

## THIRD PERIODIC REPORT BY FINLAND ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

*Supplementary report to the UN Committee on the Rights of the Child*

*A report submitted by Lastensuojelun Keskusliitto (Central Union for Child Welfare) upon request by the UN Committee on the Rights of the Child)*

### General information about the compilation of the report

The Convention on the Rights of the Child (20.11.1989; CRC) requires a special process of reporting. The objective of the procedure as intended in article 44 of the CRC is to make Government operations more effective. Under article 45 of the CRC, the Committee on the Rights of the Child can, if required, consult experts from both specialized United Nations agencies and NGOs.

Lastensuojelun Keskusliitto (hereafter, the Central Union for Child Welfare) has invited comments on the Periodic Report by Finland from its 85 member organisations, as well as from other organisations (*inter alia* Suomen Unicef ry [Unicef Finland], Ihmisoikeusliitto ry [the Finnish League for Human Rights], and Saamelaiskäräjät [The Sámi Parliament]). Although statements and comments were not obtained from all contacted organisations, they represent a wide spectrum of expert opinions and views from various fields.

During the drafting of this report, the Central Union for Child Welfare organised a briefing concerning supplementary reporting and the Third Periodic Report compiled by the Finnish Government, inviting almost 100 organisations.

It has been the intention of this report to also draw attention to those issues, problems and proposed solutions that the Report by the Finnish Government neglects to mention, as well as the social developments which have taken place after the Report was compiled.

The Finnish Government consulted NGOs extensively in the preparation of the Periodic Report. The organisations sent their written commentaries to the Ministry of Foreign Affairs in spring 2003. In the summer (29.6.2003) the Ministry also organised a hearing of NGOs at a phase where the Ministry had prepared a draft version of the report.

In the opinion of the Central Union for Child Welfare it is important that Finland, unlike many other countries, **consults with NGOs in the preparation of the report.**

However, **the report suffers from a lack of analysis and of suggestions for concrete measures.** It is the view of the Central Union for Child Welfare that the problem **could have been averted**, for example, **by adopting a structural strategy** which, in addition to recommendations and descriptions of situations, would have included **separate sections on critique and analysis throughout.** The text is also too detailed at times. Making the text more concise would have improved readability and made the core issues easier to discern. The extent of the report is not a problem as such.

The range of issues covered in the Periodic Report is so wide that, in the opinion of the Central Union, its proper treatment and analysis, as well as its role as a basis for national **follow-up work**

would require setting up a permanent support unit with representatives from State administration, the municipalities, research on children and NGOs.

The NGOs have found fault in, for example, how suggestions for improvements, statistics, or problems identified and expressed in the statements by NGOs have been used in the Periodic Report by Finland. Many issues have been neglected. This supplementary report deals with these defects and proposed solutions.

The structure of this supplementary report follows the structure and headings of the Third Periodic Report (on the implementation of the Convention on the Rights of the Child) submitted by the Government of Finland.

*I General measures for the implementation of the provisions of the convention, A. Implementation of the rights of the child (article 4)*

Development cooperation policy

Although the rights of the child constitute an area of special emphasis in the development cooperation policy of Finland, Finland's reporting concerning article 4 fails to meet the recommendations of the UN Committee on the Rights of the Child. **The UN Committee on the Rights of the Child instructs the Member States of the convention to declare the amount of international aid in proportion to the budget** in their Member State Reports, as well as to specify details *inter alia* on aid given to health and education. **Finland does not declare these figures.**

The Committee has encouraged the countries providing aid to follow the recommendations of the Convention on the Rights of the Child in their development cooperation policy definitions and to prioritise children also as recipients of aid. In its Member State Report, Finland does not comment on how it has taken the best interests of the child into account in its development cooperation policy. Finland does not compile statistics identifying separately, for example, the development appropriation granted for basic and continuing education, which *inter alia* makes it difficult to monitor the share targeted at children.

The State of Finland succeeded in raising the development appropriation to 0.7 percent of the gross national product in 1990. In the course of the recession the percentage plummeted, and it has not been raised despite the economic upswing. It stands presently at 0,348 percent of the gross national product. It is estimated that Finland will reach the recommended 0.7 % by 2010.

**The report should also have taken the international perspective on the rights of the child into consideration.** Finland should channel resources to the materialisation of the rights of the child also in neighbouring area cooperation. The expanding Europe is also often a Europe without borders, which increases the sale and traffic in children and the exploitation of children in Europe. **The recommendations made by the Committee could in the future emphasise that the shared responsibility** of countries where the issues of children are relatively well taken care of also extends **to children in other countries.** Countries such as Finland should also have a more global responsibility for the rights of those children who are not directly protected by national legislation.

#### *I. A. 4. Provision of basic services, Committee recommendation No 16*

##### Monitoring municipalities

The Report states: (despite the recommendation of the Committee) "Finland has not considered it necessary to establish a specific integrated monitoring system or mechanism to ensure that the municipalities take care of their basic functions." **The organisations disagree with the claim made in the Periodic Report to the effect that a system monitoring municipalities is not needed.** Neither has the Board for Basic Security operating in the Ministry of Social Affairs and Health met the expectations of the organisations.<sup>1</sup>

At present, the State Provincial Offices monitor and assess the state of welfare services in their respective areas. The monitoring responsibility extends in certain cases also to municipal social workers, for example in the placement of children and young people from the municipalities to extra-familial care of child welfare. **However, the monitoring falls short of the Committee recommendation, due partly to lacking resources and legislative reasons.** Regarding the latter, one example is the licensing practice of private child welfare institutions, where the regional council is the authorising party. The legislation only enables intervention in the external framework of the operation, not in qualitative questions of content.

##### Municipal Child policy programs

A follow-up on the progress of **municipal child policy programmes** at the beginning of 2004 showed that programmes have been finalised in 81 municipalities, and that a programme is under way or that a decision has been made on one in 61 municipalities.<sup>2</sup> In addition, issues related to wellbeing of children were included in wellbeing programmes targeted at the whole population in 51 municipalities. One regional programme on child policy has also been completed, and it finds that 68 percent of Finnish children live in a municipality where there are clear objectives for the improved wellbeing of children, young people, and families. The follow-up on the progress of municipal programmes will be repeated at the beginning of 2005 as part of a child welfare programme. The work on municipal child policy programmes commenced in 1995 at the initiative of Kuntaliitto (hereafter, the Association of Finnish Local and Regional Authorities) (Eläköön lapset [Long live children] - document)). The work on municipal child policy programmes is important in itself, and as a function which for the first time recognises children as inhabitants of a municipality and as autonomous agents. **There are, however, large differences in the quality of the programmes and, at present, no coordinated monitoring of their practical implementation and effects exists.** Although programmes made at the municipal level are important from the viewpoint of the rights of the child, the Central Union believes that attention should be drawn to the fact that child policy is an integral part of municipal total planning, implying that children as a segment of the population should be taken into account in all municipal planning and budgeting. **Secondly, the preparation of programmes does not suffice in itself. Care must be taken that programmes are also implemented and monitored properly.**

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<sup>1</sup> The Ministry of Social Affairs and Health can bring the service system of a municipality to be assessed by the Board for Basic Security, if the municipality has failed to provide its inhabitants with the services intended in special laws to such a degree that the immediate basic services equal the level generally accepted in the country.

The Board for Basic Security must ascertain that the service system of the municipality is appropriate. If the Board finds that the service system has serious defects that are the responsibility of the municipality, the Board may submit a recommendation on how and within what period of time the defects in the service system must be rectified.

<sup>2</sup> The municipal programmes on child policy aim at the definition of clear municipal objectives for the enhancement of the wellbeing of children, young people and families.

Regarding Government and municipal administration, it should be possible to enhance the wellbeing of children and young people through systematic policies and measures. However, **the preparation of an extensive and unanimously agreed national programme for child policy is still lacking in Finland.**

The problem is, on the one hand, the scarce and unforeseeable funding of the welfare services which the municipalities are obligated to provide, and on the other, the monitoring system for services which **overemphasises monitoring through information. The service system is segmented and scattered**, and it has not been possible to reach a common view which would transcend the individual sectors and agencies and address the problems.

#### Cooperation between municipalities and NGOs is needed

The social environment in which decisions are made has become more complicated in Finland. Factors which complicate the supervision and control of service systems include the **segmentation of administration, increased influence of specialised knowledge, internationalization, and the blurring of the borderline between private and public sectors. This has led to inequality between the municipalities and, above all, between the citizens.** The State is no longer able, through legislative means and the distribution of resources and information, to direct functions at the municipal level. The Central Union for Child Welfare believes that in the service provision at the municipal level, the municipalities, NGOs and private service providers must – from the perspective of the client – improve their current level of cooperation and co-planning. Likewise, it is necessary to develop trans-sector (covering social, health, and education sectors) planning and decision-making systems.

**Not all of the municipalities have sufficient resources for the production of basic and special services, which increases the regional inequality of the inhabitants. Therefore, it is necessary to develop services based on partnership (the municipality, organisations, private service providers), locally and regionally.** The State authorities must be more proactive than at present in encouraging the municipalities to do so, and if required, also to place sanctions on the municipalities (who unable to ensure equal services for their inhabitants), if they fail to develop their services through local cooperation.

The Periodic Report makes no mention of the Harava-project (2000-2004), an extensive project carried out jointly by child welfare organisations and the public sector, and coordinated by the Central Union for Child Welfare and the Association of Finnish Local and Regional Authorities. The project designed models of co-operation and service production related to the provision of psycho-social services for children and young people, locally and regionally. In the local administrative structure of Finland, there are large differences in the size and capacity resources of the municipalities providing services. Furthermore, the cooperation between administrative and agent sectors (the various administrative sectors of a municipality, organisations, private service providers) has not been smooth from the perspective of the client using these services. Local and regional cooperation in the provision of child welfare services has, from the perspective of the client, turned out to be more and more necessary, because sufficient child care expertise is no longer available in all municipalities. The Harava-project, which operated in three large regional areas, developed cooperation models for service provision. Their nationwide application benefits the child client and the municipality alike. Local and regional cooperation is also necessary from the perspective of the municipalities, since there are many small municipalities in Finland whose own resources are insufficient for providing special services, and sometimes even the basic services of child welfare.

### *I. A. 5. Ombudsman for Children, Committee Recommendation No 20*

#### The areas of responsibility

The periodic report: "As long as there have been two Deputy Ombudsmen, children's issues have been the responsibility of the Parliamentary Ombudsman, or one Deputy Parliamentary Ombudsman..."

"Prime Minister Matti Vanhanen's Government Programme states as one of its objectives the establishment of the position of an ombudsman for children."

It is positive as such that the **Government has decided to establish a post of an Ombudsman for Children as of September 2005**. The areas of responsibility of the Ombudsman will be extensive<sup>3</sup>. According to the UN Finnish National Committee on the Rights of the Child, the Ombudsman will be in charge of promoting the interests and rights of all children and bring these perspectives into discussions and decision-making on social policy. Bringing children's own opinions up for public discussion and informing children about their rights would also be among the core duties of the Ombudsman, as well as giving advice and guidance and taking the initiative to raise subjects for discussion on children's issues. Monitoring of the State and municipalities will be carried out by the Ombudsman for Children. On the other hand, the monitoring carried out by the Ombudsman will be limited. He or she can monitor the activities in municipalities, but is unable to sanction them.

#### Cooperative body is needed

The Central Union for Child Welfare believes that **the policy on children continues to be scattered in Finland, and the country lacks an effective monitoring system. Therefore, together with the Ombudsman for Children, a related cooperative body is needed to represent NGOs more widely**. A child welfare unit should be established in Government, as well as an inter-administrative body for the rights of the child, consisting of authorities from various administrative sectors as well as of representatives from the municipalities and organisations. The Act on the establishment of a post for an Ombudsman for Children includes the establishment of this kind of advisory committee/body, for which a decree is to be issued later. The decree has not been issued yet, and there is no practical experience of the Ombudsman's actions as an advocate for children's issues.

The Central Union for Child Welfare believes that the Ombudsman must supervise and monitor, *inter alia*, the implementation of the Convention on the Rights of the Child, the coordination and evaluation of tasks from the perspective of children, as well as be proactive in legislative work and follow the demand for and allocation of services. **All of the above presupposes significantly greater funding than what is at present allocated to the Ombudsman for Children by the State**. In these respects the State has not complied with the recommendation of the Committee.

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<sup>3</sup> The Finnish government states in the Bill on the Ombudsman for Children: The duty of the Ombudsman would be to promote the best interests and rights of the child at the general level of administration, social policy and legislation, and the promotion of the implementation of the UN Convention on the Rights of the Child. Bringing children's own opinions up for public discussion and informing also children about their rights would also be among the core duties of the Ombudsman. The Ombudsman could make initiatives regarding the status of children and the defects which exist in society. Other methods of influence would primarily include recommendations, guidelines and advice. (Unofficial translation.)

### The budget in Finland and other Nordic countries

The amount allocated to the Ombudsman for Children totals EUR 104 000 in 2005 and EUR 285 000 in the first full year of operation (2006) (including salary, administration, rent, etc. expenses). In addition to the Ombudsman for Children, the office in Finland will employ only one official.

Let us mention for the sake of comparison that the Ombudsman for Children in Norway is assisted by a secretariat of 15, whose guidelines are prepared by the Ministry of Social Affairs. The budget for 2003 was EUR 875 000. As for Sweden, the Office of the Ombudsman for Children employs a staff of 25. The Ombudsman for Children submits annually a report to the Government on the operations of the office. In 2004 the operating budget was EUR 2 104 000.

However, it must be noted that the operating environment for child policy making in Finland differs from the other Scandinavian countries, because, in particular, of the extent of NGO operations. In Finland, child welfare organisations have traditionally – for decades – looked after the monitoring of the interests of child welfare, the production of supplementary social services and, above all, the development of welfare activities and services for children.<sup>4</sup> It is to be hoped that the establishment of the post of an Ombudsman for Children signals, first and foremost, that the administration recognises the importance of the development of the status and rights of the child. He or she should boldly challenge any such factors which hinder the materialisation of the view of the child. **The organisations expect the Ombudsman to view them as partners and respect their work.**

The decision on the establishment of the post of an Ombudsman for Children was not made in time to be included in the Periodic Report.

#### *I. A. 6. Improved coordination of child issues, Committee recommendation No 12*

### The Finnish National Committee on the Rights of the Child

The Periodic Report states: "The Ministry of Social Affairs and Health set a Committee for child issues in spring 2003. The Committee was assigned, *inter alia*, to make a proposal concerning a permanent national mechanism for child and family issues".

The Finnish National Committee on the Rights of the Child is a national body, with strong representation from the Ministries, State Provincial Offices and major organisations with children. The term of the Committee ends in 2005. The proposal for the establishment of the post of an Ombudsman for Children has been prepared by the National Committee. The Government Bill did not correspond to the proposal by the Committee. A proposal concerning a permanent national mechanism for child and family issues has not been done yet. The Finnish National Committee on the Rights of the Child does not answer to the recommendations made by the Committee.

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<sup>4</sup> The most important party funding the development activities of child welfare organisations is Raha-automaattiyhdistys, RAY, (the Slot Machine Association), which also allows the organisations to remain independent from the State. RAY is an organization operating under public law, with the function to raise funds through gaming for supporting the work of voluntary health and social organizations. For this purpose, RAY has exclusive rights on operating slot machines and casino games, as well as on running casinos in Finland.

### *1.A.7. Amendment of the Child Welfare Act*

After Finland's Third Periodic Report and the supplementary report submitted by the Central Union for Child Welfare, **the Government has passed onto Parliament a proposal for the amendment of the Child Welfare Act.** The suggestion is made in the proposal that the present provisions of the Child Welfare Act be clarified in respect of children who have been taken into custody and placed in a child welfare institution, regarding the preconditions of the various restrictive measures applied, the control of the use of these measures, and the legal protection of children. The amendment of the Constitution has made the amendment of the Child Welfare Act in these respects necessary, although the latter has so far been overshadowed by other administrative duties in the Ministry of Social Affairs and Health. The Parliamentary Ombudsman, *inter alia*, has repeatedly called for the amendment of the law.

The Central Union for Child Welfare is at present preparing a statement on the Government Bill for the Social Affairs and Health Committee of Parliament. The amendment of the Child Welfare Act has been prepared by civil servants in the Ministry of Social Affairs and Health, to the exclusion of the broad-based preparation of laws which concern the fundamental rights of a person, as provided for in the Constitution. However, at this stage the Union wishes to draw attention, *inter alia*, to the fact that due to increasing numbers of child welfare clients (cf. Family environment and extra-familial care), **some children who are difficult to care for and who require special protection and care have been placed in foster homes, which are not included in the amendment of the Child Welfare Act.** Furthermore, it is to be noted that of 14 392 children who have been placed, only 8325 have been taken into custody.

The proportion between placing and taking a child into custody does not always describe a child's need for care accurately. The situation of social work professions in Finland is inadequate (cf. Family environment and extra-familial care), which has for its part contributed to the interests of the child not being materialised in child welfare measures. *Id est*: **some municipalities lack qualified social workers, and in particular social workers with expertise in child welfare.** The basic services were reduced in the aftermath of the recession in the 1990's and, despite the present upswing, they have not been returned even to pre-recession levels. Consequently, it is difficult to intervene early in the problems of children and families with children. Since the turn of 1990, **the client numbers for non-institutional child welfare services have increased yearly.** In 2003, there were 56 379 recipients of non-institutional services. This represents an increase of 2000 children from the previous year.

#### General Reform of the Child Welfare Act

**The Ministry of Social Affairs and Health has announced it will start preparing a Government Bill for a general reform of the Child Welfare Act.** The proposed reform is part of the Government's development programme for social/child welfare for the years 2003-2007.

**A general reform is much needed,** and the Central Union has been demanding one for a long time. The present Child Welfare Act (based on the interest of the child) is essentially well-founded.

However, the Act dates from 1984 and must thus be updated to correspond to the present situation. Special consideration must be given to the fact that the number of children in need of extra-familial care has increased annually in child welfare. The increase began in the aftermath of the recession in the 1990's, and it has not stabilised despite an improvement in economic conditions, because, in general, no additional resources have been allocated either to basic services or to the rehabilitative

services of child welfare in the municipalities. There are large differences in the provision of child welfare services between the municipalities, which sets the children in need of child welfare in unequal position.

In conjunction with the general reform of the Child Welfare Act, the Central Union believes that **it is necessary to draw attention to, *inter alia*, the following issues:**

- *present state of social work*
- *clarification of the non-institutional support services and of the various measures used*
- *multi-professional development of the non-institutional service system*
- *authorisation and monitoring procedures of child welfare services*
- *the party responsible for custody decisions must be reconsidered*
- *placement with relatives, close relations counselling*
- *clarification in matters related to education of the responsibility to provide and finance schooling*
- *obligating municipalities to provide emergency services for child welfare*
- *right of the child to an affectionate relationship*
- *equalisation of the high expenses of child welfare*
- *quality of extra-familial care*
- *preparation of the law not limited to civil servants*
- *reassessment of the age limit for after-care*

The UN Committee on the Rights of the Child has recommended that Finland take all appropriate steps to not place children outside the home unless it is in the best interests of the child, and to ensure that these placements be as short as possible. Most placements of children in Finland are justified on the grounds of the best interests of the child. The problem behind long-term placements is that there has been no development of psycho-social services in recent times, and that they focus too much on providing support. On the other hand, the monitoring function is considered to be the duty of the social work of child welfare. The notification contained in the Child Welfare Act is only given when control measures are seen to be necessary, at which stage it is far too late, from the perspective of the child, to assess and apply the various child welfare support services. Frequently, the support measures turn out to be inadequate and inappropriate. And yet, the assessment of the suitability and application of the non-institutional support measures is one reason for taking a child into custody. The application of non-institutional support measures at the acute stage of a child's crisis may only exacerbate the child's difficulties. Municipalities and organisations must collaborate to develop methods of early intervention in order to allow child welfare to assess the suitability of various support measures at an earlier stage.

Social workers employed in the child welfare of municipal social services must assume a double role: On the one hand, they support the child and his or her guardians and on the other, they must gather information which potentially leads to taking the child into custody, and defend the custody in court.

Fewer and fewer municipalities employ social workers who specialise in child welfare. The posts have been filled with unqualified (*inter alia*, kindergarten teachers) or fixed-term contract personnel. Furthermore, due to the stresses and strains of the work (comp. increased client numbers, more complicated issues) the qualified employees are eager to transfer to other duties.

The party responsible for custody decisions must be reconsidered, and on the basis of that, a definition has to be made whether the Social Welfare Board consisting of laymen, or the courts, is the body responsible for custody decisions in the future. The decision-making procedure involves both the legal protection of the child and that of his or her family.

According to the information obtained by the Central Union of Child Welfare, **the system for equalisation of the high expenses of child welfare, which was established in 1999, will be abolished in its present form.** The system has been criticised, in particular, in the small municipalities with fewer inhabitants, where it is has been felt that they are paying for a system which benefits only the larger municipalities. The system was originally designed to support precisely the small or economically fragile municipalities, in order to ensure that the children and families in need of assistance from municipal child welfare would not be deprived of that support due to reasons of municipal economy. **The Central Union holds that the defects in the system must be rectified, but the equalisation system itself must be preserved.** NGOs are willing to offer their expertise in order for the functional and procedural defects in the equalisation system to be rectified, but cannot accept the abolition of the system. The basic issue is not the system, but the fact, based *inter alia* on a report by the Central Union of Child Welfare (Lama ja lastensuojelu, [Recession and child welfare], 1995), according to which the municipalities may postpone taking, or even fail to take, a child into custody due to economic reasons. Taking a child or siblings into custody may significantly influence the budget of a small or economically fragile municipality, because the cost of care in a child welfare unit varies – depending on the kind of care required – between EUR 120 and 300 per day.

#### *I. A. 8. Collecting information about children, Committee recommendation No 18*

The Periodic Report states: "Children with disabilities constitute an entity, which Finland recognizes to be statistically very scattered and defective. The Ministry of Social Affairs and Health is involved in a reform concerning the compilation of statistical data, to be carried out in 2005."

"To date, only preliminary studies have been started, pending an official initiative concerning a regular provision of statistical data." (The need to assess municipal basic services)

A lot of studies and barometers on young people are published in Finland on issues related to the living conditions and environment of young people over 15. Fewer studies are conducted under the heading of research on children, and the proportion of children aged under 7 is marginal. Allowing the voice of children to be heard calls for new methods and a more proactive approach to research, in order for the wishes of children to be better attended to in decision-making.

**The compilation of statistics on children suffers from a lack of regular collection and coordination of statistical data.** It has not been possible to make use of sporadically produced data in decision-making, and furthermore, such data does not put pressure on political decision-making (cf. for example compilation of statistics on unemployment, research on health).

RAY are presently funding a project by the Central Union of Child Welfare, "Lapsitiedon keskus" [Centre of knowledge on children] (2004-2006), whose aim is to improve the ability to deal with, modify and analyse data on children so as to correspond to the needs of professionals, decision-makers, journalists and educators, and to ensure that information, especially the information produced by NGOs, can be located amidst the presently unprocessed masses of information.

*I. B. Making the convention widely known (article 42), Committee recommendation No 22*

State's responsibility

Government assumes the primary responsibility for ensuring that the human rights of the child are observed and materialised, without any discrimination whatsoever within the jurisdiction of the State (article 1). The State is responsible for the materialisation of the rights of the child also when partial responsibility has been entrusted to another agent, such as a municipality or civil society. The State also carries a great responsibility for disseminating information on the Convention in society.

The Periodic Report states: "During the UN Special Session on Children in May 2002, a number of Finnish children and young people convened to a Finnish children's special session to discuss the rights of the child. They developed ideas of how to step up dissemination of knowledge of the rights of the child."

"...NGOs have criticized the fact that public information about the Convention has been defective. Dissemination of information and the production of educational material has, in the past few years, remained largely the responsibility of NGOs."

"The Advisory Board for Roma Affairs has supported the Committee's proposal concerning the inclusion of the Convention in the curricula." ... "However, the Advisory Board is of the opinion that there is no reason at this phase to direct resources to the translation of the Convention."

**As the responsible authority has not been identified under article 42, the dissemination of information about the Convention has remained largely the responsibility of the organisations. Until now, Government has responded to the obligation to inform, included in article 1, by granting financial support to a number of projects by various organisations. This practice has resulted in the dissemination of information becoming project-centred and lacking a systematic plan.**

Report commissioned by child welfare organisations

According to a report commissioned by child welfare organisations and funded by the Ministry of Foreign Affairs (Pelastakaa Lapset ry [Save the Children Finland], 2004), child organisations have produced the greatest quantity of information (133 references), followed by various authorities (36 reports), and Yleisradio ([Finnish Broadcasting Company] 25 programs). The child organisations have produced material suitable primarily for lower and upper secondary level as well as for teachers. The second largest amount of material has been produced for elementary and vocational education. The effectiveness of the information material has not been studied.

According to a report compiled by the child welfare organisations, **Finland has failed to implement the recommendation of the Committee to make the Convention widely known.** The Convention is not available in minority languages or to immigrants. Also the training of professionals working with children regarding the content of the Convention of the rights of the child is insufficient. Even the Finnish children and young people themselves feel that they are not sufficiently familiar with the Convention.

### Familiarisation of professionals and children with the Convention

The Finnish UN Association commissioned in 2002 a study which shows that 2/3 of child care and child welfare professionals wanted more information about the Convention of the Rights of the Child. The majority of those who were familiar with the Convention had got the information from the media. The Central Union of Child Welfare believes that the familiarisation of professionals with the Convention and its principles during basic and advanced training is essential. In addition to lawyers, training is needed by social workers as well as other professional groups working with children and young people: school nurses, doctors, teachers, the police, *et cetera*.

Also the UN Committee on the Rights of the Child has emphasised the need to incorporate the Convention into the school curricula and into the training of professionals working with children.

In Finland, *Opetussuunnitelmien perusteet* (The foundations of curricula) –document provides the national framework for the basis on which individual schools design their curricula locally. Thus it represents the most effective means for materialising the obligation of the State to make the Convention widely known to its primary target group. The objective of the State was to incorporate the Convention in the foundations of the curriculum for basic education as they were reformed. Yet, the rights of the child or the Convention on the Rights of the Child are only mentioned once, in relation to Ethics taught to pupils from 1<sup>st</sup> to 5<sup>th</sup> grade. The number of children and young people studying Ethics in Finland is small. Consequently, the dissemination of knowledge on the Convention and on human rights in basic education is haphazard at best and dependent on individual schools.

The Ombudsman for Children must, in the view of the organisations, be allocated sufficient funds for the task of making information available. However, the NGOs continue to have an important role in the dissemination of information about the Convention on the Rights of the Child. According to the report, **the organisations hope that the authorities will engage in a more goal-oriented financing policy than is presently the case.**

### *II. Definition of the child (article 1), Committee recommendation No 24*

According to the CRC and to the Finnish Child Welfare Act, a person who has not reached 18 years of age, is a minor. However there are signs in the Finnish society – as well as in many other societies – showing that childhood is shortening. The children themselves don't want to be called or treated as children but as adolescents or young people - at the earliest possible stage. There are various reasons behind this tendency; one of the most influential explanatory factors is the strong presence of different youth cultures in the media.

### Preparation of Juvenile Act

The Ministry of Education is preparing a Bill for the new Juvenile Act (unofficial translation). The draft act proposes that in the law, the term young person refer to children and young people aged under 29. The inclusion of children in the act, in particular children aged between 0 and 7, is not problematic in itself. The services provided by municipal youth functions (e.g. children's cultural events and other recreational activities, after-school clubs) as well as the services provided by organisations working with preadolescents, offer a range of activities suitable even to young children together with their parents. Encouraging various parties to organise such activities is positive.

However, it is problematic that, the definition of childhood in § 2 notwithstanding, the terms "a child" and "children" are not visible in the act in any way. In modern society, one threat to children is posed by the shortening of childhood. From this perspective it would be justified rather to reinforce than to diminish childhood as a concept in legislation. For example, the UN Convention on the Rights of the Child accepts as its starting point that persons aged under 18 years are children. This Convention, which obligates Finland, has not been mentioned in the statement of the reasons of the draft act.

The Central Union for Child Welfare has noted in its statement to the Ministry of Education (15.12.2004) that the draft act is to be studied from the perspective of how it actually applies to children. Where applicable, the term "children and young persons" ought to be used also in the act. At the very least, the section identifying the objectives of the act should state that the law, where applicable, refers also to children. The needs of children are very different from, for example, the needs of young people aged over 20.<sup>5</sup>

*III. General principles, A. Prohibition of discrimination (article 2), Committee recommendation No 24*

Like the Committee, NGOs are concerned about the increase of racism among 15-year-olds. NGOs are of the opinion that attention must be drawn to the evaluation of the changes in attitudes achieved by anti-racism projects, because these projects have not had the desired results.

**Material on the rights of the child is needed in all immigrant languages both for children and parents** (for example, a brochure targeted at parents, "Lastensuojelu" [Child Welfare], is published by the Central Union for Child Welfare, and available in eight languages. The brochure gives information on the rights of the child and on the operation of the child welfare system in Finland.) Focusing on the rights of the child, for example, in connection with the teaching of Finnish is one way to familiarise immigrant children in the Finnish system of child welfare.

*III. D. Views of the child (article 12), Committee recommendation No 30*

The implementation of municipal programmes on child policy (cf. p. 3) in more than 100 municipalities has improved the recognition of children as inhabitants of equal standing in the municipalities. Various programme projects have made the voice of the children better heard, but they have not increased their participation. **NGOs believe that children under the age of 12, in particular, should have their voice better heard than is currently the case** (Cf. also I. A.4.).

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<sup>5</sup> The Central Union believes that in the drafting of a development programme for the policy on the young people for the Juvenile Act under preparation, attention must be paid to the suggestions made by the future Ombudsman for Children in his or her annual reports. The Ombudsman is to be given opportunity to submit his or her statement about the programme early on. This should be taken into account, for example, in the decree in which the provisions for the approval of the development programme are described in greater detail. Furthermore, the Ombudsman for Children is to at least have the right to speak and to be present – preferably also a membership – in the meetings of the Advisory Council for Youth Affairs.

From the point of view of the organisations, the objective is to aim at enhancing the active inclusion and participation of children. Special attention should be paid to finding creative ways, and to extending others, such as the use of the internet, in the dissemination of information about the rights of the child. One model could be to ensure and extend the operation and maintenance of the [www.lastenkaupunki.net](http://www.lastenkaupunki.net) [[www.childrencity.net](http://www.childrencity.net)] -web pages, a joint venture of organisations working with pre-adolescents and the Central Union for Child Welfare.<sup>6</sup>

Recreation is one of the fields which boosts the participation of those aged under 18 in the municipalities. **The municipal youth services and organisations must adopt the rights of the child as an area of special emphasis in their operation.** This applies, for instance, to schoolchildren's morning and afternoon activities and more generally, to club activities. For this reason, **the rights of the child must be incorporated into the basic and advanced training of professionals in the field** (Cf. also page 10).

*IV. Civil and fundamental rights, G. Access to information (article 17), Committee recommendation No 32*

Effects of the media

The media and advertising have a strong influence on a child, on his or her self-image and ideas about the surrounding environment. One of the fundamental problems is that although parents are responsible for their children, they are yet unable to protect them from the adverse effects of the media. Individual families or parents lack the possibility to isolate the child from the influences of society at large. Increased volumes of brutalising or sexually suggestive media entertainment and marketing are both accessible to children, and beyond parental control.

Children are featured frequently in the media, but the style is often sensationalistic. These cases usually involve public discussion on personal matters of individual families, or problem-centered featuring of children in the media.

Media as an information channel

The media provide the best means of disseminating information about the rights of the child, for it reaches most efficiently the entire target age group. In making the principles and contents of the Convention on the Rights of the Child and known (CRC), the State should utilise, *inter alia*, the channels used by children every day – the internet and television.

The representatives of the media should recognise their responsibility in relation to what kind of broadcasting, and in general, what kind of world view children are offered at what kind of viewing time. The representatives of the media need to be informed on the kinds of defects existing in the materialisation of the human and fundamental rights of the child, and on the interventive measures required by the CRC to address them. In order to attain this, constructive cooperation between the media on the one hand, and the Government and the third sector agents on the other is needed.

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<sup>6</sup> [www.lastenkaupunki.net](http://www.lastenkaupunki.net) - web page, created by the Central Union for Child Welfare and the organisations working with pre-adolescents, contains information on the rights of the child and is targeted at pre-adolescents. Special emphasis is given to increasing children's opportunities and rights to participate. In the preliminary stage, the project received funding from the Ministry of Education. However, further funding has not been secured and, lacking resources of their own, the organisations have been unable to update or develop the pages.

So far the cooperation between these parties to make the rights of the child widely known, and to protect them, for example, from pornography and violence featured in the internet and on television, has been insufficient. Although the Periodic Report mentions new legislation and the meeting of the representatives of the media, authorities and child welfare to limit entertainment based on violence.

### Cooperation

Just recently, based on the Government Programme of the present government, the Ministry of Education has prepared a policy paper called Children and Media. Central Union for Child Welfare welcomes this initiative. One aim in the Ministry's document is to strengthen the cooperation between the government, NGOs and other administrative actors. Based on an initiative by the Minister it has been agreed that the Central Union for Child Welfare shall in the future coordinate the cooperation between NGOs on issues relating to the issues of media and children and protecting minors.

The Periodic Report covers rather lightly the threats posed to children by the internet and what has been done to solve them "...the safe use of the content services calls for effective self-regulation from the part of the service providers and suppliers...", whilst elsewhere it is stated that "today, nearly all children and young people have access to the computer, at school, at home, or in a public library for instance". **Research shows that, on average, children spend almost as much time surfing in the internet as watching television. Thus, it is obvious that the measures mentioned in the Periodic Report are insufficient**, and that the self-regulation of the media does not function effectively and comprehensively enough.

*V. Family environment and extra-familial care, A. Parental guidance (article 7), Committee recommendation No 34*

### Divorces and custody disputes

An estimated 30 000 children experience the divorce of their parents in Finland every year. The divorce of the parents jeopardises the normal development of a child, in particular if the relationship between the parents remains permanently acrimonious after the divorce and the commitment of one or both parents for the child diminishes.

The more parents use their children as instruments of their own animosities, the graver the consequences. This is possible also, because the judicial system allows custody disputes to drag on almost indefinitely. **The Central Union for Child Welfare believes that it must be possible to limit the duration of custody disputes, which would safeguard the materialisation of the best interests of the child.** Custody disputes show that the adult perspective on the protection of law is stressed more forcefully than protecting the status of the child in the sense intended by the CRC 3(1).

The support provided by public authorities in a situation of divorce amounts today mostly to juridical and pragmatic guidance in drafting contracts on custody and visiting rights. The lack of adequate psychological support and services leads often to a situation in which the parents are in practice not capable of cooperating and co-parenting in the best interests of the child and in the spirit of the Child Custody and Right of Access Act.

**The experiences of Divorce Groups targeted at children and parents have been very positive. Peer support activities supervised by professionals must be permanently included in the socially coordinated services and support for divorce families.** The provision and integration of

services targeted at divorcing families, as well as deciding on common qualitative criteria, are important areas for development, and their resourcing should be also secured in the current circumstances.

The Central Union for Child Welfare will launch a project in 2005, aimed at developing various measures of peer support both for children and adults for situations where the separation process has already begun.

Both children and adults must receive assistance with their problems, if desired, as early as possible. Because of this, it is crucial to develop measures which promote early intervention and prevention, *inter alia* by allocating more resources to family counselling centers. It is essential to promote action which facilitates dealing with problems before divorce or separation are seen as the only solutions. Thus, the issue does not only concern a statutory conciliation of family matters, but also a supplementary support of the parties by means of relationship counselling with the partners and by using the methods of peer support.

**There must be low threshold service guidance systems set up in the municipalities.** If one party fails to provide assistance, the Government has the responsibility to find out who the party in need of support could then turn to. This presupposes the organisation of help line facilities and internet services, as well as the implementation of relationship counselling for partners.

**It is essential to reform the juridical order of procedure in custody disputes. In addition to juridical know-how, decision-making requires expertise in education, psychology and child and adolescent psychiatry. Furthermore, developing the juridical procedure on custody dispute is important in itself.**

*V. B. Parental responsibilities (article 18, para 1-2), Committee recommendation  
No 34*

The Periodic Report states: "There is an obvious demand in Finnish society today for support services for parenting and development of family skills. It is important to upgrade the provision of such basic services as maternity and child clinics to correspond to the present-day needs and to support couples and partners, parenting and paternity."

"Problems related to the reconciliation of work and family life cannot be solved by means of legislative measures only. Working communities must take on commitments and make value-based changes and decisions..."

Resources of basic services targeted at children

The report fails to address the recommendation of the Committee regarding the allocation of resources.

The Periodic Report also notes the **continuous annual increase in the demand for extra-familial care**. This is said to be primarily due to the recession which occurred over a decade ago. In addition, the Periodic Report should have explicitly stated that after the ill-advised cuts, which were made to the service system during the recession, basic services targeted at children and families with children have not been allocated sufficient resources to meet the needs of the inhabitants. Allocating more resources to children and families with children would also be possible because the

numbers of newborn babies have decreased since the turn of the 1990's, which has had an effect on the demand for services.

**Education aimed at changing attitudes is required in order to increase the knowledge amongst adults on the existence of the Convention of the Rights of the Child and its contractual obligations.** The maternity clinic should be the first place where the parents-to-be are informed on the Convention of the Rights of the Child and their own duty to realise it in the life of their child. In connection with the maternity and paternity preparation classes, the families should also be offered training consisting of the fundamental and civil rights of the child. Written material about the Convention on the Rights of the Child should be already included in the maternity package.

Recent research<sup>7</sup> shows that Finnish children of elementary school age suffer from feelings of meaninglessness and that they do not experience as much pleasure in their daily life as their peers in Sweden and Norway.

**The incidence of children's mental problems and the numbers of children placed in extra-familial care have grown in the past years.** Most commonly the circumstances behind difficult situations, requiring intervention in the upbringing, include substance abuse and mental health problems, often combined with neglect of the child's care, as well as family conflicts and violence. Substance abuse treatment and mental health services for adults should take the need for assistance and care of children living in such families into account more than is done currently.

*V. C. Separation of a child from the parents (article 9), Committee recommendation No 36*

The Periodic Report focuses on describing the custody and extra-familial care system - how and in what kind of cases custody is to be considered and what the objectives of custody, extra-familial care and non-institutional care are. In addition the report identifies reasons (*inter alia* unemployment, the recession in the 1990's, mental health and substance abuse problems) which have resulted in a growing incidence of children placed outside the home. As far as suggestions for improvements are concerned, the amendment of the child welfare legislation is mentioned shortly: "The Ministry of Social Affairs and Health is preparing a legislative amendment of the child welfare legislation".<sup>8</sup>

The problem behind long-term placements is that the psycho-social services which have been developed in recent times focus almost exclusively on providing support. **The monitoring function is considered to be the duty of the social work of child welfare. The notification provided for in article 40 of the Child Welfare Act is only given when control measures are seen to be necessary, at which stage it is far too late to assess the various child welfare support services, and the support measures turn out to be inadequate and inappropriate.** And yet, assessing the application of non-institutional support measures is one reason for taking a child into custody.

<sup>7</sup> Järventie, Irmeli; Sauli, Hannele. Eriarvoinen lapsuus. Helsinki 2001.

<sup>8</sup> The Government submitted the proposal for the amendment of the Child Welfare Act to Parliament in fall 2004. Cf. 1.A.7.

**The threshold for the duty to give notification, as provided for in the Child Welfare Act, must be lowered in order that child welfare be able to assess the appropriateness of the support measures at an earlier stage (Cf. also page 8).**

It is also alarming that fewer and fewer municipalities employ qualified social workers, that is, staff who specialise on the development of children and parents. The posts have been filled by unqualified or fixed-term contract personnel (Cf. also page 8).

In addition to the divorce group and support person functions, **the arrangement of visiting facilities for children is an example of a service which the organisations are particularly well suited to provide.** Given the demand, the supply of available visiting locations is insufficient. The problem is that issues relating, for example, to supervised visits between a child and a parent are decided by district courts, without confirming whether the said service is available in the municipality in which the child resides. **The availability of services providing visiting facilities must be improved together with the development of common qualitative criteria for them, and ensuring that they are in the best interests of the child (Cf. also V.)**

*V. D. Family reunification (article 10), Committee recommendation No 38*

The Deputy Parliamentary Ombudsman for Children Riitta-Leena Paunio (currently the Ombudsman) has drawn attention to the adverse effects of the so-called residence permit based on the principle of equity, especially from the point of view of family reunification. Paunio has also taken the initiative in 2002 and submitted the issue of the materialisation of certain rights of unaccompanied refugee children under reconsideration.

**Although the processing of the applications of unaccompanied children has sped up remarkably, the processing times for applications concerning family reunification have not shortened as desired.** The Periodic Report notes the situation in referring to (para VIII A 1. Refugee children) Deputy Parliamentary Ombudsman Ilkka Rautio's decision (24.3.2003, document number 3133/4/01), according to which the processing of applications concerning family reunification in the Directorate of Immigration has taken longer than is reasonable.

The introduction of **the new Aliens Act** has necessitated changes in the legislation concerning family reunification. However, NGOs and authorities have not agreed on the direction of the change. The Member State Report presents the official view, according to which the new Act also opens up opportunities for the family members of children who do not receive international protection to receive a right of entry into Finland. The report neglects to mention that with respect to these children, **the Act provides that family reunification take place where the parents are located (§ 52, reasons), if the parents are located and the return can take place safely.** The reunification could also take place in Finland if it is in the best interests of the child.

The formulation of the Act has sparked an extensive debate in which also the Commissioner for Human Rights in the Council of Europe Alvaro Gil-Robles has participated. In his stated opinion in October 2003 concerning the reform of the Aliens Act in Finland, he was in favour of family reunification to Finland.<sup>9</sup>

<sup>9</sup> Opinion of the Commissioner for Human Rights, Mr. Alvaro Gil-Robles, on certain aspects of the proposal by the Government of Finland for new Aliens Act. Council of Europe, Office of the Commissioner for Human Rights. Strasbourg, 17<sup>th</sup> October 2003. CommDH(2003)13.

### Legal protection of minors in danger

**The reasons given in the Act do not define what ‘safe return’ means. Furthermore, it remains unclear how the Act will affect the practice of family reunification and the right of children to reside in Finland.** Until now, the application for asylum submitted by a child has been decided first, after which the child may have submitted an application for the right of entry of family members into Finland. The rulings have been either in favour or against. The children themselves have generally been granted a residence permit. The NGOs are now concerned about what family reunification to another country will imply. Does this mean returning children? What happens if the child does not wish to return?

Therefore, it is possible that the new Act may complicate not only family reunification to Finland, but also the right of the child to reside in the country. The Central Union for Child Welfare considers the right of the child to his or her family to constitute one of the principle human rights of the child. If this right appears, however, to contradict other rights, the decision must always be made in the best interests of the child. The best interest of the child is decided individually in each case. It cannot be presupposed that returning to his or her family elsewhere than in Finland would, in general, be in the best interests of the child.

In addition to the labour force, integration measures must also be targeted at those family members who are at home. Family reunification is not to be understood merely as the bringing together of family members in a physical sense. The objective must be to improve the psycho-social wellbeing of the family unit as a whole. Ensuring that the parents of a child are able to acquire adequate language skills is a basic precondition for integration into Finnish society.

**In order to safeguard the status of children arriving unaccompanied to Finland, family reunification programmes must be promoted together with measures taken to enhance the feeling of safety in the child. National legislation on aliens must in the future incorporate the criteria ratified in article 10 (1) of the CRC for the reunification of families.**

#### *V.F. Ensuring Maintenance Payments for the Child (article 27)*

### Statistics

In Finland there are some 1.1 million children under the age of 18. Nativity has decreased, and during past years an average of somewhat fewer than 57,000 children were born each year. Among the children a total of a good third and among the first born children a good half are born outside a marriage, although mostly to cohabiting couples. This is partly reflected in the fact that acknowledgement of paternity has been confirmed in some 22,000 cases a year. On a yearly basis 800–900 children lack a father in legal terms.

During the past 15 years, the number of cases involving children's custody, habitual residence and visiting rights has increased threefold. This increase partly originates in the growing practice of cohabitation (joint custody is settled through an agreement confirmed by the social authorities) and the increase in the number of divorces.

It is apparent that a major part of the agreements concerning the custody, residence and visiting rights of children work out quite well in practice. This is reflected in the fairly small number of

court cases involving these matters, as well as the number of cases aimed at changing earlier agreements.

On a yearly basis, more than 42,000 agreements are made, out of which only every ninth to tenth case is settled by a court. The proportion of disputed cases is fairly small, some four to five per cent out of all cases. On the other hand, some cases concerning custody may turn out to be ongoingly disputed; a case is recurrently brought before the court, and the case may continue until the child has reached the age of maturity. In some cases it may be necessary to resort to coercive measures empowered by legislation, in the implementation of custody and visiting rights. Notwithstanding, the share of cases advancing to an executive stage merely amounts to some 0,5 per cent out of all cases, while half of them are settled or cancelled.

The number of cases involving child maintenance amounts to 36,000–37,000 a year. In addition, the number of cases concerning child maintenance has almost tripled during the past 15 years. A substantial proportion of these cases are settled by the social authorities whereas as few as some five per cent out of all cases concerning maintenance are settled by a court. An estimated share of disputed cases concerning children's maintenance amounts to some 3 per cent. There are thus fewer disputes concerning children's maintenance than disputes concerning custody and visiting rights. The monthly amount for maintenance, confirmed by social authorities, has roughly equalled the full maintenance allowance paid out of public funds. During past years this has amounted to EUR 120 for each child a month. The monthly alimony payments determined by the courts, have clearly been higher than the amounts decided on by the social authorities. All in all, about every 10th child under the age of 18 has during past years received a maintenance allowance paid out of public funds. On a yearly basis more than 100,000 children have received a maintenance allowance. The total amount paid for maintenance allowances has increased year by year, amounting to some EUR 138 million in 2001.

The balance sheet for maintenance allowances due to the municipalities has grown steadily. At the end of 2001 the sum amounted to EUR 482 million. About every 20th child under the age of 18 has been involved in child welfare measures. This conveys a fairly dark picture of the conditions, in which Finnish children grow up. On the other hand, this figure must also be related to changes in different forms of open welfare, and the extension of such services.

#### *V. G. Children deprived of the safety of a family (article 20)*

##### After-care

The Periodic Report states: "After the end of extra-familial care, the Social Welfare Board is always under an obligation to arrange after-care for the child or young person. After-care supports the child or young person who has been in extra-familial care and his or her parents and legal guardians as well as the person who has been taking care of and brought up the child."

The above paragraph may present an overly positive view of the situation concerning after-care as a whole.

According to the Child Welfare Act, only children and young persons who have been both placed and taken into custody are entitled to after-care. Given that out of 14 392 children placed in extra-familial care only 8 325 have been taken into custody, the implication is that according to the law, 6 067 children of all those placed are not entitled to after-care.

**The Central Union for Child Welfare believes that in conjunction with the general reform of the Child Welfare Act, the age limit for after-care must be raised from 21 to 24 years, because in many cases the young person has not become sufficiently self-reliant for independent life by the time he or she turns 21 and loses the benefit of after-care. Furthermore, after-care must be also extended to cover placements made in support of non-institutional care. (Cf. also pages 7-8.)**

*V. J. Violence and neglect (article 19) and physical and mental recovery and social reintegration, Committee recommendation No 40*

### Statistics and Studies

The periodic report: "Statistical data on domestic violence are still based on estimates because the victims often keep silent about what has happened."

The Central Union for Child Welfare has carried out a study (on family violence concerning children) "Lasten väkivalta ja seksuaalikoemukset" (Children's experiences of violence and sexuality) in the 1990's, in which data was collected from app. 7500 pupils in the final grade of comprehensive school. **The study found that minor incidents of physical violence had been experienced by 72 percent of the respondents, and serious violence (at least punches or violence in excess of punches) by 8 percent of the respondents.**

Since this study, no further comprehensive surveys have been done on the physical assaults on and sexual exploitation of children. **Follow-up research for crimes against children should be included in the production of systematic statistics in order that the changes in the sexual abuse and exploitation of and in violence against children could be monitored at the demographical level.**

In summer 2004 the Central Union for Child Welfare studied the attitude of Finns towards corporal punishment of children. In the study, 2 030 Finns aged between 15 and 79 were interviewed. **Although corporal punishment of children has been prohibited in Finland since 1984, one third of Finns takes a permissive view on it.** Furthermore, almost one fifth of Finns aged between 15 and 45 who do not have children at present intend, either certainly or probably, to use corporal punishment as a means/method of upbringing if they have children.

Over 90 percent of Finns are aware of the fact that corporal punishment constitutes an assault. **According to the study by the Central Union, women's attitudes towards corporal punishment are more negative than men's.** Whereas slightly over one fifth of women condone corporal punishment, at least under extenuating circumstances, almost half of the men condone it. Studies of victims targeted at schoolchildren reveal that corporal punishment is actually being used in Finland. Similar views are also evident in various internet chatroom discussions on upbringing.

### Violent acts are not perpetrated exclusively by men

**The Periodic Report focuses mainly on violence against women, which is without doubt a significant problem in Finland. However, it is also the reason why the Periodic Report fails to give sufficient consideration to violence against children.** The Report may also be misconstrued to mean that violent acts against children in the family would be perpetrated principally or exclusively by men. From the point of view of the child welfare, giving equal consideration to

violence perpetrated by both women and men against children is paramount in the efforts to prevent violence.

Furthermore, child welfare authorities should in future pay closer attention to the fact that **the majority of aggravated assaults causing the death of the child are committed by women.**<sup>10</sup>

Bullying at schools has increasingly gained attention. It can be addressed, *inter alia*, by reducing the group sizes in classes. The presence of adults in small groups reduces bullying and actual incidents of violence. At present, a child's need for special support is recognised but it does not provoke sufficient response. The presence of an adult is especially important when the children in question need special support .

### Circumcision of children

Since the late 1980's and early 1990's the growing number of immigrant people representing different cultures has enriched the Finnish society and population. However for some immigrants with strong traditions adoption of the Finnish culture and lifestyle hasn't always been easy.

One of the most discussed controversies is the tradition of circumcision of girls and boys. The circumcision of girls is officially prohibited almost all over the world. Finland is no exception, that hasn't been mentioned in the Third Periodic Report.

The Periodic Report does also not mention the protection of boys concerning circumcision. A working group set by the Ministry of Social Affairs and Health has prepared a draft a Bill which would allow the circumcision of boys for non-medical reasons. The Bill violates the protection by law of physical integrity of a person and the equal treatment of the sexes, guaranteed by the Constitution of Finland. It is also against articles 19 and 24 of the Convention on the Rights of the Child. The Bill should not be passed to Parliament and boys should be guaranteed the same protection of law concerning physical integrity as is provided for girls. In the application of the laws, the circumcision of girls is interpreted as causing grievous bodily harm. The same legal practice should also apply to boys.

The Constitution guarantees physical integrity. The motivations of the Constitution state explicitly that freedom of religion does not entitle [anyone] to violate the integrity of another person. It also states that a child shall be treated as an individual person who has full fundamental rights from birth. Intentional causing of pain and injury is defined as assault in the criminal law and is punishable. The UN Convention on the Rights of the Child that Finland has ratified demands that the States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

On the other hand, it has been debated whether prohibiting the circumcision of children might not end the practice, but could in the worst case scenario cause the operation to be carried out in improper or unsafe conditions.

In addition to the Central Union for Child Welfare, *inter alia* the Finnish Medical Association condemns the circumcision of boys if it not done for medical reasons only.

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<sup>10</sup> Vanamo T, Kauppi A, Karkola K, Merikanto J, Räsänen E. Intra-familial child homicide in Finland 1970-1994: incidence, causes of death and demographic characteristics. *Forensic Sci Int* 2001;**117**:199-204.

*VI. Basic health care and social welfare, A. Children with disabilities (article 23), Committee recommendation No 42*

In the act on the provision of services for persons with disabilities, the services vital to the life of a person with severe disabilities are protected in terms of so-called subjective rights. However, the opportunity of a child to acquire a personal assistant is dependent upon municipal appropriation. Yet, in many cases an assistant is necessary for the functioning of the daily life of the child. The harmonisation of the Services and Assistance for the Disabled Act and the Act on Special Care of Mentally Handicapped Persons emphasises the development of a personal assistant system. To facilitate his or her equal participation, a child with a disability requires an assistant who could also accompany the child in his or her recreational activities. A child with a disability has the right to spontaneous and autonomous leisure and to social networking. The development of a personal assistant system would facilitate and support the child's progress towards independence and improve the ability of the family to cope.

**It is the view of the Central Union for Child Welfare and KTV (the Trade Union for the Municipal Sector) that the current situation of the special needs educational assistants is not satisfactory. The fundamental problem concerns the availability of the special needs educational assistants. A child with a disability or chronic illness is often refused a personal educational assistant without consideration for the individual needs of the child. Central Union for Child Welfare and KTV propose that the Ministry of Education establish a working group to further define the position of the special needs educational assistants.**

About 17 different laws have been enacted that provide for the allowances and services for children and young people with a chronic illness or disabilities. There are about 40 different allowances and services. Service coordination represents a major step forward, but it only provides first aid in the coordination of the existing social welfare – it does not remove the fact that the legislation is complicated and scattered in itself. Chronically ill or disabled schoolchildren must be guaranteed a right to instruction organised at home by the school. The legislation must also include an obligation to provide vocational nursing education.

*VI. B. Health and health care services (article 24), Committee recommendations Nos 44 and 48*

The municipalities are under obligation to provide guidance on emotional and physical wellbeing for families with children throughout childhood until the child becomes legally of age. This deters problems and fosters wellbeing. The operation of maternity and child clinics must evolve towards becoming wellbeing clinics for the family as a whole. In addition to the health of the child, the clinic would support the wellbeing of parents, relationships between partners, and growing into parenthood. In basic and in upper secondary education, guidance on wellbeing will be incorporated into pupil and student welfare. Also those young people, who do not continue their studies immediately after completing basic education and who are not included in health care, must be offered guidance on wellbeing.

Services does not attain all

Some children witness or experience violence or are maltreated in other ways in their families. Types of maltreatment include neglect of care, emotional maltreatment, assault and battery, sexual exploitation, and causing the child to have an illness (fabricated or real). Some forms of

maltreatment are difficult to detect and may continue over a long period of time before intervention by an external party. In order to detect the symptoms in the child and to address problems as early as possible, people working with families with children ought to receive additional training on issues related to maltreatment. Also the psycho-social resources (the input of psychologists and social workers) ought to be increased in the facilities visited by families with children, especially in maternity clinics, school health care services, and both general and specialised somatic medical care of children.

**At present, access to psycho-social services in the above facilities is haphazard or, frequently, lacking altogether. Early intervention in family issues as well as the identification and support of families at risk can reduce the subsequent occurrence of children needing invasive psychiatric medical care .**

In connection with the previous Periodic Report, **the UN Committee on the Rights of the Child encouraged Finland in its recommendations (recommendation 44) to assess the state of children’s medical care on the basis of the European standards set for medical care of children (EACH – European Association for Children in Hospital Charter). According to EACH, this has not occurred. In general, the Periodic Report neglects both to mention and to consider the recommendation in question.**

The field of children’s medical care suffers from the shortness of treatment programmes. This leads to a situation where the medical personnel has not enough time to prepare the child for a procedure in accordance with his/her level of development and need. Furthermore, the medical staff battles against continuous understaffing.

The Convention on the Rights of the Child obligates, especially in article 24 (covering basic medical care, mother and child mortality, nutrition, clean water, hygiene, traditions prejudicial to the health of children) the States which have ratified the convention to undertake and encourage international cooperation (paragraph 4). According to the instructions provided by the Committee, international aid is included under cooperation. Finland does not give consideration to these international obligations in its Member State Report.

#### *VI. D. Standard of living (article 27)*

The poverty of children and families with children has doubled during the last ten years according to a study carried out by Stakes (National Research and Development Center for Welfare and Health) (“Suomalaisten hyvinvointi” 2002, “The welfare of Finns”). Approximately 10 percent of all families with children are included in the group of the economically most disadvantaged. Family and parental leave allowances have decreased in real terms. Families with children form the only group in which the proportion of the relatively poor has increased. Wellbeing has increased among the majority of adult population, but poverty has grown most in the families with children aged under three. Families with small children have fallen behind in the general income development.

The increased incidence of poverty among families with children is largely due to unemployment. The situation is particularly difficult for the families of long-term unemployed and families with a single parent. Income-related problems strain family relationships and parenthood, and often coincide with other social problems.

After income transfers, the distribution of income in Finland is very even and poverty among the lowest in the EU zone. If, instead, net incomes of the Finnish poor are compared with poverty levels in other countries, the bright image of Finnish wellbeing begins to fade: In this comparison, the wellbeing of the Finnish poor rates as the worst in Northern Europe.

The current Finnish government has improved the level of direct financial support for families. Since the beginning of 2004 the child care subsidies and the partial home care allowance were raised. Since the 1<sup>st</sup> of January 2005 the child home care allowance and minimum parental allowance were raised. The income transfers directed to the families with children have not been indexed to inflation. This has decreased the actual value of the above mentioned benefits. Despite some positive reforms made by the government, the income rate of families with children has fallen behind when compared to other groups.

After giving the third periodic report the government has passed a statute that increases the unemployment benefit from beginning of year 2005.

**In the opinion of the Central Union for Child Welfare, the following measures are considered a minimum requirement:**

- *Ensuring the livelihood of families with children. Inter alia, boosting family allowances to allow them to catch up with the general income development; the prevention of economic and social risks of, in particular single-parent-families. The income transfers directed to the families with children should be indexed .*
- *The harmonisation of family and working life. The demands for enhanced performance and efficiency in working life have grown steadily in Finland. A survey called Työolobarometri (The Working Conditions Barometer)(2002) by the Ministry of Labour showed that the borderline between work and leisure has become blurred and the amount of unpaid overtime increased. From the point of view of a well-balanced upbringing and development of the child, the presence of the parents and the time they spend with their children are irreplaceable. The harmonisation of family and working life calls for flexibility and even financial sacrifices from fellow employees and the employer alike. The Government should encourage and obligate employers to promote the harmonisation of family and working life more than is done at present, inter alia in connection with labour negotiations.*
- *Development of preventative measures to support parenthood (inter alia, early intervention in family matters, family centres, home help services for families with children )*
- *Reducing group sizes in daycare centres*
- *Support of parenthood and of the upbringing responsibilities of families, as well as adopting the method of early intervention in difficulties related to upbringing as a special area of emphasis in daycare.*
- *Ensuring the availability of home help services for families with children. Major part of the resources targeted at home help services are currently allocated to the*

*increasing number of elderly people. Therefore families with children no longer receive adequate municipal home help.*

- *Development of student welfare and school health services. The new laws on education emphasize the significance of student welfare. In practice, the young people enrolled in vocational institutions and upper secondary schools by and large lack access to these services.*
- *Resourcing of social work and ensuring the availability of qualified staff in social work in child welfare.*

*VII. A. Education, leisure and cultural activities (article 28), Committee recommendation No 50*

The Periodic Report notes that the recent deterioration of municipal finances and their unpredictable future prospects, and especially the large differences in the economic conditions between the municipalities, have an effect on how much an individual municipality invests on education and its development.

The Periodic Report: "...public authorities are under an obligation to make the practical arrangements required to ensure that a variety of educational services are available in the country." "...everyone should be granted the said opportunities irrespective of residence." The report does not explain why, irrespective of regulations, the quality of education in this country varies from place to place, in other words, fails to meet the recommendation of the Committee. Legislation provides the framework for arranging education, but the municipalities and educational institutions exercise in practice wide autonomy as regards the actual implementation of services.

*VII. B. Aims of education (article 29), Committee recommendation No 50*

The Periodic Report notes in connection with the findings of the PISA survey: "The difference between girl and boy readers is the widest in Finland". The report does not comment in any other way on the learning differences between boys and girls, or discuss boys and girls separately as regards the social exclusion of children and young people. The Periodic Report is deficient in these respects.

The major part of the students enrolled in upper secondary schools are girls. Many boys fall behind in learning already at the comprehensive school only because of a temporary psychological regress caused by puberty. Their grades suffer, and admission to the upper secondary school of their choice becomes difficult, even if their school results were to improve after puberty. Concerning some boys, this is the beginning of a vicious circle which may later also spiral to exclusion from the working life.

According to the Ministry of Education, Finland lacks a pedagogy aimed at boys. The means that schools have at their disposal to deal with the different needs of girls and boys regarding growth and development are inadequate.

*VII. C. Leisure, recreation and cultural life (article 31)*

Morning and afternoon-care

According to the Periodic Report "afternoon activities, organized by local authorities, schools or NGOs, are available in many places. There is not any statutory provision obligating any party to arrange afternoon activities, and participation is not a subjective right."

**As young schoolchildren in our country have significantly fewer classes per week than elsewhere in Europe, the several hours Finnish children may have to spend alone in the afternoon without adult presence present a threat to their basic security.** Furthermore, the full-time employment of both parents in families with young children is significantly more common in Finland than in other EU countries. The many forms of children's daycare which are available guarantee that the children under school age receive safe (and high-quality) care and guidance when the parents are at work, but **the basic services related to the after-school activities of schoolchildren are, despite the amendment of the law, still insufficient in our country.**

**Since 1 August 2004 the municipalities have been granted state support for morning and afternoon activities. However, the problem with the insufficient availability of activities persists, and in this respect the claim made in the Periodic Report is incorrect. The lack is caused by insufficient resources.** The municipalities have been reducing their own expenditure in tandem with becoming eligible, at the beginning of August 2004, for state financing for the provision of afternoon activities. Not all municipalities have arranged morning or afternoon activities at all.

There are large differences in the application of the law between the municipalities, and the materialisation of a safe afternoon for children, in the spirit of the new law, remains incomplete in some aspects.

Afternoon activities which are safe and of high quality presuppose adequate resources for supervision and facilities. The child must be provided the possibility to rest, take part in recreation, and do school work.

The law prescribes a cost limit of EUR 60 for clubs which operate three hours per day. If the number of hours is exceeded, the cost may be higher. Some municipalities have decided that the organisations providing the service must charge from a minimum of EUR 80 to the maximum of EUR 120 per month, depending on the number of hours, for club days which last over three hours. There should be a standardised payment system designed for morning and afternoon activities.

The appropriations allocated to morning and afternoon activities must be increased in order to arrange club days of adequate duration, from the viewpoint of children and families, for the monthly fee of EUR 60. The families with limited means must be guaranteed an opportunity to use these services also in the future.

The law does not define the sizes of children's groups, and thus there are large differences in the group sizes, which are in some cases far too big, including tens of children per supervisor. A decree regulating group sizes is under consideration; the Central Union believes that the enactment of the degree is necessary.

The upskilling of personnel currently employed in the morning and afternoon activities is under way and new training programs targeted at morning and afternoon activities are being planned. This is essential, because an experienced and enthusiastic staff is a significant indicator guaranteeing the quality of the activity.

*VIII. Special protection measures, A. Children in situations of emergency, 1. Refugee children (article 22), Committee recommendations Nos 26, 37, 52 and 54*

**The new Aliens Act came into force after the compilation of the report.** The principle of the best interests of the child is defined in the Act better than before, and in its report Parliament presented viewpoints which stress the consideration of the best interests of the child in some respects even more than the Bill. The Parliament Administration Committee notes that the viewpoint of child welfare services is needed in decision-making. **The Periodic Report presents, however, an overly one-sided interpretation of the family reunification in stating that the new act makes reunification easier** (p.50, in the English document, p.75 in Finnish). **Family reunification may, in fact, become more difficult** (cf. section V D for more).

The Directorate of Immigration has during recent years succeeded in speeding up the processing of children's applications for asylum. **On the other hand, the processing of applications based on family ties continues to be slow** (*recommendation No 37*). Also the procedure for children's asylum applications has been improved during the last years. The personnel have obtained qualifications in children's issues. New Guidelines for interviewing have been developed, which has received extremely positive feedback also from other countries.

However, the practice seems to be varying due to economic resources all the time, which is threatening to water down the positive reforms made. For example, it has been agreed that the asylum hearing of the child take place where he or she is accommodated. However, the practice of arranging the hearings has become reestablished, that is, the children may have to travel long distances for the hearing. The training of officials must also be continuous; the results of the project carried out in 2001- 2002 and financed by the EU's Odysseus Programme do not last forever. The local police and interpreters, still need training in the interviewing of children.

#### Reception of children is based on trust

The State Administration has displayed a tendency to transfer the reception of asylum seekers from within the sphere of administration of the Ministry of Labour to the Ministry of the Interior.<sup>11</sup> Thus the reception services – most of which are social and health services – would be the responsibility of the same party which decides on the right of the applicants to remain in the country. This dual-role would be particularly harmful for unaccompanied children. Another suggested reform is that personnel in the reception centers should be obliged to give information about asylum seekers to the police and decision making authorities in excess of confidentiality regulations. It is claimed that the staff taking care of unaccompanied children might get some information about the parents of children and their whereabouts.

Both the care of the child and the tracing of the family must continue to be confidential and serve the best interests of the child, not the requirements of decision-making. The child seeking asylum may have compelling reasons against revealing the whereabouts of his or her parents. The reception

<sup>11</sup> Markkanen, Esa (2003). *Maahantulosta kansalaisuuteen*. Publication by the Ministry of the Interior 30:2003. The propositions of administrator Esa Markkanen for the regionalisation of the Directorate of Immigration.

of quality is founded on trust and must be safeguarded.

**The Periodic Report refers to the above-mentioned Odysseus Programme as a response to the Committee Recommendation No 54**, which encourages Finland to undertake all possible measures in order to identify the children in need of special support and to provide adequate psychological help for them and their parents. However, **the single existing project has not satisfied the demand. Instead, during recent years, the country has received increasing numbers of children and families whose psychological health is fragile.** There are families travelling between the EU member states in fear of deportation. There are children growing up in these families who live in an unstable situation for long periods of time, whose parents may suffer from psychological disorders and thus be unable to provide support for their children. The State should clarify whether these families and, above all, children, receive from the municipalities the services they need (*recommendations 26, 52 and 54*). For example, access to child welfare services has not been a given. The principle of non-discrimination and the priority status granted to refugee children require that these children be provided the assistance they need.

Regarding the returning of those whose applications are rejected, it must be noted that Finland has gained some notoriety due to a case where a family with children, who had opposed the returning, were sedated in the implementation of the return order.<sup>12</sup> **The State must ensure that returns be implemented with full respect for human rights. The principle of the best interests of the child must also be observed in these situations.** The Periodic Report mentions also another problem, the deportation of young people who become involved in crime or substance abuse. Many of these young people have arrived in the country as so-called returnees, based on their Finnish origin. Like the Ombudsman for Minorities states, is not a good way of defending the problem. It is unreasonable to leave these young people without care and support; they are left to bear the consequences of a failed integration all alone.

**It is most desirable that the State should ensure the general development of the system of representatives of unaccompanied minors.** The obtaining of professional skills has been dependent on the interest and own initiative of individual representatives. There are no special qualifications for representatives, and to participate in training is not compulsory. During the last years, the Central Union for Child Welfare has organised training for the representatives, with the financial support, *inter alia*, of the European Refugee Fund.<sup>13</sup>

#### Integration Act needs changes

In 2002 the Government submitted a report on the implementation of the integration act. Based on the report, a proposal was prepared for an amendment to the integration act. The proposed amendment fails to consider **one of the most important areas in need of development: the right of the unaccompanied children to after-care.** The report proposes that the young people, who are leaving group homes, be supported in their process of maturing and becoming independent with measures comparable to after-care provided by child welfare services until the age of 21. The

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<sup>12</sup> The incident came to light during a tour of inspection the Committee for the Prevention of Torture (CPT) made to Finland in September 2003, and gained publicity when the Committee submitted its report to the Government of Finland. The report, CPT/Inf (2004) 20, can be found at <http://www.cpt.coe.int/documents/fin/2004-20-inf-eng.htm>

<sup>13</sup> The Periodic Report mistakenly states that the Union's project has produced a brochure for immigrants about the reception and representation of children. The brochure was produced earlier by the Ministry of Labour. Instead, the Union produced two publications and a documentary on the status and rights of those arriving unaccompanied. The Union has also earlier produced a brochure about child welfare for immigrants, available in 11 languages.

municipalities could apply for State support for this purpose. The Government Bill neglects to mention this proposal at all. **The organisations and parties working with children have been highlighting this problem for years. The provision of services comparable to after-care cannot depend on the goodwill of the municipalities, but the services must be guaranteed by law.**

Likewise, the clarification of the status of family group homes by making them equal to child welfare institutions, which is recorded in the report, is given no consideration in the proposed amendment. The proposal mentions making the qualifications of group home personnel equal to those applied in child welfare institutions, but there should be a decree issued right away. Also the suggestion in the report concerning the opportunity of the representatives to continue as a support person for the child after the end of their actual assignment is not included in the proposed amendment.

### *VIII. B. Children and criminal law (article 40)*

#### Current situation

**Our present system of criminal sanctions is poorly suited to young offenders. The system is rigid and few alternative forms of sanction are available for young people. In the development of the system of sanctions for young people, attention should be paid to making the processing times for juvenile offences shorter and increasing the cooperation between the authorities.**

Recent public discussion on juvenile crime has centred on various extreme incidents of violent crime and on homicides, although their proportion of the total number of juvenile crimes is negligible. Based on research, the number of law-abiding young people has grown, but the problem is that those young people who commit crimes, commit increasing numbers of offences. Interrupting this cycle of mounting criminality through the means available in the current system of criminal sanctions has not been successful.

The present system of criminal sanctions lacks such measures which would be appropriate for young people, enhance their social coping skills, and deter recidivism. **Of the punishments given to young offenders, the proportion of sanctions tailor-made especially for young people is modest at best. The system of criminal sanctions must include sanctions intended for young offenders which allow the psycho-social capacities of the young people to be enhanced. Sanctions which promote taking control of one's life and which provide care must have a central role in the system of criminal sanctions applied to young offenders.** The existing mental health services are presently not utilised to sufficient degree in the examination and care of minors who commit crimes, although the psychiatric care of young people in need of intensive care has improved in recent years. A substantial number of young people who have committed a serious crime suffer from mental health disorders, and depriving them of care signals not only a problem in the system of criminal sanctions; it is also a question of the right of these young people to receive appropriate treatment and care.

#### Proposals

**New sanctions which could be introduced in the future include grounding, punishment warning, conditional waiving of sentence, and a special supervision sanction.**

In addition, the sanctions imposed on young people must emphasise, more than before, **preventative measures against social exclusion as well as mental health and substance abuse services.**

The Committee on Juvenile Crime, which submitted its report in 2003, (referred to in the Periodic Report) proposed the replacement of the personal history report with a charting of the young offender's life situation, which includes a social report written by a municipal social services official and a sanctions report compiled by the Probation Service. These reports should be so extensive as to allow for the consideration of the young person's situation on an individual basis, both as regards the choice of the sanction and its execution.

At present, juvenile punishment is applicable only when the offender is 15 to 17 years of age at the time of the crime. The Committee's proposal, which would expand the scope of the application of juvenile punishment to cover persons aged 18 to 20, will lead to juvenile punishments concentrating in the older age groups.

Concerning especially those aged 15 to 17, the sanctions emphasise measures which enhance the capacity to function in society. It must also be evaluated whether sanctions which enhance social capacities could be applied in less serious cases when it is seen to significantly benefit the enhancement of the young person's social capacities. A juvenile punishment could be imposed wholly or partly in the form of obligating the offender to receive mental health care or substance abuse treatment. **The incorporation of various social and health care services into the system of criminal sanctions would facilitate the introduction of more personalised sanction measures which are likely to be more effective as well. The compilation into the new law of regulations related to the supervision of probation is to be supported.**

It is unfortunate that the Periodic Report fails to comment on how the above suggestions made by the Committee on Juvenile Crime are to be viewed and whether they are to be taken further.

*VIII.C. Children in situations of exploitation, and promotion of their physical and psychological recovery and social reintegration, 2. Drug abuse (article 33), Committee recommendation No 56*

#### Tax reduction of alcohol beverages and it's influences

Excessive consumption of alcohol has, unfortunately, always been a part of Finnish culture. **During recent years, the alcohol consumption of children and young people has started to rise and drinking is becoming more and more intoxication-oriented.** Additionally, Finland lowered the tax on alcohol as of 1.3.2004. The tax reductions involved largely spirits and beer. The effect of the tax reductions was seen immediately, mostly as an increase in the consumption of spirits.

**The Periodic Report by Finland does not address the increase of alcohol abuse among children and young people in any way. Considering that in addition to social problems, the matter relates to major hazards affecting national health – accidents, violence, alcoholism and other health effects – this is a significant defect.**

Scientific research shows that alcohol use which has started in childhood or during adolescence damages health and leads considerably more often to alcohol dependency than alcohol use which

has started later. Furthermore, alcohol has a significant effect on the development of the brain in children and young people, as well as on later high-risk behaviour.

The excessive use of alcohol among children and young people is not the only problem. Also alcohol use among women (during pregnancy) has increased, which has led to a growing incidence of alcohol-caused fetal damage. Our society should adopt a much less permissive and more consistent attitude towards alcohol use by children and young people at all levels.

At present, there are several preventative projects on alcohol abuse, targeted at children and young people, under way in Finland and the financial support they receive from society has increased annually. The internal evaluation and the wider networking of these projects should be studied and, in particular, their effectiveness should be assessed.

**For years, the substance abuse and mental health problems of parents has counted as one of the single most important reasons for taking a child into custody or placing a child.** Since the consumption of alcohol has increased within a short period of time, there is a compelling reason to believe that this will be reflected in the client numbers in child welfare. It has been found, for example, that the open-air bar season in summer increases the incidence of taking children into urgent custody. It is to be feared that the consumption of spirits increases at the expense of less alcoholic beverages.

The Central Union for Child Welfare proposes that the Government should pay special attention to the need of protection of children and young people when planning the alcoholic policy.

*VIII.D. Children belonging to a minority or an indigenous group (article 30),  
Committee recommendation No 60*

The Sámi

The State must guarantee that social and health care services provided in the Sámi Homeland are also in the Sámi language, and that they are planned with the Sámi viewpoint in mind, respecting the Sámi cultural background, traditional values, lifestyles, and ways of thinking (as provided for by law<sup>14</sup>). (Unofficial translation.)

In the first half of 2001, the Ministry of Social Affairs and Health published a report “Omakielisten palvelujen turvaaminen sosiaali- ja terveydenpalvelussa” (Social and healthcare services in one’s own language). In addition, the Advisory Board for Sámi Affairs published a report, “Saamenkielisten peruspalvelujen toteutuminen saamelaisalueella” (The Implementation of Basic Services in the Sámi Homeland). **Both reports find that the implementation of social and healthcare services in the Sámi language is poor.** There are few Sámi-speaking staff employed by the municipalities in the Sámi Homeland, and those that there are do not work where the recipients of services are. The demand for services in the Sámi language is most urgent in children’s daycare and the care of the elderly.

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<sup>14</sup> Act on the Status and Rights of Social Welfare Clients 22.9.2000/812: In the implementation of social welfare services, the client’s wishes, opinions, best interests and individual needs of the must be taken into consideration, as well as his or her mother tongue and cultural background.

As the Periodic Report notes, the main reasons for the scarcity of services provided in the Sámi language are the financial difficulties of the municipalities of the Sámi Homeland and the high rate of unemployment in the area. Within the Sámi culture, the family community extending over many generations, extensive family relations, and a sense of togetherness have had an important role in the enhancement of wellbeing in the community, but also in the preservation of its linguistic and ethnic identity. The deterioration of communal life styles and the progressive transfer of upbringing responsibilities to society increase the risk that the difficulties of parents are reflected in the children. **People working with Sámi children need instruction in the form of retraining in bringing up the Sámi children to meet the demands of modern society without losing touch with their language and culture.**

Concerning the Sámi children, the activities related to maternity and child clinics should already incorporate and anticipate the language and cultural background of the child to be born. The parents should be given support and guidance already before the child is born in matters related, for example, to bi- and multilingualism, and it would be essential to make Sámi-speaking available in child clinics as soon as possible. In the implementation of support measures related to child welfare, the right of a Sámi child to receive care and rehabilitation services in his or her own language must be recognised. The Sámi children and young people should be ensured mental health services in their mother tongue, and the content of the services should be sensitive to the cultural background of the child.

The State should consider granting permanent state funding for the operation of Sámi children's cultural centres. Furthermore, the State should undertake urgent measures in order to provide more radio and TV programs for children and young people in the Sámi language.

### The Roma

**The Committee has in its recommendations noted that the Finnish Government should pay more attention to strengthening the status of Romani in education, *inter alia* allocating more resources to the training of Romani teachers.**

The Periodic Report by Finland raises the disturbing issue of the unfortunate state of school attendance of the Roma children and of the instruction in Romani. On the other hand, the report tends to interpret the situation rather optimistically noting, *inter alia*, that “the Ministry of Education has paid attention to the teacher training of Romani students”. This refers to a project on the need of education in Romani, financed by the European Social Fund (ESF) and the Ministry of Education, which was carried out in 1999 (publication 1/2000).

The project in question identified problems and proposed solutions. The most important measures for enhancing the equal (in relation to the majority population) learning of the Roma children were seen to be the training of new teachers of the Romani languages, and the boosting of the possibilities of the teachers who are already working in the field to become qualified. Due to defects in the basic education of people teaching Romani, it should be investigated whether starting the education from a vocational degree at the upper secondary level could provide the basis for the continuing education required to qualify as a teacher.

**Unfortunately, the Government has not increased the educational resources of those studying to teach Romani, and not much progress has been made with the other proposals included in the survey on the need of Romani education.**

According to a study conducted by the Ministry of Education in 2004, Finnish teachers in comprehensive schools are relatively poorly informed on the culture and traditions of the Roma children, even when there are Roma students in the class taught by them. The study asked headmasters to identify in what way the school has promoted Roma culture. The responses showed that regrettably often the school did not make any allowances for the culture and traditions of the Roma children.

**It would be of extreme importance in the future to pay attention during the training of teachers to the special characteristics pertaining to the culture of the Roma children, which may affect, *inter alia*, the participation of Roma children in teaching (*inter alia* dressing and the restrictions it places on participation in physical education).**

The following organisations have commented this report by the Central Union for Children (85 member organisations):

Ihmisoikeusliitto ry. (The Finnish League for Human Rights)  
 Invalidiliitto ry. (The Finnish Association of People with Mobility Disabilities)  
 Mannerheimin Lastensuojeluliitto ry. (The Mannerheim League for Child Welfare)  
 Minijellonat ry. (The Children's Organisation of Finnish National Coalition Party)  
 Nuoret Kotkat ry. (Finnish Falcon Movement)  
 Saamelaiskäräjät (The Sámi Parliament)  
 Suomen Lastenlääkäriyhdistys ry. (The Finnish Paediatric Society)  
 Suomen Unicef ry. (Unicef Finland)  
 Väestöliitto ry. (The Family Federation of Finland)  
 Yksin- ja yhteishuoltajien liitto ry. (The Single Parent and Joint Custodian Federation in Finland)  
 Suomen NOBAB-NOBAB ry. (Nobab Finland)