

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fifth periodic report by the Government of Finland**

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## INTRODUCTION

The fifth periodic report of the Government of Finland on the implementation of the International Covenant on Economic, Social and Cultural Rights covers the period of time from July 1999 to May 2005.

The new Constitution of Finland, the provisions of which concerning fundamental rights and freedoms were already discussed in the third and fourth periodic reports, entered into force on 1 March 2000. The earlier reform of the fundamental rights provisions in the former Constitution Act in 1995 extended the protection of human rights from that of the traditional fundamental rights and freedoms to cover also guarantees of *de facto* equality and the enjoyment of economic, social and cultural rights.

The national strategic planning system in the field of social welfare and health care was reformed at the beginning of 1999, whereby the earlier yearly national plans were replaced with four-year target and action plans corresponding to the term of office of the Government. Thus, the existing Target and Action Plan for Social Welfare and Health Care applies to the years 2004-2007.

In 2001, the Ministry of Social Affairs and Health adopted a further strategic instrument, namely the Strategies for Social Protection 2010. Decisions on the resources of local social welfare and health care are made by Parliament in connection with the State budget. During the period of time covered by the present report, the system of state subsidies for social welfare and health care projects has been revised so that since 2003, it has been possible to provide financial support for projects of developing the provision of services by local authorities and joint municipal boards.

It is the local authorities that in practice bear a great responsibility for ensuring welfare. This is also shown by an estimation according to which the expenses of local authorities in the fields of social welfare and health care and education amount to approximately 75% of all their expenses in 2005.

According to an assessment made by the State and the Association of Finnish Regional and Local Authorities, attached to the State's spending guidelines for the years 2006 to 2009, the financial balance of local authorities and joint municipal boards has weakened more than expected in 2004, and it is estimated that the pressure on spending will consequently increase. The financial situation of local authorities will remain tight in 2005 and 2006. The pressure on spending in the sectors of social welfare and health care increases, in particular, due to the ageing of the population. The economy of local authorities is the only sector of public economy having a deficit at present.

According to section 109 of the Constitution, the duties of the Parliamentary Ombudsman include the supervision of the implementation of fundamental and human rights. The assessment of respect by public authorities for the fundamental rights and freedoms guaranteed by the Constitution and for the human rights based on international conventions, is part of this supervision. The report of the Parliamentary Ombudsman submitted to Parliament contains a specific section on fundamental and human rights. The Parliamentary Ombudsman has also drawn attention to deficiencies observed by submitting opinions, *inter alia*, to various ministries and the different committees of Parliament. The Parliamentary Ombudsman has a continuous dialogue with non-governmental organisations, aiming at obtaining information on e.g. the implementation of economic, social and cultural rights. Such non-governmental

organisations have included, among others, Roma organisations, organisations for the protection of the rights of disabled and handicapped persons and children, and women's organisations.

The Minority Ombudsman Act (660/2001) entered into force on 1 September 2001, replacing the earlier Act on the Ombudsman for Aliens. The Minority Ombudsman is an independent and impartial authority, whose duties include the prevention of ethnic discrimination, the promotion of good ethnic relations and of the status and rights of immigrants and persons belonging to minorities, the monitoring of equality among different ethnic groups and the monitoring of respect for the principle of non-discrimination.

In accordance with Prime Minister Matti Vanhanen's Government's political programme of 24 June 2003, the Government intends to submit a report to Parliament on the Government's disability policy before the end of the term of Government. The report will cover all sectors of administration. The preparation of the report is coordinated by the Ministry of Social Affairs and Health, within the framework of the National Development Project for Social Services.

As of 1998, Parliament has been informed of the priorities of the Government's human rights policy. This has taken place, in the beginning through reports submitted by the Minister for Foreign Affairs to Parliament's Foreign Affairs Committee, and later through Government reports.

In the preparation of the report, trade unions and non-governmental organisations have been provided with an opportunity to present their views on the implementation of the Government's obligations under the Covenant during the reference period.

## **Concluding observations of the Committee (01/12/2000/E/C.12/1/Add.52)**

### **D. Principal subjects of concern**

#### ***D 12. Case law***

The Committee has expressed concern over the fact that, while the Covenant may be directly invoked before the courts of Finland, there is no case law data suggesting that this has ever happened.

The Government notes that, despite their numerical scarcity, there are cases in which an express reference has been made to the Covenant. Such cases include, among others, the Supreme Court's precedent *KKO:1998:79* of 25 June 1998, the Supreme Administrative Court's precedent *KHO:2003:58* of 5 September 2003, the decision of the County Administrative Court of Central Finland No 227 of 26 March 1997 and the Labour Court's decision *TT:1995-43* of 3 July 1995.

The small number of references to the Covenant and to other international human rights conventions may be due to the fact that the case has been decided on the basis of the corresponding national provisions in harmony with the international human rights commitments, and therefore, and explicit mention of a certain provision of a human rights convention has not been considered necessary. However, in the cases where there have been found discrepancies between the national legislation and an international human rights

convention the latter, including its case law, may have been referred to as a source for a decision.

The question of training relating to the Covenant and human rights in general is discussed in connection with the Committee's suggestion/recommendation E 22 below.

#### **D 14. Racist attitudes**

The Committee has regretted that racist attitudes prevail among the population.

The provisions of law on equality and the prohibition of discrimination play an important role in the fundamental rights system of Finland.

Section 6, subsection 2, of the aforementioned Constitution of Finland (731/1999) contains a prohibition of discrimination, according to which no one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his/her person. Prohibited grounds for discrimination are not, however, listed exhaustively.

A new Non-Discrimination Act (21/2004) entered into force on 1 February 2004. Its provisions are discussed in connection with Article 2.

The provisions of Chapter 6 of the Penal Code, concerning sentencing, have been amended so that it is possible to increase the punishment if the offence has been committed of a racist motive (Act amending the Penal Code, 515/2003). According to section 5, paragraph 4, the fact that the offence has been directed at a person belonging to a national, racial, ethnic or other population group due to his/her membership in such a group, is a ground for increasing the punishment. This provision entered into force on 1 January 2004.

It is noted in the explanatory part of the Government bill to enact the aforementioned provisions that, as a result of social change, racism and xenophobia have taken increasingly visible forms in several countries. It has been considered necessary to react to the problem by means of criminal law because the ways in which racist and xenophobic attitudes and views are brought forward contain, as such, elements of crime. There is an increasing unanimity over the fact that offences committed on the aforementioned ground should be subject to a more severe punishment than the average. In Finland, such offences are particularly directed against refugees and immigrants but the motive may also be related to the victim's religion or ethnic origin (Government Bill 44/2002).

Section 3 in Chapter 47 (578/1995) of the Penal Code on employment offences contains a specific provision prohibiting discrimination at work. According to that provision, an employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts a job seeker or an employee in an inferior position because of race, national or ethnic origin, colour, language, sex, age, relations, sexual preference or state of health, or because of religion, political opinion, political or industrial activity or a comparable circumstance, shall be sentenced for *work discrimination* to a fine or to imprisonment for at most six months.

In connection with the adoption of the existing Aliens Act, nationality was added as a prohibited ground of discrimination to section 3 in Chapter 47 of the Penal Code explained below, containing a prohibition of discrimination at work. At the same time, the provisions of

the Penal Code were supplemented by adding a new section 3a to Chapter 47, concerning usury-type of discrimination at work. If a job seeker or an employee is put in an inferior position by taking advantage of the financial or other distress, position of dependence, lack of understanding of another, or thoughtlessness or ignorance, the offender shall be sentenced for *usury-type of discrimination at work* to a fine or to imprisonment for at most two years. The maximum punishment for this type of discrimination is considerably more severe than for discrimination at work in respect of which the offender may be sentenced to a fine or to imprisonment for at most six months.

According to the Government Bill the purpose of both the aforementioned amendments is to prevent discrimination against foreigners at work and to increase the equal treatment of employees. Employees with a foreign background are often dependent on their employer as referred to in the provision on usury-type of discrimination at work, because of a fear of losing their jobs or being removed from the country. Furthermore, the lack of knowledge or poor language skills may weaken the foreign employee's possibilities to seek information on labour legislation and practices. The provision prohibiting usury-type of discrimination at work is intended to strengthen the protection of the weaker party (Government Bill 151/2003).

The aforementioned amendments to Chapter 47 of the Penal Code entered into force on 1 May 2004.

The new Employment Contracts Act (55/2001), which entered into force in 2001, is an Act of general application containing the most relevant provisions on employment, binding on the employer and the employee. The provisions of the repealed Employment Contracts Act (320/1970) concerning discrimination at work have also been included in the new one, supplemented by certain more specific provisions. The Employment Contracts Act provides for the equal treatment of employees and for the prohibition of discrimination. Section 1 in Chapter 2 contains a general obligation, according to which the employer shall in all respects work to improve employer/employee relations and relations among the employees. The employer shall also strive to further the employees' opportunities to develop themselves according to their abilities so that they can advance in their careers.

In addition to the sanctions based on the aforementioned provisions of the Penal Code, the employer may be ordered to pay damages under Chapter 12 of the Employment Contracts Act, on the basis of tort liability, or to pay other form of compensation pursuant to the provisions of the Non-Discrimination Act (21/2004) or of the Act on Equality between Men and Women (609/1986). Forms of compensation other than damages do not require any tort attributable directly to the employer.

In 2004, a new provision prohibiting discrimination on the basis of national or ethnic origin or religion was added to the State Civil Servants Act (750/1994) and to the Act on Civil Servants in Local Government (304/2003).

The Seamen's Act (423/1978), the State Civil Servants Act (750/1994) and the Act on Civil Servants in Local Government also contain specific provisions prohibiting discrimination. Discrimination on account of sex is prohibited in the Act on Equality between Women and Men (609/1986). The provisions on the concept of discrimination, the prohibition of retaliatory measures and the burden of proof are included in the new Non-Discrimination Act (21/2004) which entered into force on 1 February 2004.

The Ministry of Labour has, in the past few years, financed several extensive campaigns for the enhancement of tolerance. In 2002, for example, it produced a news magazine, a videotape and a poster presenting the skills of immigrants, targeted at employers. The Ministry



also maintains web pages compiling materials and instruments to enhance diversity and prevent discrimination, a register of institutions offering training, brochures on the Non-Discrimination Act and examples of good practices to enhance non-discriminatory practices. The web pages also contain links to other relevant national and international materials for the enhancement of equality. In June 2005, a specific portal for the prevention of discrimination will be opened at [www.equality.fi](http://www.equality.fi). The Ministry of Labour further finances the work of the Human Rights League (a national NGO) in the prevention of racism and ethnic discrimination, including the provision of public information, advice and training.

In 2003 to 2006, a project for the development of cultural diversity at workplaces is implemented under the European Social Fund. The purpose of the project is to compile information on good practices at work and to create functional models for the recruitment of immigrants in both the public and the private sectors. The project includes training at workplaces in cultural diversity and tolerance. The project consists, at present, of 29 different projects focusing on different topics or thematic issues, implemented in mutual cooperation.

Section 9 (578/1995) in Chapter 11 of the Penal Code contains a general prohibition of discrimination.

### ***D 15. Enjoyment of labour rights by the so-called "stand-by" workers***

In Finland, employment contracts may be either permanent or temporary. Under section 3, subsection 2, of the Employment Contracts Act (55/2001), a temporary employment contract may only be concluded for a justified reason. This provision is meant to prevent the possibilities to deviate from the binding rules concerning the protection of the rights of employees on the mere ground that the employment has lasted for a short time. A justified reason for the conclusion of a temporary contract may be e.g. the nature of the work, the need to substitute for another employee, traineeship or other comparable reason. The employment contract may also be temporary in cases where the employer has another justified reason relating to the activities of the company or the work to be performed. If the employer has a permanent need for employees, the use of temporary employment contracts is not considered authorised. On the initiative of the employer, a temporary employment contract concluded without a justified reason and subsequent temporary employment contracts concluded with the same employee, without a justified reason, shall be considered as having being valid on a continuous basis.

A temporary employment contract ends upon the expiry of the period of time for which it has been concluded, without any need for a separate act to terminate the employment. The employment of a temporary employee may, before the end of the agreed period of time, only be terminated if the conditions for the annulment of the contract exist, i.e. that the employee has committed a serious breach of the contract.

In Finnish legislation, no distinction is made between the so-called "stand-by" workers and other temporary workers. The terms of contract of hired employees are determined in accordance with section 9 in Chapter 2 of the Employment Contracts Act. If the employer has hired out its employee to work for another employer (*user enterprise*), and the user enterprise is neither bound by a collective agreement referred to in section 7, paragraph 3, nor required to observe a generally applicable collective agreement in its employment relationships, the provisions of another collective agreement applicable to the user enterprise shall be applied to the employment relationship of the hired employee.

## **D 16. Minimum wages**

Under the Finnish system, the wages paid for work are determined on the basis of the worker's contract of employment and the collective agreement applied in the sector in question. The Employment Contracts Act is an Act of general application, containing the most relevant provisions applied to employment, binding on both the employer and the employee. An employer bound by a collective agreement is, under the Collective Agreements Act (436/1946), under an obligation to comply with the collective agreement in respect of the employment of any workers, both those who are bound by the agreement and those who are not, unless the scope of application of the collective agreement has specifically been restricted to only extend over workers bound by it. Should an employment contract be, in some respect, in conflict with the provisions of the applicable collective agreement, the relevant provisions of the collective agreement shall apply.

According to Chapter 2, section 7, of the Employment Contracts Act, the employer shall observe at least the provisions of a national collective agreement considered representative in the sector in question (*generally applicable collective agreement*) on the terms and working conditions of the employment relationship that concern the work the employee performs or nearest comparable work. Thus, the minimum level of wages and other standards are determined on the basis of a generally applicable collective agreement in case such an agreement exists. Thus, the purpose of the provisions is to guarantee non-organised workers the same wage benefits as those who are members of a trade union. In case there is no applicable collective agreement in the sector in question, the wages may be freely agreed on. However, according to a principle derived from the Employment Contracts Act, any work must be subject to usual and reasonable wages.

According to section 2 in Chapter 10 of the Employment Contracts Act, if the application of a term or condition in the employment contract is contrary to good practice or otherwise unreasonable, the term or condition may be adjusted or ignored.

## **D 17. Violence against women**

The extent of violence against women, services targeted at victims of violence, rehabilitation of victims and legal remedies available to them are discussed in reply to the Committee's suggestion and recommendation E 30.

## **D 18. Homeless in the greater Helsinki area**

Of all the homeless in Finland, approximately 60% live in Helsinki or one of its neighbouring cities, despite that the inhabitants of these cities only constitute approximately 20% of the whole population of the country. The significant share of the homeless is caused by the more problematic housing market and the more expensive costs of living in the greater Helsinki area, in comparison with the other parts of the country, and partly by the tendency of the homeless to move to larger population centres.

The State and the cities of Helsinki, Espoo and Vantaa have agreed on a programme for the reduction of homelessness for the years 2002 to 2005. During the programme, a total of some 3,000 apartments have or will be designated for the homeless. The number of single homeless persons in the greater Helsinki area has reduced from 5,500 to 4,200.

Table 1. Numbers of the homeless in the greater Helsinki area in 1999 to 2004

	1999	2000	2001	2002	2003	2004
<b>Single homeless persons</b>						
Finland in total	9,900	10,000	10,000	9,560	8,190	7,650
Greater Helsinki area	5,463	5,716	5,787	5,560	4,440	4,185
Helsinki	4,440	4,700	4,700	4,600	3,515	3,270
Espoo	550	550	580	529	446	438
Vantaa	473	466	507	431	479	477
<b>Homeless families</b>						
Finland in total	780	780	780	770	420	360
Greater Helsinki area	686	684	688	657	315	229

Source: Housing Fund of Finland, 1999 to 2004

The measures introduced in 2002 for the reduction of homelessness in the greater Helsinki area included, in particular, the enhancement of the construction new rental apartments, especially small ones, and the availability of rental housing facilities in general, the increase of the supply of apartments and pieces of land for specific groups of persons, the improvement of regional cooperation in the development of supported housing schemes and housing services, and the improvement of the quality of sheltered housing and services.

The aforementioned housing facilities include ordinary rental apartments to be reserved particularly for the homeless, as well as supported and sheltered housing and housing facilities meant for temporary living. It has been estimated that approximately 70% of the homeless in the Helsinki metropolitan area need various types of support relating to housing. More than half of them need housing facilities where support is available 24 hours a day.

The volume of rental apartments produced in 2002 to 2004 was nearly half of the set objective for the programme for reducing homelessness. In respect of certain types of housing, such as ordinary rental apartments and particularly youth apartments, the objective was clearly surpassed. In respect of supported and sheltered housing and temporary housing facilities, approximately two thirds of the set objective have been reached so far in the programme for reducing homelessness in the greater Helsinki area. The objectives have been surpassed in Helsinki, but in Espoo and Vantaa the objectives were not entirely reached, which means that the situation is not entirely in balance. Furthermore, the programme has emphasised the housing facilities of persons with mental or physical disabilities, apart from persons needing rehabilitation as a result of mental health problems, whereas the housing facilities of persons who have had problems with intoxicants and other serious problems have gained relatively little attention. Most homeless persons in the Helsinki metropolitan area need either specialised services or 24-hour support, or even supervision or support within the framework of social welfare services. Thus, for the purpose of reducing homelessness, it is important to focus on the creation of supported and sheltered housing facilities and on the ensuring of support and advice for independent living. The implementation of the housing services for those homeless persons for whom access to housing is most difficult requires significant

investments and appropriate solutions with regard to the location, volume, size and maintenance of housing facilities. Such housing facilities are typically provided for in cooperation between cities, the State and the third sector.

Within the city of Helsinki, both the city and organisations maintaining sheltered housing facilities have improved their quality in the past few years. The representatives of the Ministry of the Environment and the Ministry of Social Affairs and Health have discussed instructions concerning the quality of sheltered housing facilities and services. It is a general opinion that sheltered housing should be developed in cooperation with the local authorities, with a view to adopting recommendations on the standards of housing facilities and services.

A working group that has examined homelessness in the greater Helsinki area, has prepared a proposal for a joint plan for the development of housing facilities for the homeless in 2005 to 2007. The cities in the greater Helsinki area create a regional cooperation network, the objective of which is to develop the housing facilities and support for those homeless persons for whom access to housing is most difficult, the working methods and models reducing homelessness permanently, and the support and advice for independent living. During the implementation of the plan, an appropriate service system will be established to ensure that the regional cooperation network also works in the future.

Finland's Slot Machine Association (RAY) has allocated a total of 37 million euro to non-profit organisations and associations in 2002 to 2005, which have been used to start the procurement or construction of some 1200 apartments for the homeless. Part of the funds has been used as operational subsidies.

#### ***D 19. Public health care system***

Since the submission of the previous periodic report, the flexibility of the health care systems and the patient's rights in Finland have been significantly improved, among others, by setting maximum periods of time within which the need of care must be assessed and, where necessary, access to care must be provided. The relevant amendments to legislation entered into force on 1 March 2005. During office hours, everyone must be able to immediately contact a public health care centre. An assessment of the need for care by a health care professional must be available within three weekdays from the contact, unless it is possible to make the assessment on the phone. Access to care, which is considered necessary on the basis of medical criteria, must be provided within a reasonable time. In respect of specialised medical care, the assessment of need for care must be started within three weeks of the receipt of a doctor's referral by the hospital. Access to specialised medical care, which is considered necessary on the basis of medical criteria, must be provided within six months of the assessment.

If it is not possible to provide care within the set time limit, the local authority or joint municipal board must arrange the care by resorting to other service providers, without this increasing the costs of the patient. The hospital district is responsible for the provision of care for patients that have been referred to the hospital. All the inhabitants of municipalities constituting the hospital district must have access to services on the basis of the same principles. The health care units must publish the waiting periods for care. The aim is to diminish the regional differences in the provision of non-urgent care so that, irrespective of their place of residence, people have access to care on the basis of more consistent criteria than earlier. Consistent criteria have been prepared for the most important diseases and medical treatments.

In the view of the Association of Finnish Regional and Local Authorities, while the public health care system has been developed, the local authorities have not been provided with sufficient funds to take care of their increasing responsibilities. The economy of the local authorities has weakened in general, but statistics nevertheless indicate that the local authorities have given priority to social welfare and health care services. The spending in the social welfare and health care sector has increased more than in other sectors.

### ***D 20. Inequality depending on the place of residence***

In public health care, the principle of equality has always been underlined. It is not, however, possible to reach absolute equality in all respects for the reason that there are significant regional differences due to the system of independent local decision-making. The socio-economic status of citizens also explains differences in access to health care services. These problems have been paid particular attention to in connection with the aforementioned amendments to legislation concerning maximum waiting periods, and efforts are made to tackle them with the help of national objectives. Inequality has not been considered a problem in respect of the groups of patients referred to by the Committee, with regard to access to health care services.

## **E. Suggestions and recommendations**

### ***E 21. National plan of action***

In its report on the human rights policy of Finland, submitted to Parliament in 2004, the Government set as its objective the effective implementation of all human rights conventions binding on Finland. The constructive dialogue with treaty monitoring bodies, the promotion of the transparency of the preparation of periodic reports, the participation of civil society in the reporting and the monitoring of the implementation of recommendations given by treaty monitoring bodies will be enhanced.

### ***E 22. Further training for judges and lawyers***

The Committee encourages the State party to ensure that all judges and lawyers receive further training provided free of charge to familiarize them with the provisions of the Covenant and the general comments adopted by the Committee.

This suggestion has been paid attention to in the provision of training. In 1997 to 2004, the Ministry of Justice has arranged a total of 25 seminars on "Human rights and fundamental rights in the administration of justice". As many as 768 persons, mainly judges and court referendaries, have participated in the three-day seminars so far, and further seminars will be arranged twice a year. The seminars include regularly lectures on "Economic, social and cultural rights and the rights of minorities in the administration of justice". The same theme is also addressed in the context of case law concerning other issues. The lecturers of the seminars are mainly internationally known Finnish university professors.

Apart from judges, training in human rights and fundamental rights has also been arranged and will further be arranged free of charge for public legal counsels. Many of them are members of the Finnish Bar Association. Economic, social and cultural rights have also been part of this training. There have been three courses for public legal counsels since 2003, and a

total of 72 legal counsels have participated in them. Further courses will be arranged twice a year.

However, due to a lack of resources, it is not possible for the Ministry of Justice to arrange training free of charge for private lawyers.

### ***E 23. Budget allocation for international cooperation***

In accordance with the Government's development policy programme adopted on 5 February 2004, the budget allocation for development cooperation is increasing. On the basis of decisions that have already been made, the increase during the electoral period lasting up to 2007 will amount to approximately 218 million euro. According to preliminary information, the funds used for development cooperation in 2004 corresponded to 0.35 per cent of GDP. In the State budget for 2005, the allocation for development cooperation corresponds to 0.39 per cent of GDP. The budget allocation is steadily increasing, and it is estimated that it will reach the level of 0.48 per cent of GDP in 2009.

The volume of official development assistance (ODA) has been discussed within the framework of the European Union, as a contribution to the review of the Millennium Development Goals at the United Nations Summit in September 2005. New targets for ODA volumes, which are more ambitious than the earlier ones, were agreed on in the Conclusions (9266/05) of the Council and the representatives of the Governments of the Member States meeting within the Council on 24 May 2005. According to the Conclusions, the EU agrees to a new collective target of 0.56% ODA/GNI by 2010, and those Member States, which have not yet reached a level of 0.51% ODA/GNI, undertake to reach that level by the same year.

Finland accepts the collective target of 0.56% to be reached by 2010 and the objective of 0.51% for the old Member States, taking into account the uncertainties relating to the method of calculation. The Government's own development policy programme sets out an objective of 0.7% of GDP by 2010, which is nevertheless subject to the general economic development. In any case, the Government still aims at reaching the level of 0.7 per cent by 2010.

### ***E 24. Obligations based on membership in international financial institutions***

Finland participates in the work of international financial institutions as a member of its own constituency. For this purpose, Finland follows the Government's development policy programme adopted in 2004, in which the Government commits itself to the Millennium Development Goals of the UN, to a justice-based approach, to partnerships for development, and to respect for the right of self-determination of developing countries and their peoples. In cooperation with the international financial institutions, Finland actively aims, e.g. through its representative in the meetings of executive directors, at contributing to the functioning and productivity of the multilateral system by means of improving cooperation and harmonisation particularly between individual countries, on the basis of national programmes for development and reduction of poverty.

## ***E 25. ILO Convention No. 169 and the question of Sámi land title***

The Government has aimed at contributing to the settlement of the question of Sámi land title during the period of time covered by the present report.

In the context of providing for the cultural self-government of the Sámi people, the question of land ownership was excluded from the preparation of the legislation concerning the administrative status of the Sámi, considering that a more profound examination of certain issues relating to land ownership was necessary before any efforts to resolve the question by legislative means. The Sámi Parliament declared already in 1993 its intention to independently examine the question of land ownership. At the same time, the Ministry of Justice has actively sought to examine the question of land ownership in terms of property law and to prepare legislation on the administration of land whereby the right of the Sámi to use the land would be confirmed.

For the purpose of preparing the afore-mentioned legislation, the Ministry of Justice invited Mr Pekka Vihervuori, Justice of the Supreme Administrative Court, to prepare a report on the possibilities to remove the obstacles to the ratification of the ILO Convention No. 169. In the report it was proposed the establishment of a council of land rights to provide statements, apart from those of the Sámi Parliament, on projects relating to the use of land. A further proposal concerned the establishment of a land rights fund into which part of the proceeds of the use of the land areas, including tree felling, would be channelled. Mr Vihervuori also suggested changes to the material contents of the legislation applied to the use of land in the area with a view to strengthening the status of reindeer herding. In general, Mr Vihervuori's proposal was found unpractical and difficult to implement and nor did it lead to legislative measures.

In 2000, the Ministry of Justice set up a committee to examine the question of land-ownership and make a proposal as to how the rights to use land administered by the State within the Sámi Homeland could be provided for so that the arrangement ensures the right of the Sámi, as an indigenous people, to maintain and develop their culture and traditional means of livelihood, while taking at the same time the local conditions and the need for their development into account. The committee proposal should fulfill the minimum criteria that are required for the ratification of the ILO Convention No 169. The committee should especially assess to what extent the proposals made by Mr Vihervuori as to the establishment of a right to use the land may be implemented as such and to what extent they should be modified, paying attention to the rights of the Skolt Sámi and the special nature of those rights. The committee was also to include in its report an assessment of the costs and other effects of the measures.

The committee proposed in December 2001 the establishment of an administrative board for the Sámi Homeland, for the purpose of resolving certain relevant questions of land ownership, and consisting of representatives of both the Sámi and other local residents. The committee was not unanimous and the statements given on the proposal were also dissenting in many respects. Thus, nor did this proposal lead to any legislative measures.

The preparation of the amendments to legislation was continued in the Ministry of Justice. Further discussions were held with both the Sámi Parliament and with the Government.

The Ministry of Justice submitted a proposal in June 2002, for the establishment of an advisory board in the Sámi Homeland, with a mandate to submit opinions on the most important decisions on land ownership in the area as provided for in a separate act of

Parliament. According to the proposal, the National Park and Forestry Service could only have acted against the opinions in exceptional cases. The advisory board would have had an important role in ensuring that, in the most important decisions on the use of land, the management, use and conservation of natural resources be better coordinated and thereby the possibilities of the Sámi to maintain their culture and traditional means of livelihood be guaranteed and the local conditions and the need for their development be taken into account. The objective was to find an ecologically, socially, culturally and economically sustainable solution through coordinated measures. The advisory board would have consisted of representatives of the Sámi Parliament and of other local residents.

Furthermore, it was proposed that that the advisory board would have had a *de facto* Sámi majority, in the same way as the administrative board proposed by the committee. In the Ministry's view, the Sámi participation and influence in respect of the use of land was adequate, considering the local history, land use, structure of population and, as established over a long period of time both in practice and in legislation, the form of state administration in the area. The solution would not have affected the self-government of municipalities and nor would it have violated the rights of individual landowners. Nor would the proposed solution have increased disputes in the area. The Ministry found it justified to also guarantee the right of participation in decision-making for local residents other than the Sámi, for the reason that the Sámi had for centuries been performing their means of livelihood together with other Finns, despite that they were originally means of livelihood of the Sámi.

The proposal of the Ministry of Justice was sent out for comments to a large number of authorities and to relevant non-governmental organisations. The conflicting views in the statements received, concerning the effects of the question of land ownership on the arrangement of the administration of land by means of legislation led to a situation where it was no longer possible to submit the Government Bill to Parliament in 2002 as originally planned. The Sámi Parliament was also against the proposal.

The question of titles to land and water areas within the Sámi Homeland has proved so difficult that it has been considered justified to try and resolve it by means of specific measures. From a legal perspective, it would be inappropriate to have the question of the titles of the Sámi to the land resolved by means of instituting court proceedings. The outcome of the proceedings could involve uncertainties relating e.g. to questions of evidence. Instead, adequate historical research based on archives could provide a sound basis for political decision-making.

In order to have the issue resolved, the Ministry of Justice assigned at the end of 2000 Mr Juhani Wirilander, LL.D., with a duty to prepare an expert's opinion on the legal significance of the reports made so far on the issue of land-ownership within the Sami Homeland. His expert opinion was submitted to the Ministry of Justice in August 2001. According to Mr Wirilander, there is no undisputed evidence of that the Sámi villages owned the land on which they were located. Instead, there is evidence, consisting of district court records, of that families which lived in the Sámi villages had, apart from the pieces of land on which their dwellings were located, also water areas and fishing sites, hunting sites and herding areas in their possession, and these were taken into account in the distribution of tax liabilities among the village residents (heads of families). There are old decisions suggesting that there were also open land areas without any particular owners. In addition, the opinion gives account of the increasing role of the Crown and of the later gradual establishment of state ownership. In this respect, it is considered also relevant that, in the context of the said development, the Sámi began to establish new farms in order to protect their own position.



Mr Wirilander characterises his opinion as being more of a reasoned opinion in nature, and observed in its cover note that a profound investigation of the issue would require research to be carried out on the historical sources. He listed those sources that, in his opinion, should be resorted to.

Apart from proposing amendments to legislation, the afore-mentioned committee recommended that the research suggested by Mr Wirilander be initiated.

The existing reports show that the Sámi and other Finns have already for centuries lived in the same places and performed the same means of livelihood. In order to find a proportionate solution, in the light of historical facts, the facts concerning dwellings and populations as well as the development of the rights to use land play an even more significant role.

In a session held on 22 May 2002, the Government discussed various matters relating to the Sámi people as an entity and found it important to initiate independent research, based on archives, on the history of dwellings, populations and use of land from the mid-18<sup>th</sup> century until the beginning of the 20<sup>th</sup> century, in the areas of Kemi and Tornio in Lapland.

Once Parliament had approved financing for the research on titles to the land, the research project was initiated by an invitation for tenders that was also communicated to the Sámi Parliament. By the deadline, one tender was submitted to the Ministry of Justice, by a joint research group of the Universities of Oulu and Lapland. The tender met the conditions set in the invitation for tenders and the Ministry of Justice accepted it on 20 December 2002. In the course of research, the research group has presented its progress and findings to a steering group. It is possible that the report of the research group be published in September 2005. A steering group was set up to monitor the progress of the research, and the Sámi Parliament was also invited to designate its representative to the group. Unfortunately, the Sámi Parliament has, at least for the time being, decided to remain outside the steering group. A profound historical research on dwellings and populations, as well as on the development of means of livelihood and rights to use land, has been found necessary for the resolution of the issue, irrespective of whether it is carried out on legal or political grounds.

At the same time with the afore-mentioned measures, the Sámi Parliament continued its own investigations. In September 2002, the Sámi Parliament published the report of its working group on the question of land ownership within the Sámi Homeland (first preliminary report). The report is essentially based on the contention that the state's title to the land has no reliable basis in law, contesting the state's title to the land. The Sámi Parliament submits that the forests were not formally transferred to the state until about thirty years ago, by an amendment made to the legislation in 1976, establishing also state-owned forests as properties to be entered in the land register.

However, the register has not and has never had any constitutive or declarative effect on land ownership. The real estate register was not originally, and nor was the prior land register, meant to cover all land areas but they only contained entries concerning privately owned farms and dwellings. Entries concerning state-owned land areas were only made later. The fact that the registers contain no earlier indications of the state's title to land areas does not mean that the said areas had a status of *terra nullius*, i.e. land that had no owner. The major reforms concerning land ownership, the general parcelling of land and other significant legislative reforms, date back to distant times.

In its recommendation in 2004 the UN Human Rights Committee has expressed its concern over the Sámi land rights, and has found that Finland has not succeeded in resolving the question.

The Government notes that the measures to resolve the question have not been completed yet. The Ministry of Justice is willing to continue its discussions with the Sámi Parliament on any occasion if an initiative is taken to that effect. However, it is not able to submit any new proposal concerning the question until after the work of the aforementioned working group has been completed and its report has been examined.

### ***E 26. Status of the Roma***

The Finnish Roma live in the same areas and in the same types of apartments as the majority population, and there are very few homeless Roma. However, the Roma are dependent on public rental housing for the reason that it is more difficult for them to find an apartment in the private rental market because of their weaker financial position and the prevailing prejudices. Although the supply of rental apartments has improved in the past few years, in respect of both public and private housing sectors, the Roma still face problems in the housing market. In the private housing market, the usually required guarantee deposits and the solvency requirement often make it difficult for Roma to find an apartment. In respect of private housing, it is rather difficult to intervene in possible discrimination because of problems of evidence. In respect of apartments granted on social grounds, the Roma are in an equal position with other applicants. The new Non-Discrimination Act (see information given under Article 2) further improves the possibilities of intervening in possible discrimination.

The Ministry of the Environment, which is the authority responsible for housing, has drawn particular attention to the requirement of equality in its handbook for authorities deciding on the selection of tenants of rental apartments supported financially by the state. In cooperation with the Advisory Board for Roma Affairs, the Ministry of the Environment has also produced a handbook called "The Special Aspects of Housing in Roma Culture". It is meant for the local housing authorities and other relevant bodies, providing information on the Roma and thereby facilitating the access of the Roma to housing and their possibilities to change apartments. Both handbooks have been widely disseminated. Questions of equal treatment have also been addressed in various training and other sessions of local authorities and other bodies responsible for housing.

In respect of the selection of tenants of rental apartments supported financially by the state, the Roma may lodge a complaint with the Housing Fund of Finland or the Minority Ombudsman. Complaints concerning the housing situation of the Roma have also been made to the Parliamentary Ombudsman. The Ministry of the Environment, the Advisory Board for Roma Affairs and the Minority Ombudsman have recently drawn attention to the importance of resolving the problems at the local level, and have also worked to that effect. In this respect, the training of and the provision of advice for the local housing and social welfare authorities and estate agencies as well as the local Roma contact persons and representatives plays an important role.

In the autumn of 2002, the Minority Ombudsman took an initiative to improve services enhancing the employment of Roma.

In consequence, the Ministry of Labour sent out a questionnaire to all employment agencies in the spring of 2003, to find ways to support the employment of Roma by means available to the labour authorities, to find out how many Roma have been registered as jobseekers or unemployed jobseekers with the employment agencies, to get estimates as to the age distribution of unemployed jobseekers of Roma origin and their educational background, and to get suggestions for good practices.

As a result of the aforementioned inquiry, the Ministry of Labour sent a letter to the labour departments of the Employment and Economic Development Centres and to the employment agencies, inviting them to:

- 1) designate their representatives to the regional advisory boards for Roma affairs;
- 2) designate a Roma contact person for each employment agency and the labour department of each Employment and Economic Development Centre. Such a contact person may for example be the same person who performs the duties of an equality contact person;
- 3) provide training for their personnel in issues relating to ethnic equality and Roma culture and in the inclusion of these aspects in their work;
- 4) find ways to enhance the employment of young Roma registered with employment agencies, in cooperation with the representatives of the Roma;
- 5) plan preparatory labour market training suitable for the Roma, in cooperation with the representatives of the Roma;
- 6) assess the possibilities to arrange preparatory training for Roma wishing to complete comprehensive school education;
- 7) assess, in cooperation with the Roma, the possibilities to arrange them labour market training relating to self-employment or various professions;
- 8) take the aforementioned proposals into account when preparing non-discrimination plans under the Non-Discrimination Act.

In addition, the Ministry of Labour has initiated discussions with the Advisory Board for Roma Affairs with a view to producing together a number of handbooks, including a handbook on the Roma culture for different sectors of administration and another one for employers and employment agencies, a clear guide for the Roma on services provided by employment agencies, a guide concerning social welfare services and an updated guide on health care services.

At present, the Ministry of Labour is assessing the possibilities to launch, by the end of this year, a study to assess the availability of employment services for the Roma as well as the suitability and productivity of those services.

The Ministry of Labour monitors the implementation of the aforementioned proposals, among others, by sending out a new questionnaire to the employment agencies this year.

As of 2001, the Ministry of Labour has been coordinating an information campaign against discrimination (SEIS; Stop - Finland Forward Without Discrimination) which is partly financed by the European Union within the framework of the Community Action Programme to combat discrimination. The Advisory Board for Roma Affairs has participated in the campaign as a partner. The campaign is carried out, among others, by means of publications and articles and a website ([www.join.fi/seis](http://www.join.fi/seis) and <http://www.join.fi/seis/english/>). An online magazine (Push) is also published on the Internet, containing articles written in the Roma language.

In the spring of 2004, regional seminars were held within the framework of the SEIS campaign to provide information on the new Non-Discrimination Act, and training was arranged at workplaces in issues relating to equality planning. Questions concerning the Roma minority have been addressed in all activities arranged in connection with the campaign and the Roma have participated in their planning and implementation. In the autumn of 2004 and the spring/summer of 2005, the campaign has focused on the mainstreaming of models developed to enhance non-discriminatory practices and on the provision of training for authorities in equality issues. The website of the campaign contains a database of providers of

training specialised in Roma issues (of Roma origin). At present there are ten such persons in the database.

The Ministry of Labour has also coordinated another project partly financed by the European Union (JOIN - Joint Promotion of Anti-discrimination at Local Level), the most relevant objective of which is to develop the work of authorities by strengthening the cooperation and dialogue between authorities and groups facing the risk of discrimination. The project has included two sub-campaigns focusing on Roma issues. One of these campaigns resulted in the production of the first history book by the Roma themselves, "The History of Roma", which is available on the Internet on several languages (German, English, Finnish and Roma). In a printed form the book is for the time being only available in German. The other campaign carried out in Finland resulted in the development and testing of a model for supporting the education of Roma children.

The JOIN project was completed at the end of August 2004 but its results have, in respect of the Roma issues, been integrated in every-day practices. Further information on the project is available on the Internet at [www.join.fi](http://www.join.fi). The description and model of the Roma campaign carried out in Helsinki is also available on the Internet at <http://www.join.fi/english/helsinki.html> and "The History of Roma" at <http://www.romahistory.com/>.

The Ministry of Labour has created a national network of contact persons for equality issues, covering both regional and local administration. These contact persons are provided with regular training that has for several years included the enhancement of ethnic equality and the development of cultural diversity and non-discriminatory practices at workplaces. In 2003, such training focused, in particular, on the status of the Roma in Finland, discrimination faced by the Roma and cultural issues. The providers of training have all been of Roma origin.

The Roma are mainly encouraged to apply for educational programmes that are open to all persons meeting the admission criteria. However, the Labour Administration has also for years been providing further professional education for adults, designed particularly for the Roma. This education mainly focuses on fields that are closely related to the Roma culture (embroidery, music, theatre and horsekeeping). The Roma have themselves participated in the planning of the education. The educational needs of minorities are always addressed in meetings where labour market training is planned.

Funds provided by the European Social Fund have been used to implement a project called "Romako" in the past few years. The objective of the project has been to enhance the educational level, employment and welfare of Roma. Furthermore, within the framework of the European Social Fund, two projects have been launched under the EQUAL programme in 2004 concerning the Roma. These projects are part of action to combat racism and xenophobia and they focus particularly on education and affecting the attitudes of the majority population. One of the projects aims at integrating Roma in working life through education and by arranging work experience for Roma who already have the required education. The other project aims at raising the educational level of Roma and at developing a model for the experimental training of Roma culture instructors.

In addition, a set of measures to facilitate the access and return to the labour market, with a view to creating a labour market open to all persons, includes one project concerning the Roma (ROM-EQUAL). This project aims at creating a model for integrating Roma in working life, and at training personal school assistants of Roma origin who may contribute to the attitudes of school personnel and thereby help Roma children to complete their comprehensive school education.

A project supporting the employment and professional training of Roma (Finitiko romako), funded by the European Social Fund between 1 January 2000 and 31 December 2002, consisted of measures to enhance the admission of individual students into schools part of the general educational system, and to support their employment. In addition, preparatory courses for working life were arranged particularly for the Roma. The project aimed at raising the educational level of Roma and at reducing the prejudices between the Roma and the majority population. As a result of the project, many Roma managed to get professional training. However, despite this, the attitudes of employers had prevented their employment. Part of the problems were caused by the short educational and work history of Roma and often also by their problems with the command of life resulting from social exclusion.

The Advisory Board for Roma Affairs has drawn attention to the significance of the various projects in supporting the employment of Roma. In its view the labour and educational authorities must continue to support the education of Roma in cooperation with the Roma themselves. The completion of comprehensive school education and professional training is still not self-evident for all Roma. In the same way, support in finding employment must be provided for those Roma who already have the required education. Public authorities and organisations financed with public funds must set a good example to others in the employment of Roma. The Non-Discrimination Act may be interpreted as also requiring changes in the recruitment practices of the public sector. Attention must also be paid to the provision of advice for Roma by the authorities, both in cases of discrimination and in general.

The Advisory Board for Roma Affairs has noted that the prevention of access to private stores and restaurants and the restriction of services are still typical forms of discrimination against the Roma. Another serious form of discrimination is the practice of isolation in prisons. It may be necessary to isolate Roma prisoners from others on their own request, in order to protect them against the threat imposed by other prisoners. This means that a measure that is meant to be a sanction is in fact used for the purpose of protecting Roma prisoners, which makes it difficult for them to have access to group education, work, outdoor recreation and other activities on prison premises. There have also been problems in the community service of Roma prisoners because of the prejudices of the workplaces receiving them.

The education and training of the Roma is discussed in more detail under Article 13.

Measures taken to support the employment of Roma have also been given account of in the Government's periodic reports on the implementation of ILO Convention No. 111 given in 1999, 2001 and 2003 (*Annexes 1 to 3*).

## ***E 27. Racism and xenophobia***

In the European Union, a proposal for a Council Framework Decision on combating racism and xenophobia has been prepared. The Framework Decision would replace the Joint Action (96/443/JHA) concerning action to combat racism and xenophobia, and would supplement the Council Directive (2000/43/EC) implementing the principle of equal treatment of persons irrespective of racial or ethnic origin. Finland has found the proposed Framework Decision important and has supported the efforts to reach unanimity over it.

The Government's Action Plan to Combat Ethnic Discrimination and Racism (Towards Ethnic Equality and Diversity) was adopted on 23 March 2001. The Ministry of Labour coordinates the implementation of the Action Plan as well as the national implementation of the Community Action Programme to Combat Discrimination. The Action Plan was prepared in cooperation with a large number of authorities and other relevant bodies, and information on it

was widely disseminated throughout the country (by means of seminars, a publication and a website). It also implements the Programme of Action adopted at the third United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban.

The Action Plan focused on the years 2001 to 2003. Its purpose was to support and develop measures enhancing good ethnic relations and preventing racism and ethnic discrimination in Finnish society. Measures were taken under the Action Plan at both the national level and the regional and local levels, addressing equally new immigrants, immigrants who have stayed in the country for a longer time, the second generation of immigrants, and historical ethnic minorities including the Roma, the Jews, the Tatars and the so-called Old Russians as well as the indigenous Sámi people. The measures also covered returnees and their family members.

In the implementation of the Action Plan, funding provided within the framework of the Community Action Programme to Combat Discrimination has also been resorted to. These funds are still used to implement several national and international projects.

Funds of the Community Action Programme were also used in 2003 and 2004 to finance a European-level working group chaired by the Finnish Ministry of Labour, having as its duty to give account of European practices in the compilation of information on discrimination, to identify commensurate indicators of discrimination, and to submit proposals for methods of compiling information on discrimination in the Member States of the European Union. On the basis of this work, a national system of monitoring discrimination, racism and xenophobia will be created.

Information on the new *Non-Discrimination Act* is provided in connection with the information given under Article 2.

The Act on the Minority Ombudsman and the National Discrimination Board (660/2001) entered into force on 1 September 2001, abolishing the office of the Aliens Ombudsman. The Minority Ombudsman has as his duties to enhance good ethnic relations in society and improve the status and rights of foreigners and ethnic minorities, to report on the equality between different ethnic groups and on the status and conditions of different ethnic groups in society, to take initiatives to remove discrimination and deficiencies observed, to provide information on legislation and case law on discrimination on the ground of ethnic origin and on the status of ethnic minorities and foreigners. In addition, the Minority Ombudsman monitors the equal treatment of persons irrespective of ethnic origin, in cooperation with other authorities. The Minority Ombudsman has the right to obtain free of charge such information from other authorities as may be necessary for the performance of his duties, notwithstanding the provisions of law on the confidentiality of documents.

The Minority Ombudsman may refer cases to the National Board of Discrimination which is a new legal remedy, improving the *de facto* access to justice. The duties of the Board are provided for in section 13 of the Non-Discrimination Act. In cases of ethnic discrimination, to the extent that they do not concern employment or public service or traineeship or other comparable activity at the workplace, the Board may 1) confirm a friendly settlement between the parties, or 2) prohibit continued or repeated conduct violating the prohibition of discrimination or the prohibition of reprisals, on the initiative of a party to the conflict or of the Minority Ombudsman. In addition to the ordered prohibition, the Board may impose a threat of a fine and, if necessary, order the fine to be paid. It does not replace any legal remedies that existed already before its creation and nor does it have any competence to change decisions of authorities.

The Government set up an *Advisory Board for Minority Affairs* in the spring of 2005. This Board assists the Minority Ombudsman, and may submit proposals and opinions on the development of the supervision and monitoring of compliance with the prohibition of ethnic discrimination, as well as on the protection of the status and rights of foreigners. The Advisory Board aims at developing cooperation among authorities and non-governmental organisations in the monitoring and prevention of discrimination.

On 1 March 2005, the Ministry of Labour set up a reformed *Advisory Board for Ethnic Relations*. The objective of the reform is to increase transparency in ethnic relations and the prestige of the Advisory Board, and to transfer part of its duties to regional advisory boards to be established in the cities of Turku, Joensuu and Oulu. The possibilities of participation of immigrants and ethnic minorities are strengthened and members of political parties represented in Parliament are invited to become members of the Advisory Board.

The *Act on the Integration of Immigrants and Reception of Asylum-Seekers* (Integration Act; 493/1999) entered into force on 1 May 1999. The objective of the Act is to enhance the integration, equality and freedom of choice of immigrants by measures supporting their possibilities to acquire the relevant information and skills needed in society, and to ensure the means of living and care of asylum-seekers and persons in need of temporary protection by providing for their reception. In 2002, a new provision on the enhancement of equality and good ethnic relations was added to the Act. The obligation concerns local authorities and other authorities responsible for the preparation of integration programmes. For the purpose of implementing the provision, the Association of Finnish Regional and Local Authorities and its partners of cooperation have provided training for authorities responsible for the enhancement of equality and good ethnic relations.

The most important instruments provided for in the Integration Act are the local integration programme and the individual integration plan to be prepared for each unemployed immigrant. The Act affords immigrants certain rights but also imposes obligations on them. The obligations concern, in particular, those immigrants who are in need of subsistence allowance or other financial support from society. Immigrants are entitled to an integration plan for three years from the date of their entry into the country, provided that they are unemployed jobseekers entitled to labour market subsidy and/or receive subsistence allowance. An immigrant following his or her integration plan is paid a financial benefit consisting of labour market subsidy and, if necessary, subsistence allowance.

The Government submitted a report to Parliament on the implementation of the Integration Act in May 2002. According to the report, the Act has proved to be functioning and necessary and it has also had positive effects on the status of immigrants. However, many local authorities and the Labour Administration are still working on the creation and development of practices and on the establishment of cooperation. The Government will submit a further report to Parliament on the implementation of the Act by the end of 2007.

*Immigration policy programme.* The Ministry of Labour set up a working group in 2004 for the purpose of preparing a proposal for the Government's immigration policy programme. The preparation of a new programme is based on the political programme of Prime Minister Matti Vanhanen's Government. The purpose of the immigration policy programme is to specify the values of immigration policy, with the aim of respecting human and fundamental rights and strengthening a good administrative culture. At the same time, the purpose is to suppress threats relating to immigration.

The draft immigration policy programme prepared by the working group was completed on 15 June 2005. The draft programme outlines a total of 35 political objectives and proposes

measures to achieve them. The programme focuses on the enhancement of work-related immigration. Other relevant objectives include the creation of a counselling system, the improvement of the system of integrating immigrants, and the improvement of ethnic relations. The aim is to enhance the development of society based on the diversity of values and cultures and on the principle of non-discrimination, supporting thereby the internationalisation and competitiveness of Finland. The working group proposes that a separate programme be prepared for the implementation of the immigration policy programme, in order to assess the costs of the programme and their distribution as well as to establish the authorities and bodies responsible for its implementation and the different forms of cooperation. The working group notes that the governance of immigration policy requires appropriate follow-up.

In 2001, the Ministry of Labour introduced a project to enhance ethnic equality at work by creating and training a network of experts (ETNA). The network maintains its own website, and has produced materials on equality issues at work. The network consists of representatives of authorities, non-governmental organisations and groups at risk of discrimination (including organisations representing the Roma, persons with disabilities and immigrants). In 2004 and 2005 the network has expanded into a nationwide network of experts (NOVAETNA), the members of which in different parts of the country have undergone workshop-type of training making them prepared to provide training for others in issues relating to discrimination. They serve as regional experts in the implementation of the Non-Discrimination Act.

*Programmes against discrimination.* The Ministry of Labour has implemented various programmes and measures to ensure and enhance cultural diversity and equality with the help of EU funding, for example. The objective of the aforementioned SEIS project is to provide information and training on issues relating to cultural diversity and non-discrimination and to develop structures and models for enhancing equality. JOIN projects have been implemented since 2002, with the purpose of developing the dialogue between the relevant bodies at the local level as well as good practices by aiming at the identification and prevention of discriminatory practices. The projects have been used to arrange training, thematic workshops, personnel exchange and excursions, as well as to test new practices. A website and an online magazine, a network of providers of training and educational materials have also been produced within the framework of the JOIN projects. The projects have aimed at finding similarities in the experiences of groups facing discrimination, and thereby enhancing the ideas of non-discrimination and equality.

The Ministry of Education supports the combat against racism by means of yearly state subsidies. Financing is mainly granted for projects of non-governmental organisations against racism, xenophobia and intolerance. The projects may take different forms: subsidies may be granted for e.g. public information campaigns, school visits and school clubs having the aim of removing prejudices towards different cultures and of warning about the dangers of racism and xenophobia. On special grounds, subsidies may also be granted for experimental and development projects against racism introduced by local authorities. In deciding on the subsidies, particular attention has been devoted to projects that aim at guiding young persons away from various groups inciting to racism.

Measures taken to combat discrimination have also been given account of in the periodic reports on the implementation of ILO Convention No. 111 submitted in 1999, 2001 and 2003 (*Annexes 1 to 3*).



## ***E 28. Job security of part-time workers, stand-by workers and foreigners***

The objective of the Employment Contracts Act (55/2001) is to give temporary employment contracts an equal status with permanent ones. This is indicated, among others, by the provision in section 5 of Chapter 1, which reads as follows: "If the employer and the employee have concluded a number of consecutive fixed-term employment contracts under which the employment relationship has continued without interruption or with only short interruptions, the employment relationship shall be regarded as having been valid continuously when benefits based on the employment relationship are specified."

The Act further provides for the obligation of the employer to ensure, when announcing vacancies, that part-time and temporary workers have the same possibilities to apply for the jobs as permanent and full-time workers have.

Nor may the employer apply less favourable conditions of work on the basis of the duration of employment or working hours, without a justified reason. The employer must also in other respects treat all workers equally.

The Ministry of Labour chairs a tripartite working group which has as its duty to give account of problems caused by the grey economy, particularly in compliance with the minimum conditions of work and in the fair competition between companies, taking particularly into account the enlargement of the European Union and the international experiences. The working group is to assess the adequacy of supervision over the aforementioned issues and to submit the necessary proposals for legislative amendments or other measures. In addition, the working group is to assess the possibilities to ensure the minimum conditions of work under the Finnish labour legislation and collective agreements for workers posted abroad, within the framework of the transnational cooperation, and to make the necessary proposals for legislative or other measures. The working group will complete its work on 31 January 2006.

Of the trade unions, the Finnish Confederation of Salaried Employees (STTK) has submitted, *inter alia*, that positive amendments have been made to the Finnish labour legislation since the submission of the fourth periodic report, in respect of the job security of part-time workers. Section 2, subsection 2, in Chapter 2 of the new Employment Contracts Act prohibits the application of less favourable conditions of work for the sole reason of working hours, without a justified reason. This provision provides for the obligation of the employer to offer work to part-time workers. If the employer needs more workers for duties that would be suitable for part-time workers already working for the employer, such duties must first be offered for these workers. In the same way, section 22 of the Act on Civil Servants in Local Government (304/2003), which entered into force on 1 November 2003, provides for the primary right of part-time office-holders to another office. In practice, the conditions of work of part-time workers still are, however, weaker than those of full-time workers. As far as the so-called stand-by workers are concerned, section 2, subsection 2, in Chapter 2 of the Employment Contracts Act prohibits the application of less favourable conditions of work on the sole ground of the duration of employment, without a justified reason, but this provision does not remove the insecurity caused by the lack of protection against being laid off in short-time employment.

***E 29. Provision for minimum wages in order for protection to be ensured also to workers who are not protected by sectoral collective agreements***

Under the new Employment Contracts Act (55/2001), the minimum terms and conditions of work are still determined by generally applicable collective agreements. If a national collective agreement, which is considered representative in the sector in question, contains provisions concerning the type of work performed by the worker, the employer is under an obligation to apply those provisions as minimum conditions of work. In sectors where there is a generally applicable collective agreement, the minimum wages are also determined by the collective agreement. An employer who is required, under the Collective Agreements Act (436/1946), to observe a collective agreement in which the other contracting party is a national employee organisation, may nevertheless apply the provisions of this collective agreement instead of the generally applicable collective agreement.

In cases of sectors that have no generally applicable collective agreement, the worker's wages may be determined by some other applicable national collective agreement or by a company-specific collective agreement binding on the employer under the Collective Agreements Act. If there is no such collective agreement either, the worker's wages are determined by the provisions of the employment contract concluded by the employer and the worker.

The Employment Contracts Act also specifically provides for the minimum wages in those cases where there is neither any generally applicable collective agreement nor any other collective agreement binding on the employer under the Employment Contracts Act, and where the wages have not been agreed on in the employment contract. In such cases, the worker is entitled to reasonable wages usually paid for the type of work in question.

The aforementioned provision on minimum wages is supplemented by a provision in Chapter 10 of the Employment Contracts Act, concerning the adjustment of unreasonable terms or conditions of work. The terms and conditions of the employment contract concerning wages may be adjusted or ignored if their application is contrary to good practice or unreasonable. If the parties to an employment contract have agreed on unreasonably low wages, the said condition of the contract may be adjusted under section 2 in Chapter 10 of the Employment Contracts Act.

The provisions of the Employment Contracts Act on the general applicability of collective agreements, on the confirmation and validity of collective agreements, and on the collective agreement applicable to the employment of hired employees are mainly meant to clarify the significance of collective agreements in the protection of workers that are in the service of such employers who are not members of any employers' union.

The Act on Confirmation of the General Applicability of Collective Agreements (56/2001) entered into force at the same time with the Employment Contracts Act, i.e. on 1 June 2001. According to the said Act, the Commission confirming the general applicability of collective agreements must take action on a matter involving confirmation of general applicability when the collective agreement concerned and the information referred to in section 2, paragraphs 2 and 4, of the Collective Agreements Act have been supplied to the ministry in charge of occupational safety and health matters. A decision of the Commission can be contested by means of a written appeal to the Labour Court. The decision of the Labour Court is final. The Commission has confirmed the general applicability of approximately 150 collective agreements that represent, together with other normally applicable collective agreements, 90 to 95% of all workers. Thus, the collective agreements are an effective tool in the protection of the minimum terms and conditions of work. As for the workers who remain outside the system

of collective agreements, the provision of section 10 in Chapter 2 of the Employment Contracts Act, concerning minimum pay in the absence of a collective agreement, is of relevance. The provision applies to situation where the wages have not been agreed on in an employment contract. In addition, terms and conditions entailing unreasonably low wages may be adjusted under section 2 in Chapter 10 of the Employment Contracts Act. Furthermore, the Penal Code contains a provision (Chapter 47, section 3a) on usury-type of discrimination at work, establishing the payment of clearly too low wages as a criminal offence.

### **E 30. Violence against women**

In the fourth periodic report, the existence of violence against women in Finland was given account of in the light of a study made in 1997, concerning particularly violence addressed against women by men. According to the results of the study, 40% of women had at some point of their lives experienced physical or sexual violence or threat of violence by men. Of married or co-habiting women, 22% had experienced such violence or threat by their spouse or life partner, and 9% had had such experiences in the last year covered by the study. As no similar study has been carried out since 1997, there is no certain information on the development of violence against women.

The development of violence against women in Finland may, however, be monitored with the help of statistical data compiled by the authorities, concerning e.g. causes of death and offences reported to the police, and with the help of general victim studies. According to statistics concerning causes of death, the number of killed women has been between 29 and 53 in the past ten years. In 2003, there were 29 women killed, which is clearly below the average number (44) in the ten-year period. The number of killed women has decreased since 2001 when it was 47, and in 2002 it was 44. However, on the basis of the year 2003, it is too early to speak of a continuing trend as the decrease may be explained by random variation. Of the women who have died as a result of violence, approximately half have died because of violence by their life partner. At the end of the 1990s, some fifteen women died each year as a result such violence. The number temporarily increased to twenty but decreased back to fifteen in 2002 and 2003 (Source: StatFinn).

In the light of cases reported to the police, women face intimate partner violence more often than men. In 2003, approximately one tenth of violence reported to the police was registered as domestic violence<sup>1</sup>. Every year, the victim has been a woman in approximately 80% of such reported offences (Crime report 2004).

The police are involved in cases of violence against women upon emergency calls from homes, in connection with criminal investigations and when providing assistance. The police may also become aware of violence against women when they apply for restraining orders against their life partners. The police received more than 70,000 emergency calls from homes in 2004, and there were 30,000 cases of assaults reported to the police, which was 3% more than in 2003.

The number of cases of rape brought to the attention of the police increased at the end of the 1990s. Whereas there were 400 rapes reported to the police in 1992, the average number of reported rapes in 1999 to 2003 was 535 a year (Statistics Finland). According to a study published in 2004 (Kainulainen, Heini: *Raiskattu?* (Raped?), Publications of the National Research Institute of Legal Policy No. 212. Statistics Finland. *Oikeus* 2004:16), rapes brought

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<sup>1</sup> The concept of domestic violence is wider than that of intimate partner violence, as it includes all violence between family members. The criteria under which the police register cases as domestic violence may vary.

to the attention of the police do not usually lead to criminal charges. For example in 1998, less than 10% of reported rapes were subject to prosecution. However, as a result of amendments made to the penal provisions on sexual offences, the number of rapes for which criminal charges were instituted has increased. In 1999 to 2003, charges were brought in approximately 15% of cases.

General victim studies, that have been made in Finland in 1980, 1988, 1993, 1997 and 2003, provide a rough picture of the development of violence against women. These studies do not, however, provide as specific information on violence experienced by women as separate studies focusing on that particular issue. This is due to the differences in the questions asked and in the ways in which information has been compiled. In the light of the victim studies, there are no great differences in the likelihood of men and women becoming victims of violence or threats. The cases of violence experienced by women have increased from 1980 (8%) to 2003 (11.8%). This increase is largely explained by the increase of violence faced by women at work. Instead, domestic violence causing injuries to women has decreased.

Domestic violence is typically an offence that is repeated. There were approximately 50 women dying as a result of violence each year in the 1990s, of whom 20 to 30 died because of domestic violence or violence committed by their life partners. In approximately 90% of cases of intimate partner violence, the offender is a man and in 10% of cases a woman. Domestic violence is mainly committed against women and is in these cases more often of a serious and repeated nature.

The situation and assistance of victims of crime is paid particular attention to. According to section 6 of the Decree on Criminal Investigations and Protective Measures, the police must inform the victim of his or her possibility to get compensation from the state for the damage caused by crime. In addition to the services provided by the authorities, the person concerned may be advised to use services provided by various non-profit organisations. The police departments have also concluded cooperation agreements with the local authorities. Local security plans are also used for this purpose.

The National Council on Disability has submitted that it is particularly important for disabled women to have information on how to protect themselves against different forms of violence. In its view, information should be provided for disabled women more effectively than at present, e.g. on the possibility to apply for a restraining order, to get into a safety house or get other help to leave the violent relationship.

*Facilities, rehabilitation and remedies accorded to victims.* The facilities available to victims of violence have been given account of in the third periodic report on the implementation of the Convention on the Elimination of Discrimination against Women, submitted in 1997. This information was supplemented in the fourth periodic report in respect of facilities available to men wishing to get rid of their violent behavioural patterns. The prevention of violence against women has been included as an objective in different programmes for the prevention and reduction of violence: in the Internal Security Programme coordinated by the Ministry of the Interior, in the National Programme for the Reduction of Violence introduced by the Ministry of Justice, and in the Action Programme to Prevent Intimate Partner and Domestic Violence introduced by the Ministry of Social Affairs and Health. The Government's Equality Programme also contains several objectives relating to the prevention of intimate partner violence, violence against women and prostitution.

The provisions of the Penal Code on sexual offences were amended by an act of Parliament that entered into force in January 1999. Rapes were divided into three categories depending on the seriousness of the offence: rape, aggravated rape, and coercion into sexual

intercourse. By the same amendment, it became possible for public prosecutors to proceed with prosecution in respect of rape and aggravated rape irrespective of the victim's own will. In respect of coercion into sexual intercourse, it is still required that the victim requests prosecution.

The Penal Code has also been supplemented by specific provisions on trafficking in human beings and aggravated trafficking in human beings, which entered into force on 1 August 2004, and the Restraining Orders Act was supplemented as of the beginning of 2005 by provisions making it possible to issue a restraining order against a family member. The Ministry of Justice has further been preparing an amendment to the Penal Code to establish the purchase of sexual services as a criminal offence. The planned new provisions relate to the implementation of the protocols supplementing the UN Convention against Transnational Organized Crime, concerning trafficking in persons and smuggling of migrants. The Government Bill is scheduled to be submitted to Parliament before the end of the year.

The intimate partner violence faced by immigrant women and its prevention have been paid attention to in the past few years. A multinational women's association (Monika-Naiset) was established in 1998. A women's association in Turku has introduced a project meant to help immigrant women integrate into Finnish society by removing obstacles to their employment and access to education. A national helpline for women offers services for immigrant women in different languages. According to feedback given concerning the helpline, however, the fees charged for the service are a problem for many immigrant women.

There are still deficiencies in shelter home services. There are large regions entirely without shelter homes, particularly in northern and eastern parts of the country. Furthermore, there are no low-threshold refuges or support centres where victims of violence or women feeling threatened can go for a short time. There are also deficiencies in the training of professionals to identify and intervene in violence.

The Ministry of the Interior has coordinated the preparation of an extensive cross-sectoral Internal Security Programme that was completed in the summer of 2004. A relevant objective of the Programme is the prevention of violence and particularly the reduction of offences against life. The Programme focuses on preventive work and on the safety of every-day life. Violence against women is also paid attention to. The Programme underlines the importance of improving cooperation among authorities. It is to be updated at regular intervals and its implementation is monitored.

The Ministry of Social Affairs and Health is preparing an action programme to prevent domestic violence, based on the Government's political programme. Within the framework of the National Development Project for Social Services, a nationwide system of emergency social services is meant to be created by the year 2007. The measures to be taken under the project include the assessment of the situation of emergency social services and the clarification of the objectives of such services, the listing of the various forms of emergency and crisis services and measures, the adoption of quality standards for emergency social services, and the assessment of need for cooperation with other authorities. As a concrete measure, the cooperation between the local authorities, the police and the social welfare authorities is to be improved. At the local level, this may be done by placing the localities of the emergency social service authorities and of the police as close to each other as possible, and by establishing regular contacts and cooperation between social welfare officers and the police so that they are part of normal routines. The experiences gained so far of the placement of social welfare officers at police stations have been good. At present, there are less than 20 social welfare officers working at police stations in different parts of the country, as a result of cooperation between the local authorities and the police. The development and establishment

of cooperation enhances the implementation of many measures set forth in the Internal Security Programme, such as the principle of early intervention, the guidance of drug addicts to care, the development of child welfare work and the prevention of domestic violence.

Furthermore, the National Council for Crime Prevention has prepared a National Programme for the Reduction of Violence. The Programme covers all the most important forms of violence. It is meant to be applied together with the National Crime Prevention Programme adopted by the Government in 1999 and the Internal Security Programme adopted in September 2004. The objective with the Programme is that the prevention of violence be mainstreamed in all local security planning. The reduction of violence is also one of the objectives set forth in the Government's political programme.

It is proposed in the National Programme for the Reduction of Violence that the Government set an objective to consistently reduce the number of persons facing violence, including domestic violence, street violence, violence among specific population groups, violence at work and other forms of violence.

Several measures proposed in the Programme to reduce violence in general should also reduce violence against women. However, there is also an objective of reducing violence against women to a larger extent and faster than other forms of violence. The principle of transparency should also be applied in this respect: violence is condemnable and criminal, and it is no way a private matter even if the offender is a family member of the victim. The preparedness to intervene and provide assistance, and the victims' awareness of assistance, must be improved at all levels.

The aforementioned three programmes are coordinated in order to avoid double efforts.

The police may help victims of violence to prepare a safety plan in case of a risk of repeated violence. The Police Act (493/1995) also gives the police a possibility to intervene in threatening situations already before an actual offence is committed. Furthermore, the fact that the public prosecutor may now proceed with prosecution in respect of assaults irrespective of whether it has been requested by the victim - even if the offence has been committed at a private home - makes it possible for the police to intervene in acts of violence that were earlier considered the family's internal matters. The Restraining Orders Act entered into force on 1 January 1999. In 2004, there were approximately 1,700 restraining orders issued. As of 1 January 2005, the Act has been supplemented with new provisions under which a restraining order may also be issued against a family member living in the same household.

The supreme police command has set up a steering group to coordinate and develop the prevention of domestic violence. The programme of action of the police has also been completed. The basic training of the police includes the most relevant elements of the prevention of domestic violence. In this respect, training has also been arranged for the police at work since 2002.

### ***E 31. Public health services***

The Government introduced in 2001 a national project on safeguarding the future of health care services. The initiative for the project was taken by the Finnish Confederation of Salaried Employees (STTK) and by its member unions in the health care sector. The aim of the project is to develop health care services in cooperation between the state and the local authorities so that everyone will have access to good-quality health care services needed, irrespective of one's financial position and place of residence. The most relevant amendments to legislation

introduced within the framework of the project entered into force on 1 March 2005. The national project has got a good start and it is found important to implement it as soon as possible. However, the Government's decision on the budgetary framework for the years 2006 to 2009 does not afford any increase in the state financing for the project until the productivity of the public sector has improved. The total quantity of production is estimated to increase by 3.7% in 2005.

### ***E 32. Adequate health services, especially to vulnerable groups***

The public health care system is based on the principle of equality, under which vulnerable groups are not placed in a different position from others. Priorities in the provision of care are based on the assessment of the urgency of care in accordance with medical criteria.

### ***E 34. Dissemination of the concluding observations***

Immediately after the hearing by the Committee, the Ministry for Foreign Affairs held a press conference where the experts heard in Geneva told of the most important issues taken up in the hearing. The purpose of the press conference was to give the hearing publicity through the media, with a view to making citizens aware of it.

Three weeks after the adoption of the concluding observations of the Committee, the Ministry for Foreign Affairs communicated them in English and Finnish to all the ministries, requesting them to prepare a preliminary assessment in their sectors of administration within three months, and to give an opinion on what kind of measures should be taken in order to implement the recommendations given by the Committee. At the same time, the concluding observations were communicated, among others, to Parliament, the Parliamentary Ombudsman, the Chancellor of Justice, the Supreme Court and the Supreme Administrative Court, as well as to the trade unions and to a large number of non-governmental organisations. However, citizens should also have access to information on various projects introduced in different sectors of administration and they should be able to follow the implementation of the projects. In this respect, it is desirable that the whole state administration is active in the provision of public information.

The Ministry for Foreign Affairs publishes on its website information on human rights, including periodic reports on the implementation of international human rights conventions. The reports submitted to treaty monitoring bodies may be found on the website in English and Finnish, and the concluding observations given by the different bodies in English, Finnish and Swedish. The Unit for Human Rights Courts and Conventions of the Ministry for Foreign Affairs is responsible for answering the questions of citizens concerning periodic reports.

## ARTICLE 1

The *special status of the Åland islands* and the Act on the Autonomy of Åland have been given account of in the third and fourth periodic reports. The historical reason for the autonomy of the Åland islands has been the need of the Swedish-speaking population of the islands to maintain their linguistic culture and other local traditions.

The *Constitution of Finland* (731/1999), which entered into force on 1 March 2000, contains provisions concerning *the Sámi people*. Section 17, subsection 3, of the Constitution guarantees the Sámi, as an indigenous people, the right to maintain and develop their own language and culture. It is also provided in subsection 3 that provisions on the right of the Sámi to use the Sámi language before the authorities are laid down by an Act. Furthermore, it is provided in section 121, subsection 4, of the Constitution, that in their native region, the Sámi have linguistic and cultural self-government, as provided by an Act. The new provisions correspond to the earlier ones. The repealed Parliament Act, which had the status of a constitutional law, contained a provision (section 52a), according to which the Sámi were to be heard by Parliament on matters that concerned them, in particular, as provided for in the Rules of Procedure of Parliament. This provision was added as new section 37, subsection 2, to the revised Rules of Procedure of Parliament (20/2000) passed by Parliament at the end of 1999.

The Act on the Use of the Sámi Language before Authorities (516/1991) was revised by a new *Sámi Language Act* (1086/2003) that entered into force on 1 January 2004, at the same time with a new Language Act (423/2003) applied to Finland's national languages, Finnish and Swedish. The purpose of the Sámi Language Act, according to its section 1, is to ensure the right of the Sámi to maintain and develop their own language and culture, as required by the Constitution and international conventions binding on Finland, and the Act contains provisions on the right of the Sámi to use their own language (Inari Sámi, Skolt Sámi or North Sámi) before the courts and other public authorities. Under the repealed Act, the right to use all the three Sámi languages spoken in Finland before authorities was only based on a statement in the explanatory part of the Government bill for its enactment. In the new Act, all the three Sámi languages are defined as being a Sámi language within the meaning of the Act (section 3, subsection 1), which clarifies the contents of the Act in this respect.

The Sámi Language Act also contains various provisions on the duty of public authorities to implement and enhance the linguistic rights of the Sámi (e.g. section 1, subsection 2, section 14, subsections 1 and 2, sections 15 and 24, and section 28, subsection 1). The goal is to ensure the right of the Sámi to a fair trial and good administration irrespective of language and to secure the linguistic rights of the Sámi without them needing specifically to refer to these rights (section 1, subsection 3). According to the Act, the authority shall show to the public that it provides service also in the Sámi language (section 24, subsection 1). An authority must not restrict or refuse to enforce the linguistic rights provided in this Act on the grounds that the Sámi also knows some other language, such as Finnish or Swedish (section 4, subsection 2).

The Sámi Language Act is applied to all performance of public administrative functions belonging to the authorities referred to in the Act. The authorities covered by the new Act are mainly the same as those covered by the repealed one. Apart from the state and local authorities located in the Sámi homeland, the Act is binding on certain authorities outside that area, which are relevant for the protection of the citizens' rights by law, such as the Chancellor of Justice and the Parliamentary Ombudsman as well as the Minority Ombudsman. The Sámi Language Act is further binding on state enterprises and state-owned companies (section 17) and, subject to certain conditions, private entities performing public administrative functions in



the Sámi homeland (section 18). Thus, the delegation of responsibility for the provision of public administrative functions to private entities does not affect linguistic rights. According to the Act, an authority shall in its activity and on its own ensure that the linguistic rights guaranteed in this Act are secured in practice (section 24, subsection 1).

Each authority supervises application of this Act within its own area of operation. The Sámi Parliament monitors the application of this Act and may issue recommendations in questions related to language legislation and take initiatives in order to rectify defects it has observed (section 28).

Considering that the first report on the application of legislation on the Sámi language, referred to in section 29, subsection 1, of the Sámi Language Act, will not be submitted to the Sámi Parliament until in 2006 on the basis of experience obtained during the term of Parliament, it is too early to assess the impact of the new Sámi Language Act on the enforcement of the linguistic rights of the Sámi.

As indicated already in the fourth periodic report, *the definition of a Sámi* contained in the Act on the Sámi Parliament was extended during the parliamentary consideration of the Act. The purpose was still, however, that the person in question must consider himself or herself a Sámi. Furthermore, the main rule was still that there must be a linguistic link to the Sámi people. According to the Act on the Sámi Parliament, a Sámi means a person who considers himself a Sámi, provided that he himself or at least one of his parents or grandparents has learnt Sámi as his first language.

Furthermore, a new criterion was included in the Act, according to which it is required for a person to be considered a Sámi that he is a descendent of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp. A person wishing to register himself or herself as a Sámi does not need to present any evidence on his or her own Sámi language skills or on those of his or her parents or grandparents. The original intention was to issue a Decree under which it would not have been possible to invoke lists that had been drafted earlier than in 1875. However, the Constitutional Law Committee of Parliament found that there was no mandate under the law to issue such a Decree and did not consider it appropriate to supplement the Act this way.

Under the Act on the Sámi Parliament, a person is also considered a Sámi if at least one of his parents has or could have been registered as an elector for an election to the Sámi Delegation or the Sámi Parliament. This criterion is meant to be applied to such persons whose parents could have had themselves placed on lists of electors, but have for some reason not done so.

The aforementioned provisions were applied to Sámi Parliament elections for the first time in 1999. On that occasion, it was noticed that the definition of a Sámi had apparently been made too flexible insofar as the entry of persons in a land, taxation or population register as a mountain, forest or fishing Lapp was concerned. There were a total of 1,128 persons who requested registration as an elector. Nearly all of them referred to entries in a land register made between 1739 and 1825, which meant that they were descendents of persons who were born in the 17<sup>th</sup> or 18<sup>th</sup> century. However, the oldest entry referred to was in a land register from the year 1695. The most recent entries, referred to by 54 applicants, were in land registers from the years 1826 to 1857.

The electoral board of the Sámi Parliament rejected most applications made on the ground of an entry in a land, taxation or population register, finding that the applicants were, on the basis of their language, Finns and not Sámi. Of the applicants, however, 56 were accepted on the

basis of their language skills. As many as 765 applicants requested the electoral board to review its decision. Of these requests, the electoral board dismissed 740, noting that the applicants had not presented any new evidence affecting the outcome of the decision. The board admitted the request in respect of 25 applicants on the basis of their language skills. Of the applicants whose requests were dismissed, 726 referred their requests to the Sámi Parliament Board for review. The Board dismissed the requests with the exception of one in respect of which it found that the applicant had adduced sufficient evidence to support his Sámi origin. Nearly 700 appeals against the decision of the Sámi Parliament Board were made to the Sámi Parliament, most of which were dismissed. However, approximately thirty appeals were admitted on the ground of language skills. As many as 657 applicants appealed further to the Supreme Administrative Court.

The final decisions on the question of definition of a Sámi was given by the Supreme Administrative Court on 22 September 1999. The Supreme Administrative Court dismissed most appeals. The Court noted that the provision defining a Sámi was unclear insofar as the entry of persons in a land, taxation or population register as a mountain, forest or fishing Lapp was concerned. Accordingly, the Court found that the decision could not be exclusively based on the wording of the provision. In interpreting the provision, the Court took into account the rights guaranteed by the Constitution for the Sámi as an indigenous people as well as the purpose of the Act on the Sámi Parliament to ensure the self-government of the Sámi concerning their language and culture. Noting that as the language-based criterion meant that at least one of the person's grandparents must have learned Sámi as his or her first language, nor could the person be considered Sámi on the ground of the register-based criterion if the ancestor entered in a land, taxation or population register as a mountain, forest or fishing Lapp was not at least one of his or her grandparents. Thus, in most cases was the appeal dismissed for the reason that the entries made in such registers extended over two many generations.

As the question of interpretation of the provision defining a Sámi had been decided by means of a precedent given by the Supreme Administrative Court, it was considered that there was no need to amend the said provision included in section 3 of the Act on the Sámi Parliament. On the basis of the number of applications for entry in the list of electors made for the Sámi Parliament elections of 2003 (some 50 applications), on the ground of the register-based criterion, it is expected that there will no longer be such quantities of appeals as in the first elections, considering also that the procedure of appeal applied to the decisions relating to Sámi Parliament elections has been made less complex by legislative amendments.

The *land titles of the Sámi* have been addressed in connection with the reply given on account of the Committee's suggestion/recommendation E 25 above.

## **ARTICLE 2**

### **Prohibition of discrimination**

The *Non-Discrimination Act* (21/2004) entered into force on 1 February 2004, to give effect to the provisions of the Council Directive (2000/43/EC) implementing the principle of equal treatment of persons irrespective of racial or ethnic origin, and the Council Directive (2000/78/EC) establishing a general framework for equal treatment in employment and occupation. The purpose of the Act is to enhance and ensure the implementation of equality and to provide more effective protection for victims of discrimination in the situations of discrimination falling within the scope of application of the Act. The Act prohibits discrimination on the grounds of age, ethnic or national origin, nationality, language, religion, belief, opinion,

health, disability and sexual orientation, as well as on other grounds relating to the person. The Non-Discrimination Act also provides for the improvement of the access of disabled persons to employment and education. The definition of discrimination in the Act is extensive and covers both direct and indirect discrimination.

According to section 2 of the Non-Discrimination Act, the Act applies to both public and private activities in the following contexts:

- 1) conditions for access to self-employment or means of livelihood, and support for business activities;
- 2) recruitment conditions, employment and working conditions, personnel training and promotion;
- 3) access to training, including advanced training and retraining, and vocational guidance; and
- 4) membership and involvement in an organization of workers or employers or other organizations whose members carry out a particular profession, including the benefits provided by such organizations.

The Act also applies to discrimination based on ethnic origin concerning:

- 1) social welfare and health care services;
- 2) social security benefits or other forms of support, rebate or advantage granted on social grounds;
- 3) the performance of military service, women's voluntary military service or non-military service; or
- 4) the supply of or access to housing and movable and immovable property and services on offer or available to the general public other than in respect of relationships between private individuals.

According to section 3 of the Non-Discrimination Act, the Act does not apply to:

- 1) the aims or content of education or the education system; or
- 2) application of provisions governing entry into and residence in the country by foreigners, or the placing of foreigners in a different position for a reason deriving from their legal status under the law.

According to section 11 of the Act, compliance with the terms of the Act in employment relationships and service relationships governed by public law, and in traineeships and other comparable activities at the workplace, shall be supervised by the occupational safety and health authorities in accordance with the provisions of the Act on the Supervision of Occupational Safety and Health and Appeal in Occupational Safety and Health Matters (131/1973). The prohibition on discrimination based on ethnic origin other than in employment relationships and service relationships governed by public law shall be supervised by the Ombudsman for Minorities and the Discrimination Board.

Section 13 of the Non-Discrimination Act provides for the duties of the National Discrimination Board.

In matters relating to ethnic discrimination, insofar as they do not touch on an employment relationship or a service relationship governed by public law, or in traineeships and other comparable activities at the workplace, the Discrimination Board is empowered to:

- 1) confirm a conciliation settlement between the parties; or
- 2) prohibit the continuation or repeat of conduct contrary to the terms of section 6 or section 8.

To ensure compliance with its decision, the Board may impose a conditional fine and order payment as provided in the Act on Conditional Imposition of a Fine (1113/1990). The Board may also give opinions on the application of the Non-Discrimination Act. The Discrimination

Board does not substitute for any existing remedies or forms of appeal but is an additional remedy for victims of discrimination.

It is provided in the Non-Discrimination Act that each authority shall draw up a plan for the fostering of ethnic equality (*equality plan*). The Ministry of Labour has issued general recommendations for the contents of such plans of the state and local authorities in Finnish, Swedish and Sámi. The equality plans must be drawn up by the end of 2005.

The text of the Non-Discrimination Act is available in English at the following Internet address: <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040021.pdf>.

The National Council on Disability is a body operating under the auspices of the Ministry of Social Affairs and Health, which coordinates cooperation among the authorities, disabled persons and their families, and disability organisations in the planning, development and implementation of matters pertaining to the living conditions and welfare of persons with disabilities.

The Act on Services and Support Measures for Persons with Disabilities (380/1987) aims at enhancing the possibilities of disabled persons to live as equal members of society, together with others, and at preventing and removing obstacles caused by disability. The Act provides the local authorities with a possibility to set up a local council on disability, to enhance and monitor various activities that are important for persons with disabilities. Such councils may take initiatives and submit proposals and opinions concerning issues of relevance for the every-day life of the disabled. The disabled and their families as well as disability organisations must be adequately represented in the local councils.

The new Employment Contracts Act (55/2001), which entered into force in 2001, is discussed in connection with the reply to the Committee's concern D 14 above.

In view of the *Minority Ombudsman*, the possibilities to intervene particularly in discrimination on the ground of ethnic origin have significantly improved since the entry into force of the Non-Discrimination Act on 1 February 2004. From the victim's perspective, the provisions of the Non-Discrimination Act on shared burden of proof and on the possibility to seek redress by means of action before a court of law (sections 17 and 9) are particularly important.

The report of the *Parliamentary Ombudsman* concerning the year 2002 draws attention to the fact that intolerance and even discrimination against minorities may lead to serious violations of fundamental and human rights.

Complaints addressed to the Parliamentary Ombudsman have included some indications of racist or xenophobic attitudes of officials. One decision of the Parliamentary Ombudsman criticised the local police for such provision of public information as gave the impression that the whole Roma population were criminals. The attention of the police was also drawn to the requirement of using appropriate language when referring to the ethnic origin of suspects.

In the inspections carried out by the Parliamentary Ombudsman in 2004, one of the objects of inspection was to see to what extent the authorities complied with their obligations under the new Non-Discrimination Act. When inspecting prisons and other closed establishments, the Parliamentary Ombudsman always pays particular attention to the position and equal treatment of Roma and foreign prisoners, and of prisoners belonging to linguistic minorities.

According to submissions of the Parliamentary Ombudsman, for the purpose of ensuring the equality of the disabled, the transport services of persons with serious disabilities, for example,

are of relevance. The local authorities must ensure that such persons have also in practice access to appropriate transportation services.

In one decision, the Parliamentary Ombudsman found that the instructions of a local authority concerning the health equipment of disabled persons were in conflict with the constitutional provision prohibiting discrimination on the ground of age, for the reason that the instructions denied access to medical rehabilitation for such 18-year-old or older patients who needed specific health equipment, without the local authority giving any acceptable reason for the age criterion.

In the view of the League of Finnish Feminists (*Unioni*), discrimination based on change of sex and on sexual identity should also be classified as discrimination on the ground of sex. This means discrimination e.g. for the reason that the person's appearance does not correspond to the general perceptions relating to his or her official sex, or for the reason that the person has undergone a gender reassignment surgery.

Discrimination is also addressed in replies given to the Committee's concern D 14 and to the Committee's suggestion/recommendation E 27.

## **ARTICLE 3**

### **1. Amendments to legislation**

The Act on Equality between Men and Women (609/1986; the Equality Act) has been reformed by provisions that entered into force on 1 June 2005 (Act 232/2005). The purpose of the reform was to amend and supplement the Equality Act so as to bring it into conformity with the standards of Community law and with the case law of the Court of Justice of the European Communities. The reform also removed the problems and deficiencies that there had been in the application of the Act. A particular objective of the reform was to clarify the obligations of authorities and employers pertaining to the enhancement of equality and to make the provisions of the Act more precise insofar as the prohibition of discrimination at work was concerned. At the same time, the amendments to the Equality Act implement the Council Directive (2000/78/EC) establishing a general framework for equal treatment in employment and occupation.

The most important change for employers is the minimum contents of equality plans required by the Equality Act. It is required that new equality plans give account of the de facto equality at the workplace, including the numbers of men and women in the different duties, the classifications of the duties of men and women, their wages and wage differentials, as well as of the measures to be taken to enhance equality and an assessment of the earlier measures and their results. An equality plan is required of all employers with at least 30 employees.

The provision on the general obligation of authorities to enhance equality has been made more precise. The authorities shall enhance equality between men and women in all their activities with clear objectives and in accordance with a plan prepared to that effect, and to create and establish such administrative and other practices as ensure the enhancement of equality in the preparatory work and decision-making. The enhancement of equality must also be taken into account in the availability and supply of services.

The provision of the Equality Act requiring a quota for the representation of men and women (at least 40% of each) in all state and local collective bodies also applies to the joint collective bodies set up by several municipalities. Such joint bodies include at least the municipal bodies referred to in section 17 of the Local Authorities Act.

The amended Equality Act also contains more specific provisions on the responsibilities of educational establishments and other providers of education to enhance equality between men and women. Educational establishments must also prepare equality plans. Other new provisions of relevance for educational establishments and other providers of education include those defining discrimination on the ground of sex and sexual harassment in an educational environment, and those imposing an obligation on an educational establishment to provide a student with an explanation of its measures, on his or her request, corresponding to the similar provision concerning employers. These provisions do not apply to providers of education or schools referred to in the Basic Education Act (628/1998; applies to comprehensive school education). Instead, the provisions of the Equality Act applicable to local authorities and joint municipal boards must also be taken into account in the provision of basic education.

The limit of the compensation payable under the Equality Act for a violation of the prohibition of discrimination has been removed. The stricter provisions on sanctions contribute to the achievement of the objectives set for equality plans. The National Council of Women in Finland and the League of Finnish Feminists have submitted that only 27% of companies in the private sector and 25% of local authorities have prepared the equality plan required by the Equality Act.

## **2. Equality policy**

*The Government's Equality Programme 2004-2007.* According to the Government's political programme, the enhancement of equality between men and women is at the responsibility of the whole Government. The Government has prepared an Equality Programme for the years 2004 to 2007. The programme implements at the same time the Beijing Declaration and the Platform for Action adopted at the Fourth World Conference on Women of the United Nations in 1995. The Government's Equality Programme has a particular emphasis on equality at work.

The programme has been prepared in cooperation among all the ministries, and it is based on the implementation of the various objectives concerning equality in the Government's political programme. The programme includes legislative projects, educational and development projects, reports and other measures. The most extensive project to be implemented in cooperation among the different ministries is the mainstreaming of equality between men and women. The other large entities in the programme include, among others, the development of equality at work, and the prevention of violence against women and intimate-partner violence.

It is observed in the programme that the Government intends to enhance equal pay and equality at work by a long-term programme together with trade unions. The objective is to remove unfounded wage differentials between men and women.

Men are encouraged to take family leaves and the costs incurred upon employers by such leaves are evened out more than earlier. The Government improves the possibilities of men and women to go to work and carry out business activities, by e.g. the provision of good children's day-care services and other functioning public services. For example separate taxation, the employment-based social security of workers and self-employed persons, and

loans designed for women wishing to start business encourage women to enter the labour market.

*Mainstreaming.* The objective of mainstreaming equality between men and women is to develop such administrative and other practices as support the enhancement of equality as part of all activities of ministries and other authorities. Such mainstreaming has far-reaching effects on whole society. It is important to assess the effects of decisions made by the ministries on men and women and their equality. The purpose of mainstreaming is to disrupt practices and operational cultures that are gender-neutral or do not take account of the differences between men and women.

Mainstreaming aims at making officials adopt the gender perspective as one aspect to be taken into account in the preparation of decisions. The purpose is to increase the awareness of officials of the effects of their decisions on the equality between men and women. The equality issues may be even significantly different in the different sectors of administration. Therefore it is important that each sector of administration is able to identify and take account of the equality issues that are of relevance for the sector in question. The project of mainstreaming has been developed at the Ministry of Social Affairs and Health since 2002. Certain other ministries have also had projects of their own to mainstream equality. The experiences of the pilot project of the Ministry of Social Affairs and Health are used to develop a model for the mainstreaming of equality throughout the state administration.

The principle of mainstreaming has been implemented, among others, by the following measures:

#### 1. Training and production of information

- Since 2004, the ministries have arranged training together in the mainstreaming of equality and in gender impact assessment.
- The internal training programmes of the ministries will include an equality perspective. The objective is to have the equality perspective included in the training programmes by the year 2007.
- The Ministry of Social Affairs and Health will produce a handbook for state officials in gender impact assessment.
- For the purpose of supporting the mainstreaming of equality, an Internet portal for information on equality and for feminist research has been constructed in Finland. It is the first database focusing on equality issues in Finland.
- The equality barometer, implemented every three years, produces information on the attitudes, expectations and opinions of citizens relating to equality.
- The local authorities have created a database which is accessible for all, offering gender-related information.

#### 2. Gender impact assessment of legislation

The instructions for the drafting of Government bills, which were revised in 2004, include instructions on gender impact assessment. The objective is that by the year 2006, the need for gender impact assessment will be considered in respect of all new legislative projects, and in case such need is found, the gender impact assessment of the relevant Government bills will be carried out.

### 3. Gender impact assessment of budgets

In a pilot project launched by the Ministry of Social Affairs and Health in 2004, the State Economic Research Centre carries out an assessment of the gender impact of the State budget in the said Ministry's sector, analysing the different parts of the budget and their direct and indirect effects on equality between men and women. The project is part of a larger one introduced by the Nordic Council of Ministers for the gender impact assessment of budgets. In 2005, the Ministry of Social Affairs and Health and the Ministry of Finance intend to start the further development of gender impact assessment in the light of the information obtained within the framework of the pilot project. The objective is that the State budget for the year 2008 can be prepared in accordance with new instructions taking the gender perspective into account.

The Sports Division of the Ministry of Education has been developing measures to enhance equality between men and women in the field of sports. Equality has been an objective in this field since the mid-1990s when a working group set up by the Ministry of Education presented a plan of action to enhance equality. Although equality has been worked at in the field of sports for a long time, partly with the guidance of the Ministry, the gender impact assessment as a governmental measure is a new kind of an approach to the enhancement of equality.

A working group has been set up by the Ministry of Education, which proposes that the gender impact assessment be applied to all the relevant parts of the State's sports budget, including the financing of sports organisations, the construction of sports facilities, the sports sector of local administration, sport institutes and sport-science, as well as the youth programme and the Fit for Life project. The provision of state subsidies by the Ministry of Education and the possibility of enhancing equality through the allocation of resources and the provision of information are important in this respect.

The disability associations and women's organisations have found it important that in the assessment of the implementation of the Equality Act, attention is paid to the enjoyment of equality by women belonging to minorities, including disabled women, and to the improvement of their equality. The invisibility of discrimination on the ground of disability is revealed by the fact that there are no statistics on the employment of persons with disabilities.

The association Sexual Equality (SETA) has submitted that the Act on the legal definition of the sex of transsexuals (563/2002), which entered into force in January 2003, has clarified the legal status of transsexual persons and is a significant advancement in the protection of the rights of this group.

## ARTICLE 6

### 1. International conventions

Finland has ratified all the conventions referred to in the general guidelines regarding the form and contents of reports.

The periodic reports of Finland on the measures to give effect to the provisions of ILO Convention No. 111, submitted in 1999, 2001 and 2003, as well as the periodic reports on the measures to give effect to ILO Convention No. 122, submitted in 2000, 2002 and 2003, are attached to the present report (*Annexes 1 to 6*).



## 2. (a) Situation, level and trends of employment

Due to the recent downward trend in economy, the short-term development in employment and unemployment rates has been slow or the situation has remained nearly unchanged. In the past few years, the reduction in unemployment has been slow. Unemployment reduced to some extent in 2003 but remained unchanged in 2004. In the long-term, however, the development has been very positive. As a result of the economic depression at the beginning of the 1990s, the unemployment rate was at its highest level in 1994 (408,300 persons) and, according to a survey made by Statistics Finland, it had already decreased by 44% by the end of the year 2004. However, the decrease mainly took place at the end of the 1990s, and since 2000, the decrease in the unemployment rate has clearly slowed down, remaining at an average level of 12% per year.

*Table 2. Labour by category in Finland in 1994, 1999 and 2004*

Year	In total	Men	Women	Young persons <sup>2</sup>	Ageing persons <sup>3</sup>
1994	2,462,700	1,293,700	1,169,100	266,500	210,700
1999	2,556,900	1,335,900	1,221,000	324,500	235,500
2004	2,593,500	1,346,300	1,247,200	312,600	369,600

Source: Statistics Finland, labour survey

*Table 3. Employed persons by category in 1994, 1999 and 2004*

Year	In total	Men	Women	Young persons	Ageing persons	General employment rate (%)	Employment rate of ageing persons (%)
1994	2,054,400	1,058,900	995,500	175,900	171,000	59.9	33.5
1999	2,295,900	1,205,600	1,090,400	254,900	211,300	66.0	39.3
2004	2,364,700	1,228,800	1,135,900	247,900	342,700	67.2	50.9

Source: Statistics Finland, labour survey

The employment rate has also increased, particularly at the end of the 1990s. Since 1994, the number of employed persons has increased by more than 300,000 persons (15%). In 2004, the employment rate remained at an average level of 67.2%. According to the statistics maintained by the Ministry of Labour, the average number of vacancies announced at the employment agencies each month was 23,500 in 2004.

<sup>2</sup> Persons between 15 and 24 years of age.

<sup>3</sup> Persons between 55 and 64 years of age.

The number of part-time workers (weekly working hours between 1 and 29 hours) has constantly increased. Between 1994 and 2004, the number has increased by more than 50%. This is partly explained by the increased use of part-time retirement and other flexible arrangements of working hours in the labour market. In consequence, part-time work has increased particularly among workers between 55 and 64 years of age, where the number of part-time workers in 2004 was more than three times larger than in 1994. However, the number of part-time workers under the age of 25 has also nearly doubled during the same period of time.

*Table 4. Employed persons in part-time work (1 to 29 hours/week) by category in 1994, 1999 and 2004*

<b>In total</b>	<b>Men</b>	<b>Women</b>	<b>Young persons</b>	<b>Ageing persons</b>
173,500	63,400	110,100	40,000	21,200
225,500	79,700	145,600	72,300	32,800
265,700	96,400	169,200	78,100	64,400

Source: Statistics Finland, labour survey

According to the statistics of the Ministry of Labour, the number of unemployed jobseekers decreased between 1994 and 1999 by approximately 30%. Between 1999 and 2004 their number only decreased by 17%.

*Table 5. Unemployed persons by category in 1994, 1999 and 2004*

<b>In total</b>	<b>Men</b>	<b>Women</b>	<b>Young persons</b>	<b>Ageing persons</b>	<b>Unemployment rate (%)</b>
408,300	234,700	173,600	90,600	39,800	16.6
260,900	130,300	130,600	69,600	24,200	10.2
228,800	117,600	111,300	64,700	26,800	8.8

Source: Statistics Finland, labour survey

*Gender.* In the past ten years, the employment rates of men and women have developed at about the same pace. The employment of women has increased only little less than that of men. At the same time, however, the unemployment of women has decreased clearly more slowly (50 to 100%) than that of men. Despite this, the share of men of all the unemployed persons is larger. Of part-time workers, the share of women was 64% in 2004. Of the increase of part-time workers, the share of women has been clearly larger in the past ten years.

In 2004, the share of women of the population between 15 and 64 years of age was 50%, of the employed persons 48%, of the unemployed 49% and of the persons not available as labour it was 54%. The share of women in all groups is close to 50%, which indicates equality between men and women.

The difference between men and women is the greatest in the population outside the labour market. The number of both men and women, not available as labour, decreased between 1998 and 2001. The number of such women continued to decrease in 2002. In the past two years, the number of persons outside the labour market has increased, of whom the number of such men slightly more than that of women. The difference between the employment rates of men and women was more than 5% in 2000. The downward trend in economy since 2001

resulting in weaker employment rate in industry, which is dependent on exports, has particularly affected the employment of men. Therefore, the difference between the employment rates of men and women has become smaller since 2000. In 2004, the employment rate of men was 68.9% and that of women 65.5%. The number of unemployed women during the period of time from 1988 to 2004 has only been larger than that of men between 1999 and 2001. However, although the number of unemployed men was higher than that of women in 2004, their unemployment rate was lower, i.e. 8.7%, than that of women, which was 8.9%.

Between 1999 and 2004, the number of employed men has only increased by 23,000 persons, whereas that of women has increased by 46,000 persons. Women have benefited from the main part of the increase of vacancies, whereas the number of jobs in industry, which is a male-dominated sector, has decreased in the past few years. In 2004, there were 9,200 women less not available as labour (the population between 15 and 64 years of age) than in 1999, whereas there were 10,500 more of such men.

Of all salaried employees, 82% of men and 68% of women were in continuous full-time work in 2004, and 5% of men and nearly 13% of women were in permanent part-time employment.

In 2004, 13% of men and 20% of women were in temporary employment. Of them, 21% of men and 28% of men performed part-time work. Of all the wage-earners, 13% (8% of men and 18% of women) performed part-time work in 2004.

*Young persons.* The number of employed young persons, i.e. persons between 15 and 24 years of age, has increased from 1994 to 2004 by more than 40%, which is twice as much as the general increase in employment. This is partly explained by the significant increase in the part-time employment of young persons. Instead, the number of unemployed young persons has decreased clearly less than the number of unemployed persons in general during the same period of time. Also the unemployment rate of young persons (21%) is more than twice the general unemployment rate. This is due to the fact that more than half of the unemployed persons under the age of 25 in Finland are full-time students. Without the share of full-time students, the unemployment rate of young persons would be close to the general unemployment rate.

*Ageing persons.* The number of employed ageing persons (between 55 and 64 years of age) has more than doubled in ten years and at the same time their employment rate has increased by 17%, up to 51% of the total number of ageing persons in Finland. Particularly the number of ageing persons performing part-time work has increased, which is partly due to the increased use of part-time retirement. However, the number of unemployed ageing persons has decreased clearly more slowly than the number of unemployed persons in general. In the light of statistics maintained by the Ministry of Labour, the number of unemployed jobseekers over the age of 50 years even increased at the end of the 1990s. In 2004, the average number of such jobseekers was only 6,600 persons less than in 1999. The delay in the reduction of unemployment is, in particular, a problem of ageing persons. Both the improvement of the employment situation of ageing persons and the slow reduction in unemployment are explained by the fact that larger age groups move to the group of ageing persons and towards the age of retirement. This effect will even increase as the largest age groups move to the group of ageing persons.

*Disabled persons.* One important target group of the State's employment policy measures is that of persons with disabilities, both in the public and the private sector. During the period of time covered by the present report, several legislative amendments have been made to enhance the employment of disabled persons and to remove obstacles thereto. These

amendments include, in particular, those made to the National Pensions Act and the Social Welfare Act, as well as three new Acts, the Rehabilitative Work Act (189/2001), the Act on the Public Employment Service (1295/2002) and the Act on Social Enterprises (1351/2003). The amendments are meant to enhance the employment of any persons with reduced capacity for work and of long-term unemployed persons or ageing jobseekers, including persons with disabilities.

Upon an amendment made to section 22 (70/2002) of the National Pensions Act (347/1956), a disabled person may, upon returning to work, maintain his or her right to disability pension for a maximum of five years (instead of the two years) while working. During that period of time, the disabled person is paid a specific financial incentive in addition to the remuneration paid by the employer. The National Council on Disability has, however, submitted that this possibility to keep a five years' break in the enjoyment of pension has only been used by few. Another amendment made to the National Pensions Act (together with an amendment made to the Disability Allowance Act; 124/1988) to improve the possibilities of disabled persons for rehabilitation and employment, was the raise of the minimum age for disability pension paid without assessment of possibilities for rehabilitation, to 20 years (from the earlier age of 18 years). Furthermore, the disability pension shall be suspended if the earnings of the beneficiary exceed a certain amount. The purpose of the amendment was to make the provisions on the suspension of disability pension more effective.

The provisions of the pension legislation applied to rehabilitation have been amended with effect as of 1 January 2004, in connection with the reform of the employment pension scheme. The purpose of this reform is to encourage the early vocational rehabilitation and discourage early retirement. The reform focuses on the maintenance of the working capacity of people at working age and on vocational rehabilitation. The various forms of vocational rehabilitation services are provided for in the Act on the Public Employment Service. The Act on the Public Employment Service as well as the Act on Social Enterprises and the Rehabilitative Work Act are given account of in section 2 (b) below. The vocational rehabilitation services are available to all persons with reduced capacity for work. The concept of jobseekers with reduced capacity for work covers disabled persons.

The employment of a person with support measures usually requires that the jobseeker is unemployed. However, blind persons and persons with severe physical disabilities are always considered unemployed in this respect even if they have been granted disability pension under section 22 of the National Pensions Act. An employment subsidy may be granted to an employer for a maximum of two years to employ and unemployed jobseeker who cannot be placed through employment services or other employment support measures, including vocational rehabilitation. Furthermore, under section 3, subsection 2, in Chapter 3 of the Unemployment Security Act, unemployment benefits may be paid to persons who are entitled to disability pension, provided that they otherwise meet the conditions for the payment of unemployment benefits.

While the labour administration is the body mainly responsible for promoting the employment of disabled or handicapped people, the social care system complements its work. Under the amended provisions (sections 17, 27d and 27e) of the Social Welfare Act, the local authorities have an obligation, within the framework of the provision of social welfare services, to take measures supporting the employment of persons with disabilities and to arrange specific work activities for the disabled. One objective of the amendments to the Social Welfare Act was to develop the workshop centres of disabled persons into advice centres that would be able to provide expertise in the employment of disabled persons. However, despite the amendment, very few disabled persons have entered employment outside the workshops.

The organisations for disabled persons have criticised both the terminology used in legislation and the measures that have been taken to improve the employment of disabled persons. They have found the measures insufficient, including the Act on Social Enterprises that has not, in their view, particularly increased the employment opportunities of disabled persons in the private sector. In the view of the National Council on Disability, the legislation should explicitly speak of disabled jobseekers.

*Regional differences.* The regional development of employment has differed from the normal in the past few years. During the downward trend in economy, the development of employment has been weakest in southern Finland. In the same way, unemployment has even increased in southern Finland in the past two years. The worldwide downswing has also affected the southern parts of the country as well as other rapidly growing areas that are most dependent on exports and on the development of the sector of information technology. Instead, unemployment has continued to reduce at a good pace in the eastern and northern parts of Finland. During the downward trend in economy, the regional differences in employment have become smaller as it is usually the southern and central parts of the country that benefit from high-activity periods. According to statistics maintained by the Ministry of Labour, the number of unemployed jobseekers increased in the southern and western parts of the country in 2004 when compared with the previous year.

In 2004, the employment rates were still the highest in southern Finland (73.2%), western Finland (68.9%) and South-western Finland (68.3%), whereas they were the lowest in the eastern parts of the country (54.3% in Kainuu and 57.4% in North Carelia) and Lapland (60.2%). In 2004, employment reduced most in South-western Finland, central Finland and Pori region, when compared with the previous year, whereas it increased most in Lapland and Tampere region.

## **2. (b) Policies and measures**

A new *Act on the Public Employment Service* (1295/2002) entered into force on 1 January 2003. The Act entailed an overall reform of the legislation applied to the services provided or procured by the labour authorities as well as to the related subsidies and benefits. The reform is mainly technical and its purpose is to make the legislation clearer in respect of both its structure and wordings. The main objective of the public employment service is to enhance the functioning of the labour market. In accordance with the objectives of the Constitution and principles adopted in connection with the reform of labour policy, the rights and obligations of customers are now included in one Act. The Act on the Public Employment Service compiles the provisions of the earlier Employment Service Act (1005/1993), Employment Act (275/1987) and Act on Labour Policy Training for Adults (763/1990).

Under the Act on the Public Employment Service, jobseekers must, in the first place, be offered work or training within the framework of employment services which, according to the Act, include the services of employment agencies, vocational guidance, labour policy training for adults, the provision of information on training and professions, and vocational rehabilitation. The aforementioned services may also be supplemented with various other services or with projects serving general or regional needs.

*Government's Political Programme.* The most important objective of the present Government's economic policy is to increase the number of employed persons by at least 100,000 by the end of the Government's term. The aim is to achieve such economic growth and increase in employment as makes it possible to reach an employment rate of 75% by the year 2011.

The Government's political programme sets an objective of ensuring the Finnish model of success based on know-how and innovation, with the help of economic growth, on which lasting productivity and employment may be based. New forms of production based on know-how are sought by allocating additional resources to training and public financing of research and development. In order to achieve positive development of employment, it is also necessary to take measures enhancing the creation of jobs in sectors requiring less training. A further means of supporting employment is the Government's taxation policy.

In 2003, the Government launched four cross-sectoral programmes (employment, business initiative, information society, and civil society participation) to ensure the achievement of objectives effectively and through coherent measures taken in the different sectors of administration.

The focus of the employment programme is on the reduction of structural unemployment and on the enhancement of the availability of labour. The main objectives of the programme are, apart from the reduction of structural unemployment, the prevention of social exclusion, the ensuring of the availability of competent labour, preparation for the reduction in labour resulting from the change of the age structure of the population, the maintenance of workers in the labour market for a longer time than earlier, the increase of the productivity of work, and the improvement of the organisation and meaningfulness of work.

*Reform of the public employment service system.* As mentioned above, the purpose of the aforementioned employment programme is to reduce structural unemployment and to ensure the availability of labour. The implementation of the reform of the public employment service began in 2004. The reform entails the establishment of employment service centres for those unemployed persons for whom it is most difficult to find employment. This way the local employment agencies will be able to focus on ordinary employment services and on the rapid employment of jobseekers in the open labour market, as well as on the ensuring of the availability of labour to private companies.

The employment service centres and joint service points constitute a coherent network of services provided by the local administration, including employment agencies, other local authorities and the Social Insurance Institution. The first employment service centres were established in January 2004. In 2005, the number of employment service centres and joint service points will increase so that there will be 23 centres and 11 units. These include regional centres and units or centres and units established jointly by several municipalities. Their services cover the districts of 57 employment agencies and 130 municipalities. There are further plans to increase the number of employment service centres to 40 in 2006.

The services provided are based on a network of experts in different fields. These experts include, among others, nurses, doctors, rehabilitation psychologists, social workers, social instructors, financial advisers, officials working with intoxicant abusers, rehabilitative work instructors, educational and vocational counsellors, career planners, and employment advisers. In cases where there are, for example, no services of a nurse available, the customer is advised to use the so-called ordinary services. External services are also used, where necessary, e.g. for the purpose of establishing the customer's possibilities for pension. From the customer's perspective, the coordinated provision of services is of particular importance, whereas for the authorities participating in the provision of services it is important that they are used to an optimal extent.

The service system of employment agencies is developed with a view to resolving the existing problems in the coincidence of the demand for and supply of labour. The reform of the system has been started at 16 employment agencies with large districts in 2004. The main objective of

the reform is the rapid employment of jobseekers in the open labour market and the ensuring of the availability of labour. A particular aim is to increase the activity of the jobseekers themselves by creating specific centres for the search for employment, with Internet connections and meeting points for jobseekers and employers. A further objective is to prevent long-term unemployment to a maximum extent. The reformed system will be introduced at all employment agencies by the end of 2006.

*Reform of the labour market subsidy.* The purpose of the labour market subsidy is to enhance, as an active measure, the possibilities of persons entering the labour market and of the long-term unemployed to find work. However, the labour market subsidy has in practice been used as permanent security of income of the long-term unemployed. There were more than 160,000 persons entitled to labour market subsidy at the end of 2003, of whom 45% were women and 55% men. A working group assessing the means to activate the beneficiaries of labour market subsidy completed its work in January 2005. The use of labour market subsidy as an active measure will be increased in order to improve the possibilities of unemployed persons to find work. In addition, different financing models will be examined for the purpose of supporting local authorities in the effective management of unemployment in cooperation with the public employment service.

*Young persons.* The Government's objective with the reduction of the unemployment of young persons is to guarantee everyone completing comprehensive school education a possibility to further studies, and to arrange unemployed young persons under the age of 25 years either a possibility for professional training or a traineeship or workshop type of training after a three-month period of unemployment.

The implementation of a *social guarantee for young persons* began in January 2005. The social guarantee applies to unemployed jobseekers between 17 and 25 years of age referred to in the Act on the Public Employment Service. A detailed job search plan is drafted with the unemployed jobseeker by the time when his or her unemployment has lasted three months without interruptions. The social guarantee means that the young person is given, in the detailed job search plan, a promise of one of the following public employment services: job search training, preparatory or vocational training, job experiment, traineeship, preparation for working life, start-up grant, or supported work. In case the young person is not able to benefit from the public employment services, due to limitations imposed by his or her reduced capacity for work or activity, the employment agency strives at ensuring, together with other relevant bodies such as the local social welfare and health authorities, that the young person has access to such services as will improve his or her possibilities to later benefit from employment services. Employment agencies are required to monitor the advancement of the use of services by the young person, the achievement of the objectives agreed on in the job search plan, and the implementation of the intended measures. The young person may not passively wait until the period of three months referred to above but must actively search jobs already from the beginning.

*Long-term unemployed and persons with reduced capacity for work.* Those groups who are in a vulnerable position in the labour market include the long-term unemployed, ageing persons, persons with low educational level and professional skills, and persons with reduced capacity for work. Such persons have often been unemployed continuously for a long period of time or they have undergone alternate periods of unemployment and short periods of employment or labour policy measures. These groups suffering from structural unemployment include approximately 170,000 persons, having difficulties in finding employment in the open labour market.

Of the unemployed jobseekers, the share of persons with reduced capacity for work increased significantly at the end of the 1990s and their number has remained unchanged in the past few years. The unemployment rate of foreigners residing in Finland is more than three times the general unemployment rate. Of foreign nationals, those coming from countries not members of the European Union have the highest unemployment rates. Such foreigners as have resided the longest time in Finland have the best possibilities to find employment in the open labour market.

Table 6. Unemployed jobseekers by category in 1994, 1999 and 2004

In total	Men	Women	Young persons <sup>4</sup>	Over 50-year-old persons	Long-term unemployed <sup>5</sup>	Persons with reduced capacity for work <sup>6</sup>
494,247	276,896	217,351	92,213	86,400	133,561	31,490
348,140	177,190	170,950	44,267	105,477	97,981	38,819
288,402	152,179	136,223	34,933	98,858	73,040	38,418

Source: Statistics of the Ministry of Labour

The general objective of the Government's policies on employment and pensions to increase employment and to raise the average age of retirement. Therefore the first-hand measures in respect of the long-term unemployed are also meant to increase their employment, capacity for work and professional skills.

As of 1 January 2003, the public employment service also covers vocational rehabilitation arranged for persons with reduced capacity for work, the purpose of which is to enhance the vocational planning and development, employment and stay at work of such persons. In vocational rehabilitation, persons with reduced capacity for work are provided with vocational guidance and career planning services, counselling relating to placement in employment and rehabilitation, examination of health and suitability for given work, expert consultations, tests relating to rehabilitation, work and training experiments at vocational colleges, work experiments at workplaces, and work experiments and preparatory training in different service units offering specialised services. In addition, labour market training for adults - either preparatory or professional training - may be used for the purposes of vocational rehabilitation. The employment and stay at work of persons with reduced capacity for work may also be supported by means of financial resources allocated to employers for the rearrangement of working conditions.

Employers may be paid financial support for the employment of jobseekers with reduced capacity for work for up to 24 months at a time. In case the intention is to recruit such a jobseeker to work in a social enterprise, financial support is paid for a period of three years that may be extended by a further period of three years in case the worker's capacity for work reduces again.

The *Rehabilitative Work Act* (189/2001) entered into force on 1 September 2001. The purpose of the Act is to improve the possibilities of the long-term unemployed, benefiting from labour

<sup>4</sup> Persons under the age of 25 years.

<sup>5</sup> Persons who have been continuously unemployed over a year.

<sup>6</sup> Persons diagnosed as having reduced capacity for work.



market subsidy or subsistence allowance, to find employment and to participate in training or other measures enhancing employment. The objectives of enhancing employment and preventing social exclusion are aimed at by means of intensified cooperation among employment and social welfare authorities, and obligating and activating measures. A relevant novelty introduced by the Act is an activation plan that is prepared by the labour administration and the local authority together with the unemployed person. The Act imposes on local authorities and employment agencies an obligation to cooperate with a view to preparing an activation plan and services that are suitable for the person concerned.

The activation plan contains an analysis of the customer's life situation and provides for measures to improve his or her possibilities of employment. The activation plan may also provide for participation in rehabilitative work the arrangement of which is, as a social service, at the responsibility of the local authority. Participation in the preparation of an activation plan is compulsory for all unemployed persons meeting the criterion of activation, but participation in rehabilitative work is only compulsory for persons under the age of 25 years. Rehabilitative work must be arranged for a customer when it is not possible to offer him or her work or labour market measures enhancing employment within three months of the preparation of the activation plan. Rehabilitative work is a last-resort measure to interrupt long-term unemployment.

An activation plan is prepared if the person has been paid labour market subsidy on the basis of unemployment for 180 days during the past 12 calendar months, if he or she has been paid unemployment benefit for 500 days, or if his or her main source of income in the past four months has been subsistence allowance paid because of unemployment. If the unemployed young person, without justified reason, refuses to prepare an activation plan and to take the measures agreed on in the plan, the labour market subsidy may be withdrawn for a period of two months and his subsistence allowance may be reduced by 20%. Repeated refusal may lead to that a condition of three months' work is set for the payment of labour market subsidy as well as to a 40% reduction in the subsistence allowance.

The *Social Enterprises Act* (1351/2003) entered into force in January 2004. The purpose of the Act is to enhance the establishment of social enterprises. Such enterprises differ from other companies in that at least 30% of their employees are persons with reduced capacity for work, or both such persons and long-term unemployed. The Act is meant to improve the possibilities of such persons to find work. Social enterprises may be granted employment support or combined support on less strict conditions than to other companies and for a longer period of time. The purpose of such financial support is to compensate for the smaller input of persons with reduced capacity for work or of long-term unemployed persons.

The *combined support* introduced in 1998 has an important role in the prevention of the exclusion of long-term unemployed persons from the labour market. The combined support consists of both employment support and labour market subsidy. An experiment of three years with the combined support began in January 2003. In this experiment, combined support may be paid for the employment of such persons who have benefited from labour market subsidy for at least 200 days on the basis of their unemployment. Instead of combined support, a full labour market subsidy may also be paid for a period of two years without the employment support. In connection with the experiment, a support voucher system was introduced in January 2005. The purpose of the voucher is to activate customers in finding a job themselves. At the same time, employers may be informed of the possibility of using financial support for the payment of wages. A support voucher is valid for three months at a time but its validity may be extended where necessary.

*Increasing demand for labour.* In October 2003, the Ministry of Labour adopted a Labour Policy Strategy for the years 2003 to 2007 and further until 2010. The Strategy implements the principles set out in the Government's political programme, the Government's strategy and the related cross-sectoral policies as well as the European Employment Strategy of the EU. The objective years of the Labour Policy Strategy are 2007 and 2010, as the labour market situation changes along with the retirement of large age groups. The Strategy outlines five strategic guidelines: 1) reducing structural unemployment and preventing social exclusion, 2) ensuring the availability of skilled labour, 3) enhancing labour productivity in a manner that is sustainable in terms of quality, 4) creating preconditions for an active labour immigration policy, and 5) increasing entrepreneurship and self-employment.

*Start-up grant.* The labour administration may provide a worker entering the labour market with a start-up grant. This grant is not paid to the employer, but it is a form of financial support meant to secure the means of living of the starting worker. Since 1984, start-up grants have been given to unemployed persons starting business activities, to secure the basic means of living for the period of time during which the company does not produce yet and the person concerned is no longer entitled to unemployment benefit. The start-up grant may not be paid for longer than ten months. The conditions for the start-up grant include, among others, a requirement of giving an assessment of the expected productivity of the company and of the preparedness of the applicant to carry out business activities. In the consideration of the application, the effects of the grant on competition are assessed.

In January 2005, a two-year experiment was introduced with the payment of start-up grant to persons who wish to leave salaried work or other activities outside the labour market and start business activities. This makes it also possible for persons completing their studies to get financial support for starting business activities. One of the objectives with the experiment is to increase the number of persons starting business activities.

*Supporting ageing workers to stay at work longer.* The employment-based pension system was reformed with effect as of January 2005. The reform encourages workers to retire later and improves the financing of pensions. The reason for the reform is, above all, the need to respond to the challenges imposed by the ageing population and change of age structure on national economy and on the pension system. The reform includes, among others, the accumulation of pension between the ages of 18 and 68, the increase of the percentage of accumulation gradually as the worker gets older, and the grant of retirement pension flexibly between the ages of 63 and 68.

Between 2000 and 2003, a wellbeing-at-work programme was implemented within the framework of the Government's political programme. The purpose of the wellbeing at work programme was to enhance capacity for work and maintain wellbeing at workplaces, with a view to enhancing the achievement of the objective of the Government's political programme to extend the stay at work by two or three years.

The *Act on Job Alternation Leave* (1305/2002) entered into force in January 2003 and remains in force until the end of 2007. One purpose of the system of job alternation leaves is to enhance wellbeing at work. A person taking a job alternation leave may use the leave as he or she wishes, for example for the purpose of education or training, care of children or other family members, hobbies, or resting. For the unemployed person, the possibility of substituting for the person taking the leave provides an opportunity to maintain and develop his or her skills and improve the possibilities of finding work later, and for the employer the system provides a new channel of recruiting workers and a possibility for flexibility and new knowledge at the workplace.

Job alternation leave means an arrangement whereby an employee whose working hours are more than 75% of the working hours of full-time workers in the sector in question, in accordance with a job alternation agreement made with the employer, is released for a fixed period from the duty to carry out work covered by the employment contract. The duration of the job alternation leave must continuously be at least 90 days but no more than 359 days. The employer at the same time engages to hire for a corresponding period a person registered at an employment office as an unemployed jobseeker. The person hired must in the first place be a young or long-term unemployed person or a person who has recently completed a university degree or professional education. The person returning from the job alternation leave has the right to return to his or her earlier or corresponding work.

## **2. (c) Productivity of work**

In January 2004, the Ministry of Labour launched a programme for the development of the quality and productivity of working life (TYKES, 2004-2009), combining and coordinating earlier programmes. The purpose of this programme is to support the development of the productivity of companies and public entities by such means as at the same time enhance the workers' possibilities of improving their skills and affecting their work, wellbeing at work, and joint consultation and mutual trust within workplaces.

The TYKES programme supports various development projects to be introduced on the initiative of workplaces, experiments with organisational and management practices, the development of methods, the implementation of the results of projects, and the strengthening of research and development in working life.

The Ministry of Social Affairs and Health is implementing a programme to increase the attraction of working life (VETO, 2003-2007), and the Ministry of Education a programme to increase the educational level of adults (NOSTE, 2003-2007). The VETO programme is a continuance of the National Age Programme and the aforementioned wellbeing at work programme. Its purpose is to enhance the attraction of working life and the capacity for work of persons at working age, implementing at the same time the strategies of social welfare and health policy.

The VETO programme aims at ensuring the full participation of citizens in working life, contributing to longer stay at work, improving the coordination of work and family life and the equality between men and women, and increasing the attraction of work *vis-à-vis* other alternatives. The programme consists of four parts focusing, respectively, on the quality and safety of work, effective health and rehabilitation services at work, the diversity and equality at work, and encouraging security of income and stay at work. The programme is implemented in cooperation with other ministries and trade unions and associations of private enterprisers, research institutes, insurance and pension institutions, and organisations providing rehabilitation services. A steering group has been set up for the programme, to monitor and coordinate its implementation, to compile the information received from the participating entities on measures taken under the programme and on their progress, to form a picture of the use of recourses and knowledge required, and to ensure functioning cooperation between the different parties.

The VETO programme 2003-2007 of the Ministry of Social Affairs and Health is attached to the present report (*Annex 32*).

## **2. (d) Freedom of choice of employment**

A new Aliens Act (301/2004) entered into force on 1 May 2004, containing also provisions on the employment of persons coming from countries outside the European Union and the European Economic Area. Nationals of states not belonging to the latter need in most cases a worker's residence permit. The purpose of the system of worker's residence permits is to support the availability of labour in a coordinated, rapid and flexible manner, taking into account the legal rights of employers and foreign workers as well as the employment prospects of the workers who are already in the labour market. The new Aliens Act introduced a system of a single worker's residence permit replacing the earlier system of two permits (work permit and residence permit). Once the employment agency has stated that there is no worker available in the labour market for the vacancy in question, the Directorate of Immigration issues the first residence permit to the worker and the permit may be extended by the district police in case there are no reasons relating to public order and security preventing the issue of the permit.

The right of foreign nationals to work without assessment made by the employment authorities was extended particularly in respect of those foreigners who already reside in Finland, such as family members of foreign workers and professionals in special fields (e.g. science, arts and culture). In addition, the right of foreign nationals to work was extended to types of work in respect of which it is not reasonable to make a case by case assessment of the availability of workers in the labour market, such as picking of berries, fruit, vegetables and certain plants as well as fur farming.

Upon the enlargement of the European Union on 1 May 2004, a two-year Transitional Period Act (309/2004) entered into force in Finland. The purpose of this Act is to restrict the access of the nationals of the new Member States to the labour market in Finland. The Transitional Period Act is applied together with the other provisions of law concerning foreign nationals, as amended.

The transitional period of two years applies to eight new Member States that acceded to the European Union on 1 May 2004: the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia. In respect of the nationals of these countries, a worker's residence permit is required during the transitional period.

The role of employment agencies in the processing of applications for residence permit by nationals of the aforementioned countries has clearly diminished as of 1 May 2004. This is due, among others, to the fact that all the situations in which the foreign national has the right to work without a worker's residence permit, as referred to in the Aliens Act, also apply under the Transitional Period Act. Nor is the Transitional Period Act applied to such nationals of a new Member State who has resided in Finland for at least 12 months or has the right to reside in Finland on a ground other than work, being e.g. a family member of an EU citizen. In practice, the most significant exception provided for by the Transitional Period Act results from a provision of the Treaty of Accession, according to which national transitional measures in Finland may not extend to workers moving within the framework of the free provision of services.

## 2. (e) Technical and vocational training programmes

Labour market training is arranged for adults pursuant to the provisions of the Act (1295/2002) and Decree (1344/2002) on the Public Employment Service. The objective of such training is to improve the professional skills of adults and their possibilities to find work or maintain their jobs, as well as to increase the availability of skilled labour. Labour market training is in the first place meant for adults who are unemployed or under the threat of losing their jobs. The training is mainly vocational training for adults, provided by centres of further education, other establishments for vocational education, universities or other providers of educational services, as commissioned by the labour administration.

In order to reduce long-term unemployment and social exclusion, labour market training has also been arranged for persons who have been unemployed for a long time, persons with reduced capacity for work and ageing persons. The share of foreigners participating in such training has steadily increased in the past few years. In 1999, 9.5% of persons entering labour market training were foreigners, and in 2003 their share was already 16.6%.

The share of vocational training was 70% and that of non-vocational training, i.e. preparatory training, was 30% in 2004. The fields covered by the basic vocational training have changed to some extent in the past few years covered by the present report. Such training provided for young persons and adults are divided into various sectors, including arts and humanities, pedagogics, culture, social sciences, economics and business administration, natural sciences, technology and transport, natural resources and environment, social welfare and health and sports, as well as travel and catering.

There were in total 138,765 students in basic vocational training (vocational colleges, polytechnics and universities) in 1999, 136,684 in 2000, 137,631 in 2001, 142,690 in 2002 and 146,147 in 2003.

*Table 7. Volume of labour market training between 1999 and 2002*

	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Applications	229,585	201,705	170,086	167,854
Applicants	160,988	138,581	118,198	114,648
New students	119,208	89,059	76,947	79,376
Persons completing training	93,872	78,486	64,852	58,247
Average number of participants	38,100	30,900	26,100	26,300

*Table 8. Labour market position of persons attending labour market training subject to national funding in 2002 and 2003, prior to the training*

<b>New students</b>	<b>Number of persons in 2002</b>	<b>%</b>	<b>Number of persons in 2003</b>	<b>%</b>
Unemployed	52,542	81.6	50,321	78.5
Persons subject to lay-offs	1,528	2.4	1,786	2.8
Persons under threat of losing their jobs	2,819	4.4	3,135	4.9
Employed	1,738	2.7	1,682	2.6
Persons not available as labour	4,429	6.9	4,720	7.4
Position not known	1,371	2.1	2,422	3.8
All persons attending training	64,427	100.0	64,066	100.0
Women	33,684	52.3	33,162	51.8
Long-term unemployed	7,701	12.0	6,835	10.7
Persons with reduced capacity for work	6,055	9.4	5,721	8.9
Persons over the age of 50 years	8,817	13.7	8,889	13.9
Foreigners (incl. ESF funding)	11,814	15.5	12,380	16.6

Labour market training may also be provided for persons who are already employed, provided that there is a justified reason based on labour policy. Such training has, for example, been used within the framework of project aiming at ensuring the possibilities of ageing persons to stay at work. Personnel of private companies have been trained within the framework of projects enhancing rotation. There is also a system under which employees may leave to attend training, and unemployed persons are recruited to substitute for them, to perform either the same or different duties. Training of personnel has also been used as an alternative to lay-offs or in situations where new technology has been introduced at workplaces.

The aim is to make the training programmes as concrete as possible to meet the needs of working life, and they almost always include one or several traineeship periods. The programmes are implemented in accordance with the needs of participants. The participants are provided with personal study and traineeship plans, taking their previous education and skills into account. Where necessary, the training programme may include remedial instruction for such persons who have difficulties with learning. The vocational training programmes are usually arranged so that they can be made part of a degree or even constitute a degree, where considered appropriate. Such training has also increased in the past few years. In 2003, there were already 4,200 degrees completed, whereas the corresponding figure was 2,900 in 2001. In addition, there are large numbers of other courses and programmes taken as part of degrees, on which there are no statistical data available.

For the purposes of finding ways to reduce job segregation, a working group has been set up. The working group submitted its report at the beginning of 2004. The working group consisted of the representatives of the Ministry of Education and the Ministry of Labour, educational establishments, universities and trade unions. The report proposes several measures relating to the contents of education and training, teacher training, vocational guidance and development of working life.

With the support of the European Social Fund, some cooperation projects, in which the labour administration has been involved, have focused on gender-sensitive counselling aiming at the provision of educational and employment services to meet particularly the needs of women. The "Handbook for supporting non-gender-typical choices" was published by the Ministry of Labour in 2002. The handbook was disseminated to all employment agencies and has also been used in staff training courses. The Ministry of Labour has also produced other training materials (i.e. guidelines for gender-sensitive counselling) to be used in vocational guidance.

Vocational training has also been given account of in the periodic reports on the implementation of ILO Convention No. 122, submitted in 2000, 2002, and 2003 (*Annexes 4 to 6*).

## **2. (f) Difficulties in attaining full employment**

The most important objective of the present Government's political programme, insofar as economic policy is concerned, is to increase the number of employed persons by 100,000 from the year 2003 to the year 2007. It is further stated in the Government programme that by the end of the following Government's term (2011), an employment rate of 75% could be set as an objective. The objective set by the EU is 70% by the year 2010. Accordingly, in the Finnish Labour Policy Strategy, an employment rate of 69 to 71% and an unemployment rate of 6 to 7% have been set as objectives for the year 2007, and an employment rate of 71 to 75% and an unemployment rate of 3 to 5% for the year 2010. Should these objectives be met, it would mean full employment at the turn of the next decade.

During the twelve first months of activity of the present Government, the number of employed persons in fact decreased by 14,000. The weak development may partly be explained with the weak economic growth within the EU and with the weaker development of Finnish exports than expected. However, there are also structural factors such as the globalisation of economy that have partly affected the slow improvement of the employment situation. Furthermore, the reduction in the number of jobs within the industry in approximately 18 months' time since the end of 2002 has proved to be a worrying factor.

In the near future, the ageing of workers will also bring about new challenges for the improvement of the employment situation. The effects of this phenomenon will be most visible at the end of the decade, when the number of persons in the best working age (between 25 and 54 years of age) will be, according to the estimation of Statistics Finland, approximately 80,000 persons less than at present, whereas the number of ageing workers will increase by some 100,000. In 2010, nearly 800,000 persons of the population will be between 55 and 64 years of age.

The objective of an employment rate of 75% by the turn of the decade requires great changes not only in respect of the demand for labour but also in respect of the availability of labour. The employment rates of all age groups must be increased, but it is particularly important to take measures in respect of the ageing persons. For the purpose of ensuring a high employment rate, it is necessary that people devote a longer part of their lives to work than before, due to the ageing of the population. In practice, this means that the age of retirement will be higher, but it is also important that young persons complete their studies and enter the labour market earlier than before.

### 3. (a) Prohibition of discrimination

In respect of legislation applied to the prohibition of discrimination at work, the Government refers to information given in reply to the Committee's concern D 14, as well as to the periodic reports on the implementation of ILO Convention No. 111, submitted in 1999, 2001 and 2003 (*Annexes 1 to 3*).

During the period of time covered by the present report, the prohibitions of discriminations on the grounds of ethnic origin and nationality in the legislation and the monitoring of compliance with these prohibitions have been made more effective. Despite this, foreign nationals working in Finland still have a considerably weaker position than Finnish workers on the average. This is caused, at least in respect of recently arrived foreign workers, by their deficient language skills, which make it more difficult to understand the rights and duties relating to the employment. Foreign workers often have deficient knowledge of the practices of the Finnish labour market and of the prevailing extensive system of collective agreements. Furthermore, foreign workers do not necessarily know of their right to wage raises based on collective agreements.

STTK finds it to be of utmost importance that the labour protection authorities intensify control on working hours and safety at work, particularly in those sectors where it is becoming increasingly usual to use foreign labour, for example workers coming from Eastern Europe (e.g. nurses in the health care sector).

Trade unions protect, in the first place, the rights of their Finnish and foreign members. This means monitoring of compliance with conditions of work, particularly in respect of remuneration. Insofar as legislation is concerned, trade unions also monitor the equal distribution of work shifts and otherwise compliance with the requirement of equal treatment of workers, and help their members in cases where employment has been terminated without justified reason.

In the view of the Minority Ombudsman, inequality at work is to a large extent related to experiences of discrimination in the recruitment of workers. He has been contacted, among others, in cases of discriminating vacancy notices. In 2003, the Minority Ombudsman requested the Ministry of Labour to advise employment agencies to refrain from placing on the Ministry's website such vacancy notices as set clearly unfounded requirements.

*Discrimination on the ground of age.* The Committee has expressed its satisfaction over the fact that the Constitution of Finland prohibits discrimination on the ground of age.

The prohibition of discrimination on the ground of age is also included in other legislation. Under section 2, subsection 1, in Chapter 2 of the Employment Contracts Act, section 12, subsection 1, of the Act on Civil Servants in Local Government, and section 11 of the State Civil Servants Act, the employer may not place anyone in a different position without an acceptable reason on the ground of age, for example. Section 6 of the Non-Discrimination Act also includes a prohibition of discrimination.

Despite the strong protection by law, there has been some reluctance to hire ageing persons. This may be due to the general belief that the professional skills of ageing persons are not up-to-date and that the further training provided by the employer is not adequately productive due to the weaker ability of ageing persons to learn new things. It is also a common belief that ageing workers are not as flexible as their younger colleagues in the face of the employer's demands.



Another source of debate, particularly in the past few years, has been young women under the age of 30 among whom temporary appointments are usual. It is a recognised fact that the smaller share of women of holders of permanent employment contracts, when compared with that of men at the same age, is largely due to their sex. From the employer's perspective, a maternity leave of 105 working days is considerably more burdening than a paternity leave that is in no case more than 30 working days, due to its financial and organisational effects.

*Equality between men and women.* The principle of equal pay is going to be enhanced with a planned amendment to the Equality Act. Wage inventories concerning men and women will be made part of equality plans. Efforts will be made, by means of family policy and the development of the coordination of family and work, to ensure that financial or work-related reasons will not postpone family plans. A possibility for flexible return from a family leave to work is particularly important for women.

The National Council of Women has submitted that one factor significantly weakening the position of women in working life is the costs incurred by family leaves on employers, for the reason that more than 95% of family leaves are taken by women. This often prevents women from getting a permanent job and thus from advancing in their careers. On 1 March 2005, the Ministry of Labour set up a working group to review the provisions of law applicable to the coordination of work and family. The working group aims at drafting a proposal for the development of legislation, by 31 October 2005, so as to make it possible for both parents to better use their right to family leaves, and to make it possible for distributing the family leaves more evenly between men and women.

A project launched by the Ministry of Social Affairs and Health aims at supporting the coordination of work and family by affecting the attitudes of workplaces and society towards family and children. The so-called VETO programme analyses the links between family leaves and position in the labour market.

The integration of immigrant families is supported by means of developing the work of open nurseries and family counselling clinics.

The costs of family leaves are more burdening on female-dominated sectors than others and may weaken the position of women in the labour market. This is due to the fact that men and women are placed in different sectors of working life and the use of family leaves is uneven, as leaves are mostly used by women. The costs of family leaves for employers have been adjusted so that employers who pay full wages during maternity leave are entitled to a compensation corresponding the amount of sickness benefit. Employers have also been able to apply for compensation for the costs of annual holidays accumulating during family leaves taken by employees. The procedure of applying for compensation was made simpler as of January 2003, and since then employers have increasingly applied for compensation. The alternative ways of adjusting the costs of family leaves were considered by a working group in the spring of 2004. A decision was made to significantly raise the amount of compensation paid for the costs of annual holidays, with effect as of January 2005. The work to develop the adjustment possibilities is, however, continued at the Ministry of Social Affairs and Health.

The system of child-care leave and child-care allowance has been extended to also concern the parents of such school children who are first or second-year pupils at comprehensive school. The increased morning and afternoon activities for school children will reduce the time children have to spend alone without the presence of an adult, and make it easier to coordinate work or studies and family life.

*Equality barometer.* In 1998, 2001 and 2004, an equality barometer has been published in Finland, assessing the distribution of work and power relations between men and women, on the basis of their attitudes and experiences, and the degrees to which the situation is accepted in different sectors of life at different times.

### **3. (b) Vocational guidance and training of special groups (e.g. immigrants, the Roma and the Sámi)**

The training targeted specifically at the Roma is given account of in connection with the reply to the Committee's recommendation E 26.

*Immigrants.* In 2004, a total of 19,800 immigrants moved to Finland, of whom 6,900 were nationals of other EU Member States and 12,900 came from other countries. The number of persons coming from the other Nordic Countries was 4,600. The number of persons moving abroad was 13,500. Thus, the net immigration was 6,300 persons. At the end of 2004, there were 108,300 foreign nationals residing permanently in Finland, which constitutes approximately 2% of the whole population. Approximately 47% of them, i.e. 50,100 persons, were in the labour market.

In 2004, the employment agencies had a total of 37,600 foreign jobseekers, of whom 16,800 were men and 20,800 women. The average length of completed periods of unemployment was 15 weeks - for men the average length of 17 weeks and for women 14 weeks.

The numbers of foreigners who found employment or attended training were the following:

*Table 9. Foreigners employed or attending training*

Employed in the open labour market	12,700
Employed with the help of support measures	10,900
Attended labour market training	14,000
Attended other type of training	2,200

The average number of foreign jobseekers at the end of each month was 27,500, of whom 14,400 were unemployed. The largest groups of jobseekers by nationality were the Russian and Estonian nationals who constituted together approximately 43% of all foreign jobseekers, followed by the Iraqi, Iranian and Somali nationals, and immigrants from the area of the former Republic of Yugoslavia, Turkey, Vietnam and Sweden.

It is estimated that the unemployment rate of immigrants was approximately 28% at the end of 2004. In southern Finland, immigrants have mainly found employment in the sectors of services, construction, transport and health care.

In 2004, a total of 10,354 immigrants entered labour market training. Of preparatory training, the share of training targeted at immigrants was about one third in 2002 and 2003. Since 2000, the share of immigrants has been increasing. In accordance with a recommendation given by the National Board of Education, the labour administration provides immigrants, entitled to integration plans and unemployed jobseekers in a comparable provision, with immigrant training amounting to 40 credits. Once the immigrant has completed the training, he or she is guided to participate in the intermediate-level language examination in Finnish. In

2004, there were 740 immigrants who took the exam, of whom 84% achieved the intermediate-level.

The activation measures included in integration plans have clearly improved the access of immigrants covered by the plans to the open labour market.

*Table 10. Immigrants entitled to integration allowance and their access to labour market measures and employment in the open labour market in between 2000 and 2004*

<b>Year</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Integration allowance	7799	8601	9096	10 000	10 445
Initial integration plans	3748	5871	3807	3058	3048
<b>Labour market measures (in total), including:</b>	<b>5896</b>	<b>6463</b>	<b>7152</b>	<b>8248</b>	<b>8727</b>
-labour market training	5413	5871	6610	6589	7978
-other comparable training	813	1344	1526	2522	3571
-ESF measures (training, rehabilitation, traineeship)	628	671	712	617	416
-traineeship or preparatory training	1038	1185	1478	1743	2166
-vocational guidance or rehabilitation	63	73	78	54	42
<b>Employed in the open labour market</b>	<b>3077</b>	<b>3311</b>	<b>4046</b>	<b>5033</b>	<b>5504</b>

The various projects partly financed within the framework of the European Social Fund have contributed, by means of different types of training, to improved possibilities of immigrants to find work in the open labour market. For example, a project called SPECIMA provided highly educated immigrants with supplementary training qualifying them for duties corresponding to their education. At the same time, it has been possible to satisfy the needs of certain regions where there has been lack of qualified employees in certain sectors. Training has also been arranged for cultural instructors and interpreters. Furthermore, the type of in-house training where the immigrant first works together with a support worker, has been increased. Language and computing courses have been part of more comprehensive training provided within the framework of various projects.

The Community Initiative EQUAL, financed within the framework of the European Social Fund, was introduced in Finland in 2001. The five projects for which funding was granted at the first phase of the programme, focusing on the prevention of racism and xenophobia, have aimed at the empowerment of immigrants and the improvement of their possibilities to get employed, the development of recruitment methods and of cultural diversity at workplaces, and the development of culture-sensitive teaching methods. The extent of the projects has varied between two-partner cooperation and networks of several partners. Apart from immigrants, the priority target groups and beneficiaries of the projects have included teachers, workplaces, social partners, companies and authorities. The strength of the projects has been the involvement of immigrants and other participants in the implementation of the project, and cooperation with immigrant organisations.

All the immigrant projects included in the first phase of EQUAL were also part of a thematic project called "Joint Voice" implemented within the framework of another project called ETMO - Cultural diversity as a resource at the workplace. Apart from the five EQUAL projects, the

thematic cooperation has included a project focusing on asylum-seekers (Equal Becoming Visible), a project that is part of the entity of measures enhancing employment (ABOAVITA), and a project implemented within the framework of the Leonardo da Vinci Programme and improving the immigrants' access to language and society (AITO). The thematic cooperation project has aimed at disseminating the good practices and general working methods developed within the framework of different projects, paying particular attention to equality issues.

The preparation of the projects for which financing has been granted at the second phase of EQUAL was started in November 2004. The implementation of the projects was started in May 2005, and it will continue until 2007. Financing was granted for eight projects relating to the prevention of racism and xenophobia, of which six focus primarily on immigrants. The measures taken within the framework of the projects underline the enhancement of cultural diversity, change of attitudes, provision of public information, education and training, and the enhancement of the culture and employment of persons belonging to the target group. The immigrant projects have included various measures to develop the cultural diversity at workplaces and to lower the threshold of employers to recruit workers with immigrant background. The measures relating to the general command of life and the prevention of social exclusion have been given particular attention in connection with most immigrant projects. A project called "Promenio" is meant to provide immigrants with training that enables them to later support other immigrants at their workplaces. One of the other projects takes into account the whole family, and another one focuses on immigrant women. Training is one of the priorities of the projects for which financing has been granted at the second phase. The MANU project focuses on the improvement of the immigrants' possibilities for vocational training, apprenticeship training and examinations based on the demonstration of skills, by means of preparatory training. A further objective of relevance is to affect general attitudes, with the help of the mass media (Mundo, Monita).

The Government's Plan of Action against Ethnic Discrimination and Racism, adopted in 2001, should be reviewed and a reliable monitoring system should be created for its implementation. The enhancement of tolerance, e.g. in connection with the recruitment of workers, should be a convincing part of the Government's immigration policy, including comprehensive and concrete measures. The unemployment rate of immigrants is still considerably higher than that of Finns. Persons belonging to minorities often face racist attitudes and prejudices at the workplace, expressed by both workers and customers.

According to the Minority Ombudsman, recent studies have indicated that foreigners and persons belonging to ethnic minorities still have considerable difficulties to find work in Finland. An overall assessment should, in his view, be made of the status of the Roma in society. They face difficulties in various sectors of society as well as discrimination. These problems should be tackled by means of a comprehensive programme.

In February 2005, the Minority Ombudsman took an initiative (35/65/2005TM) addressed at the Ministry of Labour and the Ministry of Social Affairs and Health, concerning the effects of voluntary language training and other services and measures enhancing employment on the protection of immigrants against unemployment. The initiative drew attention to the difficulties in and obstacles to the possibilities of immigrants to reach adequate Finnish or Swedish language skills, as well as to the factors preventing disabled immigrants from participating in the preparatory training needed for employment. The training meant for disabled immigrants, for example, is usually considered labour market training and the unemployed person is not considered to be available in the labour market during the preparatory training, even if the preparatory training mainly focuses on the provision of information on the various aspects of working life, on the writing of job applications, and on preparing oneself for job interviews.

However, particularly disabled immigrants would need significant support and advice when searching for jobs.

### **3. (c) Cases in which a distinction, exclusion or preference is not considered as discrimination**

According to section 2 in Chapter 2 of the Employment Contracts Act (55/2001), the employer must treat employees equally. This requirement must be taken into account in the grant of employment-based benefits and in the setting of obligations on employees. The requirement of equal treatment may only be derogated from when there is an acceptable cause for derogation deriving from the duties and position of the employees. The requirement of equal treatment and the prohibition of discrimination are applied in connection with the recruitment of employees, during employment and in the termination of employment. Under the Employment Contracts Act, the conditions of work applied to fixed-term and part-time employment must not be less favourable than those applicable to other types of employment merely because of the duration of the employment contract or working hours, without proper and justified cause. It is further provided in section 2 that the definition of discrimination, prohibition on sanctions and burden of proof in cases concerning discrimination are laid down in the Non-Discrimination Act (21/2004).

Under section 7 of the Non-Discrimination Act, the following conduct is not considered discrimination:

- 1) a procedure based on an equality plan, and intended to implement the intention of the Act in practice; and
- 2) different treatment in relation to a basis of discrimination referred to in section 6(1) that is founded on a genuine and determining requirement relating to a specific type of occupational activity and the performance of said activity;
- 3) different treatment based on age when it has a justified purpose that is objectively and appropriately founded and derives from employment policy, labour market or vocational training or some other comparable justified objective, or when the different treatment arises from age limits adopted in qualification for retirement or invalidity benefits within the social security system.

The Non-Discrimination Act does not prevent specific measures aimed at the achievement of genuine equality in order to prevent or reduce the disadvantages caused by the types of discrimination referred to in section 6(1) (*positive action*). Positive action must be proportionate to its objective.

### **4. Working population holding more than one full-time job**

According to the labour survey carried out by Statistics Finland, there were approximately 3,935,300 persons at working age (15 to 74 years old) in 2004. Of these, 2,593,500 were in the labour market, although the number of employed persons was somewhat less: 2,364,700. Thus, the approximate number of unemployed persons was 228,800 in 2004. The number of persons outside the labour market was 1,341,800.

According to the labour survey, there were 75,400 persons with more than one job in 2004. This figure includes all those employed persons who, in addition to their regular jobs as a private enterpriser or salaried employee, performed some type of additional work during the week covered by the survey, irrespective of whether their regular jobs were full-time or part-time jobs. Accordingly, 3.2% of all employed persons performed additional work in 2004. Their

share has remained virtually unchanged since the end of the 1990s. In 1994, when the number of unemployed persons was at its highest due to the economic depression, there were more than 96,000 persons performing additional work, which is clearly more than in 2004 (their share of all the employed being 5%).

According to the labour survey, for approximately 7,300 persons of those who performed additional work in 2004, the additional work was a full-time job, i.e. at least thirty hours a week. Thus, approximately 10% of employed persons performing additional work did it full-time. The share of such persons of all the employed persons was 0.3% in 2004, and their share of the population at working age was only 0.19%.

In the light of this, it may be concluded that it is very rare to have another full-time job in addition to one's regular job.

## **5. Other changes in national legislation**

The Act on Civil Servants in Local Government (304/2003), relating to the earlier reform of the provisions on fundamental rights, entered into force in 2003. This Act replaced the Act on the Employment Security of Municipal Officeholders (484/1996) and the local regulations applied to terms of employment. The new Act includes the general provisions on the legal status of municipal office-holders, the establishment and change of employment, leaves, lay-offs, grounds of termination of employment, removal from office and appeal. The status of other workers employed by local authorities is based on the Employment Contracts Act.

## **ARTICLE 7**

### **1. ILO Conventions ratified by Finland**

Of the ILO Conventions mentioned in the General Guidelines under Article 7, Finland has ratified the following ones:

Equal Remuneration Convention, 1951 (No. 100),  
Weekly Rest (Industry) Convention, 1921 (No. 14),  
Holidays with Pay Convention (Revised), 1970 (No. 132),  
Labour Inspection Convention, 1947 (No. 81),  
Labour Inspection (Agriculture) Convention, 1969 (No. 129), and  
Occupational Safety and Health Convention, 1981 (No. 155).

### **2. (a) Principal methods used for fixing wages**

See information given in reply to recommendation E 29.

### **2. (b) System of minimum wages**

See information given in reply to recommendation E 29.

## **2. (c) Equal pay for equal work**

The Government finds the unjustified wage differentials between men and women as being one of the most relevant problems of equality at work. The average wage differentials, in the light of statistics, have remained at the same level for a rather long time, although they have increased in quantity since the end of the 1990s. The average wages of women for regular working hours have been approximately 80 to 82% of those of men since the beginning of the 1990s but in 2003 the percentage went up to 83%. Part of these wage differentials can be explained with the job segregation or with other comparable reasons, but part of them remain without explanation.

Equality of pay is enhanced, among others, with the pending amendment to the Equality Act. As already mentioned, equality plans will include wage inventories the purpose of which is to make it possible to examine wage differentials at workplaces irrespective of collective agreements.

A study concerning the problems in equality of pay, carried out by the Ministry of Social Affairs and Health, was completed in the summer of 2004. On the basis of this study, the Ministry set up a working group, consisting of representatives of the Government and trade unions, on 16 November 2004 to prepare a draft programme for enhancing equality of pay. The proposal of the working group, containing the draft programme, was submitted in May 2005. A general objective of the draft programme is to reduce the wage differentials between men and women, calculated on the basis of the average monthly income for regular working hours, from the existing 20% down to at least 15% by the year 2015. It is proposed by the working group that the Ministry of Social Affairs and Health set up a working group to monitor the implementation of the programme.

The Government also refers to the periodic reports on the implementation of ILO Convention No. 100, submitted in 2000, 2002 and 2003 (*Annexes 7 to 9*).

## **3. Provisions on occupational health and safety**

Compliance with the provisions on occupational safety is monitored by occupational safety and health authorities, including the Ministry of Social Affairs and Health and the occupational safety and health district offices. The division into occupational safety and health districts was changed by a decree that entered into force in January 2004. The legislation on the monitoring of occupational safety and on the legal remedies in occupational safety cases dates back to 1973. The amendments made to that legislation have been given account of in the periodic report on the implementation of ILO Convention No. 81, submitted in 2004 (*Annex 12*).

The new Employment Contracts Act and the Act on Confirmation of the General Applicability of Collective Agreements (56/2001), determining the national body responsible for deciding whether a collective agreement is generally applicable as well as the composition of this body, entered into force at the same time in 2001.

A new Occupational Health Care Act (1383/2001) entered into force in January 2002. The Act determines, more precisely than earlier, the general principles, contents and implementation of occupational health care. The focus of the new provisions is on the enhancement of health and capacity for work at workplaces as well as on the development of working conditions. Upon the entry into force of the Act on the Protection of Privacy in Working Life on 1 October

2004, the provision of the Occupational Health Care Act on the occupational health care action plan and the plan to prevent intoxicant abuse were amended.

A new Occupational Safety and Health Act (738/2002) entered into force in January 2003, replacing the Act of 1958. The Act is applied to both large and small workplaces, in both the public and the private sector. It contains the basic provisions on occupational safety and health and sets forth the general objectives, underlining the importance of the management of safety at work on the initiative of the workplace itself. The Act contains several new provisions, including those on workload, threat of violence and working alone.

On 15 May 2003, the Ministry of Social Affairs and Health set up a committee to prepare a proposal for the amendment of the Act on the Supervision of Occupational Safety and Health and Appeal in Occupational Safety and Health Matters. A Government bill based on the committee's proposal, prepared in cooperation with trade unions, was submitted to Parliament in June 2005.

The development of accidents at work and occupational diseases in the past ten years is illustrated by Annex 24, containing information on the control measures taken by the occupational safety and health authorities as well as on the demand for services.

The Act on the Protection of Privacy in Working Life entered into force in 2001. The Act was soon revised, however, by adding provisions on the protection of electronic mail messages, camera surveillance and processing of information on drug use. The revised Act (759/2004) entered into force on 1 October 2004. The objective of the Act is to implement the protection of privacy at work and other fundamental rights relating to privacy, and to enhance compliance with the requirements concerning the processing of personal data. The Act applies to both private-sector employees and public officials as well as jobseekers.

The employer is only allowed to process such personal data as are directly necessary for the exercise of the rights and obligations of the parties to the employment contract, relate to the benefits provided by the employer for the employee, or are required by the special nature of the work concerned. No exceptions can be made to the necessity requirement, not even with the employee's consent.

The Act provides for the procedures to be applied by the employer when collecting or treating data relating to the employment. The measures provided for in the Act are meant to increase the reliability of personality and aptitude assessments and the protection of jobseekers by law. The employer's right to process data concerning the health of employees has been restricted. The employer may not process data based on genetic tests at all.

The Act extends the range of issues that have to be decided through cooperative or consultative procedures at the workplace. The new issues include the collection of data at the beginning of employment and during it, as well as technical surveillance and the use of the Internet and electronic mail. However, the necessity requirement also applies to these procedures.

An employer or his representative who deliberately or out of gross negligence violates the provisions of the Act may be sentenced to a fine.



#### **4. Actual realisation of the principle of equal opportunity for promotion**

It is provided Chapter 2, section 1, of the Employment Contracts Act (55/2001) that the employer shall in all respects work to improve employer/employee relations and relations among the employees. The employer shall strive to further the employees' opportunities to develop themselves according to their abilities so that they can advance in their careers.

In order to enhance the career advancement of female directors within the state administration, the Ministry of Finance created a network of female directors in 2002. This network consists of some 300 directors representing different sectors of the state administration. Meetings between these directors are organised in 2004 and 2005 alternately by the directors of different ministries. At the end of 2005, the benefits of this type of cooperation will be assessed in order to decide whether it is worth continuing.

The Government further refers to the periodic reports on the implementation of ILO Convention No. 111, submitted in 1999, 2001 and 2003 (*Annexes 1 to 3*).

#### **5. Working hours, periodic holidays with pay and remuneration for public holidays**

The amendments made to the Working Hours Act (605/1996) are mainly of a technical nature, resulting from amendments made to other legislation relating to working hours.

A new *Annual Holidays Act* (162/2005) entered into force on 1 April 2005, replacing earlier Act of 1973 and the provisions of law applied to the annual holidays of public officials. The Act improves the holiday benefits of persons having temporary or part-time jobs and makes the timing of holidays more flexible. It guarantees everyone annual holidays with pay and improves the possibilities to coordinate work and family life. Furthermore, the Act provides protection against the weakening of holiday rights during long sickness leaves and lay-offs. The new Annual Holidays Act is applied to all work performed by both private-sector employees and public officials.

The length of annual holidays is based on the same principles as in the repealed Act. The position of part-time employees is improved by the fact that, unlike under the repealed Act, the provisions on periods equivalent to time at work are applied as such to persons covered by the 35-hour rule. A full holiday credit month is considered to be a calendar month during which the employee has accumulated at least 35 hours of work or the equivalent of hours at work. Thus, such persons are treated in the same way as full-time employees e.g. in cases of sickness leave or lay-off.

The position of those persons who were earlier not entitled to holidays has been improved so that they have the right to days off. The worker may get two days off per one month at work. In cases where the employment has lasted at least one year, the worker has the right to four weeks off from work, for which he or she is also entitled to holiday pay. This also concerns household workers and the employer's family members in case they are the only employees. They were earlier not entitled to holidays based on the said periods of time.

Workers who have performed work for the same employer under repeated contracts of employment, and there have only been short interruptions if any, have the right to days off. In such cases, the maximum length of time off is determined in the same way as the length of annual holidays.

The position of temporary workers is further improved by the possibility to agree on that in cases of repeated employment contracts, the holiday benefits are not given in the form of holiday pay at the end of a period of employment but the holidays may be postponed to be held during the following period of employment.

The employer may still order the timing of holidays in the same way as under the repealed legislation. However, it is also possible to agree on the issue. On the worker's initiative, the worker and the employer could agree on that part of holidays exceeding 24 working days may be held in the form of reduced working hours, for example so that the full-time work of a week is performed within two weeks by reducing the daily working hours by half. This may serve e.g. the interests of the parents of small school children.

The reformed Annual Holidays Act extends the possibilities to derogate from the mandatory provisions of the Act by collective agreements, subject to the condition that the agreed arrangement guarantees the statutory annual holidays for workers. This makes it possible to take sector-specific requirements into account in agreeing on the arrangement of annual holidays.

The Government further refers to the periodic reports on the implementation of ILO Convention 132, submitted in 2000 and 2003 (*Annexes 10 and 11*).

#### **5. (a) Factors and difficulties affecting the degree of realisation of the aforementioned rights**

According to a survey published by the Confederation of Unions for Academic Professionals in Finland in the spring of 2005, the total working hours of its members have reduced by approximately 1.8 hours a week from 1999 to 2004. In 2004, the average total working hours were 41.2 hours a week, with significant variations between the different sectors. Of the members of the Confederation, 59% still perform an average of 6.7 hours of overtime work per week. The amount of overtime work performed without compensation has reduced since 1999 but 41% of the members still work overtime without compensation.

#### **5. (b) Categories of workers excluded from the enjoyment of the aforementioned rights**

The Government refers to the information given on the reform of the Annual Holidays Act above.

### **6. Changes in national legislation**

In respect of equality in working life, the Government refers to information given under Article 3 and Article 7 (section 2. (c)).

The amendments of legislation concerning occupational safety and health and the competent authorities are given account of in section 3 above. The periodic report on the implementation of ILO Convention No. 81, submitted in 2004, and the periodic reports on the implementation of ILO Convention No. 129, submitted in 2000, 2002 and 2004, are attached to the present report (*Annexes 12 to 15*).

## ARTICLE 8

### 1. International conventions

Finland has ratified all the conventions mentioned in the general guidelines.

No relevant amendments have been made to the national legislation applied to membership in trade unions nor to the Act on Mediation in Labour Disputes (420/1962) during the period of time covered by the present report.

Information on membership in trade unions is included in the periodic reports on the implementation of ILO Convention No. 87, submitted in 2000, 2002 and 2003 (*Annexes 16 to 18*).

### 2. (e) Data on the number and structure of trade unions and on their membership

The Confederation of Unions for Academic Professionals (AKAVA) in Finland is a central union constituted by its member unions representing persons engaged in certain professions or having a university degree. Of its members, 60% have a higher university degree. The Confederation has 32 member unions and a total of 448,000 members (1 January 2005). Of its members performing full-time work, 13% worked for the state, 37% for local authorities and 45% in the private sector, and 5% for some other employer. Since 1999, the share of the members of the Confederation in the private sector has increased by approximately 6%.

The Finnish Confederation of Salaried Employees (STTK) has 20 member unions having a total of 650,000 members. According to statistics concerning the year 2003, 17% of its members worked for state agencies or institutions or state-owned companies, 37% for local authorities or joint municipal boards, 3% for church parishes or other religious communities, 2% for other employers in the public sector, and 41% in the private sector where the largest sectors were industry and construction (16%) and services (16%).

### 3. Right to strike

The right to strike is protected by Article 8, paragraph 1(d), of the Covenant, provided that it is exercised in conformity with the laws of the particular country. The freedom to form trade unions and to organise in order to look after other interests is guaranteed by the Constitution. More detailed provisions on the exercise of the freedom of assembly and the freedom of association are laid down by an Act. Insofar as these rights are concerned, Finland is further bound by a number of other international treaties, including ILO Conventions Nos. 87, 98 and 151, and the European Social Charter.

In the view of the Central Organisation of Finnish Trade Unions (SAK), the provision of Article 8, paragraph 1(d) of the Covenant should be interpreted consistently with the obligations based on ILO Conventions and Article 6, paragraph 4, of the European Social Charter. In its opinion, the protection of the right of public officials (state, local authorities, church) to strike is inadequate. The European Committee of Social Rights has in fact already concluded that the

Finnish legislation is in conflict with Article 6, paragraph 4, of the European Social Charter, recalling that restrictions which meant that in practice civil servants could only take collective action in order to obtain a collective agreement were not in conformity with this provision of the Charter. The comments of the ILO Committee of Experts have not been received yet.

Under section 8, subsection 1, of the State Civil-Servant Collective Agreements Act (664/1970), a state official may not take collective action other than lockout or strike to the extent that the target of the collective action is to affect the existing conditions of employment. Upon the expiry of the applicable collective agreement, a strike may only be used to support such claims on which it is possible, under the said Act, to agree on through collective agreements. While the collective agreement is in force, no collective action may be taken to affect its terms and conditions. Strikes pursuing objectives other than those covered by the collective agreement are also prohibited. Accordingly, subject to these restrictions, it is possible to pursue objectives covered by the collective agreement by means of a strike, provided that the purpose of the strike is not to achieve a new collective agreement.

According to section 8, subsection 4, of the aforementioned Act, a state official may only participate in a strike on the basis of the decision of a union of officials that has introduced the strike. This does not, however, mean a restriction on the right to strike but the purpose of the provision is to ensure the continuity of the provision of public services.

## **ARTICLE 9**

### **1. ILO Conventions ratified by Finland**

Finland has ratified all the ILO Conventions mentioned in the general guidelines. The latest periodic reports have been submitted as follows:

Convention No. 121 (Employment Injury Benefits, 1964), latest report submitted in 1999;

Convention No. 128 (Invalidity, Old-Age and Survivors' Benefits, 1967), latest report submitted in 2001;

Convention No. 130 (Medical Care and Sickness Benefits, 1969), latest report submitted in 1998;

Convention No. 168 (Employment Promotion and Protection against Unemployment, 1988), latest report submitted in 1998.

### **2. Branches of social security**

A publication of the Ministry of Social Affairs and Health, "Trends in Social Protection in Finland 2003", is attached to the present report (*Annex 25*).

A new Act on the Status and Rights of Social Welfare Clients (812/2000) entered into force on 1 January 2001. The purpose of the Act is to enhance the provision of services in accordance with the wishes of the clients, the mutual trust in the provision of services, and the client's right to good service and treatment in social welfare without discrimination.

The largest group of complaints made to the Parliamentary Ombudsman is those concerning social welfare and social insurance. According to observations made by her, there have been deficiencies in respect of good governance and administration of justice, relating to the excessive length of proceedings, deficient reasoning of decisions, and the client's right to respectful and decent treatment, advice and guidance.

The European Court of Human Rights has also, in certain judgments, found violations concerning appellate bodies' deficient reasoning of decisions and non-communication of documents to the applicant for his or her information and possible comments.

The Parliamentary Ombudsman has underlined the importance of expedient proceedings in cases concerning the basic living of individual persons. The system of appeal in cases concerning subsistence allowance should be provided with adequate resources in order to make it possible to comply with the requirement of reasonable length of proceedings and other fair trial requirements. The independence and impartiality of the members of appellate boards is also important to ensure the trust of applicants for benefits in the system.

## **2. (a) Medical care**

*Dental care.* The dental care services underwent a reform and the access to dental care was extended in 2001 and 2002. At the first stage in 2001, the local authorities were placed under an obligation to arrange dental care for persons born in 1946 or later. In 2002, this obligation was extended to concern the whole population. At the same time, the right to compensation for the costs of dental care under the sickness insurance was extended. The Sickness Insurance Act was amended so that the right to compensation concerns all persons irrespective of their age, as of 1 December 2002.

In 2003 and 2004, there were approximately 1.8 million persons using the dental care services of public health care centres. The total number of dentist's appointments was some 5 million. The number of persons using these services increased in 2001 and 2002 by some 20,000 patients (table 1), whereas it decreased in 2003 by some 15,000 persons. The services bought from other service-providers, mainly private dentists, increased by nearly 40% in 2003, when compared with the year 2002, and the amount was nearly twice as much as in 2001. The local authorities procured services from private dentists, amounting to 36,000 appointments in 2001, 57,000 in 2002 and 79,500 in 2003.

There are some 2,300 dentists working in the public sector, of whom some 150 provide special medical care services (some of them on a part-time basis). In addition, there are 2,730 dental nurses and 555 dental assistants working in the public sector, of whom 289 dental nurses and 76 dental assistants work on a part-time basis.

Table 11. Dental care patients at health care centres in 2001, 2002 and 2003

Patients treated in 2001 and 2002

By age	2001	2002	Change 2001-2002
Born in 1946 or later	1,487,779	1,593,427	105,648
0 to 17 years old	924,865*	883,581	-41,284
Others entitled to care on the basis of age	562,914	709,846	146,932
Other population	304,959	221,575	-83,384
<b>In total</b>	<b>1,792,738</b>	<b>1,815,002</b>	<b>22,264</b>

Patients treated in 2003

By age	2003	Change 2002-2003
0 to 17 years old	856,791	-27,015
Persons over 17 years of age	943,667	11,941
- of whom 18 to 55 years	712,547	540
- and 56 years or older	231,120	11,401
<b>In total</b>	<b>1,800,458</b>	<b>-15,074</b>

\* 0 to 18 years old

Source: Stakes/Tieto, preliminary information, 2002

Table 12. Dental professionals at health care centres in 2002

Professional group	Total number of employed persons	- of whom part-time employees	- of whom have dentist's practice as additional work	On leave	Total number of dental professionals
Authorised dentists	2,304	506	58	157	2,461
Authorised dental assistants	555	76	0	51	606
Authorised to use the title of dental nurse	2,730	289	0	177	2,907
Authorised dental technicians	5	0	0	0	5
Others	4	2	0	1	5

Source: Statistics Finland

Table 13. Operational costs of dental care (as part of basic health care) in 2001

Municipalities and joint municipal boards	1000 euro	Share of operational costs (%)
Operational costs*	281,587	
Procurements from private service-providers	3,045	1.1
Income from service fees	58,031	20.6

\* Does not include the sales income received from member municipalities.

Source: Statistics Finland

*Private dental care and compensation under sickness insurance.* As of 1 December 2002, the right to compensation for the costs of dental care has applied to all persons irrespective of their age. Under the Act, the patient is compensated for part of the costs of dental care provided by a private dentist, with the exception of the costs of denture and other mechanic care as well as correction of irregularities of the teeth. The compensation may not exceed 60% of the rate established by the National Pension Institution. For war veterans and mine clearers, the costs of dental care are compensated for to a larger extent than for others, including denture, pursuant to the provisions of a separate Act.

The supply of services of private dentists varies in different municipalities and towns. In 2003, there were a total of 2,454 private dentists registered with the Finnish Dental Association, of whom 464 on a part-time basis, and 1,222 dental nurses and 268 dental assistants registered with the Union of Health and Social Care Professionals (Tehy) and working in the private sector.

*Availability of dental care and problems with care provided by health care centres.* The local authorities managed to implement the extension of the public dental care in 2001 and further in 2002 relatively well. However, the removal of the age-based restriction on 1 December 2002 created considerable problems in municipalities and there were more regional differences in the demand for dental care than expected. In some municipalities, it has been possible to respond to the demand by changing practices at health care centres. In several municipalities has the increased demand required increase of resources. The arrangement of non-urgent dental care has been a problem particularly in large towns. Outside large towns, the situation may be made more difficult by the fact that it is difficult to get competent staff.

In 2003, emergency care has been available without problems on weekdays in nearly all health care centres. In some larger towns has the provision of dental care in other cases been restricted to only concern persons who have reached the age of 18 years. In some health care centres, it has been necessary to occasionally restrict access to the dentist's. One reason for this has been the variation in the priorities given for different groups of patients by different municipalities. The waiting periods for dental care have, as a result of the extension, been longer than before and the practices adopted by different municipalities in handling the situation have differed.

In general, the health care centres have increased the supply of dental care services for adults. According to a survey made by the National Research and Development Centre for

Welfare and Health (STAKES) in January 2005, it took less than two weeks to have an appointment with a dental assistant at half of the health care centres. This is an indication of changes that have taken place in the organisation of work at health care centres, particularly in 2003 and 2004. Health care centres have also recruited new dental assistants. In 22% of the health care centres, it also took less than two weeks to have an appointment with a dentist. There still were, however, great regional differences.

In 2004, the Parliamentary Ombudsman gave a decision on several complaints concerning the equal treatment of patients in dental care.

## 2. (b) Cash sickness benefits

The structure of sickness insurance and the sickness benefit have not significantly changed during the period of time covered by the present report. Basic information on the level of benefits is provided in the report, whereas its annexes contain more detailed information.

The *sickness benefit* is meant to compensate for loss of income incurred by short-time incapacity for work. The system of sickness benefit was changed in 2002 so that the earlier minimum benefit based on the assessment of need was replaced by a minimum benefit that is always paid, provided that the sickness has lasted at least 55 days without interruptions.

The amount of the minimum sickness benefit was raised from 11.45 euro to 15.20 euro per day as of the beginning of 2005. The raise also applies to rehabilitation benefit, and to maternity, paternity and family allowances.

An overall reform of the Sickness Insurance Act entered into force in January 2005. The reform is given account of in more detail under heading 7 below concerning the changes in social security.

Table 14. Sickness benefit in 2005 (examples)

Income/year	Sickness benefit (euro)/weekday
1,000	0.00
1,500	3.32
4,000	8.86
10,000	22.14
30,000	65.43
50,000	88.14

The sickness insurance covers part of doctor's fees and of the costs of dental care, medical examinations and medical treatment. The compensation is paid in accordance with a rate established by the National Pension Institution.

*Doctor's fees.* The sickness insurance covers the fees of a private doctor up to 60% of the established rate. In 2004, a total of 1,497,294 persons were paid compensation.



Table 15. Average amount of compensation (%) for doctor's fees in 1999 to 2003

Year	1999	2000	2001	2002	2003
%	37.3	36.2	34.8	36.2	31.3

*Medical examinations and treatment.* The sickness insurance covers the costs of medical examinations and treatment ordered by a private doctor, exceeding 13.46 euro, up to 75% of the established rate. In 2004, there were 789,319 persons who received compensation for such examinations and treatment.

Table 16. Average amount of compensation (%) for the costs of medical examinations and treatment in 1999 to 2003

Year	1999	2000	2001	2002	2003
%	41.7	40.5	36.9	35.3	33.8

*Medicines.* The sickness insurance covers part of the costs of medicines (necessary for the treatment of an illness) prescribed by a doctor. The basic compensation is 50% of each purchase exceeding 10 euro. In respect of certain difficult and long-term illnesses to be determined separately, the compensation amounts to 75 or 100% of each purchase exceeding 5 euro. In 2004, compensation for medicines was paid to 3,271,568 persons.

Table 17. Average amount of compensation (%) for the costs of medicines by compensation category in 1999 to 2003

Year/%	1999	2000	2001	2002	2003
50%	40.6	41.1	41.5	42.1	41.5
75%	70.1	70.3	70.7	70.9	70.2
100%	96.2	96.4	96.8	97.0	96.8

In case the costs of medicines paid by the patient exceed a set maximum amount, the exceeding part of the costs is compensated for in full. In 2005, the maximum amount is 606.95 euro.

*Travel costs.* The sickness insurance covers travel costs incurred by the treatment of an illness or by rehabilitation to the extent that the costs of one journey exceed a certain amount (in 2005, the amount was 9.25 euro). If the patient's costs per year exceed a certain maximum amount (157.25 euro in 2005), the exceeding part is compensated for in full. War veterans are entitled to full compensation for travel costs relating to rehabilitation arranged for them. In 2004, travel costs were compensated for 587,501 persons.

Table 18. Average compensation (%) for travel costs in 1999 to 2003

Year	1999	2000	2001	2002	2003
%	86.0	86.6	86.1	86.2	86.7

*Dental care.* The sickness insurance covers the fees of a private dentist up to 60% of the established rate. However, the costs of a basic examination are only compensated for up to 60% once a year. War veterans are entitled to full compensation for basic dental care and for part of other dental care services.

As mentioned above, the right to compensation for the costs of dental care was gradually extended in 2001 and 2002. In 2004, compensation for the costs of private dentist's services was paid to 1,028,629 persons.

Table 19. Average amount of compensation (%) for the costs of dental care in 1999 to 2003

Year	1999	2000	2001	2002	2003
%	46.9	45.1	40.7	38.5	37.2

## 2. (c) Maternity benefits

As for the maternity and parental benefits, the Government refers to the previous periodic report, added by the following information.

The minimum level of *maternity, special maternity, paternity and parental benefits* was raised from 11.45 euro to 15.20 euro as of the beginning of 2005. In 2004, there were 98,404 mothers and 46,947 fathers benefiting from parental benefit. Special maternity benefit is paid to mothers in dangerous jobs.

As of the beginning of 2003, the 18-day long paternity leave was extended by 12 weekdays, subject to the condition that the father takes at least 12 weekdays of the leave at the end of the period of time during which he is entitled to paternity benefit and the extension days immediately after it. Thus, there is an uninterrupted leave of 24 days.

Since 2003, it has been possible to take a parental leave on a part-time basis so that the mother and the father may take a partial parental leave at the same time. The right to partial parental benefit was also given for private enterprisers.

The *maternity benefit* was extended as of 1 March 2001 so that all adoptive parents of children under the age of 18 years are entitled to maternity benefit. Earlier, it was only possible in respect of children under the age of 1 year. The amount of maternity benefit was raised to 140 euro in 2002. In 2004, there were 56,497 persons benefiting from maternity benefit.

## 2. (d) Old-age benefits

In relation to the reform of the fundamental rights provisions of the Constitution, provisions of law have been enacted on the local government pension system. The Local Government Employees' Pension Act (549/2003) contains provisions, among others, on pension security, pension rights, determination of pensions, family pension, filing of applications for pension and preliminary rulings on pension, payment of pensions, and appeal.

In order to achieve the objectives of pension policy, the local government pension system has undergone changes with effect as of January 2005, similar to those carried out in the private sector.

No significant structural changes have taken place in the national pension system during the period of time covered by the present report.

In 2003, a new form of financial support was introduced for immigrants, the special immigrant's benefit. The benefit guarantees the income during old age or incapacity for work of such immigrants residing in Finland as would otherwise be in need of long-term income allowance paid by the local authorities. The condition for the payment of the benefit is the age of at least 65 years or incapacity for work. In addition, it is required that the beneficiary has resided in Finland for at least five years before the initial payment of the benefit. The maximum benefit is the same as the amount of national pension.

In respect of the system of earnings-related pension that has been changed with effect as of January 2005, the Government refers to information given under section 7 below concerning changes in social security.

In 2003, there were 901,931 persons entitled to old-age pension. The total number of pensioners in 2003 was 1,329,988. Of these, 1,275,564 had their habitual residence in Finland, which is 24.4% of the entire population.

## 2. (e) Invalidity benefits

The structure of invalidity benefits, constituting the basis for income during incapacity for work, has not changed during the period of time covered by the present report.

Upon the reform of the earnings-related pension system, however, the conditions for the payment of invalidity pension have changed as explained under heading 7 below.

In 2003, invalidity pension was paid to 267,140 persons and the average amount of invalidity pension was 953 euro/month.

*Table 20. Beneficiaries of invalidity pension by age on 31 December 2003*

Age	- 19	20-44	45-54	55-59	60-64	65 -	In total
Amount	691	42,663	70,003	71,489	82,294	-	267,140

## 2. (f) Survivor's benefits

In respect of survivor's benefits, the Government refers to the previous periodic report. In 2003, surviving spouse's pension was paid to 259,043 persons and surviving child's pension to 26,871 persons. The average amount of surviving spouse's pension was 436 euro/month and the average amount of surviving child's pension 275 euro/month.

## 2. (g) Employment injury benefits

In respect of employment injury benefits, the Government refers to the previous periodic report. The average amount of employment injury benefit is 1.1% of the employee's wages in 2005.

## 2. (h) Unemployment benefits

The structure of unemployment benefits has not changed during the period of time covered by the present periodic report, and in this respect the Government refers to the previous report. A new Unemployment Security Act (1290/2002) entered into force on 1 January 2003. The Act reduced the required length of employment to 8 months in respect of situations where the same person needed to repeatedly fulfil the condition of employment. For the emergence of a new right to the daily unemployment benefit, the required length of employment was reduced from 43 to 34 weeks, i.e. from 10 to 8 months. The required length of employment of 10 months remained for those who were for the first time entitled to unemployment benefit, but in these cases the period of time during which the length of employment could accrue was extended from 24 to 28 months.

The levels of unemployment benefit and labour market subsidy have been raised during the reporting period. In 2005, the full amount of labour market subsidy or unemployment benefit is 23.24 euro/day. In addition, it is possible to obtain a child supplement for children under the age of 18 years in the same way as earlier. The basic part of earnings-related unemployment benefit is the same as the full amount of unemployment benefit, i.e. 23.24 euro/day, added by a possible child supplement. The earnings-related part of the benefit has been raised from 42% to 45% of the difference between daily income and the basic part.

Insofar as the effects of the income of the applicant's spouse are concerned, the assessment of need for labour market subsidy has been made less strict as of January 2004. When the need for financial support is assessed, the applicant's income is taken into account in full, whereas the spouse's income is only taken into account to the extent it exceeds 536 euro/month (earlier 236 euro).

*Table 21. Persons entitled to unemployment benefits between 2000 and 2004*

<b>Year</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Earnings-related benefit	296,393	276,562	280,813	287,138	285,442
Basic part of unemployment benefit	43,330	43,652	46,565	51,343	54,780
Labour market subsidy	286,581	271,378	263,038	255,437	248,898

*Unemployment security of the family members of private enterprisers.* The Unemployment Security Act (1290/2002) made the provisions on the unemployment security of the family members of private enterprisers more precise so that the co-owners of a company are also considered to be employed by the company until it has terminated its business activities entirely. Under the Act, no unemployment benefit may be paid for the period of time during which the person concerned is a full-time private enterpriser or is otherwise self-employed. The objective of this provision is that the risks involved in business activities may not be covered by the social security system.

A person is considered employed by the company full-time until the business activities are no longer found to exist or when they have been interrupted for a continuous period of four months. A person is only considered employed by the company part-time where he or she has at the same time been in other full-time employment for at least ten months, which has no connection to the company's business activities, or where the working hours in the company have been so few that they do not constitute an obstacle to other full-time employment. However, the termination of business activities or the said interruption of four months is not a requirement for the payment of unemployment benefit, for example, if the person's full-time employment has been irregular. The full-time employment is considered to be irregular e.g. in cases where the person concerned is a family member who has had no shares or votes or other comparable powers in the company and who has only been employed by the company or in other job for a total of at most six months.

The Federation of Finnish Enterprises has, nevertheless, criticised the aforementioned provisions, submitting that the protection afforded to family members working full-time in the company is weak in situations where the productivity of the company reduces to the extent that it no longer provides work for all family members. In a typical family company, both spouses work regularly for the company. If the amount of work reduces in the company in such a situation, the other spouse is not entitled to unemployment benefits unless the business activities are terminated or the spouse finds another job for a minimum of ten months.

*Coordination of the pension insurance and unemployment security.* Under the Unemployment Security Act, if the insured has worked as an entrepreneur for more than 18 months, he will not be paid earnings-related daily allowance until he meets the requirement of previous employment referred to in the Act. For this purpose, it is required that the business activity has been significant. According to the Government Decree implementing the Unemployment Security Act, business activity is considered to be significant when the person concerned has a valid pension insurance based on the Self-employed Persons' Pensions Act and his or her monthly income is at least 710 euro/month (8,520 euro/year).

However, such self-employed persons whose yearly income is assessed as being less than 5,504.14 euro/year (in 2004) have no obligation to take the aforementioned insurance.

Of persons insured under the Self-employed Persons' Pensions Act, approximately 25% have a yearly income between 5,504.14 and 8,520 euro. Accordingly, the different limits for unemployment security and the pension insurance of self-employed persons may result in that 25% of private enterprisers are considered as such for the purposes of the Self-employed Persons' Pensions Act and as persons outside the labour market for the purposes of unemployment security.

### 3. Financing of social security schemes

The financing of social security schemes is usually at the 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.

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

*National pensions* are mainly financed with the contributions of employers and the state's guarantee deposit. Since 1993, part of the profit of VAT has been used for the financing of pension benefits. In 2004, such funds amounted to 400 million euro. The state is alone responsible for the financing of schemes under which the family pensions, the benefits of war veterans, the disability allowance and the child care allowance, the housing allowance of pensioners and 29% of the national pensions are paid. The state also guarantees the national pension system by a guarantee deposit to be used in case the other sources of financing are not sufficient to cover the costs. In 2004, the state's guarantee deposit was used up to 107 million euro.

*Sickness insurance* is financed with the employer's contributions and with contributions of employees based on a certain percentage of their taxable income. The state's guarantee deposit is used if the other sources of financing are not sufficient. In 2004, the state's deposit was used up to 730 million euro which amounted to 22% of the costs. In addition, part of the profit of VAT has been used for the financing of sickness insurance. In 2004, the profit of VAT was used up to 600 million euro. In addition, particular contributions of insurance companies have been used in 1999 to 2004 for the financing of sickness insurance.

In 2004, the sickness insurance contribution of all the insured was 1.50% of their taxable income. The raised social security contribution of pensioners was abolished as of the beginning of 2003.

The sickness insurance contribution of employers in the private sector is 1.614% and the national pension contribution is 1.35, 3.55 or 4.45% of the paid wages. Thus, the total amount of contributions of employers in the private sector in 2004 was 4.00, 5.60 or 6.50% of the paid wages. The employers have no obligation to contribute to the child supplements. The sickness insurance contribution of the state and state institutions amounts to 2.864%, and that of church parishes, local authorities and joint municipal boards to 1.614%. The state's national pension contribution is 3.95% and that of other public-sector employers 2.4% of the paid wages.

A reform of the financing of the sickness insurance scheme is being prepared and it is planned to be implemented in 2006. The Sickness Insurance Act will be amended so that the sickness insurance scheme is divided into two parts: medical care and security of income. The financing of the security of income will be at 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 would be financed partly with the sickness insurance contributions of the insured and partly with the state budget.

In respect of the financing of pension schemes, the Government further refers to Objective 6 in the publication "Finland's National Pension Strategy Report (2002)" (*Annex 26*).

In respect of the financing of unemployment security, the Government further refers to section 5.6.8 in the publication "Trends in Social Protection in Finland (2003)" (*Annex 25*).

Table 22. Social security contributions between 1999 and 2004

Contribution	1999	2000	2001
<b>Employers/private sector (% payroll)</b>			
National pension	2.40-4.90	2.40-4.90 <sup>1</sup>	2.00-4.90
Sickness insurance	1.60	1.60	1.60
Employment pension (average)	16.80	16.80	16.60
Unemployment insurance (payroll max. FIM 5 billion/exceeding part)	0.90/3.85	0.90/3.45	0.80/3.1
<b>Employees/insured</b>			
Sickness insurance (% taxable income)	1.50	1.50	1.50
- increase for pension income	2.40	1.70	1.20
Employment pension (% salary)	4.70	4.70	4.50
Unemployment insurance (% salary)	1.35	1.00	0.70
1) 2.40/4.00/4.90 reduced to 2.00/4.00/4.90 from 1 July 2000			
<b>Contribution</b>			
	<b>2002</b>	<b>2003</b>	<b>2004</b>
<b>Employers/private sector (% payroll)</b>			
National pension	1.35-4.45 <sup>1</sup>	1.35-4.45 <sup>2</sup>	1.35-4.45 <sup>2</sup>
Sickness insurance	1.60	1.60	1.614 <sup>3</sup>
Employment pension (average)	16.70	16.80	16.80
Unemployment insurance (payroll max. FIM 5 billion/exceeding part)	0.70/2.7	0.6/2.45	0.6/2.45
<b>Employees/insured</b>			
Sickness insurance (% taxable income)	1.50	1.50	1.50
- increase for pension income	0.40	0	
Employment pension (% salary)	4.40	4.60	4.60
Unemployment insurance (% salary)	0.40	0.20	0.25
1) 1.35/3.55/4.45 as from 1 March 2002			
2) 1.35/3.55/4.45			
3) Private-sector companies in Lapland and in some other areas, e.g. the archipelago, are temporarily (in 2004 and 2005) exempt from national pension and sickness insurance contributions. The sickness insurance contribution in other areas was increased by 0.014 to cover the deficit. The funds of national pension and sickness insurance are linked so that the increase was directed to only one contribution.			
4) Deleted on 1 January 2003.			

#### 4. Percentage of GNP spent on social security

The costs of social security are given account of in more detail in section 3 of the MISSOC National Report of 2004 (*Annex 31*).

Table 23. Share of spending on social security of the GNP between 1995 and 2005

Year	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004*	2005*
%	31.7	31.6	29.2	27.2	26.8	25.5	25.7	26.3	26.9	27.0	27.2

\*Estimate

#### 7. Changes in social security

*Pension scheme.* The State Employees' Pensions Act (280/1966) was amended by Act No. 679/2004 that entered into force on 1 January 2005. The reform is rather consistent with the one implemented in the private sector, taking into account the special characteristics of the state employees' pension scheme, such as the guarantees relating to the accruing of pensions and the age of retirement before 1 January 1995. A relevant objective of the reform is to raise the age of retirement by two or three years by encouraging employees to stay at work longer than at present. Persons covered by the State Employees' Pensions Act retire, on the average, at the age of 59. Another objective of the reform is to strengthen the pension scheme so as to respond to the new situation imposed by the change in the structure of population.

One of the most important novelties introduced by the reform is the change in the way in which pensions are calculated. After 2005, the amount of pension will be 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 such non-paid periods for which a benefit based on earnings is paid. Such benefits include the 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 523.61 euro (in 2004).

The accrual of pension starts at the age of 18 years and the accrual rate goes up along with the age so that the initial rate is 1.5% for each year, as of the age of 53 it is 1.9% and as of the age of 63 until the age of 68 it is 4.5%. Thus, those persons who stay at work for the longest time benefit from the highest percentage. The employees' contribution to the financing of the costs of pensions after the age of 53 years is higher than at present.

There will also be changes to the age limits for old-age pension. The timing of old-age pension becomes more flexible as the employee may decide to retire between the ages of 63 and 68 years. The possibility for early retirement is changed so that old-age pension is not possible before the age of 62 years. In such cases, the amount of pension is reduced by 0.6% for each month prior to the age of 63. The difference from the earlier situation is that the old-age pension may be postponed, in which case a raise of 0.4% is paid for each month that the employee stays at work prior to the age of 68.

Upon the reform, the range of different forms of early retirement is reduced after a transitional period. Ageing unemployed persons under the age of 62 are transferred from the scope of



application of the pension scheme to the unemployment security scheme and the possibility for an individual early retirement on pension will no longer exist.

The pension scheme will be strengthened by the introduction of a system where the increase in the life expectancy of the population may be taken into account. This will affect the amount of granted pensions for the first time in 2010. Also the indexes used in the scheme change. Adjustments to indexes are made, as of 2005, with the help of a wage multiplier in which the impact of the income level index is 80% and that of the consumer price index is 20% (earlier 50%/50%).

The earlier requirements of the length of employment and of its continued nature relating to the state employees' pension scheme are met, as of 1 January 2005, if the income of the person covered by the scheme is at least 6,000 euro/year or if the employment by the state has been continuous until the age of retirement.

In the past five years, the earnings-related pension scheme has also been changed by the amendment of the provisions of law on rehabilitation. The provisions included in the State Employees' Pension Act since the beginning of 2004 are identical in their contents with those applied to the private sector. The purpose of the new provisions of law on rehabilitation is to make it possible to take measures of rehabilitation earlier than before, and thereby better support the maintenance of the worker's capacity for work and prevent or at least delay the need for invalidity pension. Another objective of the reform is to contribute to the general aim of raising the average age of retirement.

In the public-sector pension schemes, a principle of one decision has been applied since the beginning of 2004. This principle means that the person applying for pension gets one combination of decisions from the pension institution where he or she has last been insured. This combination of decisions will cover all the pensions to which the person concerned is entitled under different pension schemes. After the legislative amendment, the principle is applied to pensions paid by the private-sector employers, the state, the local authorities and the Evangelic-Lutheran Church as well as by the Social Insurance Institution.

Changes in social security have also been given account of in the MISSOC National Reports of 2000 to 2004 (*Annexes 27 to 31*).

## **ARTICLE 10**

### **1. International conventions**

Finland has ratified the following international conventions referred to in the general guidelines: International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and ILO Minimum Age Convention, 1973 (No. 138).

In addition to the aforementioned Conventions, Finland has ratified ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

## **2. Family**

The Act on Registered Partnerships (950/2001) entered into force in 2002. Under the Act, it is possible for couples of the same sex to have their partnership registered, which has the same effects as the conclusion of a marriage. The Act has thus removed several deficiencies there had been in the everyday life of such couples, for example in respect of the right of inheritance. However, certain provisions of the Paternity Act (700/1975), the Adoption Act (153/1985) and the Names Act (694/1985) do not apply to registered partnerships.

## **4. Assistance and protection to the family**

Violence against women is addressed in the replies to the Committee's concern D 17 and suggestion/recommendation E 30.

It is observed in the report of the Parliamentary Ombudsman, concerning the year 2002, that such social phenomena as may lead to serious violations of fundamental and human rights, include e.g. family violence and the problems of children in the most vulnerable situation. In his view, family violence has for a long time been ignored in Finland, despite that it is a common phenomenon and concerns, in particular, women and children and sometimes also old persons. Violence is a flagrant violation of the integrity and security of person, which is a fundamental right, and the authorities have an obligation to take active measures to protect this right.

In 2004, the Parliamentary Ombudsman undertook to examine, on her own initiative, the preparedness of authorities to investigate, tackle and prevent violence against children in families. All Provincial State Offices have been asked to give account of the measures taken in cases of suspected violence against children. The issue has also been addressed on the occasion of inspections made by the Parliamentary Ombudsman concerning social welfare and educational authorities, police districts and prosecuting authorities. The results of the inspections have not been published yet.

The problem of violence has also been addressed in connection with the right of access between children and their parents, as there are cases where the child's custodian fears that the child's safety is threatened during meetings. In such cases, a court may order that the meetings take place under supervision but there are no special provisions in the law in this respect. In a decision made by the Parliamentary Ombudsman in 2004, it has been proposed that the Government assess whether the implementation of the fundamental and human rights of children and parents can be enhanced by providing by law for the right to have meetings supervised in certain situations.

In a decision of the Parliamentary Ombudsman given in 2000, concerning the implementation of the rights of unaccompanied refugee children, it is observed that the child's right to family reunification is the most relevant one of his or her fundamental and human rights, the enjoyment of which should not be restricted for financial reasons. The Parliamentary Ombudsman proposed that the deficiencies of legislation in respect of family reunification be removed and that the care of unaccompanied refugee children be ensured even after they have reached the age of 18 years.

One of the aims of the new Aliens Act that entered into force in 2004 is to enhance the aforementioned rights. In connection with the parliamentary discussion of the bill, Parliament

required that the issues relating to the status of children be taken into account in the application of the Act.

*Activities preventing the social exclusion of young persons.* A significant part of the youth work of local authorities is meant to prevent, directly or indirectly, the social exclusion of young persons, in the same way as the activities of several local associations are.

In addition to the basic subsidies allocated to the youth work of local authorities by the Ministry of Education, the Ministry provides financial support for projects that are meant, in particular, to enhance the activities of young persons with immigrant background, of whom the largest groups are the Somalis and the Russians. Such projects have been introduced particularly in Helsinki and its surroundings.

In scarcely populated areas, such as Eastern Finland, financial support has been provided for various experiments and methods of youth work to improve the possibilities of participation of children and young persons.

In areas where industrial activities are slowing down, such as the area of Pori, cultural activities have been developed for young persons who are socially excluded or in danger of social exclusion. Such activities are also extended to other areas.

Young persons in danger of social exclusion are also provided with activation programmes, including e.g. sailing and other sports activities.

*Morning and afternoon activities for school children.* A new Act concerning the morning and afternoon care of first and second-year school children entered into force on 1 August 2004. The Act also provides for the required qualifications of teachers responsible for the morning and afternoon activities. The implementation of the Act is monitored to improve the quality of the activities. In addition, the Ministry of Education provides financial support for the afternoon activities of third to ninth-year school children.

The purpose of the aforementioned activities is to offer children and young persons a safe place to spend free time when their parents are still at work. At the same time, the children's growing up and possibilities for hobbies are supported. Any child or young person has access to the said activities.

The first Child Ombudsman, subordinate to the Ministry of Social Affairs and Health, will assume her office on 1 September 2005.

## **5. Maternity protection**

Family leaves are provided for in Chapter 4 of the Employment Contracts Act (55/2001). It contains provisions on maternity leave, special maternity leave, paternity leave, parental and care leaves, and the employee's right to take time off from work in case of unpredictable and necessary family reason.

The reform of the Sickness Insurance Act will change the grounds on which the earnings-related daily sickness benefit is paid, to make the benefit more encouraging for the insured. There are particularly two groups of persons benefiting from the reform: those who only go through short periods of employment, and those who give birth to two or more children within a relatively short time.

After the reform of the employment pension scheme, pension will also accrue during such non-paid periods for which an earnings-related social benefit is paid. Such benefits include maternity benefit, paternity benefit and parental benefit. Upon the reform, pension will also accrue during leave taken for the purpose of child care and during studies leading to a degree, in which case the basis of accrual is monthly income of 523.61 euro (in 2004).

The compensation for the costs of annual holidays, paid to employers, will be raised. The costs of parental leaves are burdening, in particular, for employers in female-dominated sectors. The aim is to reduce the costs incurred on employers and, at the same time, enhance the possibilities of employers to hire substitutes for employees taking parental leaves and to improve the position of women at the age of having children in the labour market.

The right to the partial care leave provided for in the Employment Contracts Act and the Seamen's Act (423/1978) was extended upon amendments (Act 870/2003 and Act 871/2003) made to these Acts with effect as of 1 November 2003. The purpose of the amendments was to make it easier for the parents of small children to coordinate work and family life. The employee may be on a partial care leave until the end of the second school year of the child at comprehensive school. In case of children, who have a longer school obligation, the right to partial care leave continues until the end of the third school year. The parents may not take a care leave at the same time but they may share the responsibility for the care of the child so that one of them takes care of the child in the mornings and the other one in the afternoons, or they may take care of the child on alternate days or weeks. The length of employment set as a condition for a partial care leave was reduced from twelve months to six months. An employee intending to use the right to care leave must make a proposal to this effect to the employer at least two months before the start of the leave.

Several collective agreements contain provisions on the wages to be paid during maternity leave.

STTK has submitted that the average total income of women during their careers remains lower than that of men, not only because of the lower wage level in female-dominated sectors but also because of the fact that the payment of wages during maternity leave is not regulated by law.

## **6. Protection of children from economic and social exploitation**

The *Act on Checking the Criminal Background of Persons Working with Children* (540/2002) entered into force on 1 January 2003. The Act applies to work which entails, permanently and essentially, interaction with minors without the presence of the child's custodian, such as childcare, education and other corresponding work.

The employer must request a recruited person to present an extract of his or her criminal records before the appointment or the conclusion of an employment contract. The records shall indicate whether the person concerned has earlier been convicted, pursuant to the provisions of the Penal Code, of sexual offences, aggravated offences against life or health, or narcotics offences. The indication of such offences in the criminal records does not automatically mean that the person may not be appointed but his or her suitability for the job is at the discretion of the employer. The criminal background is established upon employment, application for a permit for business activity, or registration as a private service-producer in the field of social welfare and health care, or conclusion of a contract on the day-care of a minor. The Act does not authorise the compilation and registration of sensitive data. The employer who is under an obligation to request the criminal records, may only enter an indication in the

documents of the presentation of criminal records and of the identifying data in the records. At the same time with the enactment of the said Act, the Criminal Records Act was amended so as to make it possible for a person to get a copy of his or her own criminal records without charge, indicating whether he or she has been convicted of one of the aforementioned offences.

Section 6 in Chapter 1 of the Employment Contracts Act, concerning contracts of employment with minors and other legally incompetent persons, refers to the provisions of the *Young Workers' Act* (998/1993). For the reason that the Employment Contracts Act does not contain any provisions on the right of 15 years old persons to independently conclude or terminate an employment contract, such a provision was added to section 3, subsection 1 (57/2001), of the Young Workers Act.

The Act on the Integration of Immigrants and Reception of Asylum-Seekers has been amended with effect as of 1 June 2005, to transpose the provisions of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

The Directive pays particular attention to responding to the special needs of asylum-seekers in a vulnerable position. In accordance with the Directive, the Government bill underlined that the best interests of the child and the special needs of children shall be a primary concern. The appropriate care of vulnerable persons requires more effective counselling, rehabilitation and mental health services.

The provision of information for asylum-seekers is made more effective and faster by introducing minimum periods of time within which the information must be given, and by identifying those types of information that must be given in any case. The right to decide on the living and other issues relating to the person of the child arriving in Finland without an accompanying adult and applying for asylum, is vested in the director of the reception centre where the child is registered. The director's right to make decisions starts at the moment when the child is registered with the centre and ends upon the designation of a personal representative for the child, as referred to in Chapter 5 of the Act on the Integration of Immigrants and Reception of Asylum-Seekers.

The status of such children applying for asylum who do not reside at a reception centre or group home, is strengthened. The social welfare board of the municipality in which the child resides must be provided with the contact information concerning the child and the person looking after him or her. This way the social welfare board has a possibility to oversee the child's situation, if necessary.

The Government further refers to the periodic reports on the implementation of ILO Convention No. 182, submitted in 2002 (first report) and 2004 (*Annexes 19 and 20*).

## **6. (a) Age limits**

The Government refers to the periodic reports on the implementation of ILO Convention No. 138, submitted in 2000, 2002 and 2004 (*Annexes 21 to 23*).

## 6. (b) Statistics on the engagement of children in paid employment

Table 24. 15 to 17 year-old persons in paid employment in 1994, 1999 and 2004

Year	Age	Total number	Available as labour	In paid employment
<b>1994</b>	<b>15</b>	68,400	8,400	5,300
	<b>16</b>	66,600	11,000	6,700
	<b>17</b>	68,600	14,500	8,800
<b>1999</b>	<b>15</b>	67,800	11,700	7,600
	<b>16</b>	71,600	18,600	12,000
	<b>17</b>	67,500	22,100	14,700
<b>2004</b>	<b>15</b>	70,400	9,600	6,100
	<b>16</b>	64,400	14,200	9,100
	<b>17</b>	61,800	16,800	11,600

Source: Statistics Finland, labour survey

Available labour includes both persons in paid employment and the unemployed.

## ARTICLE 11

### 1. Right to an adequate standard of living

*Subsistence allowance.* With a view to helping persons in financial difficulties and preventing social exclusion, the system of preventive subsistence allowance is increasingly used and it has been made more flexible. The local authorities may grant subsistence allowance for a preventive purpose if they find that the applicant is in a need for support despite that the financial situation of the person or his or her family does not as such warrant the grant of the allowance. The reform is meant to increase the use of preventive subsistence allowance as part of systematic social work.

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

In 2000, preventive subsistence allowance was granted for 10,500 households, and in 2001 it was granted for 17,100 households. The significant increase in the number of beneficiaries in 2001 was due to an amendment to legislation that entered into force on 1 April 2001, making the system of subsistence allowance more effective and enhancing the use of preventive subsistence allowance as part of systematic social welfare work. In 2002, preventive subsistence allowance was granted for 19,245 households, and in 2003 it was granted to 19,134 households.

A handbook for the grant of subsistence allowance was issued in 2001 (revised in 2003; Social Assistance. Handbook for the Application of the Act on Social Assistance. 5<sup>th</sup> revised edition, Helsinki).

The *Rehabilitative Work Act* entered into force in 2001. The Ministry of Social Affairs and Health and the Ministry of Labour submitted an initial report on the implementation of the Act to the Social Welfare and Health Committee of Parliament in 2002.

The *Social Lending Act* entered into force on 1 January 2003. The local authorities may, within the framework of their social welfare services, grant social loans to prevent social exclusion and indebtedness as well as to enhance the independent living of the person and family concerned. Should the local authorities decide to grant a social loan, they must define the conditions for the loan. A social loan may be granted, for a justified reason, to a person who has no other possibility to get a loan on reasonable terms, because of his or her small income or lack of resources, but who is capable of repaying the loan.

Before the loan is granted, the applicant's possible right to subsistence allowance must be checked. The person's right to subsistence allowance cannot be restricted and nor may the amount of the allowance be reduced for the reason that he or she would have a possibility to get a social loan.

*National Action Plan.* In March 2000, the European Union decided that the Member States prepare national action plans to combat poverty and social exclusion, in accordance with common objectives and indicators. Finland has prepared National Action Plans for the years 2001 to 2003 and for the years 2004 to 2005. The Finnish action plans underline the importance of strengthening the principles inherent in the Nordic welfare state, in the prevention of poverty and social exclusion, as well as the cooperation among the different parties involved. Attention is paid to groups of persons who are in a serious danger of social exclusion.

According to a study carried out by the National Research and Development Centre for Welfare and Health (STAKES), the poverty of *children and families with children* has doubled in the past ten years. The group of the poorest persons includes approximately 10% 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.

### **3. Right to adequate housing**

According to section 2, subsection 2, paragraph 4, of the Non-Discrimination Act, the Act also applies to discrimination based on ethnic origin concerning the supply of or access to housing and movable and immovable property and services on offer or available to the general public other than in respect of relationships between private individuals. As stated in the Government Bill on the guarantees of non-discrimination and on the amendment of certain related Acts (HE 44/2003, p. 46), the measures relating to housing are provided for separately for the reason that the right to housing is a basic need and, therefore, discrimination relating to housing is particularly harmful.

Homelessness has reduced in Finland, but at the end of 2004, there were still some 7,700 single persons and 350 families or couples without an apartment. Approximately 4% of the single homeless persons and more than fifth of the homeless families are immigrants. The

homeless immigrants mainly live in the Helsinki area. (Press release of the National Housing Fund of Finland, 22 February 2005)

The State, local authorities and other relevant entities have agreed on a national programme for the reduction of homelessness for the years 2001 to 2005. A separate programme of action for the reduction of homelessness in the capital district was introduced in 2002. In the national programme, the measures include e.g. increased volume of small rental apartments, development of housing allowance, financial support by the state for housing projects of the homeless, and preventive measures.

Table 25. Number of homeless between 2001 and 2004

Year	2001	2002	2003	2004
<b>Single homeless</b>				
Whole country	9,970	9,560	8,190	7,620
Helsinki area	5,790	5,560	4,440	4,190
<b>Homeless families</b>				
Whole country	780	775	420	360
Helsinki area	690	660	520	230

Due to the increased supply of rental apartments and the implementation of the programme for the reduction of homelessness, the number of homeless persons is on the decrease both in the capital district and in the whole country.

Ethnic minorities and foreigners have contacted the Minority Ombudsman, concerning their problems with neighbours. Racism often takes the form of harassment and threats by neighbours. Such situations may mainly be handled by means of criminal charges (for unlawful threat or defamation) or restraining orders. In some municipalities/cities, such as Helsinki and Vantaa, the local conciliation offices have developed models for the resolution of conflicts between different ethnic groups (<http://www.iom.fi/letstalk>). Conciliation may be used for the resolution of both civil and criminal law cases.

*Roma.* In general, the Finnish Roma are not homeless and they live in the same areas and have the same level of housing as the majority population. In comparison with other countries, the integration of the Roma has, in respect of housing, succeeded well in Finland. However, it is not rare that Roma have problems relating to housing, and these problems are the most common reason for contacting the Minority Ombudsman. Roma face problems, in particular, in connection with the selection of tenants for rental apartments.

The Ministry of the Environment, which is the competent authority in the field of housing, has drawn particular attention to equality and to the prohibition of discrimination set forth in the Treaty of Amsterdam, in its handbook for housing authorities. The latest version of the handbook came out in March 2003. The measures taken focus, however, on rental apartments provided by the local authorities with the state's financial support. As regards the private housing market, the main problems are the high prices and prejudices towards the Roma population. The Roma are usually in a weaker socio-economic position than others, and therefore the private housing market is often out of their reach.



In Finland, the responsibility for the selection of tenants for rental apartments owned by the local authorities or non-profit organisations has most often been vested in the estate agents responsible for their management.

According to the Advisory Board for Roma Affairs, the guarantee deposits and solvency required by the estate agencies essentially affect the possibilities of Roma, who live in a poor financial situation, to get an apartment or change apartments. Furthermore, in its view, it would be best to disseminate the instructions for the selection of tenants more effectively and to increase control of compliance with the instructions, as well as to intensify the provision of information on the Roma housing culture for the estate agents, and to create rapid ways to interfere with problems.

The regional advisory boards of Roma affairs have provided information and training for the authorities and managers of estate agencies in their regions. Joint consultations with the authorities responsible for housing in the capital district have proved to be particularly useful.

Also in the light of information obtained by the Minority Ombudsman, the housing situation of the Roma, in particular, seems to be problematic. It is very difficult for Roma to find an apartment in the private housing market. They also face problems in getting rental apartments owned by the local authorities or non-profit organisations. Furthermore, the apartments they have been offered have not always been satisfactory with regard to their location or satisfied the needs of the Roma culture.

The Minority Ombudsman has been contacted in situations relating to the selection of tenants, homelessness, renovation of apartments, suspected discrimination, inappropriate treatment, lack of advice, delays in the processing of applications, and elderly people. In addition to housing problems, some customers have also had other problems, such as unemployment, single parenthood, financial problems or disturbances of payment, or problems relating to child welfare. In his view, the representatives of local authorities should exercise more control over the provision of services for the Roma, also when the services are procured from external service-providers.

*Disabled persons.* In 2001, public housing services were provided for 2,100 persons (0.065% of the inhabitants of municipalities). Most of the customers are either physically disabled or mentally handicapped persons. In the following ten years, there will be thousands of disabled persons in need of housing services. Part of them move away from institutional care and part from their childhood homes. Many of them need considerable care and special support. For all these persons, the possibility for independent living, with the support of good-level services, should be ensured.

Housing services are often an alternative to institutional care. There are a total of 10,000 disabled persons living in various residential institutions. This group mainly consists of physically disabled or mentally handicapped persons. Some 6,500 mentally handicapped persons are in permanent hospital care and some 2,500 persons are in special institutional care. There are 15 institutions for the care of more than 100 mentally handicapped persons in Finland. Despite the alleged costs, there has been a lively debate on the need to increasingly transfer mentally handicapped persons from institutional care to supported housing. This need has been reasoned with reference to the human rights of disabled persons, to the integrity of person, and to the protection of privacy. It has been observed that these rights are best guaranteed in smaller service housing units. However, such a change will require not only suitable and functioning apartments but also such forms of support and care as correspond to the needs of the tenants as well as special professional skills.

The closedown of large institutions should take place in a coordinated manner, and the state should provide the owners clear instructions on how it should be implemented. This would best be done by the creation of a programme of action defining the support measures to be taken during a transitional period. The existence of special professional skills, research and development should be ensured. The institutions should be closed down so that the disabled persons would not merely be transferred from one institution to another (such as inpatient wards of health care centres or comparable care units).

Persons with severe disabilities should be ensured the right to live as normal a life as possible. This includes housing services, housing units of an adequate size, and such services as correspond to those normally available for other persons. The close location, functioning and accessibility of services increase the quality of housing and living and reduce the need for special services.

Communality is also important for the disabled but this does not mean that they should share housing with other disabled persons. Inclusion in society should be the starting point for the arrangement of housing for disabled persons.

The Parliamentary Ombudsman has paid attention to the responsibility of local authorities, under the Social Welfare Act, to ensure adequate housing services. This responsibility also concerns the housing of those persons who are in the weakest position. Even homeless intoxicant abusers must have the right to housing services or at least to such housing as meets the health requirements. In the view of the Parliamentary Ombudsman, in a welfare state such as Finland, the minimum standards of human life must also include elements other than the ensuring of the basic necessities of living. This should also be taken into account in the assessment of the adequacy of housing.

In 2000 and 2001, the Parliamentary Ombudsman inspected, among others, the housing services provided by the city of Helsinki for intoxicant abusers. In his decision, the Parliamentary Ombudsman found that the shelter home maintained by the city was not of an adequate standard. The said shelter home has later been renovated. The residents now have appropriate dining facilities, a sauna and laundry facilities. The shelter home also has a nurse's reception room, and the courtyard has been made more pleasant. The city of Helsinki has set an objective of arranging 500 new apartments per year in the years 2002 to 2005. This project includes ordinary rental apartments, supported housing facilities, service housing, and temporary dwellings. So far, the city has been able to meet the objectives.

*Evictions.* The number of eviction cases dealt with by the execution authorities increased sharply during the economic depression of the beginning of the 1990s. Thereafter, the increase has not been significant. The number of evictions is affected, among others, by the fact that it is rather usual to live in a rental apartment, by the costs of living, by the development of disturbances of payment, and by the practices applied by landlords in cases of a threatening eviction.

A study carried out by the National Research Institute of Legal Policy on evictions in 2001 to 2003, was completed at the beginning of 2005. In 2003, a total of 6,200 eviction cases were registered by the execution authorities. Of these, approximately one fifth led to eviction and more than 40% to the tenant moving before the actual eviction. Thus, in 6 cases out of 10 was it necessary for the tenant to leave the apartment. In the rest of the cases, the landlord and the tenant were able to reach an agreement and the eviction was called off.

Evicted tenants represent all types of households. Between 2001 and 2003, the largest group was single men (33%). In nearly half of the cases (45%), there were children involved. In

respect of families with children, it is relatively common to reach an agreement and evictions are exceptional, unlike in respect of single men.

In nearly one case out of ten has the person subject to the threat of eviction been in the same situation before. Most evicted persons have arrears in the payment of rent. Of the other reasons for eviction, the causing of disturbance to other tenants is the most usual one. Some of the persons who are in an eviction situation because of arrears in payment have long-term and serious disturbances of payment. Despite this, such persons have been in a better situation after the eviction than those who have been evicted because of disturbing behaviour. They are most often able to find a place to live in, whereas the latter often have problems with intoxicant or narcotics and end up living in shelter homes after eviction.

Threats of eviction are reduced for example by counselling services and increased cooperation among the authorities. The preventive subsistence allowance and social lending should increasingly be used to prevent evictions.

*Other measures.* The production of apartments with the support of state financing has decreased in the past few years. This is a result of reduced need for rental apartments in municipalities other than those where the number of population is rapidly increasing. Furthermore, the production of privately owned apartments in the fastest growing municipalities has been strong in the past few years, which is why state financing for the production of rental apartments has remained rare.

Table 26. State-financed production of new apartments in 2001 to 2004

	2001	2002	2003	2004
<b>State-financed rental dwellings</b>				
State housing loans	8,789	7,467	4,004	2,549
Interest subsidy	3,127	3,674	5,455	1,340
In total	11,916	11,141	9,459	3,889
<b>Right-of-occupancy dwellings</b>				
State housing loans	4,369	2,556	393	543
Interest subsidy	691	797	1,125	115
In total	5,060	3,353	1,518	658
<b>Others<sup>1</sup></b>				
State housing loans	96	58	0	10
Interest subsidy	1,032	808	781	252
In total	1,128	866	781	262
<b>Total production of new apartments</b>				
State housing loans	13,254	10,081	4,397	3,102
Interest subsidy	4,850	5,279	7,361	1,707
In total	18,104	15,360	11,758	4,089

1) Detached houses, partly-owned apartments and new privately owned apartments

In January 2005, a new system of state subsidies for the construction, procurement and renovation of apartments for groups of persons with special needs, such as the homeless, disabled persons, refugees, persons with mental health problems, intoxicant abusers, young persons in need of special support, and elderly people with physical disabilities. The amount of

the subsidy depends on the extent of special facilities needed in the apartment, being 5%, 20% or 35% of the accepted costs of investment. The subsidy is granted in addition to the interest-subsidised loan.

Table 27. State financing for housing; Subsidies (million euro)

	1999	2000	2001	2002	2003	2004
General housing allowance	483	454	407	413	430	436
Pensioner's housing allowance	219	230	246	259	270	283
Housing allowance for students	101	147	209	220	225	228
Interest subsidy for rental and owner-occupied housing	87	97	109	90	73	47
Subsidy element in state housing loans	207	210	123	31	0	18
Grants for housing repairs	40	28	31	31	33	37
Energy repair grants	-	-	-	-	1	6
Other grants	4	6	6	7	16	13
Grants from RAY	46	49	52	57	56	62
Mortgage interest deduction	353	340	440	420	390	440
First-time buyers under ASP system	-	7	11	3	1	0
<b>Total number of housing subsidies</b>	1,551	1,569	1,639	1,532	1,495	1,552

## ARTICLE 12

### 1. Physical and mental health of the population

Most of the information on trends of social welfare is based on comparisons between two national HIS/ HES surveys carried out in 1978-80 and 2000-2001 (Aromaa A & Koskinen S. Health and Functional Capacity in Finland, Helsinki 2004; [www.ktl.fi/terveys2000](http://www.ktl.fi/terveys2000)). In addition, mortality and morbidity data are available from registries.

Most data show that the occurrence of chronic physical and mental conditions and their determinants is more usual for the least educated than for those with a higher educational level. Furthermore, there are relatively great differences between men and women. Women usually live longer. With the exception of hypertension, cardiovascular diseases are more common for men than women. The same is true of chronic bronchitis and many musculoskeletal syndromes. Men drink more, which leads to that alcohol problems are more usual for them. Women, in turn, suffer more from depression. Lung cancer (related to past smoking habits) is still significantly more common for men than for women.

*Physical health.* Of cardiovascular conditions, coronary heart disease, cerebrovascular accidents and congestive heart failure have decreased since the 1970s. The decrease is partly due to changes in health habits and partly to improved treatment. Treatment with antihypertensive medication has become widespread whilst the population's blood pressure level has decreased, which is also partly due to medication and partly to changes in health habits. The greatest improvements have been those relating to the diet. Of cardiovascular risk factors, serum cholesterol levels have decreased until the turn of the century and smoking among men has decreased but somewhat increased among women.

There has been a considerable increase in obesity since the 1980s. Consequently, the occurrence of type 2 diabetes has increased since the past decades and type 1 diabetes since the 1950s.

Respiratory diseases follow two patterns. Chronic bronchitis has decreased among men whereas it has increased among women as a consequence of changes in smoking habits. Asthma has been suggested to increase along with other allergic conditions. However, the clearest change over twenty years is that the use of asthma medication has increased.

There is less information on musculoskeletal disorders, mainly due to diagnostic difficulties. However, it may be noted that arthrosis (osteoarthritis) of the bearing joints have clearly decreased among women, which is probably associated with a reduction of physical strenuousness of their work.

The overall cancer incidence has not changed much but there are major changes by cancer type and also in the early detection and treatment affecting survival. Lung cancer is decreasing among men but increasing among women. Stomach cancer is decreasing in both genders. Breast cancer, endometrial cancer and bowel cancer increase among women and the same is true for bowel cancer and cancer of the prostate among men. Melanomas are on the increase (although still rare) and so are other skin cancers. Cancers that are periodically screened for and detected early (cervix, breast) show an increased survival rate, and increasing survival indicates that the quality of diagnostics and care is improving.

Road traffic accidents and injuries have greatly reduced with a current death rate of about 400 per year. However, other injuries and violence remain important causes of death.

*Mental health.* There is limited information on the mental health of the whole population, or on its subgroups. Mental disorders have, however, become the major cause of work disability pensions. This should not be interpreted as indicating changes in the population's mental health but rather in practices due to the destigmatisation of mental disorders. However, intoxicant abuse is increasing in parallel with the increasing use of alcohol. The use of anti-depressive medicines has greatly increased over the past 10 years most likely indicating that coverage of treatment has improved. Suicide mortality has decreased over the past years, which is in accordance with the improved treatment of depression. The comparison of GHQ-12 sum scores in the national Mini-Finland health survey of 1978-1980 and the Health 2000 survey of 2000-2001 shows no change in the symptoms scores.

Drug abuse, in particular intra venous heroin use, increased in the 1990s, but seems now have stabilised. It brought about increasing risks of HIV and hepatitis-C infections. Needle replacement services and low-threshold counselling services were introduced and they are now available at most pharmacies. Treatment with buprenorfin has significantly increased and it seems to have halted the increase of heroin use.

Particular attention has been paid in the past few years to the prevention of the use of intoxicants and narcotics by young persons. A specific subsidy has been allocated for projects the purpose of which is to provide training for persons working with young persons, in dealing with issues relating to intoxicants and narcotics, to develop preventive methods for youth work, to support multiprofessional cooperation at the local and regional levels, and to support field activities. The idea is that coordinated youth work and activities provide a basis for the prevention of the use of narcotics.

## **2. National health policy**

The national health policy programme 'Health 2015' has been adopted by a Government decision. 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. A mid-term review of the programme has been started and its results will be reported to Parliament in early 2006. The programme is available at [www.stm.fi](http://www.stm.fi).

The present system of primary health care was established in 1970s. The approximately 450 municipalities are under an obligation to organise 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 % attendance), school health, occupational health and diagnostic services. The primary health care lays down the foundation for secondary care provided by hospital districts.

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.

The Parliamentary Ombudsman receives a considerable number of complaints concerning health care. Most of these complaints relate to problems in the guarantees of adequate health care services provided in section 19, subsection 3, of the Constitution. Other important issues subject to supervision by the Parliamentary Ombudsman include involuntary psychiatric hospital treatment and the fundamental rights of children and young persons using psychiatric services.

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 the happiest ones with their health service system in Europe, according to Eurostat polls.

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.

## **4. (a) Infant mortality rate**

According to literature, in 2000-2003, the infant mortality rate was 3.2 per 1000 live births (variation by year was 3.0-3.6 per 1000). This official figure is close to the UNICEF-WHO estimate, 4 per 1000 live births for year 2000. Boys had a higher infant mortality rate (3.7 per 1000) than girls (2.7 per 1000). There was only a slight infant mortality difference between urban<sup>7</sup> areas (3.3 per 1000) and rural areas (3.1 per 1000). There were more differences in

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<sup>7</sup> According to Statistics Finland, municipalities where at least 70% of the population lives in densely populated areas are included in urban areas. This classification is not related to their official status as city/town or other municipality.

infant mortality by region (six regions): from 2.7 per 1000 to 3.8 per 1000. Differences in the parents' background explain part of the differences (Gissler et al. 2000).

When assessed in the light of the socio-economic status of the child's mother, it may be noted that lower white-collar workers and entrepreneurs had the lowest infant mortality rate (2.7 per 1000) followed by upper white-collar workers (3.2 per 1000). The infant mortality rate was higher among blue-collar workers (3.7 per 1000) and among a group consisting of students and housewives, etc. (3.6 per 1000). Adjusting for biological risk factors, such as age and parity, diminishes these differences further (Gissler et al. 2003).

According to still unpublished data on immigrant's perinatal health, newborns with a Finnish mother had a perinatal mortality rate of 5.7 per 1000 newborns, while this rate was 5.9 per 1000 for newborns of mothers with other than Finnish background. A significantly higher perinatal health rate was observed among African women (excluding North Africa and Somalia) and Somali women, for whom the rates were 28 per 1000 and 12 per 1000, respectively.

#### **4. (b) Access to safe water**

The whole population of Finland has access to clean and safe water. The organised water supply system is accessible for approximately 90% of the population, whereas 10% take their water from a well. Those using their own wells mainly live in scarcely populated areas.

#### **4. (c) Access to excreta disposal facilities**

The whole population has access to excreta disposal facilities. The organised sewage system covers approximately 81% of the population (4.2 million people), whereas 19% (1.0 million people) have individual sewage-treatment systems. Such systems are mainly used in scarcely populated areas.

#### **4. (d) Immunisation of infants**

Infants are vaccinated against the diseases referred to in the general guidelines as indicated in the table below. The coverage of the vaccinations was examined by a sample study of the data on the vaccinations of 1,000 children born in 1997. The data indicate the coverage of vaccinations at the age of two years. The younger the children are, whose vaccination data are examined, the better the coverage is. The coverage of vaccinations in Finland is still very high, although it is not as high as it was two years ago.

*Table 28. Vaccination data, 2000*

Vaccination	Coverage of the infants (%)
Tuberculosis (newborn)	98.9
Pertussis, diphtheria and tetanus	94.7
Poliomyelitis	95.7
Porbilli, parotitis and rubella (measles)	95.7

Source: National Public Health Institute

In Finland, there are no differences in the coverage of vaccinations by sex or place of residence.

#### 4. (e) Life expectancy

The Finnish life expectancy at birth was 78.5 years in 2003, which is some 8 years longer than in 1970 and 4.9 years longer than in 1980. The increase has been greater for men (6.1 years since 1980; higher than the average change in the EU) than for women (4.1 years; lower than the average change in the EU). However, women still have significantly higher life expectancy than men, 81.8 years compared to 75.1 years in 2003 (Table 1). For men, the life expectancy in Finland has remained 1 to 2 years below the EU average since late 1970s. For women, the life expectancy was greater than the EU average between the mid-1970s and the 1980s, but has remained slightly below it since then. Despite the significant improvement since the 1970s, the Finnish life expectancy at the age of 65 years has remained 0.5 to 1 year below the EU average. This difference has been slightly larger for men than for women.

The life expectancy at birth is lower in Eastern Finland compared to Western Finland, especially for males (more than 1.5 years). A similar difference is observed in rural vs. urban male population, while the differences among females are considerably smaller (Table 1).

Socio-economic differences can be observed in the total mortality as well as in the cause-specific mortality. According to literature, relative inequalities in total mortality increased in the 1990s, but in Finland also absolute differences increased (Mackenbach et al. 2003). From the early 1970s to mid-1990s, the life expectancy increase was 5.1 years among non-manual and 3.8 years among manual male workers; the corresponding figures for women were 3.6 and 3.0 years. In the 1980s, when differences in life expectancy increased most rapidly, the decline in cardiovascular disease mortality was more rapid in the non-manual than in the manual labour class. Furthermore, increasing mortality for illnesses caused by intoxicant abuse, "other diseases", and accidents and violence were most usual in the manual labour class (Martikainen et al. 2001). This unfavourable trend continued in the late 1990s (Valkonen et al. 2003).

Table 29. Life expectancy by gender and region in 2003

	<b>Total</b>	<b>Males</b>	<b>Females</b>	<b>Difference</b>
Finland	78.5	75.1	81.8	-6,7
<b>By degree of urbanism</b>				
Urban areas	78.9	75.5	81.9	-6.5
Semi-urban areas	78.2	74.8	81.8	-7.0
Rural areas	77.7	74.3	81.5	-7.1
<b>By region</b>				
Southern Finland	78.7	75.5	81.7	-6.3
Western Finland	78.8	75.4	82.2	-6.8
Eastern Finland	77.4	73.7	81.3	-7.6
Northern Finland	78.1	74.6	81.8	-7.2
Åland Islands	80.6	77.3	84.1	-6.7



Table 30. Main causes of death in 2003

<b>Cause of death</b>	<b>Deaths/total</b>	<b>Males</b>	<b>Females</b>	<b>Males=100</b>
Cardiovascular diseases	20,775	9,687	11,088	114
Cancers	10,705	5,499	5,206	95
Respiratory diseases	3,667	1,950	1,717	88
Gastrointestinal diseases	2,011	1,108	903	81
Other diseases	7,750	2,837	4,913	173
Accidents and violence	4,125	2,854	1,271	45
- of which suicides	1,075	815	260	32
<b>Total</b>	<b>49,033</b>	<b>23,935</b>	<b>25,098</b>	<b>105</b>
Crude death rate per 100,000 population				
<b>Cause of death</b>	<b>Deaths/total</b>	<b>Males</b>	<b>Females</b>	<b>Males=100</b>
Cardiovascular diseases	398	379	416	110
Cancers	205	215	195	91
Respiratory diseases	70	76	64	84
Gastrointestinal diseases	39	43	34	78
Other diseases	148	111	184	166
Accidents and violence	79	112	48	43
- of which suicides	21	32	10	31
<b>Total</b>	<b>939</b>	<b>938</b>	<b>941</b>	<b>100</b>
Age-standardised death rates per 100,000 population (European Standard Population, calculated by WHO Regional Office for Europe)				
<b>Cause of death</b>	<b>Deaths/total</b>	<b>Males</b>	<b>Females</b>	<b>Males=100</b>
Cardiovascular diseases	265	352	198	56
Cancers	146	190	119	63
Respiratory diseases	46	73	31	42
Gastrointestinal diseases	31	40	20	49
Other diseases	85	82	89	108
Accidents and violence	68	106	34	32
- of which suicides	19	30	9	30
<b>Total</b>	<b>660</b>	<b>874</b>	<b>500</b>	<b>57</b>

Data sources:

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- WHO Regional Office for Europe: Highlights on Health for Finland (2004) available at [http://www.who.dk/eprise/main/who/progs/chh/fin/20041122\\_1](http://www.who.dk/eprise/main/who/progs/chh/fin/20041122_1)

### **5. (a) Differences in the health situation between different groups and areas**

The public health system covers the entire population. However, in the countryside, long distances make access to services more difficult. There are also differences between different regions in respect of the waiting times for access to care. As solutions to the problems related to long waiting times, new provisions of law have been enacted. Extra funding has also been provided for municipalities for the purpose of shortening the waiting times.

Men's health is poorer than women's and their life-expectancy continues to be considerably shorter. However, these differences are becoming smaller.

In regard of most health determinants and most chronic conditions, persons with a low educational level poorer prospects than those with an intermediate or an academic education. Furthermore, within these groups, divorced men are in the worst situation. Persons with a low education also tend to work in physically demanding manual jobs and have a lower income.

### **5. (b), (c) and (d) Measures to improve the health situation of vulnerable and disadvantaged groups or worse-off areas**

The health of the most disadvantaged groups is taken into account in all public health activities. Reducing socio-economic inequalities in health is one of the quantitative objectives of the Health 2015 programme. For this purpose, health and social welfare authorities work in close cooperation.

Health education was reintroduced in 2002 in the school curricula, with the aim of improving the knowledge of the entire population of health issues.

A joint programme led by KTL (National Public Health Institute) has been started in 2004 with the aim reducing socio-economic health disparities.

### **5. (e) Measures to reduce the stillbirth-rate and infant mortality and to provide for the healthy development of the child**

The Finnish system of health care services, offering the same services for all, has together with comprehensive social protection made it possible to continuously reduce infant mortality.

In practice, the whole population takes advantage of maternity and child health clinics that are part of the basic health care system. The standards concerning the contents and quality of services provided by these clinics have recently been updated.

Child health clinics and school health services are of fundamental importance for enhancing and supporting the healthy development of the child. Measures have been taken, in particular, to provide the local authorities with concrete tools for supporting the psycho-social development of children.

Apart from the national health policy, there are also other policies contributing to the promotion of children's health. Within the framework of the Government's sports policy, for example, particular attention has been paid to young people's physical activity. Health education has been reintroduced in the school curricula to increase the knowledge of new generations of health issues.

#### **5. (f) Environmental and industrial hygiene**

The level of environmental hygiene has been good in Finland. The maintenance, development and improvement of environmental hygiene are provided for in the Health Protection Act (763/1994), the Act on Food Hygiene of Foodstuffs of Animal Origin (1195/1996) and the Environmental Protection Act (86/2000). The said Acts contain, among others, provisions on:

- prior control of industrial pollution (permit procedures);
- quality standards for environmental hygiene;
- regular control of quality standards by the competent authorities, as well as on control plans; and
- preparation for special situations.

#### **5. (g) Epidemic diseases**

Finland has an information and registration system for epidemic diseases. The data in the national register are accessible to the doctors responsible for treating such diseases at hospital districts or health care centres. Since 1997, there has also been a system for the registration of suspected epidemic diseases. In the past few years, the prevention of infections at hospitals has been intensified. In cases of general vaccination campaigns, the vaccinations are procured with state funds and the vaccinations are free of charge for the citizens.

The situation concerning communicable diseases is good and no major epidemics have occurred. The increase of HIV/AIDS incidence is lower than in most industrialised western countries. The same concerns the situation of MRSA infections. Despite the high prevalence of resistant tuberculosis in the neighbouring countries, the problem has not spread to Finland.

In the field of health, Finland participates actively in the early warning and rapid reaction activities of the EU.

#### **5. (h) Measures to assure to all medical service and attention**

The Acts (855-858/2004) introducing new provisions of law that guarantee access to health care entered into force on 1 March 2005. The amended Public Health Act (66/1972) and the Special Health Care Act (1062/1989) now provide for maximum periods of time within which access to the assessment of need for health care must be given. In addition, amendments were made to the Patients Act and to the Act on Social Welfare and Health Care Service Fees (734/1992).

The aforementioned amendments make the statutory obligation of local authorities and joint municipal boards to organise health care more precise. The objective of the amendments is to ensure the availability of necessary health care, reduce differences in access to health care, and to increase transparency during waiting periods as well as fairness and equality in access to care and in the availability of treatment. These objectives may be aimed at, among others,

by providing national guidelines for care, and by reforming the structures and forms of services.

*Maximum waiting periods.* The objective of the legislative amendments guaranteeing access to the assessment of need for care is to make the health care services more effective. According to the new provisions, patients must be able to contact a health care centre immediately during office hours on weekdays. Assessment of the need for non-urgent care must be available at a health care centre within three weekdays from the contact, unless the assessment can be made over the phone. Access to medical or dental care that has been found necessary on the basis of the assessment must be provided within a reasonable time.

In special health care, the assessment of need for care must be started within three weeks from the day on which the referral has been received by the health care unit, e.g. a hospital outpatient ward. Access to care that has been found necessary on the basis of the assessment of need for care must be provided within six months from the assessment. The new provisions on the mental health services for children and young persons correspond to those that were previously included in the Mental Health Decree (1247/1990). Care that has been found necessary must be provided, taking into account the urgency of the care, within three months unless there are medical or care-related facts supporting derogation from this principle.

If it is not possible for the health care unit to provide itself the treatment within the required time, the local authority or joint municipal board must procure the necessary care or treatment from other service-providers, e.g. from another public hospital or from the private sector, without this incurring extra costs upon the patient.

The amendment to legislation further clarified the distribution of responsibilities among the different hospital districts, local authorities and joint municipal boards in the provision of health care services, so that the hospital district shall be responsible for providing the treatment of patients for whom a referral to hospital has been given. The services must be provided in accordance with the same principles for all residents of the municipalities that belong to the same hospital district, and the reform thereby removes barriers between municipalities for patients waiting for care. The possibilities to get information on access to care were improved by placing health care units under an obligation to make information on waiting periods public.

*Common criteria for the provision of care.* The joint municipal board of each hospital district is responsible for the provision of special medical care in the district, in accordance with common medical and dental care criteria. In view of the implementation of the guarantees of access to care, expert groups set up by the Ministry of Social Affairs and Health prepared national criteria for non-urgent care, i.e. recommendations as to the criteria on which care is provided. The objective is to reduce the significant regional differences in the provision of non-urgent care, so that people have access to care on more consistent criteria irrespective of their place of residence. Such criteria have been prepared for the most usual types of diseases and treatment.

It is possible to give priority for certain services and patients needing them. In such cases, however, the prohibition of discrimination and the provision on equal treatment in the Constitution, as well as the obligation to make a case-by-case assessment of the patient's condition and the resulting need for health care services, must be taken into account.

The National Research and Development Centre for Welfare and Health (STAKES) and the Association of Finnish Regional and Local Authorities have carried out surveys, in the light of which it may be concluded that the access to care has been ensured relatively well. The

possibilities to tackle the problem of lack of doctors in certain regions should improve as there are now more graduating doctors than those leaving the labour market. In respect of dentists, the situation is different. There are some 50 doctors more leaving the labour market than those graduating.

## **ARTICLE 13**

### **Right of everyone to education**

The provision of the Constitution guaranteeing the right of everyone residing within Finnish jurisdiction to basic education free of charge, has been given account of in the two preceding periodic reports.

Children residing permanently in Finland have an obligation to go to school. Their right to basic education free of charge includes pre-school education. The local authorities are under an obligation to provide children at school age, residing within their areas, with basic education, and with pre-school education during the year immediately prior to the year during which they go to school. Children may also be admitted to basic education or pre-school education in a municipality other than that of their permanent residence.

*Equality in education.* In the overall reform of school legislation, which entered into force on 1 January 1999, particular attention has been paid to the ensuring of equality in education and access to educational services without discrimination.

In 2001, the Ministry of Education for the first time prepared immigration policy guidelines. These guidelines were revised in 2003. The objective of the guidelines is to clarify the immigration policy and the activities enhancing good ethnic relations in the sector of the Ministry of Education. The action preventing racism and enhancing tolerance is part of the every-day administration of the Ministry and other authorities in its sector.

The equality between men and women is one of the basic principles of educational policy. The plan for the development of education and research, for the years 2003 to 2008, includes guidelines for the development of equality in all education. According to these guidelines, the public authorities shall ensure everyone the possibility for education. In accordance with the development plan, the participation of immigrant girls and women in education will be particularly enhanced.

In addition, a project was introduced in 2004 for the reduction of differences in learning between boys and girls, to develop education taking into account the individual needs of pupils, and to enhance cooperation among the staff of different providers of educational and to support services in the different sectors of administration as well as among researchers in the different Nordic Countries.

The amendments to the Act on Equality between Men and Women, enhancing also equality in educational establishments, were given account of under Article 3, paragraph 2. These provisions do not, however, apply to the providers of education referred to in the Basic Education Act.

*Reform of university education.* On 19 August 2004, the Government issued a Decree on university degrees. The Decree provides, among others, for the objectives and extent of university degrees, as well as for the variety of degrees that may be completed at the different universities. The new Decree replaces the earlier system of determining the extent of university degrees with the ECTS system (European Credit Transfer System). The reform improves the comparability of Finnish university degrees with those in other European countries, being part of the European Bologna process the ultimate goal of which is to create a common European Higher Education Area by 2010. One of the underlying objectives of the Bologna process is to increase the equivalence of the university degrees of different countries and thereby enhance the mobility of students and their possibilities for carrying out studies abroad. The Decree entered into force on 1 August 2005.

The aforementioned Decree is related to the Act amending the Universities Act, adopted on 30 July 2004, introducing a two-level structure of university degrees. The amendment entered into force on 1 August 2005. In the new structure, the basis for a higher university degree is usually a lower university degree or corresponding education. The amendment applies to all other fields except for medical schools and dentists' education.

One of the objectives of the reform of university degrees is to reduce the duration of studies. The contents of degrees will be changed so as to better correspond to the needs of research and working life. The education must be arranged so that the student will be able to complete the lower university degree in three years, when studying full-time. Furthermore, it must be possible to complete the subsequent studies leading to a higher university degree in two years.

## **1. (a) Primary education**

*New national guidelines for comprehensive school curricula.* On 16 January 2004, the National Board of Education decided on new national guidelines for comprehensive school curricula (grades 1 to 9). The school curricula based on these guidelines must be in use at all comprehensive schools by 1 August 2006. The guidelines have been prepared in accordance with section 14 of the Basic Education Act, and they are more precise than the earlier ones. The guidelines define the objectives and relevant contents of taught subjects, and provide instructions on the evaluation of students. The objective of the guidelines is to ensure consistent basic education throughout comprehensive school. Furthermore, the school curricula will for the first time include provisions on cooperation among the school and homes and on ensuring the welfare of pupils. The national guidelines serve as a basis for the drafting of local school curricula, which usually is at the responsibility of the local authorities.

*EFA National Plan.* The Education for All (EFA) programme of UNESCO sets forth six goals for the guarantees of high-quality education for all. Two of these - the goal of ensuring free and compulsory education for all children by 2015 and that of achieving gender equality in education by 2015 - are also part of the objectives set forth in the Millennium Declaration of the United Nations. For the national implementation of the said objectives, the Ministry of Education, the National Board of Education and the Ministry for Foreign Affairs, in cooperation with the Finnish UNESCO Committee, prepared an EFA National Plan, addressing early education, the education of immigrants, the provision of support for young persons, adult training, and the needs to develop the quality and equality in education. The plan is mainly implemented within the framework of the existing mechanisms, and the challenges referred to

in the plan are also included in the aforementioned plan for the development of education and research.

The *Advisory Board for Roma Affairs* has required that the Ministry of Education assume responsibility for the results of the survey carried out by the Roma Training Unit of the National Board of Education (2004), and introduce comprehensive measures - covering the Ministry, the National Board of Education and the local authorities - to enhance the school attendance of Roma. Particular attention should be paid to supporting the school attendance of children starting their basic education, those moving to secondary school and those completing their school education.

In 2004, the National Board of Education introduced a national project for the development of educational guidance services, particularly for comprehensive school pupils at grades 7 to 9. The needs to develop cooperation among the school and homes and to ensure the welfare of pupils have also been paid attention to. The purpose of the services is to encourage and support pupils in entering further studies.

In 2001 and 2002, the National Board of Education carried out a survey of the situation of the basic education of Roma children. It is observed in the report, among others, that the educational level of Roma has improved in the long term and their positive attitudes towards education have increased. However, only 2% of Roma children attend pre-school education, and one fifth of Roma children fail to move on to the following grade at school every year.

One of the duties of the National Board of Education is to produce services for the assessment and development of education and administrative and support services needed by schools and educational establishments and other providers of education. One of the sections of the Board is responsible for the educational issues relating to the Roma population and for producing the relevant educational materials, providing information and participating in international cooperation in this field.

There is also a working group at the National Board of Education, responsible for finding ways to develop the education of Roma children. The Board intends to introduce a project for the development of their education, on the basis of the deficiencies observed in the report of the working group. The members of the working group include experts in different fields, such as pre-school education, adapted education, educational guidance, pupils' welfare services, teacher training, morning and afternoon activities, and cooperation among the school and homes. At present, the working group is assessing, among others, the possibilities of child health clinics to identify learning difficulties at the earliest possible stage, the children's day-care as a way of supporting the children's development, and the increase of personal assistants and support persons at school as a way to develop the education of Roma children.

### **1. (b) Secondary education**

The educational legislation has been subject to an overall reform that entered into force in January 1999. The Vocational Education Act contains several provisions on adapted education and other special educational arrangements, such as preparatory and rehabilitative education and counselling for disabled persons, support services, and preparatory training for immigrants wishing to enter basic vocational education.

All education is based on the principle of equal treatment of students. Anyone wishing to enter secondary education may freely apply for admission to any school or college. In vocational basic education, the education, daily meals and stay in a hall of residence provided by the

educational institution are free of charge. In adapted education, the student may also be provided, free of charge, with school books and other necessary materials, weekly travels between the school and home, residence and all meals in a hall of residence or other place of accommodation, as well as personal equipment needed for the studies.

In basic vocational education, the language of education may be Finnish, Swedish, Sámi, Roma or the sign language. In addition, part of the education may be provided in some other language, which is not the student's own mother tongue, provided that it doesn't prevent the student from following the education.

There are no age limits for students in the basic vocational education and in education preparing the student for examinations based on the demonstration of vocational skills. Nor are there differences in the age of students in the different sectors of education, and there are students from 15-year olds to adults. The average age of students is 19. Most of them, about 70%, are between 15 and 19 years of age, followed by those between 20 and 24 years of age (20%) and those over the age of 25 years (10%). The numbers of students in other age groups vary, the oldest ones being 55 years old. The numbers of men and women in basic vocational education are about the same.

The criteria for the admission of students and the system of financing of basic vocational education do not set any obstacles for the admission of foreign students in vocational education. Thus, persons with immigrant background may freely apply for admission. However, it is necessary that immigrants and foreigners have sufficient language skills and are generally prepared to enter education. Despite this, they must have the right to their own language and culture and, where necessary, to special arrangements relating to education. The requirements concerning professional skills are the same for Finnish and foreign students. However, the special requirements set by language skills for the procedures of admission and arrangements of education, as well as for the evaluation of the student's performance, are taken into account. The education of immigrants must also be based on the principle of equal treatment.

Each year, the National Board of Education has allocated funds for the vocational education of immigrants, which are meant, among others, for the purpose of developing their education. At present, the said funds amount to 150,000 euro/year. In accordance with the aforementioned development plan for the years 2003 to 2008, the criteria set for the allocation of funds include the measures taken by the provider of education for the enhancement and supporting of the vocational education of immigrant girls and women.

Immigrants are provided with training preparing them for basic vocational education, the purpose of which is to give them adequate linguistic, cultural and other preparedness to enter vocational education. Such training has been provided since 1999. There are also adults attending preparatory training, particularly when it is arranged by colleges for the further education of adults. The numbers of men and women participating in preparatory training are almost the same.

Roma students participate in secondary education, but their number is still relatively low when compared with that of the majority population. In the educational guidance and pupils' welfare services provided for pupils at grades 7 to 9, particular support and guidance should be provided for Roma pupils wishing to continue their studies. It is usual for them to drop out from secondary education, and therefore it would be important to continue and provide the aforementioned services also during secondary education. A survey carried out by the National Board of Education provides, among others, the following data on the participation in



secondary education and factors affecting it (the number of persons interviewed in the course of the survey was rather small, but it provides some general trends):

The majority of young Roma applying for admission to secondary education are boys (59%), whereas even 90% of those applying for admission to upper secondary schools are girls. Of all the interviewed persons, 54% considered that decisions not to enter further education were caused by cultural reasons, whereas only 7% of Roma families considered that they could be explained by cultural reasons. In their opinion, the factors making it more difficult to attend further education included social and financial reasons.

### **1. (c) Higher education**

The scope of application of the Universities Act (645/1997) includes twenty universities referred to in the Act. Studies leading to a university degree in these educational establishments is free of charge for the student, in accordance with section 8, subsection 1, of the Act. The Polytechnics Act (255/1995) that was in force at the time of submission of the previous periodic report has been replaced by a new one (351/2003), the scope of application of which includes 29 polytechnics. According to the Act, studies leading to a higher education degree are free of charge for the students.

It is unfortunate that Roma only seldom participate in higher education. There are some Roma students and they have not been placed in a different position from others due to their background.

Some Roma who are interested in higher education may doubt their financial possibilities to complete the studies. They may also have doubts as to their possibilities of finding work after the studies. However, higher education is free of charge and students are entitled to state grants during their studies, on the basis of their financial situation. In addition, the Roma have wished that a scholarship-type of support be introduced for the completion of a higher education degree.

### **1. (d) Efforts to establish a system of fundamental education for those who have not received or completed primary education**

Young persons have been provided with workshop activities, jointly by different sectors of administration, supporting the self-confidence of those young persons who for some reason or other have difficulties to find themselves suitable further education and plan their future. Particular support is provided in the command of life and in finding one's strengths. Also those young persons who have not completed their primary education, who are about to drop out from school or who need to raise their grades in order to get a school certificate, have participated in workshop activities. The support provided is based on the individual needs and life situation of each participating young person.

## **4. Budget spent on education**

The share of the Ministry of Education of the state budget (including also culture, sports, youth work and science) has been between 5 and 6 million euro in the years 1999 to 2004. In 2005, the share of the state budget is 16%.

## **5. (a) Ratio of men and women making use of the different levels of education**

In 2003, the share of girls of all the pupils/students was 48.8% at comprehensive school, 57.3% at upper secondary school, and 49% in vocational education. Of the students of polytechnics, the share of women was 53.3% and at the universities it was 53.5% (Statistics Finland, 2004).

## **5. (b) and (c) Practical enjoyment of the right to education by vulnerable groups; Actions taken to introduce equal access to education**

The ensuring and development of the education of persons needing special support has been one of the focus areas of vocational education in the past few years. The Ministry of Education has prepared a national strategy for adapted vocational education in 2002, in cooperation with a large number of cooperating partners, and a plan of action relating to the strategy was completed in 2004. Efforts have been made to increase the supply of education and training, in particular, for persons with severe disabilities, as well as rehabilitative education and counselling. There were 12,065 students in adapted vocational education in 2003. It is estimated that their number will increase to 14,500 in 2005.

The level of education of disabled persons is lower than the average. Disabled persons enter upper secondary school, vocational or higher education less often than other persons of their age. In general, the higher the level of education, the smaller is the number of disabled students is.

In accordance with the disability policy programme of the Finnish Government, the objective is that disabled persons are placed in ordinary educational establishments. Education and training must be available for all disabled persons and persons with learning difficulties, irrespective of the nature or degree of the disability, illness or learning difficulty. Education must also be offered for persons with severe disabilities.

The basic education in Finland is compulsory for all children, irrespective of sex or disability, for example. The right to education is a fundamental right of all children. According to section 16, subsection 2, of the Constitution, the public authorities shall, as provided in more detail by an Act, guarantee for everyone equal opportunity to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship. This provision covers all education, from pre-school education to higher education and further education for adults. From the individual person's perspective, this means recognition of the principle of life-long learning.

The Finnish authorities have taken measures to ensure equal opportunities for all disabled persons, persons having chronic illnesses, and children, young persons and adults with learning difficulties, to participate in primary, secondary and higher education as well as in further and continuing education in integrated surroundings.

Finland has also ensured that the education of disabled persons is an inherent part of the national planning of education, development of the contents of education, and the educational system in general. In order to make the education of disabled persons part of the ordinary educational system, the educational authorities have:

- 1) defined the educational policy so that it is understandable and acceptable for schools and whole society;
- 2) made it possible to carry out studies according to individual needs, by increasing flexibility, introducing additional elements and adapting the study programmes;
- 3) provided continuing training of good quality as well as support for teachers;
- 4) drawn attention to the importance of cooperation among the school and homes;
- 5) assessed the implementation of legislation and needs to revise it to meet with the needs of education;
- 6) paid attention to the adequacy of research resources; and
- 7) carried out intensive cooperation with different sectors of administration, such as social welfare and health care authorities, labour authorities, disability organisations, and other partners of cooperation and interested parties.

Even when the education and training of students with special needs are planned and arranged, the objective should be their preparation for entry into the general educational system with adequate support measures.

Every pupil and student needing special support must have an equal opportunity for basic education and further vocational training, mainly in integrated surroundings, as part of the general educational system together with other pupils and students.

The disability organisations have observed that, despite that there is an increasing supply of professional fields suitable for disabled persons, they still and unnecessarily often end up in professions that disabled persons have traditionally had and that are partly out of date.

The primary form of financial support for full-time students is the state grant referred to in the Student Grants Act (65/1994). In order to improve the social position of students, and the status of the state grant, a Government bill (HE 11/2005) to amend the Student Grants Act and the relevant provisions of tax legislation was submitted to Parliament on 18 February 2005. The bill was passed by Parliament on 10 June 2005 and the Act entered into force on 1 August 2005. Under the new provisions, the maximum amount of state guarantee for study loans is higher and persons who have completed a university degree within a set time limit are entitled to tax deduction based on the study loan. In addition, the amount of monthly costs of housing to be taken into account in the grant of housing supplement is higher.

## **5. (d) Language facilities**

Under the Basic Education Act, the language of education at schools is either Finnish or Swedish. It may also be Sámi, Roma or the sign language. The child's custodian may also choose Roma, the sign language or some other language spoken by the child to be taught as his or her mother tongue.

The Roma language was taught in the school year 2000-2001 in 5% of schools having Roma pupils in Finland. In total, 8.5% of Roma pupils had an opportunity to learn their own cultural language at comprehensive school. Problems were caused by the lack of teachers and too small groups of pupils. Roma parents are not always aware of their right to request teaching of the Roma language or they are not willing to do so.

## **6. Improvement of the conditions of teaching staff**

In view of the obligation of the States Parties in Article 13, paragraph 2 (e), to continuously improve the material conditions of teaching staff, it is worth noting that the working conditions and wellbeing at work of teachers are considerably affected by his or her possibilities to update professional skills. The possibility of teachers to maintain their professional skills by means of continuing education is important for the development of teaching and school. The employer has the main responsibility for the provision of continuing education. The educational establishments are provided with state subsidies for costs of training. In addition, 8 to 10 million euro of the state budget are allocated each year to the continuing education of teachers. The education and training arranged with these funds is free of charge for the participating teachers. There are 12,000 to 15,000 teachers participating in such education or training every year. The education/training has mainly consisted of information and communication techniques, issues concerning the school curricula, preparedness to provide counselling, and social issues relating to schools.

## **ARTICLE 15**

### **1. Right to take part in cultural life**

#### **1. (a to c) Promotion of cultural development and popular participation in culture**

The Finnish Library Policy Programme (2001 to 2004) was published in 2001 and the Library Strategy 2010 (Policy for access to knowledge and culture) was published in 2003. These two instruments enhance the possibilities of public libraries to fulfil their duties of ensuring the availability of information and culture and of supporting the skills needed in information society. The Finnish public library network is extensive and every municipality is able to provide good-quality library services. There are a total of 968 public libraries and 191 bookmobiles. The Ministry of Education provides every year financial support, amounting to 1.5 million euro, as discretionary subsidies for the production of national Internet services, as well as for local and regional projects, in order to reduce the differences between local library services.

Despite the increased supply of Internet services, the numbers of visits to libraries and of borrowed items are still slightly increasing. In 2003, the average number of items borrowed per inhabitant was 21, and the total number of items borrowed in the whole country was 108.4 million. Approximately 25% of the borrowed items were other than books (such as video tapes, DVDs, CD-Rom discs and magazines). The average number of visits to libraries was 13 per inhabitant, and total number of visits was 66 million. In addition, there were 35 million registered visits to websites.

A strategy of the Ministry of Education on cultural heritage in information society aims at transforming the information constituting cultural heritage, currently available in museums, archives and libraries, into a digital form and making it available to all through the Internet. The cultural heritage of a nation constitutes a significant resource for researchers, teachers and producers of digital content. The supply of information in a digital form enhances regional equality and the existence of up-to-date and reliable information. The Ministry of Education has provided financial support for the transformation of information into a digital form and the

development of joint search systems, amounting to approximately 0.6 million euro every year. The Ministry also participates in cooperation relating to the production of digital content within the framework of the European Union, enhancing the availability of digital materials.

The Government's arts and cultural policy aims at creating favourable conditions for the various cultural actors, ensuring the citizens' possibilities to have a variety of arts experiences of good-quality, and enhancing the national and international networking. The Ministry of Education provides financial support for cultural and artistic diversity, rich cultural heritage, cultural institutions and services and creative work. In this respect, it is considered important to have an extensive network of artistic and cultural institutions covering all regions of the country.

In 2003, the number of persons going to theatres was 2.53 million, and there were approximately 950,000 persons going to concerts. The number of persons visiting museums was approximately 4.5 million.

The Government provides financial support for local cultural activities. The local authorities allocate funds to various organisations and groups providing a large variety of cultural activities, and arrange basic education in arts as required by law.

*Enhancing access to cultural services.* In the political programme of Prime Minister Matti Vanhanen's Government (24 June 2003), the Government undertakes to support the cultural rights of children, disabled persons and minority groups.

The Ministry of Education focuses, among others, on the enhancement of the access of all population groups to cultural services. The needs of disabled persons, cultural minorities and other groups with special needs have been taken into account in the existing programmes of the Government concerning arts and artists and children's culture.

A committee for the disabled and culture, functioning as a consultative body for the Ministry of Education, prepared a proposal for a programme of action in the autumn of 2004 to enhance access to cultural services (Publications of the Ministry of Education 2004:29). The publication also contains proposals for the enhancement of the creativity of disabled persons and attention is drawn to the ways in which the authorities may enhance access to arts and culture and related education. The said publication has been widely disseminated among the different cultural actors and authorities. With regard to the allocation of state subsidies to artistic and cultural institutions in future, the Ministry of Education intends to pay more attention to the de facto access to the services provided by the institutions in question.

By the end of 2005, the Ministry of Education will prepare a programme of its own for the enhancement of access to arts and culture. In its programme, the Ministry intends to adopt a comprehensive approach to the question of access to services, paying attention to the possibilities of not only disabled persons but also of other groups with special needs, such as immigrants, ethnic minorities and ageing persons, to enjoy cultural services.

Since 2003, the Finnish National Gallery has been providing consultative services, with the financial support of the Ministry of Education, for producers of cultural services, with a view to enhancing access to services.

*Support for the cultural activities of disabled persons.* The Ministry of Education has reserved separate funds for the purpose of allocating state subsidies for the enhancement of the cultural activities of disabled persons and their access to cultural services. These funds were doubled in 2005 (amounting now to 250,000 euro). In addition, the Ministry of Education

allocates subsidies for the purpose of writing and publishing literature in a simple language, that is meant not only for disabled persons but also for elderly people, persons with reading disabilities and immigrants.

The Finnish Library for the Visually Impaired (Celia) is a library maintained by the State, producing and offering special materials for visually impaired persons, such as audiotapes, Braille books and tactile books. The library provides services for persons with any degrees of visual impairments, including blind, weak-sighted, deaf-blind, aphetic and mentally handicapped persons as well as persons with muscular diseases and serious reading disabilities.

*Support for the creative activities of children and young persons.* The Ministry of Education provides financial support for the creative activities of children and young persons and through Young Arts Festivals where young artists and performers may give presentations of the skills they have learned in connection with different hobbies, arranged at national, regional and local levels. The best performers have a chance to take part in international events and competitions. The Young Arts Festivals are open for all. The forms of art included in the events change every year, and the participating children and young persons have an opportunity to meet professionals in this field, encouraging them to continue with their hobbies.

*Support for youth policy research.* The Youth Division of the Ministry of Education provides financial support for research on youth policy and youth work. Such supported research is, in the first place, carried out within the framework of an independent network of researchers functioning as a forum for discussion and cooperation among youth researchers. Research on youth activities is also carried out at polytechnics. The Ministry of Education produces barometers and indicators describing the attitudes and living conditions of young persons.

Basic youth policy research is being developed at the university level, within the framework of a two-year graduate programme introduced by Kuopio University and Mikkeli Polytechnic in January 2005. Tampere University intends to start the planning of a graduate programme in 2005, thereby strengthening the basic research in the field.

There are also various other organisations and individual researchers carrying out research on youth culture and the living conditions of young persons, and other issues relating to young persons. Financing for such research may be obtained from the state and other sources.

## **1. (d) Cultural heritage of national ethnic groups, minorities and indigenous peoples**

*Support for minority cultures.* The different forms of culture and arts are available for all groups of population irrespective of their ethnic origin. However, persons belonging to immigrant groups or other cultural minorities may find it difficult to use certain services or apply for subsidies. Therefore, the Ministry of Education has reserved separate funds for the purpose of supporting cultural diversity and action against racism.

Furthermore, the Ministry of Education allocates each year separate funds for the purpose of supporting the cultural activities provided in the Sámi language and for the activities of Sámi organisations. In accordance with the cultural autonomy of the Sámi people, the Sámi Parliament decides on how the funds are used. The allocation of separate funds ensures that at least a certain amount is used every year for this purpose.

An amendment was made to legislation in 1996, whereby the Research Institute for the Languages of Finland was assigned with the duty of carrying out research on and developing the Roma language. In 2005, there are two full-time researchers of the Roma language. The

Roma Language Board operating under the auspices of the Research Institute is a consultative body with a duty to decide on principles and general recommendations concerning the use of the language. The majority of the members of the Roma Language Board are of Roma origin. The development of the language focuses on vocabulary and terminology, to meet the needs of modern society. In addition, the Research Institute for the Languages of Finland produces basic information on the pronunciation, morphology and syntax of the Roma language, as well as on its vocabulary. A Finnish-Roma-Finnish dictionary was published in 2001. Thereafter, the Research Institute has introduced smaller research projects and compiled materials on both written and spoken language. The Research Institute has frequent contacts with organisations and bodies enhancing the Roma language and culture. The aim of the work is that the results of research could be better used for the purposes of the teaching of the language and other education.

*Linguistic minorities.* In 2002, the Act (236/1961) on certain grants and subsidies paid for authors and translators was amended so that the language criterion (Finnish, Swedish or Sámi) for the distribution of grants and subsidies was given up entirely. This amendment improved the possibilities of ethnic and linguistic minorities to apply for and receive grants.

The Disability Forum has wished to observe that the Constitution of Finland also protects the rights of persons using the sign language as well as of persons needing interpretation or translation because of a disability. The implementation of these rights should, in the opinion of the Disability Forum, be monitored and developed.

The Minority Ombudsman has found it important that the Advisory Board for Ethnic Relations continue its work and that regional advisory boards be established.

## **2. Right of everyone to enjoy the benefits of scientific progress and its applications**

### **2. (a and b) Measures taken to ensure the application of scientific progress for the benefit of everyone and to promote the diffusion of information on scientific progress**

The purpose of the Government's scientific policy is to enhance scientific research and to ensure the positive development of the quality of such research, its effects and international visibility. In 2004, the Government carried out an overall assessment of the structures of scientific research.

In accordance with the Government's political programme, financing for research and development will be gradually increased in 2003 to 2009. The increase is meant to strengthen basic research and its infrastructure, and to extend and internationalise the training of researchers and increase their mobility. The spending on research and development in Finland is among the highest in the OECD countries, when measured by its share of GNP (3.4% in 2004). Also the share of public spending on RD in Finland is among the highest at the international level.

A Government Bill (HE 259/2004) concerning, among others, inventions made at universities has been submitted to Parliament in 2004, with a view to intensifying the use of results of research. The relations between science and society have been enhanced with a particular programme of action, and the preparation of a strategy for the development of the careers of researchers has been started. Access to scientific publications has been enhanced by a recommendation.

## **6. International contacts and cooperation**

The Ministry of Education provides financial support for one independent cultural institute in Finland (Hanasaari in Espoo) and eleven abroad (Paris, London, Berlin, Tallinn, Copenhagen, Antwerpen, Stockholm, St Petersburg, Madrid, Oslo and Budapest), the purpose of which is to make contacts and enhance cooperation between Finnish cultural and scientific communities and their equivalents in the host country. Some of the institutes also work to increase awareness of the possibilities for studies in Finland.

Finnish participation in cooperation with other Nordic countries and EU Member States and other countries is active and is constantly increasing. The Government's Science and Technology Policy Council adopted strategic guidelines for the internationalisation of Finnish science and technology in November 2004.

The agreement on the accession of Finland to the Agreement on European Southern Observatory entered into force in July 2004. Upon Finland's accession, Finnish researchers have a possibility to use high-quality equipment and instruments and better possibilities to affect and participate in high-level international cooperation.



## **Annexes**

**Annexes 1 to 3:** The periodic reports of the Government of Finland in 1999, 2001 and 2003 on the measures taken to give effect to the provisions of the Discrimination (Employment and Occupation) Convention (ILO Convention No. 111)

**Annexes 4 to 6 :** The periodic reports of the Government of Finland in 2000, 2002 and 2003 on the measures taken to give effect to the provisions of the Employment Policy Convention (ILO Convention No. 122)

**Annexes 7 to 9:** The periodic reports of the Government of Finland in 2000, 2002 and 2003 on the measures taken to give effect to the provisions of the Equal Remuneration Convention (ILO Convention No. 100)

**Annexes 10 to 11:** The periodic reports of the Government of Finland in 2000 and 2003 on the measures taken to give effect to the provisions of the Holidays with Pay Convention (revised), (ILO Convention No. 132)

**Annex 12:** The periodic report of the Government of Finland in 2004 on the measures to give effect to the provisions of the Labour Inspection Convention (ILO Convention No. 81)

**Annexes 13 to 15:** The periodic reports of the Government of Finland in 2000, 2002 and 2004 on the measures taken to give effect to the provisions of the Labour Inspection (Agriculture) Convention (ILO Convention No. 129)

**Annexes 16 to 18:** The periodic reports of the Government of Finland in 2000, 2002 and 2003 on the measures taken to give effect to the provisions of the Freedom of Association and Protection of the Right to Organize Convention (ILO Convention No. 87)

**Annexes 19 to 20:** The periodic reports of the Government of Finland in the year 2002 and 2004 on the measures taken to give effect to the provisions of the Worst Forms of Child Labour Convention (ILO Convention No. 182)

**Annexes 21 to 23:** The periodic reports of the Government of Finland in 2000, 2002 and 2004 on the measures taken to give effect to the provisions of the Minimum Age Convention (ILO Convention No. 138)

**Annex 24:** Industrial accidents and occupational diseases in Finland

**Annex 25:** Trends in Social Protection in Finland 2003; Ministry of Social Affairs and Health; Publications 2003:17

**Annex 26:** Finland's National Pension Strategy Report; Updated version, October 2002; Ministry of Social Affairs and Health

**Annexes 27 to 31:** MISSOC National Reports of the Ministry of Social Affairs and Health in 2000, 2001, 2002, 2003 and 2004

**Annex 32:** The Veto Programme 2003 - 2007; Stencils of the Ministry of Social Affairs and Health 2003:18