



# NGO report

Supplementary Report to Finland's Fourth Periodic Report  
on the Implementation of the UN Convention on the Rights of the Child  
for the UN Committee on the Rights of the Child compiled by the Central Union  
for Child Welfare in Finland

October 2010



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## Introduction

The Central Union for Child Welfare (CUCW) serves as an umbrella organisation for child welfare. The CUCW promotes children's rights and works also for the benefit of its member associations. Another of its objectives is to promote cooperation between the NGOs, the municipalities and the service suppliers from the private sector, thereby supporting the work of member associations. The CUCW's members comprise 94 NGOs and 36 municipalities.

The CUCW endeavours to have an impact on social policies concerning the lives of children. In cooperation with other members, the CUCW seeks to shape legislation on children and play a role in decision-making regarding the use of resources and development programmes, as well as contribute to the prevalent climate of social opinion. NGOs have an important social role in producing services and materials, providing expertise and promoting child welfare. This key sector operates alongside the publicly funded child welfare system, particularly in preventive work.

The CUCW acknowledges the functional cooperation between child welfare organisations and the Ministry for Foreign Affairs during the preparation of the periodic report. Whilst preparing the State party report, the Ministry for Foreign Affairs asked NGOs for their comments. In February 2008, the CUCW submitted a detailed report which also included comments from its member associations. Some of CUCW's member associations, as well as some other associations, submitted their own comments directly to the Ministry for Foreign Affairs. The CUCW feels it is very important that the NGOs are heard early in the preparation stages. The CUCW participated in the hearing organised by the Ministry for Foreign Affairs in August 2008.

NGOs started compiling their supplementary report to Finland's Fourth Periodic Report on the UN Convention on the Rights of the Child in the fall of 2009. In October 2009, the CUCW summoned its member associations and interest groups to a preliminary meeting on the supplementary report. During November 2009, the CUCW collected through its consultative and working committees the opinions of its partners in the child welfare field on the key points to be discussed in the report. In November, the supplementary report steering group met for the first time. In addition to representatives from CUCW and its member associations, the Steering Group included representatives of World Vision Finland, the National Organisation for the Children and the Finnish Youth Cooperation Allianssi. In December, the CUCW organised the first consultative meeting for its member associations and interest groups regarding the supplementary report. The compilation of the supplementary report continued in early 2010 when the cooperation partners gave their addenda to and comments on the draft report. The CUCW organised another steering group meeting in the end of February and a joint consultative meeting in early March. The report was edited and finalised during March and April 2010. The NGOs' supplementary report was completed in May 2010. The schedule for processing the Finnish report in Geneva was changed which gave time for an additional review and updating of the report. The final version was delivered to the UN Committee on the Rights of the Child in October 2010. The NGOs (36) which participated in the compilation of the supplementary report are listed in Appendix 1.

October 2009	Preliminary meeting
November 2009	Reports of member organisations
	Steering group meeting
December 2009	Consultative meeting
February 2010	Reports of member organisations
	Steering group meeting
March 2010	Consultative meeting
May 2010	Supplementary report completed for translation and proof reading
November 2010 (Nov 1, 2010)	Supplementary report to Geneva

The report begins with a summary of development trends, both positive aspects and issues of concern, and then suggests measures significant with regard to the Rights of a Child. The following text will describe these development trends in more detail.

## Positive Facts

### 1) New Child Welfare Act Improved Children's Rights in Finland

The new Child Welfare Act of 2008, amended in March 2010, has clearly improved children's rights. The Act improves a child's right to be heard in decision-making that involves him/her. The new Act clarifies and defines the concept of the best interest of the child and provides criteria for evaluating it. The Act has simplified the process of issuing a child welfare notification, and the role of preventive child welfare has been more clearly defined.

The Child Welfare Act also gave a boost to the drafting of child protection recommendations and the preparatory work on foster care and adoption acts. In 2010, the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies initiated their operations which will hopefully further improve legal protection and the quality of services in social welfare and health care. The National Supervisory Authority for Welfare and Health will also prepare a monitoring plan for child welfare.

### 2) Child-friendly Policies in the State Administration

Prime Minister Matti Vanhanen's second cabinet programme includes a Policy Programme on the wellbeing of children, youth and families. The Programme aims at an increased awareness of the UN Convention of the Rights of the Child, at developing indicators for the evaluation of children's wellbeing and at improving the services offered to families.

The position of the Finnish Children's Ombudsperson was established in 2005. The ombudsperson's work has been well received by the State administration and relevant organisations. The Children's Ombudsperson is an active, cooperative and skilful operator. Her initiatives and opinions are taken into account by legislative bodies and in development projects as well as by the media.

### **3) Awareness of the UN Convention on the Rights of the Child Has Increased and National Communications Strategy on Children's Rights Has Been Finalised**

The awareness of the Convention increased due to the extensive information and publicity campaign surrounding the 20th anniversary of the UN Convention on the Rights of the Child. The awareness of the general public was increased by 18 per cent units. In October 2008, 54% of the population had heard of the Convention compared to 72% in January 2010. The information and publicity campaign was a joint venture of non-governmental organisations, the Evangelical Lutheran Church and the State of Finland. It was coordinated under the Government's Policy Programme for the wellbeing of children, youth and families. The anniversary year gave burst a close cooperation which will continue.

The structure for continued cooperation and communication was drafted in the National Communication Strategy of the UN Convention of the Rights of the Child in spring 2010. In the strategy, it was proposed that the Ministry of Education and Culture would coordinate the cooperation but obligations were presented to other ministries as well. NGOs, the Children's Ombudsperson and the Church play important roles in this communication. November 20, the day of the UN Convention on the Rights of the Child was proposed as a national flag day and a forum for communication. When implemented, the strategy will improve the state-level communication and engagement in the Convention which has been insufficient in the past.

## **Issues of Concern**

### **1) The State Control System Is Insufficient**

The insufficient resources for families with children and the lack of equality in the allocation of those resources among municipalities are due to the weak state control system. The State does not sufficiently monitor the implementation of the legislation or the State funded projects. The municipalities make independent decisions on the sourcing of the services.<sup>1</sup> Unfortunately, there are insufficient resources to provide services for children and families with children in many municipalities. There is inequality in providing services for different sections of the population and among different municipalities. The declining economic situation has also diminished the resources for providing preventive services or early intervention.

*The State must allocate sufficient resources and instructions to the National Supervisory Authority for Welfare and Health and to State Provincial Offices for monitoring the implementation of the*

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<sup>1</sup> The autonomy of the municipalities is stipulated by the municipal law in Finland. According to this law and based on the autonomy, the municipalities shall take the responsibility for the duties which it has acquired and which are determined by law.

*legislation and the allocation of funding in municipalities. Through a more effective monitoring system, the State should ensure that children and families receive the necessary basic and special services to a greater degree than is currently the case. Municipalities should be penalised for breaching the legislation.*

## **2) The Best Interest of the Child Is Not Sufficiently Implemented**

The general principle of protecting the best interest of the child has not been achieved. The principle is misunderstood and inadequately implemented in several respects. The rights and best interests of the child are not main themes in Finnish socio-political thinking or in the country's child welfare policies. The implementation of the principle of the best interests of the child requires that the child-impact assessment is carried out in all decision-making. There is insufficient operating scope and a lack of structure for listening to the child. Small children under school age are often left out the arrangements. Appropriate permanent structures, economic prerequisites and administrative practices for purposeful communication between decision makers and the representatives of children of different ages must all be provided for both on municipal and national levels in order to promote the full participation of the child.

*The State must turn child impact assessments into a statutory requirement.*

## **3) Part of the Young Are Facing Problems**

The wellbeing of young people in Finland is polarised. Problems are accumulating to some youngsters while others are doing well. For some young people multiple problems and simultaneous diversified difficulties are characteristic. This is reflected in the statistics on the number of children taken into care, or children with mental health problems, unemployment and substance abuse problems. The social exclusion of the young dates back to the previous economic recession in the 1990s and seems to become increasingly also subject to intergenerational transmission.

Young people do not receive the support they need early enough. There is also a lack of low-threshold services or peer support. The availability of school health care and other preventive services has declined and the cooperation of different sectors for helping young people has been insufficient.

*The State should make sure that municipalities comply with the regulations on child health clinics, school and student health care and preventive oral health care for children and young people, as well as the Child Welfare Act. The National Supervisory Authority for Welfare and Health and State Provincial Offices should be provided with sufficient resources and instructions to enable them to monitor these activities.*

*The State should also develop the measures for helping young people. The services must be organised in such a way that a single person is in charge of coordinating a young person's care services and that he/she is committed to supporting the young person and his/her family. Supporting the parents is often an important part of helping a young person. Furthermore, children and young people must receive the psychiatric rehabilitation and therapy they need within three months, as stipulated in the health guarantee.*

#### **4) Adults' Heavy Substance Abuse Complicates the Lives of Children**

The rights of the child are often neglected in families where the parents are substance abusers. An estimated 100 000 children (9%) live in families where the parents' substance abuse causes problems for their children. Substance abuse increases the threat of violence in families and causes families to break up. Parents' substance abuse and violence are common reasons for taking children into care. Women's increased alcohol abuse at home is giving cause for particular concern. Preventive work has not had any significant impact on the problem.

*The State should take better care that all children who live in families suffering from substance abuse receive sufficient support services. In families where adults are receiving therapy for their substance abuse the situation of the children should also be carefully assessed.*

#### **5) The Financial Situation of Families with Children Has Deteriorated**

Many children live without sufficient social security and proper living standards. When looking at income distribution, the situation of families with children started worsening in the 1990s and the process has continued in the 21<sup>st</sup> century. The share of families with children in the 10% group with the lowest income has increased and child poverty has increased accordingly. According to the income distribution statistics of Statistics Finland, 13.8% of Finnish children lived in poverty in 2007 compared to 4.7% in 1995. Approximately 150,000 children live in low income families. The gap between population groups starts appearing in childhood which later affects academic success, health and social coping mechanisms.

*The State should target financial support more accurately in order to reduce the gap between the population groups. The support must be targeted towards single-parent families, families with children under three years of age or children with special needs, families with several children and families with twins, triplets etc.*

#### **6) Integration of Immigrants Has Not Been Successful**

The number of immigrants to Finland has grown, particularly the number of asylum seeking separated children. The implementation of the integration of immigrants will be one the new challenges facing our society. More resources and new modes of operating must be sought for this work. The immigrants need more information on how the Finnish society operates, on Finnish legislation and civil rights and duties. The immigrants must be offered sufficient language tuition and the bilingualism of their children must be encouraged.

In order to avoid the need to take immigrant children into care, there must be sufficient investment in preventive care and open care services. The need for protection of asylum seeking children is determined by the Alien Act, not the Child Welfare Act. This practice is in clear contradiction with Article 20 of the Convention on the Rights of the Child.

*The State should strengthen the expertise within child welfare to cover every stage of the immigration process of an unaccompanied minor and cover all child welfare costs caused in such cases. The State should also examine the necessary amendments to the legislation in order to enable*



*the reception of unaccompanied immigrant children to be carried out entirely under child welfare services.*

## **7) Teaching Children's Rights Has Not Been Done in Schools**

The National Board of Education is in the process of renewing the whole curricula in 2011, but issued a special regulation in August 2010 to incorporate the Convention of the Rights of the Child together with the Universal Declaration of Human Rights, European Convention on Human Rights, and the function of UN into the curriculum already for the school year 2010-11. These are incorporated in the underlying values of basic education for grades 1-9, as well as the Upper Secondary level. They are also added as a new content in the history education for grades 7-9. For the Upper Secondary level a new content including human rights, Universal Declaration of Human Rights and other relevant human rights treaties is added into history (compulsory to all) and philosophy (advanced course, voluntary). This has been a welcome change in a situation where human rights have been taught on a project basis, and the teachers have not been aware of whose responsibility it is to promote the set of values involved.

However, it is essential that the human rights are a part of the practical teaching activity. Teachers still receive no systematic training in human rights issues. Hence, they lack adequate skills to teach them. Increasingly multi-cultural nature of the society increases also the demand for information on human rights.

*Taking human rights to the curriculum requires including the Rights of the Child in the teacher training programme, in post graduate studies and in teaching materials.*

## **General Measures of Implementation (Articles 4, 42, 44.6)**

Finland has a relatively satisfactory legislation in terms of its children, families and youth policies. The Government's *Development Programme for Child and Youth Policy (2007–2011)* provides clear goals for the country's child and youth policies and defines the measures required to attain these goals. It is important that the positive development which started with this Policy Programme will continue after the 2011 parliamentary elections and with the new government.

### ***Recommendations by the UN Committee on the Rights of the Child (2005), Nos. 10 (independent monitoring) and 12 (resources allocated to children)***

According to the State's periodic report, there are no plans to develop the activities of the Children's Ombudsperson as recommended in the Committee for the Rights of the Child. The office of the Children's Ombudsperson does not currently employ enough staff to enable the Ombudsperson to investigate complaints made by private individuals. This would require strengthening the human resources of the office significantly. Should the Children's Ombudsperson undertake the task of investigating individual complaints, her independence from the Ministry of Social Affairs and Health should be secured and her office should be placed under the auspices of the Parliament or the Prime Minister's Office. In any case, the independence and scope of the Ombudsperson's activities must be secured.

A positive fact, however, is that the Children's Ombudsperson's statements have been well publicised in the media and they have had an impact on legislation. The scope of the activities of the Children's Ombudsperson should be extended to cover all children and young under the age of 18.

In Finland, families with children have in principle access to relatively comprehensive services. The problem is that there are municipal and regional differences in the availability of these services. The local service structure may also vary greatly according to the size the municipality. A more detailed description of the local and regional differences will be given later in this report.

The standard of school health services has declined significantly during the past 20 years. In July 2009, a regulation was laid down to secure a national universal standard for child health clinics, school and student health care but it has had very little practical impact to date. The current resources are not sufficient to fulfil the requirements of the regulation, particularly in the case of preventive services. When sufficient help is not provided for in early stages, the problems of children and families can escalate.

Please see also Basic Health and Welfare (Articles 18, 23, 24, 26, 27), page 21.

***Recommendation by the UN Committee on the Rights of the Child (2005), No. 14 (data collection)***

Progress has been made in the development of indicators to measure children's wellbeing. The work group, National Indicators of Children's Wellbeing which is funded through the Policy Programme for the Wellbeing of Children, Youth and Families, has recently given its proposal for national core indicators with which to measure children's wellbeing. These indicators will improve the monitoring of, for instance, the implementation of the Convention on the Rights of the Child in Finland.

Due to the present legislation, however, it is not possible to gather comprehensive statistical data on children living in vulnerable conditions. This data is only gathered on an ad-hoc basis. There is also lack of information on trends affecting the welfare of 0–12-year-old children and of children and families receiving child welfare services, as well as of information on the causes for alternative care, on the situation of children with immigrant background and on disabled or chronically ill children, and on violence against children. According to representatives of the Finnish Children's Parliament<sup>2</sup>, information on the wellbeing of children and youth and ideas for the improvement should also be gathered from children themselves, for instance, by expanding

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<sup>2</sup> The Finnish Children's Parliament is a national consultative organisation for primary school children. It was founded in 2007 to promote the interaction between children and the decision-makers and to ensure that the children's voices would be heard in the Finnish society. The Finnish Children's Parliament operates all year round via the Internet. Municipalities nominate representatives to discuss children's proposals in a weekly chat room and other forums. During two annual online meetings, the children vote on the proposals sent in. The children's proposals and suggestions are received by the consultative parliamentary committee for the Finnish Children's Parliament. The committee has representants from all the political parties in the Parliament. From 2007 to 2009, the discussion subjects have included satisfaction in school life balance, school health care, bullying, children's hobbies, diversity among children, awareness of the rights of the child, and climate change. The Finnish Children's Parliament invites the representatives from some 200 municipalities to an annual face-to-face meeting. In 2009, the meeting was one of the main events of the anniversary of the UN Convention on the Rights of the Child, and brought more than 600 children together in Helsinki.

the *School Health Questionnaires* by the National Institute for Health and Welfare to cover younger age groups.

The basic age-based division used in official statistics (0–14 years old, 15–64 years old and over 65 years old), divides 0–17 years old children into two age categories. Furthermore, compiling statistics with ethnic criteria is not allowed. These limitations make the general reviewing of children's living conditions more challenging.

***Recommendation by the UN Committee on the Rights of the Child (2005), Nos. 16 (training, dissemination of information), 45 (human rights education), 60-61 (follow-up and dissemination)***

The State has traditionally not performed its communication responsibility as stipulated by the Convention of the Rights of the Child. Prime Minister Matti Vanhanen's second cabinet programme and strategy, however, recognize the commitment to communicate and inform about the rights of the child. The Development Programme for Child and Youth Policy (2007–2011) of the Government provides clear goals concerning reporting and states the commitment to the Convention's 20th Anniversary campaign in 2009. In order to promote this work, a steering group was established on February 23, 2009 for the national communication and publicity campaign. The steering group submitted its proposal for the National Communication Strategy on the Rights of the Child on March 31, 2010. The strategy presents the structure of cooperation and an operations model for how the communications should be organised. The proposal presents a cooperation structure and an action model for organizing the communication. The Ministry of Education and Culture was to be given the coordinating responsibility in the project, and the cooperation between other ministries, the Children's Ombudsperson, NGOs and the Church was considered essential.

The NGOs have traditionally carried out the task of the communication and education about the Convention for the Rights of the Child. The share of the children's rights and human rights has been insufficient in the school curricula so far. An improvement to this practice can be expected since the Rights of the Child have been incorporated into underlying values of the whole school curricula and as a new content in the history teaching. However, the teachers have so far no systematic training in the Rights of the Child. According to the Finnish Children's Parliament it would be useful not only to distribute to children material for presenting the Rights of the Child in their own classrooms, schools and after-school clubs but also to discuss human rights issues with them.

In the anniversary year 2009, the communication and publicity campaign was organised as a shared project by the NGOs, the Evangelical Lutheran Church and the State of Finland. There is a common understanding on the continuation of the project, too. The aim of the campaign was to increase the public awareness of children's rights so that adults, as many of them as possible, would consider children's rights their own responsibility. A particular goal was to give children increased opportunities to have their voices heard, to participate and to have an impact. The target group consisted of children and young people under the age of 18, as well as parents and adults working with children. Thanks to the extensive campaign cooperation, the general awareness of the Convention increased by 18 per cent units. In October 2008, 54% of the population had heard of the Convention whereas in January 2010 the awareness had grown to

72%. This survey was ordered by the Government Policy Programme and carried out by Taloustutkimus market research.

UNICEF Finland has studied the awareness of children's rights among upper basic education school children. In 2006, 57% of these children felt they had some (53%) or plenty of (4%) knowledge of children's rights. In the follow-up study conducted in 2009–2010, the level of awareness had increased to 69%. Of these children, 58% said that they had some, and 11.2% that they had plenty of knowledge about children's rights.

### ***Development cooperation***

The State Periodic Report does not give the specific share of the development funds of the GNP. Unlike other Nordic countries, Finland has not increased the development aid to the level of 0.7% of the GNP despite of the strong economic recovery prior to 2009. The State should also give more accurate reports on the distribution of the development aid. According to the 2007 policy lines, the Finnish development aid has focused on improving the status of children, women and girls, and strengthening their rights. The evaluation carried out by the Ministry for Foreign Affairs suggests, however, that these objectives have not been met. There is no sole responsibility bearer, the instructions to the authorities have not been clear and their training has been insufficient.

Finland should show a consistent commitment to promoting the rights of the developing countries' children. Particularly the current bilateral and multilateral development aid for the education sector should be increased in order to secure the necessary resources and technical support to the education sector in developing countries.

The Finnish Development Policy Programme does not propose concrete goals for securing children's education in developing countries. Finland made its own commitments when the United Nations published the Millennium Development Goals. In 2007, Finland was 65% below the target level. Only 7% of the development aid was allocated to the education sector, and only 43% of that amount to primary education. Only 5% of the development aid to the education sector was targeted to countries in conflict or facing a threat of them. Only 0.7% of the Finnish humanitarian aid was allocated to supporting education (Last in Line, Last in School 2009, Save the Children 2009). Finland should increase its funding on education, particularly in conflict-prone countries.

## **Definition of the Child (Article 1)**

In Finland, a child gains adulthood at the age of 18 but receiving benefits is not determined by one single age limit. Child allowance is paid until the age of 17. Support to a child or young person with disabilities is redirected from the family to the individual child or young person when they turn 16, even if their life circumstances remain unchanged. In the Criminal Code of Finland, a person becomes fully responsible of his/her actions at the age of 15.

Representatives of the National Forum for Children and the Young<sup>3</sup> have commented on the inequality caused by the different definitions of the age limit for a child in the public transport

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<sup>3</sup> The aim of the National Children and Youth Forums is to create a lobbying channel for children and young people and to seek their opinions for local and national decision-making. At the same time, the local and regional participation

systems of different municipalities. In some municipalities, children under the age of 16 are entitled to travel on a children's ticket while the age limit in other municipalities can be 12 years. This practice puts children in unequal positions and prevents Article 31 from being realised.

## General Principles (Articles 2, 3, 6, 12)

### Article 12

#### ***Recommendation by the UN Committee on the Rights of the Child (2005), No. 23 (respect for the views of the child)***

Clarifying a child's opinion in matters concerning him/her is still not carried out to sufficient degree. More opportunities have been created for children to be heard and to participate on different levels of administration but structures for different stages of decision-making should be further developed. Under school age children and children in special groups should be given better opportunities to participate.

The Finnish Basic Education Act defines how to organise the pupils' council activities but the organizing is not compulsory and the organizing decision is made by the local education provider. The practises vary by municipality. The pupils' council activities are seldom organised in primary schools. However, the pupils' council activities should be developed and models for democratic participation should be created in schools. A Nordic study by UNICEF, *A Child's Rights to Participate 2009–2010* indicates that only 21% of Finnish comprehensive school upper graders have participated in pupils' council activities, compared to 38% in other Nordic countries.

The obligation set in the Finnish Youth Act for children and young people to be heard is only implemented in some municipalities (Basic Services Evaluation Report, 2007). As positive development, it should be noted that local children's parliaments have been established in a couple of dozen municipalities (there are 342 municipalities in Finland), and that a law on pupils' council activities will be brought to the Parliament shortly. Nevertheless, the primary-school-aged children of the Finnish Children's Parliament feel that children do not have enough influencing opportunities at school and in after-school hobbies and clubs.

*The 2008 Youth Barometer* indicated that 44% of those who answered were aware of a youth impact group operating in their municipality. According to the Open Youth Forums held in Helsinki in 2009<sup>4</sup>, young people are not aware of their influencing opportunities and channels.

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structures for children and young people are reinforced. Each term, a new theme is selected, and the theme for 2010 is the UN Convention on the Rights of the Child. The National Board of Education is the responsible organiser of the Forum.

<sup>4</sup> Open Forums are discussion events for young people between 13 and 18 years, and decision-makers for discussing important social issues. The participants come from schools, colleges and youth centres. The young discuss issues around the theme first in groups. The day culminates with a panel discussion with the decision-makers. The aim is to introduce young people to politics, politicians and political decision making. The aim is also to enable direct communication between the young and the decision-makers on issues important to the young, and to offer the young a

There is a lack of communication between decision-makers and the young. The young need a lobbying forum linked to their everyday life, a place where they frequently meet, such as the Internet.

In the Irc gallery<sup>5</sup> online community, 23% of children and young feel that they cannot get their voices heard: “[...] *the young should be given more power to influence matters which concern us and our future the most.*”

Please see also Basic Health and Social Welfare (Articles 18, 23, 24, 26, 27), page 21.

The adults should evaluate all structures and procedures of their decision making processes and modify them to enable children’s participation better. The authorities and decision-makers should work with children in order to design a model for hearing the children’s opinions and to determine the issues on which they should be consulted.

In 2010, Finland participates as pilot country in the Council of Europe policy review on the participation of children and the young. The Ministry of Education and Culture is the coordinator in the project which involves a large number of representatives from different fields of administration and various organizations. The aim of the policy review is to produce recommendations for enhancing the participation of children and the young on different levels of decision making.

The Article 12.2 of the Convention on the Rights of the Child states that a representative should be present on occasions where children are being heard. This practice, however, is seldom exercised. In child protection this representation is fortunately written into the Child Welfare Act. Nominating a representative for a child still depends on whether this representation is considered important in the child’s municipality and whether the municipality is willing to pay for it. No clear or comprehensive plan for the representation of children has been created. NGOs have addressed the problem and developed a regional network for the organised representation of children.

An additional problem is caused by the fact that a child may be allocated a representative only in cases involving child protection but not in complex custody disputes although it would sometimes be crucial. A child is not entitled to his/her own representative in these cases because he/she is not a concerned party. According to studies carried out by the National Research Institute of Legal Policy *Child Custody Disputes in Magistrates Courts (2006)* and *Child Custody Disputes in Courts of Appeal (2008)*, it is extremely unusual to have children heard in care and custody disputes. The

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channel for influencing political decisions. An abstract is composed of the ideas generated at the Forums by the young, and the abstract is sent through municipal youth boards to be dealt with in other appropriate boards and committees. In 2009, the theme of the Forums was the rights of the child. A total of four Forums were organised with 280 participants from 47 different schools and five youth activity groups.

<sup>5</sup> The Irc gallery and the Habbo community both carried out a survey *I have rights!* on the rights of children. The survey was a part of the anniversary celebrations of the UN Convention on the Rights of the Child. The online questionnaire was accessible for one weekend and a total of 3,220 answers were received. The aim of the questionnaire was to increase the awareness of children and young people about children’s rights.

practice was not addressed or reformed in the new Child Welfare Act. The practice of handling guardian disputes should be reformed, and the cooperation between parents should be emphasised.

Hearing a child in a court of law cannot be processed properly. The court will therefore invite a report on the circumstances from a third party, the social services. In this connection the child is also heard, and these processes have been improved. A report is only invited by the court in every other case (55% of cases). A circumstances report takes an average of 6 months to be prepared by the social services but it can also take up to 12 months. During such a long time, the family circumstances may essentially change. The courts of law and the authorities should also have sufficient information on the special language and cultural characteristics of the family. The prerequisite for these criteria to be implemented is that the team works within the same organisation and has access to direct communication with the child. The child needs not come to the court of law but a separate hearing can be organised by the court, outside the courtroom.

In the beginning of 2010, a court reform was launched in Helsinki Magistrates Court. A child is now heard at home in the presence of a magistrate court judge and a child welfare expert. An expert on child development acts as a support person of the family, and monitors that the temporary regulation is complied with. The expert is an essential part of the court of law process and has the right to ask the parents questions during it.

### **Article 3**

#### ***Recommendation by the UN Committee on the Rights of the Child (2005), No. 21(the best interest of the child)***

The general principle of the best interest of the child is not fully actualised in Finland. There are shortcomings in understanding and implementing the principle properly and the prevailing perception of the effects of legislation and administration on children is too limited. The rights and the best interest of the child should be themes which are mainstreamed cross all sections of society. The impacts of plans and decisions on children are generally not assessed. A guide on *Child Impact Assessment in Municipal Decisions* has been prepared and, as a sign of positive development, a few pilot projects on the subject have been launched.

The current Government programme has a requirement that the best interest of the child should be investigated in decisions involving asylum seekers and refugee children. However, the principle of the best interest of the child is not respected in cases of unaccompanied minor asylum seekers since they are treated primarily as asylum seekers, not as children. In the Child Welfare Act it is required that the best interest of the child should be assessed but it has not been clearly stated how the Act should be applied to foreign children. The obligations and compatibility of the Alien Act and Child Welfare Act should be investigated. The best interest of the child should be the primary criterion in decision making concerning unaccompanied minors, their asylum application and reunification of their families.

In some cases, in decisions concerning repatriation or determination of age, the best interest of the child can be used as a criterion which actually acts against the best interest of the child. In cases where there is due cause to fear that the repatriation would jeopardise the asylum seeker's legal protection or that the repatriation is contradictory to the best interest of the child, Finland

should resort to the option provided by the Dublin II Resolution to hear the seeker's application for asylum in Finland.

The best interest of the child and his/her wellbeing are often neglected in services for the adults, particularly in mental healthcare services and in the care of substance dependent mothers. The best interest of the child is inadequately met also with children who have been damaged before birth due to the substance abuse of their mothers. These mothers do not have adequate access to treatment. The NGOs have developed a national treatment system for pregnant substance dependent women and mothers. The system, providing both inpatient and open care services, has been operating and it has been developed over a period of 10 years. Child care professionals need more information for identifying a child who has been damaged during pregnancy as a result of the mother's substance abuse.

Please see also the recommendation by the *UN Committee on the Rights of the Child* (2005), No. 35, Basic Health Care and Social Welfare (Articles 18, 23, 24, 26, and 27), page 21.

The amendment to the Child Welfare Act on March 1, 2010 improved considerably the situation of children accompanying their mothers into prison. The Act ruled on building family departments to prisons. An important change in this legislation was giving the child welfare authorities the right to decide on the placement of a child in prison with his/her parent. Earlier this decision was made by placement units in the prison administration.

### ***Concerns about Young People***

Insufficient attention is paid to the implementation of the rights of the 15–17 years old children. Young people are commonly considered to be an at-risk group, and this age group is object to increasing monitoring and protection measures by the authorities. The Youth Act will be amended with regulations on the multidisciplinary cooperation networks of local authorities and on outreach youth work and the sharing of information related to these activities. The goal is to offer the young better opportunities to access the services they need and to intensify the early provision of help in order to promote their passage to training and work.

High quality research on the youth is conducted in Finland, and a youth barometer on their attitudes and values is published annually. However, the usage level of this data could still be improved. Data on the young is not always gathered systematically, particularly data on youth in need of special support. The final responsibility for youth research lies with the Ministry of Education and Culture and the Ministry of Social Affairs and Health.

Young people tend to be at risk particularly during transition periods, such as moving from basic education to upper secondary or university education and to working life, or the time after military or non-military service. The unemployment figures of the young have grown alarmingly in recent years. In order to prevent social exclusion, the young unemployed should be offered diversified forms of support and training opportunities. Outreach youth work needs increased resources because through this activity it is even possible to reach the young not actively seeking support.

Please see also Civil Rights and Freedoms (Articles 7, 8, 13–17, 19, 37 (a)), page 16.



## Civil Rights and Freedoms (Articles 7, 8, 13–17, 19, 37 (a))

### **Article 7**

The Finnish Paternity Act is not in harmony with Article 7 of the Convention on the Rights of the Child. The Finnish Act (700/1075) is based on the premise that the child should be guaranteed the presence of a father. The Act does not, however, automatically guarantee the child the right of identification of his/her biological father, nor does it grant the biological father the right to acknowledge his child or establish a contact with him/her. In cases where the child's father is someone else than the mother's husband, biological paternity can only be acknowledged if the mother and her husband are willing to rescind the husband's paternity. The Paternity Act needs to be reformed.

### **Article 17**

#### ***Recommendation by the UN Committee on the Rights of the Child (2005), No. 25 (access to appropriate information)***

The child's right to be protected against material which is harmful to his/her growth and development is not sufficiently implemented. The current system of age limits (the Finnish Board of Film Classification and the PEGI system) is not very widely known. Parents and educators have insufficient knowledge of the age limits and their significance in games, films and videos. The broadcasting schedules based on the self control of TV stations, the so-called watershed hours (K11, K13, K15, K18) must be better communicated. The Finnish Act on the Classification of Audiovisual Programmes is currently being completely reformed with the aim to react on the changes in the industry and enable better protection of children against harmful material. The Finnish Board of Film Classification will be replaced by a Media Education and Broadcasting Centre.

The seventh national Data Security Day was spent in February 2010. It is a joint project of public administration, the corporate sector and the NGOs. The aim is to increase the citizens' awareness of the benefits and dangers of the Internet and to tell about protective measures against threats of data security breaches. The main target group for the Data Security Day are primary-school-aged children, their teachers and parents. The aim is to keep the themes of data security and the safe use of the Internet up and visible on the Data Security Day and throughout the school year so that the information reaches through the school children also their homes and parents. Data security is a consistent part of the basic education and aims at helping the children become full members of the information society.

Please see also Special protection measures (Articles 22, 30, 32–35, 37–40), page 29.

### **Article 19**

A study carried out in 2008 on child victims surveys the prevalence of sexual exploitation, violence, online sexual molestation and bullying of children. The research on violence against children should be continuous in order to have any practical impact. Unfortunately, no permanent funding for this kind of research is available in Finland at the moment.

A study on the status of children in criminal proceedings as suspected victims of violence is currently carried out at the Police College of Finland. The preliminary findings already suggest that a child is often in danger of being maltreated in the process. Only a part of the police conducting child interviews has the required post graduate training for the work.

Different professional groups need training in identifying signs of sexual abuse in children. They need skills and courage to take up the topic, and information on the professionals' notification duty. A task of its own is to increase the awareness of the legal professionals on how to understand and be sensitive in treating an abused young when his/her case is taken to the criminal court process.

There is still reason for concern over the acceptance of corporal punishment in Finland, although improvement has been made in this respect. In the Nordic study by UNICEF Finland on *The Child's Rights to Participate 2009–2010* the children were asked about human rights and the use of corporal punishment. 30% of Finnish basic education upper graders accept corporal punishment, compared to an average of 10% in other Nordic countries.

*A National Action Plan to Eradicate Corporal Punishment of Children and Young People (2010–2015)* was compiled under the Ministry of Social Affairs and Health in October 2010.

Please see also Special protection measures (Articles 22, 30, 32–35, 37–40), page 29.

The current criminal code and sanctions prescribe insufficient means for preventing violence against the children within a family. Immigrant parents, in particular, should receive education on and orientation to Finnish legislation. They should also be given instructions on non-violent guidance based practices of bringing up children.

In some national minority cultures and immigrant communities, many girls and young women face the threat of traditional honour violence also in Finland, and they need help and protection against it. The honour violence constitutes a threat also to young boys who live under its influence. The police and social workers should be trained to recognize honour violence and to help the young who are victims of this violence or live under its threat.

A provision should be added to Finnish legislation to unambiguously criminalise all medically unnecessary surgical procedures on a child's genitals.

The Central Union for Child Welfare produces material on Finnish child welfare to immigrant parents in their own languages. The material includes descriptions of the forms of action of Finnish child welfare and the child legislation behind them, as well as information on the Convention on the Rights of the Child. The material emphasises that domestic violence or corporal punishment within a family are not allowed under any circumstances. Information has been produced also as an audio file accessible to the illiterate immigrants.

## **Family Environment and Alternative Care (Articles 5, 9–11, 18, 20, 21, 25, 27.4)**

### ***Articles 9, 18, 20, 21, 25 and 27***

#### ***Recommendation by the UN Committee on the Rights of the Child (2005), Nos. 29-30 (alternative care)***

The new Child Welfare Act of January 2008 was the most significant step forward in child welfare. All underlying principles of the new Child Welfare Act derive from and support the Convention on the Rights of the Child.

The Act requires that each municipality or municipal federation must draft a plan to promote the wellbeing of children and youth and to organise and develop child welfare in their jurisdiction. The plan must be approved by the municipal councils and reviewed at least every four years. This plan must be taken into account when drafting the municipal budgets and financial plans. The plan will give the decision-makers an overall view of children's living conditions and wellbeing in their municipality and of the resources needed.

The Act emphasises the development of preventive measures and open care services. The criteria for assessing the best interest of the child have also been recorded in the Act. Mapping out a child's network of close relatives is important in child welfare when assessing the family environment and alternative care. A plan must be drawn to support the parenthood of the parents of a child who has been taken into care and to assess the possibility of reuniting the family. The Act improves the hearing of the child in decision-making concerning them. The child also has the right to be heard which grants the right to veto or appeal on a decision and to request for statutory services and benefits.

The new Child Welfare Act did not include the requirement to record the reasons for child welfare measures. This will complicate the monitoring of the factors behind child welfare actions and hinder the preventive work. It also jeopardises legal protection in cases where a child welfare notification has been filed on false grounds.

The amendments to Child Welfare Act of March 1, 2010 brought about a number of clarifications and improvements to the regulation of child welfare work. These include a hastened process of child welfare cases in administrative courts and a clarification to the regulations on decision-making.

A positive feature is that the implementation of the new Child Welfare Act is actively monitored and it will be amended when necessary. At the same time, it is alarming that important changes are made to the Act without comprehensive preparative work and discussion of the principles. Preliminary legislative work should be improved in order to give NGOs and other actors sufficiently time to familiarise themselves with the proposed reforms.

The insufficient preventive services are an essential problem in the service system. The reduction of services during the economic recession of the early 1990s has not been adjusted. The availability of preventive and open care services varies between municipalities and regions. A positive feature is that preventive child welfare has been defined more clearly as being the responsibility of many different authorities. This, however, requires further training, new kinds of operating models, and more resources. The lack of trained social workers, professional turnover and the heavy workload in child welfare work are the key human resources problems in the sector.

The number of children in child welfare open care and children placed outside home has grown since the beginning of the 1990s. In 2008, more than 59,000 children under the age of 18 (5.5% of all children) were clients of child welfare open care. During the same year, 16,000 children and youth (1.3% of the under-18-year-old children) were placed outside home. In recent years, especially the number of 16–17-year-old children taken into care has increased. Emergency placements of children and youth have also increased at an alarming rate.

The growing number of clients in open child welfare care is a sign that the basic services provided by municipalities are insufficient. Basic services do not reach and support the clients early enough and children and families too often become child welfare clients. The service network should be strengthened in order to support children's wellbeing already in childhood. Restoring the level of municipal in-home services for families with children would be important. As a result of the advocacy work from the NGOs, this has been recorded in the Development Programme for Child and Youth Policy 2007–2011 of the Finnish Government.

The alternative care structures have been distorted even further in recent years. The share of foster care has decreased and the share of institutional care and professional foster homes has increased. In 1998, 46% of children placed outside home were in foster care, compared to 33% in 2008. During the same period, the share of institutional care increased from 30% to 34% and the share of professional foster care increased from 11% to 19%.

Transferring the emphasis of alternative care more towards foster care was set as a goal in the Government programme. Essential means for reaching this target are the current legislation reform on foster care, ensuring the necessary support to foster carers and the better regional organisation and coordination of fostering services.

Foster care has been the least resourced choice of alternative care and its development has been neglected. Remuneration and cost allowances for foster carers are poor, and foster families receive insufficient work counselling and scarce opportunities for further training. The availability of foster care varies by municipality and region but regional development efforts have been successful. The need to develop foster care has been acknowledged and the Ministry of Social Affairs and Health has set up a National Action Plan for Foster Care and a Work Group on the development of the legislation effective from May 1, 2009 to December 31, 2010. The work group has prepared an intermediate report of the required amendments to the legislation in spring 2010.

However, it is important to remember that some children require more demanding care. These children must be guaranteed alternative care in a child welfare institution which best meets their

care needs. The decision on the place of care for the child must always be made on the basis of the child's care, not on the cost of the service.

According to the Child Welfare Act, the goal of reuniting the family in the best interests of the child should be taken into account in the planning and carrying out of an alternative care placement. The primary goal is to rehabilitate both the child and the parents in such a way that it is possible for the child to return to his/her parents. The rehabilitation of parents whose children are in alternative care is currently insufficient. It would also be important to increase the peer group support on a national level.

The special status of adopted children is not sufficiently recognised in health care and social services. Mental health and therapy services for adopted children and youth are difficult to access and children are taken into care against the best interest of the child. Adoption legislation is currently being reformed. There are now discussions on how adoption could be used more effectively as a measure in child welfare and on the status of biological parents in adoption cases.

The reform of the local administration in 2010 transferred the steering, monitoring and permit administration of the social care from the County Administrative Boards to Regional State Administrative Agencies. At the same time, the operating scope of the National Supervisory Authority for Welfare and Health, established in 2009, was extended to cover social care. The reform seeks to increase the proactive monitoring and self-governance of the social and health sectors and to harmonise the modus operandi and solution practises of the Regional State Administrative Agencies. The reforms are welcome also for the development of the child welfare monitoring. The prerequisite is that the monitoring resources are increased and that standardised criteria are drafted for the child welfare service system. The quality standard recommendations currently drafted in the Ministry of Social Affairs and Health will be an important step forward. The availability and quality of child welfare services cannot be guaranteed solely by means of information steering. In addition, national standards are needed, as proposed in Article 3.3 of the UN Convention on the Rights of the Child.

Unaccompanied minors seeking asylum have currently no right to services similar to child welfare aftercare, although they will grow adults in circumstances where they lack the network of family and close relatives. This is a great weakness in the service system. NGOs have tried to alleviate the situation for the past 15 years by organising supported living services for unaccompanied minors. Unfortunately, this support can only be offered to 35 young people at a time.

When selecting services for families and suitable alternative care for immigrant children, it is important to take into account the cultural, linguistic and religious background of the child and to ensure sufficient support to the parents.

There is insufficient research data on child welfare in Finland for making extensive plans for the improvement of the general living conditions of families with children and for decreasing the number of child welfare clients. The National Institute for Health and Welfare and Statistics Finland have drafted plans to organise the child welfare register and to improve research in the subject. No funds have yet been allocated for either of these, however. The development project run by the ITLA foundation is to initiate the collection and production of information related to child welfare and to promote multi-disciplinary cooperation in the field.

## **Article 10**

### ***Recommendation by the UN Committee on the Rights of the Child (2005), No. 51 (children asylum-seekers/reunification of the family)***

Family reunification procedures have been tightened in Finland due to amendments to the Alien Act as of July 2010. According to the amended Act, an immigrant minor wishing to reunite his/her family is considered minor only if he/she is underage when the decision is made on his/her family ties. In practice, the change means that the majority of applicants lose their right to unite with their family because most applicants are 15–17 year old (only 83 of the 706 immigrant children arriving in Finland in 2008 were under the age of 15). The processing time of the applications has become longer as the number of applicants has grown. Probably only few unaccompanied minors will manage to have their own asylum application and the family reunification process completed before their 18th birthday. This means returning to the old and poor system in which the child loses one of his/her basic rights, the right for a family because of delays in administrative processes. The Act weakens the status of refugee children because their family reunification processes are considerably longer than those of EU citizens.

Instead of the change described above, Finland should reduce the processing times for family reunification applications by budgeting extra resources to embassies, by sending civil servants to conduct family tie interviews at the most congested embassies or by organising them together with other Nordic embassies.

## **Article 5**

### ***Recommendation by the UN Committee on the Rights of the Child (2005), No. 27 (family environment)***

The capacity of nurses in child health clinics to discuss relationship issues with parents and to steer them towards support services should be improved. Suitable measures should be developed to guarantee that the best interest of the child is implemented during and after the parents' divorce process. The NGOs have drafted material to support the work of the child health clinics and to assist health care professionals who meet young parents in their work.

There is not enough relationship counselling accessible to prevent divorces, and the supply of services is unevenly distributed at the national level. Efforts should be made to develop low threshold services where cultural barriers are taken into account. The relationship counsellors should be further trained to offer them better skills for understanding cultural viewpoints and the challenges posed by immigration. The NGOs engaged in multicultural work have a central role in this development work. The organisations can concentrate also on developing and producing preventive services.

## **Basic Health Care and Welfare (Articles 18, 23, 24, 26, 27)**

In terms of promoting the health of children and youth, the decree given in 2009 on child health clinics, school and student health services and preventive oral health care for children and young were important. The positive features of the degree were its links to the Child Welfare Act, the fact

that they highlight the importance of preventive work and early intervention; that they acknowledge the demands set by the Convention on the Rights of the Child, and that they include proposals related to the participation of the young and the families. The extended health monitoring at child health clinics provides additional support to care for entire families and to strengthen parenting skills.

Different forms of support and assistance have been developed for families but the availability of services varies by municipality. The municipalities and the State must together find adequate means to promote the equality in service provision. Children themselves are worried that there are not enough school nurse services available for them.

Families' option to access day-care services across municipal borders is a new feature in children's day-care. Opening municipal borders alleviates the everyday lives of families, as they can now obtain a day-care for their child near their place of residence, workplace or the place of study regardless of the municipal borders.

The skills and resources of the staff in child health clinics, early education and school counselling should be increased for the work supporting the parenthood of immigrant parents.

Parents need plenty of additional support when they are expecting more than one child at a time. Family training for multiple births families is only occasionally available and the staff's training for the work is insufficient. Specialist multiple births training should be available to all couples expecting multiple births.

The parents of small children, and particularly single parents, should be offered more options for combining working life and family. The 24 hour day care will enable three shift work to parents of children under school age. However, reconciliation of work and family is more difficult for single parents of school aged children.

Please see also Special protection measures (Articles 22, 30, 32–35, 37–40), page 29.

## **Articles 26 and 27**

### ***Recommendation by the UN Committee on the Rights of the Child (2005), No. 41 (standard of living)***

In international comparison, few Finnish families with children suffer from poverty. However, the position of families with children regarding income distribution has grown worse in the 1990s and the 2000s. According to *Income Distribution Statistics* by Statistics Finland, 13.8% of Finnish children lived in poverty in 2007, compared to 4.7% of children in 1995. Approximately 150,000 children lived in low income families in 2007.

Single-parent families, families with small or multiple children were most affected by low income.

Nearly three as many single-parent families suffered from low income than was the average for the entire population (32.3% compared to 12.3%). The declining financial situation of single-parent families is caused by the economic recession and their weaker position in the labour markets; their level of unemployment seems to be consistently higher than that of the rest of the population. The family benefits of families with multiple births should also be improved.

The family benefits of those establishing a family through adoption are in many respects weaker than those of other families. Family benefits and parents' leave should be extended to cover all adopted children, also those adopted into families at the age of seven or above.

Children from poor families are easily excluded and unable to take part in activities and hobbies (Division of Income Statistics 2008, preliminary data). After the recession, the fees charged by sports clubs have multiplied because municipalities started charging local sports clubs for the use of sports halls. It is therefore more expensive to take part in sports activities as a hobby. The cost of hobbies is usually not taken into account in families' livelihood budgeting. Sports organisations do valuable work in providing sports opportunities for children, and their work should receive state support.

More effective measures are needed to reduce child poverty and the social security of families with children should be corrected.

Please see also Education, Leisure and Cultural Activities (Articles 28, 29, 31), page 26.

## **Article 24**

### ***Recommendation by the UN Committee on the Rights of the Child (2005), No. 35 (access to health care services/alcohol and smoking)***

Overall consumption of alcohol, particularly the consumption of strong alcohol, increased in Finland in 2004 following the reduced alcohol taxation. Although consumption has decreased slightly since, in 2008, more alcohol was consumed in Finland than in any of the other Nordic country (Nordic Alcohol Consumption Statistics, 2008). According to the Youth Health Habit Study (2009), the popularity of alcohol abstinence among the youth has declined in all age groups and for both genders. The number of young consuming alcohol at least once a week has grown and the number of 16–18 years old children binge drinking at least once a month has increased (The University of Tampere, Tampere School of Public Health, Adolescent Health Habits 2009). Lowering the alcohol tax is an example of what happens when the best interest of the child is not taken into account in legislation which is not considered to affect children directly. According to children themselves, they feel more insecure when the adults near them drink excessively.

Please see also the Family Environment and Alternative Care (Articles 5, 9–11, 18, 20, 21, 25, 27.4)/ the increased number of children in alternative care, page 19.

The decreasing smoking trend among young people continued for a long time but the trend has stopped. The use of snuff and self-roll cigarettes has increased in the past two years, particularly among boys. The passive smoking of the young is a continuous problem, although exposure to cigarette smoke has decreased steadily since the 1990s. In public places, smoke-free environment has almost become the norm. A lot remains to be desired in terms smokeless homes; one-third of young people live in families where smoking inside the home is not sufficiently restricted. One in 10 young is exposed to cigarette smoke inside the family car (The University of Tampere, Tampere School of Public Health, Adolescent Health Habits 2009).

The Finnish Parliament passed the new Tobacco Act on October 1, 2010 to amend the anti-smoking legislation. The new objective of the Tobacco Act is to put an end to the use of tobacco products in Finland. The Act was extended to ban smoking in all environments used by children



and young people, such as near day-care establishments and schools, and to make the purchase and possession of tobacco illegal for anyone under the age of 18.

The Parliament also asked the Government for a clarification concerning additional measures to restrict alcohol and image advertising. The Ministry of Social Affairs and Health set up a work group on September 7, 2009 with the task to evaluate restrictions on alcohol advertising by May 31, 2010. The work group was also asked to consider the alcoholic drinks marketing which affects young people, ways to impact young people's alcohol use and delay the starting age of alcohol use. The CUCW does not approve of the definition of policy of the work group dictating that no amendments were needed to laws on alcohol image advertising. The CUCW justifies its views with strong research evidence which indicates that alcohol advertising is harmful to the health and future of children and young people. Public opinion also supports restrictions on advertising.

***Recommendation by the UN Committee on the Rights of the Child (2005), No. 37 (access to health care services/mental health)***

Approximately one of five young people suffers from some kind of mental health problems. The most common of these are depression, anxiety, behavioural problems and disorders caused by substance abuse. Typical of the mental disorders of the young are multiple problems and the simultaneous appearance of various disorders.

The mental health services of children and young people are completely insufficient in many locations. Clear time limits must be set for receiving treatment and these limits must not be exceeded. Therapy services for children and young people should be significantly increased and, in addition to psychopharmacological treatments, they should always be offered regular counselling or some other type of therapy. More professionals in child and youth care should be trained. The representatives of the Finnish Children's Parliament wish that children and young people suffering from mental health problems and bullying would be admitted for treatment easily in order to prevent more serious damage to the child's life, and to support their immediate social community at school, too.

Appropriate treatment of young mental health patients is always also preventive work. The essential goal of the development work should be reducing the fragmentation of the service system, and promoting extensive professional cooperation. Savings should not be targeted at child health clinics or the day-care system. The school health care should be reinforced in line with the recently laid regulations. Every municipality and each school should have a responsible doctor. The Consensus Panel of the Finnish Academy suggests that the use of multi-disciplinary treatment methods should be intensified and a Best practice recommendation should be drafted for the treatment of behavioural disorders of young people. The Internet, the environment where young people actively operate, should be also used when developing welfare services for young people.

In 2008, approximately 20 children under the aged of 17-years committed suicide, and slightly over 100 young people aged 18–24 years (The National Institute for Health and Welfare, SOTKANet). The special earmarked funding and health guarantee for the psychiatric treatment of children and young people have improved the mental health services situation children and young people. However, the right timing of the admission to treatment and the continuity of the treatment of young people are not always realised. In Finland, there is a lack of low threshold crisis services specifically for young people; these services could be used to treat depression.

Depression has increased among young people in Finland and it is often the underlying factor in suicides.

### ***Article 23***

Finland signed the UN Convention on the Rights of Persons with Disabilities on March 30, 2007. However, the national implementation of this Convention will probably be delayed till 2011. The realisation of the rights of the children with disabilities would be promoted by establishing the post of a national Ombudsperson for disabled people. The Children's Ombudsperson has also an important role in improving the rights of the children with disabilities.

The rights of the children with disabilities are not always implemented and their special needs are not sufficiently acknowledged. There are regional and municipal differences in the availability of services for the disabled. Children with disabilities are in most cases seen as clients of the rehabilitation services. The lack of financial commitment, insufficient supply of services and service providers and the long distances to services have also caused disparity in the availability of services. Children and families do not always receive sufficient, high quality and up-to-date support for the growth, development of the children or assistance in finding the right course for their lives. Families are often unsatisfied with the initial information they have received.

The availability of support to caregivers of disabled children varies in municipalities. Less than half of the families of the children with disabilities receive the support they would be entitled to. At the birth of disabled child, it is difficult for families to find the right services and support forms because the supply of support by society is unorganised and unclear. Families would need a professional, such as rehabilitation or an open care instructor to assist them with support and rehabilitation arrangements. The skills of health care employees should be improved in this respect. A family oriented, partnership-based attitude to work would secure a dialogue of professional and experience-based knowledge in planning the forms of support.

Behavioural disorders of children with disabilities place a burden on parents, and it may even result in discontinuing of the home care of the child. Only a minority of families feel that they receive sufficient educational guidance to support their child's rehabilitation. The family of a disabled child or young person could be supported through organised temporary care services.

The difficulty expressing oneself in or understanding spoken language often hinders the participation of children and young people with disabilities and prevents them from having an influence in matters concerning them. The development and organising of interpretation services for children and young people with speech impairments have been poorly implemented in most parts of the country. In addition to the interpretation services for the children and young people with speech impairments guidance and instruction are needed in the child's close community and environment for understanding the communication of the child. More speech therapists are needed in Finland.

There are problems in organising personal assistants and transportation services for children with disabilities. The legislation does not guarantee complete rights of the families to support and home care services of the disabled. There are not enough temporary care places for children with serious disabilities to alleviate their parents' burden.

The rights of the children with disabilities to education are insufficiently met. An inaccessible environment, lack of personal assistance and the shortage of other services and tutoring for the disabled, as well as problematic attitudes, may lead to a situation where the disabled child cannot receive education. Classroom assistants and personal assistants of children with disabilities often lack the adequate training. Additional resources and forms of support to special needs day-care and education are required.

The key question in organising special needs education is whether the special needs pupils should be allowed to attend the same school together with other pupils. In Finland, this has been recorded in the equal opportunities clause of the constitution. According to the concept of “inclusive education” adopted by UNESCO, all disabled students should have guaranteed access to normal classrooms. In this concept, placement in a special unit should only be a rare exception. In many European countries teaching in separate special education units has decreased. Finland is among the countries where the level of segregation of disabled pupils is exceptionally high, and this trend is increasing. In 1995, less than 3% of the pupils received tuition in special units. By 2007, their share had increased to 7.7%.

After basic education, disabled young people – particularly those with multiple disabilities – have hardly any options for further education. There are too few suitable upper secondary education places available. The number places for training and rehabilitation should be increased and a diversified supply for vocational training should be available. The training guarantee should be extended to cover all young people.

Children and young people with serious disabilities are in particular need of support with regard to physical exercise activities. In addition to accessible environment, they need assistive devices for disabled, and instruction in their use. Supporting the rich and diversified cultural and physical activities of the people with disabilities is also important.

Parents who have themselves disabilities are a group only recently recognised. Professionals often lack the necessary skills to meet disabled parents, which in turn prevents their access to services. Home care services and the respectful interaction between the professionals and the parents as well as long term cooperation are the best form of support for the people with disabilities to cope.

## **Education, Leisure and Cultural Activities (Articles 28, 29, 31)**

### ***Article 29***

In spite of the fact that it is legal to lay off teachers, it may result in illegal situations. The laying off has the hardest impact and for the longest time on pupils with special support needs and on families who are unable to manage their everyday lives. Savings targeted at the school system threaten equality because the framework curriculum and the choice of optional subjects have been reduced differently in different parts of Finland. The impact of these reductions in staff on children should be assessed.

Many municipalities have closed schools in recent years. In 2000, there were 4000 primary schools but by autumn 2009, only 3065 primary schools were in operation (Statistics Finland,

Educational statistics). The school journeys of many children have grown longer as a result of the closing of local schools. In sparsely populated areas, particularly in Northern Finland, the journey to school takes up a significant part of a child's day, which is far too hard particularly on primary school children. The closing of local schools often means that the children of the area are deprived of important leisure opportunities and the sense of community.

In Finland, children's participation in education is comprehensive. Practically all 7–15-years old children participate in free basic and secondary education and almost all 6-years old receive pre-school education. The Finnish school children have had excellent success in the international comparisons of learning results (the PISA studies). However, in the international comparison, the wellbeing and the school life balance of Finnish children are poor. The school children also feel that they don't have sufficient opportunities to influence the way the schools are operating.

Please see also Special protection measures (Articles 22, 30, 32–35, 37–40), page 29.

Recognising bullying, ways of stopping bullying and means of investigating discrimination cases should be included in the authorities' non-discrimination plans for schools. Introducing a peer tutoring system would be one way of preventing bullying in schools. Peer tutors create a positive atmosphere in schools and prevent bullying. There are approximately 14,000 peer tutors in Finnish schools and the peer tutoring system is operating in approximately 90% of Finnish schools. The challenges of multi-cultural issues are also taken into account in the peer tutoring system.

The School Peace Programme by the NGOs, the National Board of Education and the Police Department of the Ministry of Interior aims at reducing bullying and violence in Finnish schools. School Peace has been declared in the beginning of the term every autumn since 1990. Through the School Peace Programme, the best practices for reducing bullying and violence applied in indifferent schools in different locations could be shared and are spread widely across the country.

In some areas with a large immigrant population, parents have taken their children away from local schools (the so-called 'white flight' phenomenon). Families may even move to another area in order to get their children to another school. This phenomenon should be addressed by methods such as urban planning. According to the Non-discrimination Act proposal, authorities, schools and higher education institutions should promote non-discrimination systematically.

Growing multiculturalism and multilingualism should be paid more attention to. Authorities, schools, higher education institutions and NGOs should all extend their work and efforts wider to change the racist and xenophobic attitudes of young people. At the moment, racism is not recognised and the children and young people who are victims of racism lack of adequate support. Children and young people with immigrant background should not be moved to special education units simply because of their background or mother tongue.

The Children's Day Care Act dates back to the 1970s and it no longer meets today's needs, either technically or in content. The new Early Education Act would improve the situation. However, there has been no progress in the legislative reform. The development of early education services, play ground activities and after-school clubs is required, and in this work NGOs and congregations would be valuable partners for municipalities.

***Recommendation by the UN Committee on the Rights of the Child (2005), No. 43 (education, leisure and cultural activities/Roma children)***

NGOs are concerned about the education of Roma children and young people, about their opportunities to find jobs and the weakening of the Roma culture and language. In order to promote the rights of the Roma children and young people, it is important to lay a focus on supporting their upbringing, education and studying in all growing up and learning environments. National studies on bullying indicate that the Roma children and young are victims of bullying more often than other children. Schools should develop ways of addressing the bullying of Roma children and young people and preventing discrimination. Awareness of Roma culture should be promoted and the tuition of Roma language should be offered more widely than today. It is important to train and hire employees with a Roma background. In addition, information on Roma culture and the special needs of Roma children and young people should be provided to all professionals in child care and education. Special support is required to enable Roman youth to study. In hobbies and other leisure activities, it is important to encourage the Roma young to interact with each other and to participate in activities together with the youth of the mainstream population.

***Article 28***

Young people's continuation to upper secondary education after basic education is not comprehensive. Approximately 5% of all young people remain outside the school system after basic education (Statistics Finland). Efforts should be made to identify the young people in danger of becoming excluded and provide them with special support. Different kinds of learning environments and pedagogic models should be offered because not all children learn in the same way, and theory-based learning does not suit everyone. The option of increasing the compulsory age of education to 18 years should be considered.

Representatives of the Young People's Open Forum have requested more equal and comprehensive information on further education opportunities in student counselling during basic education. Students are not given sufficient information about secondary education opportunities at the end of their basic education. Questions related to career choices should also be dealt with in upper grades of the basic education. Particularly young people with immigrant background need more student counselling and support in their steps to secondary education after the basic education.

Please see also Article 23, Basic Health and Welfare (Articles 18, 23, 24, 26, 27), page 21.

***Article 31***

The supply of morning and after-school club services is insufficient and does not meet the demand. In the autumn term of 2009, 49% of the first grade pupils and 27.7% of the second grade pupils took part in these activities. Not all municipalities organise after-school clubs and not all applicants can be admitted. The morning and after-school clubs are an affective way of assisting the reconciliation of family life and working life. In Finland, there are organisations and congregations which can alleviate the burden on municipalities in providing the club services. However, there are no statutory requirements for the municipalities to organise morning and

afternoon activities, which is the reason for the insufficient supply of these services. The supply of afternoon activities for the third and fourth graders should be increased.

As far as young people are concerned, the most important youth services for them are clearly youth centres and youth workers (Youth Barometer 2008). Participants to the Young People's Open Forums suggested that youth centres should be open right after the school day. Young people typically engage in their hobbies in the evenings. There is a clear demand for somewhere to go and something to do right after the school day before the evening hobbies begin.

Children must enjoy equal access cultural services, regardless of where they live. Cultural services for children and young people should be reasonably priced, and gender equality should be taken into account when organising cultural services and physical exercise for them.

Please see also Article 23, Basic Health and Welfare (Articles 18, 23, 24, 26, 27), page 21.

Please see also Article 30, Special Protection Measures (Articles 22, 30, 32-40), page 29.

## **Special Protection Measures (Articles 22, 30, 32-35, 37-40)**

### ***Article 30***

The Finnish Language Act (423/2003) is outstanding and gives every Finn the right to receive services in Finnish or Swedish. There are 1,091,560 children in Finland, i.e. 20.5% of the population. Of these children, 987,666 (90.48%) are Finnish speakers and 62,162 (5.69%) are Swedish speakers; 41,732 children (3.82%) speak some other language (Statistics Finland 2008). In practice, the spirit of the Language Act (423/2003) is not implemented to the letter. The Swedish speaking child's right to his or her own language during urgent care proceedings is not always realised, not even in the Helsinki metropolitan region. Nor are there open care or psychiatric care services for children and young people available for Swedish speaking children and their families in the capital area.

The number of Sami speakers is declining in Finland. There are altogether some 9300 Sami speakers in 230 municipalities in Finland. The Sami people's area of domicile covers four municipalities: Inari, Utsjoki, Enontekiö and the northern parts of the municipality of Sodankylä. Despite of the requirements set by the Sami Language Act (1086/2003), the amount of Sami language services has not increased. The Sami language is internationally classified as a endangered language. In particular, the Inari Sami and the Koltta Sami face an imminent threat of extinction.

Sami children need child health clinics and school health services in their own language. In the Sami area of domicile, the availability of these services is secured through the state subsidies to the Sami municipalities within the district. However, the arrangement is unreliable because it has not been enforced by law. Furthermore, health education material would be required in two different Sami languages, and for the two separate Sami cultures. The rights of Sami children to their own language in open care services or during urgent care proceedings are not being implemented. Finland provides no mental health services, therapy or psychiatric care in the Sami language.

The Education and Culture Act (L 635/1998, amended on December 30, 1998/1186) has secured the basic prerequisites for organising education in the Sami language in the municipalities within the Sami area of domicile. Due to the dispersed habitation in the Sami areas, it is not always possible to arrange local classroom teaching in the Sami language. The problem has been addressed with attempts in virtual teaching but the implementation has not been fully successful. However, the State has improved the status of the Sami language in numerous ways during recent decades.

There are not sufficient youth club activities and educational services for Sami children and young people available in the Sami area of domicile. Regular children's TV programmes in the Sami language should be produced and the supply of recreational activities and hobbies should be improved. Considerable subsidy should be directed to producing children's literature, music and computer games in the Sami language.

Cooperation network and development projects of the Sami area cross national borders are required to prevent the corporal punishment of children and violence within the family.

## ***Article 22***

The reception of unaccompanied minors has not been carried out completely according to the law in recent years. Due to the strong growth in the number of applicants, the services have been forced to more flexibility, which again has led to a weaker level of service. In principle, the accommodation of child asylum seekers complies with the requirements of the Child Welfare Act. In practice, the size of child asylum seekers' group and the number of reception staff varies from unit to unit. The standards of the Child Welfare Act are roughly achieved in the cases of children under the age of 16. In the accommodation of most 16–17-year old asylum seekers, the requirements of the Child Welfare Act are not even the starting point. This has been justified by the fact that the new Child Welfare Act makes no mention of supported housing. Hence the procedure complies with the very recommendations the Ministry of the Interior's and with the EU asylum reception directive which states that asylum seekers aged 16 and over can even be accommodated in adult units. Due to this practice, Finland has actually failed to apply the basic principles of the Convention on the Rights of the Child in the case of 16–17-year-old children. This occurs, for instance, in Articles 1–3, 10, 20 and 22.

Furthermore, unaccompanied minors living in group homes have had no right to aftercare as stipulated by the Child Welfare Act. However, the Finnish Integration Act is currently being reviewed in the Parliament. If the planned reforms are agreed on, the after care services will be granted to the unaccompanied minors aged 16-17, too. This reform is very welcome.

There are not enough mental health services, therapy or psychiatric care available for child asylum seekers. The situation is particularly difficult for unaccompanied minors, for whom the availability of these services is tied to the allocation of a home municipality. In many cases, under-aged asylum seekers must move to another group home while waiting for their residence permit or/and shortly after receiving it. This does not comply with the Convention on the Rights of the Child with regard of the principle of continuity in a situation where the child is deprived of his/her own family.

## **Article 34**

### ***Recommendation by the UN Committee on the Rights of the Child (2005), Nos. 32-33 (violence and neglect)***

According to studies, the amount of sexual abuse has not increased in Finland. A growing number of sexual abuse cases are reported to filed by the authorities and lead to a sentence. The sentences on sexual assaults have become more severe in recent years. (Hinkkanen, Ville, 2009. The sexual exploitation of a child. A study on sentencing policies and repeated sexual crimes. National Research Institute of Legal Policy Research, Communication 92)

However, the Internet has introduced the risk of a new kind of sexual violence. Online sexual harassment of young persons by adults or by notably older children has become common. Sexual violence targeted at children in the Internet has not been sufficiently studied in Finland. The phenomenon also involves judicial weaknesses and shortcomings, such as in cases of grooming, and lack of information in cases where early intervention and recognition of the victims would be essential.

Professionals in various sectors working with children or for their benefit do not have sufficient information about the sexual abuse of children in the digital media or the recognition of child victims of abuse, nor an understanding of how to take children's needs into consideration. In 2003, the National Institute for Health and Welfare's published a guide for professionals in social services and health care on the investigation of the sexual abuse of and assaults on children. The guide has increased the professionals' skills of investigating suspected cases of sexual abuse and assault on children and to taking the cases to the police.

In 2009, the Ministry of Social Affairs and Health drafted a new memorandum on sexual exploitation (Investigating Sexual Abuse of Children. Memorandum of the work group. The Ministry of Social Affairs and Health studies 2009:30). This memorandum gives updated instructions and new proposals for the organising of the investigations. In 2005, The National Institute for Health and Welfare's also published a security education booklet for children (Security Skills for Children). The Duodecim Medical Association published the "Best practice" recommendation for examining sexual abuse of minors in 2001 (updated in 2006).

## **Optional Protocols**

It is regrettable that Finland has not yet ratified the Optional Protocol on the Sales of Children, Child Prostitution, and Child Pornography. In order for the Optional Protocol to be ratified, Finnish criminal legislation must be amended to make acquiring consent for adoption by inappropriate means a punishable act in accordance with Article 3 of the Optional Protocol. According to the current Finnish legislation, this act is against the law only if there is evidence of characteristics of human trafficking or of the use of force. The Optional Protocol can be ratified only once the necessary judicial amendments have been made.

As a process to be initiated, the national implementation of the Optional Protocol has been included in the Government's Development Programme for Child and Youth Policy (2007–2011). The Ministry for Foreign Affairs has set up a work group to clarify the necessary steps for the



ratification of the Protocol. The original deadline for the work group was December 2009 but it was extended until May 2010. Steps for the ratification have already been taken by the Ministry for Foreign Affairs. For instance, a preliminary draft has been prepared for a Government proposal on the ratification of the Protocol. The NGOs feel that the ratification should take place as soon as possible.

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## **Comments**

Suomen opetussektorin kehitysyhteistyömäärärahojen leikkaukset polkevat kehitysmaiden lasten oikeutta koulutukseen. <http://www.unicef.fi/kannanotto-220409>

## Appendices

### Appendix 1

#### **Central Union for Child Welfare's member organisations and interest groups that participated in the compilation of the supplementary report**

- Adoptioperheet ry – The Adoption Families
- Barnavårdsföreningen i Finland r.f. – The Finnish Children's Welfare Association
- Ensi- ja turvakotien liitto – The Federation of Mother and Child Homes and Shelters
- Erityishuoltojärjestöjen liitto Ehjä ry – The Federation of Special Welfare Organisations Ehjä ry
- Finlands Svenska Socialförbund rf – The Swedish Association for Social Welfare in Finland
- Helsingin kaupunki – City of Helsinki
- Kalevan Nuorten Liitto – Kaleva Youth Association
- Kansallinen Lastenliitto ry – The National Organization for the Children
- Kehitysvammaisten Tukiliitto – The Finnish Association for Persons with Intellectual Disabilities
- Kehitysvammaliitto – Finnish Association on Intellectual and Developmental Disabilities
- Koulutus Elämään säätiö – Life Education Finland
- Kuurojen liitto ry – The Finnish Association of the Deaf
- Mannerheimin Lastensuojeluliitto – The Mannerheim League for Child Welfare
- Nuorten Avoimet Foorumit 2009 / Helsingin kaupunki – Open Youth Forums/The city of Helsinki
- Nuorten Kotkain Keskusliitto – The Nuoret Kotkat Central Association
- Nuorten Ystävät ry – The Friends of the Young Association
- Opetusalan ammattijärjestö OAJ ry – Trade Union of Education in Finland
- Parasta lapsille ry – The Best for the Children
- Pelastakaa Lapset ry – Save the Children Finland

- Plan Suomi Säätiö – Plan Finland
- Saamelaiskäräjät – Saami Parliament
- Selviytyjät-nuoret / Pesäpuu ry – Centre of Expertise of Child Welfare
- Seurakuntien Lapsityön Keskus ja Lasten Keskus Oy (the association of Finnish congregations for work and activities with children)
- SOS-Lapsikylä ry – SOS Children's Villages
- Suomen Kasvatus- ja perheneuvontaliitto ry – The Finnish Association for Child and Family Guidance
- Suomen Lastenhoitoalan liitto ry – The Finnish Association of Child Care and Nursery Nurses
- Suomen Lasten Parlamentti – Finnish Children's Parliament
- Suomen Monikkoperheet ry – Finnish Multiple Births Association
- Suomen nuorisoyhteistyö – Allianssi ry – Finnish Youth Co-Operation – Allianssi
- Suomen Unicef – Unicef Finland
- Suomen World Vision – World Vision Finland
- Vammaisten lasten ja nuorten tukisäätiö – The Finnish Foundation for Children and Youth with Disabilities
- Väestöliitto – The Family Federation of Finland
- Yhden Vanhemman Perheiden Liitto ry – The Finnish Federation of Single Parent Organisations
- Yhteiset Lapsemme ry – All Our Children

