



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Implementation of the International Covenant on Economic, Social and Cultural Rights

Consideration of the sixth periodic report of States parties  
due in 2010 under articles 16 and 17 of the Covenant

**Finland\***

[15 July 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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## **Implementation of the International Covenant on Economic, Social and Cultural Rights**

1. The sixth periodic report by the Government of Finland on the implementation of the International Covenant on Economic, Social and Cultural Rights covers the period from 1 June 2005 to 31 May 2010.

### **A. Principle subjects of concern, suggestions and recommendations of the Committee**

2. In addition to what is reported under relevant articles below, the following is noted with regard to the specific suggestions and recommendations made by the Committee on Economic, Social and Cultural Rights in its concluding observations (E/C.12/FIN/CO/5) of the consideration of Finland's fifth periodic report (E/C.12/FIN/5).

#### **Reply to the recommendations contained in paragraphs 11 and 20 of the concluding observations (E/C.12/FIN/CO/5)**

##### **Ownership and use of land in the Sámi Homeland**

###### *Rights of indigenous peoples to land and traditional livelihoods*

3. Finland has, for a long time, tried to settle the rights of the Sámi to the regions traditionally used by them in a manner acceptable to all parties, but without success. The objective has been to reach a balanced solution that would comply with Finland's international obligations and ensure that not only the Sámi but also other inhabitants can influence the way the use of the land on which they live is arranged.

4. The joint research group of the Universities of Oulu and Lapland, referred to in paragraph 75 of Finland's fifth periodic report, submitted its final report on land rights in Northern Lapland to the Minister of Justice in October 2006 (Publications of the Ministry of Justice 2006:8). This 1450-page academic report draws on a wealth of archived materials and consists of four independent research reports and their joined conclusions. The four reports contain a significant amount of information relating to the population, dwellings, sources of livelihood, national politics relating to the area, taxation and the use of water and land from the 16th century to early 20th century, and provide a useful view of the historical and legal circumstances in which the issues at hand have developed. The results of the studies did not provide explicit answers on the basis on which the Sámi land rights could be resolved.

5. The Finnish Government is committed to ensuring the right of the Sámi to maintain and develop their language and culture based on their self-government prescribed by the Constitution. There have been negotiations within the Government on a framework for further legislative work concerning the development of the indigenous rights of the Sámi. The aim has been to examine whether the proposals made in the course of the years may be used as a basis for administering state-owned land areas in the Sámi Homeland and for supporting traditional sources of Sámi livelihood, or whether a different approach is necessary. The complexity of the issue has had its influence on this work, too; the work has not yet been completed.

6. Despite the fact that no overall solution has been reached so far, this has not prevented improving, through legislation, the possibilities of the Sámi to influence decision-making in matters related to them as an indigenous people.

7. The Government has submitted to Parliament a proposal on a new Mining Act (HE 273/2009 vp) and a proposal on a new Water Act (HE 277/2009 vp). Both proposals include provisions aimed at an improved consideration of the Sámi as an indigenous people. In addition, the Government proposes that the Sámi Parliament be given a right to appeal, if the rights of the Sámi as an indigenous people were not adequately considered when making decisions pursuant to these acts. The proposals have been accepted by Parliament in March 2011.

8. As to logging and other private activities referred to by the Committee, an agreement concluded in 2009 by Metsähallitus (the enterprise administering land owned by the State), Greenpeace, and local reindeer owners' aims to end existing disputes on the protection of forests in Lapland. According to the agreement, eight extensive areas totaling 35,000 hectares will be protected from logging in Central Lapland. The agreement extends protection to just over 20,000 hectares, as parts of the included areas have already been excluded from logging activities by Metsähallitus. The reindeer owners held a central role in the negotiations of the agreement.

#### **Draft Nordic Sámi Convention**

9. An expert group drafting a Nordic treaty on the rights of the Sámi presented its report to the competent Ministers of Finland, Sweden and Norway as well as the Presidents of the Sámi Parliaments of these countries in November 2005. In the meeting of November 2008, they tasked a Nordic cooperative body of government officials on Sámi matters (Pohjoismainen saamelaisasian virkamieselin) to examine, during 2009, how, and on what basis, should negotiations on the draft treaty proceed. There is now a consensus between Norway, Sweden and Finland on starting negotiations on the Nordic Sámi Convention in 2011. In their annual joint meeting on 22 November 2010, the ministers responsible for the coordination of Sámi issues in Finland, Norway and Sweden and the Sámi Presidents in the three countries agreed on the principles concerning the delegations for the negotiations, the chairing of the meetings and the time frame for the negotiations. Each country will appoint a delegation of the maximum of six persons representing the national Government and the national Sámi Parliament. Sweden chaired the first meeting in March 2011. The aim is to complete the negotiations in five years.

10. Related to the developments described above, the Ministry of Justice established on January 8th, 2009, a working group to examine the relationship of the draft treaty with the Finnish constitution and other national legislation as well as to international human rights obligations binding on Finland. The working group presented its report to the Minister of Justice on November 30th, 2009 (Ministry of Justice, Working Group Report 2009:18).

11. According to the report, the draft treaty contains several proposed provisions that are compatible with Finnish laws. However, it also contains a number of proposed provisions that contradict either the Constitution or other relevant national laws. Some proposed provisions would expand Finland's existing international obligations.

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**Reply to the recommendations contained in paragraphs 13, 14, 22 and 28 of the concluding observations****Measures against discrimination***Measures against discrimination in general*

12. Finland is in the process of reforming its anti-discrimination legislation. A working group established to prepare the reform proposes (Ministry of Justice, Committee Report 2009:4) that, as a rule, discrimination should be prohibited in all sectors of the society, including employment, education and housing. The reformed laws would not apply to situations of a purely private nature.

13. The reform aims to ensure that different ways of discrimination are dealt with as similarly as possible, regardless of the basis of discrimination. The Act on Equality between Women and Men (610/1986), prohibiting discrimination on the basis of sex, and the Non-Discrimination Act (21/2004), prohibiting discrimination on other bases, would remain separate laws, but several measures have been undertaken to harmonize to the laws. The working group proposes that the Non-Discrimination Act would contain a provision on multi-based discrimination, which would improve the legal position of, for example, migrant women.

14. The reformed law would also include an obligation to take reasonable measures to ensure the abolition of barriers faced by the disabled in employment, education and the supply of goods and services. To neglect such measures would be punishable as discrimination. Authorities, schools and other providers of education as well as employers would be obligated to actively promote non-discrimination on any basis.

15. The reform would also improve the remedies available to those subjected to discrimination by expanding the scope of compensation for discrimination. The mandate of the Ombudsman for Minorities, currently exclusively monitoring realization of the prohibition of discrimination on the basis of ethnicity, would be extended to cover all types of discrimination. However, the Ombudsman for Equality would remain exclusively competent on matters related the equality between women and men. National Discrimination Tribunal of Finland, a judicial organ, would be competent to examine a wide range of discrimination-related cases. The decisions of the Tribunal are legally binding and they can be appealed.

16. The Ministry of Justice is preparing the reform of non-discrimination legislation on the basis of the report of the working group.

*Measures against discrimination of Roma in particular*

17. In December 2009, the Ministry of Social Affairs and Health published a working group report on a National Policy on Roma (Reports of the Ministry of Social Affairs and Health 2009:57, available in English online at [http://www.stm.fi/julkaisut/nayta/\\_julkaisu/1477342#en](http://www.stm.fi/julkaisut/nayta/_julkaisu/1477342#en)).

18. The Policy was prepared by a broad-based working group consisting of representatives of authorities (ministries and municipalities), research institutes and Roma people. Also five local hearings with Roma people were organized.

19. The vision of the programme is that by 2017 Finland will be a forerunner in Europe in promoting the equal treatment and inclusion of the Roma population. The starting point in the Policy on Roma is mainstreaming of Roma issues in present legislation and service system. Special measures are needed at all levels to reach the goal of inclusion and de facto equal treatment of the Roma. A principle in the policy is also to reinforce the Roma

population's active involvement. The role of the local authorities in promoting equal treatment is emphasized.

20. The Policy is a comprehensive and concrete programme which aims at sustainable improvements. The programme contains six key areas and 147 actions of different authorities and stakeholders. The key areas are Roma children and young people, training and employment, equal treatment and access to services, Romani language and culture, promoting equal treatment and eliminating discrimination and development of Roma policies and opportunities for participation.

21. See also paragraphs 332-334 below.

#### **Reply to the recommendations contained in paragraphs 14 and 23 of the concluding observations**

##### **Equal pay**

22. In Finland, the pay gap between women and men has remained almost unchanged for a long time. In the 1990s and in this century women's pay has been on average 80 per cent of men's pay.

23. A tripartite Equal Pay Programme has been drawn up in Finland to bridge the gender pay gap; it has been running since 2006. The Government and the social partners are represented in it. Its main aim is to bridge the gender pay gap to at least 15 per cent by the year 2015. At present women's average pay of men's pay is about 82 per cent, and the gap is thus 18 per cent.

24. The Equal Pay Programme covers a large range of factors that cause pay differences and comprises 30 comprehensive measures. Equal pay is promoted by pay and agreement policy and by developing the pay systems. The gender equality plans and pay surveys of workplaces are a vital instrument, as is also a more equal division of family responsibilities. The programme also aims to dismantle the traditional division of tasks by influencing the education and career choices and to support women's career development.

25. The programme organizes activities, carries out research and development projects and reports, increases knowledge about equal pay and enhances the debate on reducing the gender pay gap. The Government has supported the pay settlement of the municipal sector (2007–2010) by an increased central government transfer by which pay increases are directed at female-dominated branches in which wages and salaries do not correspond to the qualifications required by the work.

26. The pay gap has been reduced by about one per cent over five years. This is in line with the main objective, but progress has been to slow.

#### **Reply to the recommendations contained in paragraphs 16 and 25 of the concluding observations**

##### **The prevalence of violence**

27. On October 17th, 2008, the Ministry of Justice set up a working group to address the issue of the application of criminal law provisions on assault to instances of domestic violence and violence at work. The working group submitted its final report to the Minister of Justice on June 16th, 2009 (Ministry of Justice, Working Group Reports 2009:11).

28. The group proposes that certain types of instances of petty assault in a domestic setting would be reclassified as "standard" (unqualified) assault by modifying the scope of applicability of the provision on petty assault. The provision would no longer be applied in cases where the victim is under the age of 18, nor in cases where the victim is especially

dependent on the offender, or where the victim is or has been in a close relationship with the perpetrator and the victim has, due to prior conduct of the perpetrator, justifiable reason to believe his or her physical integrity is threatened, unless the crime, regardless of these circumstances, when assessed as a whole, is of a minor character. Consequently, an instance of domestic violence that would presently be punishable as petty assault could be considered as a "standard" assault when it meets the aforementioned conditions. As a result, these crimes would also be subject to public ex officio prosecution.

29. The National Research Institute of Legal Policy published in 2009 a paper titled *Domestic Violence in Finland* (NRILP Web Reports 12/2009). Its main findings included:

- A situation in which a woman is killed by her partner is the second most common type of homicide in Finland. One-fifth of homicides fall into this category.
- According to statistics on causes of death, the number of women and men killed by a spouse has remained largely static since 2000. Similarly, the number of minors killed by a parent has remained stable.
- Of all violence known to police, approximately 12 per cent is domestic violence (9 per cent against women and 3 per cent against men).
- According to the 2006 National Victim Survey by the Institute of Health and Welfare, 0.5 per cent of women and 0.2 per cent of men reported being a victim of physical abuse committed during the previous 12 months by a (co-habiting) spouse or permanent partner.
- According to National Victim Surveys, domestic violence against women has decreased slightly over the past 25 years; against men it has remained relatively static. Surveys of violence against women show a declining trend in spousal violence between 1997 and 2005.
- Domestic violence cases known to police have increased since 2000. This is largely due to an increased tendency to report crimes and to the attention paid by police to the phenomenon.
- Disciplinary violence directed at children has reduced radically from 1988 to 2008.

30. In February 2010, the Ministry of Social Affairs and Health published a review on shelters (*Reviews of the Ministry of Social Affairs and Health 2010:1*) with the goal of ensuring that shelters are operating across the country and that they have a permanent financial basis. The review proposes that shelter services are made statutory and that national guidelines are drawn up for the services.

31. The introduction of a multi-sectoral method of risk assessment is currently being prepared in Finland. The trial is carried out as pilot projects in three places during 2010. The method is used to assess the risk a victim of violence has for becoming a victim again. It is also used to adopt measures to reduce that risk.

32. The new Child Welfare Act (2007/417) entered into force from the beginning of 2008. One of its purposes is to enhance cooperation between authorities in the promotion of the wellbeing of children.

33. The working group established by the Ministry of Social Affairs and Health will give in spring 2010 recommendations for the prevention of corporal punishment of children.

34. The new internal security programme published by the Ministry of Interior in 2008 includes specific measures for the enhancement of prevention of female genital mutilation (FGM) and for the prevention of domestic violence against immigrant women. The

Ministry of Social Affairs and Health is preparing to initiate the drafting of a national action plan for the prevention of FGM in 2010.

35. In addition, see paragraphs 201-215 below. For statistics on violence against women, see table 1 in annex I.

**Reply to the recommendations contained in paragraphs 17 and 26 of the concluding observations**

**Poverty**

36. See paragraphs 223-229 and 112-138 below.

**Reply to the recommendations contained in paragraphs 18 and 27 of the concluding observations**

**Substance abuse and mental health**

37. See information provided under article 12, in particular paragraphs 305-310 and 319-323.

**Reply to the recommendations contained in paragraph 29 of the concluding observations**

**Children placed in institutions or foster homes**

38. The emphasis in the child welfare service system in Finland has long been on substitute care. The reform of the Child Welfare Act in 2008 aimed to shift the emphasis from substitute care to work in non-residential settings. Therefore the local authorities have been encouraged to allocate more resources to preventive child welfare, i.e. early identification of needs for support for children, young people and families in connection with primary services. The local authorities should also monitor systematically that sufficient resources are directed at child welfare, which takes place by means of a statutory welfare plan for children and young people. The law amendment also systematized the process of child welfare work, and as a result the work within non-residential services is assumed to be now more systematic and effective than before.

39. In 2008, the children and young people placed in care away from home numbered 16,608, which is 1.3 per cent of the child population in Finland. Among them 10,716 children or young people were taken into care or were subject to an urgent placement. From among children placed outside the home 33 per cent are placed in family care, 19 per cent in residential family homes, 34 per cent in residential care and 14 per cent in other care (e.g. taken into care and placed with their own parents).

40. There are no national statistics on the reasons for child welfare placements. It is however known that the reasons are often parents' substance abuse, mental health problems or problems with coping with everyday life. Children's or young persons' own behaviour, such as substance abuse and mental health problems, are often the reason for taking into care, in particular as regards young persons. We do not have national statistics on the ethnic background of the children and young people either. According to a study carried out in 2008 on taking into care against the child welfare client's own will (Reports by the Institute for Health and Welfare 46/2009), a relatively high proportion of these child welfare clients represent ethnic minorities. The figure for the whole of Finland is 11 per cent, while it can be as much as 33 per cent for greater cities.

41. In order to ensure the rehabilitation of the children, the local authorities must make sure that the child is taken into care at a sufficiently early stage. When a child is taken into



care and placed away from his or her home, the social worker responsible for the matter has to ensure that a specific client plan is drawn up for parents in support of parenting. Child welfare workers are obliged to work actively with the parents and aim at family reunification, if possible. This work is described and defined in the parents' client plan. The position of the parents of the children and young people placed outside the home remains strong despite the placement. The parents still have guardianship, even though the child welfare authorities will decide on matters concerning the children and young people together with the parents. The parents always take part in planning the placement as well as in defining the objectives and means of the placement.

### **Reply to the recommendations contained in paragraph 30 of the concluding observations**

#### **Establishment in of human rights bodies in accordance with the Paris Principles**

42. The Parliament has approved legislation that will establish, in connection with the Office of the Parliamentary Ombudsman, a national human rights institution responsible for general promotion and protection of human rights and constitutional rights in Finland in accordance with the Paris Principles. The new legislation will take effect on 1 January 2012

### **Reply to the recommendations contained in paragraph 32 of the concluding observations**

#### **Convention on the Rights of Persons with Disabilities**

43. Finland is committed to securing the equal status and full social inclusion of persons with disabilities. Finland has signed the Convention in March 2007. Most of our national legislation is already compliant with the Convention requirements. Currently Finland is preparing two necessary legislative amendments that concern the right to self-determination and the right of persons with disabilities to move from one municipality to another. We estimate that Finland can ratify the Convention in 2011 at the earliest.

44. The Ministry of Social Affairs and Health is preparing the following legislative amendments pertaining to the ratification of the Convention: Article 14 on liberty and security of persons of the Convention requires a revision of the provisions concerning the restrictions to the right of self-determination of dementia patients and persons in special care according to the Act on Special Care for Mentally Handicapped Persons (519/1977).

45. Moreover, article 18 (liberty of movement and nationality) and article 19 (living independently and being included in the community) of the Convention require amendments to the legislation on social and health services, i.e. the Social Welfare Act (710/1982) as well as to the restrictions in the Municipality of Residence Act (201/1994) regarding the freedom to choose one's municipality of residence. The amendments have entered into force on of 1 January 2011.

46. Article 33 of the Convention prescribes on the national implementation and follow-up of the Convention. At present there is no structure or system in place in Finland that performs for or could be assigned to perform these tasks. Therefore, the ratification of the Convention requires that such a structure or a system is established or that an existing authority is transformed into such a structure or system. In this context it is of particular importance that, as required by the Convention, the body is independent and that disability organizations can take part in the follow-up of the Convention.

47. A committee appointed by the Ministry of Justice submitted its report on revising the non-discrimination legislation in December 2009. The committee proposed that the office of the Ombudsman for Minorities would be transformed into an office of an

ombudsman for equality and that the new ombudsman would supervise the enforcement of the Non-Discrimination Act outside the working life for all discrimination grounds, including disability. According to the committee proposal, the ombudsman could act as the independent body referred to in article 33 of the Convention. The Ministry of Justice is currently preparing the reform further.

48. The reform of the Act on Services and Assistance for the Disabled (380/1987) and the Act on Special Care for Mentally Handicapped Persons has been continued with an amendment to first-mentioned act in September 2009. The responsibility to organize and finance interpreter services for persons with disabilities is transferred from municipalities to the Social Insurance Institution of Finland by virtue of the Act on Interpreter Services for Persons with Disabilities (133/2010) which will enter into force on 1 September 2010.

49. The rights of persons with disabilities is one of the international priority areas of the government report on human rights policy in Finland which was submitted to Parliament in autumn 2009 (Publications by the Ministry for Foreign Affairs 7/2009). According to the report, Finland continues to promote the Convention internationally by, for example, emphasizing in international fora the importance of the Convention and by supporting disability organizations' efforts to promote the Convention.

50. Although Finland is still to ratify the Convention, we have, however, already initiated the preparations for the Convention implementation. A proposition for a Government Programme on disability policy has been prepared 2009-2010 under the lead of the Ministry of Social Affairs and Health. The programme defines concrete disability policy measures to be adopted in our country in the next few years. The disability policy programme will implement the Convention. The programme measures will be ambitious and aim at developing all policy sectors from the perspective of the rights, freedoms and equal opportunities of persons with disabilities.

51. The core of the disability policy programme is the measures that ensure the following objectives: (1) the legislative amendments necessitated by the ratification of the Convention are prepared and implemented. (2) The socioeconomic status of persons with disabilities is improved and poverty is prevented. (3) The availability and high quality of special services and support measures are ensured across the country. (4) Accessibility in society is widely reinforced and increased. (5) Disability research is reinforced, the information base is improved, and versatile high-quality methods are developed in support of disability policy and monitoring.

52. After the necessary drafting period for the upcoming legislative amendments and the establishment of a structure or system for the national follow-up of the Convention implementation the Convention and its Optional Protocol can be ratified by Finland.

## **B. Information relating to articles of the Covenant**

### **Article 1**

#### **Åland**

53. An amendment of the Act on the Autonomy of Åland (1144/1991) has strengthened Åland's role in issues related to Finland's involvement in EU courts and in preparing Finland's responses in situations where the Commission claims Finland has breached its EU obligations.

## The Sámi

54. In Finland, the status of the Sámi as an indigenous people was recognized in the Constitution of Finland in the context of the fundamental rights reform in 1995. According to the Constitution (section 17, subsection 3) the Sámi, as an indigenous people, have the right to maintain and develop their own language and culture. Thus, the provision secures the collective right of the Sámi to maintain and develop their language and culture.

55. The Constitution (section 121, subsection 4) also guarantees the Sámi linguistic and cultural self-government within the Sámi Homeland Area (Sámi native regions), as provided by an Act. Provisions concerning the self-government are included in the Act on the Sámi Parliament (974/1995). For tasks relating to their linguistic and cultural self-government, the Sámi shall elect from among themselves a Sámi Parliament. Because of its autonomous nature, the Sámi Parliament is not a state authority or a part of state administration. As it is established by an Act, it is a juristic person of public law with an independent status in relation to state and municipal authorities. Even though it belongs to the purview of the Ministry of Justice, it does not work under the subordination of the Ministry.

56. The task of the Sámi Parliament is to look after the Sámi language and culture, as well as to take care of matters relating to the status of the Sámi as an indigenous people. In these matters, the Sámi Parliament may take initiatives and make proposals to the authorities, as well as issue statements. The Sámi Parliament shall furthermore use the powers prescribed in the Act or elsewhere in law and decide how the funds designated for the common use of the Sámi shall be allocated. In matters pertaining to its tasks, the Sámi Parliament exercises independently the right of decision by its own decision-making processes. In these matters the Sámi Parliament shall also represent the Sámi in national and international connections.

57. The most significant way for the Sámi to participate in societal decision-making processes lies on the statutory obligation set out in the Act on the Sámi Parliament to authorities to negotiate with the Sámi Parliament in various issues. According to the Act (Section 9) the domestic authorities shall negotiate with the Sámi Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sámi as an indigenous people and which concern matters in the Sámi Homeland as referred to in the Act. These matters are: community planning; the management, use, leasing and assignment of state lands, conservation areas and wilderness areas; applications for licenses to stake mine claims or file mining patents; legislative or administrative changes to the occupations belonging to the Sámi culture; the development of the teaching and use of the Sámi language in schools, as well as social and health services; and any other matters affecting the Sámi language and culture and the status of the Sámi as an indigenous people.

58. The obligation to negotiate applies to a wide range of issues. To fulfil its obligation to negotiate, the relevant authority shall provide the Sámi Parliament with the opportunity to be heard and to discuss the matters. The obligation to negotiate applies to all levels of administration, in other words, to local, regional and nationwide authorities. The obligation to negotiate is completed by a provision in the Finnish Parliament's Rules of Procedure. Matters for plenary sessions (government proposals, reports to be submitted to the Parliament etc.) shall be prepared in a Committee (Section 32). When a legislative proposal or another matter specifically involving the Sámi is being considered, the Committee shall reserve the representatives of the Sámi an opportunity to be heard, unless there are special reasons for the contrary. At this stage it is still possible to influence the subject matter of the proposal.

59. See also above, reply to the recommendations contained in paragraph 20 of the concluding observations: Ownership and use of land in the Sámi Homeland, above.

## **Article 2**

60. See paragraph 43 above.

61. The Parliamentary Ombudsman has emphasized the need to established new ways of fully realizing human rights in Finland. The Ombudsman has proposed, inter alia, the establishment of national compensation measures for violations of human rights and constitutional rights as well as the establishment of a national human rights strategy.

## **Article 3**

62. In Finland, all Government Bills must contain an assessment of the anticipated impact of the proposed legislation. In this context, impact means the real, practical consequences of the application of the legislation. Among the consequences to be assessed are the effects the proposed legislation on welfare and health as well as on non-discrimination and equality in Finland.

### **Action Plan for Gender Equality**

63. The Government Action Plan for Gender Equality for the years 2004-2007 (Publications by the Ministry of Social Affairs and Health 2005:1) was concluded 2007. The action plan coordinated the Government actions to promote equality between women and men, which included nearly a hundred separate measures. Progress was achieved in reaching many of the objectives, for example in increasing percentage of women in State-owned companies' boards of directors, yet challenges associated with gender equality promotion still exist and the efforts must continue.

64. After the parliamentary election in 2007, the elected Government stated clearly that the promotion of gender equality is the responsibility of the whole Government. The Government Resolution on the Government Action Plan for Gender Equality 2008–2011 ((Publications by the Ministry of Social Affairs and Health 2008:21) compiles and coordinates the measures for promoting the equality between women and men. The action plan comprises 27 measures, which aim at the realization of gender mainstreaming, bridging gender pay gaps, promoting women's careers, alleviating segregation, increasing gender awareness in schools, improving reconciliation of work and family life, reducing violence against women, reinforcing resources for gender equality work, and drawing up a Government report on gender equality.

65. The Government Action Plan for Gender Equality has set the goals to implement gender mainstreaming. Government decisions and measures should be evaluated to find out their impact on men and women. The gender perspective is included in the implementation of Government policy programmes. Each ministry takes the gender perspective into account when drafting legislation, drawing up the draft budget and implementing projects. An operational working group on gender equality will be set up in each ministry to ensure gender mainstreaming. The ministries provide training for their personnel on gender mainstreaming.

### **Amendments to the Equality Act**

66. The amended Act (government bill 153/2008) on Equality between Women and Men (609/1986, below the Equality Act) entered into force on 1 January 2009. The Act was

amended to comply with the requirements of the Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services (2004/113/EC). The Act was supplemented by a new section 8e in order to ensure that the prohibition on gender discrimination in the access to and supply of goods and services will be clearly covered by the sanctions and supervision under the Act, in the same way as the prohibition on discrimination in working life, educational institutions and interest organizations.

67. An effective implementation of the Directive at the national level required that the provisions on the compensatory sanction and prohibition on counter-measures in the Equality Act were extended to apply, in accordance with the scope of the Directive, to the providers of products and services. With the amended provisions, efficient sanctions can now be imposed on the providers of products or services making themselves guilty of discrimination under the Equality Act.

68. In the same context also section 10 of the Equality Act was amended to widen the scope of the employer's obligation to give a written report to a person who considers that he or she has been discriminated against in a situation relating to working life referred to in the Act, stating the reasons for the employer's conduct.

69. Another amendment to the Act entered into force on 15 June 2009 to modify provision on sexual and gender-based harassment and compensation to meet requirements under the Directive on gender equality (2006/54/EC).

70. In the same context the provision in section 11 concerning compensation was amended to correspond to the requirements of the Directive on gender equality, to the effect that the maximum amount of compensation regarding employee recruitment was restricted to apply to jobseekers who would not have been chosen for the job even if the recruitment would have been made on non-discriminatory grounds.

## **Article 6**

71. With regard to targeted employment programmes, it should be noted that in its Supplementary Budget for 2010, the Government allocated an additional EUR 77 million for the reduction of youth unemployment. As a consequence, some 15,000 young people will be employed, enrolled to a school or become entitled to measures aiming at improving their employment opportunities. Some 4,700 young people will be employed in the arts, physical education or youth outreach programmes.

72. As to information on work in the informal economy, see the 2005 study titled Household Production and Consumption in Finland 2001. Household Satellite Account, available in English at [http://www.ncrc.fi/files/4919/2006\\_household\\_satellite\\_account.pdf](http://www.ncrc.fi/files/4919/2006_household_satellite_account.pdf).

## **Article 7**

### **Minimum wages**

73. In Finland, terms of employment are determined by employment legislation, collective agreements and individual contracts of employment. There are no specific provisions in Finnish law on minimum wages, but the basis for determining it is included in the Employment Contracts Act (55/2001).

74. According to the Act, the minimum conditions of employment will largely be determined by collective agreements. An employer who is bound by a collective bargaining agreement, either by being a member of an association party to the agreement or by itself

being a direct party to it, is obliged to adhere to the agreement as the minimum terms of employment for its staff.

75. The majority of the Finnish workforce, more than 75 per cent, is covered by collective agreements on the basis that their employers are either members of an association party to such an agreement or themselves parties to as such an agreement.

76. Additionally, on the basis of the provision on the general applicability of collective agreements in the Employment Contracts Act, some collective agreements have been applied in the relevant industries as the minimum terms of employment for more than 30 years.

77. In essence, the system of general applicability of collective agreements is a system of minimum terms of employment, which is based not on a specific law on minimum wages, but rather on the collective bargaining mechanism. Employers which do not belong to any association are bound to abide by the terms and conditions of the collective agreement as determined in the Employment Contracts Act. In practice, the system ensures that in each industry the minimum level of wages, employment security, and occupational safety are the same regardless of whether the employer belongs to an employers association. Research shows that in 2004, 91.4 per cent of employees were covered by some collective agreement. In case where no collective agreement is applicable, the terms of employment are determined by the employment contract.

78. According to the Employment Contracts Act, if no collective agreement is applicable, and the employer and the employee have not agreed on the remuneration to be paid for the work, the employee shall be paid a reasonable, normal remuneration. An agreement on unreasonable remuneration can be mediated in accordance with the relevant provision of the Employment Contracts Act.

### **Overtime**

79. In Finland, overtime is allowed only on the basis of the consent of the employee, to be given separately for each instance of overtime. The employee may, however, also give his or her consent for a short set period if the nature of the work arrangements so requires. The maximum amount of overtime is 138 hours in a period of four months, but never more than 250 hours in any calendar year.

80. However, nationwide associations of employees and employers may agree differently on the time limits set out above. Such collective-agreement-based periods cannot exceed 12 months and the maximum amount of annual overtime must comply with the limits laid down above.

### **Family leave**

81. According to the Employment Contracts Act, an employee is entitled to be on leave from work during the period which he or she is entitled to receive maternity allowance, special maternity allowance, paternity allowance or parental allowance in accordance with the Health Insurance Act (1124/2004). An employee may, subject to the consent of the employer, work during the period she is entitled to maternity allowance, if the work does not endanger the safety of the foetus, the child, or the mother. However, no work is allowed during the two weeks prior to the estimated date of birth, nor for two weeks after giving birth. Both the employee and employer are entitled to discontinue at any time any work being undertaken during the maternity allowance period.

82. The employer and employee may agree on part-time work and the conditions thereof during a parental allowance period.

**Child care leave**

83. An employee is entitled to be on child care leave to take care of his or her child, or any other child permanently residing in his or her household, until the child reaches three years of age. However, the parent of an adopted child is entitled to child care leave until two years have passed since the adoption, however at most until the child starts school.

**Partial child care leave**

84. An employee who has been employed by the same employer for at least six months during the last 12 months is entitled to partial child care leave to take care of his or her child, or any other child permanently residing in his or her household, until the end of the child's second year in compulsory education. If the child is subject to prolonged compulsory education in accordance with Section 25, Subsection 2 of the Compulsory Education Act (628/1998), the employee is entitled to partial child care leave until the end of the third year of compulsory education. The parent of a child who is disabled or suffers from a long-term illness and is in need of special care is entitled to partial child care leave until the child reaches the age of 18.

**Temporary child care leave**

85. In case of sudden illness of an employee's child, or a child permanently residing in his or her household, until the child reaches 10 years of age, the employee is entitled to temporary child care leave in order to care for, or arrange the care of, the child, for a maximum of four work days at a time. A parent not living in the same household with the child has an equal right.

**Absence due to compelling family reasons**

86. An employee is entitled to be temporarily absent from work if his or her direct presence elsewhere is necessary due to an unforeseeable, compelling family reason related to an accident or illness.

**Reconciling work and family life**

87. The family policy of the Ministry of Social Affairs and Health places an emphasis on the reconciliation of work and family life in order to improve the opportunities for parents to spend more time with their children and to make it easier for women to go to work. The Ministry's developmental work seeks ways of improving the reconciliation of work and family life, whereby: (1) Legislation on working life takes more account of parenthood. (2) Financial benefits are in place to enable families to select the best form of care for their children. (3) Child day care services are reformed and diversified. (4) There is greater equality between mothers and fathers in caring for their children.

88. The services provided in Finland for families support parents and guardians to guarantee the wellbeing and upbringing of children, which include parental leave (for both women and men) and day-care services.

**Statistics on working conditions**

89. For statistical information, reference is made to the study Three Decades of Working Conditions. Findings of Finnish Quality Work Life Surveys 1977-2008, are available in English at [http://tilastokeskus.fi/tup/julkaisut/working\\_conditions.pdf](http://tilastokeskus.fi/tup/julkaisut/working_conditions.pdf).

### **Equal pay**

90. See above, reply to the recommendations contained in paragraph 23 of the concluding observations.

### **Sexual harassment at work - legislation**

91. In Finland, sexual harassment at the workplace is punishable under several provisions. Firstly, sexual harassment may fulfil the conditions for a sexual crime as defined in Chapter 20 of the Criminal Code (39/1889), including rape and aggravated rape as well as sexual abuse.

92. Section 28 of the Occupation Safety Act (738/2002) requires the employer to take measures against any sexual harassment at the work place. If the employer or his or her representative is the one guilty of harassment, the person in question is also guilty of a work safety offence as defined in Chapter 47, Section 1 of the Criminal Code.

93. Such conduct may also amount to sexual harassment as defined in the Equality Act. According to Section 7 of the Act, sexual harassment is defined as “verbal, non-verbal or physical undesirable conduct of a sexual nature, which by purpose or consequence violates the mental or physical integrity of someone, in particular by creating a threatening, hostile, demeaning, humiliating or distressing atmosphere”. The Act also contains a definition of harassment based on sex: according to Section 7, such harassment is defined as “undesirable conduct not of a sexual nature based on the sex of another which by purpose or consequence violates the mental or physical integrity of someone, in particular by creating a threatening, hostile, demeaning, humiliating or distressing atmosphere”. The provision containing the definitions has entered into force on June 15th, 2009.

94. Any conduct fulfilling the above definitions amounts to discrimination prohibited by the Equality Act. Such discrimination is punishable as work discrimination under Chapter 47, Section 3 of the Criminal Code. According to Section 8 d of the Equality Act, any employer which fails to take available measures to end any sexual or sex-based harassment of which it is aware is himself guilty of discrimination prohibited by the Act.

95. Consequently, sexual harassment at the workplace is punishable both under the provision on sexual crimes in Chapter 20 of the Criminal Code and the provision on employment offences in Chapter 47. The maximum punishment for rape, as defined in Chapter 20, Section 1 is six years’ imprisonment, and for aggravated rape, as defined in Section 2, is ten years. The scale of punishment for these crimes does not include the possibility of a fine. The punishment of sexual abuse, as defined in Chapter 20, Section 5, is a fine or a maximum of four years’ imprisonment.

96. The punishment for work safety offence, as defined in Chapter 47, Section 1 of the Criminal Code is a fine or a maximum of a year’s imprisonment, while the punishment for work discrimination, as defined in Section 3, is a fine or a maximum of six months’ imprisonment. The victim may demand damages. Anyone subjected to discrimination prohibited by the Act on Equality between Women and Men may also demand compensation from his or her employer or other persons as defined in the Act.

### **Safety and health conditions at the workplace**

97. In 2006, Finland enacted the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (701/2006). The objective of that Act is to secure compliance with occupational safety and health provisions and to improve the work environment and working conditions by means of enforcement carried out by occupational safety and health authorities and cooperation between employers and employees.



## Article 8

### Conditions on and restrictions related to trade unions

98. Section 13 of the Finnish Constitution provides for freedom of assembly and association. According to the provision, everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them. Everyone is also guaranteed freedom association, which entails the right to form an association without a permit, to be a member or not to be a member of an association and to participate in the activities of an association. The freedom to form trade unions and to organize in order to look after other interests is likewise guaranteed by the Constitution. More detailed provisions on the exercise of these freedoms are laid down by the Associations Act (503/1989).

99. Chapter 13, Section 1 of the Employment Contracts Act provides that neither employers nor employees may prevent each other from belonging to or joining trade associations or being active in one. Any agreement providing otherwise is void. According to the Posted Workers Act (1146/1999), the same applies to employees posted in Finland.

100. There are no specific provisions on the right of civil servants to form trade unions; instead, the standard rules are applied. Section 16 of the State Civil Servants Act (750/1994) contains the single restriction on the freedom of professional association of civil servants. It provides that a civil servant whose duties include representing the State as an employer may not hold in a civil servants' union a position which would conflict with the said duty.

### Collective bargaining mechanisms

101. The basic principles relating to collective bargaining in Finland are laid down in the Collective Agreements Act (436/1946) and the State Civil Servants Collective Agreements Act (664/1970). Collective agreements, both in the private and public sectors, serve to important purposes: firstly, they guarantee the minimum level on the terms of employment for the employees, and secondly, while in force, they prohibit the parties to take industrial action against each other.

102. Disputes related to collective agreements are within the jurisdiction of the Labour Court as established in the Labour Court Act (646/1974). The Act on Mediation in Labour Disputes (420/1962) establishes a mechanism for the prevention of industrial action.

### Right to strike

103. The right to industrial action, including the right strike, is protected as a derivative right from the freedom of professional association as enshrined in Section 13, Subsection 2 of the Constitution. The protection of the freedom of professional association and the consequent right to industrial action guarantee that the use of these rights may have no negative effects on the person exercising the right.

104. The Collective Agreements Act provides for a prohibition of industrial action while a collective agreement is in force. According to the Act, a strike is illegal if it is directed at a provision in a collective agreement in force or at the collective agreement in its entirety and it is executed by an entity which is bound by the collective agreement. The Act does not prohibit industrial action taken for political purposes or for the purpose of supporting other industrial action, as long as the action is not intended to have effects on the collective agreement of the party taking the action and on the condition that the supported action is not in itself illegal.

105. The Act on Mediation in Labour Disputes contains provisions not only on the functions of the national conciliator but also on the obligations of anyone planning a strike. A strike is illegal if it has been executed without complying with the obligation to give notice as provided by the Act.

106. Section 2 of the State Civil Servants Collective Agreements Act contains an exhaustive list of purposes for which State civil servants may legally take industrial action; consequently, civil servants are prohibited from, inter alia, taking industrial action for political purposes. Section 8 of the Act provides that the only legal means of industrial action directed against an existing service relationship are lockout and strike. The right to industrial action of civil servants whose duties include representing the State as an employer, as defined in Section 2, Subsection 4 of the State Civil Servants Collective Agreements Act and listed in detail in Section 10 of the State Civil Servants Collective Agreements decree, has been restricted.

107. Section 8 of the Act on Mediation in Labour Disputes contains a provision on the temporary prohibition of the execution and expansion of industrial action. If a labour dispute is intended to give rise to a work stoppage or the extension of the same that is considered, in the light of its scope or the nature of the sector involved, to affect essential functions of society or to prejudice the general interest to a considerable extent, the Ministry of Employment and the Economy may, at the proposal of the conciliator or conciliation board involved, and with the object of reserving sufficient time for mediation, prohibit the projected stoppage or its extension or commencement for a maximum of fourteen days from the announced date of its commencement.

108. In the case of a dispute over the terms of employment of civil servants, the Ministry may, for special reasons, at the proposal of the conciliator or conciliation board involved, extend its prohibition of the work stoppage for an additional seven days.

## **Article 9**

109. As to information of the general structure of social security in Finland, reference is made to the previous periodic report. For additional information, see the report Characteristics of the Social Security System in Finland (2007), available in English at [http://www.stm.fi/c/document\\_library/get\\_file?folderId=39503&name=DLFE-6714.pdf](http://www.stm.fi/c/document_library/get_file?folderId=39503&name=DLFE-6714.pdf).

Up-to-date details on eligibility, personal scope and benefit levels can be found in the Missoc tables at [http://ec.europa.eu/employment\\_social/missoc/db/public/compareTables.do?lang=en](http://ec.europa.eu/employment_social/missoc/db/public/compareTables.do?lang=en).

### **ILO Conventions ratified by Finland**

110. Finland has ratified all the ILO Conventions mentioned in the general guidelines. The latest periodic reports have been submitted as follows: Conventions No. 121(1980) concerning Employment Injury Benefit), latest report submitted in 1999; No. 128 (1967) concerning Invalidity, Old-Age and Survivors' Benefits,, latest report submitted in 2001; No. 130 (1969) concerning Medical Care and Sickness Benefits,, latest report submitted in 1998; and No. 168 (1988) concerning Employment Promotion and Protection against Unemployment, latest report submitted in 1998.

### **Old-age benefits**

111. An overall reform of the earnings-related pension scheme has entered into force from the beginning of 2005. The main purpose of the reform was to postpone retirement and to adjust the pension scheme to the increased average life expectancy.

112. A key aspect of the reform was a change in the way in which pensions are calculated. From 2005, the amount of pension has been calculated in accordance with a so-called career model, where the amount is affected by the income of each year at work and by a certain accrual rate based on age. The amount of pension also accrues during periods spent outside working life for which an earnings-based benefit is paid, such as sickness insurance, special medical care benefit, maternity benefit, special maternity benefit, paternity benefit and family benefit, compensations for losses of income under the traffic and accident insurance legislation, job alternation leave, rehabilitation benefit, study leave and earnings-related unemployment benefit. Due to the reform, pension further accrues during leaves taken for the purpose of child care or studies leading to a degree, in which cases the basis of accrual is a monthly income of 644.56 euro (in 2010).

113. The accrual of pension starts at the age of 18 years (down from 23 years) and the accrual rate increases with age from an initial annual rate of 1.5 per cent to 1.9 per cent at 53 years and to 4.5 per cent for the those aged 63 to 68 years. Thus, those persons who stay at work for the longest time benefit from the highest percentage.

114. There were also changes to the age limits for old-age pension: timing of old-age pension was made more flexible as the employee may choose to retire between the ages of 63 and 68 years.

115. Furthermore, the indexes used in the scheme have changed: as of 2005, pensions are tied to an index combining the income level index and consumer price index on an 80-20 basis, a change from the earlier 50-50 ratio.

116. A further reform in 2007 unified three private sector pension acts for employees into one Employees Pensions Act (395/2006). Moreover, new Self-Employed Person's Pensions Act (1272/2006) and State's Employees Pensions Act (1295/2006) entered into force on 1 January 2007.

117. In January 2010, the earnings-related pensions scheme was amended with the effect that benefits of people who have become disabled at a young age were increased.

118. With regard to the national pension scheme, a new National Pensions Act (568/2007) entered into force in January 2008. The new legislation was part of the overall reform aimed at modernizing and clarifying legislation on income security. Since then, the municipality of residence of the applicant no longer affects the amount of national pension or surviving spouse's pension. In effect, this increased the amount paid to recipients of a national pension who live in the second cost-of-living category of municipalities. After the reform, full national pension can also be paid to people in institutional care.

119. The standard of full national pension has been raised in the past five years three times in 2005 (by 7 euro/month), in 2006 (by 5 euro/month) and in 2008 (by 21 euro/month). No other significant structural changes have taken place in the national pension system during the period of time covered by the present report.

120. In 2008, there were 1,005,300 persons entitled to old-age pension. The total number of pensioners in 2008 was 1,414,200. Of these, 1,262,600 had their habitual residence in Finland, which is 23.5 per cent of the entire population. For figures on average overall pension by age of recipients, see table 2 in annex I.

#### **Disability benefits**

121. The overall reform of the earnings-related pension scheme has had an influence on disability pensions as well. The most important changes have been presented above.

122. Regarding disability pensions of over 60-year-old applicants, the criteria of the evaluation of the applicant's ability to work was amended to give increased consideration to

the applicant's ability to work in his or her own chosen profession. In addition, the disability pension was increased by a lump sum as of the fifth calendar year of pension.

123. In 2009 a new law has been enacted to encourage people receiving disability pension to return to work (738/2009). If a person's income exceeds the legal limit of eligibility for disability pension, the applicant may relinquish the pension for a period of up to two years, and during that time reclaim the pension without a re-evaluation of his ability to work should his income again decrease below the limit. The act is temporary and it is in force from January 2010 to the end of December 2013.

124. Otherwise, the structure of disability benefits has not changed during the period of time covered by the present report. In 2008, disability pension was paid to 272,900 persons and the average amount of disability pension was 965 euro/month. For the number of beneficiaries of disability pension living in Finland by age, see table 3 in annex I.

#### **Survivor's benefits**

125. In respect of the effects of the overall reform of the earnings-related pension scheme on survivor's benefits, reference is made to what is stated above. In other respects the structure of survivor's benefits has not changed significantly during the period of time covered by the present report.

126. In 2008, surviving spouse's pension was paid to 263,512 persons and surviving child's pension to 23,893 persons. The average amount of surviving spouse's pension was 487 euro/month and the average amount of surviving child's pension 302 euro/month.

#### **Employment injury benefits**

127. The insurance scheme for employment injury was amended in 2005 to enable increased use of private health institutions in cases in which this would shorten waiting periods and hasten the patient's return to work.

128. In 2007, 140,746 accidents occurred at work, of which 118,002 happened in the workplace and 18,441 in the way from home to work or vice versa. In addition, compensation for occupational disease was paid 5,062 times.

#### **Unemployment benefits**

129. As of 2010, a jobseeker has been entitled to earnings-related unemployment benefits if the applicant has worked for 34 weeks during the past 28 months (down from the earlier requirement of 43 weeks). Entrepreneurs' employment requirement has also been reduced to 18 months within 48 months, and a prior 36 month duration limit for adjusted unemployment benefit has been removed.

130. Unemployment funds were given a possibility to pay up to two months' unemployment benefits in advance before making the final decision on the applicant's right to the benefit.

131. The levels of unemployment benefit and labour market subsidy have been raised during the reporting period. In 2010, the full amount of labour market subsidy or unemployment benefit is 25.63 euro per day. The level of earnings-related part of the benefit has also been raised. For the number of persons entitled to unemployment benefits between 2005 and 2009, see table 4 in annex I.

132. As of 2010, unemployed jobseekers can take part in outside training for a maximum of 24 months while receiving unemployment benefits. The 65 day waiting period and 10 year work experience requirement were abolished.

133. The criteria for eligibility in the change security scheme - a procedure consisting of paid leave for seeking a new job, an employment programme and higher than normal unemployment benefits – have been loosened, as have been the criteria for an entrepreneur's family member to qualify for unemployment benefits.

#### **Sickness and maternity cash benefits**

134. The minimum level of sickness benefit, maternity and paternity allowances, parental allowance, special care allowance and rehabilitation allowance was raised in 2009 from 15.20 € to 22.04 € per day.. These benefits as well as child benefit, child home care allowance and private day care allowance will be tied to the national pension index, which, in turn, follows the cost-of-living index.

135. Payment of maternity allowance starts no later than 30 weekdays before the expected date of delivery, and ceases after it has been paid for 105 weekdays. Immediately after this, parental allowance is paid for a maximum of 158 weekdays, which may be divided between the mother and the father. If the period of maternity allowance has started earlier than 30 weekdays before the expected date of delivery, because of the premature birth of the child, the period of parental allowance will be lengthened with the equivalent number of days. In case of multiple births, the period of parental allowance is lengthened with 60 days for the second child, 120 weekdays for the third etc.

136. A father living in the same household as the mother is eligible for paternity allowance if he is not working. During the period of maternity and parental allowance the paternity allowance is paid for a maximum of 18 weekdays, with an additional 24 days offered to fathers who use the final 12 days (or more) of the parental allowance period (instead of the mother),

#### **Financing of social security schemes**

137. The financing of social security schemes is generally the joint responsibility of employers, employees, the insured and the state. Each party contributes to the payments and their level in accordance with the system of benefits in question.

138. The benefits paid by the Social Insurance Institution of Finland are mainly financed with tax income. The costs of sickness insurance are partly covered by the contributions of the insured and employers.

139. National pensions are financed with the contributions of employers and the state's guarantee deposit. Sickness insurance is financed with employers' contributions and with contributions of employees based on a certain percentage of their taxable income. In 2006, the sickness insurance scheme was divided into two parts: medical care and security of income. The financing of security of income is the responsibility of employers, employees, private enterprisers and the state. The state will cover the sickness and parental benefits and rehabilitation benefit up to a certain amount. The costs of medical care insurance are financed partly with the sickness insurance contributions of the insured and partly with the state budget funding..

140. For figures on social security contributions in 2005- 2010, see table 5 in annex I.

#### **Changes in social security**

141. A new form of supplement to pension, the guarantee pension, will be introduced in March 2011. Guarantee pension will in effect be an increase in the absolute minimum pension in Finland, from roughly EUR 500 per month to EUR 685 per month. Special immigrant's benefit will be abolished and replaced by the guarantee pension system.

142. An overall reform of the employment injury insurance scheme is also being prepared.

## **Article 10**

### **Right to marriage**

143. According to the Marriage Act (234/1929), a man and a woman may marry each other, and according to the Act on Registered Partnerships (950/2001), two people of the same sex may register their relationship. Neither marriage nor the registration of a partnership is possible for minors, people who are closely related, an adoptive child and his or her adoptive parent, or for people already married or in a registered partnership. A wedding ceremony or the process of registering a partnership shall not be conducted if the officiator is aware that one of the parties cannot understand the significance of the process due to his or her disturbed state of mind.

### **Child care and youth outreach**

144. Every child under school age has the right to municipal day care once the parental allowance period of the mother or father ends, regardless of the income level of the parents or whether the parents are employed. In Finland, day care combines good quality care and early education. Known as the “educare” model, this approach incorporates educational features in care and, correspondingly, elements of care in teaching. This system emerged from the need to provide full-day care when both parents are at work, and it covers all children from 0 to 6 years.

145. The municipality must offer day care in the child’s mother tongue if it is one of the official languages of Finland, i.e. Finnish, Swedish or Sámi. Day care personnel also support development of the language and culture of Roma and immigrant children.

146. Municipalities arrange day care at day care centres and through supervised family day care at a child minder’s home or in the form of group family day care. Many municipalities also arrange supervised play activity open to all at playgrounds and so-called ‘open’ day care centres.

147. The staff-child ratio in day care is regulated by legislation, and so are the qualifications required of the staff. Most of the children in day care are in full-day care, but part-time care is also provided. Municipal authorities also operate 24-hour day care for the children of parents who do shift work. Children in day care are given adequate and healthy meals during the day.

148. The client fees are also regulated by law. Municipalities charge a fee for day care on a percentage basis, according to the size and income of the family. In May 2010, the maximum fee was at EUR 233 per month for the first child, a maximum of EUR 210 per month for the second child and a maximum of EUR 46.6 per month for each subsequent child. In August 2010, the maximum fee was increased to 254 €. The lowest-income families are wholly exempt from these fees. Client fees cover about 14 per cent of the overall costs of day care.

149. Families are entitled to free pre-school education for one year before their children start school. Municipal authorities are required by law to organize 700 hours of pre-school teaching per child per year. Although attending pre-school is voluntary, some 97 per cent of six-year-old children attend pre-school, and some 67 per cent also need day care (2008).

150. In Finland, municipalities are responsible for carrying out youth outreach policies. A major part of youth outreach programmes is targeted at directly or indirectly preventing the

exclusion of young people. In many cases, such policies are carried out in the form of multi-professional co-operation.

151. In early 2010, the Government submitted a bill to the Parliament on amending and supplementing the Youth Act (72/2006) of 2006. The bill proposes to include in the Act provisions on a multidisciplinary cooperation network of local authorities and measures to support young people who find themselves excluded from the employment market and education opportunities and in need of support to be able to rely on public services (often referred to as *etsivä nuorisotyö*) and on related transfer of information. The aim is to improve access of young people to the services they need and to provide increased early support.

152. The Youth Act also includes provision on the Finnish Government's Child and Youth Policy Programme. The current Programme covers the years from 2007 to 2011 and focuses on early intervention measures and support for special groups (Publications of the Ministry of Education 2008:21, available in English at <http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2008/liitteet/opm21.pdf?lang=fi>).

153. The Ministry of Education and Culture provides municipalities with financial resources to general youth outreach, but also to specific programmes aiming at improving the lives young immigrants.

#### **Older persons and persons with disabilities**

154. Municipalities are primarily responsible for the organizing and financing of public social and health care services for older people and people with disabilities. The municipality provides services on the basis of an individual service needs assessment. The social services that municipalities must produce are determined by law.

155. Municipalities have taxing rights, and the state participates by paying a general (not earmarked) subsidy to the municipalities. Government subsidies are paid according to principles reflecting the factors influencing the cost of the service provision. In addition, municipalities may receive separate state funding for organizing social and health care projects that support the development of services. The municipalities finance their social and health services out of state subsidies (about 34 per cent), municipal tax revenues (about 59 per cent) and client fees (about 7 per cent). During the last few years the share of state subsidies has increased by a couple of percentage points and the share of municipalities has decreased. The share of client fees has decreased somewhat, as well.

156. Client fees for social and health services are determined by law. An exception is the payments for service housing for older people. National guidelines for these payments are being prepared. The index adjustments to be made to the flat-rate fees for health services and some social services at two years' intervals were defined in the law in 2008.

157. Some services for people with disabilities are free of charge (e.g. personal assistance, housing services, interpretation services). According to the law, client fees may be decreased or left uncollected on the basis of the client's maintenance liability or for reasons related to income or welfare. For the share of client fees of financing of services in 2008, see table 6 in annex I.

#### **Services for people with disabilities**

158. The Government issued its Disability Policy Report in 2006 (Publications of the Ministry for Social Affairs and Health 2006:9). Among its key principles are that people with disabilities are entitled to equal treatment and social inclusion as well as to necessary services and support. General public services are planned in order to suit everyone. If this is not enough, special services are arranged. The goal is that also people with severe

disabilities should be able to live in the same residential settings as others and obtain the services they need in the form of individual assistance in their homes.

159. People with severe disabilities are entitled to e.g. transportation services for work, study, running errands, social participation and recreation; renovations made to their home and for devices installed in the home, as well as for the costs of acquiring devices and equipment; and personal assistance. People with severe hearing, hearing and sight, and speech disabilities are entitled to receive free interpretation services. Adaptation training helps people with disabilities adjust to and live with their disability. People with disabilities are provided with housing services.

#### **Interpretation services for persons with disabilities**

160. Interpretation services were reformed by a law amendment that took effect on 1 January 2007 which increased the minimum amount of interpreter services for people with hearing or visual impairment from 180 to 360 hours per calendar year, and for other persons with severe disabilities who are covered by interpreter services from 120 to 180 hours per calendar year.

161. A government bill on interpretation services for deaf-blind, people hard of hearing, and persons with a speech disorder entered into force on 1 September 2010. The responsibility for organizing and financing the interpretation services transferred from the municipalities to the Social Insurance Institution. In effect, this means that the State has taken full responsibility for financing these services.

162. In 2009 the total number of people with disabilities receiving interpretation services was 4 088 people during the year (76.4 clients per 100,000 inhabitants).

#### **Day activities for people with severe disabilities**

163. As of 1 January 2007, the Services and Assistance for the Disabled Act was amended to include provisions on day activities for people with disabilities. These activities organized outside the client's home support independent living and promote social interaction. Day activities are provided for people with the most severe disabilities who cannot manage work. The purpose is to help maintain the persons' functional capacity and promote independent living, as well as to support other family members. At the end of 2009 a total of 15,231 persons took part in the day activities for people with intellectual disabilities (there are no separate statistics on the clients of day activities).

#### **Personal assistance for people with severe disabilities**

164. Provisions on personal assistance for people with severe disabilities were added to existing legislation by an act (981/2008) which entered into force on 1 September 2009.

165. As of then, persons with severe disabilities who are in need of necessary and repeated assistance in their everyday life activities at home or outside the home are entitled to personal assistance. According to the law, personal assistance is a social service free of charge for persons with severe disabilities that the municipal authorities are responsible for providing. A municipality cannot refuse to provide a service referring to appropriations if the applicant fulfils the criteria under the law for access to the service. Personal assistance is thus a new subjective right for persons with severe disabilities.

166. In 2009 the total number of people with disabilities receiving personal assistance was 6 598 clients (123.3 clients per 100,000 inhabitants) during the year. The corresponding figure for the year 2007 was 5 034 (95.0 clients per 100,000 inhabitants).



**Government Resolution on a programme to organize housing and related services for people with intellectual disabilities**

167. There are approximately 35,000–40,000 persons with intellectual disabilities in Finland, and a great number of them are in need of individual assistance and support in their housing. Several projects have been carried out to develop individual housing solutions for them. The number of people living in institutions has been reduced at the same time as the volume of housing services has increased considerably. Almost 10 percent of persons with intellectual disabilities are still living in institutions. In 2009 about 2000 people were in long-term care and about 400 in short-term rehabilitative care in special care institutions for people with intellectual disabilities. Approximately 13,000 people with intellectual disabilities are living with their relatives; half of them are grown-ups. Most of them are in need of independent housing arrangements.

168. In January 2010, the Government issued a Resolution on a programme to organize housing and related services for people with intellectual disabilities in 2010–2015 (Government Resolution of 21 January 2010). The purpose of the programme is to support individual arrangements in providing housing and at the same time to reduce the capacity in the special care institutions.

**Services for older people**

169. During the monitoring period every fourth person over 75 years has used regular public social services. Social and health services for older people are provided as a part of the general services directed at the whole population.

170. Home service and home nursing care provide assistance to older people in need of help at home due to diminished functional capacity or illness. In many municipalities these are combined as home care, which is supplemented by support services. Other central services for older people are informal care support, housing services and institutional care.

**Informal care support**

171. The Act on Informal Care Support (937/2005) entered into force on 1 January 2006. Informal care support is an arrangement provided by municipalities in order to ensure care for an older, disabled or ill person in a home setting by a family member or other person with a close relationship to the person cared for. Two thirds of the recipients of informal care support are carers of older people.

172. According to the law, the municipality can grant support for informal care if: a person needs care or other kind of caring at home because of reduced capacity, illness, disablement or similar reason; a family member or other person close to the care recipient is prepared to take charge of caring; the health and the capability of the carer meet the requirements; informal care and other necessary social and health care services are sufficient from the viewpoint of health, wellbeing and safety of the care recipient; the settings at home (of care recipient) are suitable for caring; and the support is estimated to be in the interests of the care recipient.

173. The support consists of services needed by the person cared for; a fee for the carer; three days off in a month granted to the carer provided that the care demands a lot of time; and services that support informal care. The minimum amount of the fee is EUR 347.41 a month (2010), which is taxable but not income-tested. The amount of the fee is index-adjusted every calendar year.

174. The only provision regarding older people in social welfare legislation is the provision on access to a needs-assessment regarding social welfare services added to the Social Welfare Act on 1 March 2006. In non-urgent cases people over 75 get access to a

service needs assessment with their local municipal authority within seven workdays. In urgent cases the need has always to be assessed without delay. The purpose of the reform has been to harmonize the procedures used by different municipalities.

#### **National framework for high-quality care and services for older people**

175. The Ministry of Social Affairs and Health and the Association of Finnish Local and Regional Authorities first issued a national framework for high-quality care and services for older people in 2001. A new Framework setting out new national objectives was issued in February 2008 (Publications by the Ministry for Social Affairs and Health 2008:5, available in English at [http://www.stm.fi/julkaisut/nayta/\\_julkaisu/1063089#en](http://www.stm.fi/julkaisut/nayta/_julkaisu/1063089#en)). It contains strategic lines for improving quality and efficacy in services for older people in three sub-areas: welfare and health promotion and the service structure; personnel and management; and residential and care environments.

176. The objective of Finnish ageing policy is that as many older people as possible could live in their normal living environment. More specifically, the nationwide aim is that by 2012 among people aged 75 years 91-92 per cent will live at home independently or under the protection of appropriate social and health services granted on the basis of a comprehensive service needs assessment; 13-14 per cent receive regular home care; 5-6 per cent receive informal care support; 5-6 per cent come within the sphere of intensified service accommodation; and 3 per cent are cared for in homes for elderly people or in health centre wards on a long-term basis

177. At the end of 2008, 89.4 per cent of over 75s were living at home (see table 7 in annex I). The calculation excludes all those in long-term hospital care, old people's residential homes and housing with 24-hour assistance.

#### **Development of the legislation regarding services for older people**

178. The Ministry of Social Affairs and Health set up in May 2009 a working group to reform social welfare legislation. One of its tasks is to determine the basic principles needed for developing services for older people and to put forward proposals for the content and form of a new law.

#### **Advice and service network for promoting the wellbeing and health of older people**

179. The Ministry of Social Affairs and Health set up on March 2008 a Working Group to draft proposals for developing the structures of services and the content of activities promoting the wellbeing and health of older people. The Working Group has also discussed possible needs for amending the relevant legislation.

180. According to the Working Group's report (Reports of the Ministry of Social Affairs and Health 2009:24), different types of advice services for older people were provided in about every fourth municipality and so called preventive home visits in about two out of three municipalities.

181. The Working Group presented altogether 18 proposals. They concern the provision and funding of activities to promote older people's wellbeing and health, organizing, targeting and content of the advice services and home visits promoting wellbeing, and developing the related skills and knowledge. Proposals are also put forward for reinforcing the knowledge basis regarding the wellbeing and health of older people, and for monitoring and assessing the relevant activities.

#### **Protection of children and young people**

182. Section 2 of the Young Workers' Act (998/1993) provides that a person may be admitted to work if he has reached the age of 15 and is not liable to compulsory school

attendance. Furthermore, a person may be admitted to work if he has reached the age of 14 years if the work in question consists of light work that is not hazardous to his health or development and does not hinder school attendance, for at most half of the school holidays, and during schoolwork temporarily or for individual work performances of a short duration.

183. Violating work safety regulations, causing a defect or fault that is contrary to work safety regulations and making possible the continuation of a situation contrary to work safety regulation is punishable as a work safety offence under Chapter 47, Section 1 of the Criminal Code. Violating provisions on working hours enacted to protect young people is punishable as a working hours offence under Section 2 of the same Chapter.

184. Any employer or representative of the employer that deliberately or out of carelessness contravenes the provisions of the Young Workers' Act or of a decree passed by virtue of it in a manner other than stated above shall be punished for sentenced violation of the provisions on the labour protection of young workers.

185. Furthermore, a Government Decree (475/2006) lays down that conditions for young persons are hazardous if the work carries too much strain or responsibility, if she/he is alone and in risk of harm or violence, if she/he must care psychiatric patients, handle or transport corpses, if she/he must work in butchery, in diving, be exposed to poisonous material or harmful radiation. Such work is permissible for young person in an educational context in schools, but only under the leadership and control of professionals.

186. Finally, the Labour Inspectorates inspect the working conditions of persons under 16 or 18 years of age by virtue of the Occupational Safety and Health Act. Relevant conditions under the Young Workers Act include questions related to admitting to work, regular working hours, overtime work and emergency work, maximum working hours, occupational safety and health as well as training and guidance.

187. During the period covered by the present report, no official surveys were made on child labour.

#### **Economic, social and cultural rights of older people**

188. According to the Act on the Status and Rights of Social Welfare Clients (812/2000) clients in both public-sector and private-sector services have the right to good-quality social welfare and good, non-discriminatory treatment. Social welfare must respect every client's human dignity, right to self-determination, beliefs and privacy. A corresponding provision is included in the Act on the Status and Rights of Patients (785/1992).

#### **Supervision of services for the elderly**

189. The need for supervision of services will increase because of ongoing reforms in restructuring of local government and services, reforms in service organization and production (the increase of the purchaser-provider model, private service production and the use of service voucher) and changes in the role of the clients. The supervision of services for the elderly has been intensified and harmonized at the national level. More effective supervision falls under the tasks of the National Supervisory Authority for Welfare and Health (Valvira), which is a new state supervision authority established in 2009.

190. The regional state administration and Valvira have compiled an action plan for the supervision of 24-hour care services (sheltered housing with 24-hour assistance and inpatient care) as well as a plan for the implementation of the action plan. The action plan defines the supervision elements and criteria that the regional state administration and Valvira use in their supervision and inspections.

### **Ageing women form their own vulnerable group**

191. The National Institute for Health and Welfare coordinates the EU Daphne III project that reviews the prevalence of violence against ageing women.

### **Observations by the Parliamentary Ombudsman**

192. In March 2009, the Parliamentary Ombudsman requested from State Provincial Offices a report on their inspection measures and observations related to institutional care, their personnel resources and possible shortcoming in the care and treatment of older people. On the basis of these reports, the Ombudsman made a decision (no 213/2/09, of 18 February 2010) which stated, inter alia, the following.

193. The reports indicated that the national framework for high-quality care and services for older people (2008) was a useful tool in evaluating the quality of services provided. In general terms, it appeared to have been an adequate measure in ensuring that private institutions employed the required number of staff. The document was also apparently well received in public institutions. However, not all municipalities had employed an adequate number of staff.

194. The Ombudsman suggested that the Ministry of Social Affairs and Health should evaluate whether the quality recommendation document was enough to ensure the realization of the fundamental rights of older people in round-the-clock care, particularly in terms of adequate staffing, or whether there was a need to enact new legislation.

195. Reports also indicated that institutions caring for older people regularly use a variety of coercive and restrictive measures (such as elevated bed railings, tying down and locking doors). Currently, no legislation exists to justify such encroachment on the self-determination of an older person as required by the Constitution. However, in practice care personnel are sometimes forced to take action which it has not been authorized by the law to take.

### **Economic, social and cultural rights of immigrants**

196. During the past ten years, some 700–6000 asylum seekers and some 750 quota refugees have arrived in Finland annually. Some 6,000 asylum applications were submitted in 2009. The number of unaccompanied children seeking asylum has been small but has increased in recent years (700 in 2008 and 557 in 2009). This trend is similar to other European countries.

197. The Government Migration Policy Programme (2006) (Publications of the Labour Administration 2006:371) focuses on the promotion of work-related immigration. The overall purpose of the migration policy programme is to define migration policy values that are the aim of respecting human and fundamental rights, to reinforce a culture of good governance and to combat migration-related threats. Its aim is to form a comprehensive framework for migration policy planning and implementation, especially with regards to immigration into Finland from outside the EU and the EEA. The programme aims to promote the development of a multi-value, multicultural and non-discriminating society.

198. The social status and integration needs of the most vulnerable migrant origin women have been taken into account in the action plan for integration and employment published in 2009. The plan concerns particularly those women of foreign origin who arrive to Finland as spouses of ethnically Finnish men or of other men having residency in Finland.

### **Legislation on domestic violence**

199. The provisions applicable to cases of domestic violence are typically those on homicide and bodily injury, contained in Chapter 21 of the Criminal Code, and those on

sexual crimes, in Chapter 20 of the Act. The definitions of crimes in Chapter 21 are applied without regard to the age or sex of the victim.

200. According to Section 3, Subsection 3 of the Child Custody and Right of Access Act, it is forbidden to subject children to physical punishment or to other derogatory treatment. For instance, the Supreme Court has ruled (KKO:1993:151) that a parent who, in order to discipline the child, caused the child pain by filliping and pulling the child's hair, was guilty of petty assault. Consequently, it can be said that all disciplinary violence towards a child is prohibited in Finland.

201. In case law, violent crimes directed towards women or children have, on average, been deemed more blameworthy and consequently punished more severely. Additionally, a crime may more easily amount the aggravated type of the crime in question when the perpetrator is an adult and the victim a child, since in these cases violence is often used against a person unable to protect himself. This is, to some extent, also true in cases where the perpetrator is a man and the victim a physically weaker woman.

202. The maximum penalty is two years' imprisonment for assault and ten years for aggravated assault. According to the current provision in Chapter 21, Section 16 of the Criminal Code the public prosecutor may not bring charges for petty assault on a person above the age of 15, nor for negligent bodily injury, unless the injured party reports the offence for the bringing of charges. This means that the authorities must initiate investigations and bring charges *ex officio* in all cases covered by Chapter 21, if the injured party is a child under the age of 15 years (providing that there is adequate evidence of the crime).

203. The Government has proposed that the aforementioned provision on the right to bring charges would be amended. According to the relevant Government Bill (HE 78/2010), certain incidences of petty assault in a domestic setting would be reclassified as "standard" (unqualified) assault thereby subjecting them to *ex officio* public investigation and prosecution (see also paragraph 29).

204. Chapter 20 of the Criminal Code, on sexual crimes, contains a provision specifically prohibiting certain conduct directed towards a child. The provision in question is Section 6, which criminalizes the sexual abuse of a child. A rape of a child amounts to both the crime of rape and the crime of sexual abuse of child.

205. For the application of the provision of Chapter 20 of the Criminal Code it is irrelevant whether the perpetrator and victim are married to each other. All definitions are sex-neutral. The maximum punishment for rape is six years' imprisonment and the maximum punishment for sexual abuse of a child is four years. All crimes defined in Chapter 20 are subject to *ex officio* public prosecution, with the exception of coercion into sexual intercourse (Section 3), coercion into a sexual act (Section 4) and certain types of sexual abuse (Section 5). Even these crimes are subject to public prosecution, however, in cases where a very important public interest requires that charges be brought.

206. In May 2010 the Ministry of Justice issued a report on how to protect children against sexual exploitation and abuse (reports by the Ministry of Justice 34/2010). The report examines the Finnish legislation and the necessary amendments to it due to the national ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Ministry proposes that the minimum punishment for sexual abuse is raised to four months. Sexual intercourse with a child under 16 years of age should be classified as a rule as aggravated child sexual abuse. Similarly certain other forms of abuse would be included as essential elements of an aggravated offence.

207. The Act on Restraining Order (898/1998) entered into force on January 1st, 1999. By a restraining order, a person can be ordered not to contact another individual in order to protect the life, health, freedom or peace of that individual. As of January 1st, 2005, the Act has been amended to include specific provisions on a restraining order against another member of the same household.

#### **Measures against domestic violence**

208. The Government has on May 8th, 2008, approved a programme for internal security, which includes an action plan to combat violence on children and women. The focus of the plan is on measures for more effective prevention.

209. The National Institute for Health and Welfare has prepared a cross-sectoral action plan to reduce violence against women which was included in the Government Action Plan for Gender Equality (Government Decision on 17 July 2008).

210. The priority areas of the action plan include protection of vulnerable groups, prevention of repetition of violence and prevention of sexual violence. The primary goal of the action plan is to develop the working methods of professionals and authorities dealing with violence so as to ensure that violence is identified and victims receive assistance. The action plan takes into account Finland's international commitments and especially CEDAW and ICESCR recommendations on how to make the prevention of violence against women more efficient.

211. Within the Action Programme to Prevent Intimate Partner and Domestic Violence, launched by the Ministry of Social Affairs and Health for 2004–2007, local approaches have been created to support and rehabilitate victims (Brochures by the Ministry for Social Affairs and Health 2004:9).

212. The Ministry of Social Affairs and Health has published a report on the shelter situation in Finland in February 2010 (Reviews of the Ministry of Social Affairs and Health 2010:1). The goal is that shelters operate throughout the country and that they have a permanent financial basis. Moreover, national quality criteria for shelters should be drawn up. The measures proposed in the report are prepared further.

#### **Observation by the Parliamentary Ombudsman**

213. In 2006, the Parliamentary Ombudsman submitted to the Parliament a special report titled *Lapsi, perheväkivalta ja viranomaisen vastuu* ("The Child, Domestic Violence, and the Responsibility of the Authorities", K1/2006 vp). The Ombudsman stated, inter alia, that legislation concerning child welfare notification must be clarified; that every child has the right to swiftly receive the good care and treatment he or she needs outside the home due to domestic violence; that every child is entitled to a professional, swift investigation of any suspicions of sexual abuse, by a specialized investigative unit, if necessary.

#### **Trafficking in persons**

214. Trafficking in human beings is a punishable offence in Finland under Chapter 25 of the Criminal Code. Under Section 3 thereof, human trafficking in its "standard" (unqualified) form is punishable by imprisonment from 4 months to six years. The aggravated form of the crime is punishable by 2 to 10 years' imprisonment. These provisions entered into force in 2004.

215. Up until the autumn of 2008, the police had recorded some 20 cases of suspected human trafficking or aggravated human trafficking. Only a few cases had made their way to courts.

216. The Ombudsman for Minorities has acted as the national Rapporteur on human trafficking in Finland since 2009. The Rapporteur's tasks include monitoring phenomena related to human trafficking, the implementation on international obligations and the effectiveness of national legislation. In addition, the Rapporteur issues suggestions, recommendations and statements on issues related to counter-trafficking measures.

217. In 2005, Finland drew up its first national action plan to combat human trafficking. In 2008, the Government approved an updated version of the plan refining the measures envisaged in the original plan. Like its predecessor, the refined version is based on the respect for human rights and has adopted an approach centred on the victim. It gives increased consideration to children and to gender-specific issues.

218. Furthermore, Finland is currently preparing the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings. A government bill to the new Parliament to accept the Convention will be submitted in 2011-2012.

219. Finland has a statutory system designed to assist the victims of human trafficking, based on the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999). Such assistance may include living arrangements, social and health services, legal advice and assistance, safety arrangements and other necessary support.

220. In 2005–2009, out of the adult victims of trafficking that gained access to the assistance system 27 were victims of work-related abuse and eight were victims of sexual abuse. By December 2009, the assistance system has had a total of 48 clients of which 12 minors. Ten cases were removed from the system and of these eight persons received help in returning to their country of origin. In spring 2010, the assistance system had a total of 30 clients, of which nine gained access to the system during the first quarter of 2010. Clients' stay within the assistance system lasts from a couple of days to a couple of years.

## **Article 11**

### **National poverty line and measures to combat poverty**

221. According to the Finnish Constitution, each Finnish citizen has the right to receive indispensable subsistence (social assistance). The size of the basic amount of social assistance for a member of a household is laid down by law. The expenses to be covered include the necessary housing costs, higher than minor health care costs as well as expenses arising from special needs or circumstances that are regarded necessary for ensuring a person's or a family's living and help them to cope independently (i.e. the poverty line). The basic amount of social assistance covers the expenses for food, clothing, information, and other indispensable daily needs. Its amount is index-bound. Social assistance in Finland is granted to citizens and households with the smallest income or with no income at all.

222. The National Institute for Health and Welfare collects annual statistics on the social assistance recipients and the factors contributing to the need for social assistance. In this way the State follows up every year the situation of the citizens and households with the smallest income or no income at all. The statistics on social assistance recipients are not differentiated by ethnic group, and therefore there is no statistics available on the ethnic background and the potential immigrant background of the social assistance recipients.

223. The structure and financing of social assistance were revised at the beginning of 2006 by dividing social assistance into basic, supplementary and preventive social assistance. In the same context, it was decided that basic social assistance would no more be covered by the general central government transfer to municipal social welfare and healthcare. In the future, the municipality concerned and the state will share the costs of basic social assistance equally.

224. The purpose of preventive financial support is to enhance social security and independent living of the person and family concerned, and to prevent social exclusion and long-term dependence on social assistance. The social assistance may be granted, inter alia, for the purposes of activating the beneficiary, providing support for housing, alleviating financial difficulties caused by indebtedness and sudden deterioration of solvency, and enhancing the independent living of the beneficiary.

225. According to a study carried out by the Statistics of Finland the poverty of children and families with children has more than doubled in the past ten years. The group of the poorest persons includes approximately 14 per cent of all the families with children. The amounts of child benefits and parental benefits have de facto reduced. The families with children are indeed the only group where the number of the poor has grown. Wellbeing has increased for most adults but poverty has mostly increased in families having children under the age of 3 years.

226. Single-parent households ran the greatest risk of poverty in 2008, as 23 per cent of all single-parent households received social assistance at least once during the year. Single-male households have the second highest risk of poverty, as around 12 per cent of them received social assistance at least once. The corresponding percentages for two-parent households and single-female households were 4 and 8. Of all households, 7.4 per cent received social assistance at least during one month in 2008.

227. The 2009 global financial crisis has had an impact on Finland as well, and, for example, unemployment has taken an upward turn, which is manifested as a growing number of households receiving social assistance. For the number of households receiving social assistance in 2006-2009, see table 8 in annex I.

#### **Measures taken to ensure the availability of affordable food**

228. Free school meals (warm lunch) in elementary and secondary schools have been served nationwide since 1948. Also the lunches in higher education are subsidized. All meals (breakfast, lunch, snacks) provided for children at day care are included in fees paid by parents. The level of monthly fees varies according to parents' income.

#### **Measures taken to disseminate knowledge of the principles of nutrition, including healthy diets**

229. Nutrition and health education in Finland is carried out by the health care services, schools and non-governmental organizations. The key agents in nutrition education in the health care sector are maternity and child health clinics, which majority of the families (>99 per cent) attend regularly, and the school health care service.

230. The comprehensive school provides general education for all children aged 7–16, and is free of charge for all citizens. In comprehensive school, nutrition education is included in home economics studies, biology and environmental studies and health education studies.

231. Food packages are an important source of information for consumers. Finnish legislation regarding food is harmonized with EU regulations, although there are some national regulations still existing in Finnish food legislation.

#### **Measures taken to ensure access to water**

232. In general, several laws regulate aim at ensuring adequate and affordable access to safe water in Finland. The basis of national drinking water regulation related to frequent monitoring and quality standards originates from the Council Directive 98/83/EC. Monitoring and quality requirements for drinking water in Finland are included in the



Decrees of the Ministry of Social Affairs and Health 461/2000 and 401/2001. Municipal health protection authorities are responsible for taking care of the quality surveillance of drinking water. Enforcement of drinking water standards is carried out by local health protection authorities, who are obligated to take action in non-compliance situations.

233. National legislation related with environmental protection and nature conservation is harmonized with EU regulations.

#### **Percentage of households without access to sufficient and safe water**

234. The whole population of Finland has access to clean and safe water. The organized water supply system is accessible for approximately 90 per cent of the population, whereas 10 per cent (approx. 500,000 inhabitants) take their water from private wells. Those using their own wells mainly live in scarcely populated areas. Water quality problems including waterborne outbreaks concern mainly small groundwater supplies serving less than 500 consumers.

#### **Measures taken to ensure that water services are affordable for everyone**

235. Since 1961 the use of natural waters and their protection have been regulated by the Water Act (264/1961). It contains rules on water management, public use and all kinds of water-related construction. Local authorities have the responsibility to take care of water services. The Water Act involves a permit system for water abstraction and wastewater discharge. Integrated and regional water resource management plans cover the whole Finland.

#### **Homeless people**

236. A common definition and a typology have been in use in Finland from 1987. The Housing Finance and Development Centre of Finland (ARA) has the responsibility to produce a yearly report on homelessness and its profile based on a statistical market survey.

237. The homeless include the following categories: persons staying outdoors, staircases, night shelters etc.; persons living in other shelters or hostels or boarding houses for homeless people; persons living in care homes or other housing units of social welfare authorities, rehabilitation homes or hospitals due to lack of housing; prisoners soon to be released who have no housing; persons living temporarily with relatives and acquaintances due to lack of housing; and families and couples who have split up or are living in temporary housing due to lack of housing.

238. The Finnish definition/typology differs from the ETHOS at least in two aspects. Firstly, Finland does not count as homeless people living under threat of eviction or under threat of violence. Secondly, part of the people receiving support, like supported accommodation, is seen as a permanent solution to homelessness and is not, therefore, included in the definition of homelessness.

239. The number of homeless people has been reduced from over 18,000 at the end of the 1980s to about 8,000 in November 2009. The biggest subgroup is those living temporarily with friends and relatives (almost 5,000). Nearly 1,500 people are living in different kind of institutions due to lack of a suitable housing. Approximately 1,000 people live in shelters. A very small number of people are living outdoors. About 25 per cent of homeless are women and about 25 per cent are young persons. Immigrants represent about 4–5 per cent of single homeless people and about 15 per cent of homeless families.

240. There has, however, been a noticeable increase in homelessness from 2007 to 2008 and 2009. The main reason is that not enough rented accommodation has been produced in growth centres to respond to increased demand, while the economic downturn is certainly

also playing a part. For the number of homeless people in Finland in 1987-2009, see table 9 in annex I.

241. Long-term homeless people constitute a group of homeless persons whose homelessness is classed as prolonged or chronic, or threatens to be that way because conventional housing solutions fail with this group and there is an inadequate supply of solutions which meet individual needs. It has been estimated that around a third of homeless people are long-term homeless persons, i.e. approximately 2,500, of whom 2,000 or so live in the Helsinki Metropolitan Area.

242. Due to the multiple reasons for long-term homelessness, a decrease in the number of the long-term homeless requires simultaneous measures at different levels, that is, the prevention of homeless and targeted action to reduce long-term homelessness.

#### **Overall policy framework and governance**

243. Ministry of the Environment is responsible for planning and monitoring efforts against homelessness/housing exclusion in matters concerning overall housing conditions, strategies, special programmes, housing advice and other preventive measures. Municipalities alone or municipalities in regional co-operation are the implementing authorities of the above-mentioned tasks on the local level.

244. Ministry of Social and Health Affairs is responsible for social and health services delivered both to the whole population and to vulnerable groups. This concerns also social and health services related to housing (for ex. home care, subsistence income, housing allowances). Municipalities or municipalities in regional co-operation have the implementing responsibility. Regional state authorities are supervizing bodies.

245. Ministry of Justice (the Prison Service) is responsible for release plans of prisoners, which also includes organizing accommodation.

246. Finnish homelessness policy is based on the notion that emergency shelters and residential homes, intended as temporary accommodation for the homeless, do not meet the minimum standard that should be expected of housing solutions for homeless people, and should therefore be replaced with better-standard housing solutions. The emergency shelters that still exist are gradually being converted into reception and assessment units for the homeless. Their key task is to find a more permanent housing solution for each homeless person and organize the necessary care and support services under the 'Housing First' principle.

247. The Government's Programme to Reduce Long-term Homelessness (Government resolution of 14 February 2008) incorporates a programme to convert the residential homes so that they will become supported accommodation and sheltered housing units by the end of 2013. The investment and renovation costs of this programme are to be financed by the Housing Finance and Development Centre of Finland and the Finnish Slot Machine Association.

248. Former programmes to reduce homelessness have been criticized for not targeting measures satisfactorily at homeless people with multiple problems who are worst off. The Government's Programme to Reduce Long-term Homelessness 2008–2011 is specifically targeted at the long-term homeless with multiple problems who are worst off and need a lot of support.

249. The goal of the programme is to halve the figures for homelessness by 2011 and place 1,250 homeless people in accommodation of either the supported or service kind by producing at least 1 250 new supported flats/places and create more effective measures to prevent homelessness by giving more resources to housing advice and developing new concepts for support services in order to reach earlier interventions.

### **Inadequate or over-crowded housing**

250. Households living in overcrowded dwellings refer to households with more than one person per room, kitchen included. The number of such households has decreased among both owner-occupied and rental dwellings so that their percentage of all dwellings was 4.3 per cent in 2003.

251. A dwelling is defined to include all basic amenities if it is equipped with piped water supply, drains, supply of warm water, indoor plumbing toilet, washing space (shower/bathroom or sauna) and central or electric heating. The percentage of residents in such dwellings among the whole population has continuously increased, being 90 per cent in 2004. In the age group over 70 the percentage is 85 per cent, which means that aged people living in old one-family houses in the countryside do not have all the above mentioned amenities, unlike most of the population.

252. Statistics show that the share of people living in over-crowded housing has decreased from 10 per cent of all housing in 2005 to 9.1 per cent in 2008 (see table 10 in annex I).

253. In Finland, housing is fairly well equipped because the legislation on housing construction requires a high level of equipment in new housing. During the four years from 2005 to 2008 all equipment in housing has improved. 98.1 per cent of all housing had drains in 2008, while 98.3 per cent had running water, 96.5 per cent indoor WC, 93.4 per cent central heating, and 96.8 per cent hot water. All housing had facilities for washing up and nearly a half of all housing in 2008 had their own sauna (see table 11 in annex I).

### **Measures taken to ensure access to adequate and affordable housing**

254. Finland subsidizes housing costs with a variety of measures. These include production support in the form of State lending and interest subsidies, granting State guarantees for housing loans, granting investment and other aid and also by direct housing allowances and granting tax deduction on housing loans. As a last resort, the State also subsidizes housing costs as social assistance for those eligible. All housing subsidies are linked to housing in Finland; the nationality of the inhabitant as such has no bearing.

255. In 2008, the State subsidized housing with a total of EUR 2,160mn. Housing allowances constituted 47 per cent of the total, production subsidies added up to 13 per cent and tax deduction on housing loans constituted 40 per cent. For figures on housing subsidies in 2005-2008, see table 12 in annex I.

### **Housing allowances**

256. There are three parallel systems of housing allowances in Finland: general housing allowances, housing allowances for pensioners, and student housing allowances. In addition, conscripts receive housing subsidies through the military assistance system. The housing allowance system is based on applications, which are assessed on the basis the income of the applicant and his or her family, his or her assets as well as housing costs. The amount of the allowance is also depended on the location, size, equipment level and age of the apartment.

257. In 2005-2009, some 140,000-161,000 households received general housing allowance. For specific figures, see tables 13 and 14 in annex I.

258. Housing allowance has a significant impact as it reduces the share of housing costs of the recipient's income by half. In rental apartments, housing allowance reduced the share of housing costs of income from 60 per cent to 30 per cent on average.

**State funded rent accommodation**

259. State funded rented accommodation is allocated according to income, property assets and urgent need. Social housing is the most important solution for homeless, especially for persons and families which can manage their housing with normal economic and social support. Most of long-term homeless do not cope with normal social housing. They need special housing solutions and more intensive, round-the-clock support with supervisory staff. For figures on publicly advertised state-subsidized rental dwellings and applicants 2005-2009, see table 15 in annex I.

260. For the number of those in receipt of a housing allowance, the average allowance per month, and payments in 2009, see table 16 in annex I.

**The impact of social housing measures**

261. Since 2005 the Housing Finance and Development Centre of Finland (ARA) has granted investment subsidies for the improvement of the housing of special groups. The subsidy itself and the related subsidized loan are available for new construction and fundamental improvement projects as well as for projects where existing houses and apartments are converted into rented housing for special groups. Similarly, the subsidy and the subsidized loan are available for projects concerning not only the houses and apartments and the site but also for facilities that directly support housing and service production. The special groups include, for example, homeless persons, refugees, students, persons with mental problems, drug and alcohol abusers, young persons in need of special support, persons with disabilities, and elderly persons in poor condition. There has been a great demand for the investment subsidy, and the funding reserved for the purpose has been increased on several occasions; at the moment, it is EUR 110 million per year. Also the share of the subsidy for the costs has been extended, and at the moment the subsidy can be from 10 to 50 per cent of the approved costs.

262. Rented housing receiving state subsidized loan can receive subsidies for improving the housing conditions for special groups. The goal is to increase the supply of moderately priced rented housing suitable for special groups.

**Persons with special housing needs**

263. The Renovation and Energy Subsidies Act (1184/2005) provides for the criteria on which older people and the disabled may be granted subsidies for renovations and or the criteria to subsidize the post-construction of lifts and removal of mobility impediments. The renovation subsidies are granted on the basis of an assessment social and economic need. In general, the subsidy may amount to no more than 40 per cent of the acceptable cost of renovation. If the renovations are necessary in order to remove impediments of mobility, the maximum is set at 70 per cent.

264. The Act on Subsidies for Improving the Housing Conditions of Special Groups (1281/2004) provides for grants to special groups, including older people and the disabled, for the construction, acquisition and renovation of a rental building or rental dwelling when a loan granted for the same project is approved as an interest-subsidy loan in accordance with the Act on Interest Subsidy for Rental Housing Loans and Right of Occupancy Loans (604/2001). The grant is at most 10 per cent of total cost, when significant special space or other solutions are not needed. If the resident requires additional support services to enable him or her to use the apartment, the maximum grant is 25 per cent. Finally, the grant may be as much as 40 per cent or 50 per cent in cases where, on the basis of the need for special services, significant special space and amenity solutions are needed or when the grant is targeted at a particular group, such as the long-term homeless.

265. Renovation grants issued by the Housing Finance and Development Centre of Finland (ARA) have enabled the renovation of some 3,000 apartments for older people and the disabled, with a total investment of some of EUR 10mn a year. Some EUR 17-20mn has been allocated to post-construction of lifts and some EUR 10mn for the repair of existing lifts. For figures on grants for lift construction and repair in 2005-2007, see table 17 in annex I.

266. With the help of ARA subsidies for housing investments, some a total of 15,305 apartments have been built, acquired and renovated in 2005-2009. A total 5,050 of those were for older people, and the rest for the disabled, mental health rehabilitation patients, substance abuse rehabilitation patients, students and other special groups. Of these 9,162 were new apartments and 5,595 were renovated apartments, in addition to which existing 548 apartments were bought for members of special groups. For the number of apartments funded with ARA investment subsidies in 2005-2009, see table 18 in annex I.

#### **Measures to ensure housing is not built on polluted sites**

267. The Health Protection Act (763/1994) provides dwelling and its conditions may not pose a hazard to its occupants, due to noise, trembling, microbes, dampness or similar reasons. Local health authorities have the power forbid or restrict the use of such dwellings.

268. Construction and development activities in Finland are controlled by the Land Use and Building Act (132/1999). The quality of buildings, consideration of environmental issues and the lifecycle approach are key targets in the supervision and guidance of construction. Other relevant legislation includes The Land Use and Building Decree (895/1999) and the Ministry of the Environment Decree on Housing Design (of 1 October 2004).

#### **Individuals and groups particularly affected by forced evictions**

269. The key to preventing eviction is multi-professional cooperation between local authorities, with the aim of pre-empting and addressing problems before they reach crisis point with the threat of eviction. Many of the larger cities in Finland employ personnel specialized in resident cooperation to act as housing advisors and social management officers. The housing advice system has proved satisfactory and the aim is to broaden its scope.

270. The ten largest Finnish cities with a problem of homelessness are involved in the Finnish Government's Programme to Reduce Long-term Homelessness. The cities have concluded letters of intent with the state authorities requiring instructions jointly agreed by the local housing and social welfare authorities and the main non-profit rented property providers on procedures to prevent eviction and on cooperation in eviction situations. Finland also has a system of emergency social services that covers all local authorities in case there is a sudden crisis situation. The local social welfare authorities can grant financial help in the form of social assistance for rent arrears. For these too it is possible to receive a social loan from the local authorities and assistance from the church.

#### **Evictions**

271. In Finland, statistics on evictions falls under the tasks of the Ministry of Justice that collects annual statistics from the execution districts. The statistics include evictions instituted through official legal procedure. The statistics do not, therefore, give the exact number of evictions that were carried through in a given year. In practice around a half of all evictions are instituted without instigating an official eviction process. The focus is on prevention and early intervention in order to prevent risk of eviction. There are housing counsellors that can help in reducing especially so-called unnecessary evictions. Due to

difficult problems, it is not, however, possible to prevent all evictions. Situations with both long-term disturbances and a great rent debt are particularly difficult. In such cases the housing counsellors can try to secure housing for the tenant in some other form that is more appropriate for the tenant in question.

272. The number of eviction applications submitted to courts in Finland has remained steady near the annual number of 8,000 in recent years. Approximately one in four of these are executed. For the number of eviction claims in courts, see table 19 in annex I.

## **Article 12**

### **National health policy and universal access to primary health care**

273. The national health policy programme 'Health 2015' has been adopted by a Government decision (Publications of the Ministry for Social Affairs and Health 2001:4). The programme follows the WHO Health for All principles, underlining the importance of the everyday environment for health, and contains both qualitative and quantitative objectives.

274. The present system of primary health care was established in the 1970s. Municipalities are under an obligation to organize primary health care for their inhabitants in accordance with principles provided by law. The services to be provided include, among others, maternity care, child health clinics (almost 100 per cent attendance), school health, occupational health and diagnostic services. The primary health care lays down the foundation for secondary care provided by hospital districts.

275. Presently, there is an extensive national health project with the objective of improving the effectiveness of the health care system. The project consists, among others, of prevention, enhancement of regional collaboration, ICT development and experiments in dividing the work between doctors and nurses. The development of mental health services (promotion, prevention and treatment services) is among the priorities of the project.

276. With the aim of improving the access to health care services, new provisions of law were enacted in 2004 to guarantee access to services within fixed time limits. Despite problems in access to health care, Finns have been among those most content with their health service system in Europe, according to Eurostat polls.

277. In addition to the primary, secondary and tertiary care systems, that provide the entire population with equal access to services, there is also an occupational health service system that covers almost the entire working population. The main task of the occupational health services is to promote health and monitor the effects of health related risks, but they also include GP or specialist care services.

278. New normative legislation will come into effect in 2011 on the preventive services of children at both preschool and school age. This is a response to the tendency of local municipalities and health centres to reduce volumes, frequencies and workforce in these services, which have until now been steered through national recommendations. Recommendations will be replaced by binding legal rulings. This will lead to need for significant increases in the numbers of nurses in preventive work and also in the input of medical doctors' time.

279. Primary health care has been in a central role in a reform process that has sought to restructure both the structures of municipalities and of catchment areas of primary health care. Around 2005, there were 416 municipalities and around 235 to 240 health centres; in other words, smallest municipalities maintain a joined health centre. A new transitional law on restructuring ruled that those municipalities that have less than 20,000 residents must establish a co-operative organization to organize and fund primary care and those social

services that are closely related to PHC. The same law and some significant simultaneous incentives from the state also encouraged small municipalities to merge. This all led from 2006 on to an unseen wave of structural changes. The number of municipalities is now 342, and will be reduced by 2013 (the deadline for the changes required by the law) at least below 330, or most probably even lower. The number of health centres or administrative units maintaining health centres will be almost halved to about 125 to 130.

280. The fact that primary health care will be organized for larger catchment populations is expected to strengthen the institutional capacity of these units and make them less vulnerable to shortages of staff or other irregularities in operations. The new structures should give rationalization benefits as they make it possible to share functions and services that are not necessarily needed at the grassroots level.

#### **Access to preventive, curative, and rehabilitative health facilities, goods and service**

281. Under the Primary Health Care Act (66/1972) the local authorities must promote the health of municipal residents, including older people and people with disabilities, prevent illness and accident injuries and provide medical care. In practice every municipality has a health centre and its units that provide services needed by the residents. Moreover, the Act on the Status and Rights of Patients (785/1992) defines the right of the patients to good health and medical care and related treatment. According to the Act, every person who stays permanently in Finland is, on a non-discriminatory basis, entitled to health and medical care required by his state of health within the limits of those resources that are available to health care at the time.

282. The local authorities must organize medical care services for the residents in the area of the municipality. Medical care services include: (1) examination, medical or dental diagnosis, treatment, and medical rehabilitation as needed; (2) prevention and curing of illness, and alleviating suffering; (3) guidance to promote the patients' compliance with treatment and self-care; and (4) early identification of health problems among patients in need of special support, examination and care, their treatment and referral for after-care.

#### **Affordability of health-care services and health insurance**

283. See above and paragraphs 156-183.

#### **Effectiveness and scientific approval of drugs**

284. According to EU legislation, a medicinal product must have a valid marketing authorization before it can be introduced on to the market and submitted for distribution. Key legal provisions for marketing authorization application and associated documentation are found in the national legislation (the Medicines Act (395/1987) and Decree (693/1987)) and in EC Directives and guidelines about medicinal products. Consideration should also be given to regulations and position papers approved by the Committees for Medicinal Products for Human use (CHMP) and for Veterinary use (CVMP) of the European Medicines Agency (EMA).

285. A medicinal product may be sold to the general public or otherwise released for consumption only if the Finnish Medicine Agency has granted an authorization for the product or registered it under the Medicines Act or if it has a marketing authorization granted by an institution of the European Union. The National Supervisory Authority for Welfare and Health monitors the compliance of medical devices with the legislation and regulations and to promote their safe use.

**Measures to improve child and maternal health**

286. Overall relative to other European countries maternal and prenatal health is good in Finland, and there have not been major changes in the related health indicators over the past five years. Maternity services are of high quality and easy accessible. For example, in 2007 immigrant women used the same amount of prenatal care services as the natives. In 2009, there were 34 maternity hospitals in Finland.

287. There are some signs of future challenges however, including (1) increasing overweight of pregnant mothers (2) alcohol and drug misuse (3) smoking during pregnancy especially among mothers under 35 years, (4) increasing number of immigrants with varying social background and health needs, (5) aging motherhood, particularly among first time mothers, (6) increasing centralization of obstetric services leading to women in rural areas having poorer access to emergency services, and (7) insufficient identification of post natal depression.

288. There is a national decree on voluntary screening for structural and chromosomal abnormalities (1339/2006). According to the decree, early pregnancy general ultrasound examination, early pregnancy combined screening and structural ultrasound examination are provided to all pregnant women. For those, whose screening result is abnormal, further diagnostic examinations are offered.

289. The Government Decree on maternity and child welfare clinics, school and student health care, and preventive oral health care for children and young people (380/2009) stipulates the contents of health education and the contents and number of health examinations the local authority must arrange. The purpose of the decree is to foster health promotion, to prevent marginalization of children and young people and to diminish health inequalities.

290. A new system for monitoring children's health on the municipal level has been developed in the National Institute for Health and Welfare. In the next phase, regional and national statistics can be drawn up from the data. Mental health, use of alcohol and smoking are also included.

291. In 2009, the National Institute for Health and Welfare published a national programme for the promotion of breast-feeding and a programme for the prevention of accidents among children and young people (Reports by the Institute of Health and Welfare 32/2009).

**Measures to improve sexual and reproductive health**

292. Since 2001, the Government Decree (1435/2001) based on the Basic Education Act defines health education, including sexual health as a mandatory subject in a new national curriculum in the Finnish primary school system. Adolescents' sexual knowledge and behaviour has been monitored since 1995 every two years as a part of the National School Health Promotion Study.

293. In 2007 the Ministry of Social Affairs and Health initiated an action programme (2007–2011) for the promotion of sexual and reproductive health, with special focus on young people (Publications by the Institute of Health and Welfare 17/2007).

294. A new Sexual and Reproductive Health Unit in the National Institute for Health and Welfare was established in 2010 to promote sexual and reproductive health, and to improve reproductive health services and programmes through research, networking, coordination and expert support.

295. See also paragraph 326.



### **Measures to prevent, treat and control diseases linked to water**

296. The Health Protection Act (763/1994) includes provisions concerning special circumstances and epidemics caused by drinking water. Under section 8 of the Act, municipal health protection authorities together with other authorities shall prepare for readiness and emergency action to prevent, determine and remove any health hazards arising from special circumstances.

297. In the event of any epidemic caused by drinking water or suspicion of such epidemic, the drinking water supply plant concerned and the municipal health protection authority are required to take immediate action to prevent the spread of the epidemic.

298. Pool water and the swimming water at public bathing areas may also not pose health hazards. Provisions concerning the prevention of health hazards relating to these water environments are laid down in the Health Protection Act (763/1994) and the lower-level statutes issued pursuant to it.

### **Measures to implement and enhance immunization programmes and other strategies**

299. National infant immunization programme in Finland consists of vaccinations against 10 diseases: tetanus, pertussis, diphtheria, polio Haemophilus influenzae type b, measles, mumps, rubella, rotavirus and influenza. Finland has been one of the first countries to implement influenza vaccines to all children 6-35 months of age and rotavirus vaccine to all infants. On the other hand, and against the WHO recommendations, hepatitis B is not a part of our universal vaccination programme, which also has been the case in the other Nordic countries. Our hepatitis B programme is targeted only to risks groups. The reason to this is a very low prevalence of virus carries and extremely low incidence of acute disease. Thus, a vaccination against it would not produce hardly any health benefits.

300. The infant programme is carried on with a very high immunization carriage. To assess the immunization coverage a random sample of a birth cohort, consisting 1,000 children (1.7 per cent of a birth cohort) is selected from the population register and their immunization records examined. The childhood immunization programme is free of charge and there are no differences in the immunization coverage by sex, place of residence or family income. However, those children missing any doses of the programme are more likely to be foreign born.

301. Tetanus vaccinations are recommended for adult population by every 10 years and the effectiveness of this, as well as other targeted immunization programmes, is followed by very stringent infectious disease surveillance performed by National Institute of Health and Welfare.

302. For figures on immunization coverage of children, see table 20 in annex I.

### **Measures to prevent abuse of illicit drugs**

303. According to the population study's preliminary results from 2008, the share of 15–69-year-olds who had experimented with cannabis sometime in their lives was 13 per cent. This level was almost the same as in all surveys since 2000. The latest changes have taken place among age groups: the proportion of 15–24-year-olds decreased by 6 percentage points whereas the proportion of 25–34-year-olds grew by the same amount. Among young people, experimentation with drugs decreased in the late 2000s. According to the ESPAD survey of school pupils in 2007, 8 per cent of 15–16-year-olds had experimented with cannabis sometime in their lives. In 2003 and 1999, the corresponding figures were 11 per cent and 10 per cent.

304. The Ministry of Education is mainstreaming youth substance abuse prevention by supporting activities aimed at preventing youth substance use. Furthermore, substance

abuse prevention targeted at young people is carried out in workshops that have been created to activate young unemployed people. Drug prevention measures also include electronic drug information services, discussion forums and self-testing services for evaluating one's own substance abuse.

305. As of the beginning of February 2008, a new Decree of the Ministry of Social Affairs and Health on the detoxification and substitution treatment of opioid addicts with certain medicinal products (33/2008) entered into force, aimed at lowering the threshold for treatment and emphasizing its role in outpatient settings instead of institutions.

306. For further information, see National report to the EMCDDA. Finland - Drug Situation in 2009, available at <http://www.thl.fi/thl-client/pdfs/9bf86f3e-9b30-48a1-bc56-b32981cf0575>, and UNGASS Country report of Finland 2007, available at [http://www.ktl.fi/attachments/suomi/julkaisut/julkaisusarja\\_b/2008/2008b04.pdf](http://www.ktl.fi/attachments/suomi/julkaisut/julkaisusarja_b/2008/2008b04.pdf)

#### **Measures to prevent abuse of alcohol**

307. Alcohol consumption has decreased slightly since 2007, which is reflected in the incidence of alcohol-related harm in society. During the past decade we can also see a favourable trend in abstinence and binge drinking among young people. The decrease in overall alcohol consumption can at least partly be credited to increased prices of alcoholic beverages, as Finland raised alcohol taxation three times in 2008 and 2009.

#### **Measures to prevent abuse of tobacco**

308. Finnish tobacco control legislation has been proposed to be revised. The new legislation will create more smoke-free areas and prohibit tobacco display in points of sale. The goal of the proposed legislation is globally unique: to end the use of tobacco products. Finland has also raised the excise duty on tobacco products in January 2008 and January 2009.

#### **Measures to prevent HIV/AIDS and other sexually transmitted diseases**

309. The prevalence of HIV-infection in Finland is lower than in most industrialized western countries. A policy of mandatory notification is applied to HIV-infections and AIDS: laboratories and physicians must report cases to Infectious Diseases Register kept by the National Institute for Health and Welfare.

310. The Action Programme for Promotion of Sexual and Reproductive Health 2007–2011 defines the principles for promoting of sexual and reproductive health as well as for developing the related management, service structure, methods, and competence. HIV-infection is also part of the Action Programme. A new specific national HIV/AIDS strategy is under preparation; meanwhile, the previous one, covering the period 2002–2006, is being followed. The strategy emphasizes that the people in Finland need to have the necessary knowledge in order to prevent HIV infection.

311. Young people remain the main target group for awareness campaigns and direct prevention activities. In addition, targeted prevention efforts have been made to reach key populations at higher risk of HIV exposure, such as men who have sex with men (MSM), injecting drug users (IDUs), sex workers and travellers. NGOs are playing a major role in the prevention activities especially for the hard to reach populations.

312. In Finland, health education – including education in reproductive and sexual health and risks of contracting sexually transmitted infections (STIs) – is a standardized compulsory subject for school children aged 13–18 years. Adolescents' sexual knowledge and behaviour is monitored every two years with the School Health Promotion Study.

313. HIV testing and counselling is offered for all pregnant women and majority of them agree to take the test during their visits to antenatal care. Targeted health counselling and testing to prevent HIV and STIs is offered for the key populations at higher risk of HIV exposure.

314. In order to enhance the implementation of the Action Programme for Promotion of Sexual and Reproductive Health, the government approved a Decree on health counselling and physical examination as part of antenatal and well-baby clinics as well as school and student health services. The Decree obligates the municipalities to organize regular health check-ups for children and youth.

315. Treatment and care for HIV-infected people is provided in all regional health districts. All necessary and clinically indicated treatment and care is guaranteed free-of-charge to those who have been infected and who are eligible for Finnish social security benefits, i.e. have a legal residence status in Finland.

316. The number of newly diagnosed HIV cases in non-Finnish citizens has increased during the past years. This is a heterogeneous group of people consisting of e.g. temporary visitors and employees, foreign students, immigrants, asylum seekers and refugees. A new Guideline for the Prevention of Infection Problems among Refugees and Asylum Seekers was formulated in 2009 and has been published in early 2010.

#### **Measures to ensure adequate treatment and care for mental health patients**

317. The number of mental disorders in Finland has not increased over the past decades. However, periods of sick leave and the incidence of disability pensions due to mental disorders, depression in particular, have nearly doubled since the end of the 1990s. In an effort to prevent depression and reduce depression-related work disability in Finland, the Ministry of Social Affairs and Health has launched the Masto project (2008-2011).

318. To ensure adequate treatment and care in psychiatric facilities, the national plan for mental health and substance abuse work (Reviews by the Ministry for Social Affairs and Health 2009:3), published in spring 2009, includes 18 proposals for joint development of mental health and substance abuse work up to the year 2015. The plan focuses on strengthening the status of the client, enhancing efforts to promote mental health and abstinence from intoxicants and to prevent problems and adverse effects, and developing the service system to focus on outpatient services and basic services while ensuring that both mental health and substance abuse problems are considered at the same time.

319. During 2009, the National Institute for Health and Welfare prepared its own implementation plan (NIHW, Avauksia Series, 16/2010), engaged in debate on the national plan for mental health and substance abuse at several training events, joint meetings and projects, and updated the website set up for the national plan ([www.thl.fi/mielijapaihde](http://www.thl.fi/mielijapaihde)).

#### **Observations by the Parliamentary Ombudsman**

320. The Parliamentary Ombudsman is of the opinion that provisions on the availability of mental health service for young people must be urgently clarified in order to ensure that young people receive care on equal grounds throughout the State.

321. Units for somatic health care have to regularly deal with restless, confused or violent patients causing a disturbance. In such cases, personnel has had to resort to measures such as isolating the patient, confiscating personal belongings or medicating the patients without consent in order to ensure the health and safety of the patients or others. In general, such measures have been justified with reference to provision on self-defence and necessity contained in the Criminal Code. The Ombudsman finds it highly problematic that no specific legal basis exists.

## Article 13

322. On 5 December 2007, the Government approved a development plan for education and research for the years 2007-2012 (Publications by the Ministry for Education 2008:9). It focuses on ensuring equal opportunities for high-quality education from compulsory school to universities. In particular, it aims to develop the quality of teaching. In compulsory schools, this will translate into smaller groups and strengthening support and special education. It also includes measures to improve the well-being of students.

323. Human rights education is one of the themes the content and goals of which must be included in compulsory and voluntary subjects and general activities. The must also be reflected in the general operative culture of the schools. The National Board of Education has drafted an amendment to the basis of curricula to explicitly include the ICCPR, the Convention on the Rights of the Child and the ECHR as of August 1st, 2010.

### **Compulsory and free primary education for all**

324. Section 31 of the Basic Education Act (628/1998) provides that teaching, the necessary textbooks and other learning materials, and school equipment and materials shall be free of charge for the pupil. A disabled child or a child with special educational needs has additionally the right to get the interpretation and assistance services he or she needs to participate in education, other educational services, special aids and the services provided under Section 39 free of charge. A pupil attending basic education shall be provided with a balanced and appropriately organized and supervised meal on every school day.

325. Moderate fees may be charged to pupils for education arranged abroad and for education provided by a private organization or foundation in a language other than Finnish, Swedish, Saame, Roma or sign language based on a special educational mission assigned by the competent Ministry.

### **Measures to make secondary education generally available and accessible to all**

326. According to the General Upper Secondary School Act (629/1998) teaching shall be free to a student taking part in the whole syllabus of the school. Fees may be charged to pupils studying individual courses, for the upper secondary school exam and for those merely taking part in exams. Additionally, the Ministry for Education may, in special circumstances, authorize a school to charge fees.

327. Full-time students are entitled to free meals. Living in a dormitory assigned by the school is also free of charge. Student living in Finland and engaged in full-time studies in Finland may be entitled to a State-guaranteed student loan and, with certain exceptions, to allowances to cover costs of travel to school. Students must, however, cover the costs of textbooks and materials themselves.

### **Measures to promote literacy as well as adult and continuing education**

328. Finland is engaged in systematic work to promote literacy and the level of Finnish skills of students is continuously monitored. Results have consistently been positive. Evaluations conducted in 2007 on skills in the Finnish language and in literature of those passed the sixth grade indicated that 65 per cent of girls and for 42 per cent of boys had good or excellent skills.

329. As to literacy, results in international comparison (OECD PISA 2000) have confirmed the results of national studies: young Finns (15-year-olds) are highly and relatively equally literate.

### **Roma children**

330. In 2008, a programme for the support and development of the primary education of Roma children was launched. The programme is founded on the values of non-discrimination, equality and cultural diversity.

331. The programme includes measures to develop cooperation between schools and homes, improve tolerance and good ethnic relations as understanding of the Roma culture. It aims at increasing contacts between Roma people and other Finns, enhancing the development of the identity of Roma children, promoting opportunities for the children to learn the Roma language, develop special education for those in need and teaching techniques and materials that take into consideration the background of the Roma children.

332. The Ministry of Education grants state financial aid to municipalities for measures to improve and stabilize the understanding in school communities of the Roma culture and to costs related to such programmes. The amount of the available aid in 2008-2009 was EUR 300,000. A total of 14 municipalities received such aid. In 2010-2011, the amount of the aid will be increased to EUR 650,000. More municipalities are encouraged to take advantage, and the existing ones are encouraged to expand their programmes. Approximately 75 per cent or all Roma children in compulsory school are included in the scope of these measures.

### **Sámi children**

333. The Sámi Language Act (1086/2003) provides that official authorities operating in the Sámi Homeland have duty to ensure the availability of services in the Sámi language.

334. According to the Government report to parliament on Finland's human rights policy 2009 (Publications by the Ministry for Foreign Affairs 7/2009), the Government is planning to adopt a programme to promote the revitalization of the Sámi language. On 24 September 2010 the Ministry of Education and Culture set up a working group to draft a proposal for a programme to revive the Sámi languages. The task of the working group is to assess the situation of all three Sámi languages spoken in Finland, including Skolt Sámi, and the measures taken to improve the situation. On the basis of the assessment the working group will draft a proposal for a comprehensive, long-term programme to revive Sámi. The work of the group is directed by a steering group, in which Skolt Sámi, too, is represented. The revival programme must include proposals concerning the research and planning of the Sámi languages, the teaching in and of Sámi, support to Sámi culture, Sámi day care and language nest activities and other areas of societal life in which the right of the Sámi to maintain and develop their language and culture are supported at national level. The working group is expected to complete the proposal by the end of 2011.

335. Since 2010, significant measures have been taken to improve the opportunities for Sámi people to maintain and develop command of their native language outside the Sámi Homeland. A decree of the Ministry of Education (1777/2009) provides for a directed state financial aid to municipalities for the provision of two hours of education in Sámi per week. In 2009, some EUR 6mn were allocated for such education in Sámi, Roma and for language education in Finnish/Swedish as a second language to immigrants. In 2010, the allocation was doubled to EUR 12mn.

### **Immigrant children**

336. An immigrant child in Finland the within the age range of statutory compulsory education has an equal right to basic education. According to Sections 5 and 7 of the Basic Education Act, local authority, or an entity authorized to do so, may arrange instruction preparing immigrants for basic education. Such preparatory education is meant for immigrants of the age of six or older children within the age range for compulsory education. Since 2009, it entails 900-1000 hours of education per year, up from the earlier

450-500 hours. In the autumn of 2008, a total of 1,662 pupils were included in the programme, an increase of 3.9 per cent from the year before.

337. Immigrant children whose command of Finnish or Swedish is not a native level may be thought courses in Finnish/Swedish as a second language instead. As of 2010, the State has allocated funds to municipalities to enable three hours of education per week in either courses on Finnish/Swedish as a second language or for other education in their own native language.

338. If possible, schools may also arrange courses in the native language of the pupil. As of 2010, the State has allocated funds to municipalities to provide two hours a week of such education for each group of four. In 2008, some 12,200 pupils were studying their native language, showing an increase of 10.9 per cent from 2007.

### **Special education**

339. Section 3 of the Basic Education Act provides that education shall be provided according to the pupil's age and capabilities and so as to promote healthy growth and development in the pupil. This provision provides the basis for all education and for all supportive special measures.

340. Children are to be included in mainstream education whenever possible. Learning arrangements for children with special needs shall be decided on a case-by-case basis. Depending on circumstances, supportive measures may include remedial teaching, psychosocial support and support provided by an assistant.

### **Equal admission criteria for boys and girls**

341. In 2005, the Act on Equality between Women and Men was amended to include measures to improve equality in schools (the law is not applied to schools providing compulsory primary education). According to the relevant provision, each school must prepare an annual equality plan in cooperation with representatives of teachers and students. The plan must include an estimate on the existing situation and measures to improve it. Particular attention must be paid to equality in admissions. It must also give consideration to measures to prevent sexual and gender-based harassment.

### **Measures to reduce dropout rates**

342. In 2006, the Ministry for Education initiated a group of measures to improve welfare and reduce exclusion in schools. Related development projects provided schools with concrete measures, materials and training to improve the welfare of their pupils.

343. The Basic Education Act, General Upper Secondary School Act and the Vocational Education and Training Act (630/1998) were amended in 2003 to include provisions obliging the provider of education to draw up a plan, in connection with curriculum design, for safeguarding pupils against violence, bullying and harassment, execute the plan and supervise adherence to it and its implementation.

## **Article 15**

### **Measures to promote broad participation in, and access to, cultural life**

344. The Government Programme of April 2007 adopted among its main goals of cultural policy the promotion of diversity in art and culture, the promotion of creativity and the promotion of civic activity. Particular attention is given to improving access to, and participation in, cultural life, with due consideration given to the realization of cultural services throughout different groups and regions.

345. On the basis of the report by the Vammaiset and kulttuuri (“The Disabled and Culture”) working group (2003-2005) the Ministry of Education prepared programme for the accessibility of arts and culture for the years 2006-2010.

346. A State-funded Kulttuurilla kaikille (“Culture for All”) service has been available at the Finnish National Gallery. The service is mandated to help cultural actors make their service more accessible through means of communication, guidance materials, education and accessibility mapping measures.

347. In 2006, the Ministry of Education set up a working group on accessibility of arts and culture for 2008-2010 mandated to promote cross-sectoral cooperation and to find ways to employ disabled people and people from minority backgrounds in the arts.

#### **Museums and cultural heritage**

348. The Ministry of Education and Culture supports museums through the State subsidy system. The system covers 127 museums, most of which are run by municipalities. In 2010, the State subsidized museums with some EUR 37mn. The amount has nearly doubled from 2008. Most of museums offer admission free of charge to children and young people.

349. In 2008, the Ministry launched a project titled Nation Digital Library which aims to bring the most important museums, libraries and archives accessible to all via information networks. In 2011, a customer interface will be opened to provide centralized access to all and through which they will also be relayed to the European digital library Europeana.

350. The Ministry also supports the conservation and promotion of the Sámi culture through the Sámi museum Siida.

#### **Measures to protect cultural diversity**

351. The Ministry for Education and Culture provides annual grants to associations representing minority cultures. The Ministry is in charge of a EUR 600,000 budget allocation for the promotion of multiculturalism and for combating racism which is used to support cultural activities of immigrants and national minorities, such as the Roma.

352. In addition, the Ministry grants an annual allowance to the Finnish Sámi Parliament for cultural activities in the Sámi language and for Sámi cultural associations.

353. In addition to the special allocations explained above, the Ministry has also directed an increasing proportion of the general budget allocation for youth programmes to projects related to cultural minorities (see table 21 in annex I).

#### **Measures to ensure protection of moral and material interest of creators**

354. Finnish copyright legislation conforms to a high standard and takes into consideration both the moral and material rights of creators. The relevant legislation conforms to Finland’s international obligations. Within this framework, Finnish copyright laws strike fair a balance with the need to protect the intellectual rights of creators and performers and with the need to promote culture and communication, protect privacy and too respond to the particular needs of disabled persons.