**Pending cases of European Committee of Social Rights concerning Finland, waiting implementation[[1]](#footnote-1)**

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| --- | --- | --- | --- | --- |
| **Case** | **Decision given** | **Situation** | **Violation and content** | **Measures** |
| **Association of Care Giving Relatives and Friends v. Finland** ([complaint no. 70/2011](https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-70-2011-the-central-association-of-carers-in-finland-v-finland?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Feuropean-social-charter%2Fprocessed-complaints%3Fp_p_id%3D101_INSTANCE_5GEFkJmH2bYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1%26p_r_p_564233524_resetCur%3Dtrue%26p_r_p_564233524_categoryId%3D28547786))  4th assessment of the ECSR of the follow-up from 2021. | 4 December 2012 | The Committee of Social Rights has found a violation, and progress has been made, but the violation has not been remedied. | The ECSR found a violation of **Article 23** because the legislation allowed practices leading to a part of the elderly population being denied access to informal care allowances or other forms of support in municipalities. Although reforms have been taken in relation to statutory leave and care allowances and other forms of support, the situation has not been entirely remedied. The discretionary power of municipalities and the lack of a general obligation to provide allowances leads to problematic situations. | The Committee invites the Government to submit information on the different regional criteria for granting the allowance and the amount of care allowance available, as well as to submit information on the proportion of recipients of support for informal care. The Committee further invites the Government to submit information on the financing and content of informal care development measures in 2021-2023, which, according to the Government’s submission, should have been decided in 2020. |
| **Association of Care Giving Relatives and Friends v. Finland** ([complaint no. 71/2011](https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-71-2011the-central-association-of-carers-in-finland-v-finland?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Feuropean-social-charter%2Fprocessed-complaints%3Fp_p_id%3D101_INSTANCE_5GEFkJmH2bYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1%26p_r_p_564233524_resetCur%3Dtrue%26p_r_p_564233524_categoryId%3D28547786))  4th assessment of the ECSR of the follow-up from 2021. | 4 December 2012 | The Committee of Social Rights has found a violation, and progress has been made, but the violation has not been remedied. | The ECSR found a violation of **Article 23** due to insufficient regulation of fees for service housing and  service housing with 24-hour assistance combined with the fact that the demand for  these services exceeded supply. Complex and diverse fee policies created uncertainties to elderly persons in need of care and there were no effective safeguards to assure that effective access to  services is guaranteed to every elderly person in need of services nor was there sufficient provision of information about services and facilities available. | The situation has not been fully remedied. Although there are ongoing reforms regarding the client charges system, there are no safeguards that after paying the fees for service housing, the clients would have enough money for other expenses.  The Committee notes that the non-governmental organisations consider that the fee system for service housing is complex and expensive from the viewpoints of both administration and clients. In their view, a clear-cut fee system would improve clients’ chances to obtain the kinds of services necessitated by their health and condition. The Committee asks the Government to comment on the view expressed by the non-governmental organisations.  The government needs to submit updated information on the reforms in the next report. |
| **Finnish Society of Social Rights v. Finland** ([complaint no. 88/2012](https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-88-2012-finnish-society-of-social-rights-v-finland?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Feuropean-social-charter%2Fprocessed-complaints%3Fp_p_id%3D101_INSTANCE_5GEFkJmH2bYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1%26p_r_p_564233524_resetCur%3Dtrue%26p_r_p_564233524_categoryId%3D28547786))  3rd assessment of the ECSR of the follow-up from 2021. | 9 September 2014 | The Committee of Social Rights has found a violation, which has not yet been remedied. | The ECSR found a violation of **Article 12**, because the minimum level of social security benefits was below the required level.  The ECSR found a violation of **Article 13,** because of the inadequate level of the social assistance and the labour market subsidy. | After 2014, different reforms (such as the activation model for unemployment security) and different experiments (such as basic income experiment) as well as freezing of the index increment of different subsidies have been made. After the paying of income support shifted from the municipalities to the Social Insurance Institution of Finland, many people were left without subsidies and could not pay their medicines or housing due to delays in payment of the income support. The government needs to submit updated information on the reforms in the next reports.  The ECSR repeated that the national authorities should provide information in future reports on measures taken to follow up on the decision on the merits, giving examples supported by figures of the various categories of recipients, showing that the main benefits at issue, when combined with other supplementary benefits, reach a sufficient level to meet the requirements of Article 12§1 and Article 13§1 of the Charter respectively. |
| **Finnish Society of Social Rights v. Finland** ([complaint no. 106/2014](https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-106-2014-finnish-society-of-social-rights-v-finland?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Feuropean-social-charter%2Fprocessed-complaints%3Fp_p_id%3D101_INSTANCE_5GEFkJmH2bYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1%26p_r_p_564233524_resetCur%3Dtrue%26p_r_p_564233524_categoryId%3D28547786))  3rd assessment of the ECSR of the follow-up from 2021. | 8 September 2016 | The Committee of Social Rights has found a violation, which has not yet been remedied. | The ECSR found a violation of **Article 24** because the upper limit on compensation in cases of unlawful dismissal is not always commensurate  with the loss suffered.  Under Finnish legislation reinstatement is not made available as a  possible remedy in cases of unlawful dismissal. The legislation is based on a tripartite decision and the Government does not see any need for changing the legislation. | The Committee considers that there is no indication of any measures taken to give follow-up to the decision on the merits, both as regards compensation and reinstatement. |
| **Finnish Society of Social Rights v. Finland** ([complaint no. 108/2014](https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-108-2014-finnish-society-of-social-rights-v-finland?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Feuropean-social-charter%2Fprocessed-complaints%3Fp_p_id%3D101_INSTANCE_5GEFkJmH2bYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1%26p_r_p_564233524_resetCur%3Dtrue%26p_r_p_564233524_categoryId%3D28547786))  3rd assessment of the ECSR of the follow-up from 2021. | 8 December 2016 | The Committee of Social Rights has found a violation, which has not yet been remedied. | The ECSR found a violation of **Article 13** on the ground that the level of the labour market subsidy, even in its combination with other benefits such as housing allowance and social assistance to cover excess housing cost, was not sufficient to enable its beneficiaries to meet their basic needs. According to the Government different allowances combined together enable basic income. For instance, the housing allowance system was reformed in 2015 by reducing deductions taken into account in counting the amount of the allowance. | The Committee considers that it has not been demonstrated that action has been  taken to bring the labour market subsidy to an adequate level whether alone or in  combination with the housing allowance. Nor has the Government shown that the effect of allowances combined is sufficient to decisively improve the situation for all the recipients of labour market subsidy concerned. |
| **University Women of Europe (UWE) v. Finland[[2]](#footnote-2)** ([complaint no. 129/2016](https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-129-2016-university-women-of-europe-uwe-v-finland?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Feuropean-social-charter%2Fprocessed-complaints%3Fp_p_id%3D101_INSTANCE_5GEFkJmH2bYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1%26_101_INSTANCE_5GEFkJmH2bYG_currentURL%3D%252Fen%252Fweb%252Feuropean-social-charter%252Fprocessed-complaints%26p_r_p_564233524_resetCur%3Dtrue%26p_r_p_564233524_categoryId%3D28547786))  - Recommendation of the CM [CM/RecChS(2021)6](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a1d260), 17 March 2021. | 6 December 2019 | The Committee of Social Rights has found a violation, which has not yet been remedied. | The ECSR found a violation of **Article 4§(3)**, because the legislation does not provide the use of effective remedies, since it does not make provision for reinstatement in cases where a worker is dismissed in retaliation for bringing an equal pay claim. The ECSR found a violation of **Article 20 c** on the ground that Finland has not taken appropriate measures to promote the application of the right to equal opportunities and equal treatment between men and women in the field of remuneration. | The Committee of Ministers recommends that Finland:  -review and reinforce existing measures aimed at reducing and eliminating the gender pay gap and consider adopting any new measures that may bring about measurable progress within reasonable time in this respect;  -indicate the decisions and actions taken to comply with this recommendation in the next report on follow-up to decisions in collective complaints (31 October 2022). |
| **Central Union for Child Welfare (CUCW) v. Finland[[3]](#footnote-3)** ([complaint no. 139/2016](https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-139-2016-central-union-for-child-welfare-cucw-v-finland?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Feuropean-social-charter%2Fprocessed-complaints%3Fp_p_id%3D101_INSTANCE_5GEFkJmH2bYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1%26_101_INSTANCE_5GEFkJmH2bYG_currentURL%3D%252Fen%252Fweb%252Feuropean-social-charter%252Fprocessed-complaints%26p_r_p_564233524_resetCur%3Dtrue%26p_r_p_564233524_categoryId%3D28547786))  - Resolution of the CM [CM/ResChS(2020)3](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ce4e3), 11 March 2020. | 11 September 2019 | The Committee of Social Rights has found a violation, which has not yet been remedied. | The ECSR found a violation of **Articles 16, 17 and 27** because in relation to early childhood education and care, there was a difference in the treatment of children whose parents are unemployed or on maternity, paternity or parental leave, compared to those of parents who work, and the difference had no objective and reasonable justification. The legislation establishes a difference in treatment between families in a comparable situation. The Government has not provided any objective and reasonable justification for this difference in treatment for the most vulnerable or disadvantaged families. | The Committee of Ministers takes note of the information provided by the Finnish authorities in this respect, in particular the legislative amendments which entered into force in August 2020 and looks forward to the Finnish authorities reporting on any further developments at the time of the submission of the next report concerning the relevant provisions of the Charter. |

1. <https://rm.coe.int/findings-2021-en/1680a5eed8> [↑](#footnote-ref-1)
2. <https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-129-2016-university-women-of-europe-uwe-v-finland>? [↑](#footnote-ref-2)
3. <https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-139-2016-central-union-for-child-welfare-cucw-v-finland?inheritRedirect=false> [↑](#footnote-ref-3)