

**CONVENTION ON THE RIGHTS OF THE CHILD**  
**COMBINED FIFTH AND SIXTH PERIODIC REPORT**  
**OF THE GOVERNMENT OF FINLAND**

**JULY 2019**

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## **INTRODUCTION**

1. The combined fifth and sixth periodic report of the Government of Finland on the implementation of the Convention on the Rights of the Child covers the period between July 2008 and July 2019. It includes follow-up to the Optional Protocol on the involvement of children in armed conflict.

2. Several legislative reforms aimed at improving the realisation of the rights of the child have been implemented and the Government has carried out a reform program of child and family services. The Programme of the current Government (6 June 2019- ) includes various measures relating to children<sup>1</sup>. For example, it pays particular attention to physical integrity and to reducing offences against life or health, in particular offences against children and intimate partner violence. The Government intends also to promote an equal and child and family-friendly Finland with a strategy for children and pledges to assess the child impacts of its decisions, improve child budgeting, strengthen knowledge about child wellbeing and foster the inclusion of children and young people.

### **1. GENERAL MEASURES**

#### **Legislation (paragraph 9)**

3. The provisions of the Convention are systematically taken into consideration in legislative projects concerning children. Moreover, the assessment of the impact on children is an inherent element of the legislative process as required by the Government's Impact Assessment Guidelines. NGOs state that the monitoring of the implementation of new legislation – and of other measures, such as policy programs - is inadequate.

4. A new Non-Discrimination Act entered into force on 1 January 2015. It provides for a considerably broader protection against discrimination and intensifies legal protection.

5. The legislation concerning early childhood education and care (ECEC) has been amended on several occasions since 2013. ECEC is no longer a social service but a child has the right to education and care (earlier parents' right to a daycare placement for their child). The latest step was the entry into force of a new Act on Early Childhood Education and Care in 2018, which integrates ECEC more strongly into the Finnish education and school system.

6. The Child Welfare Act was amended in 2012 by shifting the priority in foster care from institutional care to family care. Efforts were made to improve family care by significantly increasing the family carers' remuneration and by strengthening preparatory training and other support measures.

7. The Social Welfare Act was amended in 2015. The objective was to strengthen preventive service, lower the threshold for access to support and prevent the need for child welfare as well as to reinforce the right to receive social welfare services also when persons are not social welfare

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<sup>1</sup> <http://julkaisut.valtioneuvosto.fi/handle/10024/161664>.

clients. Families with children must be provided with the necessary home help services. Along with the reform, family work, support persons and families and peer group activities were introduced as services under the Act. The Child Welfare Act was amended also in connection with this reform.

8. The reform of the Act on Child Custody and Right of Access (Child Custody Act) will enter into force in December 2019. It will improve the right of the child to participate in the consideration of matters concerning him/her. It aims to ensure that the best interests of the child are better taken into consideration when decisions are being made. It will include provisions aiming to protect children from violence, foster their close relationships and contribute to the realisation of their right of access. It will also allow for confirming the child's right to meet a particularly close person. The amendments are assessed to strengthen the rights of the child granted particularly by Articles 3, 9, 12 and 19.

9. A new Paternity Act entered into force in 2016. Paternity can be acknowledged already before the child's birth if the case is unambiguous. In addition, the mother may no longer object to establishing paternity, the child is guaranteed the right to know his/her both parents. A child welfare officer may discontinue the process of establishing paternity if this is not in the best interests of the child.

10. A Maternity Act entered into force in April 2019. It includes provisions on determining maternity. The person who has given birth to a child is the child's mother. The female partner of a mother who has given birth to a child may also be confirmed as the mother if the couple has acquired the child together using infertility treatment.

11. The procedure for granting dispensations for under-age persons to marry were abolished when the Act Amending the Marriage Act entered into force in June 2019; only persons who have reached the age of 18 years can marry.

12. Preparations for consolidating the Act on Services and Assistance for the Disabled and the Act on Special Care for the Mentally Handicapped into a single Act will continue in accordance with the Government's programme. The objective is to treat children with disabilities and their families in an equal manner regardless of their diagnosis.

13. Comprehensive legislation to strengthen the right to self-determination of social welfare clients and patients has been prepared for several years, but has not yet been given to the Parliament.

14. A new Youth Act entered into force in 2017 with the purpose of improving the possibilities of young people to participate and exert influence in society and to promote youth equality.

15. Several amendments have also been made to the Aliens Act.

16. The Act on the Promotion of Immigrant Integration is being amended with a focus on provisions on the accommodation and support for unaccompanied minors who have been granted a residence permit.

17. The Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings entered into force in 2011. In addition to technical changes, the accommodation of minors was reorganised and the number of accommodated children and the number of staff was regulated.

### **Coordination and national plan of action (paragraph 11 and 13)**

18. The Government started the preparation of a national strategy for children in 2018. The preparatory work ended in the spring of 2019. According to the programme of the current Government, a parliamentary committee will be appointed to prepare a strategy, which will promote the implementation of the Convention.

19. The *Child and Youth Policy Development Programme* (2012-2016) (*LANUKE*) included national objectives and guidelines for youth policy and programme work at the regional level. Being more concrete than the previous programme (2007-2011), it clarified, *e.g.*, monitoring. The State Youth Council carried out an assessment of the programme's implementation revealing that it was rather satisfactory.

20. The first *National Youth Work and Policy Programme* (2017-2019) (*VANUPO*) covers all young people between 0 and 28 years as referred to in the Youth Act, while the main target group is young people between 12 and 25 years.<sup>2</sup> The objectives focus on, *e.g.*, leisure opportunities, reducing marginalisation, increasing opportunities for participation and exerting influence and preventing mental health problems.

21. The first *National Action Plan on Fundamental and Human Rights* (2012-2013) included projects concerning children and young people, such as developing indicators for measuring the living conditions and wellbeing of young people. According to an external assessment, nearly all projects were implemented. However, difficulties existed in measuring the effectiveness of projects. A separate report (based on GC No. 12) on the participation rights of children and young people was published. A project to develop the implementation of the Convention was postponed.

22. Recommendations given to Finland by international treaty monitoring bodies, *e.g.*, were considered in the preparation of the *second Action Plan* (2017-2019). One of its priorities was fundamental and human rights education. Projects targeted especially at children and young people included, *e.g.*, study on the rights and experiences of intersex children, which was published in February 2019. The Action Plan's implementation was monitored by the *Government Network of Fundamental and Human Rights Contact Persons*, which also monitors the implementation of the recommendations issued by the Committee. In addition to the ministries' representatives, the network consists of representatives of Parliamentary Ombudsman, Chancellor of Justice and the Human Rights Centre (National Human Rights Institution (NHRI)) as independent external experts. According to NGOs, the expert assessments carried out on the previous Action Plan were not utilised and no separate budget was reserved for its implementation.

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<sup>2</sup> <https://minedu.fi/documents/1410845/4274093/VANUPO+EN+2017+final.pdf/7d135bb5-7824-422c-b51f-c9d9fa4f6877/VANUPO+EN+2017+final.pdf.pdf>

23. During the *National Development Programme of Social Welfare and Health Care* (2008-2015), a more comprehensive reform of services for children, young people and families was launched nearly in the whole country. Basic services supported by special services were introduced into the environments where children and young people grow up, such as homes, daycare centres and schools.

24. A *reform programme of child and family services* (2016-2018) (*LAPE*) was launched by the previous Government to put into practice its objectives<sup>3</sup>. *LAPE* work continues in 2019. An objective of the programme was to collect various children's services under family centres where professionals from different fields network to support families and to achieve closer regional cooperation between the social welfare and health care sector and the education sector. More than hundred centers have been established offering low threshold services to families and focus has shifted towards preventive services and early support. A working group has been nominated to plan further support centers for families, adolescents and children that need demanding services to five collaborative areas.

25. Other development areas of the programme were developing special and intensive services, ECEC, schools and educational institutions in support of children's and young people's wellbeing, and a change in the operating culture to strengthen the rights of the child and a knowledge-based approach. Participation of children, young people and parents in the development of services was an essential element. The best interests of the child and parenting support were prioritised. A further total amount of 40 MEUR was reserved for the implementation.

26. The Government of Åland will create and coordinate structures for ensuring multi-sectoral cooperation in activities concerning children and young people. Priority will be given to physical and mental health. Child impact assessment will be used in decision-making.

27. A Provincial Act, which entered into force in 2014, lays down provisions on the representative authority of Åland, which is tasked to safeguard and promote the status and rights of the child. The representative authority also acts as the Ombudsman for Children.

### **Independent monitoring (paragraph 15)**

#### *Parliamentary Ombudsman, Ombudsman for Children and NHRI*

28. The Ombudsman for Children and the Parliamentary Ombudsman cooperate with each other but are independent actors. The Government cannot determine or steer the cooperation. The Parliamentary Ombudsman regularly meets with the Ombudsman for Children to discuss topical issues related to the rights of the child together with their offices' officials.

29. The duties of the Parliamentary Ombudsman and the Ombudsman for Children are complementary. The priority of the duties of the Ombudsman for Children lies in exerting influence on the general level whereas the Parliamentary Ombudsman concentrates on the *post-*

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<sup>3</sup> <https://stm.fi/en/programme-to-address-child-and-family-services>

*facto* monitoring of individual cases. The Ombudsman for Children does not investigate individual cases.

30. The Parliamentary Ombudsman together with two Deputy Ombudsmen and a staff of around 60 persons supervises the work and actions of the authorities and reports yearly to Parliament. Monitoring the realisation of the rights of the child is one of the special tasks. The Ombudsman investigates complaints, but also promotes the realisation of fundamental and human rights through inspections and initiatives. In 2018, the Ombudsman received in all 5,591 complaints, of which 353 concerned the rights of the child. Children submitted few complaints themselves. The cases were handled urgently paying attention to child-friendliness.

31. Children and young people are also heard in a child-friendly manner during inspections at children's homes and institutions, and given information about the opportunity of filing a complaint via internet or email. Children's and young people's opinions play an important role as the Ombudsman evaluates, during and after these inspections, how the rights of the child are respected and how children are treated and taken care of in different foster care homes and other institutions. The Parliamentary Ombudsman has engaged experts by experience and peer actors for inspection visits at foster care places and institutions under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

32. The Office of the Ombudsman for Children receives annually 500-700 contacts from individuals. The Ombudsman addresses the contacts mainly by referring the persons to the correct authority and by giving information on the available remedies. The website of the Ombudsman includes a list on appropriate parties to contact in different situations. If necessary, the Ombudsman for Children can transfer a matter to the attention of the Parliamentary Ombudsman.

33. The Ombudsman for Children submits an annual report on its activities to the Government, including an evaluation of the development of the rights of the child and living conditions in Finland and of the need to reform legislation. In addition, the Ombudsman reports to Parliament every four years.

34. In addition to the Ombudsman, the Office's personnel consist of a lawyer, a senior officer, a senior researcher and an administrative assistant. The workload has been managed by various means, including by defining an annual theme. According to NGOs, the Office of the Ombudsman has not been provided with adequate resources.

35. Finland's NHRI consists of the Human Rights Centre (founded in 2012), the Human Rights Delegation and the Parliamentary Ombudsman. It has an A status under the Paris Principles. The duties of the Human Rights Centre are widely related to the promotion of fundamental and human rights. When choosing its priorities, the Human Rights Centre has to avoid overlap with the duties of the Ombudsman for Children, for example. The Human Rights Centre monitors the implementation of the recommendations issued by the UN treaty monitoring bodies and communicates them widely.

36. In 2014, the Parliamentary Ombudsman and the Human Rights Centre organised a seminar on the implementation of the Convention together with the Ombudsman for Children, various organisations and the Ministry for Foreign Affairs (MFA) to celebrate the Convention's 25<sup>th</sup>

anniversary. In connection with the seminar, a round-table discussion was arranged on the national reporting process of the Convention. A seminar was organised also in 2017 on the right to participate (follow-up seminars).

### *Increasing awareness of complaint procedures*

37. In 2017, the Office of the Parliamentary Ombudsman launched web pages intended for children and young people. They provide information in a child-friendly format in Finnish, Swedish and English on the rights of the child, on the duties of the Parliamentary Ombudsman in general and in relation to children and young people as well as on filing a complaint and on the communications procedure of the Convention.

38. The Ombudsman for Children has implemented Children's pages (*Lasten sivut*) intended for elementary pupils. They introduce services, which a child or a young person can contact. The pages are designed to allow a child to use them independently. They are available in Finnish and Swedish.

39. A *cooperation network for communications* on the rights of the child maintains a website where information is collected on the rights of the child. The network has produced a video for children and young people concerning the Optional Protocol to the Convention on a Communications Procedure.

40. The Ombudsman for Children and the Parliamentary Ombudsman are active on issues related to the rights of the child on social media.

41. Inclusion of children and young people, foster care monitoring and more child-friendly legal remedies were developed together with municipalities in connection with LAPE. This included also drafting, with support of UNICEF Finland, instructions for child-friendly counties, covering also legal remedies.

42. The Government of Åland provides financial support for the local Save the Children, which has since 2014 been engaged in activities related to the Convention, including provision of information on the Convention and the promotion of child impact assessment.

43. The NGOs submit that the remedies available for children are insufficient.

### **Allocation of resources (paragraph 17)**

44. Municipal resources including their level and the monitoring of their use can be influenced indirectly by developing legislation and through central government transfers for basic municipal services. Central government transfers are universal and non-allocated.

45. Work to improve child impact assessment has been carried out within the central government, municipalities, congregations and the third sector. A study published in 2011 provided information for this purpose.

46. A governmental working group on child impact assessment suggested in 2015 that the instructions for preparing the state budget of 2016 should instruct the ministries to include a summary of amendments which are estimated to have an impact on children, families with children and older people living alone, as well as an assessment of the envisaged joint impacts. In accordance with the working group's proposal, a summary of amendments with significant impacts on families with children and older people living alone was drafted for the public finances plan for 2016 to 2019, and the joint impacts on these groups were assessed.

47. LAPE developed child impact assessment and child budgeting in the context of legislative projects and other decision-making. The objective was to allow counties and municipalities to monitor the costs related to children across administrative branches in a manner based on the rights of the child. Child budgeting is also included in the instructions for child-friendly counties.

48. In Åland, the basic amount of central government transfers to counties is confirmed by age groups.

49. NGOs strongly criticise child impact assessments for having been inadequate on all levels of activities and decision-making. Moreover, the legislation on services for children and families has been significantly amended and the municipalities' obligations to provide services increased but inadequate central government transfers have caused problems in implementation.

### **Data collection (paragraph 19)**

50. Statistics Finland compiles statistics on persons living in Finland according to nationality, language, state at birth and origin. The origin classification allows for distinguishing persons born abroad and persons born in Finland with foreign background. According to the Finnish Personal Data Act, ethnic origin is sensitive information and may not in general be included in a personal register. The prohibition to process sensitive data does not prevent processing data for historical or scientific research or statistical purposes. Since population census is based on registers, Finland cannot produce official statistics on ethnic groups. The other earlier-mentioned variables have been considered to fulfil the information needs related to, e.g., immigrants and ethnicity relatively well.

51. Statistics Finland produces numerous register-based statistics and statistical studies, which allow for describing children's living conditions. Personal statistics based on the registers of Statistics Finland provide comprehensive background data on the whole population, including age, gender, language, nationality, state at birth, origin, religion, address and home municipality, housing conditions, family type and status, marital status and employment. Background data can also be combined with other statistical material.

52. The joint research project of Statistics Finland, the National Institute for Health and Welfare (THL) and the Finnish Institute of Occupational Health called *Employment and Wellbeing of Persons of Foreign Origin* provides information on the wellbeing, health and living conditions of at least 15-year-old young people of foreign origin, including experiences of young people of foreign origin on their ethnic identity.

53. The income distribution statistics of Statistics Finland record income distribution between households and allow for examining, *e.g.*, the low income status of families with children. Statistics Finland also compiles other statistics describing the living conditions, where the target groups cover all persons aged at least 10 years.

54. The statistics on causes of death compiled by Statistics Finland allow for examining the causes of death of children and young people in accordance with the international disease classification IDC-10.

55. Criminal statistics allow for examining children and young people as perpetrators and victims of crime. Offences such as violence and sexual offences reported to the police are recorded according to the victim's age and gender, for example. Since 2015, intimate partner and domestic violence has also been included in statistics in so far as data on family relations are available in the registers, and since 2017 data on restraining orders and persons protected by them, including children.

56. The national *School Health Promotion study* carried out every other year provides diverse and high-quality follow-up data on the wellbeing, health, school attendance, studying and participation of children and young people, and on their access to help and their service needs<sup>4</sup>. Comparable data are collected from pupils at upper grades in basic education, general upper secondary school pupils and students at vocational education institutes. Since 2017, the study has also covered elementary pupils and their guardians. In addition, since 2017 it has allowed for an even better follow-up of the wellbeing of children and young people in different life situations (including foreign origin, disability, those placed outside home). Questions that will provide more detailed follow-up data on the wellbeing of children in foster care are included in the study in 2019.

57. THL is carrying out a pilot study targeted at the parents of children below school age on children's health, wellbeing and services. It will produce regular follow-up data on the wellbeing and health of small children and their families as well as on the availability and adequacy of assistance, support and services. In 2018, the study covered all 4-year-old children who participated in a medical examination.

58. The results of the School Health Promotion study and of the study on small children are available free of charge in an electronic reporting service.

59. The *Youth Barometer* published annually measures the values and attitudes of young Finns aged between 15 and 29 years. It covers topical themes but also regularly repeats some research questions. It therefore allows for examining longer-term changes in attitudes. The special themes of the most recent Youth Barometers have included education, equality and inclusion of young people.

60. The *Child Barometer* is carried every other year (for the first time in 2016) by the Office of the Ombudsman for Children concerning the life of 6-year-old children. The aim is to collect children's own experiences of different themes.

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<sup>4</sup> <https://thl.fi/en/web/thlfi-en/research-and-expertwork/population-studies/school-health-promotion-study>.

61. The reformed Act on Early Childhood Education and Care includes regulations concerning national data collection and statistics. A national databank on ECEC has been created. It will include information on providers, units, children and staff in public and private run ECEC.

62. Statistic and research Åland (ÅSUB) annually collects statistical data, which is classified according to gender and age. It has published a study on the protracted low-income status of families with children. The Government of Åland has published school-specific results as part of a School Health Promotion study (2017). *Åland's public health report (2015)* includes statistical data on children's substance abuse and their need for psychiatric treatment.

### **Dissemination, awareness-raising and training (paragraph 21)**

63. Government's reports on the implementation of the Convention and its Optional Protocol on the involvement of children in armed conflicts have been published on the website of the MFA. The website also contains the Committee's concluding observations in English, Finnish and Swedish.

64. Committee's General Comments up to No. 23 have been translated into Finnish by the Office of the Ombudsman for Children.

65. In 2018, a training for authorities on the Convention was organised by the MFA and the Office of the Ombudsman for Children.

66. A working group appointed by the Advisory Board for Children's Affairs has dealt with topical international child policy and assessed the implementation of national communications on the rights of the child.

67. Central Union for Child Welfare was granted a discretionary government transfer of 80,000 euros for 2018 for coordinating *the cooperation network for communications*, for communications and for establishing a teacher network.

68. LAPE sought to increase awareness of the rights of the child among children, young people and families as well as professionals. A guidebook and a training module were published in 2017 for guiding professionals to child-sensitive cooperation and information exchange in line with the best interests of the child.

69. A *Handbook for Child Welfare (Lastensuojelun käsikirja)*, available on the Internet and also accessible by private persons, gives comprehensive information and guidance on child welfare, social welfare and the rights of the child to professionals. It also includes advice on complaint procedures.

70. In-service training is annually organised for employees at maternity and child health clinics as well as for partners, managers, teachers and researchers in the field. Annually approximately 500 persons participate in the training. Relevant professionals were also provided with training on the amendments to the new Social Welfare Act and Child Welfare Act and a guidebook was published and updated. The training has provided information on the concept of the best interests

of the child and on the obligation to establish the child's opinion and hear the child. Training has also been and will be provided to relevant professionals on other new legislation, such as the Paternity Act and the Child Custody Act.

71. The protection of the rights of the child in police activities is included both in basic and post-graduate education of police officers as well as in separate in-service training.

72. The Government of Åland's programme sets objectives to provide adequate and systematic training in a more efficient manner for all professional groups working for and with children. The objectives will be taken into account in the reform of the comprehensive school curricula and Åland's Comprehensive School Act.

73. NGOs report on their participation in information provision and developing the professionals' competences. Most of the funding has been received from the Funding Centre for Social Welfare and Health Organisations STEA (previously Finland's Slot Machine Association), although the use of funding has been limited considerably.

#### **International cooperation (paragraph 22)**

74. The Government submitted a national implementation plan of Agenda 2030 to Parliament in 2017. The objectives are to be achieved by, *e.g.*, preventing youth unemployment, marginalisation and segregation of housing and residential areas, by reducing differences in health and by promoting gender and educational equality. The Government undertook to develop youth guarantee, to guarantee a place in education for young people and to strengthen their social and health services. In addition, giving the youth a voice in the public discussions on sustainable development and climate issues has been an integral part of ensuring the principle of leaving no-one behind.

75. Improving the status and rights of girls and women is a key objective of Finland's development policy. It prioritises sexual and reproductive health and rights.

76. In 2016, Finland spent 956 MEUR in development cooperation. This corresponded to 0.44% of the GDP. In 2015, aid amounted to 0.55% of the GDP. In 2017, development cooperation appropriations, 881 MEUR, corresponded to 0.40% of Finland's GDP. Finland is expected to increase its funding as soon as the country's economic development permits in order to achieve the long-term objective of 0.70% of the GDP. However, this requires commitment to a long-term plan over the next two government periods.

77. Finland applies a human rights based approach (HRBA) to development in its development cooperation, the promotion of human rights as both an objective and a mean for development cooperation.

78. The substantial cuts made in official development assistance funding in 2016 have reduced the results of Finland's development policy. The reductions, put into effect within a short period of time, mainly affected multilateral development cooperation, civil society partnerships and the human resources allocated to development cooperation.

79. In 2015, Finland adopted a HRBA guidance note aiming to operationalise the approach in all of development policy and cooperation. Steps have been taken to progressively revise country programmes, relevant guidelines and strategy papers and to further improve quality assessment criteria and reporting.

### **Child rights and the business sector (paragraph 24)**

80. Finland adopted a national implementation plan on the UN Guiding Principles on Business and Human Rights in 2014 as the fourth country in the world. The programme's Finnish version includes a comprehensive description of the relation between the rights of the child and businesses. Its implementation has progressed well. GC No. 16 has been translated into Finnish and Swedish. According NGOs, practical measures have been limited or based on the companies' voluntariness.

81. Finland has agreed to promote the OECD Guidelines for Multinational Enterprises. Instructions for filing a complaint are available on the website of the Ministry of Employment and the Economy in Finnish, Swedish and English. The structure of the national contact point was amended in 2016 to ensure as impartial, pre-emptive and fair handling of complaints as possible. The stakeholders' views were considered in the reform.

82. The restrictions on marketing of unhealthy food have been promoted through recommendations and instructions and the industry's self-regulation. In addition, a project funded by Finland's Slot Machine Association in 2015 organised a consultation on the matter and produced information on complaint procedures intended for consumers.

83. The Consumer Protection Act restricts the possibilities of marketing to children. The Information Society Code includes provisions on advertising in connection with children's programmes. The Consumer Protection Act, the Information Society Code and the Food Act provide for the marketing of food to children. Marketing must provide accurate information and may not be inappropriate or use an unsuitable method from the point of view of consumers. Neither may advertising give a misleading picture of a product's healthiness.

## **2. GENERAL PRINCIPLES**

### **Non-discrimination (paragraph 7 and 26)**

84. The new Non-Discrimination Act applies to all public and private activities with the exception of activities pertaining to private or family life or the practicing of religion. The Act prohibits different forms of discrimination on the grounds of, e.g., age, nationality, language, disability and sexual orientation. It accounts comprehensively for multiple and intersectional discrimination. It imposes an obligation on authorities and employers employing regularly at least 30 persons and education providers to draft an equality plan for promoting equality.

85. The new Non-Discrimination Ombudsman monitors compliance with the Non-Discrimination Act in respect of all grounds for discrimination. The new National Non-

Discrimination and Equality Tribunal is tasked to monitor all grounds for discrimination under the Non-Discrimination Act and the Equality Act.

86. In connection with the enacting of non-discrimination legislation, provisions on the prohibition of discrimination based on gender identity or gender expression were added to the Equality Act regulating the prohibition of gender-based discrimination. The gender equality planning applied to educational institutions was extended to cover also basic education.

87. In 2012, the police issued instructions on procedures in suspected hate crime cases, covering also hate and discrimination crimes against children. The instructions were complemented in 2015. The police have established a national hate speech investigation team with the task of addressing punishable hate speech appearing on the Internet. Police officers have been trained to identify, combat and investigate hate crimes with the assistance of the OSCE. Each police department has a so-called *Anchor team* consisting of professionals from the police and social, health and youth services to promote well-being of adolescents and prevent crime at early stage. Anchor teams may also work on cases of domestic violence.

88. Since 2015, the Ministry of Justice has coordinated a *national discrimination monitoring system*. During the reporting period, the discrimination monitoring system consisting of authorities, organisations and other stakeholders has commissioned a study on discrimination experienced by children and young people and collected information on discrimination experiences among children belonging to different population groups.

89. In addition, between 2005 and 2015, a project called *YES - Equality is Priority* was implemented in cooperation between various actors. It included a study on discrimination experiences among 10-17-year-old children and adolescents belonging to minority groups. The study, as well as the School Health Promotion study (2017) and Youth Barometer (2014), show that discrimination is rather common in the children's and adolescents' daily life.

90. Measures against racism and discrimination were supported widely as part of LANUKE. It emphasised the equality and non-discrimination of immigrants and Sámi and Roma.

91. A study by the Ombudsman for Minorities (2014) revealed that the Roma experience a considerable amount of discrimination in all spheres of life and more than people of Somali or Russian background. According to another study (2016), the hate speech or harassment faced by the Roma usually consisted of verbal insults, harassment, humiliation or name-calling. Prevalence of discrimination in public spaces, service situations and in the presence of children is particularly worrying. Experiences of Roma children are also discussed, *e.g.*, in a publication called *More Similar than Different* published by the Ombudsman for Children.

92. *The National Policy on Roma* (2010-2017) sought to improve the situation of Roma children. It improved awareness and coordination on the national level. Significant progress was made in the education sector and in ECEC. Local-level implementation was challenging. Finland participates in European Commissions' annual reporting on Roma policies. The implementation was also monitored and evaluated nationally.

93. *The second National Roma Policy* (2018-2022) accounts for the rights of the child in a cross-cutting manner. It includes measures targeted at children in education and in ECEC. The

most significant measure is the drafting of a cross-administrative empowerment and influence programme aimed at strengthening the inclusion of young Roma in cooperation between Roma children and youth and child and youth work professionals and experts. To this end, the Upscaling Roma Platform project has organised three regional events targeted at Roma youth (15-29) in the spring of 2019.

94. A project implemented during 2017 and 2018 created an operating model for a national centre of excellence for Roma affairs.

95. The basic education of Roma pupils was supported by granting discretionary government transfers totaling to 2.5 MEUR to municipalities between 2008 and 2015. Approximately 80% of the Roma pupils of basic education age participated in the activities. Approximately one sixth of Roma pupils did not receive a school-leaving certificate as compared to 2.6% of all comprehensive school pupils in the same age group (2016). The situation of young men is clearly worse than that of women. The obligatory nature of pre-primary education and the three-step support for basic education, which has broken the inter-generational cycle of special needs education, have been important for Roma children.

96. LAPE explored services intended for Roma families in 2017. According to its report, the opportunities of participation, exerting influence and being heard should be increased for Roma children and youth on the local, regional and national level. In connection with the programme, efforts were made to improve the management of Roma affairs on the regional and local level. Awareness of Roma culture could be increased by, e.g., recruiting personnel of Roma background to ECEC, schools, youth work and social and family work. The report emphasised the role of media.

97. Between 2014 and 2020, the Finland's structural funds programme funds projects prioritising the promotion of the inclusion of Roma families. In addition, STEA annually finances several projects focusing on parenting support.

98. Integration of children and young people of immigrant origin has been promoted in accordance with the *Government Integration Programmes* (2012-2015, 2016-2019). The priority of the first programme was ECEC as well as education in the promotion of children's and young people's integration. The current programme emphasises support for teachers, development of preparatory teaching and integration training for parents taking care of children at home as well as development of family care for unaccompanied children.<sup>5</sup>

99. LAPE also concentrated on issues related to asylum seekers and immigration. The objective was, e.g., to strengthen child-sensitive, cross-administrative cooperation across sectors and to improve the immigration and equality-related competence of professionals working with children, young people and families.

100. In 2011, a provision was added to the Nationality Act to encourage immigrants to actively study Finnish or Swedish. It was thought that the parents' language skills will improve the

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<sup>5</sup> <http://julkaisut.valtioneuvosto.fi/handle/10024/79156>

children's situation. The marginalisation risk of the second generation can be reduced by promoting the language skills of all family members.

101. The *Disability Policy Programme (2010-2015)* paid special attention to children and young people with disabilities and their parents as well as to the parenthood of persons with disabilities. Children with disabilities are considered in a crosscutting manner in an *action plan drafted for 2018-2019 by the Advisory Board on the Rights of Persons with Disabilities* referred to in Article 33(1) of the Convention on the Rights of Persons with Disabilities.

102. Discrimination experienced by the Sámi is typically manifested as structural discrimination, which is difficult to observe and mainly concerns the organisation and resourcing of Sámi-language services. According to a study by the Ministry of Justice, the Sámi also face hate speech, in particular on the Internet.

103. The numerous legislative, administrative, educational and cultural amendments and projects at the level of practice presented in this report are partly based on the implementation and monitoring of the Durban Declaration and Programme of Action in Finland.

104. The Government of Åland adopted a disability policy programme (2017-2020) in 2017. The priorities of the integration programme of the Government (2012-2015) include supporting immigrant children and their families as well as awareness raising and zero tolerance in respect of racism. The Government has, in cooperation with the Red Cross and the city of Mariehamn, produced material to facilitate integration into Åland society.

### **Principle of the best interests of the child (paragraph 28)**

105. A provision on the consideration of the best interests of the child in all social welfare actions affecting children was introduced into the amended Social Welfare Act. As regards children, special attention must be paid to the fact how different alternatives and solutions ensure balanced development and wellbeing, the opportunity of receiving understanding and care according to the age and maturity, a safe growing environment, physical and mental integrity, transition to independence and growth into responsibility.

106. The New Act on Early Childhood Education and Care highlights the best interests of the child. According to the amended Act, municipalities must consider the best interests of the child in the planning and organisation of ECEC. Also according to the new core curricula for ECEC and basic education, the primacy of the best interests of the child must be taken into account in ECEC and pupil welfare.

107. Also other new legislation, such as the reformed Child Custody Act improves the realisation of the best interests of the child as well as the child's status and rights. The amendments affect children both directly and indirectly through effects on families. In addition, e.g., the purpose of the new Paternity Act is to promote the realisation of the best interests of the child. Also the Maternity Act seeks to safeguard the best interests of the child.

108. The best interests of the child was the cross-cutting principle of LAPE. The realisation of the best interests of the child was promoted, e.g., by developing foster care services so that children

are consulted more efficiently. Consultation methods and channels will be developed so that special groups (such as children with disabilities and immigrant children) can make their voice heard better. Moreover, a related research and development project (2019-2021) has been launched.

### **Respect for the views of the child (paragraph 7 and 30)**

109. The respect for the views of the child is regulated in different acts and adapted to the subject matter concerned.

110. The new Social Welfare Act obliges to pay special attention to the opinions and wishes of a child and a young person. In addition, the right of a child right to receive information in accordance with his/her age and maturity and the right express his/her opinions or wishes must be safeguarded.

111. The Child Welfare Act reinforced the child's participation by obligating the responsible social worker or another child welfare employee to meet the child in person sufficiently often.

112. The reformed Child Custody Act has more detailed provisions on hearing of the child. In judicial proceedings, the child is usually heard by the social welfare authorities during compilation of a report on the circumstances of the child to the court. The reformed Act improves the child's right to be heard also before the court. The child can be heard outside the court room in a child-friendly place and the hearing can be assisted by an expert, e.g. by a psychologist or a social worker.

113. The Aliens Act includes provisions on the consideration of issues related to the best interests of the child, development and health as well as on the hearing of the child and taking his/her opinion into consideration.

114. According to the new Paternity Act, a 15-year-old child can interrupt the investigation of paternity, prevent confirmation of paternity by acknowledgment and exercise his/her right of action independently. The views of a child below 15 years of age are also relevant in situations where the best interests of the child is evaluated, e.g. interruption of investigation of paternity by the decision of the child supervisor and appointment of a guardian for the child for annulment of paternity.

115. According to the new Criminal Investigation Act (2011) a person under the age of 18 shall be treated in the manner required by his/her age and level of development and, to the extent possible, investigation measures directed at children shall be assigned to investigators particularly trained in this function - the police have instructions for dealing with children. The court shall appoint a trustee in the criminal investigation for a party under the age of 18 years under certain conditions. The Act also contains provisions on, e.g., the right of a legal presentative to be present in the questioning of a minor and on the participation of a representative of social welfare authorities in the questioning.

116. A court may order a hearing to be held without the presence of the public when a child is heard. A child may also be heard in court by using a video-link or without the offender being present in the courtroom. In 2016, the possibility of using a video recording recorded in a criminal investigation as evidence in court proceedings was extended to cover 15 to 17-year-old child victims who need special protection as well as to 15 to 17-year-old victims of sexual offences who do not want to be present at court hearing. Earlier it was already possible to use a video-recorded statement given by a child under 15 years of age in a criminal investigation as evidence at court.

117. In 2015, a provision concerning the participation of children and their parents and other guardians was introduced into the Act on Early Childhood Education and Care, emphasising their opportunities of participating in the planning, implementation and evaluation of ECEC.

118. The new Pupil and Student Welfare Act (2013) imposes an obligation to consider the student's wishes and opinions under certain conditions and gives the minor the right to forbid, under certain conditions, his/her guardian from participating in the handling of his/her own student welfare matter as well as the disclosure of confidential data to his/her guardian.

119. According to the new legislation on pupil councils (2014) all schools and educational institutions must have a pupil council, which has to be consulted before making decisions concerning pupils.

120. The new Local Government Act (2017) made youth councils obligatory in municipalities. The age limit for filing an initiative for municipal referendum was lowered from 18 to 15 years.

121. In January 2019, the Ministry of Justice began a pilot project, which will assess the realisation of the right to participation for children and youth under the age of 18, using the Child Participation Assessment Tool of the Council of Europe. The project will be executed in cooperation with public authorities and NGOs.

122. Roma children and youth have been heard in a targeted manner in, e.g., consultations organised in cooperation between the Regional State Administrative Agency of Southern Finland and youth services in large cities in the metropolitan area and Roma organisations (2014 and 2015). Moreover, they have been heard in a consultation of the National Advisory Board for Roma Affairs and by the Ombudsman for Children in 2017.

123. According to NGOs, the views of the child are still not considered adequately and equally in respect of different groups of children. NGOs pay special attention to the child's consent in the treatment of intersex children.

### **3. CIVIL RIGHTS AND FREEDOMS**

124. The main goal of LANUKE was to strengthen the active citizenship of children and young people. The Youth Act was reformed (2017) with the purpose of improving the participation possibilities of young people. VANUPO, drafted in accordance with the Act, also supports the strengthening of the active citizenship of young people.

125. The Act on Audiovisual Programmes (2012) restricts the provision of audiovisual programmes in order to protect children. A television broadcaster is obligated to ensure that programmes detrimental to children's development are not broadcasted at a time of day when children normally watch television. Broadcasting companies have concluded a voluntary mutual agreement whereby they agree to broadcast detrimental programmes after a certain time of day.

### **4. VIOLENCE AGAINST CHILDREN**

#### **Child abuse and neglect (paragraph 38)**

126. Intimate partner violence and mistreatment of children are identified in periodic medical examinations at child health clinics and in school health care. The services cover nearly all children and their families. In case of mistreatment of children, the personnel at maternity and child health clinics have been instructed to act immediately and engage in multi-professional cooperation. NGOs point out that less than 1% of child welfare notifications were submitted by maternity and child health clinics.

127. A national follow-up study on maternity and child health clinics and school health care services (2016) examined the practices in health care centres related to disciplinary violence, intimate partner violence and neglect of care and attention. Approximately 60% of centres have an operating model for situations involving intimate partner violence, more than third for situations involving disciplinary violence and less than half for addressing situations of child abuse or neglect of care and attention. More than half of the centres have adopted a multi-disciplinary cooperation model for situations of domestic violence. Nearly all centres use a form drafted by THL for identifying, broaching and addressing intimate partner violence.

128. The funding for shelter activities has increased considerably. The responsibility for funding was transferred from the municipalities to the government in 2015. At the end of 2018, there were 27 shelters and 179 places for families (adult and accompanying minors). In 2015, there were 19 shelters with 114 places for families. In 2016 and 2017, training courses were organised for shelter personnel on working with children exposed to violence.

129. THL annually collects information on shelter clients. In 2016, approximately half of shelter clients (3,535) were children. The largest age group among shelter clients was under 4-year-old children (19%). In 2016, the most common form of violence experienced by children was exposure to violence (53%), 22% had been exposed to mental violence and 10% to physical violence.

130. THL is implementing a project to increase the competence and awareness of social welfare and health care professionals and the police with regard to domestic violence and shelter services.

131. The School Health Promotion study includes questions about bullying, experienced violence and violence in family, sexual harassment and violence, and discrimination. In 2019, a section measuring violence experiences among children and young people was introduced. The objective is to establish permanent follow-up of violence, crime and bullying experiences reported by children and young people themselves. The study on (small) children's health, wellbeing and services also includes questions about violence against children (bullying, attitudes towards corporal punishment, intimate partner violence, mistreatment of and violence against children, and access to assistance and support).

132. The reformed Child Custody Act contains an express obligation to protect the child against violence. Moreover, incidents of violence have to be taken into account when deciding matters concerning custody and right of access. A provision on the obligation to arrange visits under supervision or with support if supervision or support is necessary for ensuring the best interests of the child is included in the Act. Training on the reform, including the obligation to take account of incidents of violence for, e.g., judges, attorneys-at-law and social workers is arranged in September-October 2019.

133. At the beginning of 2011, minor assault against close persons was made subject to official charges. The amendment considerably increased the number of reported assaults.

134. Finland has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The first implementation plan (2018-2021) includes measures targeted particularly at the prevention of violence and protection of victims in vulnerable situations.

### **United Nations study on violence against children (paragraph 39)**

135. A program is being drafted for the prevention of violence against children during 2019-2025, as well as a program for the promotion of safety and welfare (prevention of accidents).

136. The Government has adopted a child advocacy centre model for cooperation between different authorities in cases where an offence against a child is suspected. The model was evaluated in 2015. The current Government will promote an expansion of the model. THL coordinates the creation of the model.

137. THL coordinates also a child welfare research network and a network of researchers and developers in the field of violence against children.

138. Also, THL has, in cooperation with the Federation of Mother and Child Homes and Shelters, developed a method for broaching safety and unsafety with children. It was piloted in three localities in 2017 and 2018.

139. The Police University College carried out a research project on violence experienced by children and young people in 2014. According to the study, the circle of acquaintances has a key role in the processing of violence experiences but also awareness and accessibility of reliable professionals are important as most violence is experienced among the circle of acquaintances.

## Harmful practices

140. Female genital mutilation is punishable as an assault or aggravated assault. Also different forms of complicity are punishable.

141. The action plan for the prevention of FGM for 2012–2021 was based on the premise that mutilation constitutes a human rights violation in all its forms. According to the final evaluation, health care professionals were rather well aware of female genital mutilation, but teaching professionals and political decision-makers were familiar with the issue only to some extent. All professionals wished for more training. The action was updated in 2019 (*Action plan for the prevention of female genital mutilation*). It contains recommendations on measures for preventing the practice and supporting women and girls who have undergone it. Information on the Action Plan is disseminated actively.

142. In addition, the Ministry of Social Affairs and THL have since 2012 organised an annual meeting for key parties. THL has published an information package on preventing female genital mutilation on its website. In addition, it has published instructions intended for health care personnel on prevention and arranged training at various places in Finland.

143. All professionals working with children are obligated to file a child welfare notification with social authorities if they suspect that a girl will be mutilated. Municipalities with a large share of population with immigrant origin are recommended to draft detailed plans for organising local preventive work.

144. Finland has no legislation on non-medical circumcision of boys. According to the case-law of the Supreme Court, it does not constitute an offence if it is performed appropriately and with the consent of the guardians of the child. According to the instructions issued by the Ministry of Social Affairs and Health in 2015, non-medical circumcision may be performed on a boy under 18 years of age under certain conditions. Circumcision may only be performed by a licenced doctor. Both custodians must give their written consent to the circumcision. A brochure has been produced for parents and translated into seven languages. Religious circumcisions are annually performed on approximately 400 boys.

145. Forced marriage is punishable as human trafficking, aggravated human trafficking or coercion. In addition to actual coercion, giving a person into a forced marriage or transporting, receiving and accommodating a person for this purpose is punishable.

146. According to a study commissioned in 2017, authorities do not have adequate capacities to respond to the social and legal challenges associated with forced marriages. A memorandum was published in 2018 compiling up-to-date information on preventing and combating forced marriages as well as planned follow-up actions by the authorities.

## **Sexual exploitation and abuse**

147. Measures are reported under *Special protection measures*.

## **Corporal punishment (paragraph 36)**

148. According to follow-up data, the use of disciplinary violence has decreased considerably over the past 20 years.

149. One of the key themes included in the *National Action Plan for Safety Promotion among Children and Youth* published in 2018 and in its objectives and measures is the prevention of disciplinary violence. The Action Plan's measures are particularly targeted at the rights of the child, parenting support and training of personnel.

150. National steering pays attention to parenting support and the related upbringing skills. Several operating models have been adopted to reduce disciplinary violence by, e.g., developing emotional skills and promoting positive upbringing methods. Organisations and THL have drafted material for increasing knowledge of the harmfulness of disciplinary violence.

151. In 2016, child and family organisations implemented a campaign against disciplinary violence, which reached over one million viewers on social and conventional media.

152. The Istanbul Convention also covers the prevention of disciplinary violence against children.

## **Helplines (paragraph 62)**

153. A missing children's hotline was introduced in 2016 at number 116 000. Finland has, as required in the Istanbul Convention, opened a free 24/7 helpline for all victims of violence, including children.

154. The Mannerheim League for Child Welfare (MLL) maintains a free helpline for children and young people, which is open every day. Support and assistance are also available online. According to the MLL children and young people who contact the helpline think that seeking help requires too much initiative from their part.

155. In Åland, children under 18 years of age may use the helpline of the Swedish *Barnens rätt i samhället* at the local tariff or via chat service.

## 5. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### Family environment (paragraph 32)

#### *Family counselling and substance-abusing families*

156. Zero tolerance has been adopted in guidance for pregnant persons: no alcohol use is recommended during pregnancy.

157. The new Social Welfare Act and the amendments to the Child Welfare Act aim at bringing substance-abusing parents to rehabilitation earlier than before and to enable rehabilitation of the whole family when this form of support is suitable for the family.

158. According to the new Social Welfare Act, a pregnant person has a subjective right to receive immediately adequate social services that support abstinence from substance abuse. If consent cannot be received and the person is unable to take care of herself or the best interests of the child necessitate this, authorities must immediately be informed of the need for social welfare services, notwithstanding secrecy provisions. If it is evident that the child to be born will immediately after birth need child welfare support measures, a preventive child welfare notification must be filed.

159. The Social Welfare Act provides for a stronger right of the child and family to receive necessary social services, including family work and family counselling. A family with children has, under certain conditions, a subjective right to home help services. However, it is still difficult to receive home help services in most municipalities. Also, in a survey conducted by the League of Single-Parent Families in 2017, 55% of the respondents were not aware of the families' subjective right to home help services.

160. In Åland, the *Folkhälsan* public health organisation, funded by the Åland Government and implemented in cooperation with a child and youth psychiatric unit, organises training on parenting support and upbringing for parents of 3-17-year-old children.

#### *Parental guidance and child custody disputes*

161. According to the new Social Welfare Act, a social welfare authority is obligated to refer a client to necessary services, such as family counselling services. In 2015, additional funding was granted to developing mediation of family issues.

162. Parenting and relationship support and services in a divorce situation were strengthened and developed extensively also within LAPE; special attention was paid to the best interests of the child in divorce situations.

163. The reformed Child Custody Act accelerates the court proceedings in matters related to custody and the right of access. It also expands the opportunities of agreeing on the child's custody and right of access by means of an agreement approved by the social welfare board.

164. Since 2014, it has been possible to handle custody disputes in expert-assisted court mediation at district courts instead of court proceedings. Mediation has proven to be very effective.

165. According to NGOs, the support available in divorce situations is still inadequate.

### **Children deprived of family environment (paragraph 7 and 34)**

166. The amended Child Welfare Act introduced several improvements concerning children deprived of family environment. It provides for urgent support measures in non-institutional care as an alternative to urgent placement. Before placing a child outside home alone, it must be assessed whether it would be in the best interests of the child to place him or her together with his/her parent or another person responsible for his/her care. Also, the conditions for urgent placement were tightened.

167. LAPE shifted also the focus towards preventive and early support and care services and reduced the need for corrective services. The programme developed also foster care extensively by, e.g., providing more support for family carers and biological parents in different stages of placement. Monitoring was developed.

168. According to the *Programme on the Organisation of Housing and Related Services for Persons with Intellectual Disabilities (2010-2015) (KEHAS programme)*, children with disabilities will not be placed in an institution but support for the family will be prioritised. If this is not adequate considering the child's needs, alternatives include family care or a small group home with a limited number of children. During the government term 2015-2019, the capacities of family carers were supported. Family care operating models will also be developed and family care practices will be harmonised better in different parts of the country.

169. In accordance with the Government Integration Programme (2016-2019), a project launched by Save the Children develops family care for unaccompanied asylum-seeking children.

170. Two counties are also piloting peer assessment in the monitoring of foster care where a young person acting as an expert by experience helps the monitoring authority to focus on issues essential from the young people's perspective.

171. THL implemented a child welfare development and research project between 2013 and 2015. THL has continued the follow-up of child welfare measures and assessment of their effectiveness as well as appointed a national group for strengthening multi-disciplinary research on child welfare research and supporting its coordination.

172. A research project on past practices in child welfare was also implemented, and in 2016, the Government expressed its apologies to all persons who had been mistreated in foster care in connection with child welfare. The service system will also be improved, e.g., by means of LAPE to avoid similar mistreatment in the future. Indicators describing the children's and families' wellbeing are also developed within LAPE.

173. The School Health Promotion study of 2017 provided also new information on the wellbeing of children placed outside home. The School Health Promotion study of 2019 included a section with questions for children placed outside home about service experiences at their placement.

174. Also the Association of Finnish Local and Regional Authorities has recently published a report on the state of child welfare in municipalities.

175. The Government of Åland has carried out a study on shortcomings in foster care in Åland between 1953 and 1971 (2015). During 2014 to 2018, the Government funded a child welfare development project carried out by Save the Children. Training has been organised for family carers from 2016 onwards.

176. NGOs consider that the circumstances of children in foster care are not monitored and followed adequately. Shortcomings exist in the reunification of families.

### **Family reunification**

177. The amendments to the Aliens Act that entered into force in 2015 facilitated the filing of a residence permit application on the basis of family connection as it allows for filing an application with an external service provider. Since November 2016, it has also been possible to file an application on the basis of family ties in an electronic service.

178. At the same time, residence permit applications of family members of beneficiaries of international protection, which until then had formed an exemption to the principle of residence permit application being subject to fee, were made subject to a fee.

179. The Aliens Act was amended in 2016 so that the requirement of secured income was extended to cover also the family members of a person receiving international protection also in a situation where the family had been established before the sponsor arrived in Finland. An exception is made if the application for family reunification is filed within 3 months from when the sponsor received information of being granted refugee status. Also, an exemption may be made if it is in the best interest of the child. NGOs are concerned about the income requirement applying also to unaccompanied minors.

180. In 2019, the Aliens Act was amended as a result of judgement C-550/16 of the Court of Justice of the EU, according to which a minor below the age of 18 at the time of application for asylum, is considered a minor also in the family reunification process.

181. In 2013, one positive decision was made on the basis of family reunification in respect of the guardians of unaccompanied children enjoying international protection, 10 positive decisions were made in 2014, 5 in 2015, 11 in 2016, 31 in 2017 and 33 in 2018. Between 2014 and 2018 about 41% of decisions on the basis of family reunification in respect of the guardians of children enjoying international protection were positive. During the same period, approximately 2,100 unaccompanied children were granted a residence permit on the basis of international protection.

182. According to NGOs, it is very difficult for unaccompanied children to have their nuclear family members admitted to Finland.

## **Adoption**

183. In 2012, the European Convention on the Adoption of Children entered into force in Finland and Adoption Act was amended: it provides for the possibility of granting the adoptee the right to maintain contact with his/her former parent after adoption. Its primary objective was to promote the realisation of the best interests of the child.

184. In 2011, the National Advisory Board on Social Welfare and Health Care Ethics ETENE gave a statement exploring the ethical and legal issues related to surrogacy arrangements on the national and international level and describing regulatory options.

## **Prisoners' children**

185. A child under two years of age can be placed, as a support measure in non-institutional care, in the prison family unit with his/her parent serving a sentence or on remand. The placement of a child under three years of age may be continued in the family unit if the best interests of the child absolutely necessitate this.

186. As of 1 April 2019, there were 7 children in prison together with their prisoner parents. No data are available on the accurate number of prisoners' children outside prison as data on prisoners' children are not collected directly by virtue of law. According to the prisoner register, at the beginning of 2018, 2,884 registered prisoners had 2,490 children under 18 years of age, and the number of dependants was 2,475.

187. The guidelines for child and family work issued by the Criminal Sanctions Agency were drafted in 2013 and updated in 2018. The Convention served as a basis for their drafting. The Criminal Sanctions Agency uses a method called *Let's talk about children* in its social work and organises family camps for prisoners. The Finnish Foundation for Supporting Ex-offenders and prisons have organised discussion groups on parenting. The newest form of cooperation is a project called *Parent at the prison gates* in cooperation with the Federation of Mother and Child Homes and Shelters.

## **6. DISABILITY, BASIC HEALTH CARE AND WELFARE**

### **Children with disabilities (paragraph 41)**

188. Legislation on disability services is applicable to children. The Convention on the Rights of Persons with Disabilities and its Optional Protocol strengthen also services to children. Additionally, LAPE took account of the equal right of children with disabilities and their families to services.

189. Children with a serious disability have, under the Disability Services Act, a subjective right to personal assistance if they need it for ordinary daily actions with which they cannot cope themselves because of a disability or illness. The purpose is to allow for equal participation in

society. Assistance is granted on the basis of its need, which must be determined and affects its amount. This excludes some of the youngest children with disabilities as the assistance they need is mainly covered by the care and attention for which their guardians are responsible. The amount of children receiving this service has increased; in 2017, 1,305 children received personal assistance. Special needs teaching assistants were not included in these figures. According to NGOs, the requirements for receiving assistance have made it difficult for children to receive personal assistance.

190. According to the Disability Services Act, a child with a severe disability is entitled also, under certain conditions, to transport and escort. In 2017, municipalities organised these services for 2,472 children. Transport to basic education is organised under the Basic Education Act.

191. According to the Act on Interpretation Services for Persons with Disabilities, a child is, under certain conditions, entitled to interpretation service if he/she has a hearing and seeing disability, hearing disability or speech impairment. A further requirement is that the child can express his/her own will by means of interpretation and has another viable means of communication available. In 2017, 466 children (0-15 years) were entitled to the interpretation services, and the corresponding number for 16-24-year-old persons was 550.

192. Several amendments have also been made to the Act on Social Insurance Institution of Finland's Rehabilitation Benefits and Rehabilitation Allowance Benefits to improve the access to medical and vocational rehabilitation of children and young persons with disabilities and with the weakening of functional capacity.

193. The right to home help services under the new Social Welfare Act applies also to families of children with disabilities. A comprehensive plan on the organisation of necessary social and health services needs to be drafted and a personal social worker appointed for a child needing special support.

194. If it is evident because of the child's disability or illness that the goals of basic education cannot be achieved in nine years, compulsory education will start already at the age of 6 and last for 11 years (extended compulsory education). The education of pupils with the most severe intellectual disability, another disability or a serious illness can be arranged according to activities instead of subjects.

195. In addition, children with disabilities or needing other special support have the right to receive, free of charge, the aids necessary for participation in teaching and, for example, interpretation and assistant services and aids.

196. Moreover, according to the new Non-Discrimination Act, an authority, education provider, employer or provider of goods and services has to make reasonable adjustments for a person with disabilities to be able, equally with others, to deal with the authorities and gain access to education and work.

197. A new Decree on the Accessibility of Buildings was issued in 2017. No comprehensive assessments are available on the accessibility of buildings. Basic accessibility solutions are implemented in new buildings, but they do not always guarantee equal opportunities to act for all users. Development is still needed in the accessibility of hearing and seeing environments. The

Housing Finance and Development Centre of Finland awards grants from government funds for retrofitting of lifts and removing barriers to mobility.

198. The long-term objective of the KEHAS programme was that nobody will live in an institution after 2020. However, the number of persons under 18 years of age living in institutions for long periods decreased from the end of 2009 until the end of 2014 by only ten clients. At the end of 2017, 110 children aged 0- 17 lived for longer periods at institutions for persons with intellectual disabilities (decrease of 21 from 2016). According to the programme's final report, it is essential to develop services, also in order to support the families' wellbeing.

199. A development group for intensive special support was appointed in 2015. The group produced quantitative and qualitative data, examined the extent and operating methods of exceptional teaching arrangements and developed a flexible education path and its transitions points from ECEC to secondary level for pupils requiring special support. In autumn 2017, the group issued 12 development proposals.

200. In 2017, the School Health Promotion study included disability for the first time. It revealed, for example, that children and young people with disabilities are bullied more than other children and they consider that they do not receive adequate help from pupil welfare.

201. In 2012, the Ombudsman for Children published a report on the experiences and views of deaf and hard-of-hearing children on their wellbeing and the realisation of their rights.

202. The Government of Åland monitored the personal assistance services organised by the county's municipalities in 2014 and provided related training for social workers.

203. According to the Sámi Parliament, there are no or very few possibilities of taking persons with disabilities into account on an equal basis with others in Sámi-language basic education and ECEC services. Furthermore, services to persons with disabilities do not pay attention to the Sámi culture.

204. According to NGOs, an effort has been made to address the problems in the service procurement procedure relating to, e.g., transportation and interpretation services by providing information. Moreover, there has been hardly any increase in the provision of personal assistance services to children since the entry into force of the new legislation in 2009.

### **Health and health services (paragraph 43)**

205. Equality in children's and young people's wellbeing can now be monitored better as the following background factors were included in the School Health Promotion study of 2017: immigrant background, disabilities and place of residence (e.g. placement outside home).

206. A new Health Care Act entered into force in 2010. The Act includes provisions on maternity and child health clinic services for pregnant women and families that are expecting a child and for children under school age and their families, school health services for pupils in basic education and student health care services to students in educational institutions after comprehensive school.

207. A Government Decree on Maternity and Child Health Clinics, School and Student Health Care and Preventive Oral Health Care of Children and Young People entered into force in 2009 and was updated in 2011. The Decree ensures that health counselling and medical examinations for pregnant women and families expecting a child, children, families with children and students are systematic and of equal quality and take into account both individuals and the whole population.

208. The Pupil and Student Welfare Act entered into force in 2014. The right to pupil and student welfare and all related services (school psychologist and social worker services and school and student health care services) was extended from pre-primary education to secondary education. The Act emphasises the importance of communal and preventive work as the primary approach. All adults working in a school community participate in implementing communal pupil and student welfare. Communal pupil and student welfare is implemented in accordance with school-specific pupil and student welfare plans and developed and evaluated by school-specific pupil and student welfare groups. In addition, students are entitled to individual student welfare, including support by a multi-disciplinary expert group. Student welfare is implemented in cooperation with the pupil and his/her guardian, considering the pupil's age and maturity. The guardian is not entitled to forbid a minor pupil from using student welfare services.

209. The state, availability and quality of services are monitored regularly both on the regional and local level. The Ministry of Education and Culture submitted a report to Parliament on the implementation of legislative amendments in 2018. The NGOs state, however, that there are challenges in the implementation of the new legislation.

210. In 2010, the statutory environmental health inspections of educational institutions were extended to cover the wellbeing of community and an operating model has been drafted to support the inspections. The quality of inspections has improved and the community's wellbeing is evaluated more comprehensively.

211. According to the Provincial Act on Health and Medical Care, Åland's health and medical care services must provide counselling for pregnant women and families expecting a child as well as for children under compulsory education age and their families. The Act lays down provisions on the organisation of school and student health care, including mental health care services. In 2015, the Government of Åland granted an appropriation for the county's basic health care services for appointing a psychologist for children under the compulsory education age.

### **Mental health (paragraph 45)**

212. Between 2012 and 2015, children's mental health work was developed in connection with a national development programme of social welfare and health care. Comprehensive medical examinations performed on children allow for better identification of problems, and access to children's and young people's mental health care services has been improved.

213. According to a study by THL (2015), the availability of mental health care services for young people in student welfare as well as the personnel resources available for the services have developed positively. According to THL's report (2018), it is not, however, feasible to provide

children suffering from mental health problems with adequate support, assistance and services within basic health care but they are referred to specialised health care services.

214. A guidebook has been drafted for student health care personnel instructing on the use of mental health and substance abuse work methods. Similar guidance is being drafted for school health care as well as for mental health and substance abuse work intended for young people who are not working or studying.

215. LAPE amended also the children's and families' mental health care services on the national level by introducing the principles of client orientation and service integration, strengthened low-threshold mental health care services and their effectiveness and shifted the focus towards preventive services and early support and care services. Some specialised health care services of child psychiatry were transferred to basic services in order to allow for earlier treatment.

216. Current care guidelines have been issued on the treatment of ADHD and ADD, which govern the patients' comprehensive treatment, including psychiatric and psychological treatment, social support actions, consideration of the diagnosis at schools and daycare centres, as well as medication. Doctors working in pup will be given training on ADHD and ADD, and services of doctors specialised in paediatrics are available within basic health care. The National Supervisory Authority for Welfare and Health (Valvira) has drafted instructions on the prescription of ADHD medication. The doses of stimulant medication are monitored.

217. According to the Government of Åland's programme, the health and mental wellbeing of children and young people is prioritised, with an emphasis on work that promotes health and prevents diseases.

### **Breastfeeding (paragraph 47)**

218. The *National Programme of Action for Breastfeeding Promotion* was renewed for 2018-2020. It builds strongly on the WHO's recommendations and international research evidence. Account is taken also of important national recommendations and instructions, such as dietary recommendations and instructions for the follow-up of children's growth.

219. The latest national follow-up on breastfeeding was conducted in 2010. After this, follow-up has not been possible because of inadequate resources, but a sample study was conducted among the parents of one-year-old children in connection with the *ChildCare*-project. In 2018, a workshop was organised to strengthen the national structures and cooperation network for breastfeeding promotion.

220. A handbook for maternity and child health clinics includes comprehensive instructions and information for professionals to provide support for breastfeeding. Clinics give parents instructions on breastfeeding, which are available in five languages. A breastfeeding recommendation is included in national dietary recommendations for families with children.

221. The national breastfeeding instructions are applied in Åland.

### **Adolescent health (paragraph 7 and 49)**

222. According to the School Health Promotion study (2017), adolescents' alcohol consumption and smoking have clearly decreased over recent years. The share of abstainers among boys and girls aged 14 to 20 years has increased. There are clearly fewer adolescent abstainers and non-smokers at vocational education institutions than at general upper secondary schools.

223. Binge drinking is still common among adolescents. This behaviour has not changed significantly. Daily smoking has decreased among adolescents. The share of boys using snuff on a daily basis has increased, especially at vocational education institutions.

224. The use of and experimenting with substances and tobacco products are investigated in medical examinations in school and student health care, including individual discussions on substance use and provision of necessary individual health advice.

225. An Act on Organising Substance Use Prevention entered into force in 2015. At the same time, an Action Plan on Substance Use Prevention was drafted, with an objective of making youth services to participate efficiently in substance use prevention at the municipal level.

226. A new Alcohol Act entered into force in 2018 to coordinate interests related to the production, sale and use of alcohol. It also aims at preventing harm and problems caused by alcohol. When the Act was being drafted, its impacts on children and young people were assessed. According to the assessment, an increase in the availability and promotion of stronger alcoholic beverages and alco-pops, in particular, may, for example, slow down the decrease in minors' alcohol use and in the worst case reverse this trend. The alcohol tax was increased concurrently with the amendment, which is estimated to decrease the amendment's harmful effects. The Government aims at reducing the harmful effects also by promoting the wellbeing of children, young people and families.

227. The Government of Åland approved an action plan for preventing the risk use and abuse of substances for 2017-2020. Guidelines for preventive work concerning, e.g., alcohol, in schools have been approved in 2019.

### **Standard of living (paragraph 51)**

228. During the reporting period, Finland's child poverty rate has been one of the lowest in comparison to other OECD states and Member States of the EU.

229. According to a research report published in 2016, the poverty of children and families with children started to increase in 2012 after having declined over the few preceding years. In 2017, there were 119,000 children living in poor families and one fourth of single-parent families were poor. In 2014, 5% of children lived in families subsisting on basic social security. Living on basic social security was most common among families with children under three years. The number of people who come off basic social security has clearly decreased.

230. The guardians of poor families with children have clearly more often no vocational education than the guardians of other families with children. However, a high level of education no longer necessarily protects against poverty since nowadays poor families with children have clearly more often a guardian with higher education. Poverty is significantly more common in single-parent families than in families with two parents. The higher number of children in a family also increases the poverty risk.

231. A decline in the real value of income transfers as well as several changes in taxation and fees have also weakened the subsistence of families with children.

232. THL will continue monitoring the development of child poverty and its background mechanisms and analyse the connection between the subsistence experiences and wellbeing of families with children.

233. Research confirms that families' income problems are reflected in the children's wellbeing in a number of ways. Poverty usually underlies the need for child welfare. Approximately 90% of the families of children who have sometimes been placed outside home on child welfare grounds have received social assistance.

234. In 2011, the minimum sickness, maternity, special maternity, paternity, parental, special care and rehabilitation allowances as well as child benefit and child home care allowance were linked with the national pension index. The amendment improved the financial situation of low-income persons receiving daily allowance and of all families with children. According to research data, the available income of a single-guardian family with one child and receiving the minimum sickness allowance increased in total by even 8% in 2012 as compared to the previous year.

235. In 2015, all child benefit levels were decreased by 8% as part of the state's austerity measures, except for the single-parent supplement. At the same time, a fixed-term child deduction was introduced into taxation for low- and medium-income families. The index-linking of child benefit was removed as of the beginning of 2016.

236. In 2017, the levels of child benefits were reduced by 1%, except for the single-parent supplement. In 2018, the level of single-parent supplement was increased. In 2018, the minimum amounts of sickness, maternity, special maternity, paternity and parental allowances, special care allowance and rehabilitation allowance were also increased.

237. In 2013, a legislative amendment entitling fathers to a paternity allowance for a maximum of 54 days and not transferable to the other parent entered into force. Consequently, the parental leave consists of the maternity allowance period, the parental allowance period that can be used by the father or the mother, and the paternity allowance period. Since 2017, a father responsible for the child's care has been entitled to paternity and parental allowance even if the mother and the father do not live in the same household.

## **7. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **Education, including vocational training and guidance**

#### *General situation and minorities (paragraph 53 a-b)*

238. The national core curricula for pre-primary education, basic education and general upper secondary education were amended in 2014 and 2015. The core curricula are regulations, which municipalities and other basic education providers must comply with when drafting local curricula.

239. The Convention serves as a guiding obligation and legal basis for the core curricula. It is used in teaching the rights of the child to pupils. The respect for and defending of human rights are emphasised as principal values. A global education perspective has also been introduced into basic education in order to implement the sustainable development goals.

240. The core curricula have improved the provision of information on the Sámi as indigenous people and on the importance of different minorities in Finland during basic education. The rights of minorities are dealt with in teacher training.

241. The adoption of the new curricula is supported by a New Comprehensive School Action Plan, which also strengthens the teachers' and pupils' digital skills. Basic and in-service training of teachers will be developed under the Teacher Education Forum.

242. Along with the curricula reform, Romani language and literature became one of the syllabi within the subject of mother tongue and literature in basic and general upper secondary education. The Finnish National Agency for Education has published teaching and activity material and concluded a contract on the production of e-learning material on the history, current situation and culture of the Finnish Roma. The material will be publicly available free of charge.

243. A discretionary government transfer awarded for supporting the basic education of Roma pupils has enabled, for example, the recruitment of classroom assistants with Roma background. Discretionary government transfers are no longer available for this purpose, and only a minority of municipalities have decided to fund the activities themselves. The number of professionals with Roma background at schools has not increased.

244. In 2014, a report was drafted on the implementation of objectives related to democracy and human rights and on the consideration of these themes in teacher training. The training included a very limited number of such modules. Teacher training institutions develop their curricula autonomously.

245. Vocational basic education has been improved in order to ensure individual and flexible education paths. Young people are guaranteed a place in education or another similar arrangement after basic education. A nationwide project was implemented between 2011 and 2015 to prevent dropping out from vocational education.

246. Since 2014, different ministries have in cooperation developed low-threshold counselling centres for persons under 30 years of age. These multidisciplinary centres provide guidance and counselling on, e.g., career, education and life management issues.

247. Educational institutions are obligated to draft a school-specific gender equality and equality plan. The Non-Discrimination Ombudsman has drafted guidelines and methods for educational institutions to support their equality planning. The Finnish National Agency for Education has published a guidebook to support gender equality planning in basic education.

248. The objective of the previous Government was to make Finland a leading country in the field of education, skills and modern learning techniques. One of the objectives was to decrease the number of young people who have dropped out of education or working life. As part of the Government's key project in knowledge and education, experiments were carried out where foreign language instruction was started earlier.

249. Between 2009 and 2015, the Ministry of the Environment implemented an action plan to eliminate moisture and mould problems of buildings. An action plan concerning public buildings will be implemented between 2018 and 2028. In 2014, the Ministry of Education and Culture granted discretionary government transfers to renovation projects of schools and daycare centres suffering from indoor air quality problems and moisture damage.

250. The Committee's recommendations will be taken into consideration when the Government of Åland revises its curriculum. The Government is funding an open pre-primary school run by Save the Children Åland.

251. NGOs note that the Finnish pupils' learning results have decreased considerably over the past decade in the PISA surveys.

#### *Bullying and wellbeing at school (paragraph 55)*

252. Information on bullying is regularly collected by means of, e.g., the School Health Promotion study. The surveys indicate that the numbers of both bullied and bullying pupils started to decrease after 2009. In 2017, the numbers were the lowest ever in the 21<sup>st</sup> century. Studies have shown that the *KiVa School* project launched in 2006 is one of the most effective programmes in preventing bullying. More than 900 schools participate in its development. The Association of Finnish Local and Regional Authorities is concerned about the fact that the licence fee for the programme decreases participation.

253. Discrimination is most prevalent at school. 65% of children and young people with immigrant background have experienced name-calling at school. Children with immigrant background, children belonging to sexual minorities and children with disabilities are bullied more often than other children.

254. According to the School Health Promotion study of 2017, more than 40% of children placed outside home, children with disabilities and children born abroad had experienced discriminatory bullying. 39% of boys and 23% of girls with foreign background had faced physical threat at school, while the corresponding shares for native Finnish pupils were 21% and 15%. The shares of pupils who had experienced bullying at least on a weekly basis were 2 to 3 times higher as compared to native Finnish pupils.

255. According to legislation, a person participating in basic education has the right to a safe learning environment and the education provider must draft a plan for protecting pupils from violence, bullying and harassment. The Finnish National Agency for Education has issued instructions on school regulations for ensuring legality, consistency and equal treatment of pupils.

256. The Ministry of Education and Culture supports the awareness-raising work of NGOs in combating bullying. The Finnish National Agency for Education, the police administration and several organisations have drafted a joint programme called *School Peace* with the objective of promoting the wellbeing and safety of school communities by reducing bullying and hate speech.

257. A programme called *VERSO* provides a clear mediation model for solving every-day conflicts at schools.

258. A project to prepare proposals for more efficiently preventing punishable hate speech punishable and harassment prohibited by law and for promoting a considerate discussion culture was established in 2018. One of the hearings organised focused on hate speech faced by children and young people.

259. Moreover, the EU-funded *Against Hate* project campaigned by publishing material for children on hate speech.

260. Also LAPE explored various ways of preventing and addressing bullying and promoting school peace. Several development proposals were made, such as the establishment of a national body for assessing the methods of preventing bullying.

261. Legislative amendments that entered into force in 2011 created a system of three-step support which, in addition to general support provided in connection with instruction, consists of intensified support and special support as stronger forms of support. According to a survey carried out by the Trade Union of Education in Finland in 2017, the system of three-step support is not implemented adequately at schools because of insufficient resources.

262. The Government has also targeted various measures at promoting the equality of education. For example, funding has been awarded since 2009 for reducing the size of teaching groups and to schools located in areas with a low education level and a high unemployment rate as well as a high share of foreign-language population.

263. Åland has a separate education policy programme. All comprehensive schools in Åland participate in the KiVa School programme or in corresponding programmes against bullying.

264. NGOs note that bullying is still prevalent.

## **Early childhood education and care (paragraph 53 c and 57)**

265. The new Act on Early Childhood Education and Care entered into force in 2018. The former Act has been completely reformed and updated, however integrating several old regulations from the former Act and the Acts on social services. The most central new themes are regulations related to the job titles and qualifications of staff (e.g., by 2030 most of the personnel must have a university degree) and data collection in ECEC. The aim is to reinforce the quality of early childhood education.

266. A core curriculum was drafted as an obligatory standard for ECEC for the first time in 2016 and has been revised according to the new Act. The new core curriculum must be implemented at local level in August 2019. A personal ECEC plan is drafted for each child in ECEC or in private family care on the basis of the revised core curriculum.

267. The client fees for small- and medium-income families were reduced in January 2018 and the sibling discount for the second child was increased to 50% (earlier 10%).

268. In 2017, an experiment on free of charge ECEC for 20 hours a week for 5-year-old children was launched (August 2018 to July 2019) and five MEUR was allocated to it. Approximately 13,400 children in 19 municipalities are participating in the experiment. The experiment has been extended for years 2019 to 2020; 27 municipalities will participate and approximately 18,600 children are covered – about 31% of the age group.

269. As part of the Government's austerity measures, the child's entitlement to ECEC was restricted in 2016 to 20 hours of ECEC/week (previously whole-day daycare). The child is entitled to full-time ECEC if his/her guardians are working or studying or if it is necessary because of the child's development, need for support or circumstances of the family or if it is otherwise in the best interests of the child. The restriction has affected approximately 5,500 children. According to a survey, 132 municipalities of the ones that participated had restricted the entitlement to ECEC while 77 had maintained the entitlement. Most of the municipalities that had restricted the entitlement estimated that the restriction has no significant cost effects.

270. The regulation on the child-staff ratio of children over three years was also revised from 1:7 to 1:8 in 2016.

271. Since 2015, pre-primary education for 6-year-old children has been obligatory in Finland.

272. A survey will be carried out on the participation of Roma children in pre-primary education and ECEC services as envisaged in the National Roma Policy 2018-2022.

273. In 2013, the Government of Åland adopted a programme concerning the core curriculum for pre-primary education.

274. According to NGOs, the restrictions to the entitlement to ECEC on a municipal basis compromises equality and increases inequality. The Central Union for Child Welfare has filed a complaint with the European Committee of Social Rights against Finland on the matter.

## **Cultural rights of indigenous children and children belonging to a minority groups**

275. A special appropriation of 178,000 euros is annually reserved in the state budget for promoting the Sámi culture and activities of Sámi organisations. This appropriation is also used for supporting children's culture. In addition, the Ministry of Education and Culture annually supports Sámi artists and cultural actors, such as the Sámi Children's Cultural Centre and the Sámi Special Library of Finland. Some of their activities are also focused on children and young people. The Youth Council operating in connection with the Sámi Parliament organises leisure activities accommodating the Sámi culture for young people. A large number of Sámi cultural events intended for children are annually organised in the Sámi Homeland.

276. The Finnish National Agency for Education is preparing a national theme day to be celebrated annually on the Sámi National Day in order to support schools in promoting awareness, cultural understanding and tolerance in their curricula.

## **Education on human rights and civic education**

277. The new national core curriculum for basic education includes education on fundamental and human rights. A project on human rights and democracy education in teacher training has been executed (2018- 2019) and existing e-learning materials have been compiled on the Edu.fi-portal.

278. A training model on the rights of the child and human rights education was developed within a project concerning a functional approach to the rights of the child (2012-2015), funded by the Ministry of Education and Culture and managed by UNICEF Finland. The intention is to make the model a permanent module in national in-service training for teachers.

279. The Finnish National Agency for Education has, in cooperation with various actors, published a teachers' handbook for strengthening democratic participation and preventing hate speech and violent radicalism. The Agency has also stressed the prevention of radicalisation on its website, at training events and by participating in a pan-Nordic project.

280. In May 2016, the Ministry of Education and Culture launched a comprehensive action plan called Meaningful in Finland to prevent hate speech and racism and to promote social inclusion. It includes measures related to the training of teaching personnel, youth work, sports and dialogue between religions.

281. Fundamental and human rights education and training are priorities in the National Action Plan on Fundamental and Human Rights 2017-2019.

## **Rest, play, leisure, recreation and cultural and artistic activities**

282. The objective of the Sports Act that entered into force in 2015 is to promote the growth and development of children and young people and opportunities of various demographic groups to engage in physical activity. According to NGOs, children of low-income families do not, however, have equal opportunities to engage in physical activity.

283. Since 2011, the Government has supported projects that promote the immigrants' participation in sports activities. Priority has been given to children and young people with immigrant background and under 29 years of age. Special attention has been devoted to girls and women. At the end of 2015, a discretionary government transfer of 0.5 MEUR was awarded for developing sports activities at reception centres.

284. In 2015, the Government granted a total of approximately one million euros (2011-2015: approximately five MEUR) to projects for supporting meaningful leisure activities of asylum-seeking children and young people. The Government has also supported the activities of young immigrants' own associations and projects of Finnish youth organisations targeted at preventing discrimination against immigrants.

285. Promoting children's culture is one of the priorities in the activities of the Ministry of Education and Culture. It supports child-sensitive children's cultural activities, which are carried out by professionals and have a high-quality artistic and cultural content, are accessible, respect cultural diversity and promote creativity.

286. The Ministry of Education and Culture annually awards a prize to two entities that have promoted arts activities and education. Two state prizes for children's culture are also granted annually. Projects related to children and young people have also been supported from the grants awarded by the Arts Promotion Centre.

287. A five-year development programme of children's and youth culture, including strengthening participation as performers and consumers, was launched in 2016.

288. The former Government's key project in arts and culture increased the opportunities of pupils in basic education to participate in art and cultural activities during the school day. Another key project was Schools on the Move, a national action programme to establish a physically active culture in comprehensive schools.

## 8. SPECIAL PROTECTION MEASURES

### Asylum-seeking and refugee children (paragraph 7 and 61)

#### *General*

289. The number of asylum seekers increased considerably in 2015 when 32,477 persons applied for asylum in Finland. This was nearly tenfold as compared to the previous year. In population terms the number was the fourth highest in Europe. In 2015, 3,014 asylum applications were filed by unaccompanied minors and 4,619 by other minors.

290. In 2016 292, in 2017 142 and in 2018 109 unaccompanied minors applied for asylum in Finland. Approximately 2,100 asylum decisions were taken for unaccompanied minors between 2016 and 2018. At the beginning of 2018, there were 56 reception centres in Finland, eight of which were intended for minors. There were 74 persons at reception centres for minors and 14 persons placed in private accommodation.

291. The large number of unaccompanied asylum-seeking minors posed challenges to the service system in respect of, for example, adequately experienced representatives. In March 2017, working groups were appointed to develop the system of representatives and to support the work for unaccompanied minors at group and family group homes.

292. Finland has two permit categories for international protection: asylum and subsidiary protection. The permit category of humanitarian protection was abolished from Finnish legislation in May 2016.

293. In 2016, the complaint period was amended with the effect that in a matter concerning international protection, a complaint must be filed within 21 days from the notice of decision. Administrative courts must review complaints related to international protection as a matter of urgency.

294. The Finnish Immigration Service (FIS) has published instructions on the handling of and decision-making on children's matters in the FIS, taking into consideration the Convention and the General Comments adopted by the Committee, as well as instructions for oral hearing of children at Finnish embassies.

295. NGOs note that the amendments undermine the realisation of the rights of the child especially with regard to family reunification.

#### *Age determination*

296. According to the Aliens Act, a medical age assessment may be carried out to establish the age of a sponsor or an alien applying for a residence permit if there are reasonable grounds for suspecting the reliability of the information the person has given on his/her age. The person to be tested must give an informed consent in writing of his/her own volition. The written consent of his/her parent or guardian or other legal representative is also required. Anyone who refuses to undergo an examination is treated as an adult if there are no reasonable grounds for refusal. A

refusal to undergo an examination may not as such constitute grounds for rejecting an application for international protection.

### *Accommodation of unaccompanied minors*

297. Reception services need to pay special attention to issues related to the best interests, health and development of the child. Under 16-year-old unaccompanied minors are placed in group homes intended for minors, where the personnel and services correspond to those of Finnish child welfare institutions. 16 to 17-year-old unaccompanied asylum seekers are accommodated in supported housing units.

298. In addition to accommodation, unaccompanied children staying in Finland receive professional care and attention, food and economic support as part of social and health services. The services also include professional care and education plans. Children are provided with education according to their age and maturity. Children also receive legal assistance and necessary interpretation services.

299. After receiving a residence permit, unaccompanied minors staying in Finland are accommodated in family group homes or in supported family accommodation in accordance with the Integration Act. A young person may be covered by support measures until he/she reaches the age of 21, which enables the provision of services similar to after care services in child welfare. After unaccompanied children staying in Finland have received a residence permit, they are covered by all municipal basic services. Furthermore, an integration plan is always drafted for them and they will be provided with the services under the plan for promoting their integration.

### *Detention*

300. In 2015 and 2016, the Aliens Act was amended so that an unaccompanied child under 15 years of age may not be placed in detention. A 15-year-old child may be placed in detention after a deportation decision concerning him or her has become enforceable. A 15-year-old child may, in lieu of detention, be ordered to stay at a designated reception centre and report himself/herself there one to four times a day. This aims at reducing detention of 15 to 17-year-old unaccompanied persons. and a child's residence obligation was introduced as a primary alternative for detention of a child over 15 years.

301. An unaccompanied child who has been placed in detention must be released within 72 hours. Detention may be continued by a maximum of another 72 hours for specific reasons. The requirement for placing a child in detention is that other protective measures (reporting obligation, handover of travel documents and tickets to authorities, and lodging a security) have been found inadequate on the basis of an individual assessment and detention is considered necessary as the last resort.

302. Several NGOs are of the opinion that children's detention should be abolished.

## **Children belonging to a minority or an indigenous group (paragraph 64)**

### *Sámi-language health and social services*

303. According to the statistics from 2015, approximately 67% of the Sámi in Finland lived outside the Homeland. 76% of under 10-year-old and 73% of 11 to 17-year-old Sámi children live outside the Homeland.

304. The Sámi have the right to use their own language in the Sámi Homeland, i.e. Northern, Inari or Skolt Sámi. The majority of Homeland residents speak Finnish as their mother tongue. The number of people speaking Inari Sámi has increased steadily, being currently approximately between 300 and 400 persons. The number of Skolt Sámi speakers is approximately 300.

305. The municipalities of the Sámi Homeland belong to the Lapland Hospital District, where Sámi-language services are generally provided by means of interpretation. Emergency situations pose challenges as interpretation cannot be arranged in advance. Sámi-speaking children are recognised as a client group, which cannot manage in Finnish.

306. The state budget includes a separate annual discretionary government transfer of 480,000 euros for ensuring the availability of Sámi-language social and health services in the Homeland in all three Sámi languages.

307. The availability of services for Sámi-speaking children, young people and families was explored in Finland in 2016. According to the survey, the right of the Sámi to receive services in their own language is realised randomly. The situation is slightly better in the Homeland than outside it.

308. Residents of Lapland Hospital District have been able to use specialised psychiatric health care services in Norway since 2007. In addition, a child and youth psychiatric clinic operates under the centre for developing psychiatric health care for the Sámi.

309. The availability of social services in the Sámi language has improved slightly over recent years but as a whole the supply is very limited. For example, there are in practice no services in the Sámi language for persons with disabilities or child welfare services. Sámi-language maternity and child health clinic services are available to a limited extent in the Sámi Homeland. A particular shortcoming is that the monitoring and testing of language development of Sámi-speaking children is performed in Finnish.

310. The Sámi Parliament proposes that Sámi-speaking foster and support families should be trained and the possibility of cross-border placement should be investigated.

### *Sámi-language early childhood education and care and education*

311. The Sámi Parliament receives discretionary government transfers for producing and developing Sámi-language learning materials. These have annually amounted to 500,000 euros. Nevertheless, the Sámi Parliament is concerned about the inadequacy of discretionary government transfers.

312. In 2017 and 2018, discretionary government transfers amounting to approximately 2.3 MEUR were granted to the provision of teaching of and in the Sámi language in the Sámi Homeland. This has slightly increased the volume of teaching provided and the number of instruction hours.

313. Education providers operating outside the Sámi Homeland may apply for discretionary government transfers for providing pre-primary and basic education as well as general upper secondary education for Sámi-speaking pupils and students. The minimum group size requirement set as a condition for discretionary government transfers was reduced from four to two pupils in 2010.

314. The position of instruction is still threatened, and there is a lack of learning materials and of qualified teachers, in particular. As regards the availability of teachers, the situation of Northern Sámi, the most commonly spoken Sámi language, is better than that of the other Sámi languages.

315. The Ministry of Education and Culture has awarded an appropriation of 750,000 euros to the University of Oulu for a training project of Sámi-speaking subject teachers and granted funding to the municipality of Utsjoki for a project to develop distance teaching of Sámi language.

316. The University of Lapland has taken the Sámi culture into consideration both in the basic and in-service training of teachers. The State Regional Administrative Agency of Lapland has given in-service training to teachers in the region in accommodating diversity and promoting mutual respect between cultures at educational establishments. The University of Oulu has organised ECEC teacher training accommodating the special needs associated with the Sámi language and culture together with the Sámi Education Institute. One of its objectives is to contribute to the revival of language and culture.

317. In 2018, a discretionary government transfer of 240,000 euros was allocated to implementing Sámi-language ECEC in the Homeland Area. The amount was twice as high as in the previous year. Outside the Homeland Area, the supply of ECEC in Sámi languages is not as good. Some ECEC centres outside the Homeland also provide ECEC in Sámi language.

318. Sámi language nest activities are implemented by organising Sámi-language ECEC or open ECEC activities for children under school age and after school activities for school children using the language immersion method. There are a total of nine language nests operating in the Homeland. Language nest activities are also organised in three cities outside the Homeland. The language nests apply total early language immersion in their activities. Language nest activities have proven to be the most efficient way of reviving Sámi languages at the risk of disappearing.

319. In 2014, the Government published an *Action Plan for the Revival of the Sámi Language*. The Action Plan includes a vision of reviving the Sámi languages by 2025.

## *Treaties*

320. The Nordic Sámi Convention, negotiated between Finland, Norway and Sweden, was initialled in 2013. The purpose of the Convention is to strengthen the rights of the Sámi so that the Sámi can preserve, practice and develop their culture, languages and social life with as few barriers due to national borders as possible. Prior to signature, the Convention shall be submitted for approval by the Sámi Parliaments. The Sámi Parliaments of Finland, Sweden and Norway have together made a proposal to the Governments to re-open negotiations on certain issues.

321. In October 2017, the Government decided to launch a reconciliation process concerning Sámi issues.

322. A proposal for ratifying the International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples was submitted in 2014. The Government withdrew the proposal on in January 2019 since it was outdated. This did not include a statement concerning the possible ratification of the Convention at a later stage.

## *Roma*

323. Instruction in the Romani language funded through discretionary government transfers started to decline after 2011. In 2016, fewer than 100 Roma pupils received instruction in Romani. This can be explained by the lack of qualified Romani language teachers and learning materials. One of the measures included in Finland's National Roma Policy (2018-2022) is to investigate the opportunities of distance teaching of the Romani language. Central government transfers for Romani language nest activities ceased in 2015. Most of the language nests have discontinued their activities as municipalities have not continued financing them.

324. The start of university-level instruction in the Romani language and culture has been a significant improvement as it allows graduation of qualified Romani language teachers in the future. However, it is challenging to recruit Romani students to university education.

325. The drafting of a national action plan for the revival of the Romani language is the highest priority concerning the Romani language in the National Roma Policy for 2018-2022.

## **Sexual exploitation and sexual abuse (paragraph 59)**

326. According to the School Health Promotion study of 2017, 30% of girls and 12% of boys in 8<sup>th</sup> and 9<sup>th</sup> grades at comprehensive school had experienced sexual harassment during the past year. Young people with disabilities had experienced sexual violence more often than other young people. Compared to others, their probability of being exposed to sexual violence was three times higher. Girls with disabilities (17%) had experienced sexual violence more often than boys (9%). The trend was the same among other young people (girls 7% and boys 3%).

327. The number of abuse offences against children reported to the police in 2017 was 1,168. During the reporting period, the number was at its highest in 2011 (1,682 offences). According to

Statistics Finland, in 2016, 87.4% of the persons who had experienced sexual abuse as children were girls and 12.6% boys.

328. Significant amendments concerning sexual offences against children entered into force in 2011 when Finland acceded to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse (Lanzarote Convention). The minimum sentence for sexual abuse of a child was increased and sexual intercourse with a child of a certain age was made in principle always aggravated. Solicitation of a child for sexual purposes and following of a sexually offensive performance of a child were introduced as new offences. Following the amendments, courts have considered more abuse offences against children as aggravated sexual abuse of a child. According to the Programme of the new Government, a plan for the national implementation of the Lanzarote Convention is drafted in cooperation with relevant organisations.

329. In 2014, raping a child under 18 years of age was made in principle aggravated rape. Moreover, a new penal provision was added, according to which sexual harassment is subject to public prosecution when directed at a person under 18 years. If the offence is directed at a person under 16 years of age, it is not sexual harassment but sexual abuse of a child.

330. In the spring of 2019, the maximum sentence for sexual abuse of a child was increased to 6 years of imprisonment and a separate penal provision was enacted for situations where provisions on rape and sexual abuse of a child are applied simultaneously (aggravated rape of a child, 4 to 12 years of imprisonment). A working group has been launched to reform legislation concerning sexual abuse and rape. The aim is to prepare amendments to the effect that acts convicted as sexual abuse of a child and rape would be convicted as rape of a child. The working group will also propose increasing the sentencing of rape and sexual abuse that involve children.

331. The limitation periods for sexual offences against children were extended in 2006 and 2011.

332. Legislative amendments allowing for interception of telecommunications for the purpose of investigating sexual abuse of a child and allowing for surveillance of telecommunications for the purpose of preventing and investigating grooming offences (earlier only for preventing and investigating aggravated sexual abuse of a child) entered into force in 2014.

333. In the revised Child Welfare Act (2011 and 2014) the obligation to file a child welfare notification was extended to cover the Customs, the Border Guard and the execution authority. In addition, all parties under this obligation are obligated to inform the police if there is reason to suspect that a child has been exposed to a sexual offence or an offence against life and health with a maximum sentence of at least two years of imprisonment (earlier only s sexual offences).

334. An Act on Checking the Criminal Background of Persons Working with Children on a Voluntary Basis entered into force in 2014.

335. An Act on Probationary Liberty under Supervision (2014) contains provisions on the medical treatment of prisoners sentenced for sexual offences during their probationary liberty under supervision. Also a long-term programme offered during imprisonment to sexual offenders sentenced to unconditional imprisonment has been in use for a long time. The objective is to reduce the re-offending risk: 269 men have undergone the programme, 222 have been released and 16

have repeated a sexual offence. According to an effectiveness study, recidivism decreased to approximately half as compared to the reference group.

336. In 2014, the police administration issued instructions concerning children as injured parties and witnesses in connection with police actions and criminal investigations to harmonise the procedures for treating minors. In 2016, the police administration issued instructions on international child abduction and the related threats.

337. Since 2011, a comprehensive one-year special training on interviewing children in criminal investigations has been implemented; 24 police officers and 12 health care professionals are trained annually. The National Bureau of Investigation (NBI) and the Office of the Prosecutor General organise a CAM (Child Abuse Material) course for police officers every other year. Police officers and prosecutors have also participated in courses organised by Europol, Cepol and Interpol.

338. The web intelligence activities of the NBI of Finland comprise a CAM group, which deals with sexual abuse of children on the Internet (including related international cooperation).

339. The police is also engaged in activities on the Internet. Young people may contact online Internet police officers, who chat, give advice and help and, if necessary, refer young people to correct assistance.

340. In 2017, Parliament allocated 500,000 euros to the police for combating cybercrime. Approximately one half of the appropriation was allocated to preventing sexual abuse of children on the Internet and the other half to combating and investigating cyberbullying and cyber scams.

341. Guidebooks on safety skills published by THL guide children to protect themselves from, e.g., sexual harassment and abuse on the Internet. The Family Federation of Finland has also published material to support children's safety skills. A package on sexual education is available on THL's website.

342. The authorities are engaged in cooperation with organisations, including in the implementation of various campaigns. For example, the Family Federation of Finland and Save the Children Finland have in cooperation with the police and social welfare authorities produced training material on sexual abuse in digital media for professionals working with young people.

343. Moreover, Save the Children Finland maintains a hotline *Nettivilje*, which allows for anybody to file a notification of illegal activities on the Internet relating to sexual mistreatment of children. The service transmits information on all materials and actions assessed as illegal to the NBI. The police receive most of the tips on visual material evidencing sexual mistreatment of children through this channel. Information is also transmitted to the international INHOPE network and to the country where the illegal material is located.

344. A *Net tip (Nettivilje)* service is maintained on the website of the police, through which anybody can submit information on any suspicious material or phenomena. The police receives annually more than 10,000 notifications via this service.

345. The Helsinki Police Department, Victim Support Finland and Save the Children Finland have also developed a *Help.some* mobile application, which assists children and young people in identifying sexual pestering and harassment and in obtaining help. In 2016, the service provided help for more than 700 young people.

346. The telephone and chat services of the Family Federation of Finland, intended for young people and boys annually reach approximately 12,000 young persons.

347. The Government of Åland supports a Children's Internet project aiming at, e.g., increasing awareness of safe Internet. It also supported the *Fair Sex project* (2011-2016) targeted at, e.g., preventing sexual violence among young people. Moreover, financing has been reserved (2018-2022) for work relating to gender stereotypes and violence against children and young people.

348. NGOs consider that adequate resources have not been allocated to the investigation and prevention of sexual offences against children and the role of digital media is not understood properly.

### **Trafficking in human beings**

349. The Criminal Code was revised in 2014 to make the penal provision on human trafficking better correspond to the obligations to criminalise human trafficking as laid down in international instruments binding on Finland and to make a clearer distinction between pandering offences and human trafficking offences. The amendments also apply to human trafficking offences against children.

350. Legislative amendments that entered into force in 2015 formalised the cooperation between the assistance system for victims of human trafficking and child welfare authorities as well as improved the status of a child by enacting that the parent of a child exposed to human trafficking should be traced.

351. In 2016, 21 minors were referred to the assistance system for victims of human trafficking. All minors referred to the assistance system had been exposed to human trafficking outside Finland.

352. A report concerning victims of trafficking in human beings under the age of 18 and 18 to 21 years of age was published in March 2019. It revealed that between 2006 and 2018, the Assistant system helped 55 children under the age of 18 and 141 young adults (18-21 years) and that sexual exploitation was the most often identified form of trafficking among children and youth.

## **9. FOLLOW-UP TO THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

### **Previous periodic reports (paragraph 2 and 9)**

353. The Government submitted its previous report, i.e. the second report, on the implementation of the Protocol as part of its fourth periodic report on the implementation of the Convention (CRC/C/FIN/4, paras. 409 to 421).

### **Minimum age of persons recruited in armed forces and of persons recruited in armed forces as volunteers and participation of children in hostilities**

354. The Conscription Act provides for the fulfilment of the national defense obligation by persons liable for military service, including age limits (sections 2 and 13).

355. Direct' or 'indirect' use of children under 18 years of age in hostilities is not punishable as a separate offence. Criminal liability depends on the nature of the use and general offence categories would be applied on a case-by-case basis. Criminal Code of Finland (Chapter 11, section 5 subsection 1 sub-paragraph 5) stipulates it as a war crime the recruitment of children with reference to Rome Statute. Furthermore it constitutes a crime to not to inform of such a recruitment of children.

356. In Finland, voluntary national defence is regulated by law and subject to oversight. The Ministry of Defence is responsible for the overall guidance and supervision of voluntary national defence. The Ministry is also the state aid authority responsible for the discretionary government transfers granted to the National Defence Training Association of Finland. The Defence Command oversees that the activities of the Association organised as a public administrative task comply with the provisions of the Act on Voluntary National Defence. The Advisory Board for Voluntary Defence is responsible for coordinating, guiding and developing the voluntary activities. An inspection of voluntary national defence is currently being conducted by the Ministry of Defence for the oversight of the legality of the activities, and any further measures will be considered on the basis of the findings.

357. Parliament adopted in March 2019 an amendment of the legislation concerning voluntary national defence. The amended legislation includes provisions on introductory activities for persons over the age of 16. These activities are a public administrative duty organised by The National Defence Training Association of Finland. An explicit prohibition of military training or enhancing of the military abilities of an attendee under the age of 18 years is included.

## **Promotion of physical and psychological recovery**

358. In 2016, a few persons referred to the assistance system for victims of human trafficking have stated that they were forced to be child soldiers. These persons were already adults when they were referred to system. Health care services are provided to a child receiving temporary protection and applying for international protection as well as for a child victim of trafficking in human beings who has no municipality of residence in Finland on the same grounds as for persons who have a municipality of residence. A representative is appointed for all unaccompanied minor asylum seekers. If necessary, child welfare authorities are involved in the matter so as to promote the child's development and wellbeing.

359. According to Save the Children Finland, health care professionals do not receive adequate training on the recovery of young people exposed to torture or armed conflicts.

## **10. RATIFICATION OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS (PARAGRAPH 65)**

360. The following instruments have entered into force in Finland:

- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 1 July 2012;
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 30 April 2014;
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 7 November 2014;
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure on 12 February 2016; and
- Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on 10 June 2016; and

361. Preparations for ratifying the Convention for the Protection of All Persons from Enforced Disappearance are under way.

362. The Government has examined the conditions for ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1992, 2004 and 2011. Following a consultation round, the Government concluded that ratification is not necessary as the Finnish legislation does not distinguish between migrant workers and other migrants. They are protected by the same constitutional rights and human rights conventions ratified by Finland as all other migrants.

## **11. CONSULTATION OF NON-GOVERNMENTAL ORGANISATIONS**

363. This periodic report was drafted at the MFA in cooperation with different sectoral ministries and other relevant authorities. The preparation was launched by a consultation, to which a wide variety of representatives of authorities and civil society were invited. Written statements on the draft report were requested from the authorities, supreme overseers of legality, Human Rights Centre, special ombudsmen, advisory boards and the civil society.

## **12. FOLLOW-UP AND DISSEMINATION (PARAGRAPH 66 AND 67)**

364. The MFA issued a communication on the concluding observations adopted by the Committee on 20 June 2011 and organised a seminar on the implementation of the recommendations in 2011. Follow-up seminars, attended by a member of the Committee, were organised in 2014 and 2017.

365. Concluding observations were immediately translated into both national languages, i.e. Finnish and Swedish, and in September 2011, they were widely communicated to the ministries, Parliament, supreme overseers of legality and ombudsmen, supreme courts, advisory boards, churches and religious communities, the Association of Finnish Local and Regional Authorities, research institutes focusing on human rights as well as to several bodies and non-governmental organisations promoting the rights of the child.

366. In 2016, the MFA conducted a voluntary mid-term survey of the implementation state of the recommendations to develop the periodic reporting and national monitoring of the implementation of the recommendations.

## **13. CORE REPORT (PARAGRAPH 69)**

367. A common core report will be submitted in due course.

## **ANNEX**

- Funding to UN Funds, Programmes, Specialized Agencies and Others