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

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programmes established by Economic and Social Council resolution 1988/4

Addendum

FINLAND

[2 May 1995]

The second periodic reports concerning rights covered by articles 6 to 9 (E/1984/7/Add.14) and by articles 10 to 12 (E/1986/4/Add.4) submitted by the Government of Finland were considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 1984 (see E/1984/WG.1/SR.17-18) and 1986 (E/1986/WG.1/SR.8-9 and 11) sessions respectively. The second periodic report concerning rights covered by articles 13 to 15 (E/1990/7/Add.1) was considered by the Committee on Economic, Social and Cultural Rights at its sixth session (E/C.12/1991/SR.11, 12 and 16).

The appendices referred to in the present report are available for consultation in the secretariat.

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CONTENTS

General

1. This is the third periodic report made by the Government of Finland to the Committee on Human Rights on the International Covenant on Economic, Social and Cultural Rights. The previous reports, sections of which are referred to, are:

E/1978/8/Add.14 - First periodic report on articles 6-9

E/1980/6/Add.11 - First periodic report on articles 10-12

E/1984/3/Add.28 - First periodic report on articles 13-15

E/1984/7/Add.14 - Second periodic report on articles 6-9

E/1986/4/Add.4 - Second periodic report on articles 10-12

E/1990/7/Add.1 - Second periodic report on articles 13-15.

2. During the preparation of the report, opinions were requested from the following main labour market organizations: the Central Organisation of Finnish Trade Unions (SAK), the Confederation of Unions for Academic Professions in Finland (AKAVA), the Confederation for Finnish Industry and Employees (TT), the Employers' Confederation of Service Industries (LTK), the Commission for Local Authority Employers (KT) and the Department of Public Personnel Management (VTML).

Fundamental rights reform

3. In December 1993, the Government Proposal (309/1993 vp) on the amendment of fundamental rights provisions of the Constitution was given to the Parliament. The Proposal is currently being debated in Parliament and it is intended that the new fundamental rights chapter of the Constitution Act will be finally passed by the new Parliament, to be elected in 1995.

4. The general reform of the fundamental rights provisions would modernize and define Finland's system of fundamental rights more precisely, extend the scope of its application to new groups and bring a number of new fundamental rights within the scope of protection provided by the Constitution. One of the most important purposes of the fundamental rights reform is to extend and strengthen the rights and protection of the individual at constitutional level. The protection of fundamental rights will be developed by extending and specifying the rights to liberty guaranteed by the Constitution, in accordance with the path laid down in international agreements on human rights and by including in the Constitution provisions concerning the principal economic, social, cultural and environmental rights, including the guarantee of legal protection with regard to administration and the exercise of law.

5. The reform aims at increasing the direct applicability of fundamental rights in courts of law and by other public authorities, at tightening the conditions under which fundamental rights may be restricted and at clarifying the system of supervising fundamental rights by including basic provisions relating to them in the Constitution.

6. In 1991, Finland acceded to the European Social Charter. The first report made by the Government of Finland on the implementation of the rights guaranteed in the Charter was submitted to the Council of Europe at the beginning of 1995.

Article 1

7. The status of the self-governing province of the Åland Islands is an example of how self-determination of a distinct population group can be realized within a large community. Self-government was granted to the people of the Åland Islands, after the sovereignty dispute was settled by the League of Nations, so that the people could preserve the Swedish language, culture and local traditions.

8. The Autonomy Act of Åland (650/51, amend. 1144.91), which can be compared to the Finnish Constitutional Law as regards its enactment order, and every change of which requires the consent of the Åland Legislative Assembly, contains the legal basis for exercising self-government. Originally the legislative power was divided so that the most important matters for the State, like foreign policy and defence, were reserved for the Finnish Parliament and all remaining matters were submitted to the Åland Legislative Assembly.

9. After the law was changed in 1951, this division in legislative powers was specified closely. As a guarantee of preserving the Swedish nationality of the people, a sort of regional citizenship called "hembygdsrätt" was established, to which all inhabitants who have resided in Åland for more than five years are entitled.

10. In the new Autonomy Act 1991 the autonomy was enlarged, mainly by updating the division of legislative power. The most radical change concerned the economic relation between the autonomy and the State, where Åland gained a free budgetary power.

11. As regards the ratification of international treaties, the President of Finland submits and decrees the implementing acts to the Åland Legislative Assembly, in accordance with the new Autonomy Act. Previously only introductory acts were submitted to the Åland Legislative Assembly, sometimes leaving Åland outside the scope of the treaty concerned. The present Covenant, as well as the Covenant on Civil and Political Rights, has not been submitted to the Parliament of Åland, owing to the former procedure.

12. The Sámi are an indigenous people who constitute an ethnic minority in Finland, Sweden, Norway and Russia. In Finland there are about 6,000 Sámi, of whom 3,900 live in the municipalities of Inari, Utsjoki and Enontekiö, as well as in the northern part of the municipality of Sodankylä. This area constitutes the Sámi homeland in Finland.

13. Since 1973, the Sámi Delegation (Sámi Parliament) has served as the representative body of the Sámi in Finland. Its task is to assert the rights and protect the interests of the Sámi by submitting initiatives and proposals

to officials and by issuing statements. The Sámi choose the 20 members of the delegation in elections held among them every four years. So far the powers of this body have been increased only by a few administrative measures.

14. In November 1991, an amendment to the Parliament Act came into force. This event was historical for the Sámi, because it was the first time the Sámi were mentioned in the Finnish Constitution. According to the amendment, the Finnish Parliament shall hear representatives of the Sámi before deciding on matters closely affecting this people. In practice, it has always been the Sámi Delegation which has been heard by the committees of the Parliament in these matters.

15. The amendments to the Finnish Constitution in regard to the Sámi will continue further. It is provided in the Government Bill of 1993 Amending the Provisions on Fundamental Rights of the Constitution, that the Sámi as an indigenous people and the Romany people and other minorities have the right to maintain and develop their own language and culture. The new provision (para. 14.3) will read:

> "The Sámi people, as an indigenous people, as well as the Romany people and other groups have the right to maintain and develop their language and culture. The right of the Sámi to use the Sámi language is prescribed by law. The rights of those who use sign language are guaranteed by law."

16. The law proposals included in the Bill will be passed by Parliament soon after the next parliamentary elections in 1995 and they will enter into force immediately thereafter. The Government Bill presented at the end of 1994 contains another proposal for the amendment of the Constitution, which concerns the legal status and the Sámi administration. This amendment is based on the cultural autonomy of the Sámi people and it is intended to enter into force after the parliamentary elections in 1995.

17. In practice, the most important legislative amendment for the Sámi in Finland has, however, certainly been the entry into force of the Act on the Use of the Sámi Language Before the Authorities at the beginning of 1992. If the civil servant is required to speak Sámi language, he shall in the Sámi homeland, upon the request of a Sámi party, use this language. Otherwise, translations or interpretation shall be used. The right of a Sámi party to get a translation of a decision in the Sámi language has also been guaranteed. The act requires further that public notices and other similar documents issued to the public shall in the Sámi homeland be issued also in the Sámi language. Those acts or decrees or decisions of the Council of State or the Ministries published in the Finnish Law Gazette which are especially related to the Sámi shall be published also in the Sámi language. A separate office under the Sámi Delegation has been set up for translation and it also helps the authorities when they need Sámi interpreters.

18. The question of the rights of the Sámi to the lands and waters which they have traditionally occupied and used for their means of livelihood is not yet solved. The Advisory Board for Sámi Affairs, which is a joint body of the

authorities and the Sámi Delegation, prepared in 1990 a proposal for a Sámi Act. According to this Act, the present state forests inside the Sámi homeland would be turned in each Lapp village into Sámi commons with ownership rights. In May 1993 the Ministry of the Interior decided that the Sámi Delegation should continue the preparation of the Sámi Act.

19. Finland has not yet ratified ILO Convention No. 169 concerning indigenous peoples, because it is not clear whether the Finnish legislation on the land ownership rights of the Sámi is in harmony with the provisions of the Convention. In a resolution at the beginning of 1995, Parliament demanded that the Government as soon as possible make an assessment of ways in which the obstacles to the ratification of ILO Convention No. 169 can be removed and what kind of practical consequences this would have. Parliament also demanded that the Constitutional Law Committee of Parliament immediately receive the assessment in order to deal with it.

Article 2

1. The protection of the fundamental rights of aliens

20. The agreement on the European Economic Area, which came into force at the beginning of 1994 and Finland's subsequent membership in the European Union, which came into force at the beginning of 1994, means that citizens of EU member States and citizens of States which are members of the European Economic Area shall be treated in the same way as the citizens of their own country with regard to the areas referred to in the agreement.

21. In accordance with the Government Proposal for the reform of fundamental rights, the scope of the application of fundamental rights would normally be extended to include all persons who come under the jurisdiction of the State. The Government proposes that a general prohibition against discrimination be included in the Constitution. The proposed provision, section 5, subsection 2, reads as follows:

> "No one may be placed in an unequal position on the basis of sex, age, origin, language, religion, conviction, opinion, state of health, disability or for any other reason relating to a person without good reason."

22. The proposal is closely linked to the international treaties concerning human rights, which are binding on Finland. The object of the reform is to bring the Finnish system of fundamental rights into closer line with international human rights obligations. Consequently, at several points it has been proposed that fundamental rights be extended and defined more precisely to correspond with the path laid down in agreements on human rights.

23. Human rights agreements have influenced certain decisions concerning the entire institution of fundamental rights. This applies, for example, to the extension of the scope of application of fundamental rights to apply to all persons under the jurisdiction of the Government of Finland, and not only Finnish citizens.

24. Generally speaking, the proposal aims at strengthening the status in the Finnish legal system of those human rights which are binding on Finland. The proposed provisions concerning the obligation to safeguard and supervise rights have thus been extended to include human rights. Provisions on the duty of public authorities to safeguard both fundamental and human rights are contained in section 16a, subsection 1 of the proposal. The supervision of the observance of human rights and fundamental rights would be within the competence of the Chancellor of Justice and the Parliamentary Ombudsman according to sections 46 and 49 of the Constitution Act. Section 46 of the Parliamentary Act would include provisions on the duty of the Constitutional Law Committee to examine the relationship of government bills and other legal issues to international human rights agreements.

25. Although discrimination as it applies to economic, social and cultural rights would be prohibited, it may be necessary for economic reasons to continue to retain the option to limit the benefits included under social rights on certain grounds. As a result, it has been proposed that the grounds for obtaining or determining certain benefits could be made legally contingent on employment or residence in Finland. The option to limit benefits would apply to the right to basic income security, the right to social and health-care services and the right to accommodation. Grounds for benefit limitation would not be the individual's citizenship as such: the decisive factor would be how close the links are that the individual has with Finland through residence or employment.

Article 3

26. The Government Proposal for the reform of fundamental rights includes a separate provision on equality between the sexes (sect. 5, subsect. 4) in addition to the provision prohibiting discrimination on the basis of sex (see para. 21 above, under art. 2). The proposal for the provision reads as follows:

> "Equality between the sexes in both social operations and working life, especially when determining the terms of employment and employment relationship, is guaranteed by law."

The Act on Equality

27. The Act on Equality between Women and Men (609/86, the Act on Equality) came into force at the beginning of 1987. The purpose of the Act is to prevent discrimination on the basis of sex and to promote equality between women and men, and, for this purpose, to improve the status of women, particularly in working life. The Act includes provisions on actions to promote equality, to counter discrimination on grounds of sex, and on necessary legal protection measures and procedures pertaining to the implementation of the provisions. The law applies to all areas of social life. The Equality Act thus guarantees women and men equal entitlement to enjoy the rights mentioned in article 3 of the International Covenant in question.

28. The provisions of the Equality Act prohibiting discrimination are applied where a person or a group of people have been placed on an unequal footing on the basis of sex. The Act also includes what are called "active" provisions on equality: these place all authorities and employers, for example, under an obligation to promote equality. In addition, the Act contains provisions on equality in education and teaching.

29. At the time the Equality Act came into force, special officers, the Equality Ombudsman and the Equality Board, were appointed to see that the law is observed and to promote its implementation. The Equality Ombudsman supervises compliance with the Equality Act, especially the prohibition against discrimination and discriminatory advertising. The duties of the Ombudsman also include furthering the realization of the intent of the Equality Act by means of initiatives, advice and guidance. The Equality Board can prohibit the continuation of discrimination, employment discrimination or discriminatory advertising practice under penalty of a fine, should the situation warrant it. The Board has only rarely convened in recent years.

30. Some municipalities have a municipal equality commission. These commissions collect data on the status of women and men in the municipality, the municipality's services and the degree of equality among persons employed in the municipality's service.

31. Since 1972, the Council for Equality has functioned in conjunction with the Ministry for Social Affairs and Health in order to promote social equality between women and men and to prepare reforms aimed at increasing the equality of women and men.

Article 6

1. International conventions

32. Finland has ratified all the conventions referred to in paragraph 1. The reports for 1990 and 1992 to the ILO on implementation of ILO Convention No. 111 (appendices 1 and 2) and the reports for 1990 and 1992 on Convention No. 122 (appendices 3 and 4) are appended.

2. (a) Employment and unemployment levels and trends in Finland

33. Since 1990, Finland and the Finnish labour markets have been tried extremely severely by the economic recession. The main effect of the recession has been the stagnation of domestic demand and the fact that the public sector has very rapidly become indebted. Young people, and those who have been solely employed in sectors dependent on domestic demand, such as the construction industry, have generally been the most vulnerable. The number of people in employment decreased by almost 400,000 (16 per cent) during the period 1988-1993.

34. Part-time employment in Finland is rare, nor has the situation changed to any great extent in recent years. No other data concerning underemployment are available.

Table 1. Labour force, persons in employment, persons employed part-time (1-29 hours/week), unemployed and unemployment rate in Finland in 1983, 1988 and 1993

Year	Labour force	Persons in employment	Persons employed part-time	Unemployed	Unemployment rate
1983	2 528 000	2 390 000	197 000	138 000	5.5
1988	2 546 000	2 431 000	177 000	116 000	4.5
1993	2 484 000	2 401 000	176 000	444 000	17.9
1994				421 000	17.4

Source: Statistics Finland.

35. Unemployment in Finland rose correspondingly during the period 1983-1993 by over 300,000 persons (283 per cent). Mass unemployment is a characteristic feature of the 1990s and will be a significant social problem throughout the decade. Unemployment will probably decrease to some extent, but the rate of unemployment will probably stabilize around the 15 per cent level at the end of the decade.

36. Long-term unemployment was rare during the 1980s but since the beginning of the 1990s the number of the long-term unemployed has increased considerably.

Table 2. Unemployed jobseekers by category during 1983, 1988 and 1993

Year	Unemployed jobseekers	Men	Women	Young people a/	Long-term unemployed b/
1983	143 900	80 000	63 900	40 800	17 100
1988	129 300	71 700	57 600	28 600	12 100
1993	482 200	280 700	201 400	97 700	86 000

Source: Ministry of Labour statistics on unemployed jobseekers.

a/ 15-24 year-olds.

b/ Persons unemployed for more than a year.

37. The situation for young people is difficult. There are very few job vacancies available, and so placement has become almost impossible.

38. During the 1980s, almost half of those persons with an advanced level of education entering the labour market were recruited by the public authorities, the Government and the municipalities. Recruitment into the public sector has almost come to a standstill for several years ahead. Those persons who have

trained for employment in the public sector are obliged to seek employment in other fields and thus lose the benefit derived from their training.

39. Regional differences in Finland have levelled out. As a norm there have been considerable differences in unemployment levels regionally. The rate of unemployment in the northern parts of Finland has often been five times higher than that in the south of Finland. Currently, the situation has levelled out to the extent that the unemployment rates of southern Finland are now at the same level as those of northern Finland.

2. (b) The objectives and methods of labour policy in Finland

40. The Employment Act (275/1987) states that the intent of the law is to provide every citizen of Finland with the opportunity to work. The State should promote stable and regionally balanced economic and social development in order to attain full employment which will secure the citizen's livelihood, and is based on the freedom to choose employment and perform productive work.

41. In order to attain full employment, the State should promote a high and consistent demand for manpower by means of general economic policy and other measures which have an influence on employment.

42. According to the Employment Act, jobseekers should be offered employment or training primarily through the manpower services. The manpower services are primary, and measures taken to facilitate employment such as employment subsidies, allowances to assist businesses in difficulty and investments to promote employment, are adapted to suit the labour force demand situation. Employment services consist of vocational guidance, labour market training based on labour policy, relocation assistance, business location advice, guidance for self-employment, international trainee exchange, information services and special services for the disabled. The aim of the Act on Manpower Services is to further labour market efficiency and provide services in accordance with client requirements. Moreover, the Act specifies those manpower services which the State is obliged to provide citizens with free of charge. Private manpower services are also permitted by the new Act; providers of such services may not, however, charge clients seeking work a fee.

43. The most important labour policy objective in the 1990s is lowering the level of unemployment by means of reducing youth and long-term unemployment in particular.

The objectives and measures for managing employment

(i) Increasing the demand for labour

44. Increasing the demand for labour and lowering the level of unemployment are the most important objectives in economic policy. Labour administration promotes the conditions for economic growth and the preservation of viable jobs through separate measures. Entrepreneurship is encouraged in order to create new job opportunities, and the State participates in assisting businesses which are in economic crisis or are in the process of restructuring.

(ii) Flexiwork and work redistribution

45. Through the implementation of flexiwork and the redistribution of work, employment opportunities for the unemployed can be increased. Flexible working hours and job-sharing schemes whereby part-time and temporary jobs are created for the unemployed can be developed and tried out in practice. Persons in employment can be encouraged to improve their professional skills and the productivity of businesses can be furthered.

(iii) Controlled reduction in the supply of labour

46. Crucial target groups in this endeavour are: (1) the elderly long-term unemployed, who are unlikely to re-enter employment before reaching pension age and (2) those persons in employment whose capacity for work has seriously declined and for whom it would seem reasonable to find a solution through which income could be secured outside working life.

(iv) Targeting resources to youth and long-term unemployment

47. Labour administration resources can be targeted in order to mitigate youth and long-term unemployment. The employability of the clients is enhanced by means of training and other measures, in a way that takes account of their respective needs.

(v) Focusing the operational policy of labour administration at regional and local level

48. The manpower authorities can be reinforced at regional and local level in their role of promoting projects based on structural policy and in encouraging entrepreneurship, particularly in those labour market areas which are characterized by a low labour force demand of a permanent and structural nature due to the underdevelopment of industry and commerce.

49. An approach focusing on the development of labour force resources and job quality can be strengthened in those labour market areas in which a qualitative imbalance between demand and supply is a crucial problem. In large market areas, the capacity of the public manpower services to reconcile the demand for labour with supply can be improved and the market share of job vacancies reported to the unemployment offices increased.

50. The Government Proposal for the reform of fundamental rights proposes that the promotion of employment be included in the Constitution. The proposed provision (Constitution Act, sect. 15) reads as follows:

> "The public authorities shall promote employment and shall endeavour to guarantee each individual's right to work. The right to training leading to employment is prescribed by law."

51. In addition to the State, the constitutional obligation to promote employment would be extended to include other public corporations also. Training leading to employment would be mentioned separately as a means of managing employment.

52. Measures concerning the management of employment are referred to in the reports submitted to the ILO in 1990 and 1992 regarding the compliance with Convention No. 122 (appendices 3 and 4).

2. (c) The level of productiveness

53. Factors which have a fundamental effect on raising the productivity are: labour market regulation, personnel competence, and the level of development of labour relations, workplace relations and systems for interaction.

54. The development of productivity is to be encouraged by improving the quality of working life. At the same time, the working capacity of the labour force is maintained, the incidence of serious accidents and occupational diseases is reduced, the labour force is supported in adjusting to changes occurring in working life and the numbers of persons dropping out of the labour force due to health reasons are reduced.

55. It may be said, however, that productivity is low in a number of cases of employment subsidization, and that it is no more than payment of unemployment benefit under another name.

2. (d) Freedom of choice of employment and protection of fundamental rights

56. According to section 6, subsection 2 of the Finnish Constitution Act, the labour of Finnish citizens enjoys the special protection of the State. This protection also extends to the terms of employment.

57. The freedom of choice of employment may also be considered as being included in the fundamental rights. The prohibition of forced labour is enforced in the Finnish legal system. This prohibition can be derived from section 6, subsection 1 of the Constitution Act concerning the guarantee of protection of personal freedom. Penal provisions regarding violations against freedom are also included in the Penal Code currently in force.

58. The Readiness Act (1080/91) includes provisions regarding the obligation to provide manpower and obligation to work during periods of crisis, primarily during times of war or during threat of war.

59. In the Government Proposal for the reform of fundamental rights (309/1993 vp), it is proposed that the Constitution’s current provision on employment be superseded by a new provision. The proposed section (sect. 15) is as follows:

> "All persons are entitled to secure their livelihood through the work, occupation or trade of their choice.
>
> "The labour force is under the protection of the public authorities. No one may be discharged from their place of employment without legal grounds."

60. According to the section, the individual's right to secure his or her livelihood through work freely chosen and accepted would be protected, in contrast to previous legislation, by an express provision in the Constitution.

2. (e) Technical and vocational training programmes

61. According to the Act on Vocational Training Institutions (487/87), the purpose of vocational training is, by continuing the educational role of the lower secondary and upper secondary schools, or on the basis of work experience, to provide the necessary competence to obtain and maintain vocational skills and pursue further education. These skills are required by society and in working life and are necessary in order to be able to participate in developing these areas of life (sect. 3).

62. In 1993, public vocational training was provided in 635 vocational training institutions. During the same year, the number of full-time students was 197,450.

63. Labour market training based on labour policy is regulated by the Act on Labour Market Training (763/90) and the Decree on Labour Market Training (912/90). The purpose of the Act is to establish a form of training which would respond to the quantitative, qualitative and regional needs of working life. In order to achieve this objective, financial responsibility for labour market training has been completely transferred to labour administration with the new Act. Responsibility for planning the training has been transferred to the regional and local level.

64. The role and importance of labour market training has been strongly emphasized during the period of high unemployment; 52,000 persons embarked on labour market training in 1991, 73,000 persons started in 1992 and 70,000 in 1993. It has been possible to organize the training on a flexible basis so that the requirements of both jobseeker and employer alike have been met.

65. Labour market training is also referred to in the reports submitted to ILO on Convention No. 122 (appendix 3, pp. 6-8 and appendix 4, p. 4).

2. (f) Difficulties encountered in attaining full employment

66. See section 2 (a), above.

3. (a) Prohibition of discrimination

67. The Finnish Constitution Act guarantees citizens' equality before the law.

68. Under the Contracts of Employment Act (320/70) and with regard to seamen under the Seamen's Act (423/78), an employer is obliged to treat all employees equally so that no one may be placed in an unequal position in relation to another on the basis of origin, religion, age, political or trade union activities or for any other like factor. The concept of origin includes race, colour, social and national origin. "Any other like factor" refers to political opinion, for example. The same obligation to treat all persons equally and the ban on discrimination was extended in 1987 to cover the

recruitment of employees. The ban on discrimination with regard to civil servants is included in the Act on Civil Servants and with regard to municipal salaried employees the ban is included in the municipal official regulations.

69. Discrimination on grounds of sex and indirect discrimination is prohibited under the Act on Equality between Women and Men (609/86).

70. The Contracts of Employment Act and the Seamen's Act include provisions, the purpose of which is to prevent discrimination in certain special situations. According to the Contracts of Employment Act, an employee's political, religious or other opinions or their participation in social affairs or associations does not constitute a serious reason attributable to the employee, on the basis of which a contract of employment may be terminated. An employer may not dismiss an employee on grounds of pregnancy. An employer and employee may not prevent each other, nor may an employee prevent another employee, from belonging to or joining a legally permitted association or being active in such. A corresponding protection also covers civil servants and municipal salaried employees.

71. Discrimination is referred to in the reports for the period 1 July 1988 to 30 June 1990 (appendix 1, p. 6) and for the period 1 July 1990 to 30 June 1992 (appendix 2, p. 5) submitted to ILO on Convention No. 111.

4. The proportion of employees holding more than one full-time job in the working population

72. No statistics are available in Finland on persons who hold more than one full-time job. The proportion of such persons in the labour force is, however, very low.

5. Changes in legislation

73. The main provisions concerning the management of employment are included under the Employment Act (275/87), which came into force at the beginning of 1988, and under amendments made to it later. Provisions are also included under the Employment Decree (130/93), which came into force in 1993 and which replaced the earlier Decree of 1987, and under amendments made to it later. The objectives of the Employment Act have been reported in section 2 (b) above. The new Act on Manpower Services (1005/93) came into force at the beginning of 1994. At the same time, the former special laws concerning labour policy, such as the Act on Manpower Services (246/59), the Act on Vocational Guidance (43/60) and the Act on the Provision of Manpower Services for the Disabled (401/62) were revoked. Provisions have been enacted concerning labour market training under the Act on Labour Market Training (763/90), which came into force on 1 January 1991.

74. The contents of the Employment Act and the Act on Manpower Services are reported above in section 2 (b).

75. Changes in legislation have been reported in further detail in the appended reports (appendices 1-4) submitted to ILO on Conventions Nos. 122 and 111. The employment obligation mentioned on page 3 of the report on Convention No. 122 for 1992 has been withdrawn under amendment (1696/92) of

the Employment Act. The withdrawal of the employment obligation is referred to on page 4 (appendix 4 (a)) of the report on compliance with Convention No. 122 submitted to ILO in 1994.

Article 7

1. International conventions

76. Finland has ratified the following ILO Conventions:

Equal Remuneration Convention (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);

Occupational Safety and Health Convention, 1981 (No. 155).

2. (a) Determination of wages and salaries

77. An employee's wages or salary is determined on the basis of an employment agreement or a collective agreement. An employer bound by a collective agreement is, under the Collective Agreement Act, obliged to observe the collective agreement with respect to all employees, both those bound by the collective agreement and those not bound by it, unless the scope of the agreement has been limited to apply only to those bound by it. When an employer is bound by a collective agreement, the terms and conditions of minimum wage or salary are also generally fixed by the collective agreement.

78. If a collective agreement with general validity has been concluded in an industry, the Collective Agreement Act prescribes that all employers have the obligation to comply with the terms and conditions of remuneration of employees and other aspects of employment provided by the law in favour of the employee. An employer who has not signed the collective agreement is also bound by these terms and conditions.

79. The terms and conditions of remuneration paid to an employee can be determined in an employment contract on a more favourable basis than in a collective agreement. If there is no collective agreement in the industry and the employer is not bound by any collective agreement, the employer and the employee can jointly agree on the terms and conditions of the employee's pay. The law has no specific provisions for wage settlement in cases where its general provisions do not apply. According to legal usage, the terms and conditions of remuneration paid to an employee must not be unreasonable and their application must not have unreasonable consequences.

2. (b) Minimum wage-fixing machinery

80. Reference is made to the enclosed report on unratified conventions (Nos. 26, 99 and 131) and recommendations (Nos. 30, 89 and 135) pertaining to these conventions submitted to ILO in 1991, which report includes a description of the procedures for minimum wage fixing (appendix 5).

2. (b) (i) Guaranteeing the minimum wage level

81. See the above section.

2. (b) (ii) The basis of minimum wage fixing

82. Apart from the employers' and employees' associations, employers and employees have organized themselves in central organizations, which are organizations formed by the associations. A collective agreement on matters such as wages and salaries is concluded between a single employer organization or an employer and an employees' organization. Central organizations conclude skeleton agreements, on which collective agreements in the various industries are based. Skeleton agreements are usually part of a general incomes policy agreement, which applies not only to wages and salaries but also to issues such as interest rates which are important for the social and economic welfare of employees.

2. (b) (iii) The determination and revision of the minimum wage

83. Reference is made to the report on unratified conventions (Nos. 26, 99 and 131) and recommendations (Nos. 30, 89 and 135) pertaining to these conventions submitted to ILO in 1991 (appendix 5), which report includes a description of the procedures for the determination of minimum wages and salaries.

2. (b) (iv) The development of average and minimum wages

84. There is no single generally applicable minimum wage level in Finland. Minimum pay levels are determined by collective agreement for each individual industry. Therefore, no statistical data are available on minimum wage levels.

85. The following tables are based on average wage levels:

Nominal wage index

1985	100
1988	124.6
1993	163.9

Consumer price index

1985	100
1988	112.6
1993	138.9

Real wage index

1985	100
1988	110.7
1993	118.0

The real wage index shows the development of average wages and salaries in relation to the development of living costs.

2. (b) (v) Supervision of the observance of the minimum wage obligation

86. Reference is made to the report on unratified conventions (Nos. 26, 99 and 131) and recommendations (Nos. 30, 89 and 135) pertaining to these conventions submitted to the ILO in 1991 (appendix 5), which report includes a description of the procedure for supervision of the observance of the minimum pay obligation.

2. (c) The principle of equal pay for the same work or work of equal value

87. Reference is made to reports submitted to ILO for the periods 1 July 1989 to 30 June 1991 (appendix 6) and 1 July 1991 to 30 June 1993 (appendix 7) on compliance with Convention No. 100.

88. Apart from terms and conditions of employment other than those relating to wages and salaries, the terms and conditions of employment of women do not differ from those of men. With respect to the elimination of discrimination, reference is also made to reports on compliance with Convention No. 111 submitted to the ILO in 1991 and 1993 (appendices 1 and 2).

89. The Act on Equality between Women and Men provides that equal pay is payable for the same work or for work of equal value. The wages and salaries of those doing the same work or work of equal value may differ in practice, because in addition to the work-performance-related pay, other benefits may apply. In practice, these may include benefits such as wage increments payable according to the duration of employment. Other allowances include those paid for inconvenient or difficult working conditions and those paid on the basis of the worker's high qualifications and good performance of work. Market forces may also affect wage levels.

90. The wage structure of the Finnish labour market is to a certain extent based on the employee's sex. Men's pay scales characteristically start where women's pay scales end. As a result of this pay differential, about two thirds of Finnish women remain under a pay level that is exceeded by two thirds of men. It is a phenomenon prevalent in almost all industries. In 1992, for salaried government employees this pay level was 9,000 Finnish markka: 69 per cent of women earned less than that amount, while 70 per cent of men earned more. Among municipal employees, the corresponding level in 1992 was 9,200 Finnish markka, with 65 per cent of women below this level and 67 per cent of men above it.

91. The pay differential has been explained by a sex-based dichotomy prevailing in the labour market. Women and men largely work in different

industries or, within the same industry, in different occupations. According to census data from 1990, an essential change had occurred in the numbers of those working in equal pay occupations, with 18 per cent of the total labour force already working in them (compared with only 8 per cent in 1985), while 46 per cent of the labour force were working in occupations with total sex-based segregation.

92. At present, women's earnings are about 82 per cent of men's earnings. The differences in real wages between women and men steadily increased between 1985 and the early 1990s. After this, the pay differential began to fall. After the autumn of 1993, the differences again started to increase. This recent development is due to causes such as the favourable development of the export trade, the need to reduce costs in the public sector and abandoning of the centralized collective bargaining system in the labour market. Relative pay differentials have increased among those with a background of upper secondary or higher education, while a reduction has occurred among those with a background of primary and lower secondary education.

2. (c) (i) Measures aimed at elimination of wage discrimination

93. According to the Act of Equality between Women and Men (sect. 8, para. 2, subpara. 2), the actions of the employer shall be considered discriminatory when more unfavourable wage or salary terms and other conditions of employment are applied to one employee than to another employee of the opposite sex who is in the employer's service doing the same work or work of equal value. Another provision of the Equality Act on Equality between Women and Men which may apply in the assessment of pay differences is the prohibition of indirect discrimination as stated in section 7 of the Act. It also prescribes that actions which clearly place men and women in unequal positions are discriminatory.

94. If a certain action is considered to be inconsistent with section 8 of the Act, the employer may be required to pay compensation for discrimination on the grounds of sex. In addition to the compensation, it is possible to claim damages on the basis of the Compensation for Damages Act or other law for earnings lost because of application of pay discrimination which is inconsistent with the Equality Act, whereas infringement of the prohibition against indirect discrimination as expressed in section 7 of the Act is not compensatable.

95. The Equality Board can forbid anyone who has failed to comply with the prohibition against pay discrimination or indirect discrimination continuing or repeating such practices if the prohibition can be regarded as necessary for the implementation of equality. A discriminatory clause in an employment agreement or a collective agreement can also be declared null and void and contrary to the mandatory provisions of the Act on Equality between Women and Men; such employment agreements can be declared null and void by public courts and in the case of collective agreements by labour courts.

96. An employer's actions can also be considered discriminatory when a new employee is paid a lower wage or salary than the person who held the same job previously. Elapsed time may, however, be a factor explaining the difference in such a case.

97. To date, the Supreme Court in Finland has issued only one ruling on disputes about equal pay (KKO 1/ 1992:18). A town had applied less favourable pay terms to A, who had had work duties equivalent to those of B of the opposite sex, than to B when the Act on Equality between Women and Men became effective and even afterwards, until B had been appointed to another municipal job. The town was obliged by a collective agreement to maintain the employment terms of B, which were better than those provided by the collective agreement, as well as to maintain the wage level based on these terms in spite of the implementation of the Act on Equality between Women and Men and as the town could not be expected to take swifter action to rectify the situation, the measures taken by the town were regarded as dependent on some other, acceptable factor than the employee's sex.

2. (c) (ii) Evaluation of the demands presented by jobs

98. Reduction of pay differentials between women and men is an important equality requirement in political decision-making, as well as in labour market negotiations. The comprehensive economic and income policy agreement for 1990-1991 included the so-called equality rates and evaluation of the demands of jobs.

99. Re-evaluation of the demands or difficulty of jobs has been regarded as a way of reducing pay differentials between women and men. Some characteristics of jobs traditionally allocated to women may also emerge during such re-evaluation.

100. A job evaluation group was set up by the central labour market organizations in 1990 to study current systems of evaluation of the demands presented by jobs, to make proposals on the basis of its findings for the development of such systems, with special reference to female-dominated occupations, and to investigate possibilities of comparison between jobs in different industries and occupations. The group submitted its final report in February 1994 (appendix 8), finding that the main factors affecting the difficulty of jobs were qualifications required, responsibilities, workloads and working conditions.

101. The group concluded in its report that systems for evaluation of the difficulty of jobs are at present best designed for each individual industry or occupation bound by a collective agreement or in the case of large employer organizations, possibly for the individual organization. An evaluation system created at a central level and common to all industries would be complicated and inflexible, considering the varying requirements of practical working life and the various industries and occupations.

102. The group considered that the primary goal in the development of evaluation systems is that the systems of the various industries and occupations coming under a collective agreement should cover all occupations within those industries in a comprehensive manner. In the long term,

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1/ Abbreviation used in Finland meaning "Korkein oikeus", the Supreme Court.

individual evaluation systems should be developed so that all jobs provided by an individual employer could be evaluated comprehensively using a single evaluation system.

103. The report of the group recommended that the labour market should be developed and analytical evaluation of job demands should be implemented extensively. The group considered the systematic application of these principles to be the only practical way of minimizing possible wage discrimination.

2. (d) Distribution of earnings between public sector and private sector employees

104. See statistics in appendix 9.

3. Juridical, administrative and other regulations relating to occupational health and safety

105. Amendments to legislation relating to occupational health and safety have been listed and their contents described to ILO in reports on compliance with Convention No. 155 on Occupational Safety and Health submitted in 1989 (appendix 10, p. 3) and 1993 (appendix 11, p. 3). Reference is also made to the follow-up report, "Target 25", submitted by Finland to WHO (February 1994) (Finnish Ministry of Labour, Work Group Memorandum 1994:9) and the statistical section of the report (appendix 12, art. 12).

106. According to the report of the Financial Working Group of the Occupational Health Care System (Finnish Ministry of Labour 1993:29), about 80 to 90 per cent of the active Finnish wage-earning and salaried population come under the occupational health-care system. The country also has sophisticated labour protection and occupational safety systems. As a result, the incidence of work-related illness, occupational disease and accidents has decreased. In 1992, about 1.6 million wage-earners and salaried employees came under an occupational health-care system provided by their employers. Furthermore, preventive occupational health care has been available to entrepreneurs and self-employed persons.

107. On the basis of the ILO Occupational Safety and Health Convention and recommendations, the Committee for Occupational Safety and Health of the Ministry of Labour produced a document entitled "National projections in occupational health care", which was approved in principle by the Council of State (the Government) in 1989. The document contains the main proposals for the development of a national occupational health-care policy. Its main goal is to achieve more effective occupational health care in occupations which are known to cause problems and to expose workers to health risks.

108. The content of the occupational health-care system has been influenced by national working environment programmes and the reform of occupational safety legislation (1988). The Occupational Safety Act, particularly, increases the effectiveness of what is known as preventive labour protection. Factors affecting safety and health, also mental health, should already be considered at the early stages of work project planning. Regulations requiring attention to psychological factors and those concerning the protection of genetic

inheritance and the foetus have presented additional challenges to health-care professionals working in the occupational health-care system, as far as their knowledge and skills are concerned.

109. Since the implementation of the Occupational Health Care Act, the activities of the occupational health-care system have been steered by national social welfare and health-care plans, health-care directives, recommendations and basic programmes. Through training, occupational health-care workers have increased their professional knowledge and skills. Further, various administrative branches and bodies have cooperated with the occupational health-care authorities to launch new development projects.

3. (a) Employee groups remaining outside the scope of occupational health and safety regulations

110. The Occupational Safety Act primarily applies to all work carried out by employees. In addition, it applies with certain limitations to work carried out by employees with a civil service or other public service relationship to their employers, to training projects in schools and on-the-job training and to work done by persons detained or undergoing treatment in various institutions.

111. Application of the Occupational Safety Act to shipboard or household work is limited in certain respects. There is, however specific legislation on such work.

112. The Occupational Safety Act also applies with certain limitations to work done by an employee at home. The regulations of the Occupational Safety Act, such as those on the general obligations of the employer and the employee, as well as on the working environment and the planning of the working environment, also apply to such work. The employer must ensure that the employee is not allowed to use any machinery, apparatus or substances that might cause a risk of accident or loss of health. The employee should be provided with appropriate personal protective equipment and clothing.

113. The Occupational Safety Act applies with limitations to work done by a near relative living in the household of the employer where there are no other employees. In this case, the employer also has to ensure that the employee is taught and trained as prescribed in the Act.

114. According to a report of the Financial Working Group of the Occupational Health Care Service, studies of the implementation of occupational health care, particularly in the construction industry and in small firms, have shown that throughout the 1980s half of the employees in the construction industry and more than a third of employees in small firms were not covered by the occupational health-care system.

115. The implementation of the obligations of occupational health care in workplaces of employers with fewer than 20 employees has been slower than in other workplaces regarding both coverage and practical measures.

116. The Committee on Working Conditions (1991:37) considered that increased coverage of occupational health care was one of the main development targets

in the 1990s in high-risk industries such as construction, transport, agriculture and small firms. The Committee concluded that the occupational health-care system could be improved by channelling public financial support into it and by developing the existing compensation system so that the poor economic status or small size of a firm would not be an impediment to providing occupational health care.

117. Many experimental and research projects launched in the late 1980s and early 1990s have attempted to find functional models of occupational health-care systems with special reference to services and activities for the needs of problem areas such as self-employed persons, small firms and industries such as the construction industry. The most common models proposed for an occupational health-care system have consisted of units specializing in occupational health care in a certain industry or occupation and given a certain responsibility for providing occupational health care in their special field. To date, only one model has been applied in practice, i.e. a model of occupational health care for agricultural entrepreneurs based on experiment and research, covering about 45 per cent of full-time agricultural entrepreneurs.

3. (b) Statistics on occupational accidents

118. Statistics on occupational accidents (in 1980-1991) are attached in appendix 13.

119. Reference is also made to the country report "Target 25" submitted to WHO and the corresponding indicators in the statistical section, as well as to indicators in "Target 11" (appendix 12, art. 12).

4. Equal opportunities for career advancement

120. Reference is also made to reports submitted to ILO on the implementation of Convention No. 111 (appendices 1 and 2).

121. An employer should treat all employees equally without discriminating against any employee. The principle of equal treatment should also be observed in the civil service relationships of the public sector.

4. (a) Women’s opportunities for occupational progress

122. The participation of women in the management of business enterprises has been studied in all Nordic countries on the initiative of the Nordic Council of Ministers. At year end 1992, a working group of Statistics Finland published a report on leadership in the 200 largest business enterprises in Finland. The group found that women accounted for 11 per cent of executives and 2 per cent of senior executives in large business companies. The proportions of women in the administrative organs of large enterprises have been increasing recently. Women are best represented in large retail and hotel and catering companies. Large financial institutions and insurance companies usually have at least one woman among their executives.

123. The Finnish labour market also features the so-called glass ceiling phenomenon, i.e. the hierarchical structures of working life have a level

above which women find it difficult to rise. As a result, only a few women ever become top executives of business companies. The glass ceiling effect also occurs in the public sector. At the end of 1994 a woman was appointed Permanent Secretary of a government office for the first time. The effect can be used to explain the contradiction between statistics on education and executive status. In the population group of those aged less than 50 years, women are better trained than men. Education and training, however, do not have the same significance for women as for men. The latter benefit more from their educational background in their career advancement.

4. (b) Anti-discrimination measures

124. The Act on Equality between Women and Men was enacted in an attempt to improve women's position on the labour market by obliging authorities and employers to promote equality between women and men. In the amendment of the Act that entered into force on 1 March 1995, even more emphasis has been placed on the obligation of the authorities and employers to promote equality.

The obligation of authorities to promote equality

125. Section 4 of the Equality Act places authorities under an obligation to promote equality between women and men in a goal-oriented and planned way, particularly by changing conditions that prevent implementation of equality.

126. In the 1990s, various government agencies have been preparing plans for the practical implementation of the obligation that authorities have to promote equality. Such plans are urgently needed in the various agencies and fields of administration.

The obligation of employers to promote equality

127. By virtue of the Equality Act, the employer is also under an obligation to promote equality in a goal-oriented and planned way. This applies both to private and public sector employers. The provision obliges the employer to act in such a way that both women and men apply for any vacant posts, to promote equitable recruitment of women and men for the various tasks and to create equal opportunities for promotion for both women and men. The employer is furthermore obliged to develop working conditions so that they are appropriate for both women and men and facilitate the reconciliation of working life and family life for women and men. The employer is also obliged to ensure, as far as possible, that employees are not exposed to sexual harassment.

128. The obligation of an employer to promote equality is not imperative but it must be implemented as far as possible, using the available resources. The implementation is affected, for example, by the supply of labour, the professional skills of the applicants, the size, location and financial resources of the enterprise, etc. It is, however, of the essence that the employer may not, through prejudiced attitudes, neglect his obligation to promote equality, by appealing, for example, to customers' expectations as to the sex of the employees, or his own employees' resistance. In recruitment and selection of employees for training, employees of one sex must not be favoured in such a way that promotion opportunities are meant only for them.

129. According to section 6 (a), which was included in the Act on Equality between Women and Men on 1 March 1995, employers are also obligated to include measures promoting the implementation of equality between women and men in annual staff and training programmes or labour protection programmes. This provision is applied to employers in both the public sector and the private sector.

130. In January 1990, the Ministry of Finance issued a directive (P 1/90) on preparation of plans for a policy of equality among employees and on other measures to be taken to promote equality between women and men in government agencies and departments. Such plans should ensure women and men equal opportunities for various duties and for career advancement.

5. Regulation of working hours; annual holidays and public holidays with pay

131. In 1988, the scope of the provisions of the Hours of Work Act (604/46) pertaining to periodic work was extended to children's 24-hour day care homes, summer camps, places providing institutional care and other institutions, as well as household work. An amendment to the Hours of Work Act passed in the same year changed the definition of night work. Night work is work done between 10 p.m. and 6 a.m. Night work is permissible only in cases specified in the Act.

132. In 1987, the Act on Hours of Work in Commercial Establishments and in Offices (400/78) was amended by defining rest hours in more detail so that if the working hours in a working day total more than seven, the period laid down by collective agreement may not be less than half an hour and no exception can be made to the collective agreement as referred to in the norm. The regulation on night work was amended in 1988 so that night work now means work done between 10 p.m. and 6 a.m. Night work is permissible only in cases defined in the Act.

133. In 1988, the Act respecting Hours of Work in Commercial Establishments and in Offices and the Hours of Work Act were amended by the addition of a regulation about flexible working hours. In the flexible working hour system, the regular daily working hours can be extended or shortened by a flexible period, which may not be longer than two hours.

134. The new Act on Hours of Work in Agriculture (407/89) was implemented in 1989. This meant reduction of daily working hours to not more than 8 hours a day and 40 hours a week. The Act on Hours of Work in Agriculture has specific provisions for issues such as exceeding regular working hours, night and shift work and rest periods.

135. In 1994, the new Act on the Protection of Young Workers entered into force. With respect to questions about children and young people, reference is made to the report submitted by the Finnish Government to the Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child, with regard to article 32.

136. The new Seamen's Annual Holiday Act (433/84) was enacted in 1984. The Act provides employees with the right to a two and one-sixth working days'

holiday for each full holiday credit month. After this, an employee who has been continuously employed by an employer for more than a year is entitled to two and a half working days' holiday for each full holiday credit month. A calendar month during which the employee has been employed by the employer for at least 14 days is regarded as a full holiday credit month.

137. The Seamen's Annual Holiday Act entitles the employee to an annual holiday after a period of six full holiday credit months has elapsed since the beginning of employment and after this every six months after the previous annual holiday requirement has been met. The Act includes separate provisions for issues such as days that can be credited as equivalent to working days in the determination of the annual holiday, arrangement of the annual holiday, annual holiday pay and holiday bonuses.

138. In 1991, the Decree on an Annual Holiday for Persons Exposed to Radiation in Hospitals or Health Centres (1514/91) was implemented. Such workers are, with statutory limitations, entitled to one additional day off for each holiday credit month.

139. The legislation on annual holidays has been described in greater detail in the report of 1992 submitted to the ILO on compliance with Convention No. 132 (appendix 14).

140. The Act on Celebrating Finnish Independence Day as a Public Festival and Holiday (338/37) stipulates that when Independence Day falls on a working day, all work in offices, courts and schools, as well as in state, municipal and private establishments, enterprises and sites, must be interrupted for that day, as for a Sunday. An employee, who in accordance with the conditions of his contract of employment has not committed himself to working on Sundays, may not be obliged to work on Independence Day without his consent, unless he is employed in work which, due to its nature, is regularly carried out every day of the week, or in emergency work. The Annual Holiday Act includes a provision for remuneration payable for work done on Independence Day and increased remuneration payable for work done on an Independence Day falling on a working day. The Act on Arranging for May Day to Be a Holiday for Employees on Certain Occasions (272/44) prescribes that the employer shall allow employees to have May Day as a holiday and pay extra remuneration for work done on a May Day falling on a working day.

141. The Hours of Work Act, the Act respecting Hours of Work in Commercial Establishments and in Offices and the Act on Hours of Work in Agriculture prescribe that double wages or salary be payable for work done on a Sunday or other Church holidays. The Hours of Work Act for Caretakers also includes separate provisions for work done on a Sunday or other Church holidays.

142. The determination of pay for work done on public holidays other than Independence Day is included in collective agreements covering about 90 per cent of the labour force.

5. (a) Problems found in the observance of the above rights

143. The immediate implementation of the above rights may in some cases be affected by the employer's prerogative of interpretation. This means that in

cases of dispute, the employer has the prerogative to interpret the content and meaning of a clause of the contract of employment. The employee must comply with the employer's interpretation until the dispute has been settled.

5. (b) Employees falling outside the scope of the above rights

144. According to the amendment made in 1988 to the Hours of Work Act, the Act does not apply to family day care as referred to in the Child Day Care Act (36/73). In 1989, the Hours of Work Act was amended so that it no longer applies to the work of the managing director of an undertaking or to a person who is directly subordinate to him nor to a person in a leading position participating in the management of the business or institution.

145. Even those unaffected by the regulations concerning working hours are still affected by the regulation that work has to be organized so that the employee will have sufficient time for rest, recreation, self-improvement and fulfilment of his or her duties as a citizen.

146. The Annual Holiday Act does not apply to family members of the employer in a business without other permanent employees or in agriculture to the employer's family members. Neither does the Act apply to an employee whose remuneration is solely paid as a share of profits. In short-term employment, when the employment relationship of an employee who comes under the Employment Pensions Act is coming to an end, the employee can be paid a holiday compensation instead of annual holidays.

6. Legislative amendments

147. The legislative amendments concerning labour protection, administration and occupational safety have been described in reports (appendices 15 and 16) submitted in 1991 and 1993 to the ILO on compliance with Convention No. 81 and reports submitted in 1991 and 1993 on compliance with Convention No. 129 (appendices 17 and 18).

148. The government proposal for an amendment to the Act on Equality between Women and Men was submitted to the Finnish Parliament during the spring session of 1994. The Government proposed that more emphasis should be laid on the obligation to promote equality, under which the authorities and employers are placed by sections 4 and 6 of the Act. Both authorities and employers should promote equality between women and men in a target-oriented planned manner.

149. The Finnish Parliament recently passed the proposed amendment to section 4 of the Act specifying that government committees, advisory bodies and other similar organs and municipal organs should have equal representation of women and men. The same section will also include the provision that the requirement of equality also applies to various governmental decision-making bodies, as well as companies in which the State or municipalities have a majority shareholding.

150. According to the legislative proposal, the employer must develop working conditions so that they are suitable for both women and men and improve the

compatibility of working and family life for women and men. In increasing this compatibility, attention can be paid to matters such as organization of work and working hours.

151. The proposal also places the employer under an obligation to ensure by all possible means that employees are not exposed to sexual harassment in the workplace. Sexual harassment has so far been under the general provision of section 8, subsection 2, point 3 of the Act on Equality between Women and Men according to which working conditions must be arranged so that no employee will be placed in a clearly worse position that an employee of the opposite sex. According to section 8 of the proposal, an employer's action is discriminatory if the legal obligations for elimination of sexual harassment are not met.

152. According to the proposal, measures facilitating the promotion of equality between women and men in the workplace are to be included in the annual personnel and training programme or occupational safety programme of an employer who regularly has a payroll of at least 30 employees. The intention of this provision is that the equality perspective should be considered in all activities and development measures at the workplace.

153. On the basis of the existing Equality Act, it is not possible to compare employee groups for remuneration and employment terms. The law reform would make it possible to use comparisons between groups as evidence. According to the proposal, an employer's action is discriminatory when less favourable remuneration and other employment terms are applied to an employee or groups of employees on the grounds of sex than to another employee or other groups of employees doing the same work or work of equal value.

154. According to the proposal, the obligation of the employer to account for his manner of proceeding would be extended so that he would in circumstances involving suspected pay discrimination be obliged to give an account of his actions to any person suspecting such discrimination. The employer would have to explain to the employee the basis for determination of the employee's wage. Further, shop stewards and other representatives of workers would have an independent right to obtain information on the fixing of wages and employment terms regarding individual employees or employee groups; however, in the case of an individual employee, the employee's consent would be required before such information would be disclosed.

155. According to the proposal, in addition to the Equality Ombudsman, the central organization of employer associations or the central organization of trade unions would be entitled to bring a matter concerning an infringement of the prohibition of discrimination before the Equality Board.

7. The significance of international support for the implementation of rights included in article 7

156. In 1986, Finland ratified Occupational Health Services Convention No. 161 adopted by the ILO and recommendation No. 171 of 1985 supplementary to that Convention concerning the practical implementation of occupational health care. During the ratification process, it was found that the Finnish occupational health care system met the conditions of the above agreement and

recommendation in almost all respects. It was, however, found necessary to develop the occupational health care service in order to fulfil such aims as health promotion and maintenance of the working and functional capacity of the population. The policies advocated in the "Health for All by the Year 2000" programme of WHO are in harmony with occupational health care policies in Finland.

Article 8

1. International Conventions

157. Finland has ratified the following conventions.

International Covenant on Civil and Political Rights;

ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

ILO Labour Relations (Public Service) Convention, 1978 (No. 151).

2. (a) Formal conditions for the establishment and membership of associations

158. Reference is made to the report of 1992 submitted to ILO on compliance with Convention No. 87 (appendix 19).

159. According to the Government Proposal for the reform of the fundamental rights of the Constitution, freedom of association in trade or professional associations should be specifically mentioned in the Constitution. The proposed provision (sect. 10a, sub-sect. 2) would thus read:

> "Everyone has freedom of association. It includes the right to form associations without specific permission, to belong, or not to belong, to an association and to participate in its activities. Accordingly, freedom of association in trade associations and the right to organize in order to protect the interests of others, are also guaranteed."

In addition to Finish citizens, the proposal would extend the constitutional provision on freedom of association to cover also other persons under the jurisdiction of the Government of Finland.

160. Freedom of association is more precisely guaranteed in the Associations Act (503/89), which also applies to trade associations. According to the Act, an association can be formed for the joint realization of an ideological purpose. This purpose may not be contrary to law or good practice. If the association is registered, it can obtain rights, make commitments and function as a party in court and in dealings with other authorities. An association must be accepted for registration, if it fulfils the requirements prescribed by law. When an association is established, a memorandum of association has to be filed together with the rules and regulations of the association. The

memorandum of association has to be signed by at least three members joining the association. A natural person acting as a founder has to be at least 15 years of age. According to the Act, a private person, a public body or a foundation can be a member of an association. The law does not include any specific requirements for those wanting to become members of an association.

161. In the second phase of the overall reform of criminal law (Government Proposal 94/1993 vp), the Government has proposed a new provision on infringement of employees' right to organize, to be included in the Criminal Code. The provision (Criminal Code chap. 47, sect. 5) would have the following wording:

> "Infringement of employees' right to organize. An employer or a representative of an employer who prevents
>
> (1) An employee from establishing a trade association or a political association or exercising the employee's right to join or to be a member of such an organization or
>
> (2) Employees or their trade unions from appointing or electing a shop steward, a labour protection representative or a representative of the personnel of the workplace in group cooperation is punishable by a fine for infringement of the right of employees to organize.
>
> Anyone who compels an employee to join a trade association or a political association is also indicted for violation of employees' right to organize.
>
> Any attempt to do so is also punishable."

162. The provision would apply to employees in both the private and public sectors.

163. The legislator's intention is to include in the Criminal Code a specific paragraph (chap. 47, sect. 3) on discrimination at work which would correspond to penalty provisions already included in current legislation. According to the proposal, an employer or a representative of an employer who, when advertising a vacant job, selecting an employee or during the period of employment, places an applicant for a job or an employee in an unfavourable position on the basis of such factors as trade union activities is punishable by a fine or imprisonment for a maximum period of six months on account of discrimination at work.

2. (b) Limitations to the freedom of association

2. (c) Limitations to the right of trade unions to join international trade union organizations

164. The associations of employers and employees are free to form national confederations. Neither does Finnish legislation prevent employer or employee associations from joining similar international organizations.

2. (d) Limitations on the activities of trade unions and promotion of collective bargaining procedures

165. The Finnish Constitution Act includes a provision on the freedom of association. According to the Finnish Constitution, Finnish citizens have freedom of speech and the right to print written texts and visual materials without censorship, and the right to assemble without securing advance permission to discuss general matters or for any other legitimate purpose and to establish associations to carry out intentions which are not inconsistent with law or good conduct.

166. The right to organize is a specific form of the freedom of association. The Contracts of Employment Act contains a separate provision on employees' freedom of association. According to the law, an employer and an employee may not prevent each other, nor an employee prevent another employee, from belonging to or joining a legitimate association or from being active in it. Any agreement to refrain from joining or being active in an association is null and void. The Contracts of Employment Act includes a provision on assembly at the workplace.

167. The freedom of action enjoyed by labour market organizations includes the right to negotiate and enter into agreements.

168. In other respects, reference is made to the report submitted to the ILO by the Finnish Government on Convention No. 87, 1 July 1990 to 30 June 1992 (appendix 19) and the report on Convention No. 151 from 1 July 1989 to 30 June 1991 (appendix 20).

2. (e) Statistics and membership figures of trade unions

169. The largest central trade union in Finland, the Central Organization of Finnish Trade Unions, comprises 24 trade unions and has a total of more than 1,100,000 members. The Finnish Confederation of Salaried Employees has about 600,000 members and the Confederation of Unions for Academic Professionals in Finland has about 310,000 members. There are 27 trade unions outside the above central organizations. The trade unions are usually based on trades and industries but sometimes also on occupations or professions.

170. At the beginning of 1994 Finland had a total of 126 trade unions with a total membership of 2,200,400.

3. The right to strike

171. The freedom of industrial action ruling in Finland includes the right to strike. According to the Contracts of Employment Act, an employee's participation in a strike or other industrial action cannot be regarded as dependent on the employee, particularly weighty grounds entitling the employer to give notice to the employee.

3. (a) Limitations to the right to strike

172. The Collective Agreements Act includes provisions on the duty to maintain industrial peace. According to the Act, employers and employees bound by a

collective agreement cannot take collective action directed against the entire collective agreement or any of its provisions during the validity of the collective agreement. In addition to this, associations bound by a collective agreement must ensure that their individual members do not take collective action that would violate their obligations concerning industrial peace. However, the provision does not obligate employers in the private sector.

173. In other respects, reference is made to the report submitted by the Finnish Government on Convention No. 87 from 1 July 1990 to 30 June 1992 (appendix 19) and the report on Convention No. 151 from 1 July 1990 to 30 June 1991 (appendix 20).

3. (b) Special limitations concerning certain employees

174. Reference is made to the report submitted to the ILO by the Finnish Government on Convention No. 87, for the period from 1 July 1990 to 30 June 1992 (appendix 19) and the report on Convention No. 151 for the period from 1 July 1989 to 30 June 1991 (appendix 21).

4. Limitations concerning army or police personnel and government employees

175. According to the Collective Agreements for State Civil Servants Act (664/70), a strike is prohibited when it is used to influence matters other than those included in the Employment Agreements for State Civil Servants Act and negotiable under the agreement or if the act contains a specific prohibition regarding strikes. The prohibition may also apply to matters other than those negotiable under the agreement when a main agreement or a general agreement can be concluded. A civil servant may not participate in a strike for reasons other than a decision by an association of civil servants planning to go on strike.

176. There is a decree on civil servants whose responsibilities include representing the Government in bargaining on civil servant collective agreements or during a collective action or representing their employer under other circumstances. These civil servants are not permitted to take part in collective action.

177. According to the Collective Agreements for State Civil Servants Act, those bound by an agreement are not permitted to take part in collective action during the period of validity of the agreement in order to settle a dispute about the validity, correct content or any demand based on the agreement, to change a valid agreement or to negotiate a new agreement. The scope of this obligation to maintain industrial peace may be extended in a collective agreement for state civil servants.

178. If a stoppage at a workplace is considered to be directed against the vitally important functions of society or to cause serious harm to the public good, the Ministry of Labour can, on the basis of the Act on Mediation in Labour Disputes, forbid the planned stoppage, upon the conciliator’s proposal, for up to two weeks. If the dispute concerns the civil servants’ terms of service, the Ministry can forbid the collective action for a further week.

179. If the collective action could disrupt the vitally important functions of society, and the negotiators have not come to agreement on abandoning or restricting the collective action, the negotiating authority of the State or the civil servants' association may within five days after they have received a notice referred to in the Act on Mediation in Labour Disputes, inform the state conciliator's office in writing about bringing the matter to the State Board for Investigating Disputes arising within official service.

180. The State Board for Investigating Disputes must give a ruling within 14 days on risks caused to society by collective action. If the Board considers that an intended or existing collective action or any intensification of such action may cause a serious disturbance in the vital functions of society, the Board is to urge the relevant parties to desist from collective action partly or totally. In no case can a collective action which has been submitted to the Board for examination be started earlier than two weeks from the date that was originally announced as the date when the action was to be started or extended.

181. The defence administration (Defence Forces) and the police administration can be regarded as areas where a strike could cause a severe disturbance to the vital functions of society.

182. Reference is also made to the report submitted by the Finnish Government on ILO Convention No. 87 from 1 July 1990 to 30 June 1992 (appendix 20, pp. 3-4 and the report on Convention No. 151 from 1 July 1990 to 30 June 1991 (appendix 21, pp. 1-2) (art. 1).

5. Legislative amendments

183. Reference is made to statements made in section 4.

Article 9

184. Finland submitted periodic reports on Conventions No. 130 (Medical Care and Sickness Benefits Convention, 1969 and No. 168 (Employment Promotion and Protection against Unemployment Convention, 1988) to the ILO in 1994. These reports are referred to later. (Appendices 21-22).

2. Social security sectors

185. The Ministry of Social Affairs and Health publication Social Security in Finland 1992 (appendix 23) is appended to the report.

Health care

186. In Finland, the municipality of residence is responsible for ensuring that the individual receives the primary health care services and hospital treatment that he or she needs. According to the Act on Municipality of Residence (201/94), the municipality of residence is the municipality in which an individual lives. Individuals immigrating to Finland are granted the right of domicile in a municipality if they intend to remain in Finland permanently and they have a residence permit valid for at least one year if such a permit is required.

187. Tax revenue is the main source of financing health care. The average share of the total health expenditure in GDP was between 6.5 and 7.5 per cent in the 1980s (in 1980 6.5 per cent, in 1985 7.3 per cent and in 1989 7.4 per cent). Due to the strong economic recession, which started at the beginning of the 1990s, this share rose very rapidly and in 1992 was 9.4 per cent, which internationally was among the highest. In 1993 the share of the total health expenditure in GDP fell to 8.9 per cent because of positive economic development. It is estimated that this favourable development continues. According to estimates, the total health expenditure is 44 thousand million markka in 1994.

188. Primary health care is provided by municipal health centres. Patients may be charged either an annual fee of Fmk 100, which is valid for 12 months from the date of payment, or a fee of Fmk 50, which may only be charged for the first three visits made during a calendar year. Persons under the age of 15 are exempt from these fees. Persons resident abroad who do not come within the scope of an agreement on social security or similar instrument may be charged in full for the expenses arising from the provision of health services.

189. Dental care is also provided by the health centres according to the resources available. Persons under the age of 19 are not charged for dental care.

190. The municipality is also responsible for providing rehabilitation in collaboration with the Social Insurance Institution (KELA). Patients are provided with various aids utilized in rehabilitation free of charge.

191. Employers are obliged to organize employee health care services, which may also include the services of a physician.

192. Hospitals in Finland are owned by the municipalities, and specialist treatment is provided by the five university hospitals. Patients are charged Fmk 100 for each visit to an outpatient clinic and Fmk 125 per day for a treatment period of less than three months. Patients under the age of 18 may be charged only for the first seven treatment days in a year. Patients receiving long-term care (over three months) are charged a fee in accordance with their means. Such a fee, however, may not be more than 80 per cent of the patient's net monthly income. A hospital bed-day charge includes full board, medication and any necessary aids.

Sickness benefits

193. Every person residing in Finland has the right to sickness insurance benefits from birth onwards. The sickness insurance scheme covers part of the cost of treatment or examination by a private physician or use of any other private medical service. Refunds are not paid for treatment fees charged by the public health care system or for hospital bed/day charges, whereas costs of medication and travelling expenses to visit a physician are refunded by the sickness insurance irrespective of whether treatment has been provided by a private physician or the public health care system.

194. If a person is incapable of doing ordinary work or carrying out comparable activities, they are paid a daily allowance under the sickness insurance scheme. The daily allowance is paid to employed and self-employed persons aged 16 to 64. A report on the daily allowance amounts paid in 1991 and 1994 is presented in the appendix to the periodic report on the implementation of ILO Convention No. 130 (appendix 19).

195. Refunds paid for medical expenses are tax-free. Daily allowances, however, are considered as taxable income.

Maternity benefits

196. See reply to question 5 given under article 10.

Old-age benefits

197. The old-age pension in Finland is paid in the form of a national old-age pension or an employment pension. At the end of 1994 the total number of those receiving pensions in Finland was 1,068,000, that is 21 per cent of the whole population. The aim of the employment pension is to secure the level of consumption attained by a previously employed or self-employed person during their working life. The rate of employment pension is determined on the basis of working years, earned income and the pension accumulation percentage. The level of employment pension aimed at is 60 per cent of the earnings on which the pension is based. To reach this rate, the duration of a person's employment must be about 40 years, as the accrual percentage of the pension is generally 1.5 per year. The employment pension is supplemented by the old-age pension, the object of which is to guarantee a minimum income. The income of pension recipients is also supplemented by the statutory housing allowance for pensioners.

198. Under certain conditions, the old-age pension can be awarded earlier, before the standard pensionable age is reached. The early old-age pension is paid at a permanently reduced rate. The start of payment of the old-age pension may be deferred until after the standard pension age, in which case the pension rate is increased by one per cent for each month of pension deferral. Pension deferral is not recognized in the public sectors.

199. The universal pensionable age in the private sector is 65. Early old-age pension is available from age 60 at the earliest. The pensionable age can be lowered by means of voluntary additional benefits. The universal pensionable age in the public sector was 63 until 31 December 1992 when the pensionable age was raised to 65 for employment relationships starting after that date.

200. The private and public sectors in Finland are subject to different pension laws, which, however, are similar in many respects. Certain fields in which short-term employment relationships are typical have their own pension laws, and employees from both the private and public sectors alike come within their scope. The same individual can come within the scope of several pension laws.

201. On 31 December 1993, the number of persons receiving private sector old-age pensions was 530,000. During the same period, 123,000 persons

received the State old-age pension and 89,000 persons received the municipal sector old-age pension. The average old-age pension rate was Fmk 2,848 (the Employees Pension Act, TEL), Fmk 1,587 (the Temporary Employees Pensions Act, LEL), Fmk 2,793 (the Self-Employed Persons Pension Act, YEL), Fmk 859 (the Farmers Pensions Act, MYEL), Fmk 5,096 (the Central Government Employees Pensions Act, VEL) and Fmk 3,989 (the Local Government Employees Pensions Act, KVTEL).

202. The term "national pension" also covers the old-age pension. National pension is a universal pension. All residents of Finland who have completed a specified period of residence are entitled to national pension. Finnish citizenship is not required. In order to become entitled to a national pension a Finnish citizen must have been resident in Finland for at least three years after the age of 16. For non-citizens the qualifying period is five years immediately before the pension commences. Refugees and stateless persons are here comparable to Finnish citizens. Prior to 1 January 1994 there were no qualifying periods for Finnish citizens. Old-age pension is payable to insured persons over 65. There is also provision for early and late retirement with adjusted pension. Retirement on a reduced pension is possible at the age of 60.

Invalidity benefits

203. Income security during a period of disability is based on the employment pension, national pension and housing allowance for pensioners.

204. Invalidity pension is payable to insured persons aged 16 to 64 who, on account of disease, defect or injury, are unable to maintain themselves by their regular work or any other kind of work which, considering their age, occupation, education or place of residence, would be suitable for them. The pension is also payable to a person aged 56 to 64 whose capacity for work has been permanently reduced. The determining factors here are type of disease, ageing, length of service, deterioration of health and working conditions. This individual early retirement pension is granted on different criteria than the ordinary invalidity pension: the emphasis is on the occupational coping of the employee.

Survivor’s pension benefits

205. Following the death of the family provider, the widow and children are generally entitled to two statutory pensions: the survivor’s pension under the Employment Pension Scheme and the national survivor’s pension under the National Pensions Scheme.

206. Under employment pension legislation, the survivor’s pension may be awarded to both widowers and widows and to children under the age of 18. If there are at least three beneficiaries, the survivor’s pension is equal to the full invalidity pension. The rate of the spouse’s pension is adjusted to the widow’s/widower’s income, however. A widow/widower is eligible for survivor’s pension if he/she has or has had a child with the deceased. If there is no common child, the widow or widower is eligible for survivor’s pension if the marriage had been contracted before the widow/widower’s 50th birthday and had

lasted at least five years, and the widow/widower had been at least 50 years old at the time the spouse died or had been the recipient of an invalidity pension under the National Pensions Act for a period of at least three years.

207. The average rate of the survivor's pension in 1993 was Fmk 2,042 (TEL), Fmk 937 (LEL), Fmk 1,694 (YEL), Fmk 574 (MYEL), Fmk 2,388 (VEL) and Fmk 2,359 (KVTEL).

208. Under the National Pensions Scheme the term "survivor's pension" covers the surviving spouse's pension and the orphan's pension. The orphan's pension is payable to all half and full orphans under 18, as well as those aged 18 to 21 who on account of studies or vocational training cannot maintain themselves. Entitlement can be derived through a parent, an adoptive parent or any other person who has assumed responsibility for the child. Full orphans are entitled to two separate pensions, one through each parent.

Employment injury benefits

209. The statutory employment accident insurance covers employment accidents, certain injuries developing slowly in the course of work and occupational diseases. Employers are obligated to take out insurance and expenses of medical treatment for their employees. The insurance covers loss of earnings.

210. Once disability has continued for at least three days as of the day an accident occurred or an occupational disease broke out, a daily allowance is paid. The daily allowance is paid for a period of one year at the most. For the first four weeks the allowance is the same as the sick pay paid by the employer. Thereafter the allowance is a 360th part of the employee's annual earnings.

211. Medical treatment expenses are covered up to their full amount. Medical care includes treatment by a physician, hospital fees, medication, prostheses and other aids and travelling costs.

212. If an injury due to an accident or an occupational disease results in permanent general handicap the insured is entitled to inconvenience allowance to provide compensation for other inconvenience caused by injury or illness than weakened working ability.

213. An employee is also entitled to rehabilitation indemnity. The rehabilitation is partly medical and partly occupational.

214. A survivor's pension is paid to the dependants of a person who was injured and died on account of an employment accident or occupational disease. A funeral grant is also paid.

215. Employment accident insurance premiums are paid by the employer. The insurance premium is determined according to two basic systems, general rates and special rates. General rates are applied to small employers. The premium depends on the hazardousness of the work and the amount of the premium is a fixed share of the wages paid, irrespective of an individual employer's own

accident statistics. The amount of the premium is affected by the trend of accidents within the occupational class and it is revised annually on the basis of the overall national trend.

216. Special rates are applied to medium-sized and large employers. The premium follows each employer's actual trend of accidents. The objective is that the employer's premium and compensation costs match each other in the long run. The larger the employer, the more closely the premium follows the employer's own accident trend. A so-called semi-individual system is applied to middle sized employers. The share of permanent compensations is determined to be fixed for a certain number of years ahead. Large employers have the possibility of opting for a limited excess system, which means that the employer is liable for each accident up to a certain limit and the amount excess of this is covered solely by the insurance.

Unemployment benefits

217. A report on unemployment benefits and recent developments in the associated legislation has been given in conjunction with the report to the ILO on Convention No. 168 in autumn 1994. (Appendix 23).

3. Social security financing

218. Social security in Finland is generally financed by employers, employees and the State. The contribution of each party with regard to payments and rates of payments varies according to the benefit.

219. Benefits paid by the Social Security Institution on the basis of residence are financed by employers, through social security contributions from the persons insured and also through contributions from the State and municipalities. The basic unemployment benefit paid by the Social Security Institution is entirely State financed. Earnings-related unemployment allowance is financed by the members of unemployment funds, employers and the State.

220. Employment pension insurance and statutory accident insurance are benefits based on an employment relationship. The employment pension insurance of employees working in the private sector is financed by wage-related insurance contributions paid by employers. Since 1993 employees have also contributed to the financing of employment pension insurance by paying an employment pension contribution. Statutory accident insurance is financed through contributions from employers, which are charged in proportion to the risk of accident.

221. The social security contribution rates in 1994 are as follows. The sickness insurance contribution for the person insured is 1.90 penni per each markka of taxable income to Fmk 80,000 and 3.80 penni per each markka in taxable income exceeding this amount. The national pension insurance contribution for the person insured is 1.55 penni per each markka of taxable income. The sickness insurance contribution for pension recipients is 4.90 penni per each markka of taxable income to Fmk 80,000 and 6.80 penni per each markka of taxable income exceeding this amount. The national pension insurance contribution is 2.55 penni per each markka of taxable income in

municipal taxation. The total sickness and national pension insurance contributions for pension recipients may be at most 9.35 penni per each markka of taxable income. Any increase in the insurance contributions of pensioners may not exceed 4 per cent of pension income. Contributions are deducted from any earned income at the same rates as for other insured persons. The sickness insurance contribution for employers in the private sector is 1.45 per cent of salaries paid and the national pension insurance contribution is 2.40, 4.00 or 4.90 per cent of salaries paid. The social security contribution is 2.40, 4.00 or 4.90 per cent of salaries paid. The social security contribution (sickness and pension insurance contribution) for employers in the private sector in 1994 is thus 3.85, 5.45 or 6.35 per cent of salaries paid. Child benefit contributions are not charged. The sickness insurance contribution for the State and its institutions, the municipalities, federations of municipalities and public utilities is 2.70 per cent of salaries paid. The contribution for other employers in the public sector is 7.70 per cent of salaries paid. The national pension insurance contribution for all public sector employers is 3.95 per cent of salaries paid.

4. The share of social expenditure in GDP

Table 1. The ratio of social security expenditure to gross domestic product from 1980 to 1993

Year	Social security expenditure at 1993 prices Fmk million	Change %	GDP at 1993 prices Fmk million	Change %	Social security expenditure GDP %
1980	86 138		402 832		21.5
1985	118 622	8.2	463 331	3.4	25.8
1990	152 689	6.6	547 416	0.0	27.2
1991	166 882	9.3	508 737	-7.1	32.4
1992	179 304	7.4	490 186	-3.6	36.8
1993	181 400	1.2	480 470	-2.0	37.8

222. The increase in the share of social expenditure of GDP was caused by a deep economic depression, which started in 1991. Due to the depression, GDP declined in 1991 by about 7 per cent and further in 1992 by nearly 4 per cent. Also, unemployment gradually rose from nearly 4 per cent in 1990 to 18 per cent in 1994. As a consequence, unemployment expenditure multiplied and contributed to the rise of the share of social expenditure in GDP.

5. The proportion of private health care supplementary to the public health-care system

223. See reply made by the Government of Finland with respect to the question put by the ILO specialist committee regarding the implementation of article 17 of ILO Convention No. 130 (appendix 21).

6. Groups which do not enjoy social security

224. In the Nordic countries, the right to social security and services, particularly to basic security, is based on residence and not on labour market status. Consequently, all persons come within the scope of at least the basic security system. The service systems are very comprehensive, i.e. the entire population is covered in principle, irrespective of income level or labour market status.

225. The entitlement of the residents of a municipality to services is determined on the basis of how the obligation to provide services is prescribed under the law. The principal methods are a general obligation imposed on the municipalities to provide services and the enactment of subjective rights for special groups.

226. Subjective rights confer the absolute right to obtain services. If an individual has a subjective right to a service based on legislation, the municipality has an absolute obligation to provide such a service, irrespective of the municipality's economic status. The availability of services is guaranteed through subjective rights to one large category, i.e. children under three, who are entitled to day care, and to several smaller groups, who are entitled to services for the disabled and child welfare.

227. Provisions may exist in laws or in provisions at a lower level which guide the targeting of services, for example according to section 2 of the Decree on Children's Day Care, priority must be given to children requiring day care for social and educational reasons when allocating children's day-care places.

228. In other respects, the right of a resident of a municipality to services is mainly determined on the basis of how wide a range of services the municipality has decided to provide. This means that each resident of a municipality has, as a rule, the right to receive services on the same basis as other residents of the same municipality who are in a comparable position (the principle of equality).

229. A typical feature in laws relating to the social welfare sector is the fact that, with regard to content and extent, services are required to be provided in accordance with the needs of the municipality. This is the case for provisions under the Child Day Care Act, the Child Welfare Act, the Intoxicant Abusers Act and the Services for the Disabled Act. The actual scope of services in recent years has been particularly affected by cuts, due to the economic recession. The effects of the recession have led to a deterioration in the position of special groups, a widening of differences in services between municipalities, increased client charges and service cut-backs.

230. The position of the so-called overindebted has been particularly aggravated during the recession. The majority of overindebted persons have been individuals with normal housing loans, who have fallen into debt due to unemployment, radical changes in the housing market, and the rise in the real

interest rate. Difficulties with respect to basic income arise because loan instalments are not taken into account in supplementary benefit, and so a family which attempts to pay its loans may, in practice, be almost without funds. Endeavours have been made to deal with this situation through debt counselling and debt restructuring.

7. Changes in social security

231. In the 1990s there has been a depression in Finland. Due to this, changes have been made in the social security benefits. These changes particularly concern sickness and maternity benefits, compensation paid for the cost of medical treatment and unemployment security.

232. As to unemployment security, the qualifying period for those entering the labour market for the first time was extended from six weeks to three months as from 1 January 1993. At the same time, the criteria for receiving a means-tested daily allowance were tightened.

233. From the beginning of 1994, unemployment security was changed to establish a fixed period for payment of the daily unemployment allowance. After this period an unemployed person can be paid a labour market benefit, the amount of which is the same as that of the daily unemployment allowance. The labour market benefit is also paid to those entering the labour market for the first time and those unemployed to whom earnings-related unemployment benefit is no longer paid.

234. The object of the Government in the period 1991-1993 was to maintain the Finnish social security system run by the Social Insurance Institution at its previous level. Because of the severe economic depression, economy measures affecting social security have been taken and it has not been possible to develop the system. Instead, it has been necessary to change the system by applying new, more stringent criteria for receiving benefits in many cases.

235. Only some slight changes were made in the national pension scheme in the period 1991-1993. The rates of benefits have been raised by increasing the supplementary amount of the national pension of a pensioned couple and by improving the housing allowance as from 1 September 1991 (higher maximum housing cost limits, scaled according to the location of the dwelling, and higher maximum income limits).

236. An improvement in the sickness insurance scheme is the system of special maternity allowance which came into force on 1 July 1991. A pregnant insured woman receives a special maternity allowance if a chemical substance, radiation or infectious disease at her workplace might pose a risk for the foetus or the course of the pregnancy. The allowance is paid on condition that it is not possible to transfer the insured person to other duties and as a result she is prevented from working. The amount of special maternity allowance per day is determined in the same manner as the amount of maternity, paternity and parent’s allowance.

237. Otherwise the system has had to be tightened:

The criteria for awarding earnings-related daily allowances have been changed by reducing the compensation rates in different income categories (80, 50, 30 per cent) to 66, 40 and 25 per cent;

The qualifying period has been extended from seven to nine days;

The period of the parent's allowance has been shortened from 275 days to 263 days; paternity leave taken at the time of childbirth no longer, however, shortens the parents' allowance period;

The drug reimbursement system has been adjusted by introducing personal liability and by changing the reimbursement percentage so that it gives better compensation for serious illnesses;

No index increases have been made.

238. The legislation on rehabilitation was reformed as from 1 October 1991. As a result, the Social Insurance Institution is obliged to arrange vocational rehabilitation for the disabled and vocational medical rehabilitation for the severely disabled. In addition, the Social Insurance Institution may arrange other kinds of vocational and medical rehabilitation, depending on the sum of money allocated for this purpose every year. The Act on Rehabilitation Allowance, which came into force at the same time, prescribes on income security during the time of rehabilitation. The Act improves income security, especially of those who receive rehabilitation services from an institution other than the Social Insurance Institution.

239. The differences between municipalities with respect to social and health services are increasing. In one municipality certain functions may be managed well, while in another municipality others may be. Differences between municipalities with regard to certain services can, to some extent, be explained by municipality size. For example, waiting lists are generally longer in large towns than in small municipalities. On the basis of research carried out by the Ministry of Social Affairs and Health, differences have been found between municipalities with respect to non-institutional services, such as mental health services, and with respect to supplementary benefit. Preventive care activities have not been cut back extensively, however, and cooperation across municipal administrative boundaries has clearly increased.

Article 10

1. International Conventions

240. Finland has ratified the following international Conventions mentioned in section 1:

The 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 gainst Women;

The ILO Minimum Age Convention, 1973 (No. 138).

2. Definition of the term "family"

241. There is no single definition of the concept of "family". According to the definition used in family statistics in Finland, a family consists of a number of persons living together who are (i) legally married or cohabiting parents and their unmarried children who may be either the common children of the parents or the natural or adopted children of either spouse; (ii) either parent and his/her unmarried children or adopted children irrespective of age and (iii) legally married couples and cohabiting couples without children.

242. The definitions used in the statistics do not cover all close family-like relationships. In discussions regarding this issue, it has been emphasized that the family has become a more diverse and difficult-to define phenomenon than before. With the breakdown of marital relationships becoming more common, new relationships are formed. The ties with a former family are not necessarily broken, however, particularly in those circumstances where the divorced spouses have common children, the care of whom, in spite of the divorce, has been awarded to both parents. Moreover, in addition to emotional ties, material considerations bind divorced spouses to former families.

243. From the point of view of private law, the concept of family does not, in principle, rest on individuals living in the same household. The legislation is defined so that, on the one hand, it concerns the relationship between the spouses and, on the other, the children’s status and the parents’ obligations and rights with respect to their children. It has not been necessary to define a "family" because the relation between parents and children has been regulated to conform to a single concept, irrespective of whether the children’s parents form a mutual family or children are brought up in that particular family.

244. In social welfare law and taxation, a common household is considered as the point of departure, and so in addition to or instead of family relationships based on private law, family relationships that are formed through cohabitation are also recognized. Social welfare legislation contains several provisions in which family commitments are taken into consideration, either as criterion on which payment of a benefit is based or as a factor affecting the amount of a benefit or the rate of a fee charged for a social welfare service. As far as possible, legal marriage and cohabitation are equated with each other and thus the concept of family is broader than under private law.

245. Neither Finnish legislation nor the statistics recognize same sex couples, nor are such relationships bound by any legal consequences. Moreover, family statistics only recognize a family comprised of two consecutive generations.

246. The working group which submitted its report to the Ministry of Social Affairs and Health in 1992 has proposed the enactment of a separate family

act, which would be a so-called skeleton law, according to which the concept of "family" would be defined separately if it has not already been defined in other legislation concerning social welfare and health care. According to the proposed law, legally married or cohabiting persons living in a common household and each of their children under the age of 18, for whose care and maintenance at least one spouse is responsible, should be considered as belonging to a family. A young person under 21 living in the same household as a married or cohabiting couple and who, due to disability or other comparable reason is dependent on the family, should be considered a member of that family. Temporary residence apart from a family due to study or work or other comparable reason would not affect membership of that family. According to the law, other persons of 18 or over could be considered as belonging to a family, if separately provided by law. This provision thus permits the definition of the concept of family to differ from that of the proposed law, should such a deviation be appropriate from the point of view of any given law or area of legislation.

3. Age of majority

247. See the section on article 1 in the first report submitted by the Finnish Government on the Convention on the Rights of the Child.

4. (a) Contracting of marriage

248. The provisions of the Marriage Act concerning the contracting of marriage were amended in 1987. According to the Marriage Act, persons under the age of 18 may not contract a marriage unless, for special reasons, permission is granted by the Ministry of Justice. Mental illness or mental disability no longer constitutes an impediment to marriage. The person officiating at a marriage ceremony is, however, obliged to ensure that the party to be married is capable of understanding the implications of marriage, and is thus competent to consent to marriage. (As far as is known, no practices currently exist in Finland which could result in a marriage being contracted against the will of the parties concerned.)

4. (b) Protection of the family

Child allowance

249. Child allowance is a sum paid from State funds towards the support of a child. Child allowance has been paid since 1948 for children under 16 and since 1986 for children who have reached the age of 16. The child allowance amount is graduated according to the child’s order of birth.

250. Since the beginning of 1994, the child allowance system has undergone a reform. Almost all tax deductions relating to family policy have been abolished and the greater part of funds saved are paid to families as child allowance. In the same context, support for large families is being emphasized more than before.

251. Since the beginning of 1994, child allowance amounts were as follows: Fmk 570 per month for the first child, Fmk 720 for the second, Fmk 910 for the third, Fmk 1,030 for the fourth, and Fmk 1,220 per month for the fifth and any

additional child. In addition, a child allowance increment of Fmk 200 per month is paid to single parents for each child. At the same time, the child allowance increment for children under 3 has been abolished, although children under 16 are now included in the graduated system.

Maintenance allowance

252. Under the Act on Securing Child Maintenance, it is the responsibility of the municipality to assist in the financial support of children by paying maintenance allowance if the payment of agreed or ordered maintenance support has been neglected, or if paternity has not been established. An allowance to compensate for the difference between maintenance allowance and maintenance support confirmed by a court can also be paid. In 1993, the amount of maintenance paid to single parents was Fmk 606 per month. The amount of maintenance paid to persons who had remarried or were cohabiting was Fmk 493 per month.

Support systems for the care of small children

253. The municipalities are responsible for providing day care for children. The support system for the care of small children is based on two primary systems. The Child Day Care Act, which has been effective since 1973, requires that the municipalities provide day-care services according to the needs of residents. Since 1985, the Child Home Care Allowances Act, which became effective by degrees, gives parents of children under three the right to choose between day care and financially assisted home care. The principle of the Act is to ensure that parents have a choice in the arrangements for caring for children under three through support provided by society.

254. Since the beginning of 1990, the right to day care has been extended. All children under three have a subjective right to a place in municipal day care. A municipal day-care place consists of day-care centres, and family day care. Family day-care workers are employed by the municipalities.

Day care

255. The number of municipal day-care places available has been multiplied by five since the act on day care came into force. In 1973, 43,000 municipal day-care places were available, of which the majority (97 per cent) were in a day-care centre. The number of municipal day-care places rose steadily until 1990, peaking at 214,000 places. Family day care accounted for the greatest proportional increase in day-care places. In 1990, family day-care places accounted for almost half (43 per cent) of all municipal day-care places. Since 1990, the number of places in day care has decreased to the extent that at the beginning of 1994, 180,000 day-care places remained. The decrease in day-care places was most pronounced in family day care, which provided some 67,000 places at the beginning of 1994. This figure was almost one third less than four years previously.

Children's day-care places and fees

256. The number of day-care places at the beginning of 1993 totalled 193,000, 117,500 of which were in day-care centres and 75,500 were in family day care; 154,100 were all-day and 39,900 were half-day places.

257. The income limit entitling parents to free day care fluctuates according to family size and the cost-of-living category of the municipality. Children's day-care charges are not graduated according to the child's age. Charges are reduced by one category per child if a family has several children in municipal day care or municipally supervised private day care.

Child home-care allowance

258. Some 87,000 families came within the scope of the child home-care allowance scheme. Approximately 145,000 children come within the scope of the scheme. The number of recipients has grown steadily since 1985. According to an estimate by the Ministry of Social Affairs and Health, gross expenditure incurred for the care of small children in 1993 amounted to Fmk 9.3 billion. The gross operating costs of day care accounted for two thirds of this expenditure and the child home-care allowance for one third.

Maternity benefit

259. Maternity benefit is awarded either in the form of a lump sum or a maternity pack. Most parents choose the maternity pack, which contains the clothes and other items needed for the child's care during the first year. In 1994, maternity benefit paid as a lump sum amounted to Fmk 760. In comparison to the monetary benefit, the value of the maternity pack was almost double. Maternity benefit is financed from State funds.

Maternity and child health care and school health services

260. See appended Ministry for Foreign Affairs publication Health Care for Mothers and Children in Finland (appendix 24).

Maternity care

261. In addition to monitoring the health of the expectant mother, maternity clinics, which operate in conjunction with the health-care centres, take care of the health and development of the foetus and are responsible for the health care of the whole family. Childbirth preparation classes, which many fathers attend, are included in maternity care. Almost all deliveries take place in the university, central or regional hospitals.

262. Almost all expectant mothers attend the maternity clinics. According to the register of births, only 0.3 per cent of women who had given birth had never attended a clinic. The first visit usually takes place by the twelfth week of pregnancy. There are prenatal clinics operating in conjunction with hospitals, to which the maternity clinics can direct the mother should she require further examinations and treatment.

Child health-care clinics

263. The child health-care clinics continue the family preventive health care which was started in the maternity clinics. In addition to health checkups and educational work, the clinics are responsible for the vaccination programmes. During the first year, a child undergoes 3 examinations by the clinic paediatrician and an average of 10 examinations carried out by a nurse. The number of examinations decrease after infancy. In addition to physical health, the child's psycho-motor and psychosocial development are monitored.

School health service

264. The school health service continues to promote the health of the child and his/her family. Each school has at its disposal nurses and doctors from the health centres, as well as psychologists, physiotherapists and speech therapists should the need arise. In addition to health checkups, health education is another important service which is provided.

265. All preventive health-care services are currently being evaluated on the basis of economy, efficiency and effectiveness. Since the amendment concerning State contributions came into force in 1993, the municipalities' power of decision has increased. As a result of the recession, severe cut-backs have been made in preventive health care, particularly in school health services.

5. Maternity protection

5. (a)(i) Scope of application of maternity protection

266. The provisions of the Contracts of Employment Act concerning maternity, paternity and parental leave, as well as child-care leave, may be applied when a woman has been pregnant for at least 154 days. The total duration of maternity, paternity and parental leave is 263 working days. All employees in both the private and public sectors are entitled to maternity leave.

267. Under the Equality Act, the special protection afforded to women during pregnancy or confinement cannot be construed as discrimination.

268. Under the Act, an employer shall not terminate an employee's contract of employment, either because of pregnancy or when he learns that an employee is pregnant. The employer is not entitled to terminate the employee's employment contract during either maternity, paternity or parental leave, or when the employer has learned that the employee will exercise his/her right to the above-mentioned leaves. When the employer terminates the employment contract of a pregnant employee, the termination is considered to have been due to the pregnancy, if the employer is not able to prove otherwise (see also section 46 of the State Civil Servants Act).

269. Due to unclear points which arose in legal praxis, the Equality Act was amended by adding a provision which came into force on 1 August 1992. Under this provision, pregnancy is clearly based on gender and is prohibited as grounds for discrimination under the Equality Act. Similarly, need arose to define more clearly the Equality Act's prohibition against indirect

discrimination. Under the provisions of the Equality Act, no job applicant or employee may be set in an unequal position with regard to recruitment or pay, during the period of employment or when the period of employment is terminated, or because of pregnancy, parenthood, family responsibilities or any other indirect grounds related to sex. Employers are also prohibited from limiting the duration of a fixed-period employment relationship on the basis of the employee's sex.

270. Moreover, the Equality Act was amended so that discrimination in conjunction with fixed-period employment relationships on the basis of pregnancy or parenthood shall have the same standing as to the consequences as any other discriminatory practice perpetrated by an employer which is prohibited in section 8.

5. (a)(ii) Total length of maternity leave and length of compulsory leave after confinement

271. Under section 34 of the Contracts of Employment Act (320/70), the employee has the right to maternity, paternity or parental leave during the period that the maternity, paternity or parental allowance under the Sickness Insurance Act is considered to cover or would be considered to cover if he/she was entitled to such a benefit. During this period the employment relationship is not severed; on the contrary, the employee is entitled to return to his/her previous duties or equivalent work after maternity, paternity or parental leave.

272. Although an employee is entitled to statutory maternity leave, there is no period of compulsory leave after confinement. During maternity leave an employee may, with the consent of her employer, carry out work which does not endanger her health or the health of the foetus. For a period of six weeks after confinement, an employee may, however, only be given very light work, the safety of which must be demonstrated by a medical certificate. An exception to this rule is agricultural and domestic work and other work carried out in the employee's own home.

273. After the period of maternity leave, the child's mother or father is entitled to parental leave for a maximum of 158 working days.

274. Under the Contracts of Employment Act, after the termination of the period of parent's allowance, an employee is entitled to care leave in order to look after a child until that child reaches the age of three. The prerequisite for receiving care leave is that only one parent at a time takes advantage of the entitlement.

275. Care leave as it relates to maternity protection, is explained on pages 6 and 7 of appendix 1 and on page 5 of appendix 2.

276. Fathers are entitled to a paternity leave of 6 to 12 working days in conjunction with the birth of a child. In addition, they are entitled to choose a period of six working days during the period of parent's allowance. Neither of these periods of paternity leave shorten the period of parent's allowance. Fathers have increasingly used their entitlement to paternity and parental leave. Approximately 26 per cent of fathers took advantage of their

right to paternity or parental leave in 1985 and 52 per cent used their right in 1992. Generally, fathers have taken paternity leave for one or two weeks in conjunction with the birth of a child, but only between 3 and 4 per cent of fathers have taken parental leave.

277. The parental leave for adoptive parents is 100 to 234 working days in conjunction with the adoption of a child under 6 (1992: 100 to 246 working days).

5. (a)(iii) Benefits granted during the aforementioned periods

278. Expenses paid for doctors' fees, examinations, treatment, medicine and travel are reimbursed by the sickness insurance scheme in the same way as in cases of illness.

279. Income security is provided by maternity, paternity or parent's allowance based on the Sickness Insurance Act. The rate of these allowances is determined by the earned income of the parent who looks after the child (in 1990, the rate was approximately 80 per cent of earned income and approximately 60 per cent in 1994). Under the Contracts of Employment Act, the employer may pay a full or partial wage or salary for part of the period of maternity, paternity or parental leave. The daily allowance is then paid to the employer for the duration of this period. The employer is not obliged, however, to pay a wage or salary during maternity, paternity or parental leave. Should the person be without earned income, he/she is entitled to the minimum daily allowance paid. The minimum daily maternity, paternity and parent's allowance for a parent caring for a child at home is Fmk 78.30.

280. A woman whose pregnancy has lasted for at least 154 days and who has resided in Finland for a minimum of 180 days immediately before the estimated date of delivery is entitled to maternity allowance. The length of maternity leave is 105 working days and may be started, according to choice, between 50 and 30 working days before the estimated date of delivery.

281. Parents are entitled to receive parent's allowance in order to care for a child immediately after the termination of the maternity allowance period. Parent's allowance is paid to either the mother or the father, in accordance with a mutual agreement between the parents. The prerequisite for payment of the allowance is that the parent should have resided in Finland for a minimum of 180 days before the estimated date of delivery. The father may receive parent's allowance if he participates in the care of the child and is not engaged in gainful employment. Parent's allowance is paid for a maximum period of 158 working days. In the event that two or more children are born to a family at the same time, the duration of the parent's allowance period is extended by 60 working days. The maximum period during which parent's allowance is paid is thus 105 + 158 working days, that is 263 working days, and in the case of the birth of twins 105 + 158 + 60, i.e. 323 working days.

5. (a)(iv) Developments relating to the maternity allowance period which have taken place during the reporting period

282. On 1 February 1985, the term "maternity allowances" was replaced by "maternity, paternity and parent's allowance". The duration of the father's

entitlement to parent's allowance was extended to 158 working days. On 1 January 1987, the duration of the maternity allowance period was extended from 100 to 105 working days. On 1 January 1988, the parent's allowance period was extended by 60 working days in the event that 2 or more children were born to a family at the same time. On 1 January 1991, the duration of the parent's allowance period was extended from 263 to 275 working days. The right to a daily allowance may start from between 30 and 50 working days before delivery. Fathers were entitled to receive their own paternity allowance for a period of 6 working days, which does not shorten the period of parent's allowance. On 1 July 1991, pregnant women working in an occupation exposing them to a health risk are entitled to receive a special maternity allowance. On 1 January 1993, the parent's allowance period was shortened from 275 to 263 days. Paternity leave taken in conjunction with the birth of a child no longer shortens the period of parent's allowance.

6. Protection of children from economic and social exploitation

283. With respect to this section, reference is made to the report of Finland to the Committee on the Rights of the Child concerning the implementation of the Convention on the Rights of the Child, as regards article 32.

6. (a) Minimum age of admission to employment

284. With respect to this section, reference is made to the report of Finland on the implementation of the Convention on the Rights of the Child, as regards article 32.

285. Moreover, a higher minimum age of admission to employment is applied with respect to certain occupations, such as work on vessels, road transportation and blasting work.

6. (b) Statistics on the employment of children

286. According to official statistics, the youngest persons in the labour force are children aged 15. The concept of labour force covers both persons in gainful employment and the unemployed.

1993	Total number	In labour force
15 year-olds	64 000	6 000
16 year-olds	69 000	10 000
17 year-olds	64 000	14 000

6. (c) Children employed in the home

287. Statistics on children who work in their families' households, farms or businesses are not compiled in Finland. All children between the ages of 7 and 15 attend school. The employment of children in their families' households is not common in Finland, although a certain number of children work on their parents' farms, especially during the summer months.

6. (d) Children excluded from protection

288. The Act on the Protection of Young Workers is applied to all children.

6. (e) Provision of information concerning rights

289. The labour protection authorities, who are also responsible for providing information on the content of the regulations, supervise compliance with the Act on the Protection of Young Workers. A leaflet on the rights of young people at work known as "Young people and labour legislation" (Nuoret ja työlainsäädäntö) was published in 1994 by the Ministry of Labour.

6. (f) Difficulties and shortcomings

290. Detailed regulations have been introduced in order to increase the effectiveness of the protection of young workers. The Decree on the Protection of Young Workers (508/86), includes provisions on jobs which are prohibited for young people. When a young person is employed in dangerous work, the Decree on Young Workers requires the employer to notify the labour protection authority supervising the place of employment of this, before the job starts.

7. Amendments to legislation

291. In 1994, the resolution of the Ministry of Labour concerning light work suitable for young people (1431/93) and the resolution of the Ministry of Labour concerning work dangerous for young people (1432/93) came into force.

292. In other respects, reference is made to the report of Finland on the implementation of the Convention on the Rights of the Child, in which the principal contents of the Act on the Protection of Young Workers (998/93) are explained under article 32.

Article 11

1. (a) Current standard of living of the population and recent changes

293. With respect to this question, reference is made to the report submitted by the Government of Finland at the conference held in July 1994 on the welfare policy trends of the International Council for Social Welfare (appendix 25).

1. (c) Poverty line

294. The per capita GNP for the poorest 40 per cent of the population has not been calculated in Finland. By international standards, income is evenly distributed in Finland: in 1992, the four lowest deciles accounted for 26.7 per cent of households' disposable income calculated per consumer unit. No official poverty line has been defined in Finland. Various studies have shown that households' disposable income has decreased during recent years.

1. (d) Physical quality of life index

295. The aforementioned index is not used in Finland.

2. The right to adequate nourishment

2. (a) General description of the realization of the right

296. The general nutritional situation in Finland is good. From the point of view of public health, a positive trend has been discerned. The proportion of food expenditure in the total expenditure of households has decreased. In 1985, the calculated proportion of food expenditure was 26.6 per cent and in 1990 23.3 per cent. The figure for 1994 is not yet available, but it can be expected to have risen as a result of the decrease in the disposable income of households.

297. As a result of the economic recession, some households have been forced to budget food expenditure more carefully than before. According to an interview survey carried out by the Ministry of Social Affairs and Health in spring 1994, 3.2 per cent of the population, i.e. proportionally to the population aged 18 to 74, more than 100,000 people, reported that they had experienced hunger during the previous year for economic reasons. Thirteen per cent of all respondents reported that they had been compelled during the previous year to be satisfied with less nutritious and more monotonous food more often than previously because they could not afford better food. Children in families and homeless persons, among whom the risk of experiencing hunger is higher than average, were excluded from the study population.

298. In 1994, the extent of the problem remained almost the same as during 1993. However, the average duration of the period during which hunger was experienced was shorter. Enclosed book called "Nutrition Policy in Finland".

2. (b) Detailed information on the incidence of hunger and/or malnutrition

2. (b)(i-iii)

299. The incidence of insufficient nutrition and hunger is fairly evenly distributed in the various parts of Finland, nor are the differences by province between men and women particularly great or systematic.

300. The incidence of poor nutrition and hunger varies considerably with social group. During the previous year almost 30 per cent of unemployed men and women reported that they had had to be satisfied with monotonous food due to lack of money. The next most disadvantaged group in the spring of 1994 were male students (18 per cent) and female workers (15 per cent). In all other social groups, the proportion of persons experiencing problems associated with nutrition was about one tenth. Among the unemployed, 12 per cent of men and 6 per cent of women reported that they had experienced hunger.

Table 1. The proportion of persons in different social groups reporting hunger due to economic reasons in spring 1994 (percentage)

	Men	Women
Farmers	1.6	-
Senior white-collar workers	3.4	1.2
Junior white-collar workers	-	1.2
Blue-collar workers	2.3	3.4
Pensioners	1.2	1.4
Self-employed persons	1.8	-
Students	4.8	6.0
Unemployed	12.3	6.3
Total (N = 1798)	3.8	2.8

301. It was not possible to obtain sufficient information to draw definite conclusions about the situation of the disadvantaged through the method of investigation used. It is clear, however, that the problem centres particularly on young low-income people and recipients of supplementary benefit. Moreover, the lack of a social support network exacerbates the situation. Young men in particular are outside networks of this kind, nor do they generally resort to the food aid provided by various organizations.

3. The right to adequate housing

3. (a) Detailed statistical information concerning housing in Finland

302. See appendix 26.

303. Approximately 20,000 places are available in the social welfare housing services. In the Decree on Social Welfare (sect. 10), the housing services are defined as sheltered and supportive residential accommodation in which a person, through social work and other social services, is supported in his/her endeavour to live independently or move into independent accommodation. These services are given to persons who, for special reasons, are in need of assistance or support in arranging housing or accommodation (sect. 23, Social Welfare Act). The Tenancy Act, which secures residential rights and housing standards, is applied to the majority of social welfare housing service tenancies.

3. (b) Detailed information concerning vulnerable and disadvantaged groups

3. (b) (i) The number of homeless individuals and families

304. Minor or adult children who live with their parents because they are unable to obtain their own accommodation are not considered as homeless in

Finnish statistics. According to the definitions applied by the social welfare and housing authorities, a homeless person is an individual who, due to lack of accommodation, temporarily lodges with relatives or friends without entering his/her name in the register of occupants.

305. In Finland, persons who have turned to the authorities because they are without accommodation or persons known by the authorities to be without accommodation, as well as persons residing in institutions or like accommodation because of the lack of suitable housing or non-institutional services ("hidden homelessness") have been included in the concept of homelessness.

306. In 1993, approximately 11,700 persons and 300 families were homeless in Finland. Of these, 2,600 lodged out of doors, for example, in temporary shelters, 2,400 resided in institutions and 6,700 lodged temporarily with friends or relatives.

307. Of the homeless persons lodging in homes and hostels, nine tenths are men, the mean age of whom is 48. Approximately 40 per cent of these men are unskilled and about 40 per cent are skilled. Approximately 20 per cent of the men and about half of the women are recipients of an early pension.

308. It is estimated that homeless persons earn a quarter of the average taxable income (Helsinki, 1985). Typically, homeless persons are often unemployed or are employed as temporary or unskilled labourers. Approximately one fifth of the men of working age receive an early pension, and unemployment is prevalent among them. Two thirds of the men are unmarried, approximately one third are divorced or separated. Very few of the homeless are married or widowed.

309. Little information is available about families without accommodation. The number of homeless families is very low in Finland and their homelessness is usually temporary, particularly as regards families with children.

310. The duration of homelessness was less than six months in 56 per cent of cases. Before being compelled to live in a home or hostel one fifth of homeless persons lived in their own apartment. The next largest income bracket group is comprised of persons returning from institutions or similar accommodation.

311. As residents of their municipality, homeless persons receive the same health and medical services as other residents of the municipality. If their domicile is different from their temporary municipality of residence, they are entitled to receive supplementary benefits and similarly restricted health services in the same way as other members of another municipality.

312. The age-adjusted mortality rate for homeless men is estimated as being four time that of the population in general.

3. (b) (ii) Number of families and individuals inadequately housed

313. In 1990, there were 180,000 households living in substandard dwellings (see the statistical information), substandard meaning that the dwelling lacks one of the following amenities: piped water, sewer, hot water or flush toilet.

314. In 1990, 375,000 households and 1.5 million persons lived in overcrowded quarters (see statistical information), overcrowded meaning more than one person per room, with the kitchen excluded from the number of rooms.

3. (b) (iii) "Illegal" housing

315. Such housing does not exist in Finland.

3. (b) (iv) The number of persons evicted within the last five years

316. In all forms of housing, people are legally protected against eviction and acceptable reasons for eviction are listed in legislation. Dispossession notices and the termination of contracts of lease are regulated by the Tenancy Act. The Ministry of Justice compiles statistics on notices of evictions received. In 1992, notices of evictions totalled 5,447, and 6,107 in 1993. For various reasons, not all evictions were actually enforced.

3. (b) (v) Housing expenses

317. There is no official government set limit for affordability. In 1990, there were 336,000 households (16 per cent of all) whose housing expenditure-income ratio was 30 per cent or more.

3. (b) (vi) Persons waiting for accommodation

318. At the end of 1993, there were approximately 57,000 households on waiting lists for social rental dwellings.

3. (b) (vii) Different types of housing

319. In 1990, 1.48 million households and 3.80 million persons lived in owner-occupied dwellings, whereas 0.51 million households and 1.03 million persons lived in rental dwellings - approximately 0.30 million households and approximately 0.60 million persons in social rental dwellings, and approximately 21 million households and approximately 0.43 million persons in private rental dwellings.

3. (c) (i) The right to housing

320. The right to housing as an individual entitlement has not been enacted at the legislative level in Finland. According to the Housing Conditions Improvement Act, the general objective of the law is to secure a reasonable standard of housing for everyone permanently resident in Finland. The Act in question is a development law, guiding the actions of the public authorities, which does not confer individual rights as such.

321. The right to accommodation is prescribed in certain special circumstances as the individual's subjective right, which is sanctioned by the right of appeal to a court of law with regard to decisions made by the authorities under the provisions of the Services for the Disabled Act and the Child Welfare Act.

3. (c) (ii) Legislation on housing, etc.

322. See other answers.

3. (c) (iii) Legislation on land use

Land use planning and participation

323. In Finland legislation on land use, land planning, expropriations relating to land use and planning and provisions concerning community participation on land planning issues are stated in the Building Act and Building Decree (of 1958, with several amendments).

324. Land use planning is the prerogative of local communities, although the Ministry of the Environment or provincial governments (there exist 10 provincial governments in Finland) have the right to ratify most of the plans. All members (individuals, registered NGOs, companies, etc.) of the municipality concerned have a right to comment on plans during preparation and, after approval (ratification), make an appeal to the ministry or the provincial government if they still are not satisfied with the contents of the plan. Appeals must have legal grounds. Those who do not accept the decision of State officials mentioned above can always bring their appeal to the Supreme Administrative Court, whose decision is final.

325. In 1990, the Building Act was amended so that an appeal against a town plan, building plan or master plan which is of significance for housing construction or for some other social reason, shall be treated as urgent (sect. 138 a).

326. In addition to the action popularis-type of appeals used in land use planning, public participation has also a very remarkable role in the new Act on Environment Impact Assessment which came into force on 1 September 1994.

Land expropriation

327. According to the Building Act, local city councils have the right to requisition privately owned real estate. Compensation must be paid at current prices (Building Act, chap. 7, in appendix 27).

328. If the State or city councils want to acquire private land for common needs (for example for housing areas, for nature conservation or for protection of the cultural heritage) they must first of all justify their needs in land use plans, then in most of the cases get permission from the Ministry of the Environment for the acquisition and after that pay compensation at the current price (so-called full compensation). The right to redeem also includes duty to redeem if private property in plans is to be used

for other purposes than private building and if the landowner because of that cannot utilize his land in a manner which provides reasonable benefit. Provisions concerning the amount of compensation and the formal procedure for expropriation are found in the Act on the Redemption of Immoveable Property and Special Rights (1977).

329. According to the Pre-emption Act (1977) local authorities have the right of pre-emption in transactions concerning real estate located in their areas. This right may be exercised to acquire land for urban development and for recreational and conservation purposes.

3. (c) (iv) The rights of tenants

330. The rights of tenants are prescribed under the Tenancy Act (653/87). The law prescribes on contracts of lease, rent determination, fairness of rent, reduction in rent and the obligations and rights of both landlord and tenant. Although the rights of tenants have been weakened to some extent under the amendment to the Tenancy Act (for example, 1184/90) with respect to the amount of rent, for example, the supply of rented accommodation has increased. The Act on Housing Companies prescribes the responsibilities and obligations of tenants living in housing companies.

331. The Act on Consumer Protection includes legislation on the housing loans of households. The various housing assistance systems are subject to their own legislation, the most important of which are statutes on the general housing allowance and the housing allowance for pensioners.

3. (c) (v) Building regulations

332. Building regulations in Finland, including housing, are based on the Building Act and the Building Decree. Technological regulations and guidelines to complement the Act and the Decree shall be published in the National Building Code of Finland, which may also include regulations of other authorities with regard to building.

3. (c) (vi) Discrimination in the housing sector

333. General anti-discriminatory legislation is in force in Finland. As no particular legislation which applies to landlords exists, foreigners have found the situation problematic. The State, however subsidizes housing for foreigners.

3. (c) (vii) Legislation prohibiting eviction

334. No such legislation exists.

3. (c) (ix) Legislation restricting speculation on housing or property

335. With regard to State-subsidized rented housing, the law prescribes on the purpose to which housing may be put, and issues relating to the sale of housing, for example, price.

3. (c) (x) Illegal accommodation

336. The phenomenon is not relevant in Finland.

3. (c) (xi) Legislation concerning environmental planning

337. The current Building Act already, in a very comprehensive way, takes sustainable development as a starting point. The aim in the ongoing complementary legislative work is to specify the content of "sustainable development" and to consider tools through which this goal can be reached. Some essential features can be mentioned:

The environmental responsibility of citizens and local authorities will grow.

Land use planning and environmental impact assessment will be integrated.

A great deal of attention will be paid to the "socially functional" living environment.

3. (d) (i) Enabling strategies

338. Organizations are free to operate. In certain cases it is possible to subsidize from State funds housing production and land improvements carried on by associations. The informal sector has small importance in Finland.

3. (d) (ii) State subsidies

339. The State subsidizes new housing construction and improvements through government loans, subsidy of interest paid on housing loans, allowances and tax concessions.

3. (d) (iii) Measures to release unutilized land

340. According to section 52 of the Building Act, it is possible for a city to present a so-called building exhortation to the owner or holder of a plot of land if at least half of the permitted gross floor area on the plot has not been built or has not been built primarily in accordance with the plan. If the landowner or holder does not obey the exhortation in a given number of years, the city may take over the plot or area.

341. Section 53 of the Building Act concerns the right of a city council to requisition an unbuilt area or an area with buildings of minor value when the city lacks sufficient building land or land usable on reasonable terms or when this is considered necessary for some other reason in order to promote public housing production or other planned building by the city.

342. The cities of the capital area of Helsinki (Helsinki, Espoo, Vantaa, Kauniainen) had for some years the right to charge a special fee of landowners with un- or underutilized plots. This Act was repealed in 1993.

3. (d) (iv) Financial measures

343. Overall housing subsidization is comprised of discretionary subsidies based on housing policy and subsidies channelled through taxation.

3. (d) (v) International assistance

344. Not relevant in Finland.

3. (d) (vi) Development

345. In Finland there is very comprehensive legislation concerning regional policy, which was created in the 1990s to equalize development in different parts of the country. It provides for public subsidies and loans for municipalities and also private companies, especially in minor cities and rural areas. Subsidies have made it possible also for rather small and poor municipalities to maintain relatively high level of employment, public and private services and proper infrastructure all over the country. These subsidies are distributed mainly by the Ministry of the Interior, the Ministry of Trade and Industry and the Ministry of Agriculture.

346. Concerning land use and urban planning, there are also some special subsidies for relatively small and poor municipalities aimed at helping them to finance the costs of master planning and to acquire nature conservation areas, recreation areas and listed buildings.

3. (d) (vii) Other measures

347. Measures have been taken on a case-by-case basis.

3. (e) Changes negatively affecting the right to adequate housing

348. There have not been any changes.

4. Difficulties

349. See other parts of the report, especially the statistical material.

5. International assistance

350. Not relevant in Finland.

Article 12

1. Information on the population's physical and mental health

351. Reference is made to the report of Finland on the follow-up of the WHO programme "Health for All by the Year 2000" (Monitoring of the Country Action 1993-1994, appendix 12). The health situation is described particularly in the sections Target 1 to 12 and 18. Information on trends since 1980 are included in the statistical section of that report.

352. In addition, reference is made to the special issue, No. 3/94, of the Finnish medical journal Soumen lääkärilehti, which deals with the issue "Finns' health and health care seen in a European perspective" (appendix 28).

2. National health policy and its commitment to the WHO primary health care approach

353. The lines of action included in the WHO programme "Health for All by the Year 2000" have been adopted as the basis for the national health policy in Finland. The aims and lines of action were confirmed in the Government's report on health policy and during the course of the parliamentary debate on the issue in 1985.

354. An executive group has monitored the implementation of the programme since its start. Reports have been submitted to WHO concerning the implementation of the programme and the results achieved. The WHO regional office in Europe appointed an international appraisal group to draw up an appraisal of Finland's health policy, particularly from the perspective of the "Health for All by the Year 2000" programme, and a working group to carry out assessment work for it. The appraisal was released in summer 1991 (Health for All Policy in Finland, appendix 29). In June 1991, the Ministry for Social Affairs and Health appointed a new executive group for the programme. The revised strategy for cooperation drawn up by this group has been applied since 1993.

3. Percentage of GNP and of the national budget spent on health

355. The percentage of GNP spent on health care is shown below for various years between 1980 and 1993.

Year	Percentage share in GNP
1980	6.5
1982	6.7
1987	7.5
1990	8.0
1991	9.1
1992	9.4
1993	8.9

See appendix 30 with respect to budgetary proportions.

4. Indicators as defined by WHO

356. With respect to Finland, it is not expedient to disaggregate rural/urban in all sectors, nor have any statistics been compiled on the basis of such a distinction.

4. (a) Infant mortality

357. Reference is made to Target 7 and indicators in Finland's report to WHO, as well as to appendix 13, "Causes of death 1992" (Kuolemansyyt 1992).

4. (b) Access to safe water

358. Reference is made to Target 20 in Finland's report to WHO.

4. (c) Waste disposal facilities

359. Reference is made to Targets 23, 18, 19 and 20 in Finland's report to WHO.

4. (d) Infant immunization situation

360. Reference is made to Target 5 in Finland's report to WHO.

4. (e) Life expectancy

361. Reference is made to Target 6 in Finland's report to WHO and to appendix 32.

4. (f) Access to services to trained personnel for the treatment of the most common diseases and injuries

362. Reference is made to indicator 27.02 in Finland's report to WHO.

4. (g) Access to services of trained personnel during pregnancy and presence of such personnel at delivery

363. Reference is made to Target 8 and indicator 27.02 in Finland's report to WHO.

4. (h) Access to trained personnel for care of infants

364. In 1992, the number of day-care and teaching personnel totalled 54,251. Children's day-care centres numbered 2,270, offering 109,563 places. Of these, 271 provided full-time or half-day care for children under 12 months, and 5,921 provided care for infants from the age of 12 months. Family day-care homes numbered 19,250, offering 75,299 day-care places as of 31 December, in which 688 infants under 12 months and 7,900 infants aged 12 months or more received full-time or half-day care.

365. Specially trained nursing personnel include midwives (548) and children's nurses (1,605 as of 31 December 1992). The total number of consultations with child psychiatrists was 42,349 and consultations with child neurologists totalled 17,541. In addition, 168,186 visits were made to a physician at a child health care clinic by children under 12 months, and other consultations with public health nurses totalled 554,230.

5. Differences in health status between various groups

5. (a-d)

366. Reference is made to Target 1 in Finland's report to WHO regarding measures to improve the health status of disadvantaged groups.

367. Clear social differences can be discerned with regard to the health status of the population in Finland. The health of white-collar workers is better than that of farmers or blue-collar workers. Moreover, regional differences are apparent in the fact that the health of the population in eastern and northern Finland is worse than that of the population in the western and southern parts of the country. Similar differences are discernible with respect to a number of disease categories which have been shown to have underlying genetic, social and lifestyle factors. With respect to health services, inequality between different parts of the country has decreased.

368. Differences between social groups can be discerned in mortality, morbidity, subjective state of health, social consequences of sickness and risk factors; they do not appear to be decreasing. Regional differences remain as well, and are partly due to the differences between social groups.

369. The data available points to a widening of differences in some respects. This trend is due to the fact that the health of men, especially those with a secure social status, has improved, while for socially disadvantaged men the trend towards improvement in health status has slowed down or come to a halt. According to studies, the factors contributing to these differences are the operation of the health care system, the intellectual and material resources of the various population groups, lifestyles, health habits, the physical and social environment and the amount of social welfare support received.

370. The image of deprivation is changing rapidly in the 1990s. The rapid growth in unemployment is also affecting strongly those sections of the population which previously held a secure position. Finland has changed from being a country from which people emigrated to a country which receives immigrants. Without active measures, however, immigrants are in many respects in danger of remaining in a more vulnerable position than the rest of the population. Changes in the status of the family and the growth in the numbers of single parents and divorcees increase various risks and the potential for crises, irrespective of social status.

5. (e) Government measures taken to reduce miscarriages and infant mortality and to provide for the healthy development of the child

371. With respect to children and young people reference is made to Target 7 in Finland's report to WHO and with respect to women reference is made to Target 8.

372. The Act on the Rights and Status of the Patient, which came into force on 1 March 1993, defines the child as an autonomous patient, with whom treatment measures shall primarily be discussed. Should the child not be mature enough, judged on the basis of age and stage of development, to decide on his/her own treatment, it will be agreed upon with either the parents or other guardians.

373. According to the Act on Child Custody and Right of Access, the objectives of custody are to ensure the well-being and the well-balanced development of a child in accordance with his/her individual needs and wishes, and to ensure

for a child close and positive human relationships, in particular between a child and his/her parents. According to the law, a child shall not be subjected to coercion, corporal punishment or other humiliation.

374. Where the parents are in the process of divorce, an agreement shall be drawn up with respect to child custody and right of access. The authorities shall, on validation of the agreement, take into consideration the best interest and wishes of the child. With respect to matters relating to custody and right of access, the wishes and opinion of a child shall be ascertained, taking into consideration the child's age and maturity.

375. Under the Child Welfare Act, a child is entitled to a secure and stimulating environment, the possibility of a well-balanced and versatile development and priority with regard to special protection. The purpose of the Child Welfare Act is to ensure these rights by affecting the general environment in which a child is brought up. Under the Act, the municipalities are obliged to monitor and improve the environment of children and young people and eliminate defects and prevent their arising.

376. With respect to child welfare at the family and individual level, the law stipulates that the best interest of the child is paramount and shall be taken into consideration when ascertaining a child's wishes and opinion. A child who has reached the age of 15 has the right to speak in child welfare matters concerning him/her personally and children who have reached the age of 12 shall be given an opportunity to be heard. Children who have reached the age of 12 are also entitled to claim certain social services and other measures of support.

377. Under the amendment of the Child Welfare Act of 1990, a particular obligation is placed on the municipalities to remedy shortcomings in income or housing which cause the need for child welfare or impede rehabilitation. Follow-up care shall always be provided after a child has been in foster care.

5. (f) Government measures to improve environmental health and industrial hygiene

378. Reference is made to Target 11 concerning accidents, Target 25 with respect to health care, Target 14 concerning the everyday environment, Targets 18, 19, 20, 21 and 23 concerning environmental health risks, Target 24 regarding housing areas and Target 14 concerning the social environment, in Finland's report to WHO.

5. (g) Government measures to prevent, treat and control epidemic, endemic, occupational and other diseases

379. Reference is made to Target 5 with respect to epidemics and Target 25 with respect to occupational health care, in Finland's report to WHO.

5. (h) Government measures to guarantee to all medical services and medical attention in the event of sickness

380. Reference is made to Target 26 (universal access to health services), Target 27 concerning efficiency and discretionary measures, Target 28

regarding primary health care, Targets 29 concerning institutional care and 30 regarding long-term care, Target 4 concerning chronic illness, Target 7 with respect to children and young persons and Target 8 with respect to women, in Finland's report to WHO.

5. (i) Effects of the measures listed in subparagraphs (e) to (h) on the situation of the vulnerable and disadvantaged

381. Reference is made to Finland's report to WHO and the report submitted by the Government of Finland on the rights of the child.

6. Government measures taken to ensure that rising costs of health care for the aged do not lead to the infringements of these persons' right to health

382. Reference is made to Target 30 concerning persons requiring long-term care, Target 29 concerning hospital care, Target 38 (ethical dimension of care) and Target 31 with respect to the quality of care, in Finland's report to WHO.

383. By means of the introduction of new modes of operation and the improvement of the service structure, the population is guaranteed the provision of high quality and reasonably priced health care services in as home-like an environment as possible, in spite of the clear proportional increase in the elderly population. Such projects include: regional population-based responsibility, improvement of the service structure and associated training reform measures, cooperation and integration of social welfare and health care, reform of the content and structure of the training of health care professionals, home care support projects and the development of treatment technology.

7. Government measures to maximize community participation in the planning, organization, operation and control of primary health care

384. By law, the municipalities are responsible for the provision of health services in Finland. The municipal officials, elected by the residents in democratic elections, decide on the composition of health services, the mode of provision and extent of service coverage in the municipalities. The decisions of the municipal administration can be influenced by information provided by various organizations representing, for example, patient groups, relatives and other interested parties.

385. Reference is made to Target 13 concerning systems for participation and Target 26 concerning municipal service obligation, neighbourhood services and population-based responsibility in Finland's report to WHO.

386. The new Social Welfare, Health Care Planning and State Contribution Act came into force on 1 January 1993. The law extended the role of the municipalities with regard to social and health policy (see Target 29, b-c in Finland's report to WHO for further detail). See Target 33 and Target 37 in Finland's report to WHO with regard to the role of non-governmental organizations (NGOs).

387. The Act on Patients' Rights, which came into force on 1 March 1993, prescribes widely on the patient's right of self-determination in health care. For further information, see Target 28 and Target 30 in Finland's report to WHO.

8. Measures taken to provide education concerning prevailing health problems and the measures for preventing and controlling them

388. The starting point for the training system of health care professionals and training content has been diseases endemic to Finland and the changes which have taken place in them, operation of the health services system, and the health service requirements of the population. Changes which have taken place in these and their significance for training have been taken into consideration by emphasizing the practical aspect of the training and by providing the training in those units where students encounter, learn to treat and prevent the most crucial health problems. Reference is made to Targets 2, 31 and 36 in Finland's report to WHO.

9. The role of international assistance

389. Finland has been a so-called pioneer country for the WHO programme "Health for All by the Year 2000", and has participated in multilateral international cooperation as both a provider and recipient of information. In 1991, WHO made an appraisal of health policy on the basis of Finland's Health for All by the Year 2000 programme. On the basis of this evaluation, certain objectives of the programme have been adjusted.

390. Reference is made to Target 33 in the report to WHO.

Article 13

391. Reference is made to the second periodic report (E/1990/7/Add.1). Since the submission of that second periodic report in 1990, no significant changes have taken place with regard to the application of articles 13 to 15. For a more complete survey of the development of Finnish education, reference is made to the reports sent every two years to the International Bureau of Education, the most recent one being Development in Finland 1994 (appendix 33).

392. In the government proposal on the reform of fundamental rights, it is proposed that the present provisions governing instruction and education be brought together in one section (sect. 13). The first subsection would guarantee basic education free of charge. This would correspond to the provision in the Constitution at present in force (sect. 80.2). Education free of charge presupposes that not only instruction but also essential teaching aids such as textbooks must be free of charge. Subsection 2 would include a provision that the public authorities should guarantee equal access to instruction in accordance with ability and special needs, as well as the opportunity for self-improvement irrespective of means. From the individual's standpoint, this entitlement means the recognition of the principle of lifelong education. In addition to instruction, the individual's access to

self-improvement also comprises the acquisition of information, scientific and creative activities, appreciation of the arts and the practice of physical exercise and other physical culture.

393. The freedom of instruction in science, the arts and higher education, which create the prerequisites for cultural development, would be guaranteed under the proposed section 13, subsection 2. The freedom of science, the arts and higher education is also protected by the autonomy of the universities and institutes of higher education enshrined in the law.

Article 14

394. Reference is made to the publication Education in Finland 1994 (appendix 33).

Article 15

395. Reference is made to the second period report (E/1990/7/Add.1) pages 5 and 6.
