



## Joint submission compiled by the Central Union for Child Welfare to the report of the Government of Finland for the Universal Periodic Review 2012

### General measures to implement children's rights: the state of art and policies on children

1. In 2008, Finland submitted its 4th periodic review on the implementation of the UNCRC to the UN Committee, and in June 2011, the State Party received the Concluding Observations by the UN Committee. The Finnish child welfare community has noted the Concluding Observations with great satisfaction and promotes their implementation in all its actions.
2. A new Government was appointed in Finland in June 2011. In the new Government programme, there are a good number of objectives that relate to children and reinforce implementation of the Concluding Observations, too. However, the new Government didn't launch a policy programme that would have carried the objectives of the Policy Programme on Children, Youth and Families by the previous government 2007 - 2011. The previous Policy Programme was very welcomed by the Finnish child welfare community. It helped to launch many good initiatives that are now pending because there is no authority responsible for their implementation.
3. Nevertheless a new Development Programme on Child and Youth Policies 2012 – 2015 is underway under the responsibility of the Ministry of Education and Culture. The previous development programme was the first one and covered the years 2007 – 2011. The purpose of the development programme is to present an action plan to implement the Finnish Youth Act where a young person is defined as any person between 0 – 29 years. The development programme hence encompasses issues concerning children as defined by the UNCRC and is of great importance for the children's rights community. NGOs working for and with children have raised their concerns about the scope of the new development programme that doesn't seem to pay sufficient attention to child policies and in particular to small children and their needs. The final programme will be launched in few days time.
4. National human rights architecture, including administrative structures for coordinating human rights and co-operation and coordination of human rights monitoring mechanisms are divided in Finland. With regard to children, different ministries share the responsibility for issues on them, and there is no single administrative body coordinating policies on children and families. A holistic national policy programme on children and families is also missing. Both the Government Programme and the draft Development Programme present a different model for coordination but neither of the proposals fully covers all policies on children and families.

5. *Permanent multi-administrative coordination structures for child, youth and family polices should be established in the public sector to ensure implementation of the UNCRC including the Concluding Observations and the new Development Programme on Child and Youth Polices, not to forget the objectives on children in the Government Programme. Similar coordination to promote child well-being should be established at the local level decision- and policy-making, too.*
6. To celebrate the year of the 20<sup>th</sup> anniversary of the UNCRC in 2009, the Ministry of Education and Culture established a working group to prepare a National Communications Strategy on UNCRC. This initiative was part of implementation of the Policy Programme on Children, Youth and Families. A structure for continued cooperation and communication was drafted in the National Communication Strategy. In the strategy, it was proposed that the Ministry of Education and Culture would coordinate the cooperation but obligations were presented to other ministries as well. NGOs, the Children's Ombudsperson and the Church play important roles in this communication. When implemented, the strategy would improve the state-level communication and engagement in the Convention which has been insufficient in the past. At the moment, implementation of the NCS is still pending and its future unclear.
7. *The Finnish children's rights community strongly encourages the Government to fully execute the National Communications Strategy on UNCRC without further delay.*
8. Some important developments related to future human rights architecture in Finland are currently underway in the Government. The Ministry of Justice is responsible for preparing a National Human Rights Action Programme, and a Human Rights Center will be created under the aegis of the Office of the Parliamentary Ombudsman at the beginning of 2012. The Finnish NGO community in all human rights fields works in close cooperation with the Ministry to draft the National HR Action Programme which is to be finalized by the end 2011. However, there is a concern over the very short timetable to prepare an action programme that will lay ground for Finnish human rights policies in 2012. The action programme will be updated annually.
9. *The Finnish Government should be encouraged to establish human rights focal points in all ministries and create a permanent coordination group for human rights consisting of the focal points of different ministries.*
10. Finland has a relatively good legislation as regards children, their rights and well-being, and new laws to improve the status of children in the society are on their way. However, implementation of legislation in different parts of the country varies considerably. In practice, children and their families, depending on where they live, are placed on an un-equal position in terms of receiving services and support that they are entitled to. There are many surveys carried out on children's well-being and service delivery, but the valuable information received through this research is not incorporated properly into policy planning or legislative work as regards equal service provision for children and their families, or their monitoring. Additionally a national project to restructure municipalities and services is currently underway in the Government. A proposal on a new structure by the Ministry of Interior is about to be finalized by the end of 2011. There is a concern over possible negative effects of the project on the service provision for children and their families in the future.

11. *The best interests of the child should be the primary consideration when planning child welfare services and directing funds for their provision in the municipalities. Cross-sectoral approach to child welfare services should also be accompanied with a common, consolidated budget.*
12. *The Finnish government should ensure sufficient resources to provide services for children and families in all parts of the country. Particular attention should be paid to preventive health care measures for the whole child welfare sector at national and local level. Early support provided in day care, schools, child and maternity clinics, just to name a few, promotes the well-being of the child and the family, and is more cost-effective for the whole society.*

For the follow up of the previous recommendations by the UPR working group in March 2008

**Recommendation: To increase the focus, targeted efforts and effective measures eliminating discrimination, and to make further efforts and measures to promote the rights of minorities, inter alia, ethnic minorities**

**Recommendation: To strengthen the efforts to restrict any outbreaks of racism and xenophobia, particularly manifestations of racism and discrimination on the Internet, as recommended by CERD**

**Recommendation: To provide the same coverage in national legislation and anti-discrimination training activities for the grounds of sexual orientation and disability as for other grounds of discrimination, for example in areas such as the provision of services and health care, and to consider using the Yogyakarta Principles on the Application of International Human Rights Law in relation to sexual orientation and gender identity as a guide to assist in its policies development.**

### *Discrimination*

1. The Finnish child welfare NGOs are very concerned about the hardening attitudes of the Finnish society. People seem to be becoming less concerned about issues such as poverty, the disabled and the rights of minorities. Purely racist and xenophobic attitudes are growing and becoming more harsh and acceptable, especially on the Internet. In some areas with a large immigrant population, parents have taken their children away from local schools (the so-called 'white flight' phenomenon). Families may even move to another area in order to get their children to another school.
2. The greatest direct discrimination problems are experienced by children who are members of various linguistic and ethnic minorities (Roma, Sámi, sign language and immigrant children) or are disabled. Multiple discrimination may also involve Finland's second national language (e.g. in the case of a Swedish-speaking child who uses sign language) and gender.
3. The Ombudsman for Children was involved in a research project to chart experiences of discrimination by children, conducted by the University of Eastern Finland and the Ministry of Interior in 2010. The outcomes of the survey show that children who are disabled or who have a different skin colour are the most likely to be discriminated against. Discrimination is mostly committed at school by children and adolescents of the same age with whom they are acquainted. Unfamiliar adults may also feel repelled by or take a prejudiced attitude, for instance to Roma

children and adolescents or immigrant children. Particularly worrying is that many children and adolescents feel that discrimination is inevitable. It has been difficult for them or their parents to bring about a change in the situation. It would therefore be crucial to influence the attitudes of all adults and educators towards non-tolerance of discrimination.

4. It has been discovered in other contexts that teachers and hobby instructors of disabled children and adolescents may also have discriminatory attitudes. This applies particularly in cases involving the participation of a minority child in general teaching or leisure pursuits with other children.
5. In spite of legislative measures, there is still especially remarkable racism towards the Roma, both, as a group and on an individual level. Discrimination is often indirect and continuous and, along with the problems relating to the often inadequate living conditions of the Roma, this has a strong negative influence on Roma children. National studies indicate that the Roma children and young are also victims of bullying more often than other children.
6. Sámi children encounter direct ethnic discrimination less frequently. For them, discrimination mostly comprises indifference to their rights, their language and their culture. Sámi children feel that they themselves and children in Finland in general learn too little at school about Sámi culture, their history as an indigenous people or about the Sámi people today. The media tends to present the Sámi culture through stereotypes and simplifications.
7. At the moment racism is not recognized enough and the children and young people who are victims of racism are not getting adequate support. In addition, the current Finnish Non-discrimination Act doesn't treat all discrimination grounds equally. The Finnish Government is currently preparing new non-discrimination legislation.
8. *The Finnish Government should strengthen its efforts to fight against all forms of discrimination, including discrimination against children with disabilities, immigrant and refugee children as well as children from ethnic minorities. Schools, higher education institutions and NGOs should all extend their work and efforts to change the racist and xenophobic attitudes among young people. Schools should pay closer attention to the bullying of Roma children and young people.*
9. *It is very important that the new legislation covers all discriminatory grounds and that the level of legal remedies and sanctions are equal in respect of all grounds. The new legislation should lay duties to promote equal treatment also to educational institutions and employers.*
10. *The "white-flight" phenomenon should be addressed by methods such as urban planning.*

#### *Minority rights*

11. At the moment, there are some 9 000 **Sámi** living in Finland. The number of Sámi speakers is unfortunately declining and the Sámi language is internationally classified as an endangered language. In particular the smaller Sámi languages, the Inari Sámi and the Skolt Sámi, are on imminent threat of extinction. There are only a few hundred people speaking these languages. The Sámi people's area of domicile – the Sámi homeland - covers four municipalities in the Northern

Finland. However, over 60 % of the Sámi people live already outside the homeland. This development sets new requirements for the provision of education, service and communication in the Sámi language.

12. The Finnish Education and Culture Act secures basic prerequisites for organising education in the Sámi language. In practice the legislation is not fully implemented in the whole country. There are not sufficient youth activities or educational services for Sámi children and young people available, not even in the Sami homeland. There is a law regarding the right to use the Sámi language when dealing with the authorities. Despite of the requirements set by this Sámi Language Act, the amount of Sámi language services is marginal. The availability of health clinics and school health services in Sámi are secured only in the Sámi homeland. In addition, Finland provides no mental health services, therapy or psychiatric care in the Sámi language and neither are the rights of Sámi children to their own language in open care services or during urgent care proceedings being implemented. A remarkable problem is the lack of Sámi speaking personal.
13. *Immediate, permanent and effective measures are needed in order to save the smaller Sámi languages.*
14. *The supply of recreational activities and hobbies should be improved and regular children's TV programmes in the Sámi language should be produced. Considerable subsidy should be directed to producing children's literature, music and computer games in the Sámi language.*
15. *The rights of Sámi children to services must be ensured also in practice by educating enough personnel. The right to education and health services in their own language should be ensured also to the Sámi children living outside the Sami homeland.*
16. NGOs are concerned about the education of **Roma children and young people**, about their opportunities to find jobs and the weakening of the Roma culture and language. In Finland the Roma children rarely attend day care programs. In school they are often moved to the special education classes, their rate of non-attendance is high and they also drop out of school more frequently than the average.
17. According to the Finnish constitution, the Roma have the right to maintain and develop its own language and culture. There are provisions concerning the Roma language in the early education legislation, in the education legislation and in the media legislation. In spite of the legislation, the situation of Roma language in practice is very challenging.
18. *In order to promote the rights of the Roma children and young people, it is important to lay a focus on supporting their upbringing, education and studying in all growing up and learning environments. In hobbies and other leisure activities the Roma young should be encouraged to participate in activities together with the youth of the mainstream population.*
19. *It would be important to train and hire employees with a Roma background. In addition, information on Roma culture and the special needs of Roma children and young people should be provided to all professionals working for and with children.*

20. *In order for the Roma language to survive, active measures from the Finnish Government are needed. Awareness of Roma culture should also be actively promoted among the public.*
21. The rights of **Swedish speaking children** are not always ensured in practice. The Swedish speaking minority is the biggest minority in Finland covering ca. 6 % of the population. The Finnish Language Act is comprehensive and gives every child in Finland the right to receive services in Finnish or Swedish. However, in practice the spirit of the Language Act is not wholly implemented. A Swedish speaking child's right to his or her own language during urgent care proceedings is not always realised, not even in the Helsinki metropolitan region, nor are there open care or psychiatric care services for children and young people always available for Swedish speaking children and their families.
22. *The Finnish Government must ensure, that every Swedish speaking child has also in practice the right to service in his or her own language.*
23. **Different disability groups** have different needs. That is often forgotten when policies and services for disabled people are planned. In particular, attention should be paid to special needs of children and young people with intellectual disabilities in their daily environments at home, in school and in spare time. The children and young people with intellectual disabilities need time and special methods to communicate in order to get their voices heard and hence to participate in decision-making concerning them. Also children and young people who use sign language in their daily communication often feel excluded not only in school and among their hearing peers but also within the family if the parents are hearing and don't have skills to use sign language.

#### *Human Rights Education*

24. Human rights education that starts already in early childhood is an important tool to combat racism and discriminatory attitudes among children and young people. As regards HRE, there are some recent positive developments in Finland. Since August 2010, UNCRC, together with the Universal Declaration of Human Rights, European Convention on Human Rights, and the function of UN, has been incorporated into the school curricula. These HR instruments are incorporated in the underlying values of basic education for grades 1-9, as well as the Upper Secondary level. They are also added as a new content in the history education for grades 7-9. For the Upper Secondary level a new content including human rights, Universal Declaration of Human Rights and other relevant human rights treaties is added into history (compulsory to all) and philosophy (advanced course, voluntary). This has been a welcome change in a situation where human rights have been taught on a project basis, and the teachers have not been aware of whose responsibility it is to promote the set of values involved. However, it is essential that the human rights are a part of the practical teaching activity. Teachers still receive no systematic training in human rights issues. Hence, they lack adequate skills to teach them. Increasingly multi-cultural nature of the society increases also the demand for information on human rights.
25. *We urge the Finnish government to introduce human rights education and in particular education on the rights of the child as a permanent and mandatory part of training of teachers and other*

*professionals working with and for children. The improvements made into the school curricula remain futile if there are not sufficiently qualified teachers who know how to teach children's rights.*

**Recommendation: To continue to take effective measures to prevent violence against women, and to compile information on the violence against children within the family**

26. The current criminal code and sanctions prescribe insufficient means for preventing violence against the children within a family. The research on violence against children should be continuous in order to have any practical impact. Unfortunately, no permanent funding for this kind of research is available in Finland at the moment.
27. A study carried out in 2008 on child victims surveys the prevalence of sexual exploitation, violence, online sexual molestation and bullying of children. According to studies, the amount of sexual abuse has not increased in Finland. A growing number of sexual abuse cases are reported to filed by the authorities and lead to a sentence. The sentences on sexual assaults have become more severe in recent years.
28. However, the Internet has introduced the risk of a new kind of sexual violence. Online sexual harassment of young persons by adults or by notably older children has become common, but there is not enough research on sexual violence targeted at children on the Internet in Finland. The phenomenon also involves judicial weaknesses and shortcomings, such as in cases of grooming, and lack of information in cases where early intervention and recognition of the victims would be essential.
29. Professionals in various sectors working with children or for their benefit do not have sufficient information about the sexual abuse of children in the digital media or the recognition of child victims of abuse, nor an understanding of how to take children's needs into consideration. Guides on investigating sexual abuse of children have recently been published, and they have increased professionals' skills of investigating suspected cases of sexual abuse and assault on children and to taking the cases to the police.
30. In some national minority cultures and immigrant communities, many girls and young women face the threat of traditional honour violence, and they need help and protection against it. The honour violence constitutes a threat also to young boys who live under its influence. A provision should be added to Finnish legislation to unambiguously criminalise all medically unnecessary surgical procedures on a child's genitals.
31. *Different professional groups need training in identifying signs of sexual abuse in children. They need skills and courage to take up the topic, and information on the professionals' notification duty. Awareness of legal professionals on how to understand and be sensitive in treating an abused young when his/her case is taken to the criminal court process needs to be increased.*
32. *Immigrant parents should receive education on and orientation to Finnish legislation. They should also be given guidance on non-violent practices of bringing up children. The police and social workers should be trained to recognize honour violence and to help the young who are victims of this violence or live under its threat.*

33. The number of children and young people subject to child protection measures has risen alarmingly, which is mainly due to growing substance abuse by both the adults and the minors. An estimated 100 000 children live in families where the parents' substance abuse causes problems for their children. Women's increased alcohol abuse at home is giving cause for particular concern. Also the number of young people consuming alcohol at least once a week has grown, and binge drinking of a number of 16 – 18 year-old-children at least once a month has increased. According to a survey carried out in partnership with various stakeholders, the most common reasons behind child protection measures in municipalities are substance abuse of parents (nearly 50%) or children (30%).
34. *The Finnish government should ensure the capacity of professionals in basic social welfare and health care services, at school and in social work to identify and intervene in domestic violence and substance abuse in families with children. The government should also ensure the financing of the special services to families suffering of domestic violence or substance abuse and provide by law the subjective right to treatment for pregnant women with substance abuse problems.*
35. *The final report of the working group on a National action programme to reduce corporal punishment by the Ministry of Social Affairs and Health was launched in October 2010. The Finnish government should ensure that the recommendations of the working group are implemented with adequate resources so that parents receive early assistance and support for child upbringing and care, particularly in the form of in-home services for families with children.*

**Recommendation: To continue reviewing the procedures regarding requests for asylum in the light of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol**

36. The former Government of Finland made several restrictions to family reunification rules, and the present Government is looking for some more restrictions. According to the new Government Programme, the family reunification practices applied by Finland should be in line with those applied by other Nordic countries, and the Government has started to review the practices. The review should be accomplished by the end of February 2012.
37. According to the Ministry of Interior, during the last 10 years about 3 800 people have come to Finland as a family member of a person who has got international protection in Finland through family reunification. This means less than 400 people every year. NGOs have followed the discussion on factors that make Finland tempting to asylum seekers with concern.
38. It has been proposed that people who have been granted international protection in Finland should be asked to prove that they have sufficient income to support their family members. For the moment this general rule is not applicable to refugees, not even those who get subsidiary protection. The new rule would in practice block family reunification for most of the refugees.
39. One of the restrictions is addressed especially to separated children (unaccompanied minors). An amendment of the Aliens Act that came into force on the 1 August 2010 means significant weakening to the right to family for children: according to the section 38 of the Act issuing a residence permit to a family member of a minor applicant (or to a minor who is still abroad)



requires that the applicant is a minor on the date when of the decision of the authorities, not the date when the application was initiated. In practice it is now very difficult for unaccompanied minors to get their family members to Finland – a 16 year old minor will probably turn 18 before going through both its own asylum process as well as family reunification process.

40. As of Jan 1<sup>st</sup> 2012, new restrictions by Alien's Act will come into force. After that it will be no longer possible to leave an application for family reunification in Finland but in the family member's country of origin. This means in practice, that family members in the country of origin have to arrange several times their – often expensive and even dangerous travel – to the Finnish Embassy, often in another country. Firstly, travelling is needed just to leave the application, then later for interviews and possible DNA-tests. If people are able to go through these travels and succeed to be there on time for interviews, and if they finally get a residence permit, their travel costs are no longer paid by the Government, according to the new Act on Integration that came into force in the beginning of Sept 2011.
41. There are different documents that can be demanded from the applicants during the process of family reunification. A new rule in Finland is that when applying for a residence permit abroad, applicants must demonstrate their legal right of residence in the country where they are making their application. Legal residence must be proved when applying for a Finnish residence permit outside Finland. For example for Afghans who are staying in Iran or Somalis who are staying in Ethiopia, it is very difficult if not impossible to legalize their stay. This will cause many problems to families who are trying to reunite in Finland.
42. Furthermore, the processing times of the applications for family reunification are very long and it seems that the current situation is getting even worse. There are people who have left their applications in 2009 and still are waiting for the decision. Some family members have already died while waiting for the decision. According to the Finnish Immigration Service, people who have left their application in the turn or 2009 and 2010 are now being asked to the interviews.
43. *Finland should respect the right to family life written in the European Convention on the Human Rights, article 8, and the UN Convention on the Rights of the Child, 9.1 and 10.1. The best interests of the child should be the leading principle and a careful assessment of the best interests should always precede the decision.*
44. *The legislation concerning family reunification should not be used as a tool in populist political debate. Before introducing any new restrictions to the law, the government should make an assessment of experiences and effects of the restrictions in the law coming into force in 2012. The assessment needs also to include some information about the consequences of the latest changes for families.*
45. *The process for family reunification has to be shortened. There has to be more resources to be given for handling the applications and doing interviews. The decision for separated children should not take more than nine months.*

46. The so called Dublin II regulations – which define the EU member state responsible of the handling of asylum application – are very relevant to Finland as a northern corner of EU. Unfortunately the Dublin system does not guarantee children’s rights and is causing serious problems for unaccompanied minors who are coming to EU through Mediterranean member states. The first report of the National Rapporteur on Trafficking in Human Beings (published in 2010) describes very well these problems. There were minors coming through Greece or Italy who had been forced to live on the streets because of poor conditions in reception. Currently the situation in Malta is also alarming. It appears that Finland returns these minors without investigating the child’s situation closely enough. According to the Rapporteur there were clear signs of some children being victims of human trafficking or other way abused, but nonetheless they were returned. There is no monitoring system to follow what happens to minors who are returned to another member state.
47. *Finland should pay special attention to the best interests of the child when accomplishing the Dublin II regulations. It should use the flexibility that exists in regulations of the Dublin II (e.g. art 3 and the humanitarian clause art 15) and take applications of separated children to be handled in Finland. The EU Commission’s proposal for a renewal of the Dublin II does contain these elements and would safeguard the rights of children better than the current Dublin II regulations.*
48. *A monitoring mechanism for returned minors should also be established when returning minors to another EU country in the context of Dublin regulations.*

#### Polarization and poverty

49. There are clear and alarming signs indicating that ill-being of all too many Finnish children is increasing. In general, it is important to notify that the majority of Finnish children and young people are doing well. However the well-being is polarized, and problems have accumulated to some young people.
50. A study published earlier in 2011 by the Academy of Finland on the situation of children born in 1980’s gives strong evidence on transgenerational poverty and exclusion among Finnish citizens. 20 % of the children born in 1987 have needed treatment for mental health problems. They are also often less educated than their peers, and many of them have a criminal record.
51. Relative poverty of families with children has risen alarmingly: since the previous recession in Finland in the early 1990’s, the poverty of families with children tripled between 1990 and 2009: currently 13 % of Finnish children, that is 140 000 children, live under poverty. The current economic crisis hasn’t affected the child poverty situation as much as did a recession that hit the Finnish economy 20 years ago. Despite the positive economical growth since 1995, different governments haven’t been able to restore the level of financial benefits or services to families and children back to the level before the recession. According to some estimates, different forms of benefits and services for families and children are still running 20-30 per cent behind the general income development.

52. Social exclusion of children and young people is increasing rapidly: in 2008 nearly 60 000 young people between 15 and 29 were neither at work, nor studying. Although income differences have increased among population, poverty is not the only explanatory factor behind child ill-being. There are problems in so-called better families as well. The cycle of social exclusion is clearly linked not only to unemployment or health problems, but also to decreased time with the family that may result in disturbed behaviour among children and young people. The current resources for school health care are not sufficient to tackle the ill-being of children and young people: in 20 % of Finnish schools, there is no psychologist, and only in 34 % of schools, the number of school nurses corresponds to the national quality recommendations for school health care system. Also the number of children receiving special educational support has nearly tripled between 1995 and 2009.
53. *To tackle child poverty in Finland, concrete proposals from the Finnish State party are needed on its actions to narrow the gap as regards the income transfers for families with children that are lagging behind the level before the recession in early 1990's. Indexing the financial benefits to inflation or to pensions that took place in March 2011 is not a sufficient measure.*
54. *Attention needs to be paid to possibilities to reconcile family and work life. The current system of family leaves in Finland needs to be reviewed and restructured to better meet the needs of families with children. There should also be more opportunities for working part-time or long-distant. The structure and the length of the school day for children should also become examined by school authorities.*

#### Development cooperation

55. Referring to the CRC concluding observation number 21 on international cooperation, it needs to be pointed out that in state budget for 2012, development cooperation funds will be 0,56 % from the GNI. Additionally, in the Government Programme it is stated that the development cooperation funds will be frozen to the level of 2012. This will most probably mean that the 0,7 per cent of GNI by 2015 will not be reached.
56. The Ministry for Foreign Affairs is currently preparing its development policy programme, yet it remains to be seen whether children's rights will be a top priority on the international cooperation agenda. In the former development policy (Development policy program 2007 – towards a sustainable and just world community) child rights were mentioned as a cross cutting issue.