

# Children's rights: ratification and implementation of obligations arising from human rights treaties in legislation, administrative activity and political decision-making

## Issues

1. Finland has ratified the essential human rights treaties of the UN and the Council of Europe concerning the rights of children. The most recent are the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure<sup>1</sup> on 12 February 2016 and the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol on a communications procedure on 10 June 2016.
2. A new government was appointed in Finland in 2015. Actions implemented under the Government Programme<sup>2</sup> have meant cuts in public services and benefits for children and families, and charge increases. The greatest cuts concerning children and families have focused on education and early childhood education.

The Government is reforming child and family services with the objective of enhancing low-threshold services and organising services based on the needs of children and families. According to the Government Programme, the reform will be based on the diversity of family life and the promotion of the best interests of the child.

The Government Programme promises to introduce an impact assessment on children and families.

## Background

- 1a) Even though Finland has ratified the Optional Protocol to the UN Convention on the Rights of the Child allowing individual complaints, Finland lacks effective and child-friendly legal safeguards and related advisory services required by the UN Committee on the Rights of the Child. Children and families with children do not have adequate knowledge of the available legal safeguards and access to them, and thus they do not provide effective legal protection. Furthermore, many authorities and private actors working with children are not sufficiently aware of the legal safeguards for children and adolescents and cannot provide them with guidance and support in their use.<sup>3</sup>

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<sup>1</sup> Finland has ratified the UN Convention on the Rights of the Child in 1991. Finland has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2002 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2012. Finland submitted its latest state report to the UN Committee on the Rights of the Child in 2008, on which the Committee gave its concluding observations in 2011 (Committee on the Rights of the Child. Concluding Observations: Finland (CRC/C/FIN/CO/4)). Finland will submit its next country report to the Committee in 2017. Finland submitted a periodic report concerning the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2004, and the Committee gave its concluding observations on Finland in 2005.

<sup>2</sup> Programme of Prime Minister Sipilä's Government [http://valtioneuvosto.fi/sipilan-hallitus/hallitusohjelma?p\\_p\\_id=56\\_INSTANCE\\_SSKDNE5ODInk&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-2&p\\_p\\_col\\_count=1&56\\_INSTANCE\\_SSKDNE5ODInk\\_languageld=en\\_US](http://valtioneuvosto.fi/sipilan-hallitus/hallitusohjelma?p_p_id=56_INSTANCE_SSKDNE5ODInk&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&56_INSTANCE_SSKDNE5ODInk_languageld=en_US)

<sup>3</sup> The Ombudsman for Children <http://lapsiasi.fi/en/ombudsman/> A statement of the Ombudsman for Children to the Government Network of Fundamental and Human Rights Contact Persons for drafting a second national action plan

1b) An impediment to the effective implementation of the Convention on the Rights of the Child (CRC) in practice is that state and municipal authorities, for example, are not familiar with the CRC and its meaning and with the recommendations and general comments of the Committee on the Rights of the Child and do not execute them adequately.<sup>4</sup> In general, human rights treaties binding on Finland are poorly known and taken into account in legislative preparation, decision-making and different stages of execution, which affects, in particular, the position and rights of vulnerable groups of children, such as children with disabilities, refugee children/unaccompanied asylum-seeking children and children who are clients of child welfare.

1c) The Committee on the Rights of the Child has repeatedly reminded Finland that it lacks a consolidated legislative framework covering the CRC and a national implementation programme for its promotion.<sup>5</sup>

2) The reform programme of child and family services includes good objectives, but their practical realisation remains a great challenge and will be influenced by the pending reform of social and health services and the transfer of responsibility for organising services from municipalities to the provinces to be established. Currently the implementation of statutory services for children and families with children varies considerably across Finland. Children and families are in an unequal position in respect of the availability and quality of services depending on where they live in Finland. Concrete plans are needed for reducing local inequality since in future the concentration of special services, for example, may create new areas with unavailable services.

#### *Poverty of families with children*

The recent government decisions on cuts of child and family services and benefits also impair the rights of children and thereby their well-being. The Constitutional Committee of Parliament<sup>6</sup> has stated that the reforms affecting the position of families with children may not result in unreasonable combined effects on families.<sup>7</sup>

In its latest concluding observations, the Committee on the Rights of the Child expressed its concern over the fact that the number of children and families with children, especially under the age of 3, living in poverty has more than doubled in the last ten years and that the amount of

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on fundamental and human rights, 25 January 2016. [http://lapsasia.fi/wp-content/uploads/2016/01/LAPS\\_lausunto\\_kansallisen-perus\\_ja\\_ihmisoikeustoimintaohjelman-laatiminne\\_25012016.pdf](http://lapsasia.fi/wp-content/uploads/2016/01/LAPS_lausunto_kansallisen-perus_ja_ihmisoikeustoimintaohjelman-laatiminne_25012016.pdf)

<sup>4</sup> "The Committee recommends that the State party increase its efforts to strengthen knowledge among the general public, including children, parents and professionals working with children, of the Convention, national laws based on the Convention and other relevant international instruments." (Committee on the Rights of the Child. Concluding Observations: Finland (CRC/C/FIN/CO/4), 2011.)

<sup>5</sup> Committee on the Rights of the Child. Concluding Observations: Finland (CRC/C/FIN/CO/4), 2011.

<sup>6</sup> Constitutional Law Committee

<https://www.eduskunta.fi/EN/lakiensataminen/valiokunnat/perustuslakivaliokunta/Pages/default.aspx>

Constitutional Law Committee 11/2015 and Constitutional Law Committee 12/2015.

<sup>7</sup> The Constitutional Law Committee required the Government to follow closely the implementation of legislation to ensure that the fundamental rights of children and families with children are not jeopardised.

child and parental benefits has de facto been reduced.<sup>8</sup> Economic difficulties of families have an adverse influence on the well-being of children and adolescents.<sup>9</sup>

The Council of Europe's Committee on Social Rights has recently noted that the level of basic social security is inadequate in Finland and does not meet the requirements laid down in the European Social Charter.<sup>10</sup>

## Recommendations

- 1a) National legal safeguards of children must be made functional and effective:
  - The available legal safeguards will be identified and evaluated in a comprehensive manner as recommended in the Guidelines of the Council of Europe on child-friendly justice.<sup>11</sup>
  - Children and their caregivers as well as authorities and private actors working with children will be informed effectively of the legal safeguards.
  - Children's access to legal safeguards will be improved through practical actions.
  - The right of children in vulnerable situations, in particular, (e.g. children who are clients of child welfare, children with disabilities, refugee and asylum-seeking children) to be heard according to their age and maturity will be ensured in judicial and administrative procedures concerning them.<sup>12</sup>
  - Persons working at courts of justice, in the judiciary and in the police sector will be informed of and provided with training on the Guidelines of the Council of Europe on child-friendly justice<sup>13</sup>.
- 1b) Finland needs to take active measures to make the obligations of the CRC as well as the Committee's recommendations and general comments widely known among children, their parents and all professionals and authorities working with children. Finland must also raise the awareness of the above-mentioned actors of children-related obligations arising from other human rights treaties and take into account the recommendations on human rights education by the Human Rights Centre.<sup>14</sup>

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<sup>8</sup> CRC/C/FIN/CO/4\*, paragraph 50.

The Committee urged Finland to reinforce its efforts to support economically disadvantaged families, including children of young families, single parents and families with many children, and to guarantee the right of all children to an adequate standard of living. CRC/C/FIN/CO/4\*, paragraph 51.

<sup>9</sup> Finland as a growth environment for young people. 25-year follow up of those born in Finland in 1987

<http://www.julkari.fi/handle/10024/130947>, The National Institute for Health and Welfare (THL)

<https://www.thl.fi/en/web/thlfi-en/about-us>

<sup>10</sup> <http://www.coe.int/web/turin-european-social-charter>

<sup>11</sup> Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice

<http://www.coe.int/en/web/children/child-friendly-justice> Attention also needs to be paid to the guidelines of the EU project 'Improving Juvenile Justice'.

<sup>12</sup> UPR recommendation: 89.36. Ensure that children are heard in the judicial and administrative procedures concerning them, in accordance with procedures adapted to their maturity (Belgium).

<sup>13</sup> Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice

<http://www.coe.int/en/web/children/child-friendly-justice>

<sup>14</sup> Human Rights Centre: Human Rights Education in Finland [http://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/029624c75f666248b714e15fb8c7b0b5/1470923956/application/pdf/438341/HR%20education%20in%20FIN\\_en.pdf](http://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/029624c75f666248b714e15fb8c7b0b5/1470923956/application/pdf/438341/HR%20education%20in%20FIN_en.pdf)

1c) The implementation situation of the CRC should be studied in Finland in a comprehensive manner across administrative boundaries.

- The study must be used for ensuring that national legislation and administrative provisions correspond in every respect to the principles and provisions of the Convention and its Optional Protocols.
- Monitoring the realisation of the children's rights and well-being requires the development of an indicator service on national and local level<sup>15</sup>. It needs to be based on an assessment of the implementation of the CRC principles and provisions. Provisions of other human rights treaties relevant for children should also be considered in the selection of indicators. The indicators to be selected must produce consistent information regardless of changes in government programmes or priorities. They have to be based on a study on the realisation of children's rights and well-being and not on policy lines.

2) Public authorities have the obligation to safeguard the children's rights also during economically difficult times. Finland must guarantee an adequate basic social security and standard of living for all children and families with children:

- The state must ensure that services are provided for children and families with children in an equal manner regardless of the child's place of residence. Services must be sufficient for ensuring the child's well-being regardless of the family's socio-economic status.<sup>16</sup>
- Impact on children should be assessed before decisions are made. The assessment must be based on the CRC, and children's own views need to be considered. Assessment results must also be taken into account in decision-making. Furthermore, an assessment is required on the combined effects of different decisions on the position of children and families with children.<sup>17</sup>
- It is necessary to introduce a child-sensitive budget analysis (child budgeting).

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<sup>15</sup> In 2014, the Ombudsman for Children <http://lapsiasia.fi/en/ombudsman/> carried out, in cooperation with the University of Jyväskylä and the Ministry of Education and Culture, an evaluation of the functioning of national welfare indicators. The Ombudsman for Children recommended in its report that it would be useful for the follow-up of children's welfare to collect the information produced by the national indicators on children's welfare for reporting purposes every four or five years. [http://lapsiasia.fi/wp-content/uploads/2015/03/lasten\\_hyvinvoinnin\\_tila.pdf](http://lapsiasia.fi/wp-content/uploads/2015/03/lasten_hyvinvoinnin_tila.pdf)

<sup>16</sup> UPR recommendation: 89.26. Pursue appropriate, efficient policies to eliminate the social exclusion of the most vulnerable groups, in particular mentally disabled children, immigrant and refugee children and children from ethnic minorities at schools (Slovakia).

<sup>17</sup> Impact on children should be assessed in advance and taken into account in decision-making, for example, in connection with the reform of social and health care services and in the regional government reform. Efforts must be undertaken to develop child-friendly municipalities in a consistent and equal manner, and the implementation of this needs to be followed.

# Rights of children with disabilities

## Issues

- 1) Children with disabilities. The UN Convention on the Rights of Persons with Disabilities and its Optional Protocol became binding on Finland on 10 June 2016. Finland's national legislation has been amended to make it better correspond to the obligations of the CRPD. Nevertheless, several shortcomings have been noted in the realisation of the rights of children with disabilities.
- 2) Deaf and hard-of-hearing children. In Finland nearly all children who are born severely hard-of-hearing are fitted with a cochlear implant, which enables partial hearing and allows children to develop speech.<sup>18</sup> However, some children still require sign language or sing-language communication for their linguistic development. Language choices and hearing aid solutions should be examined as mutually complementary rather than mutually exclusive options.

## Background

- 1) The availability of services and support for children with disabilities and their families is hindered by the complexity of relevant legislation and inadequate coordination of cooperation between authorities. According to the Parliamentary Ombudsman<sup>19 20</sup>, application practices related to the services for persons with disabilities vary between municipalities and application instructions may limit access to statutory services.

Families with children with disabilities need sufficient guidance on services and good-quality support from the child's birth onwards. Finland lacks, for example, national best practice guidelines for informing families of their child's disability.<sup>21</sup>

Inadequate interpretation, transport services and individual support affect children's opportunities of participation both at leisure and at school. During inspection visits, the Parliamentary Ombudsman has discovered shortcomings in the accessibility of premises, access to services and in the implementation of adaptation measures.<sup>22</sup>

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<sup>18</sup> All hard-of-hearing children do not, however, benefit from the implant and neither does it allow them to achieve adequate spoken language skills.

<sup>19</sup> The Parliamentary Ombudsman of Finland

<http://www.oiceusasiamies.fi/Resource.phx/ea/english/ombudsman/index.htm>

<sup>20</sup> The Parliamentary Ombudsman of Finland, The Annual Report 2015. An English summary of the annual report will be published later.

<http://www.oiceusasiamies.fi/dman/Document.phx?documentId=gr15516141502858&cmd=download>

<sup>21</sup> This refers to the information given to a family when family members face an illness or disability of a child or foetus. The manner in which it is provided is of great significance to the early interaction between the parents and the child.

<sup>22</sup> The Parliamentary Ombudsman of Finland, The Annual Report 2015. An English summary of the annual report will be published later.

<http://www.oiceusasiamies.fi/dman/Document.phx?documentId=gr15516141502858&cmd=download>

Authorities do not adequately identify and consider the views of children with disabilities in their actions. This applies especially to those children who do not communicate using speech. Very little attention has been paid, in particular, to the needs of children with disabilities belonging to minority groups (such as refugee or immigrant children).<sup>23</sup>

- 2) Children who are foreseen to be fitted or will be fitted with a cochlear implant do not receive enough tuition in sign language. Neither are deaf and hard-of-hearing children offered adequate opportunities for learning sign language from early childhood onwards. Children using sign language do not receive enough tuition in their own mother tongue.<sup>24</sup> Children using sign language have very limited possibilities of using their own mother tongue in the context of child welfare and other social services.<sup>25</sup>

## Recommendations<sup>26</sup>

- 1a) Children with disabilities and their families must receive enough assistance and support for planning services and managing in daily life.
- 1b) A comprehensive legal and political framework should be drafted to ensure accessibility and availability.
- 1c) Children with disabilities must receive adequate interpretation and transport services as well as necessary individual assistance both at leisure and at school.
- 1d) Authorities have to pay special attention to hearing children with disabilities in their actions, especially children who do not communicate using speech, and to identifying their views. It is necessary to guarantee adequate support and communications tools for children to ensure successful interaction.
- 1e) National best practice guidelines for informing families of their child's disability must be drafted to ensure that parents of children with disabilities receive high-quality information in an equal manner regardless of their place of residence.
- 1f) The position and needs of children with disabilities belonging to various minority groups require special attention.

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<sup>23</sup> European Parliament: DIRECTORATE GENERAL FOR INTERNAL POLICIES POLICY DEPARTMENT C: CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS. Member States' Policies for Children with Disabilities [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474416/IPOL-LIBE\\_ET\(2013\)474416\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474416/IPOL-LIBE_ET(2013)474416_EN.pdf)

Country Report on Finland for the Study on Member States' Policies for Children with Disabilities [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474420/IPOL-LIBE\\_ET\(2013\)474420\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474420/IPOL-LIBE_ET(2013)474420_EN.pdf)

<sup>24</sup> Hey, look at me! Interaction and well-being in the lives of deaf and hard-of-hearing children.

Publications of the Office of the Ombudsman for Children 2012:3. <http://lapsiasia.fi/wp-content/uploads/2015/04/hei-kato-mua.pdf>

<sup>25</sup> Hey, look at me! Interaction and well-being in the lives of deaf and hard-of-hearing children.

Publications of the Office of the Ombudsman for Children 2012:3 <http://lapsiasia.fi/wp-content/uploads/2015/04/hei-kato-mua.pdf> Children using sign language have not necessarily had a sign language interpreter available in the context of health care services and thus have not received information on their health care.

<sup>26</sup> UPR recommendation 89.16: Take effective legal and practical measures to eliminate all forms of discrimination and violence against women and children, in particular women and children with disabilities, immigrant and refugee women and children, and women and children from ethnic and religious minorities, especially Muslims and Roma (Iran).

UPR recommendation: 90.23: Establish a holistic legal and policy framework to guarantee the equal right of children with disabilities to access good-quality health-care services, public buildings and transportation (Iran).

- 2a) Children using sign language must receive necessary interpretation services in the context of social and health care services.
- 2b) Pupils using sign language have to be given an opportunity to study their mother tongue as a school subject.
- 2c) Participation of deaf and hard-of-hearing children in tuition without discrimination at their local school must be guaranteed through accessibility, sufficiently small tuition groups and a suitable learning environment. Teachers must be provided with enough training and support for teaching such children.

## Violence against children<sup>27</sup>

### Issues

- 1) In Finland corporal punishment was criminalised in 1984. According to studies, the use of corporal punishment has decreased significantly over the past decades as a result of criminalisation and information campaigns.<sup>28</sup> Furthermore, the studies show that other forms of violence experienced by children, such as mental and sexual violence, have decreased in Finland.<sup>29</sup>
- 2) In the past years, the authorities' practices applied when violence against children is suspected have been re-evaluated.<sup>30</sup> Amendments relating to the duty to notify have been introduced into the Child Welfare Act. According to the Child Welfare Act, persons who have a duty to file a child welfare notification must notify the police when they have cause to suspect a sexual crime against a child under the Penal Code or a crime against the child's life and health. In addition to the notification submitted to the police, the person who has a duty to notify must also file a child welfare notification on the child with social welfare authorities. This allows ensuring that the child receives the services necessary for promoting his or her well-being.<sup>31</sup>

### Background

- 1) A child victim survey<sup>32</sup>, which is of high quality by international comparison, was conducted in Finland first in 2008 and again in 2013. The survey examined sexual abuse, harassment and violence against children through their own experiences.<sup>33</sup> It is now uncertain whether there are resources for carrying out a follow-up survey.
- 2) Even though the duty to notify the police promotes the well-being and welfare of children, the police lacks sufficient personnel resources for investigating cases, which constitutes a

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<sup>27</sup> UPR recommendation 89.28. Give special attention to the prevention of domestic violence against women and children (Mexico).

UPR recommendation 89.35. Watch over the full implementation of laws that forbid corporal punishment in all settings through, among other measures, awareness-raising campaigns between adults and children, as well as the promotion of positive and non-violent forms of discipline that do not affect the upbringing of these children (Uruguay),

UPR recommendation 90.11. Continue strengthening measures aimed at addressing domestic violence, with special focus on the programmes being developed to consolidate the mechanisms to protect women and children (Chile),

UPR recommendation 90.15. Train educators and health workers in identifying signs of sexual abuse in children.

<sup>28</sup> [http://www.e-julkaisu.fi/ensi\\_ja\\_turvakotien\\_liitto/esite/kannusta\\_minut\\_vahvaksi/](http://www.e-julkaisu.fi/ensi_ja_turvakotien_liitto/esite/kannusta_minut_vahvaksi/) Mr. Birch Rod removed from his post - 30 years since the criminalisation of corporal punishment. Survey by the Central Union for Child Welfare (2014) <https://www.lskl.fi/materiaali/lastensuojelun-keskusliitto/HerraKoivuniemiPantuViralta.pdf>

<sup>29</sup> Violence experienced by children and adolescents in 2013 (English summary)

[https://www.theseus.fi/bitstream/handle/10024/86726/Raportteja\\_110\\_lapsiuhrutkimus\\_web.pdf](https://www.theseus.fi/bitstream/handle/10024/86726/Raportteja_110_lapsiuhrutkimus_web.pdf)

<sup>30</sup> Effective child welfare. Final report of the working group, the Ministry of Social Affairs and Health

<sup>31</sup> Government Proposal No. 164/2015, Government Proposal to Parliament for a Social Welfare Act and related acts.

<sup>32</sup> Child Victim Survey 2013 [https://services.fsd.uta.fi/catalogue/FSD2943?lang=en&study\\_language=en](https://services.fsd.uta.fi/catalogue/FSD2943?lang=en&study_language=en)

<sup>33</sup> Along with digitalisation, children have also started to experience online sexual abuse, harassment and violence. For example, 11% of 9<sup>th</sup>-grade girls have experienced online bullying.

problem. This has resulted, for example, in longer handling times. Variations in official procedures and inequality of children have been considered problematic<sup>34</sup> in the identification of criminal cases, in criminal procedures and in the authorities' cooperation practices. Authorities should be provided with training and guidance to ensure that abuse crimes are investigated in a consistent manner across the country. Ensuring swift investigations is of particular importance.<sup>35</sup> Child welfare professionals also need tools for hearing a child when violence is suspected against the child.<sup>36</sup>

- 3) The objective of the LASTA project<sup>37</sup> of the National Institute for Health and Welfare<sup>38</sup> is to improve cooperation between the authorities when violence against a child is suspected and investigated.<sup>39</sup> Regardless of the development of cooperation structures, professionals still lack skills for identifying violence and encountering children. The structures for helping and treating children who have experienced violence also include shortcomings. The models for treating such children vary considerably across regions, and evidence-based trauma therapy methods are not regularly used everywhere.
- 4) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence became binding on Finland in August 2015. Following the Convention, an act was enacted which shifted the responsibility for funding shelter homes from municipalities to the state. However, funding has been inadequate and shelter homes have not had a place for every person in need.

## Recommendations

- 1) The Government agrees to implement the child victim survey on a regular basis as part of the follow-up of children's well-being.
- 2) The quality and fluency of processes related to suspected violence against children will be ensured with adequate personnel resources on all process levels, and the personnel's competence for encountering children<sup>40</sup> will be improved through training. Digital media also needs to be taken into account as one potential environment for committing crime.

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<sup>34</sup> [https://www.theses.fi/bitstream/handle/10024/86714/Tutkimuksia%2040\\_web\\_valmis.pdf?sequence=1](https://www.theses.fi/bitstream/handle/10024/86714/Tutkimuksia%2040_web_valmis.pdf?sequence=1) These were the key conclusions of a study carried out in 2010 on violence and abuse against children.

<sup>35</sup> A statement of the Ombudsman for Children for the Ministry of Justice to the questionnaire of the Lanzarote Committee monitoring the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse on 8 January 2014.

<sup>36</sup> Drawbacks in foster care of child welfare and mishandling of children between 1937 and 1983. The Ministry of Social Affairs and Health 2016.

<sup>37</sup> LASTA project (Children's Advocacy Centre project) [https://www.thl.fi/en/web/lastensuojelun-kasikirja/ajankohtaista/lastensuojelu-thl-/tutkimus-ja-kehittaminen/lasta-hanke](https://www.thl.fi/en/web/lastensuojelun-kasikirja/ajankohtaista/lastensuojelu-thl-/tutkimus-ja-kehittaminen/lastensuojelun-kehittaminen/lasta-hanke) ja <https://www.thl.fi/fi/web/lastensuojelun-kasikirja/ajankohtaista/lastensuojelu-thl-/yhteistyo>

<sup>38</sup> The National Institute for Health and Welfare (THL) <https://www.thl.fi/en/web/thlfi-en/about-us>

<sup>39</sup> The project develops a Finnish model for investigating, protecting and helping children who are suspected to be victims of sexual or violent crimes. An objective is to strengthen multi-professional and inter-administrative cooperation to achieve child-sensitive coordination of public services needed by the child and the family.

<sup>40</sup> A fluent, high-quality process involves close cooperation between the authorities and the third sector.

<https://www.thl.fi/web/lastensuojelun-kasikirja/tvoprosessi/sijaishuolto/sijaishuollon-muodot/perhehoito/epaily-lapsen-kaltoinkohtelusta-sijaisperheessa>

- 3) The treatment of children who have experienced violence must be based on evidence, and children must have a regionally equal access to treatment regardless of their place of residence.
- 4) The shelter home system has to be developed to ensure a full geographic coverage and availability of places for every person in need.

## Corporate social responsibility and the rights of the child<sup>41</sup>

### Issues

The Committee on the Rights of the Child has recommended that Finland provides a framework for prohibiting use of child labour by the Finnish companies engaged with businesses abroad and multinational companies headquartered in Finland.<sup>42</sup>

The Committee further recommends the State party to adopt and implement provisions for ensuring that international and national norms on corporate social responsibility are observed in business operation, and especially the UN Business and Human Rights Framework in respect of the rights of the child<sup>43</sup>.

### Background

Finland adopted a national implementation plan of the UN Guiding Principles on Business and Human Rights in 2015. The rights of the child are included in the implementation plan but practical measures have been limited<sup>44</sup>.

According to the EU Accounting Directive, starting from the accounting period of 2017, approximately 100 Finnish companies and their subcontractors must report on environmental and human rights risks caused by their operations and on how they seek to minimise them. Companies may opt not to report certain issues, provided that they can give adequate justification. Reporting must cover subcontracting chains to the extent deemed 'relevant and reasonable'. Finland is currently amending its national legislation on public contracts<sup>45</sup>.

### Recommendations

- 1) The Accounting Directive should be implemented with as much transparency as possible.
- 2) It is necessary to create an environment where companies find it profitable to report openly and comprehensively in accordance with the obligations.
- 3) Legislation should lay down clear obligations relating to social responsibility and consideration of human rights especially in public contracts.

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<sup>41</sup> UPR recommendation 90.16: Provide a framework for prohibiting use of child labour by the Finnish companies engaged with businesses abroad and multinational companies headquartered in Finland (Netherlands).

<sup>42</sup> CRC/C/FIN/CO/4\* (2011).

According to the Committee, this is achieved best by establishing an effective monitoring system of their supply chains.

<sup>43</sup> The framework outlines the obligation of governments to protect people from human rights violations committed by companies and the obligation of companies to respect human rights, as well as provides for a more effective access to legal safeguards when violations have taken place.

<sup>44</sup> The rights of the child were included in the implementation plan as a result of joint lobbying by various organisations. No binding or stricter guidance or legislation has been adopted in respect of due diligence.

<sup>45</sup> The Act on Public Contracts will be amended to correspond to the EU Public Contracts Directive.

## International cooperation

### Issues

In its interim UPR report (2014) Finland agreed to increase its development cooperation budget to 0.7 per cent of the GNI<sup>46</sup>. Finland did not honour this commitment during the previous UPR cycle, either.

### Background

Cuts introduced by the current Government have particularly strongly focused on the development cooperation budget, which will be cut further by 200 million euros annually starting from 2016 as part of fiscal adjustment.<sup>47</sup> Due to these decisions, the development cooperation budget will remain at only 0.39 per cent of the GNI.<sup>48</sup>

Finland has reached the objective of allocating 0.7 per cent of the GNI to the development cooperation budget only once in the 1990s. The objective of 0.7 per cent laid down in the Government Programme does not seem realistic.

### Recommendation

- 1) The Government has to give a public and binding commitment and draft a timetable for achieving the international commitment of 0.7 per cent in accordance with the Government Programme.

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<sup>46</sup> UPR recommendation 89.51: Reconsider the matter by taking the necessary steps to fulfil the objective expressed in 2008 to reach the 0.7% target for ODA in relation to the Millennium Development Goals by 2015. (Norway); CRC/C/FIN/CO/4\* (2011): "The Committee notes that, in 2010, the State party devoted 0.56 per cent of its GNI to international assistance, and that it has committed itself to reaching the internationally agreed target of 0.7 per cent of GNI by 2015. The Committee encourages the State Party to meet and, if possible, surpass the internationally agreed target of 0.7 per cent of GNI by 2015. It also encourages the State party to ensure that the realization of child rights becomes a top priority of the international cooperation agreements established with developing countries. In doing so, the Committee suggests that the State party take into account the concluding observations of the Committee on the Rights of the Child for the recipient country in question."

<sup>47</sup> In addition, a 130-million-euro share of grants will be transformed into loans and capital investments and directed to developing countries through responsible companies. Furthermore, according to the Government Fiscal Plan for 2017 to 2020, a new saving of 25 million euros will be directed at the development cooperation budget from 2018.

<sup>48</sup> In 2014, for example, 69 million euros of the revenues from emission trading were directed at development cooperation. Furthermore, the current Government decided not to direct revenues from emission trading to development cooperation anymore, which considerably decreases the funds available for development cooperation.

# Asylum-seeking and refugee children

## Issues

- 1) Over the past years, Finland has carried out numerous legislative amendments which weaken the status and rights of asylum seekers and refugees. Both the possibility of receiving protection and in particular the right to family reunification have been narrowed. Family reunification has already become nearly impossible for many people.<sup>49</sup>
- 2) In Finland children can also be detained under the Aliens Act. In connection with the last reporting concerning Finland, the Committee on the Rights of the Child expressed, for example, its concern over the fact that asylum-seeking children are detained and included this issue in its recommendations.<sup>50</sup> Families with children are also held in detention. They are usually placed in a dedicated unit, which, however, is remotely located and resembles a prison<sup>51</sup>.
- 3) Unaccompanied children arriving in Finland have been appointed a guardian<sup>52</sup> for over more than 15 years. This practice is laid down by law<sup>53</sup>. The guardianship system is, however, still underdeveloped. The shortcomings that have existed since its outset became apparent when the number of unaccompanied children increased abruptly in 2015. For example, the system has lacked a coordinating body with an overall responsibility.<sup>54</sup>
- 4) Reception and integration services for unaccompanied children should be developed in a child-sensitive manner. Since the number of applicants has increased, the system has become inconsistent and the level of services children receive varies. Children also need to move from one unit or even locality to another at least when they receive a residence permit. The accommodation of children should be based on the needs of the child and not on those of the system. These children should also have the same right to family care as children requiring foster care in child welfare.

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<sup>49</sup> The tightened practices are more openly justified by the elimination of pull factors: Finland should not appear as an attractive country for asylum seekers. Several of these amendments actually mean that Finland is decreasing the level of national protection to the minimum level allowed by EU Directives. The fact is, however, that Finland still has a limited number of refugees and the number of asylum seekers has not increased considerably until last year. This year the number will probably be lower again as there were only 3,317 applicants by the end of June. The number of asylum seekers has remained relatively stable, at around 3,000 to 4,000 persons per year. In 2015 the number increased tenfold (Statistics of the Finnish Immigration Service: 32,476; [http://www.migri.fi/about\\_us/statistics/statistics\\_on\\_asylum\\_and\\_refugees](http://www.migri.fi/about_us/statistics/statistics_on_asylum_and_refugees)).

<sup>50</sup> Committee on the Rights of the Child. Concluding Observations: Finland (CRC/C/FIN/CO/4).

<sup>51</sup> Report to the Finnish Government on the visit to Finland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 September to 2 October 2014. CPT (2015) 08. Strasbourg, 17 March 2015.

<sup>52</sup> The term guardian is used commonly in this context to refer to a person who is appointed to represent an unaccompanied child. See e.g. Statement of Good Practice (2009). Separated Children in Europe Programme (SCEP). 4<sup>th</sup> revised edition, page 21. <http://www.separated-children-europe-programme.org/images/18/219.pdf>

<sup>53</sup> The Act on Reception (No. 746/2011), Section 39, and the Act on Integration (No. 1386/2010), Section 56.

<sup>54</sup> Lepola, Outi (2012). Neither a relative nor an authority. A study on the guardianship system for unaccompanied children in Finland. The Central Union for Child Welfare, p. 99.

- 5) Asylum-seeking children are in an unequal situation in respect of how they receive information on their rights. The provision of information by the guardians and the personnel of accommodation units varies. Adequate information on the rights of the child is not available in a format suitable for children.

## Background

1) Finland has consistently restricted the right to family life in respect of persons receiving international protection over several government terms. The Government has simultaneously carried out both legislative and administrative changes which have made it very difficult to file an application.<sup>55</sup> Some of the restrictions were specifically targeted at unaccompanied children: for example, the age of a minor family reunification sponsor is determined when a decision is made on a family reunification application and not when the application is filed. In practice this prevents most children from having their family members to Finland since the majority of the applicants are 16 to 17 years old.<sup>56</sup>

The newest restriction is an 'income requirement', which means that the family reunification sponsor should be able to provide for his or her family members applying for a residence permit on the grounds of a family tie. The income requirement also applies to unaccompanied children, i.e. a child should be able to provide for his or her parents in order to have them to Finland.<sup>57</sup>

- 2) Finland has already for years tried to restrict the detention of children referred to in the Aliens Act.<sup>58</sup> Alternatives were to be sought for detention and its application to unaccompanied children was to be forbidden altogether. The prohibition is still waiting for implementation. A child who has turned 15 can still be detained for six days in connection with removal<sup>59</sup>.

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<sup>55</sup> Several amendments to the Aliens Act entered into force in 2010 which meant restrictions to family reunification. After a legislative amendment which entered into force in 2012, a family reunification sponsor has not been able to file an application in Finland but a family member needs to file an application with a Finnish embassy. Due to reductions in the embassy network, distances to embassies have become unreasonably long, expensive and even dangerous for many people. The Finnish Immigration Service also introduced a requirement that a person must be able to prove that he is staying legally in the country where he or she files an application. This has been very difficult, if not impossible, for many people. For example, nowadays Afghans have to file their application in New Delhi in India instead of Kabul and Somalis in Addis Ababa in Ethiopia instead of Nairobi. Afghans have had great difficulties in obtaining a document proving a legal stay in Iran and Somalis in Ethiopia.

<sup>56</sup> Both in 2012 and in 2013 only one positive decision was given to a parent/caregiver of an unaccompanied child. In 2014, parents of 33 children staying in Finland were able to file their application abroad, and 10 of them received a positive decision.

<sup>57</sup> This restriction entered into force on 1 July 2016. The required income limits are so high that a considerable part of ethnic Finns cannot reach them, either.

<sup>58</sup> This issue was also already laid down in the Government Programme of 2011.

<sup>59</sup> Aliens Act, Section 122, Holding a minor in detention: An unaccompanied child who has turned 15 years may be ordered to be held in detention first for 72 hours in connection with removal, and the deprivation of liberty can be extended by further 72 hours for specific reasons.

The current Government has suggested some new protective measures as an alternative to detention. However, it is feared that as the number of applicants and negative decisions increases, protective measures may also be applied more often to families with children.<sup>60</sup>

- 3) The recruitment of guardians for unaccompanied children is inconsistent, their role is unclear and they have very different backgrounds with no consistent training. The independence of guardians is questionable, since the system is controlled and fees are paid by the Finnish Immigration Service, which is responsible both for the asylum process and the organisation of reception services. After a child has received a residence permit, the responsibility for control and remuneration is transferred to regional offices governed by the Ministry of Economic Affairs and Employment. Duality of administration makes controlling and coordination more difficult. Furthermore, no structures exist for monitoring the guardians' work.<sup>61</sup>

With the record number of asylum seekers arriving in 2015, there were not enough guardians and too many were inexperienced. Their competence also varies considerably.<sup>62</sup>

Training for guardians is being developed<sup>63</sup>, but it will not remove other problems in the fragmented system.

- 4) The Committee on the Rights of the Child has repeatedly made observations on asylum-seeking children and given Finland recommendations concerning reception, including the lack of mental health services, in connection with the periodic reporting of the CRC.<sup>64</sup>

As the number of applicants increased drastically in 2015, more services had to be established rapidly. The units accommodating children and their personnel differ considerably from one another. Since the services of reception and integration stages are separate, transition after the granting of a residence permit is a critical point. A lack of cooperation between administrative branches hinders the integration of children.<sup>65</sup>

Unaccompanied children have been mainly accommodated in 'group homes'.<sup>66</sup> A child can also be accommodated in a family if the child has relatives in Finland who can take care of

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<sup>60</sup> The Government proposes introducing a new protective measure, residence requirement, as an alternative for the holding in detention. This is not genuinely an alternative since, according to the Government Proposal, the residence requirement could also be used in situations where the requirements for the holding in detention are not fulfilled. This would make it a new protective measure, not an alternative. This condition has been added to the residence requirement only in respect of an unaccompanied child, which would make it a real alternative.

<sup>61</sup> Lepola, Outi (2012). Neither a relative nor an authority. A study on the guardianship system for unaccompanied children in Finland. The Central Union for Child Welfare.

<sup>62</sup> An assessment statement of the Ombudsman for Children, 16 June 2016, 3. (<http://lapsiasia.fi/tata-mielta/aloitteet/2016-4/lapsiasiavaltuutetun-arvio-yksin-maan-tulleiden-turvapaikkaa-hakevien-lasten-oikeuksien-ja-hyvinvoinnin-toteutumisesta-2/>)

<sup>63</sup> The Ministry of Education and Culture is supporting an ongoing project for developing a training programme for guardians. It will be implemented with state funding at folk high schools in cooperation with the authorities responsible for the activities of guardians.

<sup>64</sup> Committee on the Rights of the Child: Consideration of reports submitted by States parties under article 44 of the Convention Concluding Observations: Finland (2011) (CRC/C/FIN/CO/4), paragraphs 60 and 61.

<sup>65</sup> The Ombudsman for Children, an assessment statement of 16 June 2016, 3. (<http://lapsiasia.fi/tata-mielta/aloitteet/2016-4/lapsiasiavaltuutetun-arvio-yksin-maan-tulleiden-turvapaikkaa-hakevien-lasten-oikeuksien-ja-hyvinvoinnin-toteutumisesta-2/>). See also Lepola 2012, p. 100.

<sup>66</sup> Issues related to unaccompanied children are governed by the Act on the Reception of Persons Seeking International Protection (Reception Act No. 746/2011), the Act on the Promotion of Immigrant Integration

him or her. This is called private accommodation and it differs from family home placement used in child welfare. Families receive neither training nor compensation for the care.<sup>67</sup>

5) Asylum-seeking children and families need information on how the rule of law works in their case as well as on what rights they have in an asylum process and after having received a residence permit. Special attention should be paid to giving children and adolescents an opportunity to express their views and to taking them into account. <sup>68</sup>

## Recommendations

- 1) Finland must re-evaluate how the legislative amendments adopted in the past years have affected the right of persons receiving international protection to live together with their families. In particular, it needs to be examined how the right of children to a family is realised and necessary legislative amendments have to be introduced swiftly.
- 2a) Finland needs to implement the reforms promised earlier, i.e. the detention of unaccompanied children must be forbidden altogether
- 2b) Finland must devise real alternatives to detention for families with children. Families must be accommodated only in units suitable for children and families.
- 3) A body with the overall responsibility will be searched for the guardianship system. It will be responsible for recruitment, coordination, monitoring and training and ensure that the guardians can operate independently and have adequate resources for performing their work.
- 4) Data must be collected on the reception and integration of unaccompanied children and evaluated in a profound and independent manner.
  - Data must be collected on unaccompanied children in a systematic manner according to their age and gender.
  - Data collection should also include identifying the experiences and views of unaccompanied children.
  - It is also necessary to clarify if the Family Care Act can be applied to unaccompanied minors so that the right of children to family care can be realised in a safe and legislatively consistent manner.

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(Integration Act No. 1386/2010) and the Child Welfare Act (No. 417/2007). Asylum-seeking children are accommodated in group homes or supported accommodation units, which are controlled by the Finnish Immigration Service. After children have been granted a residence permit, they move to family group homes or are placed in 'supported accommodation', both controlled by Centres for Economic Development, Transport and the Environment.

<sup>67</sup> Section 27 of the Integration Act also mentions the possibility of supported family home placement, but this has hardly been used. It is unclear whether the supported family home placement can be interpreted as family care referred to in the Family Care Act. A general interpretation is that family care similar to the one referred to in the Child Welfare Act is not possible for children who have been granted an asylum if they are not clients of child welfare and have not been taken into custody. According to Section 49(1) of the Integration Act, a municipality is reimbursed for the costs incurred by the municipality for the placement of an unaccompanied minor to a family group home or other residential unit referred to in Section 28 and for family care, residential support services and other measures similar to child welfare services, until the young person in question is 21 years old.

<sup>68</sup> For example, a project called *Children as experts-by-experience in reception activities* by Save the Children in 2016 revealed that unaccompanied children and adolescents arriving in Finland want information on their rights and have benefited from such information.

- It should be examined how cooperation between administrative branches could be strengthened and whether it would be possible to make a transition from the present dual system to a coherent system where the reception and integration of a child would be a uniform and continuous process.
- 5) Asylum-seeking children and families need more information on their rights in the asylum process and after having received a residence permit. Children must receive this information in a format suitable for them.

## Child welfare<sup>69</sup>

### Issues

- 1) The right of a child to be heard in matters concerning him or her is the fundamental principle in child welfare. Even though progress has taken place in the formal hearing of children, shortcomings still exist in identifying, in particular, the views of children under 12 years of age.
- 2) There are also shortcomings in the effective monitoring and systematic follow-up of the conditions of children placed in foster care in child welfare. Follow-up and monitoring mechanisms are inadequate especially in family care.

### Background

- 1a) The formal right of over 12-year-old children to be heard is realised relatively well in child welfare. Instead, it is only rarely that children under 12 years of age are heard and their opinions identified.<sup>70</sup> In its latest concluding observations, the Committee on the Rights of the Child reminded Finland of drawbacks in the realisation of the right of children to be heard in custody issues.<sup>71</sup>
- 1b) The Finnish Child Welfare Act emphasises the right of a child to be involved in every stage of the child welfare process<sup>72</sup>, which is also supported by the representation in accordance with the Child Welfare Act.<sup>73</sup> Finland lacks national coordination and permanent structures enabling adequate representation in child welfare<sup>74</sup>, for which reason regional equality is not realised.<sup>75</sup>
- 2) The conditions of children in foster care are not monitored or followed in an adequately effective and systematic manner. The monitoring of family care is inadequately regulated<sup>76</sup>. Effective monitoring is essentially prevented by the lack of adequate resources<sup>77</sup>. The Committee on the Rights of the Child has recommended Finland to ensure appropriate

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<sup>69</sup> UPR recommendation 89.36. Ensure that children are heard in the judicial and administrative procedures concerning them, in accordance with procedures adapted to their maturity and, when children must be placed, this be done in family-type structures rather than in institutions (Belgium).

<sup>70</sup> De Godzinsky, Virve (2014) The Best Interest of the Child and a Child's Right to Participate in Administrative Court Proceedings. Research Report No. 267. Helsinki: National Research Institute of Legal Policy.

<sup>71</sup> Committee on the Rights of the Child: Consideration of reports submitted by States parties under article 44 of the Convention Concluding Observations: Finland (2011) (CRC/C/FIN/CO/4\*).

<sup>72</sup> Chapter 4 of the Child Welfare Act (No. 417/2007) <http://www.finlex.fi/fi/laki/kaannokset/2007/en20070417.pdf> provides for legal expressions of the involvement of the child: hearing of the child, ascertaining the child's views and exercising the child's right to be heard. The exercising of the child's right to be heard is the strongest form of involvement.

<sup>73</sup> Section 22 of the Child Welfare Act guarantees the exercising of the child's right to be heard in situations where the caregiver is unable to supervise the child's interests without prejudice.

<sup>74</sup> The Ombudsman for Children, the Child Advisory Board. Motion LAPS/193/2011.

<sup>75</sup> Due to inadequacies in the coordination of actions, rules and regulations, and guidance for execution, there is considerable regional variation in the recruitment of guardians in child welfare and in need identification.

<sup>76</sup> The Parliamentary Ombudsman of Finland, The Annual Report 2015. An English summary of the annual report will be published later.

<sup>77</sup> The Parliamentary Ombudsman of Finland, The Annual Report 2015, p. 33.

monitoring and follow-up of the conditions of children placed in family and institutional care<sup>78</sup>.

## **Recommendations**

- 1a) Sufficient resources will be allocated and the competence of professionals guaranteed to enable the realisation of the right of the child to participate and be heard in matters concerning him or her as required in the CRC and national legislation.
- 1b) Finland needs national coordination and permanent structures for representation in child welfare to enable its adequate and equal realisation.
- 2) The realisation of children's legal protection will be promoted through strengthening the systematic follow-up of foster care and guaranteeing adequate support for foster parents and functional monitoring mechanisms for family and institutional care.

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<sup>78</sup> Committee on the Rights of the Child: Consideration of reports submitted by States parties under article 44 of the Convention Concluding Observations: Finland (2011) (CRC/C/FIN/CO/4\*).

# Early childhood education

## Issues

- 1) In Finland clearly fewer children participate in early childhood education than in other Nordic and European countries on average.<sup>79</sup> The duties and objectives of early childhood education were defined in the overall reform of the relevant legislation.<sup>80</sup>
- 2) After the amendment of the Act on Early Childhood Education and Care, impairments were introduced into early childhood education as part of public austerity measures. The Government adopted a decree amendment which increased the maximum group size in day care for 3-year-old children. The right of children to full-time early childhood education was limited.<sup>81</sup>

## Background

- 1) The Committee on the Rights of the Child recommended that Finland prepare a new general act on early childhood education. The Committee recommended to increase the coverage of early childhood education and to improve its quality by increasing the number of personnel, by limiting the size of day care groups and by ensuring better continuity in care relationships.
- 2) A revised Act on Early Childhood Education and Care entered into force on 1 August 2015, but already in October 2015 the Government adopted an amendment to the Day Care Decree, which will reduce the number of personnel in relation to the number of children and increase group sizes. In December 2015 Parliament decided, based on a Government Proposal, to limit the right of children to full-time early childhood education.<sup>82</sup>

## Recommendations

- 1) The proportion of children participating in early childhood education will be increased by guaranteeing sufficient resources for this and by improving information provision for parents whose children do not participate in early childhood education.
- 2) The accessibility and quality of early childhood education will be ensured by continuing the revision of early childhood legislation. The revision will take into account the recommendations given by the Committee on the Rights of the Child to Finland and its general comments.<sup>83</sup>

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<sup>79</sup> <http://tietotrendit.stat.fi/mag/article/144/>

<sup>80</sup> The first phase of the overall reform of early childhood legislation entered into force on 1 August 2015.

<sup>81</sup> These amendments entered into force on 1 August 2016.

<sup>82</sup> These amendments entered into force on 1 August 2016.

<sup>83</sup> Especially GENERAL COMMENT No. 7 (2005) Implementing child rights in early childhood CRC/C/GC/7/Rev.1.

## Issues

- 1) In Finland, the pupils' learning results (PISA) have been excellent by international comparison, but they started to decline clearly in 2006. In the PISA 2012 assessment, the national average in mathematics decreased considerably from the 2003 assessment. Literacy and proficiency in natural sciences were also remarkably weaker. More and more pupils remain below the minimum level on the PISA scale in literacy, and their number is constantly increasing.<sup>85</sup>
- 2) Educational equality, which has been high in Finland, is declining. The educational background of parents has a clear influence on children's learning results in every subject. Immigrants clearly lag behind the ethnic Finns in literacy and mathematics. This difference is the greatest in Finland among the Nordic countries.

## Background

- 1) The learning results of children and adolescents have deteriorated remarkably. Educational equality has also weakened, and learning results are now more strongly polarised. Studies on literacy have revealed that in practice there are illiterate adolescents in Finland.<sup>86</sup> The learning results of immigrant children are clearly weaker than those of ethnic Finns. In its study conducted in 2015, the National Audit Office of Finland called for improving support for children of immigrant origin at school.<sup>87</sup> Cuts directed at education reduce its resources and the possibilities of providing pupils with adequate individual support.
- 2) A Pupil and Student Welfare Act, which entered into force in 2014, has improved student welfare services. However, regional and municipal differences are still considerable in student welfare services, e.g. in the availability of school doctors, psychologists and welfare officers at educational institutes. The Committee on the Rights of the Child has recommended that Finland provide schools with permanent health care personnel, including school psychologists. Cooperation between different actors in the mental health care of children and adolescents is inadequate, and in several places adolescents have difficulties in accessing mental health care services.<sup>88</sup>

## Recommendations

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<sup>84</sup> UPR recommendation 90.21. Mental health services in schools should benefit from sufficient resources and qualified staff in order to deal with problems affecting in particular adolescents, such as suicidal thoughts and nutritional or addictive problems (Belgium).

<sup>85</sup> PISA 2012: Proficiency of Finnish youth declining

<http://www.minedu.fi/OPM/Tiedotteet/2013/12/pisa.html?lang=en> <https://ktl.jyu.fi/pisa/tulokset>

<sup>86</sup> What's wrong at comprehensive school? Information package: School segregation [http://omalinja.fi/wp-content/uploads/2016/03/Oma\\_Linja\\_infopaketti1\\_colour.pdf](http://omalinja.fi/wp-content/uploads/2016/03/Oma_Linja_infopaketti1_colour.pdf)

<sup>87</sup> Audit report of the National Audit Office of Finland (2013): Immigrant pupils and effectiveness of basic education [https://www.vtv.fi/files/4801/12\\_2015\\_Maahanmuuttajapuoliaat\\_ja\\_perusopetuksen\\_tuloksellisuus.pdf](https://www.vtv.fi/files/4801/12_2015_Maahanmuuttajapuoliaat_ja_perusopetuksen_tuloksellisuus.pdf)

<sup>88</sup> The Committee on the Rights of the Child has recommended to improve mental health care services for children and adolescents.

- 1) Individual support for learning and studying at comprehensive and secondary schools will be improved by allocating adequate resources. Individual student counselling will be strengthened especially at transition points in education.
- 2) Student welfare at comprehensive and secondary schools will be improved. It will be ensured that the services of a school nurse, doctor, psychologist and welfare officer are available at each school and educational institute. The availability of mental health care services for children and adolescents will be improved.

# Discrimination, hate speech and bullying in digital media<sup>89</sup>

## Issues

- 1) Children are the most vulnerable group facing racial discrimination, hate speech and bullying on the Internet. There is a high risk to become discriminated or bullied as a child especially if the child belongs to a minority group.<sup>90</sup> The rights of the child also need to be protected in the digital media: a child has the right to be protected from all forms of discrimination on the Internet and from information and material injurious to his or her well-being.<sup>91</sup>
- 2) The current climate - both political and topical discussions - in Finland is not supportive of non-discrimination. This can be seen through multiple high-level cases where racist talk is tolerated even towards children.  
The current Government is prioritising digitalisation, which is a good trend. Nevertheless, it should be noted that equality and child protection within the services also need to be top priorities.

## Background

- 1) 2) The CERD (2012) recommended Finland to reinforce its efforts to combat incitement to racial hatred and racial discrimination on the Internet, including through the more effective collection of data relating to the prevalence of racial hate speech and through awareness-raising campaigns on this issue targeting youth, media and politicians.<sup>92</sup> Finland has established several projects on the prevention of discrimination and the promotion of non-discrimination.<sup>93</sup>

Even though the prevention of all forms of discrimination is supported by the Government of Finland, more effective measures are needed to prevent racial discrimination, hate speech and cyberbullying children are facing on the Internet.

## Recommendations

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<sup>89</sup> UPR recommendation 90.3. Undertake concrete measures to ensure that the media production and coverage are non-discriminatory and promote positive images of girls and women (Malaysia);  
UPR recommendation 89.32. Take effective measures to eliminate widespread sexual misuse and harassment against women and girls, including on the Internet and via mobile phones (Iran).

<sup>90</sup> Kankkunen, P. et al. 2010. Who does not belong to the group? Discrimination experienced by children and adolescents in Finland. The Ministry of the Interior's recommendation 2010

<http://www.intermin.fi/julkaisu/362010?docID=24923>

<sup>91</sup> CRC, Articles 2, 17 (e).

<sup>92</sup> CERD (2012).

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/FIN/CO/20-22&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/FIN/CO/20-22&Lang=En)

<sup>93</sup> E.g. *No Hate Speech Movement* and *KiVa Koulu* project funded by the Ministry of Education and Culture. Government of Finland 2015. 23<sup>rd</sup> Periodic Report. International Convention on the Elimination of All Forms of Racial Discrimination.

<http://formin.finland.fi/public/default.aspx?contentId=67849&nodeld=31460&contentlan=1&culture=fi-FI>

The Ministry of Education and Culture lately established a programme called *Merkityksellinen Suomessa* in order to prevent racism and hate speech.

<http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2016/liitteet/MerkityksellinenSuomessa.pdf?lang=fi>

- 1) Finland should increase research and data collection on various forms and modes of discrimination, hate speech and bullying concerning children in order to recognise them and take more effective preventive measures. Special focus needs to be on the online environment, of which children are an integral part.
- 2) Finland should guarantee that civil servants or democratically elected representatives on local and national level are fully aware of the human rights framework and thus do not support or practise any kind of discrimination or cyberbullying as far as children are concerned.