

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

Confidential¹

Finnish Society of Social Rights v. Finland

Complaint No. 172/2018

REPORT TO THE COMMITTEE OF MINISTERS

Strasbourg, 14 September 2022

¹ It is recalled that pursuant to Article 8§2 of the Protocol, this report will not be made public until after the Committee of Ministers has adopted a resolution or a recommendation, or no later than four months after it has been transmitted to the Committee of Ministers, namely 15 February 2023.

Introduction

1. Pursuant to Article 8§2 of the Protocol providing for a system of collective complaints (“the Protocol”), the European Committee of Social Rights, a committee of independent experts of the European Social Charter (“the Committee”) transmits to the Committee of Ministers its report² on Complaint No. 172/2018. The report contains the Committee’s decision on the merits of the complaint (adopted on 14 September 2022); the decision on admissibility (adopted on 11 September 2019) is appended.
2. The Protocol came into force on 1 July 1998. It has been ratified by Belgium, Croatia, Cyprus, the Czech Republic, Finland, France, Greece, Ireland, Italy, the Netherlands, Norway, Portugal and Sweden. Furthermore, Bulgaria, Slovenia and Spain are also bound by this procedure pursuant to Article D of the Revised Social Charter of 1996.
3. The Committee’s procedure was based on the provisions of the Rules of 29 March 2004 which it adopted at its 201st session and last revised on 6 July 2022 at its 328th session.
4. The report has been transmitted to the Committee of Ministers on 14 October 2022. It is recalled that pursuant to Article 8§2 of the Protocol, this report will not be made public until after the Committee of Ministers has adopted a resolution or a recommendation, or no later than four months after it has been transmitted to the Committee of Ministers, namely 15 February 2023.

² This report may be subject to editorial revision.

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

DECISION ON THE MERITS

Adoption: 14 September 2022

Notification: 14 October 2022

Publicity: 15 February 2023

Finnish Society of Social Rights v. Finland

Complaint No. 172/2018

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 329th session in the following composition:

Karin LUKAS, President
Eliane CHEMLA, Vice-President
Aoife NOLAN, Vice-President
Giuseppe PALMISANO, General Rapporteur
József HAJDU
Barbara KRESAL
Kristine DUPATE
Karin Møhl LARSEN
Yusuf BALCI
Tatiana PUIU
Paul RIETJENS
George THEODOSIS
Mario VINKOVIC
Miriam KULLMANN

Assisted by Henrik KRISTENSEN, Deputy Executive Secretary

Having deliberated on 6 July and 14 September 2022,

On the basis of the report presented by Barbara KRESAL,

Delivers the following decision adopted on the latter date:

PROCEDURE

1. The complaint lodged by the Finnish Society of Social Rights was registered on 17 September 2018.
2. The Finnish Society of Social Rights alleges that the minimum level of several social security and social assistance benefits and the labour market subsidy fall short of the requirements of the Revised European Social Charter (“the Charter”), in breach of Article 12§§1 and 3 and Article 13§1 of the Charter. In particular, the complainant organisation claims that during the years 2015-2018 the Government of Finland introduced significant cuts to social security and social assistance benefits and with these measures caused a worsening of the economic situation of low-income citizens.
3. On 11 September 2019, the Committee declared the complaint admissible.
4. Referring to Article 7§1 of the 1995 Protocol providing for a system of collective complaints (“the Protocol”), the Committee invited the Government to make written submissions on the merits of the complaint by 15 November 2019.
5. Referring to Article 7§§1 and 2 of the Protocol, the Committee invited the States Parties to the Protocol and the States having made a declaration in accordance with Article D§2 of the Charter as well as the international organisations of employers or workers mentioned in Article 27§2 of the 1961 Charter, to notify any observations they may wish to make on the complaint by 15 November 2019.
6. The Government’s written submissions on the merits of the complaint were registered on 15 November 2019.
7. Pursuant to Article 7§1 of the Protocol and Rule 31§2 of the Committee’s Rules (“the Rules”), the complainant organisation was invited to submit a response to the Government’s submissions on the merits by 24 January 2020. The Finnish Society of Social Rights’ response was registered on 22 January 2020.
8. Pursuant to Rule 31§3 of the Rules, the Government was invited to submit a reply to the Finnish Society of Social Rights’ response by 28 February 2020. The Government’s reply was registered on 28 February 2020.

SUBMISSIONS OF THE PARTIES

A – The complainant organisation

9. The Finnish Society of Social Rights alleges that the minimum level of several social security and social assistance benefits and the labour market subsidy is in breach of Article 12§§1 and 3 and Article 13§1 of the Charter.

B – The respondent Government

10. The Government asks the Committee to find that there is no violation of the Charter provisions invoked.

RELEVANT DOMESTIC LAW AND PRACTICE

A – Constitutional principles

11. Constitution of Finland

Section 19 – The right to social security

“Those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care.

Everyone shall be guaranteed by an Act the right to basic subsistence in the event of unemployment, illness, and disability and during old age as well as at the birth of a child or the loss of a provider.

The public authorities shall guarantee for everyone, as provided in more detail by an Act, adequate social, health and medical services and promote the health of the population. Moreover, the public authorities shall support families and others responsible for providing for children so that they have the ability to ensure the wellbeing and personal development of the children.

The public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.”

B – Domestic legislation and relevant documents

12. Act on Social Assistance No. 1412/1997 – as amended

Section 2

Article 7b states that in addition to expenses to be covered by the basic amount, the following expenses are taken into account as other basic expenses: housing costs, expenses on household electricity, home insurance, healthcare costs higher than minor, expenses for day care of children and morning and afternoon activities of schoolchildren, expenses incurred by a parent living in a different household for meeting the child, the costs of obtaining the identity card, residence document or travel document.

Article 7c states that other housing expenses and expenses arising from special needs of a person or family can also be taken into account as other basic expenses.

Article 9 states that the amount of basic social assistance per month is €463.77 for a single person.

The amounts of basic social assistance are revised annually on the basis of the national pension index.

In 2021, the basic social assistance was €504.06 a month.

13. Act on Unemployment Security No. 1290/2002 – as amended

Chapter 6, Article 1 states that the basic unemployment allowance is €33.33 a day. The amounts of basic social assistance are revised annually on the basis of the national pension index.

In 2021, the basic unemployment allowance was €726.27 a month.

14. Act on Health Insurance No. 1224/2004 – as amended

Article 10 states that the minimum amount of sickness and parental allowance and special care allowance is €26.62 per working day. This amount will be revised in accordance with the National Pension Index Act. The amount of money concerning the minimum amount of daily allowance corresponds to the point figure in the National Pension Index according to which the amount of national pensions paid in January 2010 has been calculated.

As of 2021, the minimum amount of sickness and parental allowance is €29.05 per working day.

15. Act on Guarantee Pension No. 703/2010 – as amended

Article 8 states that the amount of guarantee pension would be increased to €665.37 from the beginning of 2020. This amount corresponds to €837.59 at the index level in 2021.

RELEVANT INTERNATIONAL MATERIAL

A – The United Nations (UN)

16. Universal Declaration of Human Rights (1948)

Article 25

“1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old-age or other lack of livelihood in circumstances beyond his control.
[...]”

17. The International Covenant of Economic, Social and Cultural Rights (1966)

Article 9

“The States Parties to the present Covenant recognize the right of everyone to social security including social insurance.”

Article 11

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
[...]”

B – International Labour Organisation (ILO)

18. Convention (No. 121) concerning Employment Injury Benefits (adopted on 8 July 1964, entry into force on 28 July 1967)

Article 4

“1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.
[...]”

19. Convention (No. 128) concerning Invalidity, Old-Age and Survivors' Benefits (adopted on 29 June 1967, entry into force on 1 November 1969)

Article 14

“Each Member for which this Part of this Convention is in force shall secure to persons protected the provision of old-age benefit in accordance with the following Articles of this Part.”

20. Convention (No. 130) concerning Medical Care and Sickness Benefits (adopted on 25 June 1969, entry into force on 27 May 1972)

Article 18

“Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of Article 7.”

21. Convention (No. 168) concerning Employment Promotion and Protection against Unemployment (adopted on 21 June 1988, entry into force on 17 October 1991)

Article 2

“Each Member take appropriate steps to co-ordinate its system of protection against unemployment and its employment policy. To this end, it shall seek to ensure that its system of protection against unemployment, and in particular the methods of providing unemployment benefit, contribute to the promotion of full, productive and freely chosen employment, and are not such as to discourage employers from offering and workers from seeking productive employment.”

22. Recommendation (No. 131) concerning Invalidity, Old-Age and Survivors' Benefits (adopted on 29 June 1967)

“23. National legislation should fix minimum amounts of invalidity, old-age and survivors' benefits, so as to ensure a minimum standard of living.

24. The amount of invalidity, old-age and survivors' benefits should be periodically adjusted taking account of changes in the general level of earnings or the cost of living.”

23. Recommendation (No. 176) concerning Employment Promotion and Protection against Unemployment (adopted on 21 June 1988)

“23. Members should endeavour to promote a real understanding of the hardships of unemployed persons, particularly those who have been unemployed for a long period, and their need for sufficient income.

[...]

28. Members which have set up a national provident fund might examine the possibility of authorising the payment of periodical cash benefits to the holders of accounts whose earnings are interrupted by long-term unemployment and whose family situation is precarious in order to provide for their essential needs. The level of this benefit and the period during which it is payable might be limited according to the circumstances, in particular the amount credited to the account.”

C – European Union (EU)

24. Treaty of the Functioning of the European Union (TFEU)

Article 151

“1. The Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

[...]

Article 153

“1. With a view to achieving the objectives of Article 151, the Union shall support and complement the activities of the Member States in the following fields:

[...]

(c) social security and social protection of workers;

[...]

(j) the combating of social exclusion;

[...]”

25. Charter of Fundamental Rights of the EU

Article 1 – Human Dignity

“Human dignity is inviolable. It must be respected and protected.

Article 34 – Social security and social assistance

“1. The Union recognises and respects the entitlement to social security and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Union law and national laws and practices.

[...]

3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices.”

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 12§1 OF THE CHARTER

26. Article 12§1 of the Charter reads:

Article 12 – The right to social security

Part I: “All workers and their dependents have the right to social security.”

Part II: “With a view to ensuring the effective exercise of the right to social security, the Contracting Parties undertake:

1. to establish or maintain a system of social security;

[...]”

A – ARGUMENTS OF THE PARTIES

1. The complainant organisation

27. The Finnish Society of Social Rights alleges that the amount of sickness, parental and rehabilitation benefits; basic unemployment allowance and guarantee pension falls below the level required by Article 12 of the Charter.

28. The Finnish Society of Social Rights states that the amounts of minimum sickness, parental and rehabilitation benefits were €593.25 per month (€23.73 per day) in 2017 and that the sickness benefit was paid only after 55 days of sickness in accordance with the Act on Health Insurance. This period was abolished in the beginning of 2019, nevertheless, there are still nine days of sickness during which the minimum benefit is not paid, and the waiting period for an entrepreneur’s sickness allowance is only one day. The Finnish Society of Social Rights further states that in 2019 the amount of minimum sickness, parental and rehabilitation benefits was raised to €696.50 per month (€25.88 per day) before tax and €557.5 per month (€22.28 per day) after tax, which still does not reach 40% of the median equivalised income. Also, the Finnish Society of Social Rights notes that in 2019 the rehabilitation allowance was €784.54 per month (€31.38 per day) before tax and €627.74 per month (€28.10 per day) after tax.

29. The Finnish Society of Social Rights notes that in 2015 the 40% of the median equivalised income was €792 a month and states that the benefits mentioned above corresponded only to 30% of the median equivalised income before tax and 20% after tax.

30. Moreover, the Finnish Society of Social Rights provides more recent figures. It states that, according to Eurostat data, in 2017 the median equivalised income was €23,987 per year (€1,999 per month). 40% of the median equivalised income was therefore €799.60 per month (€37.19 per day).

31. With regard to basic unemployment allowance, the Society states that in 2018 it was €690.15 per month (€32.40 per day) before tax and that after tax it was €552 per month (€25.67 per day) which corresponded to 28% of median equivalised income. The Finnish Society of Social Rights further refers to a legislative change, which affected both the basic unemployment allowance and the labour market subsidy. Furthermore, with this change, there would be a cut of 4.75% of unemployment benefits for three months if the unemployed person did not find employment for the duration of at least 18 hours in a 65 day period. According to the Finnish Society of Social Rights, the Government characterised this obligation an activation model and it was expected to prompt the unemployed to actively look for jobs.

32. With regard to the guarantee pension, the Finnish Society of Social Rights states that in 2018 it was €775.26 per month, which was lower than 40% of median equivalised income. Even though it was raised to €784.54 per month in 2019 and to €834.52 in 2020, it was still lower than 40% of median equivalised income.

33. The Finnish Society of Social Rights further states that in 2015 the child benefit was removed from the list of benefits that were indexed, and in 2016 the amount of the benefit was lowered by 0.91%, which caused economic difficulties to many low-income families.

34. The Finnish Society of Social Rights considers that the housing allowance should be considered separately from basic social security benefits in assessing whether their amount is sufficient to be in accordance with the requirements of the Charter.

35. The Finnish Society of Social Rights notes that there has been a continuous violation of Article 12§1 in Finland between 2015 and 2020 and claims that no future improvements are foreseen.

36. In the light of the abovementioned elements, the Finnish Society of Social Rights considers that the amounts of several basic minimum social security benefits are too low, in violation of Article 12§1 of the Charter.

2. The respondent Government

37. The Government maintains that the Finnish social security system is a comprehensive set of services and social benefits and that instead of analysing all the individual elements of that system, a broader look should be taken, considering the overall situation of a beneficiary person or family. In the Government's opinion, the assessment of the adequacy of the amounts of various benefits should be made taking into account different types of households and their median income as well as the impact that possible increases have on the amounts of those benefits.

38. It is the Government's view that the benefits of different types of households (one-person, one-guardian with dependent children, etc.) should be compared to the median income of those specific households.

39. The Government states that 45-50% of all recipients of the minimum parental allowance also received the basic social assistance, housing allowance or both benefits, similar situation was with persons receiving rehabilitation allowance, out of which 60-70% received the other benefits. For persons eligible to guarantee pension, most of them are also entitled to housing allowance, the amount of which equals 85% of the housing costs.

40. In the Government's opinion, housing allowance is a central component of the Finnish social security system, and Finland is one of the few Member States in the European Union where the rate of homelessness has declined. The Government notes that a total of 800,000 households receive a housing allowance in Finland. Thus, the Government states that the housing allowance should be taken into account in assessing the minimum level of social security benefits.

41. The Government notes that the 55 days qualification period in order to receive the minimum sickness allowance was abolished in the beginning in 2019 and currently everyone has a right to a minimum sickness allowance immediately after the waiting period. Also, from the beginning of 2018, the waiting period for an entrepreneur's sickness was shortened from four days to one day.

42. The Government further states that in accordance with the Government Bill No. 43/2019, as from the beginning of 2020, the guarantee pension is €834.52.

43. The Government finally emphasises that the benefits mentioned above will continue increasing. It notes that as of 1 January 2020, the minimum sickness, parental and rehabilitation allowance will be raised to €723.50 per month and that the level of benefits will rise by 22% in comparison with their level in 2017.

44. The Government accordingly takes the view that the situation should be considered to be in conformity with Article 12§1 of the Charter.

B – Assessment of the Committee

45. Article 12 of the Charter provides for the right to social security as a fundamental right. The Committee has consistently held that a social security system in the meaning of Article 12§1 must cover the traditional social risks providing adequate benefits in respect of medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors (see e.g. Conclusions 2017, Georgia, Article 12§1).

46. Furthermore, the social security system must cover a significant percentage of the population and it must be collectively financed, i.e. funded by contributions of employers and employees and/or by the state budget (see e.g. Conclusions 2017, Romania, Article 12§1).

47. Under Article 12§1 benefits provided within the different branches of social security should be adequate and in particular income-substituting benefits should not be so low as to result in the beneficiaries falling into poverty (see e.g. Conclusions 2015, Romania, Article 12§1).

48. When assessing the adequacy of income-substituting social security benefits the Committee examines various quantitative indicators. It has regard to the minimum level of income-substituting benefits for a full-time beneficiary, compares the minimum benefits to certain threshold values of median equivalised disposable income for a single person expressed in euros (*Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012, decision on the merits of 9 September 2014, §§60, 62).

49. In the present case, while noting the Government's argument that all the various benefits received by different types of households should be taken into account, the Committee wishes to reiterate that the total benefit amounts received by any type of household must meet the threshold values defined by the Committee. The fact that certain households, which receive minimum level social security benefits (income-substituting), are also entitled to housing allowances and other supplementary benefits is not in itself proof that the situation is in conformity with the Charter. The Committee notes in this respect that there are significant differences across different households with regard to the reception of housing allowance and other supplementary benefits if they are entitled to receive them at all. Consequently, it is incumbent on the respondent State to demonstrate that all beneficiaries concerned, no matter to which type of household they belong, effectively enjoy adequate benefit levels in the meaning of Article 12§1 of the Charter.

50. The Committee recalls that under Article 12§1, with regard to income-substituting benefits, the level of benefits should be such as to stand in reasonable proportion to the previous income and they should in any event not fall below 50% of the median equivalised income. However, where an income-substituting benefit stands between 40% and 50% of median equivalised income, the Committee will also take into account other supplementary benefits, for example social assistance and housing allowance, where applicable (*Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012, op.cit., §63). However, when the minimum level of an income-substituting benefit falls below 40% of median equivalised income, the Committee will not consider that its aggregation with other benefits can bring the situation into conformity and holds that the level is manifestly inadequate (*Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012, op.cit., §64).

51. The Committee also recalls that it is for the States Parties to prove that the supplementary benefits are effectively provided to all the persons concerned by social security benefits falling below the 50% threshold (*Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012, op.cit., §65).

52. Finally, the Committee reiterates that it assesses national law and practice as they exist at the time of its decision. However, where it relies on statistical indicators, it will have regard to the most recent and comparable figures available (*Finnish Society of Social Rights*, Complaint No. 88/2012, op.cit., §66).

53. In the present case, the Committee observes from Eurostat data that in the case of Finland, 50% of median equivalised income corresponded to €1,061 per month for a single person in 2021. 40% of median equivalised income therefore corresponded to €848.50 per month in 2021.

54. The Committee will examine the level of minimum amount of specific benefits in turn.

Sickness, parental and rehabilitation benefits

55. The Committee notes that in 2021 monthly sickness, parental and rehabilitation benefits amounted to €726.25 per month and corresponded to 34% of median equivalised income. The Committee also notes that after income tax at a flat rate of 20%, the minimum sickness, parental and rehabilitation benefits per month were €581 or only 27% of median equivalised income.

56. The Committee notes that a slight improvement can be seen in the amounts of these benefits, however, they still have not reached even 40% of median equivalised income. In that connection, the Committee refers to its 3rd Assessment of the follow-up of the decision on the merits in *Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012 where it held that the minimum level of sickness and maternity benefits were inadequate (Findings 2021).

Basic unemployment allowance

57. The Committee notes that the basic unemployment allowance in 2021 amounted to €33.78 per day and €726.27 per month, which corresponded to 34% of median equivalised income. The Committee also notes that this allowance is subject to income tax and the amount after the tax was €581 per month in 2021 or 27% of median equivalised income.

58. The Committee notes that the level of this allowance effectively decreased when compared to the percentage of median equivalised income in comparison with 2015 figures (Conclusions 2017, Finland, Article 12§1). The Committee refers to its 3rd Assessment of the follow-up of the decision on the merits in *Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012 where it held that the amount of basic unemployment allowance was insufficient (Findings 2021).

Guarantee pension

59. The guarantee pension amounted to €837.59 per month in 2021, which corresponded to 39% of median equivalised income.

60. The Committee thus concludes that the level of sickness, parental, rehabilitation benefits, basic unemployment allowance and guarantee pension falls below 40% of median equivalised income. The level is therefore manifestly inadequate within the meaning of Article 12§1 of the Charter and it is not necessary for the Committee to consider the possible impact of other supplementary benefits. The Committee holds that there is a violation of Article 12§1 of the Charter.

II ALLEGED VIOLATION OF ARTICLE 12§3 OF THE CHARTER

61. Article 12§3 of the Charter reads as follows:

Article 12§3 –The right to social security

Part I: “All workers and their dependents have the right to social security.”

Part II: “With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

[...]

3. to endeavour to raise progressively the system of social security to a higher level;

[...].”

A – ARGUMENTS OF THE PARTIES

1. The complainant organisation

62. The Finnish Society of Social Rights indicates that under Finnish legislation, minimum social security and social assistance benefits have been adjusted every year in accordance with the Consumer Price Index. This index was lowered by 0.85% in 2016, and the amount of the benefits decreased. Also, in 2017, the Government proposed to the Parliament to freeze the index until 2020, which meant that the levels of the benefits would remain about the same every year. Also, the calculation of the Consumer Price Index was changed to the detriment of the beneficiaries. The Finnish Society of Social Rights notes that while the level of benefits was frozen, the rent prices and the prices in general went up. The Finnish Society of Social Rights states that the freezing of the level of benefits and the change in the calculation of the Consumer Price Index remarkably worsened the economic situation of low-income citizens of Finland (according to the Society, 700,000 citizens in Finland are poor).

63. The Finnish Society of Social Rights further states that the level of minimum benefits and social assistance has not changed a lot since 2013. It also notes that housing benefits are very important to low-income citizens and that they concern 800,000 citizens. However, the amendment of the legislation meant that the amount of housing benefits became dependent on the Consumer Price Index, which is only partially related to the housing rent prices. It means that since 2019 citizens in need of housing benefit have been forced to assign a bigger part of their income towards housing costs.

64. On this basis, the Finnish Society of Social Rights states that Finland has not endeavoured to raise progressively the system of social security to a higher level in breach of Article 12§3 of the Charter.

2. The respondent Government

65. The Government asserts that in 2018, 2019 and 2020 the minimum level of benefits was increased and that the purpose of the adjustment of benefits was to level out the differences between beneficiaries under different benefit systems, to make the benefit system consistent and to emphasise the primary benefit system instead of social assistance.

66. The Government states that the level of the minimum benefits rose by 22% in 2020 compared with the level of the minimum benefits in 2017. The Government also points out that the social security system will be further reformed in order to achieve a clearer and more streamlined system, where people can balance work and social security in changing life situations.

B – Assessment of the Committee

67. The Committee recalls that Article 12§3 requires States to improve their social security system. The expansion of schemes, protection against new risks or increase of benefit rates are examples of improvement (Statement of interpretation on Article 12, Conclusions 2009).

68. A restrictive development in the social security system is not automatically in violation of Article 12§3 (Statement of interpretation on Article 12, Conclusions XVI-1). However, as the Committee had previously held, any restrictive developments should not undermine the effective social protection of all members of society against social and economic risks and should not transform the social security system into a basic social assistance system. In any event, any changes to a social security system must nonetheless ensure the maintenance of a basic compulsory social security system which is sufficiently extensive (Statement of interpretation on Article 12, Conclusions XVI-1).

69. The Committee has also previously held that restrictions or limitations to rights in the area of social security were compatible with the Charter in so far as they appeared necessary to ensure the maintenance of a given system of social security (Statement of interpretation on Article 12§3, Conclusions XIII-4) and did not prevent members of society from continuing to enjoy effective protection against social and economic risks. The Committee has further stated that in view of the close relationship between the economy and social rights, the pursuit of economic goals is not incompatible with Article 12 (see e.g. *Finnish Society of Social Rights v. Finland*, Complaint No. 108/2014, decision on admissibility and the merits of 8 December 2016, §49).

70. In the context of the present complaint, the Committee observes that a finding that the level of one or more social security benefits is inadequate under Article 12§1 of the Charter does not automatically lead to or determine a violation of Article 12§3 of the Charter (see e.g., *Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012, op.cit., §87).

71. Article 12§3 of the Charter contains an obligation to adjust regularly social security benefit rates to compensate for the rise in the cost of living. On the other hand, in the light of the Committee's case-law on the assessment of restrictive developments in social security, the Committee considers that the temporary decrease and/or the limited increase of social security benefits over a given period in the sense referred to by the Society is not necessarily incompatible with Article 12§3 of the Charter.

72. The Committee notes that the Finnish Society of Social Rights refers to the freezing of the Consumer Price Index over the period of 2015-2018, claiming that the median equivalised income increased while the benefits in question remained low, and that the increases in basic minimum social security benefits in 2018, 2019 and 2020 did not compensate the cuts and index freezing.

73. The Committee refers to its most recent examination of the situation in Finland under Article 12§3 in the context of the reporting procedure. The Committee noted that certain benefits have been subject to cuts, but it took note of the improvements to social security made during the reference period (2012-2015). These included the shortening of the qualifying period for unemployment benefits, the reducing unemployment periods without benefits as a result of not taking the income of the beneficiary's spouse into account when assessing entitlement to labour market support, the extension of the entitlement to parental allowance, and the extension of partial sickness allowance. The Committee therefore considered that the situation in Finland was in conformity with Article 12§3 during the reference period (Conclusions 2017, Article 12§3, Finland).

74. The Committee also refers to the data in MISSOC and notes that the level of minimum sickness, parental and rehabilitation benefit decreased slightly in 2016 and 2017 (in 2015 it was €24.02 per day or €600.50 per month, in 2016 - €23.93 per day or €598.25 per month, in 2017 - €23.73 per day or €593.25 per month) but then increased in the years 2018-2021 (in 2018 it was €24.64 per day or €616 per month, in 2019 - €27.86 per day or €696.50 per month, in 2020 - €28.94 per day or €723.50 per month and in 2021 – €29.05 per day or €726.25 per month).

75. The Committee further notes that the basic unemployment allowance decreased in 2016 (in 2015 it was €32.80 per day or €705.20 per month and in 2016 - €32.68 per day or €702.62 per month), then decreased again in 2017 and remaining unchanged in 2018 and 2019 (€32.40 per day or €696.6 per month) before increasing in 2020 (€33.66 per day or €723.69 per month) and 2021 (€33.78 per day or €726.27 per month).

76. Finally, with regard to the guarantee pension, the Committee notes from MISSOC that it only decreased in 2017 but that in other years it increased (in 2015 it was €746.57 per month, in 2016 €766.85, in 2017 €760.26, in 2018 €775.27, in 2019 €784.52, in 2020 €834.52 and in 2021 €837.59).

77. The Committee therefore notes that, although at certain points specific benefits did decrease slightly, the years 2018-2021 have seen those benefits consistently increase. The Committee therefore considers that the arguments adduced in the present complaint do not constitute grounds for a finding of violation of Article 12§3 of the Charter.

78. Consequently, the Committee holds that there is no violation of Article 12§3 of the Charter.

IV ALLEGED VIOLATION OF ARTICLE 13§1 OF THE CHARTER

79. Article 13§1 of the Charter reads as follows:

Article 13§1 –The right to social and medical assistance

Part I: “Anyone without adequate resources has the right to social and medical assistance.”

Part II: “With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;

[...].”

A – ARGUMENTS OF THE PARTIES

1. The complainant organisation

80. The Finnish Society of Social Rights indicates that basic social assistance is a last resort social assistance and is paid to those not entitled to labour market subsidy or other benefits. In calculating the entitlement to basic social assistance, many factors are taken into account, such as all primary social insurance benefits (including labour market subsidy) and the income of the whole family and its property.

81. According to the Finnish Society of Social Rights, the amount of basic social assistance has not changed much since 2013 and it points out that the amount in 2018, which was €16.58 per day or €491.21 per month, was well below the level required by the Charter. Also, according to the Finnish Society of Social Rights, in 2018 there were 281,448 citizens in Finland who received basic social assistance. The Society states that the amount of basic social assistance in 2019 was €497.29 per month and in 2020 it was €502.21 per month.

82. Also, the Finnish Society of Social Rights notes that the basic amount of basic social assistance can be reduced by 20% or even 40%, if a person refuses to accept a job offer, such reduction can last two months but then can be renewed indefinitely.

83. The labour market subsidy is mainly targeted towards long-term unemployed and functions as a last resort social assistance. In 2018, the labour market subsidy amounted to €32.40 per day or €690.15 per month before tax or €25.67 per day or €552 per month after tax, which corresponded to 28% of median equivalised income. In 2020, the amount of the labour market subsidy was raised to €33.66 per day or €723.50 per month before tax or €26.93 per day or €578.80 per month after tax. However, in the Society's view, the amount of the labour market subsidy is still too low.

84. The Finnish Society of Social Rights further refers to a legislative amendment, which affected both the basic unemployment allowance and the labour market subsidy and which meant that there would be a cut of 4.75% of unemployment benefits for three months if the unemployed person did not find a job for at least 18 hours in a period of 65 days. According to the Finnish Society of Social Rights, the Government characterised this obligation as an activation model and it was aimed at prompting the unemployed to look for jobs.

85. The Finnish Society of Social Rights thus states that both the basic social assistance and the labour market subsidy remained almost the same throughout the years in question and asserts that their amounts are manifestly inadequate.

86. The Finnish Society of Social Rights therefore asks the Committee to find that the level of basic social assistance and the labour market subsidy is in breach of Article 13§1 of the Charter.

2. The respondent Government

87. The Government asserts that social assistance is a last resort financial assistance, intended to secure the indispensable subsistence protected by the Constitution. It is mainly intended to be a short-term financial aid that helps beneficiaries to overcome or avoid temporary financial difficulties and promotes their autonomy and independence. The amount of social assistance is determined on the basis of the difference between the beneficiary's total available income, including other benefits, and his or her acceptable expenses.

88. The Government notes that social assistance consists of basic social assistance, which is divided into a basic amount and assistance for other basic expenses, and of supplementary and preventive social assistance. The basic amount is equal to the calculated assumed average daily living costs of different groups of people at their minimum consumption level and include food, clothing, minor medical expenses, personal hygiene and home cleaning costs, public local transport, newspaper subscription, use of telephone and internet, hobbies and recreation and other expenses.

89. The Government notes that in 2018 there were 277,316 households in Finland receiving basic social assistance and that the average social assistance paid to one person households was €410 per month and for households with two or more persons it was €534 per month. The Government also notes that households of one person with a long-term illness received on average €341 per month in basic social assistance, €215 per month in housing allowance and €443 per month in other benefits in 2017. For recipients of pensions, social assistance and a housing allowance, the average total amount of benefits was €1,254 per month.

90. The Government also notes that as of 1 January 2017, the granting and payment of the basic social assistance was transferred from the municipalities to the Social Insurance Institution, and that there is now more information and transparency available nationwide concerning relations between different benefits and different beneficiary groups.

91. The Government also states that the reduction of basic social assistance, if a person refuses to accept a job or a public employment measure without a justifiable reason, is possible only if the reduction is not unreasonable and does not endanger a living essential in providing security needed for a life in dignity. Also, even if this benefit is reduced, a person can still receive allowances for housing or healthcare costs as “other basic expenses”.

92. The Government further states that in 2018, 60-65% of all recipients of labour market subsidy also received basic social assistance, housing allowance or both benefits. The Government also notes that the labour market subsidy was raised in the beginning of 2020 to €33.66 per day or €723.69 per month.

93. The Government thus maintains that social assistance benefits and the labour market subsidy are adequate.

B – Assessment of the Committee

94. Article 13§1 provides for the right to benefits, for which individual need is the main criterion for eligibility and which are payable to any person on the sole ground that he or she is in need (Conclusions 2017, Article 13§1, Slovak Republic).

95. The entitlement to social assistance arises when a person is unable to obtain resources “either by his own efforts or from other sources, in particular by benefits under a social security scheme” (Statement of interpretation on Article 13§1, Conclusions XIII-4).

96. Social assistance must be adequate such as to make it possible to live a decent life and to cover the individual’s basic needs. When assessing the level of assistance, the Committee has regard to basic benefits, any additional benefits and a threshold in the country, which it has set at 50% of median equivalised income as calculated on the

basis of Eurostat at-risk-of-poverty threshold (e.g. Conclusions 2015, Article 13§1, Romania). The equivalised disposable income is calculated by Eurostat and/or available from official national statistics using the same definition and methodology: the income of a household is established by summing all monetary income received from any source by each member of the household. In order to reflect differences in household size and composition, this total is divided by the number of “equivalent adults” using a standard scale (the so-called modified OECD equivalence scale). The resulting figure is attributed to each member of the household (Finnish Society of Social Rights v. Finland, Complaint No. 88/2012, op.cit., §62). In the absence of this indicator, the national poverty threshold is taken into account (e.g. Conclusions 2009, Article 13§1, Armenia). Assistance is appropriate where the monthly amount of assistance benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold (e.g. Conclusions 2021, Article 13§1, Latvia).

97. The Committee recalls that it previously concluded that the amount of social assistance, consisting of basic assistance and any additional benefits that may apply was not adequate having regard to 2015 figures (Conclusions 2017, Article 13§1, Finland). It was therefore not in conformity with Article 13§1 of the Charter. Also, in its 3rd Assessment of the follow-up in the aforementioned Complaint No. 88/2012, the Committee held that the amount of social assistance was inadequate (Findings 2021).

98. The Committee reiterates that in the case of Finland, 50% of median equivalised income corresponded to €1,061 per month for a single person in 2021 and that the basic social assistance for a single person was €504.06 per month in 2021. The basic social assistance thus corresponded to less than 24% of median equivalised income.

99. The Committee notes that, according to the Act on Social Assistance, in addition to expenses to be covered by the basic amount, the following expenses are taken into account, to the extent appropriate, as “other basic expenses”: housing costs, expenses on household electricity, home insurance and health costs higher than minor costs. Also, according to Act on Social Assistance, when supplementary social assistance is granted, the following specific expenses are taken into account: costs of child day care, other housing expenses, expenses arising from special needs of a person or family. Also, municipalities can grant preventive social assistance to support activation of the beneficiaries, to secure housing, to alleviate difficulties related to over-indebtedness or a sudden deterioration of the financial situation and for other purposes to promote the beneficiary’s independent living.

100. Moreover, beneficiaries receiving social assistance may be eligible for housing allowance, the maximum amount of which corresponds to 80% of the difference between the acceptable housing costs and the basic deductible. However, the Government did not provide any information showing that social assistance recipients are always entitled to the maximum possible allowance or that they are always entitled to any housing allowance. Neither of the parties provided information on the housing allowance typically received.

101. The Committee cannot exclude the possibility that the total amount of benefits paid to a person receiving social assistance could reach the level of 50% of median equivalised income in certain cases. However, based on the information at its disposal, it does not consider it established that all persons in need are guaranteed an adequate social assistance.

102. Moreover, the Committee notes that the level of basic social assistance as a percentage of median equivalised income has decreased over time, for example, it was almost 25% of median equivalised income in 2013 (Finnish Society of Social Rights, Complaint No. 88/2012, op.cit., §115).

103. The Committee notes, as regards the labour market subsidy, that in 2021 it amounted to €33.78 per day or €726.27 per month, meaning that it amounted to about 34% of median equivalised income. This subsidy is subject to income tax of 20% and the amount of it after tax was €581, thus about 27% of median equivalised income. The Committee notes that it already held that the labour market subsidy, corresponding to 36% of median equivalised income before tax and to 29% after tax in 2013 was well below the threshold established by the Committee (Finnish Society of Social Rights, Complaint No. 88/2012, op.cit., §121), thus the level of 2021, which is even lower, is clearly not sufficient to ensure adequate assistance meeting the requirements of in the Charter.

104. The Committee refers to the information provided by the Government and notes that in 2018, 60-65% of all recipients of labour market subsidy also received basic social assistance, housing allowance or both these benefits. However, the Government has not provided information on the amounts of housing allowance and social assistance benefits paid to persons receiving the labour market subsidy. Moreover, the Committee notes that it did not find, neither in the present complaint, nor in other sources (such as from Finnish Society of Social Rights v. Finland, Complaint No. 88/2012, op.cit., or Finnish Society of Social Rights v. Finland, Complaint No. 108/2014, op.cit., or from reports submitted under the reporting procedure), information on the level of (supplementary) social assistance benefits that may be payable to beneficiaries of the labour market subsidy.

105. The information provided by the Government on social services and benefits granted to specific target groups, such as pensioners, households of one person with a long-term illness, young persons with long-term illnesses or young persons receiving pension does not allow the Committee to take any other view of the situation regarding the adequacy of social assistance benefits and the labour market subsidy.

106. Consequently, the Committee holds that the level of social assistance and of the labour market subsidy is inadequate and, therefore, there is a violation of Article 13§1 of the Charter.

CONCLUSION

For these reasons, the Committee concludes:

- unanimously that there is a violation of Article 12§1 of the Charter;
- unanimously that there is no violation of Article 12§3 of the Charter;
- unanimously that there is a violation of Article 13§1 of the Charter.



Barbara KRESAL
Rapporteur



Karin LUKAS
President



Henrik KRISTENSEN
Deputy Executive Secretary

APPENDIX

Decision on admissibility



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

DECISION ON ADMISSIBILITY

11 September 2019

Finnish Society of Social Rights v. Finland

Complaint No. 172/2018

The European Committee of Social Rights, a committee of independent experts established under Article 25 of the European Social Charter (“the Committee”), during its 308th session in the following composition:

Giuseppe PALMISANO, President
Karin LUKAS, Vice-President
François VANDAMME, Vice-President
Eliane CHEMLA, General Rapporteur
Petros STANGOS
József HAJDU
Krassimira SREDKOVA
Raúl CANOSA USERA
Barbara KRESAL
Kristine DUPATE
Karin Møhl LARSEN
Yusuf BALCI
Ekaterina TORKUNOVA
Tatiana PUIU

Assisted by Henrik KRISTENSEN, Deputy Executive Secretary

Having regard to the complaint registered on 17 September 2018 as No. 172/2018, lodged by the Finnish Society of Social Rights against Finland and signed by Yrjö Mattila, Chairperson, Eila Sundman, Vice Chairperson, and Marjatta Kaurala, Secretary and member of the Board of the Society, requesting the Committee to find that the situation in Finland amounts to a violation of Article 12§§1 and 3 and Article 13§1 of the Revised European Social Charter (“the Charter”).

Having regard to the documents appended to the complaint;

Having regard to the observations of the Government of Finland (“the Government”) on the admissibility of the complaint, registered on 28 November 2018;

Having regard to the response from the Finnish Society of Social Rights to the Government’s observations, registered on 11 February 2019;

Having regard to the further response from the Government registered on 10 May 2019;

Having regard to the Charter and, in particular, to its Article 12§§1 and 3 and Article 13§1 which read as follows:

Article 12 – The right to social security

Part I: “All workers and their dependents have the right to social security.”

Part II: “With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

1. to establish or maintain a system of social security;

[...]

3. to endeavour to raise progressively the system of social security to a higher level.

[...]”

Article 13 – The right to social and medical assistance

Part I: “Anyone without adequate resources has the right to social and medical assistance.”

Part II: “With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;

[...]”

Having regard to the 1995 Additional Protocol to the European Social Charter providing for a system of collective complaints (“the Protocol”);

Having regard to the Rules of the Committee adopted on 29 March 2004 at its 201st session and last revised on 10 September 2019 at its 308th session (“the Rules”);

Having deliberated on 11 September 2019;

Delivers the following decision adopted on this date:

1. The Finnish Society of Social Right alleges that the minimum level of several social security and social assistance benefits and the labour market subsidy fall short of the requirements of the Charter, in breach of Article 12§1 and 3 and Article 13§1 of the Charter. In particular, the complainant organisation claims that during the years 2015-2018 the Government of Finland introduced considerable cut to social security and social assistance benefits and with these measures worsened the economic situation of low-income citizens.

2. The Government in its observations raises the following objections to admissibility:

– The Government submits that the present complaint clearly relates to claims already examined in the context of *Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012, decision on the merits of 9 September 2014 and *Finnish Society of Social Rights v. Finland*, Complaint No. 108/2014, decision on admissibility and the merits of 8 December 2016, which in itself should be a reason for inadmissibility, according to the Government.

– The Government also considers that the allegations are confused, general and vague, unsubstantiated as a whole and do not suffice to indicate in what respect Finland has not ensured the satisfactory application of the provisions of the Charter concerned, as required by Article 4 of the Protocol.

– Finally, the Government maintains that, according to the Explanatory Report to the Protocol, paragraph 2, “[t]he system of collective complaints is to be seen as a complement to the examination of governmental reports, which naturally constitutes the basic mechanism for the supervision of the application of the Charter” and underlines that this complaint seems to be more an alternative rather than a complement to the reporting procedure, and for this reason should be rejected.

3. In its response to the Government's observations the Finnish Society of Social Rights argues that in accordance with Article 4 of the Protocol its allegations are supported by relevant evidence and arguments demonstrating a continuing violation by Finland of Article 12§§1 and 3 and Article 13§1 during the period 2015-2018. The complainant organisation also provides additional information relating to the year 2019. It also claims that the Government has not taken into account the findings of the Committee in its previous conclusions and decisions and that Finland's situation has even deteriorated, which justify that a new complaint be lodged.

4. In its further response, the Government reiterates its observations and maintains that the response by the complainant organisation does not contain any new relevant information concerning the admissibility of the complaint.

THE LAW

As to the admissibility conditions set out in the Protocol and the Committee's Rules

5. The Committee notes that in accordance with Article 4 of the Protocol, which was ratified by Finland on 17 July 1998 and entered into force for this State on 1 September 1998, the complaint has been submitted in writing and concerns Article 12§§1 and 3 and Article 13§1 of the Charter, provisions accepted by Finland when it ratified this treaty on 21 June 2002 and to which it is bound since the entry into force of this treaty in its respect on 1 September 2002.

6. The Committee observes that the Finnish Society of Social Rights is a national non-governmental organisation, founded on 16 March 1999 and registered the same year at the Register of Associations in Finland. It notes that in a declaration dated 21 August 1998 and having entered into force on 1 September 1998 for an indefinite period, Finland recognised the right of any representative national non-governmental organisation within its jurisdiction, which has particular competence in the matters governed by the Charter, to lodge complaints against it.

7. The Committee has already considered that the Finnish Society of Social Rights is a representative national non-governmental organisation for the purposes of the collective complaints procedure within the meaning of Article 2 the Protocol (Finnish Society of Social Rights v. Finland, Complaint No. 88/2012, decision on admissibility of 14 May 2013, §§6-11; Finnish Society of Social Rights v. Finland, Complaint No. 106/2014, decision on admissibility and the merits of 8 September 2016, §28; Finnish Society of Social Rights v. Finland, Complaint No. 107/2014, decision on admissibility and the merits of 6 September 2016, §29; Finnish Society of Social Rights v. Finland, Complaint No. 108/2014, decision on admissibility and the merits of 8 December 2016, §19). The Committee maintains its position in this respect.

8. As regards the particular competence of the Finnish Society of Social Rights, the Committee notes from the Statutes and Internet site of the Society that its sphere of activity concerns the protection of social rights, including social security. Consequently, the Committee finds that the Finnish Society of Social Rights has particular competence within the meaning of Article 3 of the Protocol, in respect of the instant complaint (see also Finnish Society of Social Rights v. Finland, Complaint No. 88/2012, decision on admissibility of 14 May 2013, §12; Finnish Society of Social Rights v. Finland, Complaint No. 108/2014, decision on admissibility and the merits of 8 December 2016, §20).

9. The complaint submitted on behalf of the Finnish Society of Social Rights is signed by Yrjö Mattila, its Chairperson, Eila Sundman, its Vice Chairperson, and Marjatta Kaurala, Secretary and member of the Board of the Society who, according to Article 10 of the Society's Statutes, are together entitled to represent it. The Committee therefore considers that the condition provided for in Article 23 of its Rules is fulfilled.

As to the Government's objections concerning the admissibility

10. With respect to the first objection raised by the Government, the Committee recalls that the fact that the same provision of the Charter was the subject of a previous complaint does not in itself render another complaint inadmissible (*International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece*, Complaint No. 49/2008, decision on admissibility of 23 September 2008, §7). Furthermore, the Committee observes that the complaint concerns alleged violations of the Charter that are on-going or have taken place after the decisions adopted previously (*Finnish Society of Social Rights v. Finland*, Complaint No. 88/2012, decision on the merits, cited above, and *Finnish Society of Social Rights v. Finland*, Complaint No. 108/2014, decision on admissibility and the merits, cited above). In this last respect, the Committee notes that the complainant invokes several measures carried out during the period 2015-2018, such as the freezing of the amounts of certain social security benefits, the changing of the indexation mechanism for certain benefits, removal of child benefits from indexation and a lowering of their amount, cuts to unemployment benefits and a new mechanism for the adjustment of the housing benefit amount.

11. With respect to the second objection raised by the Government, the Committee holds that the complaint relates to provisions of the Charter accepted by Finland. The Committee notes that the complainant organisation invokes relevant national provisions on social security and social and medical assistance and, in support of the allegation that these provisions are in breach of the Charter, it also refers to statistical data reported by European and national sources concerning the situation of Finland in this area. The Committee further observes that the complainant organisation has indicated in what respect it considers that Finland has not ensured the satisfactory application of the invoked provisions of the Charter. The complaint therefore satisfies Article 4 of the Protocol for the purposes of admissibility.

12. With respect to the third objection raised by the Government, the Committee recalls that the purpose of the complaints procedure, which is different in nature from the procedure of examining national reports, is to allow the Committee to make a legal assessment of the situation of a state in the light of the information supplied by the complaint and the adversarial procedure to which it gives rise. Neither the fact that the Committee has already examined this situation in the framework of the reporting procedure, nor the fact that it will examine it again during subsequent supervision cycles do in themselves imply the inadmissibility of a complaint (*International Commission of Jurists v. Portugal*, Complaint No. 1/1998, decision on admissibility of 10 March 1999, §10).

13. It follows that the Government's objections cannot be sustained.

14. On these grounds, the Committee, on the basis of the report presented by Krassimira SREDKOVA and without prejudice to its decision on the merits of the complaint,

DECLARES THE COMPLAINT ADMISSIBLE

Pursuant to Article 7§1 of the Protocol, requests the Executive Secretary to notify the complainant organisation and the Respondent State of the present decision, to transmit it to the parties to the Protocol and the States having submitted a declaration pursuant to Article D§2 of the Charter, and to publish it on the Council of Europe's Internet site;

Invites the Government to make written submissions on the merits of the complaint by 15 November 2019;

Invites the Finnish Society of Social Rights to submit a response to the Government's submissions by a deadline which it shall determine;

Invites parties to the Protocol and the States having submitted a declaration pursuant to Article D§2 of the Charter to make comments by 15 November 2019, should they so wish;

Pursuant to Article 7§2 of the Protocol, invites the international organisations of employers or workers mentioned in Article 27§2 of the 1961 Charter to make observations by 15 November 2019.



Krassimira SREDKOVA
Rapporteur



Giuseppe PALMISANO
President



Henrik KRISTENSEN
Deputy Executive Secretary