

Committee on the Economic, Social and Cultural Rights  
Fifty-third Session  
10-28 November 2014

**Replies of the Government of Finland to the list of issues to be taken up in connection with the consideration of its sixth periodic report**

Question 1.

When an international human rights convention is concerned, it will be examined prior to its ratification whether national legislation needs to be amended to make it consistent with the new human rights obligations. A mere incorporation of the convention into national legislation by a blanket act is not necessarily sufficient, but ratification may require enactment of new laws and amendment of the existing ones. Even though the ICESCR has been originally enforced by a decree, there are numerous statutes with the status of a national law that concern economic, social and cultural rights. In practice, courts refer to these statutes in their case law. Regardless of the hierarchical status of an act bringing a treaty into force, human rights conventions binding on Finland always have the status of a constitutional law in the hierarchy of statutes. The authorities should apply human rights-friendly interpretation in their activities.

Since Åland's autonomy, regulated by the Act on the Autonomy of Åland, gives it the right to pass legislation in the areas falling within its competences such as in the areas of education, culture and health and medical care and to exercise its own budgetary power, a Statement by the Government of Åland is attached to these Replies in Appendix 1.

Question 2.

The Government intends to ratify the ILO Convention No. 169 before its term of office ends in spring 2015.

Finland, Sweden and Norway and the Sámi Parliaments of these three countries initiated negotiations in 2011 on a Nordic Sámi Convention that will seek to improve the status of the Sámi as an indigenous people and to strengthen and consolidate their rights. Each country appointed a delegation of six persons representing the respective Government and the respective Sámi Parliament. Meetings are chaired on a rotational basis. The aim is to carry out negotiations in five years.

The Ministry of Justice appointed a working group for 2012 and 2013 to consider whether the Act on the Sámi Parliament should be amended. The group consisted of three representatives of the Sámi Parliament and the Ministry of Justice and it was chaired by the former Parliamentary Ombudsman. The working group issued its report on 30 October 2013. The report includes a legislative proposal for setting, for example, an extended obligation for the authorities to negotiate with the Sámi Parliament on projects involving the Sámi people. A

decision on further preparatory activities will be taken at the ministerial working group in connection with negotiations with the Sámi Parliament.

The Ministry of Agriculture and Forestry appointed a working group on 16 July 2013 to prepare a proposal for increasing the participation rights of the Sámi people in the Government decision-making process involving the use of land and water areas in the Sámi homeland. In its report the working group suggested that special provisions concerning the Sámi homeland should be enacted by law, including provisions on planning taking place in the Sámi homeland and on the prohibition against letting the use of natural resources there undermine the opportunities of the Sámi to carry on and promote their traditional livelihoods and culture, as well as provisions for appointing municipality-specific advisory boards for the Sámi homeland. These boards should deal with sustainable use and maintenance of state land and water areas and their natural resources.

Studies have also been carried out into the realization of the linguistic rights of the Sámi people, and forums have been organized to present various perspectives on the definition of the Sámi people, realization of the rights of indigenous people and on the media coverage of these issues. The Ministry of the Interior organized, together with the Sámi Parliament and Sámi organizations, a conference called "Boahttevuolta" (Forward Together) to discuss these themes in the town of Inari in August 2013.

### Question 3.

The government proposal for a new Non-Discrimination Act was submitted to the Parliament in April 2014. The reform of non-discrimination legislation also includes amendments to the Act on Equality between Women and Men (the Equality Act), which remains independent from the Non-Discrimination Act. Prohibitions of gender-based discrimination would be expanded to cover also discrimination based on gender identity and gender expression. The reformed Equality Act would broadly prohibit discrimination of trans and intersex persons. Furthermore, the provisions concerning equality planning in workplaces would be clarified e.g. in respect of pay surveys and cooperation with the personnel. Regulations concerning equality planning in educational institutions would be expanded to cover basic education institutions.

### Question 4.

In 2012 a comprehensive study was published on health and wellbeing which covered 1,000 persons of Russian, Somali and Kurdish origin aged between 18 and 64 in six cities. The study included a health examination and an interview covering socio-demographic factors and living conditions, self-rated health and illnesses, reproductive health, mental health, lifestyle, functional capacity and work ability, social wellbeing, experiences of discrimination and violence, and the use of social welfare and health services.

A third of the persons of Russian or Kurdish origin had experienced discourteous treatment, while 21% of the persons of Somali origin reported on this. Experiences of disrespectful treatment were nearly equally common among the persons of Russian and Somali origin (approximately 23–24%).

The persons of Russian, Kurdish and Somali origin had all experienced name-calling and verbal abuse almost equally often (21–23%). The persons of Somali and Kurdish origin had experienced threatening and harassment almost equally often (10–11%), while this was less frequent among the persons of Russian origin (6%). According to this study, approximately 7% of the persons of both Russian and Somali origin had been exposed to discrimination at least once a week.

The study revealed that discrimination or unfair treatment is most common in the street (23–32%) and in stores (11%). Persons of Somali origin, in particular, experienced discrimination when dealing with the police (15%). Discrimination was also experienced in the housing market (8–13%), while it was less common within social welfare and health care services (4–10%).

A follow-up system has been created for monitoring the health and wellbeing of immigrants in the future.

A Somali Affairs Expert Group was established in 2011 to combat and prevent discrimination against the Somali community in Finland focusing on integration. Its report from 2013, collates information and knowledge on the Somali community, provides an action plan for promoting the integration of the Somali community and stresses the exchange of information between different actors. The report includes several detailed action proposals with the objective of continuing the existing dialogue and information provision and of strengthening the capacity of the Somali community to promote their situation themselves. According to the expert group, the implementation of action proposals was deemed to entail enhanced cooperation between different actors, allocation of resources and improvement of the prerequisites for civil society actors. The expert groups work will continue.

An AFRO -project was implemented between 2012 and 2013 with the objective of promoting the recruitment of third-country citizens within the public administration and in particular of those belonging to visible minorities. During the project, targeted training was organized for immigrants with an academic background and a guide was published for recruiting immigrants within the public administration. The project also involved testing initial training for immigrants for education in the security sector (e.g. police education).

Organizations representing the Somali and Russian communities are represented in bodies seeking to promote equality, such as the Advisory Board for Ethnic Relations (ETNO) and the Advisory Board for Minority Affairs which inter alia assists the Ombudsman for Minorities. Various immigrant communities have participated in anti-hate speech activities, in drafting demands for objective discussion on immigration and in activities for promoting the status of young people with an immigrant background.

Organizations representing various age and minority groups and the authorities have in cooperation implemented several campaigns and comprehensive projects to combat discrimination and promote equality. Discrimination against minorities and experiences of discrimination have been studied, for example, in annual surveys within the national

discrimination monitoring system, and discrimination has been made visible by publishing up-to-date information on the website.

Examples of concrete anti-discrimination work include the following:

- The following actions were completed within the National Anti-discrimination Programme (YES projects for 2007–2015): a report on means and practices of anti-discriminatory pedagogy; training for universities responsible for teacher education; a guide for equality planning at educational institutions was published and the equality planning process was modeled together with educational institutions.
- A report was drafted on the situation of diversity management at public sector organizations, training was arranged on diversity and non-discrimination for companies and other organizations belonging to the Finnish Diversity Network, and supporting material on the topic was published in an electronic format.
- A three-volume publication was drafted for identifying, combatting and preventing discrimination, including a description of the equality situation, articles on experiences of discrimination and on successful anti-discrimination measures. Furthermore, training was offered to key professional groups and brochures were published for various professional groups and victims of discrimination.

Question 5.

A working group was appointed in 2011 to investigate changing trends in working life particularly from the perspective of the ways of using labor and ways of working. A further objective was to evaluate the effects from the perspective of gender equality. A key issue in terms of gender equality is fixed-term employment since fixed-term employment contracts are common among women in reproductive age.

The working group report states that the objective of the Work Life Development Strategy drafted by the Ministry of Employment and the Economy is to increase the awareness of equality legislation among employers and employees, in particular in respect of the prohibition defined in the Equality Act, according to which an employer may not refuse to extend a fixed-term employment and may not limit its duration on the grounds of pregnancy or parental leave. The working group will continue its work.

A survey on the application of the Equality Act in working life-related civil and criminal disputes at different court instances between 2008 and 2011 indicates that pregnancy-based discrimination still constitutes a problem. There is also some discrimination on the basis of family leaves and parenthood.

The Government appointed a tripartite working group in 2013 to investigate how legislation safeguards the rights of persons returning to work after a family leave and supports the return to work in relation to extension of working careers, coping with workload and productivity of work. The working group was also responsible for preparing any necessary amendments to legislation. In May 2014 the working group finalized its memorandum, which clarifies the role of legislation in safeguarding the rights of those returning to work after family leave and

examines the provisions concerning protection against dismissal and the right to return to work contained in the Employment Contracts Act, as well as non-discrimination provisions of the Equality Act and the underlying EU legislation. Finland's legislation guarantees the right to return to work after family leave and fulfils the criteria based on EU directives.

#### Question 6.

The Government Action Plan for Gender Equality 2012–2015 collates the most important measures in promoting equality between women and men and combatting gender-based discrimination. The Government is committed to promoting gender equality in all its decision-making. The Action Plan includes a specific component on gender mainstreaming, and the Government will continue mainstreaming the gender perspective in legislative drafting, budget preparation and other activities with major implications for gender equality. Each ministry has a working group on gender equality. The Action Plan also contains measures in several thematic areas, including gender equality in working life and reconciliation of work and family life, promotion of women's careers, gender equality in education and research, integration of the gender perspective into the economic policy, promotion of men's and women's inclusion and health, and combatting violence against women. Measures also include the promotion of gender equality as an integral part of the Government's integration programme and gaining data analyzed by gender when conducting a study on the living conditions, health and wellbeing of the Roma population and developing indicators in this area.

The implementation of the Action Plan is monitored by a working group represented by all ministries. An interim report on the implementation of the Action Plan was finalized in November 2013. NGOs and other interest groups were consulted during the preparation process. The final evaluation report will be submitted to the Government by the beginning of 2015.

According to the comprehensive study on health and wellbeing in 2012 slightly more than a third of women of Somali origin had not been to school at all, one in ten women of Somali and Kurdish origin considered that they were able to read only poorly or not at all, and women of Somali origin had most difficulties in using the Internet. The self-rated health of women of Kurdish and Russian origin was significantly worse than in the other groups studied, overweight was common especially in women of Somali and Kurdish origin, and every other woman of Kurdish origin had symptoms of depression and anxiety.

The recent CEDAW report by the Government of Finland (CEDAW/C/FIN/7) provides detailed information on women and economy as well as on gender equality questions relating to working life, such as reconciling family and work life, promoting equality and elimination of discrimination under Article 11. The situation of immigrant women, Roma women and women with disabilities has also been reported under Articles 1 and 2.

#### Question 7.

In 2013 a comprehensive Youth Guarantee scheme and its Implementation Plan (Appendix 2) were adopted to address youth unemployment. The objective of the Youth Guarantee is to help young people gain access to education and employment. The target group of the scheme is young persons under 25 years of age as well as young persons aged between 25 and 29 who have graduated within the past 12 months. A long-term comprehensive strategy "The Youth Guarantee Implementation Plan" was adopted in May 2014.

#### Question 8.

The objective of the Strategy to step up the activities to prevent black-economy activity and white-collar crime for 2012-2015 is to prevent and reduce black-economy activity and white-collar crime and to support legal business activity and healthy competition. The legislative changes emphasize the companies' responsibilities in preventing black economy by directing companies to choose reliable cooperation partners, increasing the companies' possibilities of in-house control and the employees' chances to receive salaries in accordance with legislation and collective agreements as well as the citizens' own responsibility in preventing black economy. The Strategy includes 22 projects aiming at an annual increase of 300-400 million euros in taxes and social security fees, at preventing avoidance of criminal liability and at increasing recovery of proceeds from crimes. In construction industry, a tax number and a duty to report contracts and workers were introduced in 2012. Temporary agency work and subcontracted work are also covered in the Contractor's Liability Act in order to guarantee the contractual partner's ability to take care of its legal obligations, including the employer's obligations. A further objective is to ensure that the minimum terms of employment of temporary agency workers and subcontractors are met.

A working group which examined required adjustments to the Contractor's Liability Act submitted its report on February 2014 proposing that the negligence penalties should be unified by increasing the minimum fee for negligence to 2,000 euros and the maximum fee to 20,000 euros when a contractor has neglected its obligation to check. It was proposed that the increased negligence fee should be increased to a minimum of 20,000 euros and a maximum of 65,000 euros and applied to all contracts within the scope of the application of the act. The increased negligence fee would be prescribed if the contractor entered into an agreement with an enterprise that is banned from conducting business or is aware of the fact that the contractual partner will not fulfil payment liabilities.

The working group also proposed that the liability of the contractor and its obligation to provide information should be expanded in the law to cover temporary agency employees or employees in the employment of a subcontractor and that negligence should be punishable by law.

Employment and tax supervision within the construction industry was made more efficient by introducing a tax number into the mandatory photo ID card used at construction sites. After September 2012 everyone working at construction sites must wear name tags with photos, and, as of 1 March 2013, also display their individual tax numbers that have been entered in the public register.

The new duty in construction industry to report contracts and workers that entered into force on 1 July 2014 applies to builders, businesses, self-employed independent contractors and workers and obliging everyone to file monthly reports to the Tax Administration specifying business partners in a detailed manner, including information on each ongoing contract and building site with names of the contracting parties, the contract amount, site duration and the monthly amounts invoiced as well as information on all individual workers.

In February 2014 the Government decided to investigate whether the tax number should be introduced into other industries by the end of 2014.

#### Question 9.

In 2013 the pay gap between women's monthly regular income and men's average monthly income across the labor market was approximately 17 per cent. The pay gap has decreased by about 1 percentage over last couple of years. This is in line with the main objective of the Equal Pay Programme to narrow the pay gap to a maximum of 15 per cent by 2015, but the progress has been too slow.

Tackling pay disparity in respect of work of equal value has proved to be challenging across the labor market due to the strong gender-based segregation of occupations and sectors. Wages and salaries in female-dominated sectors and jobs are lower than those in male-dominated regardless of the higher average educational level the workers possess and higher requirements in relation to the educational level. The pay gap between sectors needs to be narrowed in order to narrow the average pay gap in the labor market. Segregation does not only concern the division of the female and male workers but also the collective agreements in the sense that they only apply to the sector where they have been negotiated. Social partners as well as pay and agreement policies play a key role in tackling the gender pay gap in respect of work of equal value.

Labor market settlements have varyingly used gender equality and equal pay supplements to raise the pay level in female-dominated and low-paid sectors. The latest comprehensive collective agreement for 2013–2015 involves very moderate pay increases: in 2014, 20 euros and in 2015, 0.4 per cent with no specific gender equality and equal pay supplements. The increase in euros favors moderately low-income earners.

In 2008-2011 the national courts handled about one hundred lawsuits, eleven of which concerned suspected pay discrimination based on gender and two the terms of employment. A total of 114 cases where the Equality Act was applied were brought to an Administrative Court. The information gathered does not reveal how or whether the courts have taken a stance on the employee's rights for equal pay for equal work or for work of equal value.

The Equal Pay Programme has focused on major research and development projects regarding pay and agreement policies, pay systems, workplace gender equality plans and pay surveys, as well as breaking down the traditional division of duties and improving women's careers. With regard to the development of pay systems, several successful development measures have been implemented. However, the lack of coherent criteria and

definitions has undermined the impact of these systems and more development work is needed.

Equal Pay Programme actions for 2014–2015 focus on increasing knowledge of wages and salaries at different levels, promoting equality planning and pay surveys at workplaces and improving women’s careers and development opportunities at work. A major research project looking into the effect of gender stereotypes in educational and career choices is starting. The Programme continues to facilitate the evaluation and decision making for further actions by gathering several stakeholders regularly together to address the issue. In 2015 the Government will assess the best ways to efficiently promote equal pay in the future.

In 2013 and 2014 a prominent public campaign “Let’s Talk about Pay” was carried out to encourage pay transparency and a more open work culture on pay. It provided advice on increased awareness of pay and means to act if one suspects to be discriminated against and was advertised broadly, including on a web site dedicated to the campaign. It reached around two million people.

The Equality Act was supplemented in April 2014 to clarify the obligations relating to pay surveys and to improve the cooperation between employers and employees in this regard as well as to promote information dissemination on equality planning and pay surveys.

#### *Question 10.*

It is agreed in the general agreement on areas of responsibility in occupational health and safety for 2012–2015 that the monitoring of the implementation of the Non-Discrimination Act will be mainly based on feedback from individuals. Labor discrimination will be monitored in connection with the monitoring of the Non-Discrimination Act (Appendix 3, 3a).

According to a study conducted in 2009 the two most common grounds for discrimination were ethnic origin or nationality (32%) and health status (32%). Discrimination was manifested as dismissals or temporary lay-offs in 38% of the cases, and in 34% of the cases it presented itself in pay, working time or working conditions. Labor discrimination was more common at workplaces in the private sector (86% of the cases) than in the public sector.

In 2012 separate instructions for monitoring labor discrimination and foreign labor force were drafted, providing also general information and more detailed information on the interpretation of the Non-Discrimination Act to various actors and, for example, brochure “Equality at Work – Prohibition of Discrimination” was distributed at workplaces in connection with inspections.

A research report on discrimination in the labor market was published in May 2012 including an overview of studies on all forms of labor discrimination, a proposal for monitoring model and a summary on a field experiment on recruitment discrimination. The review gives an outline of existing research results and data on formal complaints related to labor discrimination on the grounds included in the Non-Discrimination Act: age, ethnic or national origin, nationality, language, disability, health, sexual orientation, religion, belief, opinion and other personal characteristics. Gender is included as a cross-cutting theme. According to the report a large part of the discrimination, almost 10 per cent, observed in workplaces was



based on age. Young employees seem to perceive somewhat more discrimination than old employees. The employees have observed almost as much discrimination against employees and job seekers belonging to ethnic minorities as against young or old employees. Putting this into proportion to the small size of ethnic minorities in Finland, it seems clear that they are especially vulnerable to labor discrimination.

About 40% of women and 30% of men reported having experienced discrimination in some situation in their current job. Chronically ill or disabled women had perceived discrimination most often (49%), while old men were those who reported discrimination least often (25%) among the groups included in the re-analysis of the Quality of Work Life Survey data.

126 reported complaints in 2010 led to further investigations. Health status was clearly the most common (48%) ground for reporting. Only a small proportion of the cases related to recruitment situations, possibly due to the difficulty of job seekers to compare the treatment they received to that received by others.

There has been an increase in the number of criminal cases on labor discrimination in Courts between 2005 and 2010. In the District Courts the number of cases rose from 11 to 27 and in the Courts of Appeal from 1 to 13 during these years. In 2010, 74 reports of offenses concerning labor discrimination and 31 concerning extortionate labor discrimination were filed with the police.

A new study is published in August 2014 on discrimination in the Finnish labor market. This study will provide an outline of existing research results and data on formal complaints related to labor discrimination on the grounds included in the Finnish Non-Discrimination Act and the Equality Act.

A study published in 2013 on the access to justice and the experiences of groups at risk of discrimination reveal that official information on discrimination is not readily available but has to be collected separately from various sources. Furthermore, occupational health and safety authorities do not handle all situations related to gender-based discrimination.

Between 2008 and 2011, the Courts of Appeal handled 47 offenses related to labor discrimination. Two cases concerned discrimination on the basis of age and two cases on the basis of religion or conviction, while in one case discrimination was based on professional activity and in one case on opinion. Furthermore, in 14 cases discrimination was based on health status, in 13 cases on gender and in 12 cases on ethnic origin. In two cases the ground for discrimination was not revealed. As regards all the offenses related to labor discrimination that were handled by the Courts of Appeal between 2008 and 2011, the judgment was altered in 14 cases and remained unaltered in 31 cases, and in two cases the appeal was withdrawn. In respect of all these cases, the final judgment was condemnatory in 28 cases, in 17 cases the charges were dropped, and in two cases the final judgment was partly condemnatory.

Between 2008 and 2011 the Courts of Appeal handled a total of 12 disputes based on the Non-Discrimination Act. Three of these involved ethnic origin, six age, one professional activity, one sexual orientation and one was related to health status. As regards all the disputes based on the Non-Discrimination Act that were handled by the Courts of Appeal

between 2008 and 2011, in two cases the judgment was altered and in eight remained unaltered, in one case the appeal was withdrawn, and one case is still pending. In respect of all these disputes, the final judgment resulted in finding the case for the plaintiff in eight cases, in two cases the action was dismissed, and in one case the action was partly upheld.

Between 2008 and 2011 the Courts of Appeal handled a total of 29 disputes based on the Equality Act. As regards all these disputes, the judgment was altered in four cases, 21 judgments remained unaltered and in four cases the parties managed to settle the case. Furthermore, in respect of all these disputes, six concerned termination of employment or dismissal, 12 filling a position or recruitment, seven pay and four were related to other terms of employment.

Between 2008 and 2011 the Courts of Appeal handled four multi-ground discrimination cases, out of which three related to discrimination on the basis of age and gender and one to discrimination on the basis of ethnic origin and age. They all concerned student selection or selection for training. In one case the appeal was withdrawn, in one the judgment was altered and in two it remained unaltered. In one case, the final judgment resulted in partly upholding the action, one was found for the plaintiff, and in two the action was dismissed. Between 2008 and 2011, the Supreme Court granted leave to appeal in three cases concerning gender equality between women and men. The cases were related to female priesthood, reform of a pay system, and sexual harassment and abuse. Leave to appeal was also granted in three cases concerning the terms of employment and equality of a bonus system.

A majority of the cases (67) handled by the Administrative Courts related to filling a position, while five concerned working arrangements or terms of employment, three dismissal, two eligibility for vicar election, two student selection and three were related to various municipal services. There were also appeals that concerned reindeer farming, publication activities, various application issues, and confirmation of election results. Ethnic origin was the ground for discrimination in nine cases. In addition, in one case discrimination was suspected on the basis of ethnic origin and social activities and in one case the ground was a combination of language skills and gender.

As regards the judgments rendered by the District Courts for offenses related to labor discrimination, the distribution of the number of day fines varied from 20 to 90 in 2008, from 10 to 100 in 2009, from 20 to 80 in 2010 and from 10 to 50 in 2011. The average number of day fines per offense was 54 in 2008, 40 in 2009, 33 in 2010 and 29 in 2011. In six cases the defendants were sentenced to conditional imprisonment for a period ranging from 4 months to 1 year and 8 months. In all these cases the title of offense was extortionate labor discrimination. In two cases the defendant was not sentenced despite a condemnatory judgment. One of these concerned termination of employment, and the other harassment on the basis of ethnic origin. In both cases damages were ordered in favor of the injured party. Damages in favor of the injured parties were also ordered in respect of some condemnatory judgments. In 2008 the amount of damages varied from 300 to 2,500 euros, in 2009 from 400 to 3,000 euros, in 2010 from 500 to 2,000 euros and in 2011 from 700 to 1,200 euros. The highest damages were ordered in a case which involved extortionate labor discrimination. The average amount of damages was 925 euros in 2008, 1,153 euros in 2009, 933 euros in 2010 and 950 euros in 2011.

In 2009 a court ordered a compensation of 3,000 euros to be paid to the injured party in accordance with the Non-Discrimination Act in one case concerning termination of employment and health status. In 2010, a court ordered a compensation of 5,000 euros to be paid to the injured party in accordance with the Equality Act in one case for termination of employment on the basis of gender (pregnancy) and health status. No other damages were ordered to be paid in these cases.

In 2010 a court ordered, in one case related to health status, the party guilty of discrimination to pay a compensation of 3,000 euros in accordance with the Employment Contracts Act for unfounded termination of employment. Furthermore, in one discrimination case based on health status, a court ordered a compensation of 7,000 euros in accordance with the Non-Discrimination Act and damages of 1,200 euros for mental suffering in favor of the injured party. Approximately half of the condemnatory judgments did not involve any damages or compensation in favor of the injured party. The total number of condemnatory judgments was 54, and in 28 of them the injured parties did not receive any damages or compensation whatsoever. In 2008 the number of similar cases was five, in 2009 their number was 11, in 2010 six and in 2011 also six. Most of the cases involved extortionate labor discrimination. No compensation or damages were claimed at the district court in these cases.

#### Question 11.

The Equality Act prohibits sexual harassment and gender-based harassment as forms of discrimination within its whole scope of application. However, the compensation sanction only applies to harassment in connection with working life, educational institutions (excluding comprehensive schools), organizations representing labor market interests, or the provision of goods and services. The compensation sanction under the Equality Act is not usually directed at the person but, for example, at the employer or educational institution which has neglected the obligation to take available measures to eliminate harassment after having been informed thereof.

Sexual harassment in the workplace is not punishable as such under the Criminal Code.

According to Gender Equality Barometer 2012, the level of physical sexual harassment (male perpetrator) experienced by women has not changed notably in the past 14 years. However, more women had experienced sexual harassment in the form of offensive, suggestive jokes and indecent remarks about their body and sexuality in the previous two years in 2012 than in 1998. Experiences of sexual harassment (during the past two years) have increased considerably since 1998 among women in the age group of 35–54 years. The percentage of men who had experienced sexual harassment in any form has been lower than 10 in all surveys (1998, 2001, 2004, 2008 and 2012). In almost half of the cases the perpetrator was a stranger, a colleague in one of five cases and a customer in approximately one in six cases.

According to a study conducted by Regional State Administrative Agencies, there is relatively little information on monitoring sexual harassment in practice. Even though the monitoring exercised by the Occupational Safety and Health Administration does not cover the prohibition of gender-based discrimination under the Equality Act, the authorities have an obligation to report a suspected offense of gender-based discrimination revealed through their other monitoring activities to the police for pre-trial investigation.

## Question 12.

Key amendments to the Social Assistance Act: in 2012 the basic amount of social assistance was increased by 6% and the basic amount for a single parent by 10%. In 2013 it was decided to advance the index increase of the basic amount, to start monitoring the deadlines in the handling of social assistance applications, and to give priority to certain unemployment allowance-related activation allowances in the granting of social assistance.

In 2012 the basic amount was decreased for those who have refused to participate in education or who have interrupted an education and in respect of vocational education for those under 25 years.

The main rule is that the Social Assistance Act applies equally to everybody who applies for assistance regardless of whether they are Finnish citizens, have recently arrived in Finland or are foreigners already residing in Finland. Social assistance is the last-resort financial assistance which can be granted upon a personal application also to non-citizens and refugees who have been granted an asylum. According to the Social Welfare Clients Act, the client has the right to good-quality social welfare and good, non-discriminatory treatment.

As a rule, social assistance is granted by the municipality where the person lives regularly or in certain cases where the person or family incurs living expenses. In urgent cases, social assistance is granted by the municipality where the person is living when the application is submitted. This provision also applies to a foreigner staying temporarily in Finland. In that case, the person must be granted assistance necessary at the moment of application, such as a ticket to the municipality of residence or home country or assistance to cover necessary health care or food expenses. Municipalities do not, however, have the obligation to grant social assistance for expenses other than those incurred in that municipality during the applicant's stay.

Persons who are applying for international protection, receive temporary protection or are victims of human trafficking and have no municipality of residence in Finland but need assistance will be granted reception allowance instead of social allowance. The reason for introducing a separate reception allowance was that as a rule, these persons stay in Finland only temporarily and part of the assistance they need, will be provided as commodities at reception centers. The basic component of reception allowance covers expenses for clothing, minor health care costs, expenses for use of local transport and phone and other comparable everyday living expenses of the person and family.

Compensatory reception allowance will be granted to cover expenses considered as necessary due to the specific needs or circumstances of the applicant and his/her family. Such expenses could include costs incurred due to a long-term or difficult illness, necessary special diet, childrens supplies, travelling costs to an asylum interview or participation in training programs outside the reception center. An unaccompanied minor asylum seeker will be granted spending allowance instead of reception allowance if the reception center provides full upkeep.

The amount of the reception allowance is the difference between expenses and health care costs higher than minor costs to be covered with the basic component of the reception

allowance, on one hand, and the available income and assets, on the other. The monthly basic component of the reception allowance is 290 euros for a person living alone or a single parent, 245 euros for other adults and 185 euros for minors living with their family with certain modifications. The spending allowance for an unaccompanied minor asylum seeker under 16 years is 25 euros per month and 45 euros for minors over 16 years.

#### Question 13.

Most of the cases subject to pre-trial investigation concern work-related human trafficking, although there were also a few cases of human trafficking involving sexual exploitation. Human trafficking became punishable in 2004. Information on cases is in Appendix 4, 4a, 4b.

Provisions on the punishability of human trafficking were introduced into the Criminal Code in 2004. During the reporting period, the courts handled a total of five criminal cases where the title of offense was human trafficking. Three of these related to human trafficking involving sexual exploitation and two concerned work-related human trafficking. The defendants in the three cases concerning sexual exploitation were sentenced for human trafficking. All these judgments have become legally binding. Considerably more judgments have been rendered for offenses closely related to human trafficking. Such offenses can be deemed to include pimping, extortionate labor discrimination and aggravated arrangement of illegal immigration.

#### Question 14.

A cross-sectorial working group dealing with questions of close relations and domestic violence was reappointed for a second fixed term for 2011–2015 to coordinate the prevention and monitoring of the trends of this violence and to draw attention to it. The group also functions as a steering group for the National Action Plan to Reduce Violence against Women.

The aims of the Action Plan are to tackle violence proactively in a comprehensive way by seeking to influence attitudes and behaviors; to prevent repeated violence; to improve the position of victims of sexual violence and the crisis assistance and support provided for them; develop methods for identifying and intervening in the violence experienced by vulnerable groups; to enhance the knowledge and skills of the authorities and professional service providers in preventing violence against women and in helping victims.

The Action Plan includes 59 measures and is implemented according to a yearly plan and monitored annually. At the end of February 2014, 22 measures were completed, 19 started, 7 planned and 11 without actions. The focus in implementation is now to reinforce the know-how of staff on violence by continuing the training already arranged, and by training more trainers to recognize violence and intervene in it proactively. The training material is published at the website in order to guarantee uniform training across the country.

The National Action Plan will be evaluated during the last year of the programme.

A Multi-Agency Risk Assessment Project, MARAK, has been piloted to decrease serious violence in relationships and support victims. It is targeted at identifying high risk victims and ensuring better protection from further abuse through multi-agency coordination. An

assessment on the MARAK pilot phase singled out certain critical points in the process that need to be developed in the future. The project is steered by a ministerial group from 2014 onwards.

National Quality Guidelines for shelters was published in June 2013. They define the guiding principles for customer work at shelters and describe the process, objectives and criteria of the work. The state will take over the responsibility for shelters from 2015. The Government will also examine how to organize the 24/7 helpline to provide service round the clock.

Appendixes 5, 5a, 5b and 5c include statistics on offenses reported to the police, divided according to the offense type and relationship between the parties in homicides.

#### Question 15.

The number of sentences passed for sexual abuse of children has become five-fold during the past 15 years. The severity of the sentence for sexual abuse of children depends heavily on the title of offense: the sentence passed for aggravated sexual abuse of children is usually unconditional imprisonment (75% of cases; average duration 3 years 4 months). If the aggravated sexual abuse of children involves touching, the average duration of unconditional imprisonment is 2 years 6 months, while for acts involving sexual intercourse the average duration is 3 years 7 months and for acts involving coercion 5 years 11 months. The long duration of the act and the child's young age are also factors that affect the severity of sentence. In general, the courts pass conditional imprisonment sentences for standard sexual abuse of children (80% of cases; average duration 6.5 months). The overall control of offenses has become stricter and sentences more severe. The proportion of sentences in the form of fines has decreased, and the number of years of imprisonment for those sentenced for sexual abuse of children has become seven-fold with an increase from approximately fifteen years to hundred years of unconditional imprisonment (Appendix 6, 6a).

According to research, repeated sexual offenses are rare: during a six-year follow-up period the proportion was 4 to 5%, while in the most common types of offenses the proportion of repeaters varies between 15 and 55%.

#### Question 16.

One of the three priorities in the Government Programme of 2011 is to decrease poverty, inequality and marginalization, and one of the key projects concerns promotion of welfare and social inclusion and prevention of social problems. The Government Action Plan includes detailed objectives and over 30 projects. Further information is available in English at <http://www.stm.fi/web/en/prevention-of-social-exclusion>.

The Relative Poverty Risk Threshold, as it is used by Eurostat, is the most common poverty line used in Finland. For a single household the threshold was 1,165 euros in disposable incomes (net income) per month in 2012. This is slightly higher than the estimated minimum

reference budget (660 €/month) and a moderate rent for a single room department (431 €/month) put together: 1,091 euros in a month.

Altogether 635,000 people, and 11.9 per cent of the population live below the poverty line. Corresponding figures for the child population (under 18-year-olds) are 102,000 and 9.4 per cent.

Social assistance, basic unemployment protection and housing allowance were increased by 6 to 16 per cent in 2012. The basic amount of social assistance was also increased by additional 10 per cent for single parents.

Question 17.

Although the quantitative targets set for dwellings were exceeded during the Government's Programme to Reduce Long-term Homelessness 2008–2011, long-term homelessness was not halved. Best results have been achieved in small and medium-sized cities, where long-term homelessness was almost totally eliminated during 2013. In bigger cities like the capital region, quantitative targets have been met and several new housing units for homeless persons have been established.

The number of long-term homeless has been slightly decreasing in these cities except in Helsinki, where it increased with 4,100 single people (+20%) and 300 families (+35%) lacking a permanent place to live in 2013. Helsinki is under a heavy social pressure with an increase of 18 000 people in 2013. At the same time certain cities received around 64 million euros in investment grants for the construction, renovation or acquisition of over 1,600 dwellings with 50 % subsidy for housing projects intended for the long-term homeless.

Ten cities participated in the programme to reduce long-term homelessness had the aim of halving long-term homelessness, using the number of dwellings as an indicator, and of providing 1,250 new units.

At the end of 2012 there were 450 homeless families and 7,850 single homeless people. The number of single homeless people rose by 300 compared to the previous year (3.7%). In Helsinki the number of homeless people increased by 700, while elsewhere in the country homelessness decreased by 400 people. In total, the capital region accounted for 65 per cent of homeless people in Finland.

The current level of approximately 8,000 homeless people has remained largely unchanged for the last 10 years (Appendix 7).

In 2012 more than 2 000 people (25%) of homeless were under 25 years old. More than half of them lived in Helsinki, where the number of young homeless people nearly doubled (93%) from the previous year.

In five years people *living temporarily with friends and relatives* has increased by 1,000 people (20%) and the situation has worsened in Helsinki.

The number of single homeless immigrants exceeded 1,000 people for the first time in 2011. By 2012, the number had increased to 1,500 (20%). Nearly half of homeless families are immigrants. The number of homeless immigrants rose by 400 people in one year in Helsinki. Three in four immigrants and two in three homeless immigrant families are looking for an apartment in Helsinki.

Among women, homelessness increased by around 300 people from 2011. The gender gap among the homeless is narrowing at an increasingly rapid pace: in 2011, women's share of homeless people exceeded 20% for the first time, and rose in 2013 to 24.1%. In 2012, municipalities arranged housing for 3,300 single homeless people and for 490 families. Among them, over 1,100 people had been long-term homeless.

Since 2008, long-term (over a year) homelessness has been surveyed using the ARA housing market survey. In many cases support and various housing support services are needed.

At the end of 2012, over a third of single homeless people, 2,630 people (decrease 3,7%), were long-term homeless. In Helsinki, the estimated number of long-term homeless was 1,415 in November 2013, an increase by 175 people, but 100 people less than in 2008. Two-thirds of the long-term homeless are in the capital region.

#### Question 18.

Involuntary hospitalization and the use of involuntary medical treatment is regulated in the Mental Health Act, the Communicable Diseases Act and the Act on the Welfare for Substance Abusers.

According to the Mental Health Act, a person can be ordered to treatment in a psychiatric hospital against his or her will only: 1) if the person is diagnosed as mentally ill; 2) if the person needs treatment for a mental illness which, if not treated, would become considerably worse or severely endanger the person's health or safety or the health or safety of others; and 3) if all other mental health services are inapplicable or inadequate. A minor can also be ordered to treatment in a psychiatric hospital against will if the minor needs treatment for a serious mental disorder in certain special conditions.

In case treatment is considered necessary, a written statement (referral for observation) containing a well-founded opinion is given. The referral for observation must be given within special time limits. There are detailed special regulations on discontinuation of the treatment as well as on hearing and informing the patient.

The maximum time for detention for treatment against will is three months with a possible prolongation in writing before the three-month period and with special rules on hearing the patient.



The Mental Health Act also includes detailed provisions on mental examination and involuntary treatment of a person accused of a crime, including detention for treatment against will on the basis of the decision for a maximum of six months. The Act contains also detailed special care provisions concerning a mentally handicapped person accused of a crime.

The Mental Health Act sets out in a detailed manner the conditions for limiting the patient's fundamental rights during involuntary treatment and examination, including provisions on the definition of patient and the general conditions for limiting fundamental rights, the treatment of mental illness and of physical illness, limitation of the freedom of movement, special limitations, the duration of special limitations and supervision of their enforcement, taking possession of personal property, checking a patient's possessions and consignments to the patient, frisk and bodily search, limitation of contacts as well as on the instructions concerning the enforcement of limitations.

The electroconvulsive therapy is given to a person in involuntary treatment only upon informed consent, unless the treatment is necessary to avert a danger to the patient's life. Psychosurgical or other treatments that seriously or irreversibly affect the patient's integrity may only be given with the written consent of an adult patient, unless the measure is necessary to avert a danger to the patient's life.

Submissions and appeals relating to treatment given against the patient's will, and matters relating to mental examination must be dealt with urgently.

The Mental Health Act will be amended in order to fulfil the European Court of Human Rights judgment in the case X v. Finland (34806/04) in 2012, stating that the procedure in accordance with Finnish legislation to continue treatment against a person's will does not include adequate safeguards against arbitrariness, since the patient has no opportunity to obtain, prior to a decision on continuing treatment against the person's will, an assessment of the need for treatment from a physician independent of the hospital treating the patient.

The Communicable Diseases Act lays down provisions on measures necessary to prevent the spread of a generally hazardous communicable disease or a communicable disease that constitutes a serious risk to the health of the population. The Act sets conditions and describes necessary preventive measures, competent authorities as well as a procedure for ordering into quarantine for a fixed period (maximum one month against will) if necessary.

The Act stipulates also possible isolation (including treatment against will) of a person with hazardous disease in a medical care institution in cases the spread of the disease cannot be prevented by any other measures or the person cannot or does not wish to be submitted to other measures and necessary treatment against will.

The Act includes detailed provisions on decision-making process for competent authorities and the maximum period of isolation as well as special regulations for certain appeals.

Very few persons are annually ordered to treatment on the basis of a health risk under **the** Act on Welfare for Substance Abusers, which means that involuntary measures under the Act are applied only seldom. The Act includes special provisions on involuntary treatment based on health risk or violent behavior.

#### Question 19.

According to a study on health care services for undocumented migrants in Finland, there are approximately 1,000 to 1,500 persons residing in Finland who are classified as undocumented migrants in terms of health care services. The group includes persons who do not have a residence permit and have arrived from a country other than an EU or EEA Member State or Switzerland as well as EU citizens who are in a similar position to undocumented migrants and do not have health insurance coverage in their own country. Most of the undocumented migrants are under 50 years of age.

Finland's current legislation guarantees access to urgent care for every person. Undocumented migrants have the right to urgent care within public health care, including urgent dental treatment, mental health care, treatment for substance abuse and psychosocial assistance. Undocumented migrants are required to pay for their treatment according to the real costs. However, if they are unable to pay the fees, the state will cover the costs.

In addition to public services, undocumented migrants are also offered health care services by actors operating on a voluntary basis, such as Global Clinic in Helsinki and a few voluntary organizations offering health care services to persons without a legal residence permit. Actual clinics operate in three cities and in some places treatment is provided by individual voluntary workers or through their networks.

In addition to urgent care, asylum seekers are entitled to other health care services assessed as necessary by a health care professional.

When assessing the necessity of treatment, the person's individual health status and duration of stay will be considered. Maternity clinic services and treatment of chronic illnesses are deemed as necessary services.

According to a report published in 2014, health care services are not implemented in an adequate manner in respect of undocumented migrants in Finland. The report proposes three specific models for improving the health care services for undocumented persons.

The model offering undocumented migrants the same health care services with the same fees as Finnish residents would offer the best compliance with human rights conventions binding upon Finland and with the Constitution of Finland. The preparatory work will continue, including issues related to the recognition of undocumented migrants in health care, reimbursement for medical costs incurred through outpatient treatment, and how to ensure the prevention of and vaccination against certain communicable diseases significant in terms of public health.

#### Question 20.

The total alcohol consumption has decreased continuously after it was decided to increase excise duties for all alcoholic beverages in 2007 (Appendix 8). So far there have been five tax increases between 2007 and 2014, when the total consumption (including undocumented consumption) has decreased from 12.7 to 11.5 liters of pure alcohol per capita (15+ years).

Alcohol-related deaths have decreased since 2007 from 3,068 to 2,532 in 2012. The periods of care in in-patient care for alcohol-related diseases have fallen from 27,000 to 22,000 during the period of 2007-2012. The percentage of 16 year-old adolescents drinking alcohol until really drunk at least once a month has decreased from 18% to 9% during the same period. The cases of drink-driving recorded by the police have decreased since 2007, and in 2010 the police recorded 21,000 cases, while in 2012 the equal number was 19,100.

By increasing the price of alcoholic beverages with an active tax policy it has been managed to decrease the total consumption of alcohol and different alcohol-related harms in society. The levels of consumption and harm, which include alcohol-related deaths, alcohol-related diseases and their treatment, drink-driving as well as consumption along adolescents, are still remarkably high.

#### Question 21.

In 2011, 3.7% of men dropped out from general upper secondary education for youth, of which 2% went to study elsewhere and 1.7% quit studying altogether. 3.3% of women dropped out from general upper secondary education for youth, of which 1.9% went to study elsewhere and 1.4% quit studying.

In 2011, 8.3% of men dropped out from vocational training for youth, of which 0.6% went to study elsewhere and 7.7% quit studying altogether. 9.3% of women dropped out from vocational training for youth, of which 1.3% went to study elsewhere and 8% quit studying.

Since the basic education is compulsory, the dropout rate is less than 0.5%. There is no statistical data based on ethnicity since the legislation forbids collecting such data.

#### Question 22.

The Roma, the Somali, other immigrants and persons with a refugee background are either Finnish citizens or live in Finland under a permanent residence permit, which provides equal opportunities and obligations to participate in education.

Various studies have, however, shown that pupils with Roma or immigrant background and disabled pupils participate in special education more often than their peers, which influences their opportunities for further education and employment.

The differences between children from Roma or Somali families and majority population are also manifested in the proportion of children who continue studying after comprehensive school and in the proportion of persons with academic education. However, studies have shown a significant improvement in the number of Roma children in basic education during past ten years. According to reports the majority – at least 3/5 – of Roma children took part in pre-primary education, which is still less frequent compared to majority population children with a rate approaching 100%. General school performance among Roma pupils had improved somewhat or markedly during the previous three years. The development work has been in the right direction and government activities have also succeeded in giving a positive signal to the Roma community. This is confirmed by school heads and Roma parents. 94% of school heads considered the level of cooperation very good or least satisfactory. Similarly Roma parents valued almost unreservedly cooperation with teaching staff. It can be said that successful cooperation is a kind of breakthrough in the history of Roma schooling. In 2010-2011, 12% of all Roma pupils changed schools and almost 5% dropped out.

Still too many Roma pupils fail to obtain a basic education certificate or do not seek further education. Roma pupils have clearly discovered vocational studies as an opportunity for further education, since the number of those starting vocational courses has more than doubled in ten years. However, enrolling rates in upper secondary school are increasing alarmingly low.

Learning materials and a teacher's manual for use at the upper level of basic education is available at the Roma portal at [www.romanit.fi/opetus/](http://www.romanit.fi/opetus/), including the history and cultural heritage of the Roma, the present in particular from the young people's perspective and beliefs and prejudices related to the Roma.

Teaching of Roma language has more than doubled in ten years. In 2010-2011, a total of 149 Roma pupils were taught Romany at school.

#### Question 23.

The national core curricula for basic education and general upper secondary education request education to take national and local special characteristics into account and provide information, for example, on national minorities and the Sámi as an indigenous people. There is no separate study module on the Sámi culture or history, but geography studies on the lower secondary level include an obligatory module for all pupils on Finnish population and minority cultures.

In Sámi homeland's local education curricula with separate Sámi language instruction would highlight the Sámi culture and local subjects.

Teaching material, available as a digital magazine, for the upper level of basic education on the history and culture of the Sámi people and on the rights of indigenous people were produced by the Sámi Parliament involving young Sámi people.

#### Question 24.

Media education and literacy activities targeted to Sámi-language speaking children is supported financially as well as the publication of newspapers and online magazines in

Swedish, Sámi, Karelian, Roma and sign language. The Finnish Broadcasting Service produces Sámi-language news in the radio and television as well as children's programmes.

In 2013 the Finnish Broadcasting Service launched the Russian language "YLE Novosti" television news broadcast. The Russian language Radio Sputnik has operated in Finland since 1999 being an important source of information for Finland's Russian-speaking minority. Finland's Russian language magazines include several publications. Finland's Russian-language Literary Association publishes Baltic Waves – literary magazine. Russian language online services include Russian.fi and the websites and information broadcasts of many organisations and associations.

A weekly fifteen-minute Romano Mirits -programme was launched in 1995 but there are no television programmes in Roma language or destined for Roma. The magazines of Roma organisations are a significant channel for Roma population to receive information.

Karelian online service including online radio, extensive digital library and an online shop was launched in 2011 and it has grown rapidly. Online teaching will be launched soon. The Society for Karelian-language publishes a monthly magazine and other associations their own magazines.

#### Question 25.

From 2010 onwards the minimum number of students in Sami (and Roma) groups was dropped from four to two in respect of applicability of state aid for municipalities in providing two hours language education per week. A Programme for revitalization of Sami languages was adopted in 2014 with an aim to safeguard and promote all three spoken Sami languages. It contains 21 specific revitalization measures for Sami languages. The budget for teaching material in Sami was increased from 290 000 to 400 000 euros in 2014 which allows for producing more teaching material. Also funding for language nests was increased up to 550 000 euros in 2014 including activities in Helsinki and emphasis on revitalization of Sami in the state-funded in-service training of teachers'. Especially efforts to revitalize Inari Sami have been strengthened.

#### Question 26.

In 2014 a thematic governmental working group drafted a report aiming to rise children's and young people's interest in science and research, to ensure attractiveness of research careers and every citizen's ability to understand science and research processes and their results, taking into account science community widely, disciplines comprehensively, gender dimension and regional balance. In its report five theme areas are proposed for the future, namely science education as part of school work, teacher's education, outside school activities and communication as well as competitions, clubs and events. More information is available at <http://www.minedu.fi/OPM/Julkaisut/2014/tiedekasvatus.htm?lang=en>.

From 2009 to 2011 a broad based cross-administrative programme between ministries, universities and research institutes produced a road map for better utilization of electronic data in research. In 2011 a Government white paper on improving the accessibility of public sector digital data was issued with a goal to increase openness and accessibility of public sector digital data materials. In 2011 a National Research Data Initiative was drafted for 2011-2014 with special attention to work distribution between operators, findability and preservation of data materials. The outcome of the Initiative attracted also international attention, namely that of the EU and the OECD.

The objective of a new initiative's called Open Science and Research (ATT) for 2014-2017 is to widen availability of research outputs, also among disadvantaged and marginalized groups, free of charge in an information network with an open interface as well as to spur new innovations among industry, encourage evidence-based policymaking in administration and to improve education and research sectors and create possibilities for citizen science. The ultimate objective is to make Finland one of the leading countries in openness of science and research by 2017.

The ATT initiative will be carried out together with National Digital Library (KDK) initiative that coordinates digital preservation on cultural heritage and the Open Knowledge Programme. The KDK initiative has produced a joint public interface which brings together the digitalized collections of Finnish archives, libraries and museums. The KDK initiative has also created a long term preservation solution for digital cultural heritage materials which will also be used for research and data purposes.

A PSI scoreboard on the status of open data and PSI re-use in Finland can be found in <http://www.epsiplatform.eu/content/european-psi-scoreboard>.