey" relates to migrant workers and their families travelling either collectively or under the public or private arrangements for collective recruitment. The Committee considers that this aspect of Article 19§2 does not apply to forms of individual migration for which the state is not responsible. In such cases, the need for reception facilities would be all the greater (Conclusions V (1975), Statement of Interpretation on Article 19§2).

The Committee notes that no large-scale recruitment of migrant workers has been reported in the reference period. It asks the Government what requirements for ensuring medical

insurance, safety and social conditions are imposed on employers, shall such recruitment occur, and whether there is any mechanism for monitoring and dealing with complaints.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 19§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 3 - Co-operation between social services of emigration and immigration states

The Committee takes note of the information contained in the report submitted by Finland. It also takes note of the information contained in the comments by the central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK), and the Confederation of Unions for Professional and Managerial Staff in Finland (Akava), and the by Federation of Finnish Enterprises (FFE) registered on 24 January 2019.

The Committee recalls that the scope of this provision extends to migrant workers immigrating as well as migrant workers emigrating to the territory of any other State. Contacts and information exchanges should be established between public and/or private social services in emigration and immigration countries, with a view to facilitating the life of emigrants and their families, their adjustment to the new environment and their relations with members of their families who remain in their country of origin (Conclusions XIV-1 (1998), Belgium).

It also recalls that formal arrangements are not necessary, especially if there is little migratory movement in a given country. In such cases, the provision of practical co-operation on a needs basis may be sufficient. Whilst it considers that collaboration among social services can be adapted in the light of the size of migratory movements (Conclusions XIV-1 (1996), Norway), it holds that there must still be established links or methods for such collaboration to take place.

The co-operation required entails a wider range of social and human problems facing migrants and their families than social security (Conclusions VII, (1981), Ireland). Common situations in which such co-operation would be useful would be for example where the migrant worker, who has left his or her family in the home country, fails to send money back or needs to be contacted for family reasons, or where the worker has returned to his or her country but needs to claim unpaid wages or benefits or must deal with various issues in the country in which he was employed (Conclusions XV-1 (2000), Finland).

The Committee has assessed various forms of co-operation set up between the social services, including contract with certain countries, conferences and exchange of information and statistics and found it compliant with the requirements of the Charter, with the latest comprehensive assessment in 1998 ([Conclusions XIV-1](#)). In its previous conclusions ([Conclusions 2011](#)), it asked for an up-to-date description of the situation.

The report submits information on in cross-border child protection issues and the cooperation between the services, nationally and internationally, in this respect. Other aspects of cooperation in the matters of social services for migrants have not been addressed. At the same time, SAK, STTK and Akava, highlight in their comments that there are some challenges to such cooperation, namely:

- division of responsibilities for immigrant integration between counties and municipalities has not been defined comprehensively and is still partly unclear;
- allocation of the necessary resources and availability of services;
- need to ensure and to safeguard the rights of immigrants and their equal position as service users in case of market-based solutions.

In the light of the above, the Committee requests the next report to provide exhaustive reply to following questions, crucial for the assessment whether all requirements under Article 19§3 are met:

- What contacts and information exchanges are established between social services nationally, as well as in emigration and migration countries? Are there any international agreements or networks, and specific examples of cooperation (whether formal or informal)?

- What measures were adopted to promote cooperation between social services?
What kinds of service are involved in such cooperation?

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 19§3 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 4 - Equality regarding employment, right to organise and accommodation

The Committee takes note of the information contained in the report submitted by Finland.

It also takes note of the information contained in the comments by the central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK), and the Confederation of Unions for Professional and Managerial Staff in Finland (Akava), registered on 24 January 2019.

Remuneration and other employment and working conditions

The Committee recalls that States are obliged to eliminate all legal and de facto discrimination concerning remuneration and other employment and working conditions, including in-service training, promotion, as well as vocational training (Conclusions VII (1981), United-Kingdom).

In its previous conclusion ([Conclusions 2011](#)), the Committee has concluded that the Finnish legal framework represented an adequate protection for migrant workers in the areas covered by Article 19§4 and asked to be informed on the initiatives taken to eliminate discrimination with respect to remuneration, employment and working conditions.

The report states that the fight against discrimination has further been strengthened by the adoption of 2014 Anti-Discrimination Act. It aims at promoting equality and prohibition of discrimination and provides equal protection against discrimination regardless of the life sphere and the ground of discrimination. In the new Act, the prohibitions of discrimination have been clarified and the scope has expanded, together with the obligation to promote equality and non-discrimination.

As to the practical measures and implementation of the relevant legal framework, they are under the responsibility of the Ministry of Justice. For this purpose, it cooperates in practice with the Ethnic Relations (ETNO), other authorities and non-governmental organizations. In particular, measures have been devoted to providing good public relations education for officials, as well as to preparing relevant training materials and guides. Furthermore, the Ministry of Economic Affairs and Employment promotes equality and diversity in labour market and entrepreneurship, most specifically through the Diversity Management Programme, designed to promote diversity management in the public and private sectors.

In reply to the Committee's query about the status of posted workers, the report confirms that the 2016 the Act on Posting of Workers ensures that they are treated equally compared to employees of companies operating in Finland.

The Committee also takes note of the comment of the SAK, STTK and Akava, referred to above, a government proposal to Parliament for the enactment of a new Act on the Promotion of Immigrant Integration and the repeal of the current Act, which, in their opinion, would cause the responsibility for many immigrant integration duties to be shifted from municipalities to counties. The Committee asks the next report to comment on this observation, in particular, whether it would have an impact on the adoption of the practical measures designed to fight any possible discrimination of migrant workers.

Meanwhile, the Committee considers that the situation is in conformity with the Charter in this respect.

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

The Committee recalls that this sub-heading requires States to eliminate all legal and de facto discrimination concerning trade union membership and as regards the enjoyment of the benefits of collective bargaining (Conclusions XIII-3 (1995), Turkey). This includes the

right to be founding member and to have access to administrative and managerial posts in trade unions (Conclusions 2011, Statement of interpretation on Article 19§4(b)).

In this respect, the report provides that migrant workers enjoy the same right as all employees to belong to associations and to be active in them. They also have the right to establish lawful associations. Prevention or restriction of this right or freedom is prohibited. The same applies to the benefits of collective bargaining. Compliance in this respect is monitored by the labour protection authorities.

The report further states that the right is granted on the same footing to posted workers, pursuant to the Employment Contracts Act.

Accommodation

The Committee recalls that States shall eliminate all legal and de facto discrimination concerning access to public and private housing (European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§111-113). It also recalls that there must be no legal or de facto restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy).

The Committee noted in its previous conclusion (Conclusions 2011) that immigrants are eligible for housing benefits, as are the nationals, and they are not subject to special arrangements. It asked for further information on implementation of the relevant regulations.

The report provides that the Ministry of Environment is in charge of housing issues and legislation in Finland. 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 state housing stock. The Government Integration Programme (2016-2019) includes initiatives regarding the operating conditions of housing advisory services and information services, as well as instruments that will promote the more efficient use of existing housing stock.

The report further specifies that 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.

The Committee considers that the situation is in conformity with the Charter on this point.

Monitoring and judicial review

The Committee considers that in order to monitor and ensure that no discrimination occurs in practice, States Parties should have in place sufficient effective monitoring procedures or bodies to collect information, for example disaggregated data on remuneration or information on cases in employment tribunals (Conclusions XX-4 (2015), Germany).

The Committee further recalls that under Article 19§4(c), equal treatment can only be effective if there is a right of appeal before an independent body against the relevant administrative decision (Conclusions XV-1 (2000) Finland). It considers that existence of such review is important for all aspects covered by Article 19§4.

The report states that the 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, 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.

Finally, the report provides that the Anti-Discrimination Act introduced improved judicial protection, in the form of the Ombudsman for Equality and the Equality Board. The Committee asks for more detailed information on their competence to deal with complaints, as well as, in general on the judicial remedies in cases concerning discrimination.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 19§4 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that this provision recognises the right of migrant workers to equal treatment in law and in practice in respect of the payment of employment taxes, dues or contributions (Conclusions XIX-4 (2011), Greece).

The Committee notes that it previously addressed the equality regarding taxes and contributions and found it to be in conformity with the requirements of the Charter (see [Conclusions 2011](#)). It will focus in the present assessment on any changes or outstanding issues.

In the context of the rights of migrant workers and their families to social security, the report provides that as of 2014, the requirement of being resident in the country in order to be eligible for parental allowance contained in the Health Insurance Act, proven excessively stringent, has been replaced by the requirement of being insured. 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 before the child is born. The Committee also notes the information that the conditions for receiving labour market subsidy are the same for all jobseekers.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by Finland.

Scope

This provision obliges States Parties to allow the families of migrants legally established in the territory to join them. The worker's children entitled to family reunion are those who are dependent and unmarried, and who fall under the legal age of majority in the receiving State. "Dependent" children are understood as being those who have no independent existence outside the family group, particularly for economic or health reasons, or because they are pursuing unpaid studies (Conclusions VIII (1984) Statement of Interpretation on Article 19§6).

The Committee refers to its previous conclusion ([Conclusions 2011](#)), as regards the scope of persons entitled to family reunion, which was found in conformity with the Charter.

Conditions governing family reunion

The Committee recalls that a state must eliminate any legal obstacle preventing the members of a migrant worker's family from joining him (Conclusions II (1971), Cyprus). Any limitations upon the entry or continued present of migrant workers' family must not be such as to be likely to deprive this obligation of its content and, in particular, must not be so restrictive as to prevent any family reunion (Conclusions XVII-1 (2004), the Netherlands; Conclusions 2011, Statement of Interpretation on Article 19§6).

The Committee furthermore recalls taking into account the obligation to facilitate family reunion as far as possible under Article 19§6, States Parties should not adopt a blanket approach to the application of relevant requirements, so as to preclude the possibility of exemptions being made in respect of particular categories of cases, or for consideration of individual circumstances (Conclusions 2015, Statement of Interpretation on Article 19§6).

In this respect, in its previous conclusion ([Conclusions 2011](#)), the Committee acknowledged that a regular and stable level of resources could be considered a requirement for family reunion so that the migrant worker would be able to support his family. It noted that such a requirement was reflected in the legislation of Finland. This being said, the Committee considered that the level of resources required should not be so restrictive as to prevent any family reunion and, with this in mind, asked whether a migrant worker receiving welfare support was eligible. The report does not confirm that this is the case, however, the Committee notes from the Migration Integration Policy Index 2015 report on Finland that the level of means required is basic and a migrant receiving welfare support is not prevented from exercising the right to family reunion. It asks that the next report to provide a confirmation on this aspect.

The Committee at the same time notes from MIPEX 2015 that fees for a family reunion in Finland can be disproportionately burdensome for vulnerable groups. It asks the next report to comment on this observation insofar as migrant workers are concerned.

Remedy

The Committee recalls that restrictions on the exercise of the right to family reunion should be subject to an effective mechanism of appeal or review, which provides an opportunity for consideration of the individual merits of the case consistent with the principles of proportionality and reasonableness (Conclusions 2015, Statement of Interpretation on Article 19§6).

The Committee wishes to make an in-depth assessment of the relevant review mechanism in Finland and requests comprehensive information in this respect in the next report.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 19§6 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 7 - Equality regarding legal proceedings

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that States must ensure that migrants have access to courts, to lawyers and legal aid on the same conditions as their own nationals (Conclusions 2015, Armenia).

It further recalls that any migrant worker residing or working lawfully within the territory of a State Party who is involved in legal or administrative proceedings and does not have counsel of his or her own choosing should be advised that he/she may appoint counsel and, whenever the interests of justice so require, be provided with counsel, free of charge if he or she does not have sufficient means to pay the latter, as is the case for nationals or should be by virtue of the European Social Charter. Whenever the interests of justice so require, a migrant worker must have the free assistance of an interpreter if he or she cannot properly understand or speak the national language used in the proceedings and have any necessary documents translated. Such legal assistance should be extended to obligatory pre-trial proceedings (Conclusions 2011, Statement of interpretation on Article 19§7).

The Committee further notes that it addressed the legal framework relating to equality in legal proceedings and found it to be in conformity with the requirements of the Charter (see for more details [Conclusions XVII-1 \(2004\)](#)). Considering the fact that the situation was repeatedly reported to have remained unchanged, the Committee could renew its positive conclusion, most recently in 2011 ([Conclusions 2011](#)). It then requested a full and up-to-date description of the situation in law and practice.

In reply, the report provides that 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. It 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. It 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. Under Criminal Procedure Act (689/1997), anyone arrested or detained for an offence where the minimum sentence is four months imprisonment is entitled to a counsel without charge, irrespective of his or her financial situation.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 19§7 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by Finland.

The Committee has interpreted Article 19§8 as obliging 'States to prohibit by law the expulsion of migrants lawfully residing in their territory, except where they are a threat to national security, or offend against public interest or morality' (Conclusions VI (1979), Cyprus). Where expulsion measures are taken they cannot be in conformity with the Charter unless they are ordered, in accordance with the law, by a court or a judicial authority, or an administrative body whose decisions are subject to judicial review. Any such expulsion should only be ordered in situations where the individual concerned has been convicted of a serious criminal offence or has been involved in activities which constitute a substantive threat to national security, the public interest or public morality. Such expulsion orders must be proportionate, taking into account all aspects of the non-nationals' behaviour, as well as the circumstances and the length of time of his/her presence in the territory of the State. The individual's connection or ties with both the host state and the state of origin, as well as the strength of any family relationships that he/she may have formed during this period, must also be considered to determine whether expulsion is proportionate. All foreign migrants served with expulsion orders must have also a right of appeal to a court or other independent body (Statement of Interpretation on Article 19§8, Conclusions 2015).

The Committee has deferred its previous conclusion ([Conclusions 2011](#)), pending information on how the best interests of the child are determined when a person to be expelled is the sole custodian of a child under the age of 18 years and when the expulsion order usually applies to the child as well.

The Committee recalls at the outset that in its statement of interpretation on Article 19§6 and Article 19§8 (Statement of interpretation Article 19§6 and Article 19§8, Conclusions 2015), it considered that upon a proper construction of the text of the Charter, the possibility of the expulsion of the family members of a migrant worker is more properly dealt with under Article 19§6 on the facilitation of family reunion, rather than under Article 19§8 which concerns only the expulsion of a migrant worker. It therefore decides henceforth to assess whether the expulsion of family members of a migrant worker is in conformity with the Charter under Article 19§6.

As the previous conclusion was adopted before the above mentioned statement of interpretation, the Committee notes from the report that 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 and to the protection of the family life. The assessment of the best interests of a child shall be made by the same authority that decides on deportation. Where possible, the wishes of the child are taken into account. If the child is 12 years or older, he/she may submit his/ her own reply regarding the deportation of a guardian. The report provides that, firstly, there were no situations in which family ties would be broken due to an unwilling separation of a child from the guardian. Secondly, the expulsion of the migrant worker is separated from that of the rest of the family members, in particular in cases where the child and the spouse (or the child other guardian) have developed ties to Finland or have their own independent grounds for the residence permit (for more details see Conclusions 2019, Finland, Article 19§6).

Regarding grounds for expulsion, the report states that only a justified threat to national security or to public order may justify it. A person may also be deported if found guilty of an offence carrying a maximum sentence of one year or more of imprisonment or of repeated offences. In such cases, before an expulsion order is issued, all aspects of the non-national's behaviour, as well as the circumstances and the length of time of their presence in the country are taken into account.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 19§8 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that this provision obliges States Parties not to place excessive restrictions on the right of migrants to transfer earnings and savings, either during their stay or when they leave their host country (Conclusions XIII-1 (1993), Greece).

The Committee further notes that it addressed the legal framework relating to transfer of earnings and savings of migrant workers in its conclusion of 1995 ([Conclusions XIII-3](#)) and found it to be in conformity with the requirements of the Charter. Considering the fact that the situation was repeatedly reported to have remained unchanged, the Committee could renew its positive conclusion, most recently in 2011 ([Conclusions 2011](#)).

In the previous conclusion (Conclusions 2015), the Committee requested a full and up-to-date description of the situation in law and practice in respect of Article 19§9. The report states that there have been no substantial changes to the situation which the Committee previously considered to be in conformity with the Charter. The Committee recalls its request for updated information, in the light of the fact that the latest comprehensive assessment of the situation dates back to 1995.

Referring to its Statement of Interpretation on Article 19§9 ([Conclusions 2011](#)), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers, the Committee asks whether there are any restrictions in this respect in Finland.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 19§9 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 11 - Teaching language of host state

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that the teaching of the national language of the receiving state is the main means by which migrants and their families can integrate into the world of work and society at large. States should promote and facilitate the teaching of the national language to children of school age, as well as to the migrants themselves and to members of their families who are no longer of school age (Conclusions 2002, France).

Article 19§11 requires that States shall encourage the teaching of the national language in the workplace, in the voluntary sector or in public establishments such as universities. It considers that a requirement to pay substantial fees is not in conformity with the Charter. States are required to provide national language classes free of charge, otherwise for many migrants such classes would not be accessible (Conclusions 2011, Norway).

The language of the host country is automatically taught to primary and secondary school students throughout the school curriculum but this is not enough to satisfy the obligations laid down by Article 19§11. The Committee recalls that States must make special effort to set up additional assistance for children of immigrants who have not attended primary school right from the beginning and who therefore lag behind their fellow students who are nationals of the country (Conclusions 2002, France).

The Committee notes that it previously addressed the teaching of the national language to migrant workers and their families ([Conclusions 2011](#)) and found it to be in conformity with the requirements of the Charter. It will focus in the present assessment on any changes or outstanding issues.

The report provides that an amendment to the Liberal Adult Education Act entered into force in 2018 enabling the provision of education promoting literacy and other language instruction to migrants during their integration. A new, significant target group for this education opportunity comprises of immigrant mothers taking care of their children at home.

The report further states that since 2007, all educational institutions providing liberal adult education have been paid study voucher grants so that they may abolish or cut study fees for target groups, such as immigrants, unemployed and persons in need of educational rehabilitation.

The Committee repeats its request for information on the total number of migrants following language classes.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 19§11 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 12 - Teaching mother tongue of migrant

The Committee takes note of the information contained in the report submitted by Finland.

The Committee recalls that according to its case law, States must promote and facilitate, as far as practicable, the teaching in schools or other structures, such as voluntary associations, of those languages that are most represented among migrants within their territory. In practical terms, States should promote and facilitate the teaching of the mother tongue where there are a significant number of children of migrants who would follow such teachings (Conclusions 2011, Statement of interpretation on Article 19§12).

The Committee notes that there have been no changes to the situation which it has previously found to be in conformity with the Charter and assessed in detail in 2011 (see Conclusions 2011). Furthermore, the report states that additional funding has been directed to preparatory elementary education, adult basic education and non-formal adult education for teaching foreign languages as a native language.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 19§12 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life

The Committee takes note of the information contained in the report submitted by Finland.

It already examined the situation with regard to the right of workers with family responsibilities to equal opportunity and treatment (employment, vocational guidance and training, conditions of employment, social security, child day care services and other childcare arrangements). It will therefore only consider the recent developments and additional information.

Employment, vocational guidance and training

In its previous conclusion (Conclusions 2011), the Committee asked whether there were placement services, information programmes or training measures for workers with family responsibilities or whether this category of worker fell under the general employment services. In reply the report states that the public employment services offer a wide range of counselling and training services to help jobseekers (see Conclusions 2011), but no specific services/measures are targeted at workers with family responsibilities.

The report states that in the framework of the change-security operational model (adopted in 2005 and amended in 2015, targeting workers dismissed for economic reasons or those at risk of dismissal) employers must offer dismissed employees training to help them return to work and access to their occupational health services for 6 months after dismissal. Moreover, the National Lifelong Guidance Co-ordination and Co-operation Group that has as its aim to improve information, advice and guidance services on a national, regional and local level had its mandate extended to 2015-2020. A one-stop-shop guidance centre model (*Ohjaamo*) has also been established, offering cross-sectoral information, advice and guidance.

In view of the above and since the Committee expressed no objections as to the level of standard training and employment services under Articles 10§3 and 10§4 of the Charter (Conclusions 2016, Finland), it considers the quality of vocational guidance and training offered to people with family responsibilities to be compatible with the Charter.

Conditions of employment, social security

The report states that the Employment Contracts Act was amended during the reference period (with the amendment coming into force on 1 April 2011) to introduce a new form of family leave to cater for situations where a family member needs help for everyday activities. Employers and employees agree between them how long the leave will last and make other arrangements (concerning returning to work for example).

The Committee notes from the report that a memorandum prepared by a working group (set up by the Ministry of Employment and the Economy on 20 May 2013) clarifies the role of legislation in safeguarding the rights of those returning to work after family leave. The Committee asks whether workers that took such family leave are entitled to social security benefits under the different schemes, in particular health care, and whether periods of absence are taken into account for determining the right to pension and for calculating the amount of pension.

Child day care services and other childcare arrangements

The Committee recalls that, as Finland has accepted Article 16 of the Charter, measures taken to develop and promote child day care structures are examined under that provision.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 27§1 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

The Committee takes note of the information contained in the report submitted by Finland.

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 27§2 of the Charter. It will therefore only consider recent developments and additional information.

According to the report the Health Insurance Act No. 903/2012, which came into force in 2013, provides that a father is entitled to a non-transferable paternity compensation for a maximum of 54 working days. The compensation must be used up before the child is two years old.

The report indicates that family leave consists of the mother's maternity allowance period (105 working days), a 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).

Since 1 March 2017, fathers responsible for childcare have been entitled to paternity and parental allowance even if the parents of the child are not married or living in a shared household.

The Committee notes from the report that under Legislative Amendment No. 1342/2016, which came into force on 1 April 2017, costs incurred by employers as a result of employees' family leave are compensated by a one-off payment of €2 500.

According to the report, a working group was appointed in 2015 by the Ministry of Social Affairs and Health to look into the provisions on parental leave with a view to improving equality between different family types. It has submitted proposals on legislative amendments to the parental leave system to the Government. However, according to the report, it has not been possible to reform family leave during the current reference period.

In autumn 2017 the Ministry of Health and Social Affairs ran a campaign *Isäaika* (co-financed by the European Commission), whose aim was to encourage fathers, especially those in manual occupations, to use family leave.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 27§2 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by Finland.

Protection against dismissal

In reply to the Committee's question, the report states that the protection against dismissal applies in connection with family leave in respect of children or other members of the immediate family (elderly parents) who require care.

The report points out that under Chapter 7, Section 9, of the Employment Contracts Act it is unlawful for an employer to terminate an employment contract on the ground of the employee's pregnancy or because the employee is exercising their right to family leave (i.e. maternity, paternity and parental leave, child care leave and partial and temporary child care leave). If an employer terminates the employment contract of a pregnant employee or of an employee who is on family leave, the dismissal is considered to be unlawful unless the employer can provide evidence that it was based on other valid grounds.

Effective remedies

In its previous conclusions (Conclusions 2007 and 2011) the Committee found that the situation in Finland was not in conformity with Article 27§3 of the Revised Charter on the ground that the relevant legislation did not provide possibilities for the reinstatement of workers unlawfully dismissed on grounds of their family responsibilities. The Committee refers to its conclusion under Article 8§2 of the Charter and considers that the situation is still not in conformity in this respect.

The Committee previously noted the remedies available for victims of unlawful dismissal, namely compensation under the Employment Contracts Act (three to 24 months' pay), the Anti-Discrimination Act (a maximum of €15 000) or the Act on Equality between Women and Men (unlimited amount of compensation). It asked if these various types of compensation were awarded by the same courts and how long it took on average for them to award compensation.

In reply, the report states that compensation under the Equality Act is [paid for non-pecuniary damage and] awarded by a district court (of first instance) in the judicial district where the employer's head office is located. Compensation under the Employment Contracts Act is awarded by a district court in the judicial district where the employer's head office is located or in the judicial district where the work was carried out if they differ. Breaches of collective agreements are heard by the labour court. Cases relating to discrimination at work, as defined in the Criminal Code (39/1889) are also heard by a district court. The Committee takes note of the limitation periods for various offences presented in the report.

As to processing times, the report states that they depend on the backlog in pending cases before the courts. According to a report by the Ministry of Justice on trends in the number of cases brought before various courts, the average time required for the hearing of a major dispute in 2016 was 12.3 months. Cases linked to employment relations, gender equality and non-discrimination were the second largest category.

Conclusion

The Committee concludes that the situation in Finland is not in conformity with Article 27§3 of the Charter on the ground that legislation makes no provision for the reinstatement of workers unlawfully dismissed on grounds of their family responsibilities.

Article 31 - Right to housing
Paragraph 1 - Adequate housing

The Committee takes note of the information contained in the report submitted by Finland.

Criteria for adequate housing

The Committee previously (Conclusions 2007, 2011) found that, as regards the criteria for adequate housing, the situation was in conformity with the Charter. It requested however some clarifications as regards overcrowded dwellings (as defined in Finnish legislation – i.e. dwellings with more than one person living per room, excluding the kitchen). In response, the report indicates that the share of households living in overcrowded dwellings was 8.3% (223 500 households) of all households (2 680 077) at the end of 2017. Although there is no case law on inadequate housing conditions due to overcrowding, the report indicates that 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.

Responsibility for adequate housing

In Finland, housing issues and legislation are dealt with by the Ministry of Environment and its Department of the Built Environment. 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 Committee previously noted (Conclusions 2007 and 2011) that social welfare legislation provides that social welfare authorities should improve housing and living conditions in municipalities, in co-operation with other authorities and in particular that municipal authorities are responsible as regards the respect of building and health standards, including the control of exposure to lead and asbestos (under the Health Protection Act 763/1994). The report does not indicate any changes to this situation, which the Committee previously found to be in conformity with the Charter (Conclusions 2007, 2011).

Legal protection

In its previous conclusions (Conclusions 2011) the Committee requested more detailed information on the procedural safeguards available, including any relevant case-law example, concerning access to adequate housing and considered that if no such information would be provided, there would be nothing to establish the conformity of the situation with Article 31§1 of the Charter. It takes note of the additional information provided in the report, which points out that any person wishing to contest a decision concerning state-subsidised housing can request its rectification to the authority who 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, complaints against the decision or the fact that the application was not processed within a due time limit can be addressed to the competent municipality, to the Parliamentary Ombudsman or the Chancellor of Justice. However, the report indicates that these remedies are only rarely used. According to the report published in 2018 by the European network of legal experts in gender equality and non-discrimination, 91 complaints on housing were addressed in 2016 to the non-discrimination Ombudsman (10.2% of all complaints).

The report explains that there is no waiting list, since applications for State-subsidised social rental housing are in force for a limited period and are processed according to priority criteria (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). The Committee takes note of the statistical data provided on applications for state-subsidised rental housing, as well as on the number of applications rejected, the number of appeals and decisions revised as a result

of the appeal. It asks the next report to provide information on the types of complaints on housing submitted to the non-discrimination Ombudsman and their follow-up.

Measures in favour of vulnerable groups

The report confirms that refugees and persons issued with a residence permit based on secondary protection or humanitarian protection are treated equally as permanent residents as regards access to housing (Act on the Application of Residence-based Social Security Legislation).

In response to the Committee's request of information on the effective access of the Roma to adequate housing, the report explains that, 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. However, there are no segregated, impoverished living areas predominantly inhabited by Roma, the amount of homeless Roma is relatively low and their situation is comparable to that of the main population in Finland as regards access to State-subsidised social rental housing. In this respect, the report explains that most of the unemployed or only short-term employed Roma rely on publicly supported social housing.

Conclusion

The Committee concludes that the situation in Finland is in conformity with Article 31§1 of the Charter.

Article 31 - Right to housing

Paragraph 2 - Reduction of homelessness

The Committee takes note of the information contained in the report submitted by Finland.

Preventing homelessness

In response to the Committee's request for information (Conclusions 2011) on the impact of the Programme on Reducing Long-term Homelessness (2008-2015), the report indicates that long-term homelessness has continued to decrease. In particular, between 2008 and 2015 it had decreased by 35% (1 345 persons) and at the end of 2017 there remained 7 112 homeless persons in Finland (less than 0.2% of the population). Out of these 7 112 persons, 6 615 lived alone and 497 had families; homeless persons were found in 113 municipalities, mainly in the greater Helsinki area. The majority of the homeless in relative terms (84%) and as an absolute figure (5 528) were living on a temporary basis with friends or family.

The Committee notes that an international evaluation was commissioned on the programme as a whole, which found Finland one of the best examples of implementing the "housing first" model (see below). In addition, the report indicates that a new Action Plan for Preventing Homelessness in Finland (2016-2019) was launched, which aims notably at making the service system more customer-oriented and preventive and achieving cost savings. By February 2018, a total of 38 separate projects had committed to the cooperation under the Action Plan. Furthermore, in 2017, a working group on inequality appointed by the Prime Minister proposed that more affordable housing be provided, and the goal was set at halving homelessness by 2023. Before that year, the number of the homeless should be reduced to less than 4 000, by increasing the proportion of rental housing out of the total housing production in urban sub regions as a rule and reducing segregation in housing.

In view of the foregoing, the Committee considers that Finland continues to be committed to tackling homelessness in compliance with Article 31§2 of the Charter. Noting that eliminating homelessness completely remains the actual goal of the ongoing programmes in the long term, it asks that the next report contain up-to-date information on further developments and results in this regard.

Forced eviction

The Committee refers to its previous conclusions (Conclusions 2007 and 2011) for a description of the rules governing the procedures of eviction, which it considered to be in conformity with Article 31§2 of the Charter. As regards Roma families, it refers to the information provided in respect of Article 31§1 and notes that, since Finnish law forbids the registration of anyone according to their ethnic origins, no statistical information is available concerning evictions of Roma families. However, the report indicates that the police have not reported cases of evictions.

The Committee considers that the legal protection available in case of evictions is in conformity with the requirements of Article 31§2 of the Charter. As the report does not contain however any updated information on the number of evictions carried out, the cases brought for lack of alternative accommodation offered or compensation awarded, the Committee reiterates its request for information on these points.

Right to shelter

The Committee understands from the report that the implementation of the "housing first" principle implies the provision of housing rather than temporary shelters, based on priority criteria which take into account the situation of the person needing accommodation. It also notes from the data provided that, in 2017, the homeless who were not temporarily sheltered by friends or family constituted slightly more than 1 500 persons, i.e. hardly 0.03% of the population. It nevertheless asks the next report to clarify whether emergency shelters also

exist (for example, pending the attribution of State-subsidised rental-housing) and, if so, whether they are available to anyone, regardless of residence status and including children unlawfully present on the territory; whether shelters satisfy security requirements (including in the immediate surroundings) and health and hygiene standards (in particular whether they are equipped with basic amenities such as access to water and heating and sufficient lighting) and whether the law prohibits eviction from shelters or emergency accommodation.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 31§2 of the Charter.

Article 31 - Right to housing
Paragraph 3 - Affordable housing

The Committee takes note of the information contained in the report submitted by Finland.

Social housing

The Committee previously noted that social housing in Finland corresponds to state-subsidised rented housing and considered that the housing policy complied with Article 31§3 of the Charter (Conclusions 2007, 2011). The authorities acknowledge in their report that certain areas (notably Helsinki and its region and other big towns) suffer from housing shortage, while other parts of the country might be in over-supply and confirm their commitment to support the production of social housing in order to increase the number of reasonably priced housing in largest city regions.

According to the report, the number of applications for state-subsidised rental housing increased during the reference period in all major cities and, although the offer of housing increased as well, the number of beneficiaries slightly decreased: at the end of 2017 there were 93 700 applications for state-subsidised rental housing (3.1% increase from previous year) and 64 400 applicants obtained a state-subsidised dwelling during the year (0.7% fewer than the year before). Nearly 62% of all applications concerned single households. The number of applicants aged less than 25 decreased by more than 3% between 2016 and 2017, and the number of immigrant applicants increased by 1%.

In response to the Committee's request for additional information on remedies against excessive length of the waiting period for state-subsidised rented housing, the report explains that applications are processed according to priority criteria (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). Therefore, no queuing applies but remedies are available to contest a decision concerning state-subsidised housing, including in case a decision is not taken within a due time limit (see also Conclusions 2019, Article 31§1). The Committee takes note of the data provided in the report concerning the appeals against decisions on housing allowance. In light of the information available, the Committee considers that the situation is in conformity with Article 31§3 on this point. It asks nevertheless the next report to present updated information on the number of applications for social housing introduced, granted and refused during the reference period.

Housing benefits

The report states that the purpose of housing benefits is to reduce the housing costs of low-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. This system was streamlined between 2015 and 2017, in particular by extending to students the general housing allowance on the same terms as other low-income beneficiaries, instead of the housing supplement which remains available as an exception in certain cases (for example, to students studying abroad). According to the report, this has increased the overall number of beneficiaries of the general housing allowance and the related expenditure, which increased from €742 million to €1 261 million between 2014 and 2017, while the increase in expenditure was more moderate in respect of the housing allowance for pensioners.

The report recalls that housing costs are also supported in the framework of social assistance: in 2017, 44% of the expenditure on basic social assistance was paid to cover actual housing costs, including household electricity and home insurance. The Committee notes from the report that a reform affecting housing benefits was planned out of the reference period and asks the next report to provide information on the measures adopted and their impact on housing benefits.

The Committee takes note of the data provided in the report, in response to its request, concerning the housing benefits requests rejected, the appeals lodged against such refusals and their outcomes. It asks the next report to provide updated data concerning the housing benefits, whether in the framework of the housing benefit system or in the framework of social assistance (number and categories of beneficiaries, number of housing benefits requests granted, refused, appealed, impact of benefits on affordability of housing). It considers in the meantime that the situation is in conformity with Article 31§3 on this point.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Finland is in conformity with Article 31§3 of the Charter.