

Report to Parliament by the Ombudsman for Children 2022



LAPSIASIAVALTUUTETTU
OMBUDSMAN FOR CHILDREN

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SUMMARY

Report to Parliament by the Ombudsman for Children 2022

The Ombudsman for Children is responsible for making sure that children's rights and status are taken into consideration in legislation and decision-making. Every four years, the Ombudsman for Children presents the Finnish Parliament with a report concerning matters related to the Ombudsman's area of responsibility. The Report to Parliament by the Ombudsman for Children was published for the first time in 2018.

The purpose of the current Report to Parliament is to provide the Parliament with an overview on the position of children and realisation of their rights in Finland in 2018 – 2021. The aim of the Report is to support the Parliament in taking the rights of the child into consideration in decision-making to promote good child, youth and family policy based on the rights of the child.

The Report to Parliament contains six chapters, the first of which describes child policy in Finland in the years 2018 – 2021, as well as phenomena and social policy reforms that have affected national child policy. The second chapter examines Finnish education policy and its reforms, basis of knowledge and resources. The third chapter focuses on special issues related to children's rights that emerged during the period of observation, and the fourth chapter takes a look at progress of national legislation from the perspective of the UN Convention on the Rights of the Child. The fifth chapter describes meetings with children and young people, and conveys information

received from them. The Report concludes with an epilogue that evaluates and provides background for the national child strategy prepared during the period of observation.

The Report to Parliament shows that the rights of children were challenged during the period of observation by phenomena such as the COVID-19 pandemic, climate change and declining birth rates. Numerous extensive reforms have been and will be carried out in our society, and the rights of children have been taken into consideration to a varying degree when preparing and implementing those reforms. Acknowledging of children's rights has progressed in small steps and requires constant reminders. At the same time, children and young people want to participate and make an impact on not only their own lives but also decisions made in society as a whole.

The Report contains three proposals. Firstly, the Ombudsman for Children finds that the best interests of the child being a primary consideration must be included under basic rights in the Constitution of Finland (731/1999). Secondly, the Ombudsman for Children finds that a full reform of the Child Welfare Act is needed in Finland. Thirdly, the Ombudsman for Children finds that the basis of knowledge and resources of Finland's education policy must be ensured across government terms by committing to a clearly defined level of funding that corresponds to the funding of other Nordic countries.

Key words: basic rights, best interests of the child, child policy, children's rights, education policy, fundamental rights, ombudsman for children, parliament, rights of the child

TIIVISTELMÄ

Lapsiasiavaltuutetun kertomus eduskunnalle 2022

Lapsiasiavaltuutetun tehtävänä on varmistaa, että lapsen oikeudet ja asema otetaan huomioon lainsäädännössä ja yhteiskunnallisessa päätöksenteossa. Kerran neljässä vuodessa lapsiasiavaltuutettu luovuttaa eduskunnalle kertomuksen hallinnonalaltaan. Ensimmäisen kerran eduskuntakertomus julkaistiin vuonna 2018.

Käsillä olevan eduskuntakertomuksen tarkoituksena on antaa eduskunnalle katsaus lasten asemasta ja heidän oikeuksiensa toteutumisesta Suomessa vuosina 2018–2021. Kertomuksen tavoitteena on tukea eduskuntaa huomioimaan lapsen oikeudet päätöksenteossaan, jotta se voisi edistää hyvää ja lapsioikeusperustaista lapsi-, nuoriso- ja perhepolitiikkaa.

Eduskuntakertomus sisältää kuusi lukua, joista ensimmäisessä kuvataan vuosien 2018–2021 lapsipolitiikkaa sekä siihen vaikuttaneita ilmiöitä ja yhteiskuntapoliittisia uudistuksia. Toisessa luvussa tarkastellaan suomalaista koulutuspolitiikkaa, sen uudistuksia, tietopohjaa ja resursseja. Kolmannessa luvussa pureudutaan tarkastelujaksolla ilmenneisiin erityiskysymyksiin, ja neljännessä luvussa luodaan katsaus lapsia koskevan kansallisen lainsäädännön kehitykseen lapsen oikeuksien sopimuksen näkökulmasta. Viidennessä luvussa kerrotaan

lasten ja nuorten kohtaamisista ja välitetään heiltä saatua tietoa. Kertomus päättyy epilogiin, jossa taustoitetaan ja arvioidaan tarkastelujaksolla laadittua kansallista lapsistrategiaa.

Eduskuntakertomus osoittaa, että tarkastelujaksolla lapsen oikeuksia ovat haastaneet koronapandemian, ilmastonmuutoksen ja syntyvyyden laskun kaltaiset ilmiöt. Yhteiskunnassa on toteutettu ja toteutumassa lukuisia laajoja uudistuksia, joiden yhteydessä lapsen oikeudet on huomioitu vaihtelevasti. Lapsen edun huomioon ottaminen on edennyt pienin askelin ja vaatii jatkuvaa muistuttamista. Samalla lapset ja nuoret itse haluavat osallistua ja vaikuttaa paitsi omaan elämäänsä myös yhteiskunnalliseen päätöksentekoon.

Kertomus sisältää kolme ehdotusta. Ensinnä lapsiasiavaltuutettu katsoo, että lapsen edun ensisijaisuus tulee tulevaisuudessa sisällyttää perustuslain (731/1999) perusoikeussäännöksiin. Toiseksi lapsiasiavaltuutettu toteaa, että Suomessa tulee käynnistää lastensuojelulain kokonaisuudistus. Kolmanneksi lapsiasiavaltuutettu esittää, että Suomen koulutuspolitiikan resurssit tulee jatkossa turvata yli hallituskausien sitoutumalla muiden Pohjoismaiden rahoitusta vastaavaan ja selkeästi määriteltyyn rahoitustasoon.

SAMMANDRAG

Barnombudsmannens berättelse till riksdagen 2022

Barnombudsmannens uppgift är att trygga att barnets rättigheter och ställning beaktas i lagstiftningen och det samhälleliga beslutsfattandet. En gång vart fjärde år överlämnar barnombudsmannen en berättelse över sitt förvaltningsområde till riksdagen. Berättelsen till riksdagen publicerades första gången 2018.

Syftet med den här berättelsen till riksdagen är att ge riksdagen en översikt över barnens ställning och hur deras rättigheter förverkligats i Finland 2018–2021. Avsikten med berättelsen är att ge riksdagen stöd för beaktandet av barnets rättigheter i beslutsfattandet så att den ska kunna främja god och barnrättsbaserad barn-, ungdoms- och familjepolitik.

Berättelsen till riksdagen innehåller sex kapitel där det första beskriver barnpolitiken 2018–2021 och de fenomen och samhällspolitiska reformer som påverkat den. I det andra kapitlet ges en översikt över den finländska utbildningspolitiken, reformerna, faktagrunden och resurserna. I det tredje kapitlet går man in på specialfrågor som framkommit under den granskade perioden och i det fjärde kapitlet ges det en översikt över hur den nationella lagstiftningen utvecklats ur barnrättskonventionens perspektiv. I kapitel fem berättar barnombudsmannen om träffar med barn och ungdomar och samtidigt förmedlas information som de gett. Berättelsen

avslutas med en epilog med bakgrundsinformation till och en bedömning av den nationella barnstrategin, som upprättades under den granskade perioden.

Av berättelsen till riksdagen framgår det att det är fenomen av typ coronapandemin, klimatförändringarna och den sjunkande nativiteten som varit utmaningarna under den granskade perioden. I samhället har ett stort antal omfattande reformer genomförts och andra genomförs som bäst, där barnets rättigheter har beaktats i varierande utsträckning. Beaktandet av barnets bästa har framskridit med små steg och kräver ständiga påminnelser. Samtidigt vill barnen och ungdomarna själva delta och påverka inte bara på sitt eget liv utan också på beslutsfattandet i samhället.

Berättelsen innehåller tre förslag. För det första anser barnombudsmannen att det faktum att barnets bästa ska komma först i framtiden bör införas i de grundläggande rättigheterna i grundlagen (731/1999). För det andra konstaterar barnombudsmannen att en totalreform av barnskyddslagen bör inledas i Finland. För det tredje föreslår barnombudsmannen att resurserna för Finlands utbildningspolitik i fortsättningen bör tryggas över regeringsperioderna genom att man förbinder sig till en finansiering som ligger på nivå med övriga nordiska länderna och som är klart definierad.

ČOAHKKÁIGEASSU

Mánáidáittardeaddji muitalus riikkabeivviide 2022

Mánáidáittardeaddji doaibma lea sihkkarastit, ahte máná rievttit ja sajádat válde vuhtii lánkaásaheamis ja servodatlaš mearrádusdahkanamis. Oktii njealji jagis mánáidáittardeaddji luobaha riikkabeivviide muitalusas iežas hálddahuorggistis. Vuosttas gearde riikkabeaimuitalus almmustahttui jagi 2018.

Dán riikkabeaimuitalusa mihttomearrin lea addit riikkabeivviide geahčastaga mánáid sajádagas ja sin rivttiid ollašuvvamis Suomas jagiin 2018-2021. Muitalusa mihttomearrin lea doarjut riikkabeivviid válde vuhtii mánáid vuoigatvuođaid sin mearrádusdahkanamis, vai dat sáhtašii ovddidit buori ja mánávuođđosaš máná-, nuoraid- ja bearašpolitihka.

Riikkabeaimuitalus sisttisoallá guhtha logu, main vuosttažis govvejit jagiid 2018-2021 mánápolitihka sihke dasa váikkuhan fenomenaid ja servodatpolitihkalaš ođastusaid. Nuppi logus guorahallat suomelaš skuvlenpolitihka, dan ođastusaid, diehtovuoddu ja resurssaid. Goalmmát logus vuodjut guorahallanáigodagas ovdan boahtán sierragažaldagaide, ja njealját logus ovdanbuktit geahčastaga mánáid guoskevaš našuvnnalaš lánkaásaheami ovdáneami mánáid rivttiid soahpamuša geahčanguovllus. Vidát logus muitalat mánáid ja nuoraid deaivvademiin ja gaskkustit sis ožžojuvvon dieđu.

Muitalus nohká epiloggii, mas ovdanbuktit duogáža ja árvoštallat guorahallanáigodagas gárvvistuvvon našuvnnalaš mánástrategiija.

Riikkabeaimuitalus čájeha, ahte guorahallanáigodagas máná rivttiid leat hástalan koronapandemiija, dálkkádatrivvdama ja riegádeami njiedjama lágan fenomenat. Servodagas leat ollašuttán ja ollašuvvamin eatnatlohkosaš viiddis ođastusaid, maid oktavuodas máná rievttit leat váldejuvvon vuhtii molsašuddi lánkai. Máná ovddu vuhtiváldin lea ovdánan smávva lánkkuiguin ja gáibida jeavddalaš muittuheami. Seammás mánát ja nuorat ieža háliidit oassálastit ja váikkuhit ii dušše iežas eallimii muhto maiddái servodatlaš mearrádusdahkanami.

Muitalus sisttisoallá golbma evttohusa. Vuosttažettiin mánáidáittardeaddji oaidná, ahte máná ovddu prioriseren galgá boahttevuodas biddjot sisa vuodđolága (731/1999) vuodđovuogitvuodanjuolggadusaide. Nubbin mánáidáittardeaddji gávnna, ahte Suomas galgá álggahit mánáidsuodjalanlága oppalašođastusa. Goalmmádin mánáidáittardeaddji evttoha, ahte Suoma skuvlenpolitihka resurssaid galgá boahttevuodas dorvvastit ráđdehusbajiid badjel nu, ahte čatnasit earáid Davvirikkaid ruhtadeami dávistan ja čielgasit meroštallojuvvon ruhtadandássái.

ČUÁKÁNKIÄSU

Pärniäššiváldálie muštálus ovdáskoodán 2022

Pärniäššiváldálie pargon lie visásmittiđ, ete pärni vuoigádvuođah já sajattâh váldojeh vuotân lahâasâtmist já ohtsâškodálie meerridmist. Ohtii neelji ivveest pärniäššiváldálâš addel ovdáskoodán muštálus haldáttâhsyergistis. Vuossâmuu keerdi ovdásdeijeemuštálus almostui ive 2018.

Taan ovdáskoddemuštálus ulmen lie adeliđ ovdáskoodán kejástuv paarnij sajattuvvâst já sii vuoigádvuođái olášuumist Suomâst iivij 2018–2021. Muštálus ulmen lie tuárjuđ ovdáskode váldiđ vuotân pärni vuoigádvuođáid meerridmist, ete tot puávtáččij ovdediđ šiev já pärnivuoigádvuođáid vuáđuduvvee pärni-, nuorâi- já perâpolitiik.

Ovdáskoddemuštálusâst láá kuttâ lovo, main vuossâmuust kuvvip iivij 2018–2021 pärnipolitiik sehe toos vaigutteijeid almonijđ já ohtsâškoddepooliitlijđ uđâsmitmijđ. Nube lovvoost suogârdállâp syemmilâš škovlimpolitiik, ton uđâsmitmijđ, tiätuvuáđu já resursijđ. Kuálmád lovvoost vuáijup tarkkumpaajeest šoddâm eromâškoččâmâšáid, já niäljád lovvoost keččâp paarnijđ kyeskee aalmuglâš lahâasâtem ovdánmân paarnij vuoigádvuođái sopâmuš uáinust. Viidâd lovvoost mainâstep paarnij já nuorâi kuáhtámijđ já sirdep sist finnejum tiáđu.

Muštálus nohá epilogin, mast tuávudep já árvuštállâp tarkkumpaajeest rahtum aalmuglâš pärnistrategia.

Ovdáskoddemuštálus čáittá, ete tarkkumpaajeest pärni vuoigádvuođáid lie hástám koronapandemia, šonjâdâhnuvástume já šoddâm kiäppánem lágáneh almoneh. Ohtsâškoddeest láá olášuttâm já olášutmin maangáid vijđes uđâsmitmijđ, moi ohtávuodâst pärni vuoigádvuođah láá valdum vuotân maht kuás-uv. Pärni hiáđu vuotân váldim lie ovdánâm kuuloolđ já váátá muštottem ubâ ääigi. Siämmást pärnih já nuorah jieijah halideh uásálistiđ já vaiguttiđ jieijâs elimân já meiddei ohtsâškodálie meerridmân.

Muštálusâst láá kulmâ iävtuttâs. Vuossâmuštáá pärniäššiváldálâš uáiná, ete pärni hiáđu vuosâsajasâšvuodâ kalga puátteevuođâst siskálmittiđ vuáđudemlaavâ (731/1999) vuáđuvuoigádvuotâravvuid. Nubben pärniäššiváldálâš pááhud, ete Suomâst kalga algáttiđ pärnisuojâlelaavâ olesuđâsmittem. Kuálmádin pärniäššiváldálâš iävtut, ete Suomâ škovlimpolitiik resursijđ kalga puátteevuođâst turviđ haldáttâspoojij paijeel čonâdâtmáin eres Taveenâmiij ruttâdmân västideijee já čielgâsávt miäruštállum ruttâdemtáásán.

Õ'HTTEKEÄSSMÕŠ

Päärnažä'sšvä'lddsee'kk maainâs ee'ttiik-kâdda 2022

Päärnažä'sšvä'lddsee'kk tuâjjan lij praavâd, što päärna vuõiggâdvuõdid da täävtõõzzid vä'ldde lokku lää'jjiõttummšest da õhttsaž-kääddlast tu'mmstõktuâjast. Õ'htešt neelljast ee'jjest päärnažä'sšvä'lddsee'kk räâjj ee'ttiik-kâdda mainnâz vaaldâšmsue'rjstes. Vuõssmõs vuâra ee'ttiik-kâddmaainâs čõõdte ee'kken 2018.

Ķiõdâst âarraai ee'ttiik-kâddmainnâz õõlgtõssân lij u'vdded ee'ttiik-kâdda Ķiõldõk päärnai sââ-jest da sij vuõiggâdvuõdi teâuddjumšest Lää'ddjânnmest ee'jjin 2018-2021. Mainnâz täävtõssân lij staañad ee'ttiik-kâdd huõmsted päärnai vuõiggâdvuõdid tu'mmstõktuâjastes, što tõt vuâitci ou'deed pue'r da päärnažvuõigâsvuâddlâž päärnaž-, nuõri- da piârrpolitiikk.

Ee'ttiik-kâddmaainâs sii'skad kutt loogg, koin vuõssmõõzzâst čuõvte ee'jji 2018-2021 päärnažpolitiikk de tõõzz vaikktee'jid eettmõõžžid da õhttsažkâdd- poliittlaid oodummsid. Nuu'bbest looggâst ta'rkstâlle lää'ddjânnam škooultempolitiikk, tõn oodummsid, teâttvuâdd da resuursid. Kuälmad looggâst činlmâ'tte ta'rkstõõllâmpooddâst oõntõõvvâm jeärbuž-kõõččmõõžžid, da neelljad looggâst rä'je Ķiõldõk päärnaid kuõskki meersaž lää'jjiõtteem ou'dummša päärna vuõiggâdvuõdi suâppmõõžž vuei'nnemkuu'lmet. Viidad looggâst mainste päärnai da nuõri teivvmõõžžin da vää'lte see'st

vuâžžum teâd. Maainâs poott epiloogla, ko'st tuâggâ'tte da arvvlâ'dde ta'rkstõõllâmpooddâst rajjum meersaž päärnažstrategia.

Ee'ttiik-kâddmaainâs čuâ'jat, što ta'rkstõõllâmpooddâst päärna vuõiggâdvuõdid liâ vä'žžlâsttam koronapandemia, äimm-muttâz da šõddeemvuõd lue'sttemnallšem eettmõõžž. Õhttsažkâdddest lij teâuddjam da liâ teâuddjõõvmen määng vaiddâz oodummuž, kooi õhttvuõdâst päärna vuõiggâdvuõd liâ valddum lokku vaajtõõll'ânji. Päärna pue'rrvuõd vuâmmša vâlddmõš lij ouddnam uu'cces laau'kin da õõlgat juâtkkjeei mošt'tummuš. Seamma äâi'j päärna da nuõr jiiij haa'lee vuâs-sõõttâd da vaikkted grâam-a jii'jes jie'lma še õhttsažkâddlõ'žže tu'mmstõktuõjju.

Maainâs sii'skad kolmm e'ttkõõzz. Vue'sšen päärnažä'sšvä'lddsee'kk keäčč, što päärna pue'rrvuõd vuõss-sâjjsažvuõtt âlgg puõ'ttiäi'jest sii'skeed vuâddlää'jj (731/1999) vuâddvuõiggâdvuõttšioõtlmid. Nu'bben päärnažä'sšvä'lddsee'kk tuâtt, što Lää'ddjânnmest âlgg jâ'tt'tâ'tted päärnaisuõjjeemlää'jj ceâlaioodummuš. Kuälmeen päärnažä'sšvä'lddsee'kk e'tkkad, što Lää'ddjânnam škooultempolitiikk resuurs â'lgge juâtkast staañad pâ'jjel halltõspõõ'ji čõõnõõdee'l jee'res Tâ'vvjânnmi teâggtõõzz va'sttee'jid da čioõlgg-sânji meâ'rtõõllum teâggtentâssa.

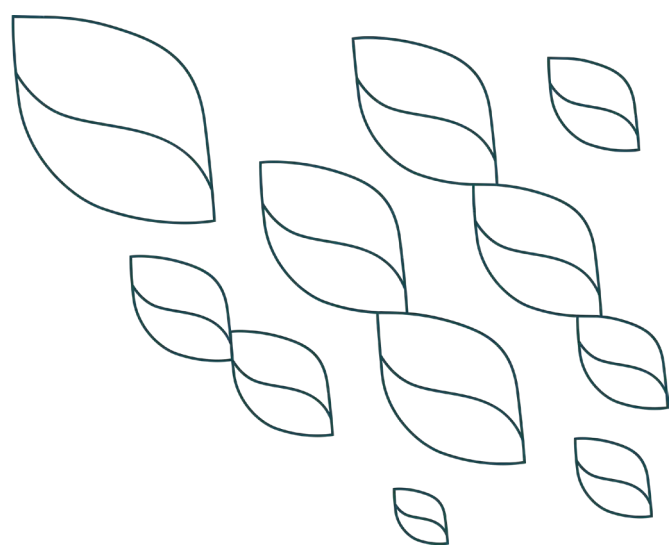


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FOREWORD

Q: What does a child need for a good life?

A: Hmm. That's a hard one. At least home, food, parents.

(6-year-old respondent, Child Barometer 2020)

Food, play and family. These three basics were listed as the main factors needed for a good life as viewed by 6-year-old children when we interviewed them in the spring of 2020. COVID-19 had just reached Finland and most children in pre-primary education were learning through remote teaching. However, the children's answers only showed occasional references to "this time" during which they were unable to meet their friends and grandparents. The Child Barometer shows that the lives of children mostly appeared positive and happy, as the daily lives of many include treats, toys, family members and friends. A darker side was also revealed: some children were bullied, they were lonely, they never received compliments.

The purpose of this Report to Parliament is to provide the Parliament with an overview of the status of children and the realisation of their rights in Finland in 2018 – 2021. The objective of the Report is to help the Parliament take the rights of the child into consideration when making decisions in order to promote good child, youth and family policy based on the rights of the child. The foreword for the previous 2018 Report to Parliament by the Ombudsman for Children included two proposals. Firstly, the Parliament was urged to define key objectives for child policy in Finland and concrete means for measuring their progress. Secondly, it was proposed that the Parliament should decide on the preparation of a national child policy strategy based on the UN Convention on the Rights of the Child (hereinafter *UNCRC*). The latter demand was met when the preparations for a national child strategy started in the spring of 2018, and the strategy was published in February 2021. However, concrete means for measuring the progress of the objectives of the national child strategy still do not exist.

The current Report to Parliament wishes to put forward three proposals that are based on the content of the Report and have been crystallised by the Office of the Ombudsman for Children. **Firstly, the Ombudsman for Children finds that the best interests of the child being a primary consideration must be included under basic rights in the Constitution of Finland (731/1999).** Currently, the fractured nature of legislation concerning the best interests of the child does not promote the realisation of the best interests of the child in accordance with the UNCRC. “[Inclusion of] such provisions in the Constitution would ensure that the best interests of the child would be acknowledged in all application of laws that directly or indirectly affect children, including cases where the best interests of the child are not provided for in other applicable legislation. Furthermore, this guidance would further obligate legislators and other parties who make decisions concerning children to carry out child impact assessment”, writes Lawyer Merike Helander, Master of Laws. The Ombudsman for Children must repeatedly remind decision-makers to take children and their rights into consideration in law drafting, decision-making and public discourse. In his analysis of key reforms carried out in Finland, Professor Heikki Hiilamo sheds light on how poorly the best interests of children have been taken into consideration when dealing with matters such as the social security reform, the COVID-19 pandemic and even the family leave reform. Inclusion of provisions on the best interests of the child in the Constitution would clarify and highlight the significance of children’s rights and the binding force of the UNCRC in the society as a whole and in all situations involving decisions directly or indirectly concerning children.

Secondly, the Ombudsman for Children finds that a full reform of the Child Welfare Act is needed in Finland. Ever since the 1990s, child welfare has been in a crisis that has caused children and people close to them to suffer. Furthermore, the crisis is very expensive on the level of both individual tragedies and economy. The number of children and young people within the scope of child welfare services kept growing until the 2010s, when some open care child welfare services were transferred to social welfare. At the same time, placement of children outside the home – both urgent placements and taking of children into care – have increased, particularly for teenage children. “It is difficult to find any other indicator depicting lack of well-being in Finland that would have grown as consistently and persistently regardless of economic recessions and booms, globalisation and digitalisation, research and development”, writes Professor Heikki Hiilamo. Demand for mental health and substance abuse services provided to children, young people and adults has also increased. Many families are left stuck within the service system as there are insufficient services and various operators shift responsibility to others. Although a reform of the Child Welfare Act alone would not solve the persistent problems related to child welfare, the reform would provide clarity to the tattered act that has been changed nearly 30 times and that even experts have difficulty complying with and understanding. Furthermore, the Act must be integrated with the reform of social and health care services, and particular attention must be paid to the availability of mental health and substance abuse services.

Thirdly, the Ombudsman for Children finds that the basis of knowledge and resources of Finland’s education policy must be ensured across government terms by committing to a clearly defined level of funding that corresponds to the funding of other Nordic countries. High-quality early

childhood education and care, basic education and upper secondary education are a central part of the daily lives of children. In addition to learning, they also function as children’s social environments that are closely connected to their growth and development. Several reforms of education were carried out in Finland during the period of observation to reform the structures of nearly every sector of education. Resources allocated to education were significantly cut until 2019, at the same time as the reforms were being prepared. “The only other countries where education expenditure per student declined in 2012 – 2018 were Russia, Greece and Slovenia. Most countries significantly increased expenditure on education during the period. Finland has fallen below the average of OECD countries in many comparisons of education investments”, write Hanna Virtanen, D.Sc. (Econ), Chief Research Scientist, and Hannu Karhunen, D.Sc. (Econ), Research Leader. The improvements made have not been enough to patch the gap. Finland has been repeatedly reprimanded for problems related to education by the UN Committee on the Rights of the Child and the UN Committee on Economic, Social and Cultural Rights.

The above proposals are based on the six chapters that make up this Report to Parliament. In the first chapter, Professor Heikki Hiilamo presents an overall picture of Finnish society and its child policy in the years 2017 – 2021. In his extensive analysis, he describes the world and the Finland in which children have lived after Finland’s celebration of 100 years of independence and details the social patterns and fractures that have posed challenges for this period. The analysis focuses on child welfare, reforms of social security, the family leave system and social and health care services, birth rates, the COVID-19 pandemic and climate change. What is welfare and social policy climate like – does it take children into consideration, or do we focus on other topics?



In the second chapter, Chief Research Scientist Hanna Virtanen, D.Sc. (Econ) and Research Leader Hannu Karhunen, D.Sc. (Econ), delve into key reforms of education policy and resources allocated to education. Between the years 2018 and 2021, various reforms have been carried out on nearly all levels of education in Finland from early childhood education to vocational education. In their analysis, Virtanen and Karhunen examine the impacts of key education reforms on the opportunities and well-being of children. They also review the basis of knowledge used for the reforms and monitoring of the impacts of the reforms. Has Finland implemented child policy that is based on research data and justifies the country's reputation for excellence in education? Or is this a myth that we are crumbling?

The third chapter of this Report to Parliament examines questions that have stirred up and shaken society. Children's right to non-discrimination, the primary nature of the best interests of the child, children's right to life and development and children's right to be heard were all repeatedly put to a test during the pandemic, and at the time of writing this foreword it appears that the ordeal is far from over. At the same time, concerns over the physical and mental health of children have exacerbated, the need for psychiatric care has grown and anxiety experienced by young people has increased. Another issue examined in the chapter is violence and crime committed against children and young people, the most brutal recent case of which was the murder of a young boy that shook the entire society. The chapter ends by reminding readers about the children staying in the al-Hawl camp, who have become victims of a deadlock of international policy and law.

In the fourth chapter, Lawyer Merike Helander, Office of the Ombudsman for Children, takes a look at the progress of Finnish national legislation in 2018–2021 from the perspective of the UN Convention on the Rights of the Child. The review is based on the previous report to parliament by the Ombudsman for Children and focuses on legislative measures related to children's rights carried out during the period of observation. The chapter describes key legislative steps and highlights needs for development in legislation. Small steps have been taken in acknowledging the best interests and rights of children in law drafting, although they continue to be primarily taken into consideration in legislation conventionally concerning children, such as laws on education and child welfare. The chapter concludes by taking a brief glance at the state of children's legal protection.

The Ombudsman for Children has been tasked with meeting children and young people and conveying information received from them to decision-makers. In the fifth chapter of this Report to Parliament, Senior Researcher Anton Schalin, Lawyer Merike Helander and the undersigned describe the Young Advisers meetings organised by the Office of the Ombudsman for Children in 2018 – 2021, the Child Barometer study and separate reports that have allowed for the views of children and young people to be utilised for statements and comments issued by the Ombudsman for Children, as well as other advocacy work. In our experience, investigating the views and experiences of children is not only important but a prerequisite for high-quality decision-making and permanence of democracy.

The Report concludes with an epilogue that describes the background and progress of the national child strategy. Ten years passed from the issuance of the comments by the UN Committee on

the Rights of the Child before the national child strategy called for in the comments was finally completed. It is noteworthy that the strategy was ultimately prepared on a very tight schedule during exceptional times, and it was drawn up and signed by a committee consisting of members from every parliamentary party. The epilogue describes and evaluates the basis on which the strategy was built, the strengths and weaknesses observable in the strategy and the strategy's potential for guiding future child, youth and family policy.

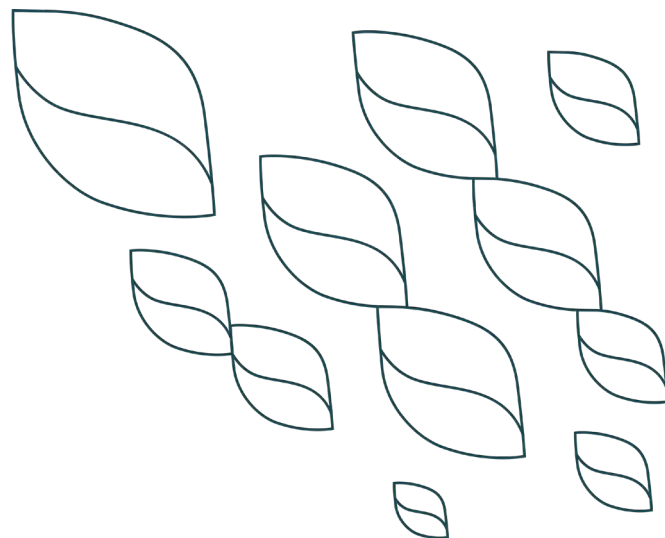
I would like to warmly thank all of the writers mentioned above and the personnel of the Office of the Ombudsman for Children – Annaleena Aira, Merike Helander, Karri Kekkonen, Mari Laitinen, Katja Mettinen, Pirkko-Liisa Rautio, Anton Schalin, Terhi Tuukkanen and Sonja Vahtera – for your spectacular work on this Report to Parliament and all of our other accomplishments. If our small office was a factory, its chimney would be belching out smoke of hard work throughout the year.

In the first quotation of the foreword, a six-year-old respondent notes that the question of what a child needs for a good life is difficult. This observation is surely true. Regardless, children were able to identify various factors that can make life better: food, play, family, care, love, rest and friends were repeatedly present in children's responses. The same factors are rights which every country must guarantee for every child under the Convention on the Rights of the Child. Realisation of these rights requires a reliable system of decision-making, sustainable economy, safe environments and active participation. Their realisation requires a society where every family can bring up their children sound in the knowledge that they are welcome, they are looked after, and their value is recognised in all aspects of society. That is the Finland for all children.

In Jyväskylä on 29 November 2021

Elina Pekkarinen
Ombudsman for Children





Child policy and society 2017–2021

**Heikki Hiilamo, professor,
Finnish institute for health and welfare & University of Helsinki**

Child policy in the 100-year-old Finland

The terms population policy, family policy and child policy often appear in social discourse. Population policy refers to objectives and measures aimed at impacting birth rates, mortality, marriage rates and migration in a way that is advantageous to the development of society. In the simplest terms, family policy means sharing the financial risk related to the birth of a child. The risk is shared by not only public agents – the State and municipalities – but also employers, civic organisations and of course the family. According to the definition by the Ministry of Social Affairs and Health, the aim of family policy is to “create a safe environment for children to grow up in and to provide parents with the material and psychological means to have and raise children.”¹

In social discourse, child policy approaches matters from the standpoint of the best interests of children. Child policy asks how the world and society appear through the eyes of a child and how they affect the child’s future. Child policy differs from family policy in that it focuses on the well-being of children and childhood as a social phenomenon, whereas family policy is interested in the social benefits and risks related to children.

It is essential for child policy to consider how society can ensure a safe and good environment for every child to grow up in. This perspective is summed up in Article 6 of the UN Convention on the Rights of the Child, which states that “States Parties recognize that every child has the inherent right

1 Ministry of Social Affairs and Health, 2013:6

to life. States Parties shall ensure to the maximum extent possible the survival and development of the child.”

Child policy has a close connection to population policy and family policy. Child protection was raised into public discussion as a social issue as early as the late 19th century when municipalities and the State began taking measures to improve the position of unprotected and delinquent children. In the 1930s, interest in population policy hoisted the position of children into the sphere of wider social discourse. This meant preventing child poverty through means such as healthcare, education and housing. In Finland, the entry of mothers into the labour market stirred up discussion concerning the issue of latchkey children, who were young children left alone at home when both parents were at work. The quality of care provided to young children and equality related to the provision of services were emphasised in the 1980s. The aim was to provide all children under school age with a place in high-quality day care, typically in a public day care centre. In the 2000s the emphasis shifted to early childhood education and a child’s right to develop.

In political discourse, the desire to improve the position of children unites all parties. Children had a visible role in Finland’s 100-year celebration in 2017. The Parliament of Finland donated more than 50 million euros worth of shares to Iitla Children’s Foundation. The future of society relies on children, and children cannot be held accountable for their lack of well-being. However, in the political struggle for resources children’s issues compete for attention with various other issues. This was also the case after Finland’s 100-year celebration.

In this report, I will examine social discourse in the 100-year-old Finland from the perspective of child policy. I will discuss how children’s perspective was taken into consideration in social reforms, what new initiatives related to the welfare of children were introduced, how low birth rates changed the position of children and child policy, how the COVID-19 pandemic changed the position of children and how children’s issues were taken into account at the start of the pandemic.

Finally, I will examine how child policy was and could be connected to topics of sustainability and social policy at large. I will, however, start the examination from a pressure point of Finnish child policy – child welfare.

From celebration to reality: Substitute care

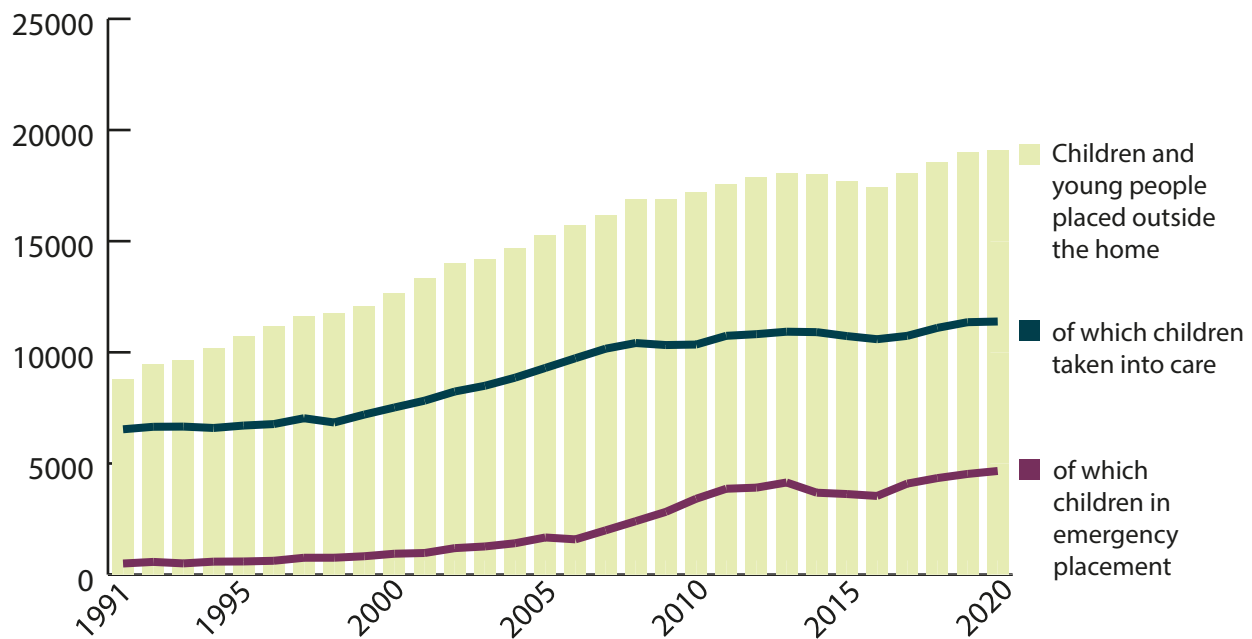


Figure 1. Children and young people placed outside the home, of which children taken into care and children in emergency placement, 1991 – 2020 (Source: Child Welfare 2020. Statistical report 19/2021, 7 June 2021. Official Statistics of Finland, Child Welfare. Finnish Institute for Health and Welfare).

*) The same child may be included under both emergency placement and children in care.

In the spring of 2021, US News ranked countries based on what was considered to be the best place for raising children in 2021.² The criteria included caring about human rights, being considered family friendly, environment for gender equality, being seen as happy, having income equality, being safe, and having well-developed public education and well-developed health care systems. The best countries were Denmark, Sweden and Norway. Next were the Netherlands, Canada – and Finland.

Child welfare is directed at a margin of the child population. The numbers are sufficiently small so as not to crumble Finland's reputation in various rankings related to welfare and life satisfaction of children and young people. On the other hand, the numbers are high enough to depict a significant risk group consisting of children and young people. While the welfare of children is at the core of child policy, it is important to pay particular attention to the children who are in the most vulnerable position. These children are often clients of child welfare services.

2 US News, 2021

According to the Child Welfare Act (417/2007), the purpose of substitute care is to take measures “if the health or development of a child is seriously endangered by lack of care or other circumstances in which they are being brought up; or if they seriously endanger their health or development by abuse of intoxicants, by committing an illegal act other than a minor offence or by any other comparable behaviour.”

Substitute care can be resorted to only when other measures – such as support measures in open care – are not sufficient for ensuring safe conditions for growth and development. The percentage of children placed outside the home is a good indicator of serious deficiencies in the well-being of children and young people.

There has been a rising trend in the number of children in substitute care in the last 30 years (figure 1). In 1990, approximately 6,000 children and young people were placed in care, in 2000 the figure was approximately 10,500, in 2010 it was approximately 14,00 and in 2020 approximately 16,500. In 2020, 1.6 percent of children were placed in care. Placement in care does not last for the entire childhood, which means that a larger number of children has experienced substitute care. 5.7 percent of those born in 1997 were placed in care at some point during their childhood. The figure nearly doubled compared to those born ten years earlier. The increase in the percentage of teenagers being taken into care has been particularly high (figure 2).

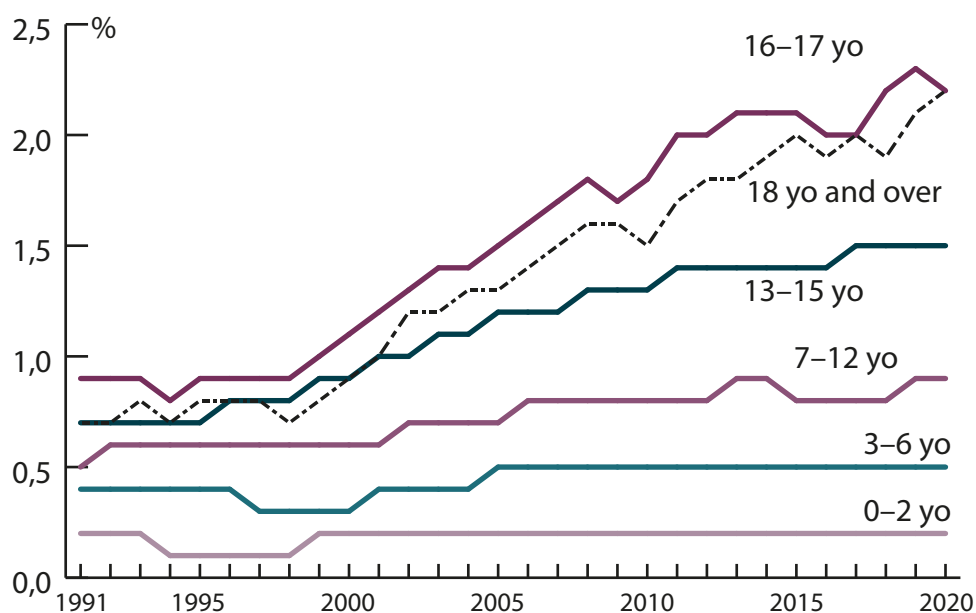


Figure 2. Children (child’s age on 31 December) placed in care during the year as a percentage of the population of the same age in 1991–2020, %. Placement in care ends when the young person turns 18, at the latest. (Source: (Source: Child Welfare 2020. Statistical report 19/2021, 7 June 2021. Official Statistics of Finland, Child Welfare. Finnish Institute for Health and Welfare).

The government programme of Antti Rinne, and later Sanna Marin, drew attention to the scarcity of child welfare resources. The programme promised to gradually increase the minimum staffing

requirement and develop aftercare. An impact investment program aimed at reducing child welfare expenses was also launched in 2020. Municipalities pay a portion of the financial benefit gained through the reduction in child welfare expenses to an investment fund. Helsinki, Hämeenlinna, Kemiönsaari, Lohja and Vantaa are included in the program.

Numerous studies have shown that lack of well-being of children and young people is particularly high in children placed outside the home.³ For many, problems arising in childhood follow them well into adulthood. In other words, substitute care is not successful in ensuring a safe environment for children and young people in a manner that would avoid risks in later life as compared to other young people. The best way to protect the well-being of children is to make efforts to prevent the need for substitute care.

Substitute care is also a serious financial issue. The expenses of open care and substitute care child welfare services are currently as high as the expenses of cancer treatment, approximately 1.2 billion euros per year. Substitute care is also linked to significant multi-generational marginalisation: children of parents who have been placed in care are at a higher risk of being placed in care.

For decades, child welfare services have strived to shift the focus from heavy and costly remedial services to lighter and less expensive preventive services. Various development programmes and NGO projects have had limited success and there has not been a turn for the better in recent years. It is difficult to find any other indicator depicting lack of well-being in Finland that would have grown as consistently and persistently regardless of economic recessions and booms, globalisation and digitalisation, research and development.

The broader issue concerns the poor basis of knowledge related to social services. We do not know to a sufficient degree what types of services are effective. Substitute care has particularly poor success with helping young people who have been placed in substitute care as teenagers due to behavioural disorders, who make up the majority of those placed in care, as placement in care is primarily focused on teenagers. The situation is intolerable, as researcher Antti Kääriälä pointed out: we have detailed knowledge on the effectiveness of cancer treatments, but we know next to nothing about the effectiveness of child welfare services, the costs of which are the same. The key issue is related to the lack of knowledge: for example, there are no individual-level registers kept on providers of substitute care.⁴

The increase in the need for substitute care has been featured in public discussion, and measures have been taken. However, a national state of emergency has not been declared and significant investments have not been made. The continuous increase in the number of children placed in substitute care can be considered to be the greatest failure of Finnish child policy in recent years.

3 E.g. Kääriälä, 2020

4 Kääriälä, 2021

Sote reform

The reform of social and health care services (Sote reform) is by far the most significant socio-political reform in Finland in recent years. Preparations for the reform started over ten years ago, before the celebration of Finland's 100 years of independence. An important milestone was reached in June 2020 when the Parliament approved legislation for entrusting social and health care services (Sote services) to 21 health and social services counties and the City of Helsinki.

The Sote reform, which has been in the works since 2005, means reform of the administrative structure of social and health care services. It is not a reform of service content. Even after the reform, Sote providers must provide their residents with necessary services. The fact that population numbers and resources differ significantly in different municipalities – for historical reasons – is used as a basis for the reform. The conflict between needs and resources becomes critical as the population ages. The increasing need for services provided to senior citizens and financing of such services have been the guiding principles of the Sote reform.

During the parliamentary term 2015 – 2019, a programme to address child and family services (LAPE) was carried out under the guidance of the Ministry of Social Affairs and Health and the Ministry of Education and Culture. The programme was one of the 26 key projects of Juha Sipilä's Cabinet (2015 – 2019). The aim of the programme carried out in 2016 – 2018 was to reform services for children, young people and families into an integrated customer-oriented entity of services. Above all, this meant promoting a family centre model which networked services for families with children. Another goal was to reform child welfare services with the aims of better focus on the needs of customers and reduction of bureaucracy.

In other words, the LAPE programme strived for implementing a key concept of the Sote reform – simultaneous provision of social and health care services – with the ambitious goal of the Sote reform to save money and improve services at the same time. The LAPE programme managed to make children's issues visible during the preparation of the Sote reform. However, the situation was conflicting because the Government made efforts to radically extend the freedom of choice of customers and patients in connection with the Sote reform, particularly when it came to basic level Sote services. The goal was to heavily promote the use of private service providers and free competition for customers. This fits poorly together with the family centre model aimed at strengthening a sense of community and uniting residents and organisations operating in the region.

The contradictions between the goals impacted the implementation of the LAPE programme. According to an assessment carried out by Owl Group in 2019, the integration of LAPE programme services into the preparation of the Sote reform and health and social service counties worked poorly. The aim of the LAPE programme in relation to health and social service counties was vague, in other words, it was unclear how the entity of services for children and families would have been organised as a part of the administrative structure of counties. Another criticism presented in the assessment was related to the internal conflict between the Sote reform and the LAPE programme:

“The reform most heavily fragments the services the integration of which LAPE aims to promote.”

Development of the family centre model did, however, progress during the LAPE programme. The assessment by Owl Group referred to this as the most important achievement of the programme. The family centre model was no longer included in the government programme of Antti Rinne/Sanna Marin. The programme to address child and family services was continued in 2020 – 2022. Family centres and low-threshold mental health and substance abuse services are now being developed as a part of the Future Health and Social Services Centres programme.

The Sote reform brings along particularly significant changes to children and young people who use these services. Establishing health and social services counties is an administrative step that is succeeded by development of service content, particularly in regions that do not yet have an integrated joint municipal authority. The organisations responsible for the provision of services will change and the implementation of the reform will reveal whether services provided to children and young people will improve or decline.

Social security reform and child policy

Another significant socio-political reform that has been in the works for years concerns social security. The Toimi project on the reformation of basic social security and activity was active in 2017 – 2019. Its purpose was to prepare a reform of basic social security aimed at increasing employment and activity and reducing inequality. The primary goal of the project was to raise the employment rate and encourage employment and entrepreneurship. Children and families with children were not addressed in the Toimi project.

In early 2020, the Government appointed a parliamentary committee to prepare the social security reform. The term of the committee will end in 2027. The aims set for the project included increasing the employment rate, encouraging work and entrepreneurship, prevention and mitigation of inequality, corresponding to the changing structures of work and family, and implementing a clearer and simpler system which utilises digitalisation.

In the summer of 2020, the Social Security Committee outlined four key problems on the basis of which the different divisions of the Committee prepared reports and research reviews. The key problems are

- Complexity of social security
- Reconciling work and social security
- Social assistance, basic social security and housing
- Reconciling of services and benefits

In the spring of 2021, the Committee started preparing statements on the key problems. Benefits of families with children were not included in the work carried out during the first year even though they fall under the Committee's mandate.

The social security system includes significant social transfers – such as child benefits – the purpose of which is to distribute financial resources to children. However, the basis for the social security reform is in reasoning based on a so-called sustainability gap with the greatest concern being increasing the employment rate, as opposed to combating issues such as child poverty.

Family leave reform

It was a common belief that Nordic countries had achieved a relatively high birth rate by improving mothers' opportunities for combining work and family life, whereas earlier Central European conservative family policy was thought to reinforce traditional division of work between partners. This was no longer the case at the start of the 21st century⁵. For example, in Germany, the 2007 Elterngeld reform and extension of day care rights resulted in heavy investment in family policy while simultaneously breaking down the traditional model of the male breadwinner.

Smaller family policy reforms were implemented in 2008–2014 with the aims of easing the reconciling of work and family life, promoting equality between genders and improving the financial position of families with children⁶. In 2015 – 2018 family policy was subject to cuts. Benefits such as child benefits and parental allowances were reduced, though only slightly. The most significant family policy cut, and a huge step backward with regard to equality, was limiting the subjective right to early childhood education and day care to 20 hours per week from the beginning of 2016⁷. In accordance with their campaign promise, this limitation was removed by the cabinet of Antti Rinne, which started its term in June 2019.

Family leave is a key instrument of child policy. It is ultimately a question of what kind of a relationship a new-born child can form with their parents. Together with collective agreements and workplace-specific practices, family leave benefits create the framework for allowing mothers and fathers to be involved in the daily life of their new-borns and toddlers. Family leave was more generous by various indicators in the Nordic countries than in other prosperous countries in the 1980s and the 1990s.

In the 2000s, Finland began falling behind other Nordic countries with regard to developments such as improvement of family leave intended for fathers. Benefits provided to fathers are important from the perspective of children because they allow for fathers to form close relationships with their children right after they are born.

5 Bradshawn & Hatland, 2006

6 Nyby, 2020

7 Salmi & Närvi, 2017a

There has been a rising trend in the use of family benefits by fathers in Finland, but there still remains a major gap in the use of benefits between mothers and fathers. This is most evident when it comes to the use of child home care allowance. However, there was a prevailing mythical understanding that allowances for taking care of young children were at a high level in Finland and that it was possible to flexibly divide the benefits between fathers and mothers⁸.

In 2011 – 2019 the cabinets of two successive terms failed to implement the promised family leave reform. In 2013, the cabinet of Jyrki Katainen decided in its structural policy programme to divide the child care allowance period equally between mothers and fathers. The aim of the reform was to increase the employment rate and to promote equality in the use of family leave⁹. Government parties clashed over the matter in 2015 and the proposal was not presented to the parliament. The question over the “best” place for young children has continued to divide both politicians and researchers¹⁰.

In the spring of 2018, the cabinet of Juha Sipilä attempted to carry out the family leave reform. Discussion revolved around a model where approximately four months of family leave would have been allocated to mothers and fathers. The model would have left approximately five months to be divided between the parents. Staggered child home care allowance was also discussed: the allowance would have been cut at 24 months, when the child is two years old. The cabinet was unable to reach an agreement on the model and the reform was abandoned¹¹.

Right before the COVID-19 pandemic, the Ministry of Social Affairs and Health published a reform proposal that would raise the overall number of days of parental allowance from 12.7 months to more than 14 months.¹² According to the model proposed in February 2020, both parents would receive an equal quota of 164 days of daily allowance (approximately 6.6 months). Parents would be able to transfer 69 days from their own quota to the other parent. A pregnant parent would have a separate daily allowance period of approximately one month before the parental allowance period starts.

Discussion on birth rate

Birth rate can be approached from a nationalist, feminist or party interest standpoint or from the perspective of children. In August 2003, Prime Minister Matti Vanhanen demanded more children in Finland. According to Vanhanen, Suomi should not be allowed become inhabited by just old men and women. In August 2017, the Social Democratic Party’s chairperson, Antti Rinne stirred up controversy during the summer meeting of his party’s parliamentary group in Kouvola by using the term “synnytystalkoot” to encourage Finns to procreate.

8 Miettinen, 2017

9 Salmi & Närvi, 2017b, 27–28

10 Erola, 2018

11 Kontula, 2018

12 Ministry of Social Affairs and Health, 2020

The words of Vanhanen and Rinne are examples of a nationalistic approach to birth rates. From this perspective, high birth rates are needed to secure renewal of the work force and financing of the welfare state. A key motivation of the discussion around birth rates was related to the sustainability gap: how can the services and pensions of senior citizens be funded if new generations keep getting smaller.

Population policy represents a nationalistic approach to birth rates by definition. However, in the 2020 Population Policy Report *Väestöliitto* attempted to tone down this impression: “To some, it [population policy] suggests something old-fashioned, and at worst, authoritarian or cold. Population policy is all too easily conceived of as directives raining down from above onto a population that is their passive target.”¹³

Birth rates can also be approached from the standpoint of party interests. In other words, how birth rates can be used to influence political power structures. In Finland, left-wing parties have wanted to support the raising of birth rates of low-income working families, whereas the Centre Party (formerly the Agrarian League) has favoured taking care of children at home with the help of benefits such as child home care allowance. The National Coalition Party has considered it important to support high-income families through means such as tax cuts for families with children. They have also drawn attention to the “quality” of children. This way of thinking was prominent before the Second World War but it has not completely disappeared with the passage of time.¹⁴ The Greens have wanted to support the increase of birth rates in student families.

From a feminist standpoint, oppressive talk about birth rates appears to be a reverberation of a patriarchal system. From this perspective, key issues include the responsibilities and roles associated with giving birth and imposed on women and determining who gets to decide on them. Having children greatly affects the amount of unpaid work performed by women at home and their participation in the labour market. Intersectional feminism is interested in examining how gender and social status are linked to birth rates. For example, do unemployed men with a low level of education have opportunities to have children?

The perspective of children considers how social policy can ensure a safe and good environment for every child to grow up in. It is not important how many children are born or who has children, but whether children are provided with conditions for good life. Low birth rates are acceptable if it means better conditions and more resources per child. On the other hand, children’s perspective to birth rates may also relate to children’s right to be born. This does not, however, mean externally imposed restriction on birth control or abortion, but the right of every child to be born as an individual who is wanted and receives love and care.

13 Sorsa, 2020, 9

14 Yle Uutiset, 2012

Period of declining birth rates

Before the year 2010, the total fertility rate varied very little in nearly four decades. Thus, the significant drop in the birth rate in 2010 – 2019 came as a surprise. The total fertility rate was 1.87 in 2010 and 1.35 in 2019. The birth rate declined every year for nine years.

The decline of the birth rate was not yet prominent when Finland celebrated its 100 years of independence. At the time, the declining birth rate was associated with the financial crisis following the global economic recession. However, the birth rate continued to drop even after the financial crisis was finally overcome in 2017. In 2010, the term “syntyvyys” (birth rate) was found on only 62 pages of journals and newspapers, whereas there were 4,016 hits in 2018¹⁵.

In 2010 – 2019, decline of the birth rate was greatest in South Karelia and Lapland and lowest in Central Ostrobothnia and Åland¹⁶. The drop in the birth rate was most strongly related to the fact that fewer firstborn children being born¹⁷. The decline of the birth rate came to an end during the first year of the pandemic in 2020. There were over 800 more births than the previous year. The total fertility rate was 1.37, which is slightly higher than the previous year but still at a historical low. The birth rate continued to slowly rise in the beginning of 2021. According to preliminary data, the total fertility rate for the period from August 2020 to September 2021 was 1.44¹⁸.

Total fertility rate (TFR) indicates how many children a woman would give birth to calculatorily during her lifetime if age-specific fertility rates remained the same as in the year on which the calculation is based. **Completed fertility rate (CFR)** indicates the completed fertility of the age group cohort.

Total fertility rate is well-suited for expressing changes in the level and development of fertility within a country, and in comparison to other countries. Completed fertility rate is more reliable at depicting how many children women have in their lifetime on average. However, it is a complicated indicator in the sense that it drags a couple of decades behind for younger generations.

Changes in the timing of births (tempo effects) affect total fertility rates. They are too low to indicate a trend over an extended period of time if women put off having children and rise disproportionately when children are born at an accelerated rate. In other words, if the total fertility rate is low for a few years, it does not mean that there will be a long lasting drop in the number of children, because the gap in the number of unborn children might close in the next few years. Women eventually have the same number of children as previous generations. The difference is that children are born later (figure 3)¹⁹. This was also the case in the early 2000s.

15 Searches made with the term *syntyvyys** from the digital archive of the Tutkain project (<https://digi.kansalliskirjasto.fi/etusivu>), which covers the years 1930 – 2018

16 Gissler & Klemetti, 2019

17 Comolli et al., 2020

18 Statistics Finland, 2021

19 Figure 3 depicts total fertility rate and completed fertility rate as if they are from the same year. In reality, the completed fertility rate is more closely related to the total fertility rate of previous years.

After 2010, the Finnish birth rate measured using the total fertility rate declined consistently for a long enough period that it also caused the completed fertility rate to drop. According to the assessment of Julia Hellstrand et al., the actual number of children born to women born in 1980 was approximately 1.82 which is the lowest figure after women born in 1924 (figure 3)²⁰. This means that at least some of the children not born during the period of decline will not be born later. For this reason, the period of declining total fertility, which began in 2010, can be considered to be the third period of a declining birth rate in the history of independent Finland. The two previous periods were from 1910 to 1933 and from 1953 to 1973.

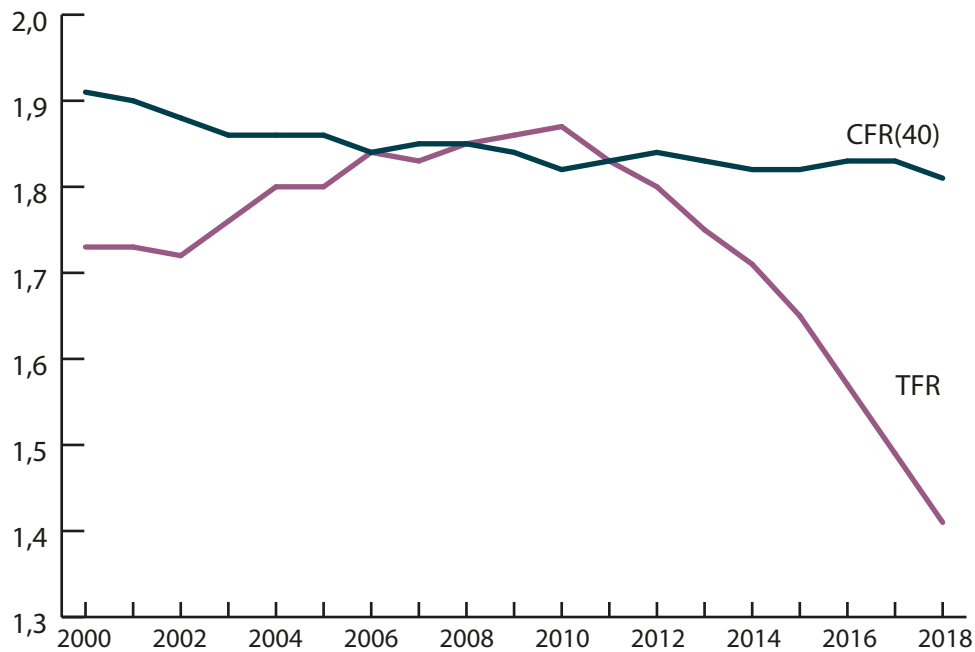


Figure 3. Total fertility rate (TFR) and completed fertility rate of 40-year-old women (CFR[40]) in the beginning of the 21st century (source: Human Fertility Database).

Child policy and birth rate

Downturns in the birth rate have always resulted in extensive discussion on population policy.

The link between birth rates and family benefits is a recurring topic of family policy discourse. According to research, family benefits do not permanently increase birth rates; at best they can affect the timing of having children. However, low birth rates are closely connected to how interested politicians are in family policy; investments into family policy are made as a response to low birth rates. In recent years, this has been the case in countries such as Germany, Russia and Estonia. In Finland, municipalities that have suffered from dropping birth rates have started paying birth rewards and developed other special benefits for families with children. For example, every family

²⁰ Hellstrand et al., 2020.

living in Luhanka receives a thousand euros every year for ten years when they give birth or adopt a child. In addition, the mother receives free dental care during the pregnancy and six months after pregnancy, and the family receives home help services on six days for six hours at a time during the first year after a child is born.

The discussion on birth rates emphasises the value of children; babies become a scarce social resource. At the same time, the portion of social resources allocated to children grows thinner: the fewer children there are the smaller amount of public expenditure is related to children.

For example, the amount of parental allowance paid in 2019 was over 190 million euros less than in 2010 (figure 4). The corresponding reduction in child benefits was more than 250 million euros. Even more significant sums have been saved in costs of early childhood education.

Savings from school education will be seen in a few years. In Finland, there are slightly fewer than 20 pupils in an average comprehensive school class. In 2026, there will be approximately 870 fewer first grade classes starting comprehensive school compared to 2017. This translates into significant savings. It should, however, be taken into consideration that many expenses related to education are fixed: for example, school buildings cannot be demolished every year and re-erected based on the number of classes starting each year. According to a report by the Finnish National Agency for Education, the number of schools will be nearly halved from 2020 to 2040²¹.

After Finland's celebration of 100 years of independence, the country has made two great leaps forward with regard to education: the two-year pre-primary education trial and extension of compulsory education (see Virtanen & Karhunen in this report). The pre-primary education trial will run from the beginning of August 2021 to the end of September 2024 and approximately 10,000 children born in 2016 and 2017 will participate in the trial. The age of compulsory education is raised to 18 years starting from 2021. The first group of young people to whom the law applies are those finishing 9th grade in the spring of 2021 (primarily young people born in 2005). At the same time, education has been subject to cuts and particularly upper secondary education has experienced outright distress. Meanwhile, Finland's success in the Pisa study, which measures the state and results of basic education, has dwindled. This development critically challenges the view of Finland being a country that invests in education.

If proportionately more investments are not made into children and families, their share of social expenditure will decline while expenditure related to old age increases. These savings have not been evident in the accounts of the state or local governments, because expenditure has been higher than income nearly every year since the 2008 financial crisis. If a share of our common funds in at least the same amount had been earmarked for children, social family policy transfers could have been increased significantly, services provided to families with children could have been improved or other similar measures could have been taken. This has not been the case, and the reduction in expenditure related to children has furtively transformed into the growth of other expenses, particularly expenses related to old age.

21 Nyssölä & Kumpulainen, 2020.

The recovery of the birth rate in the middle of the pandemic may have taken the edge off demands to increase investments into family policy and child policy in Finland. Unlike in many other countries ravaged by the pandemic, Finland did very little to direct special benefits to families. Regardless of this, birth rates took a slight upward turn, which appeared to continue in the second year of the pandemic. This development can be interpreted to mean that birth rates will rise even if no improvements are made to family benefits. There is also a danger that positive changes arising from a very low starting point are over-interpreted to be a decisive turn, after which the issue can be yet again forgotten.

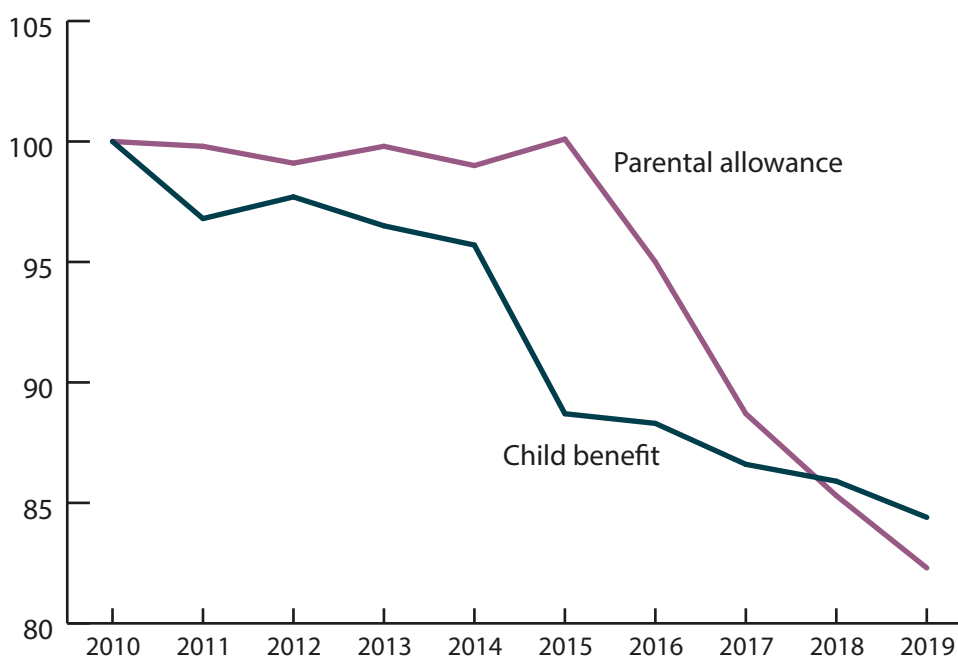


Figure 4. Actual change of child benefit and parental allowance expenses in 2010 – 2019 (2010 = 100) (Source: Social Insurance Institution of Finland).

Whose perspective dominated the discourse on birth rates?

Right before the pandemic, the low birth rate was a recurring topic of social discourse. The media reported on the number of children born each month, which was noted to have fallen below the numbers during the famine in 1866 – 1868. Researchers had to repeatedly admit that they did not know why the birth rate was falling. This opened the field to various flimflammers who made explaining the reason for the decline a popular entertainment. Various parties began examining birth rates from their own viewpoints.

Blame was put on domineering women, smart phones, hedonistic youth, rainbow ideology, 1990s recession and the cutting of child benefits in 2017 (the cut was less than one euro per month per child), among other explanations.

The nationalistic-financial viewpoint was highlighted in discussion concerning birth rates. Above all, low birth rates were interpreted as a problem for the funding of the welfare state – particularly services for the elderly and pensions. The hopes of families to have children being left unfulfilled and men with a low income often being left without a partner and children were a less prominent topic of discussion. The discourse around the issue did not, however, involve more comprehensive consideration on what it means for children to be left without siblings or how the status of children changes in the society as their numbers fall.

In February 2020, the Finnish Confederation of Technical Employees' Unions published a pamphlet called *Mistä luovumme, jos luovumme lapsista?* [what are we giving up if we give up children?], which offered a wide variety of perspectives to birth rates.²² The Finnish Centre for Pensions prepared a report on the effects of low birth rates on pension contributions based on demographic projections²³.

Low birth rates are a particularly pronounced problem for pension systems in all countries, and the pension system in Finland is no different – especially if birth rates stay permanently low. Finland uses a pay as you go system where the majority of pensions are paid through contributions collected from the working population.

The pension system promises certain benefits that are (primarily) paid from the pension contributions of the working population. Pension funds are also a part of the Finnish system, and they help with adjusting for the variation in the size of age cohorts. The system works when the differences in the sizes of age cohorts are relatively small and when there are fewer pensioners than people of working age. Changes in the sizes of age cohorts and life expectancy were not taken into consideration when the system was first established.

While problems related to financing the pension system can be easily identified in advance, their effects can only be seen in the long run. Low birth rates in the 2010s do not cause pressure to raise pension contributions until the 2050s and onward. This gives us time to react to the situation. Otherwise, there is a danger that the unreasonable burden of paying the pensions of larger generations will be thrust upon smaller generations.

The situation can be remedied by increasing funding and changing the rules of funding. This requires either raising pension contributions now or cuts to pension benefits. On the level of national economy, the need for increasing funding is justified due to there being fewer children and young people to support as birth rates are low, which increases the consumption potential calculated per person. Increased funding would mean that some of the increase in consumption potential would be transferred into the future.

Economists Jukka Lassila and Tarmo Valkonen proposed as early as 1999 that the size of future generations should be taken into consideration when determining funding. Funding tied to the birth rate would automatically react to demographic developments and level out pension contributions.

22 Vallander & Haikonen, 2020

23 Nopola & Tikanmäki, 2020

The birth rate was high at that time and the authors called their proposal an “insurance against an uncertain birth rate”²⁴.

In addition to pensions, nursing and care services are also based on a pay as you go model. The need for nursing and care services increases with age. However, the working population does not save funds for future service costs and trusts that in the future younger generations will pay taxes to cover costs of services needed by older generations.

In May 2020, the Finnish Government decided to launch a population policy study with the purpose of examining reasons for the declining birth rate and providing policy recommendations to ensure sustainable population development. In September 2020, Väestöliitto published a population policy report titled Sustainable Population Development in Finland²⁵. The Prime Minister’s Office published a report titled Recovery of the birth rate and longer life expectancy – population policy guidelines for the 2020s in March 2021.

Political conditions for child policy

Low birth rates have political effects that may reflect on child policy. All political players are at least somewhat invested in promoting children’s rights. After the National Child Strategy is implemented, the prerequisites for institutional child policy will be better than perhaps ever before. However, political logic may hinder the position of child policy in the competition for resources in our society. The lower the birth rate the faster the population grows older and the share of older voters increases. As support of political parties is connected to age distribution, a low birth rate changes the political field.

Issues affecting the largest group of supporters, in this case the older population, are often emphasised in political discourse and decision making. In principle, it is easy to strum up political support through issues affecting children, young people and families. Under no circumstances can children be held accountable for their need for help. A decreasing population of children and families with children can still fall by the wayside when money is distributed, particularly in times of great scarcity. Economists Reino Hjerppe and Kari Summanen proposed in 1990 that parents could be allowed to use their children’s right to vote until they reach adulthood²⁶. The same demand was also made by the Demeny voting movement, the roots of which are in early 20th century Central Europe and which has promoted children’s right to vote through increased voting rights of parents since the 1980s.

It is also possible that low birth rates will lead to nationalist populism, as happened in Estonia and Hungary, resulting in family policy getting new population policy emphasis. National populism

24 Lassila & Valkonen, 1999, 90

25 Sorsa, 2020

26 Hjerppe & Summanen, 1990

involves cherishing traditional values, which means idealising values such as being a housewife at the cost of abandoning the strive toward equality between genders²⁷.

When low birth rates lead to sparsely populated rural areas becoming even less populated, the voices of such regions can be left unheard in national decision making. It is not possible to get elected to parliament with votes from sparsely populated areas. A high election threshold of small voting districts exacerbates the problem.

However, the greatest political impacts of low birth rates are indirect. Low birth rates increase the need for immigration. Attitudes towards immigration have become an important dividing line in political discourse. National populist parties are very critical, even hostile, towards immigration which has exacerbated political discourse in many countries, including the Nordic countries. Pronatalism is an aspect of nationalist ideology, but it is applied selectively: proponents only want to increase birth rates of the native population²⁸, whereas immigrants are blamed for their higher birth rates and claims are made – in the spirit of the 1940s – saying that family benefits encourage immigrants to have too many children. Others hope that immigration could solve the problem of declining populations.

Children and the Covid pandemic

The COVID-19 pandemic caused a global crisis in early 2020. It is the most serious pandemic since the Spanish flu in 1918 – 1920. In the United States, for example, the Spanish flu led to a 13 percent drop in the birth rate in 1918–1919²⁹.

Unlike the Spanish flu, COVID-19 most severely affects the older population. Serious cases in children and adolescents have been very rare. Despite this, Covid restrictions heavily targeted children and young people: it was recommended that early childhood education be avoided, schools transferred to remote teaching, hobby activities ceased and contact with older population was cut. The situation was at its worse in the spring of 2020, and uniform restrictions applied throughout the country regardless of the disease situation.

In April 2020, the Prime Minister's Office asked the science community – Finnish Research Institute Partnership Tulanet, the Rectors' Council of Finnish Universities Unifi and the Finnish Academy of Science and Letters – to put together a multidisciplinary panel that could help the crisis follow-up group chaired by Martti Hetemäki, Permanent Secretary at the Ministry of Finance, to assess and predict the effects of the COVID-19 crisis.

27 Bjurwald et al., 2011

28 See Bergenheim, 2020

29 Wilde et al., 2020

In a few weeks, the science panel put together a 115-page report that summed up what was known about the virus, the crisis and their effects at the time, the basis for resilience and what can be learned from the crisis. The report by the science panel influenced measures such as the government's decision to reopen schools for two weeks before the summer holiday in May 2020, even though parties such as the Trade Union of Education in Finland, OAJ strongly opposed this.

The main focus concerning the pandemic has been on the number of cases and economic indicators. Learning loss and deficit of services for children and young people have gotten less attention. In a comparison of Finland and 12 other OECD countries, socio-political measures directed at families with children were the second most common type of measure after employment promoting measures in 2020. Typical measures included extensions to benefit periods, increases to benefits and loss of income compensation in situations where one or both parents take care of their children at home due to the pandemic. Germany, Iceland, South Korea and Japan paid non-recurring benefits to families with children. The measures taken in Finland were limited compared to many other countries. In South Korea and Japan family policy was more limited compared to Finland to begin with, but the same cannot be said about Germany and Iceland.

Previous studies on the situation after a natural disaster, such as an earthquake or a hurricane, indicate that birth rates drop the following year but start to increase again in 1 – 5 years³⁰. This development is explained through the desire of parents to replace lost children, as well as increased survival probability of offspring. After an unexpected mortality shock, birth of children may also take on a symbolic meaning, as new life signals a return to normal.³¹

Preliminary results from Italy, France, Germany, Spain and UK, among other countries, indicate that the COVID-19 pandemic has negatively impacted the fertility plans of young adults³². However, in Finland the decline of the birth rate that started in 2010 has now stopped. The same happened in Norway.

The pandemic was not solely a negative experience for children and young people. Remote work, cancellation of work trips and ceasing of hobby activities provided families with plenty of time to share with each other. In the long-term, the pandemic is likely to lead to increase of remote work and flexible work arrangements, which makes it easier for parents and children to spend time together³³. The pandemic may also have strengthened family-oriented approaches in other ways that may support the well-being of children in the future. However, it should be kept in mind that the impacts of the pandemic were very unevenly distributed among the population, which is also reflected on children's experiences related to the pandemic.

30 Makarentseva, 2020

31 Aassve et al., 2020

32 Luppi et al., 2020

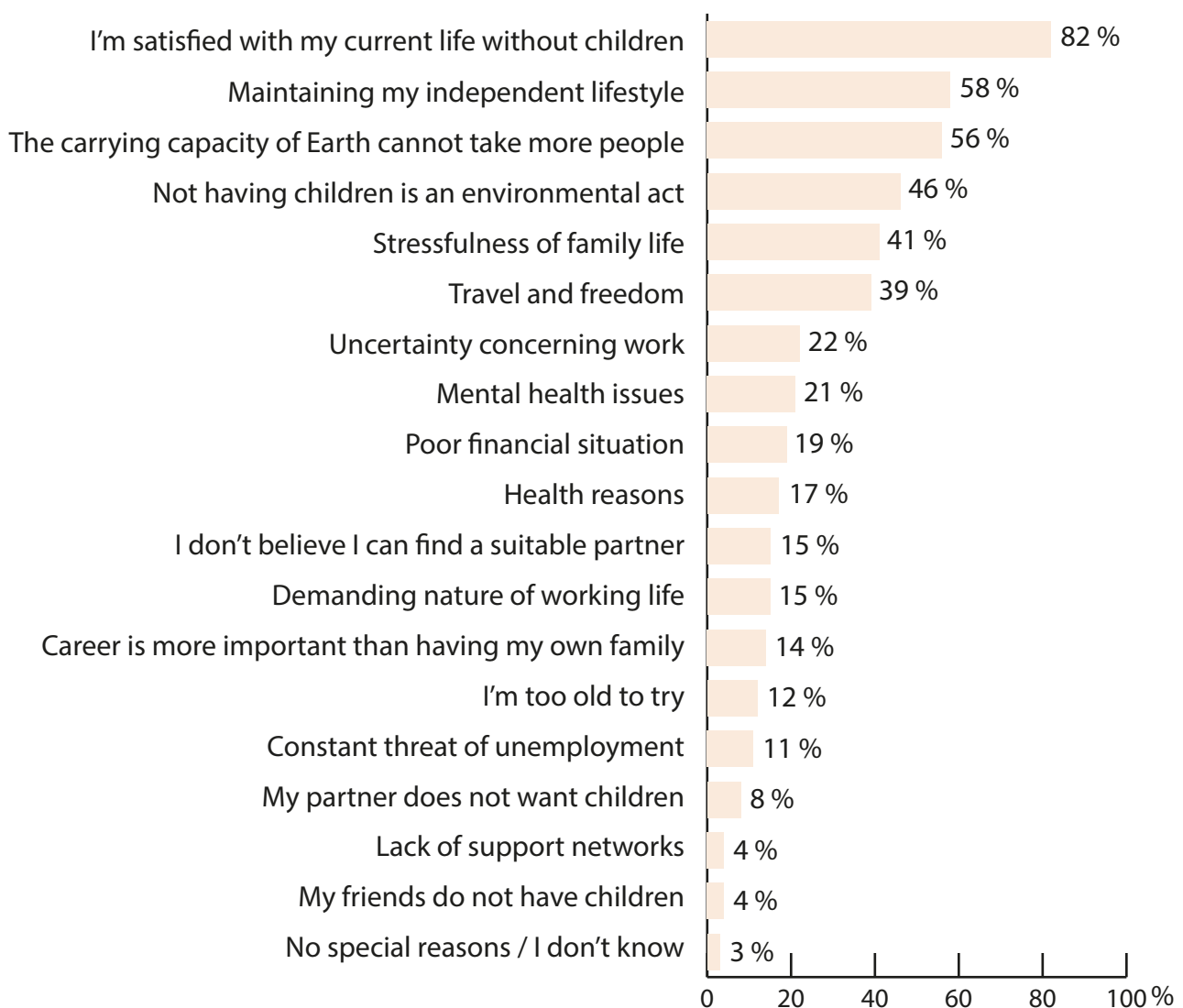
33 Makarentseva, 2020

Climate change anxiety

The period of declining birth rates, which began in 2010, introduced a new topic to the discourse concerning children when criticisms emerged claiming that having children is harmful to the environment and not having children was considered by some to be an environmental act.

A study conducted on adults aged 18 – 45 by Taloustutkimus for the pharmaceutical company Merck in June 2020 showed that environmental reasons are a significant factor in explaining why people do not want to have children. Approximately one fifth of respondents (n = 208/1047) stated that they do not want to have children. The main reasons for this choice were satisfaction with the current way of life without children (82 %) and maintaining an independent lifestyle (58 %). The third and fourth most important factors were related to the environment: “the carrying capacity of Earth cannot take more people” (54 %) and “not having children is an environmental act” (46 %) (figure 5). These views were particularly prevalent among 25 – 35-year-olds living in southern Finland.

Figure 5. Which factors have affected your desire not to have children (n = 209/384)? (source: Taloustutkimus/Merck 2020).



Not having children for environmental reasons brings to mind the pessimistic population views of demographer Thomas Malthus (1766–1834). Malthus predicted that population growth will eventually lead to death by starvation because the population increased in geometric progression (such as 2, 4, 8, 16, 32, 64, 128...) while food production increased in arithmetic progression (such as 1, 2, 3, 4, 5, 6, 7...). Malthus urged people – particularly workers and the poor – to limit birth rates through abstinence and late marriage in order to prevent a catastrophe (Malthus opposed contraceptives due to religious reasons). Malthus also opposed providing financial assistance to the poor because he believed it would lead to over-population. In a famous quote, Malthus wrote about children who have no room at “nature’s mighty feast”: “She tells him to be gone, and will quickly execute her own orders.”

Malthus made an error in his calculations as he did not account for the increase of agricultural productivity. Current estimations on the progress of climate change and extinction of species indicate that at least not all threats can be prevented. It is an undisputed fact that humans, particularly in rich countries, unsustainably consume exhaustible natural resources. Climate change anxiety may lead to rejecting attitudes toward children and families with children in Finland. On the other hand, in the 1970s the declining birth rate was claimed to have been caused due to youth, who were influenced by international solidarity of the 1960s and the political youth movement, being more interested in international affairs and not wanting to have children in an uncertain world³⁴. The oil crisis in the early 1970s is also believed to have caused a drop in the birth rate in 1973.

Even though the birth of a child is not a negative environmental act, climate change and extinction of species have become increasingly important topics when discussing child policy. As our knowledge has increased regarding the long-term effects that our actions have on the environment, it has become evident that children may inherit an earth that is much less habitable. The COVID-19 pandemic also helped reinforce our fears of global catastrophes. Measures for promoting sustainable well-being in accordance with the UN Agenda 2030 are primarily actions taken for the benefit of current and future children.

34 Lindgren, 1971.

Summary

The first hundred years in the history of Finland were a success story of child policy: child mortality declined, education opportunities improved, housing conditions got better, the number of children in families dropped and each child received more love, care and respect on average. In Finland, children have always been a source of both worry and pride. In the early 2000s, for example, a nearly panic-like concern over the well-being of children and young people became widespread³⁵.

After the global economic crisis, the sustainability gap and the employment rate became key topics of social discourse in Finland. This meant that questions concerning children took a back seat. Issues involving children and young people played a minor role in the Sote reform. Furthermore, they were completely lacking from the preparation of the social security reform. At the same time, repeated failures to renew family benefits signalled that politicians do not have the will to make the everyday life of families easier through new family policies. The reform of family benefits was trampled by political wrangling and lobbying by labour market organisations. The above indicates that child policy continues to mainly involve empty phrases instead of real actions. Why have children not been taken into account in plans such as the tasks of the Social Security Committee? The perspective of children was also missing from the parental leave reform. During the pandemic, Finland offered less support to families with children than many other rich countries. Why have the savings made in family policy expenses due to low birth rates quietly trickled to benefit others?

Furthermore, it remains an open question for whom we are saving the world if fewer and fewer children are born. Labelling children as an “environmental problem” and characterising having children as an irresponsible act that increases emissions leads to negative discussion regarding children. Stability of society and belief in the future support the positive message that the birth of each child is a joy and there is enough room for every child in Finland. It would be important for those experiencing climate change anxiety to know that Finland has decided to actively take measures to mitigate climate change. Good climate policy is also good population policy.

The situation changed when the decline of the birth rate did not stop as economic growth picked back up. Politicians and other decision-makers started to become interested in the reasons for why fewer children were born every year. The heated discussion on birth rates quickly died down as the pandemic started. At the same time, the birth rate took an incipient turn upward from a historical low. One problem that outweighs the issue of the low birth rate is how the opportunities for having children differ between various segments of the population – whose children are allowed to be born.

A major unsolved problem of future child policy concerns expansion of the role of child welfare services and substitute care in particular. When will we succeed in reversing the upward trend of children being placed in substitute care?

35 Jallinoja, 2006.

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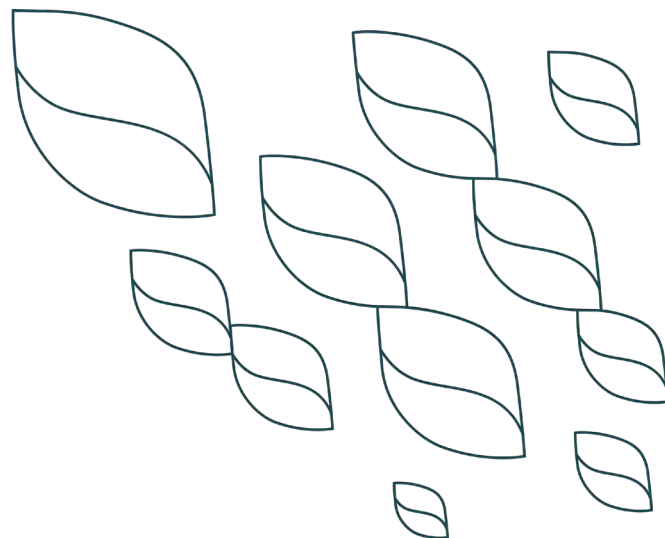
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Education policy reforms and resources 2017 – 2021

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Children’s right to development is one of the general principles of the UN Convention on the Rights of the Child¹, and education is the most efficient way to ensure realisation of this right. Education also promotes many other rights of the child, such as increasing participation and preventing exclusion. Furthermore, particularly in countries like Finland, where education is primarily free and differences in quality between schools are small, education supports social mobility and reduces inequality of children. Decisions on education policy have an immense effect on the status of children and the opportunities available to them.

Several extensive education policy reforms were carried out in Finland between 2017 and 2021. The first significant change to the duration of compulsory education since the 1950s was made when compulsory education was extended to the age of 18. Furthermore, smaller reforms were carried out in nearly every sector of education. In addition to the education reforms, various state funded projects, changes to curricula and decisions on education resources have also impacted the status of children.

In this report, we shall examine changes to education policy and resources in the years 2017 – 2021. We shall describe key decisions and assess their effects on the well-being of children and on the opportunities available to them. We shall also look at the knowledge base for the reforms and see how their effects have been monitored.

1 UN Convention on the Rights of the Child (SopS 59-60/1991)

Key education reforms

Extension of compulsory education

The most significant education reform of recent years was the extension of compulsory education adopted in 2020.² The reform raised the age of compulsory education to 18. Upper secondary education was made free of charge until the end of the calendar year when the student turns 20. The aim of the reform was to increase the level of education and reduce inequality.

The reform addressed a significant challenge related to education policy. Far too many young people from younger age groups, approximately 15 percent, do not complete post-comprehensive level qualifications³ and it is clear that nine years in comprehensive school is not sufficient for managing in modern society. Young people who do not complete upper secondary level qualifications are at risk of exclusion from the job market and society in general.⁴ They are also more likely to suffer from mental health problems.⁵

International research indicates that extension of compulsory education is an efficient way to increase the level of education and promote well-being.⁶ According to research, raising the age of compulsory education increases young people's participation in education, improves employment and reduces crime and poverty. Analyses carried out on Finnish data also quite clearly shows that young people who end their studies would benefit from continuing their education.⁷

The extension of compulsory education can affect children in various ways. Firstly, the reform obliges children to obtain necessary skills and competence. Research has shown that young people are generally short sighted, due to which they may prefer short-term comfort over long-term benefits offered by education. Compulsory education is an important signal to children under 18 years of age that their place is in school. Society should not force young people to make decisions they are not ready to make.

The reform imposes new obligations on municipalities and educational authorities to ensure that all young people have a place where they can complete their compulsory education. Previously, young people had more responsibility for finding a place to study. This may have required a level of initiative that children in risk of social exclusion might not have. At best, the extension of compulsory education could mean that no child is excluded from the system. Hopefully, those young people who cannot take part in education also receive the help they need.

2 Oppivelvollisuuslaki (1214/2020) [Act on Compulsory Education]

3 Statistics Finland, 2019.

4 e.g. Virtanen, 2016; Huttunen et al., 2019

5 Ansala et al., 2016

6 see Seuri et al., 2018

7 Seuri et al., 2018; Huttunen et al., 2019; Virtanen, 2016

Upper secondary education being offered free of charge may increase the participation of children from low-income families, thus promoting equality between young people with different backgrounds. It has previously been possible to apply for benefits to cover costs of education. However, applying for discretionary benefits may have been too laborious or uncomfortable for some young people. It is also important that the reform extends free education beyond compulsory education, so that free education does not end before the completion of upper secondary school. Otherwise, it could raise the threshold for continuing studies until graduation.

In 2021, the extension of compulsory education affected those children who were on 9th grade in the spring of 2021. Time will tell how the reform will affect the level of education and competence of young people. Matters related to the reform's funding and schedule pose the greatest risk for the reform.

Extension of compulsory education brings with it plenty of extra work for schools and municipalities. The situation of schools continues to be challenging in various ways after the coronavirus pandemic and implementing such an extensive reform on a tight schedule has caused resistance. What makes the situation of schools a little bit easier is the fact that the reform is implemented one age group at a time.

Concerns have also been raised over the availability of resources, regardless of the government's promise to fully compensate municipalities for the costs of the reform. Hopefully, the reform will be sufficiently resourced without taking resources from other necessary and essential functions. The costs of learning materials have raised the most discussion. When it comes to allocation of resources, it is also important to take into consideration that, if implemented successfully, the extension of compulsory education will mean providing education to young people who experience more challenges than average and have a special need for high-quality learning resources and diverse support. Extension of compulsory education makes it possible to also target other support measures at these young people. The benefits gained by young people from the extension of compulsory education largely depend on whether sufficient resources are made available.

The Finnish National Agency for Education and the Ministry of Education and Culture have prepared a plan for retrospectively monitoring the implementation of extended compulsory education.⁸ The monitoring plan creditably describes the thematic entities to be monitored and assessed (including factors that are important from the perspective of children) and the schedule for the plan. It is great that information on the effects of such an extensive reform is comprehensively and systematically collected.

8 Ministry of Education and Culture, 2021a

Reform of vocational education and training and the new act on general upper secondary education

Nearly all sectors of education, including vocational and general upper secondary education, have been subject to changes in recent years. Vocational education and training went through the greatest transformation, as the 2018 reform meant changes to almost all areas of vocational education.⁹ Changes were made to the qualification and provider structure, funding of education and guidance, among other things. It is very difficult to discern the effects of the reform due to their extent. Impact assessment is further complicated by extensive expenditure cuts aimed at vocational education and training.¹⁰

Key goals of the reform included improving correspondence between education and work and increasing learning at workplaces. Practical learning in a workplace may suit some students better than learning in an educational institution and offering diverse options for learning may be in the best interests of the child. However, Finnish and international research shows that workplaces typically do not have the time or pedagogical resources to support young people's learning and the guidance provided to them may be significantly lacking.¹¹

The starting point for the reform of vocational education and training was that teachers would spend more time at workplaces where they would guide learning and their work would be more heavily focused on guidance. However, as heavy expenditure cuts were simultaneously directed at vocational education, it is very unlikely that the resources of teaching staff were sufficient for guidance outside schools. It can be very harmful for the development and progress of studies of minor students to be left alone without necessary support and guidance.

Increased on-the-job-learning may be problematic for young people's futures even if sufficient high-quality resources are allocated to it. This view was expressed in the 2017 report of the Economic Policy Council.¹² Economic research literature suggests that practical on-the-job-learning may mean short-term increase of employment but also lead to poorer performance in the long run¹³. This idea is based on the assumption that general education and theoretical knowledge form a better basis for developing and updating competence later in life.

Conducting reliable research on the matter is extremely challenging, particularly because young people studying in different forms of education have different backgrounds when it comes to matters such as skills, motivation and interests. Differences between these groups on the job market may reflect differences that were present when choosing a place to study. The reform of vocational education and training may have been at least partly influenced by this old misconception:

9 Act on Vocational Education and Training (531/2017)

10 See next chapter

11 See Nokelainen et al., 2018

12 Economic Policy Council Report 2017

13 Hanushek et al., 2017

vocational education was considered to have problems because the young people who graduated did not succeed as well in working life as their peers who graduated from general upper secondary education. However, a recent study shows that when differences at the start of studies are credibly accounted for, the performance of vocational education before the reform was actually rather competitive compared to general upper secondary education¹⁴. Young people who have challenges related to work and education are more likely to seek vocational education.

The reform of vocation education and training aimed to eliminate overlap, make operations more efficient and increase flexible individual learning, among other things. Many of these changes could serve young people well if done properly. However, the sufficiency of resources became the greatest concern. According to a survey conducted on teachers by Trade Union of Education in Finland, OAJ, classroom teaching was on the decline in vocational education even before the 2018 reform and it is estimated to have significantly decreased as a result of the reform and education resource cuts¹⁵. Without the necessary resources for education and guidance, the increased significance of self-direction may have further amplified differences between groups of students with better and poorer performance in school.

The National Audit Office of Finland noted in its report that the reform was prepared on a tight schedule¹⁶. Vocational education is the most common choice for children in a more vulnerable position. Thus, reforms and resource cuts in this sector may have far-reaching repercussions on the well-being and labour market position of children.

General upper secondary education has also been recently reformed. The new Act on General Upper Secondary Education was enacted by decision of Parliament in August 2019 and new curricula was adopted in the autumn of 2021¹⁷. The reform strived for goals such as improving students' well-being and making studies and transition to tertiary education easier. Upper secondary schools began using study credits instead of courses, but this did not change the amount of education provided.

The provisions on students' rights to receive guidance for studies and special needs education in every general upper secondary school can be considered to be the most significant change resulting from the new Act on General Upper Secondary Education. Research literature strongly supports the view that guidance for studies can positively affect students and their well-being¹⁸. However, the quality and comprehensiveness of guidance and special needs education in different general upper secondary schools is unclear. Reliable statistics and research is currently not available on these statutory duties.

14 Research by Silliman and Virtanen (2022) indicates that vocational education resulted in better success on the labour market than general upper secondary education at least until the age of approximately 35 years old. This result applied to young people who applied for both tracks of education and whose admission was ultimately determined by admissions cut-offs.

15 Trade Union of Education in Finland, OAJ, 2019

16 National Audit Office of Finland, 2021

17 Act on General Upper Secondary Education (714/2018)

18 Nickow et al., 2020

Reform of comprehensive education and projects

Worrying news have come from comprehensive schools in the last few years. Finland's scores in the PISA assessment, which measures learning outcomes of 15-year-old students, continue to hold their place among the best OECD countries, but national scores have slumped from the top scores of 2006¹⁹. The correlation between a child's family background and success has simultaneously increased and the share of students who perform poorly in the assessment has grown. The latest long-term evaluation by the Finnish Education Evaluation Centre (Karvi) notes that differences in competence begin to increase at the start of comprehensive education²⁰.

Various reforms and projects have been carried out in comprehensive education in recent years, most likely at least partly motivated by this negative development. However, in the light of research literature, the reasons for Finland's previous success and the causes behind the recent decline are not at all clear. It is also impossible to say how the measures taken in the public sector have impacted children's well-being and to what extent they have been successful in breaching the gap in learning differences. Often, no efforts have been made to assess the effects of reforms and projects from the perspective of children using reliable methods.

For example, various measures that had a significant impact on the lives of children were implemented under the New Comprehensive Education programme (2015 – 2018) of the Sipilä cabinet. This included measures such as start of tutor teacher activity in most municipalities, the Schools on the Move project and numerous local trials coordinated by the Innovation Centre of the Finnish National Agency for Education. No reliable data has been produced on the effects of any of these projects on children and young people. Impact assessment primarily remained on the level of administrative descriptions and presentation of limited and inadequate results from surveys.

One of the most notable reforms of the New Comprehensive Education programme was the Teacher Education Forum that continues to coordinate basic, orientation and further training of teachers. This also resulted in a considerable amount of resources being directed at training of tutor teachers and activities related to tutoring. Based on research literature, this may have a positive impact on the development of children. However, the evaluation report of the Finnish National Agency for Education did not assess the possible impacts that the investments made into tutoring may have had on children.²¹

In addition to education reforms, uniform instructions are also used to influence children's learning in Finland. The core curricula for different levels of education are updated from time to time. For example, the updated core curriculum for grades 7 – 9 was gradually adopted in 2017 – 2019. The purpose of the national core curriculum is to create a uniform basis for local curricula, thus

19 Leino et al., 2019

20 Ukkola & Metsämuuronen, 2021

21 Pennanen et al., 2021

promoting equality in education. However, local actors, primarily education providers and schools, are ultimately responsible for local curricula.²²

The national core curriculum is prepared by several teams and a large number of experts under the guidance of the Finnish National Agency for Education. The final version of the core curriculum provided to local actors is a compromise reached by the teams. The descriptions and grounds for the national core curriculum do not refer to any research. Furthermore, the phrasing of guidance is often so ambiguous that it leaves room for interpretation. The Finnish Education Evaluation Centre evaluated the implementation of the national core curriculum, but the method of implementation does not currently allow for reliable impact assessment.

Comprehensive school has seen many changes in recent years, but the goals and reasons for the changes have not been sufficiently explained or the results systematically monitored. It is also appropriate to ask how project-based funding and related issues, such as intermittent nature of employment relationships, affect the allocation and sufficiency of resources. International research literature suggests that permanence of teachers significantly affects students²³. Furthermore, running various projects and trials probably takes time and resources of permanent teaching staff, which could mean less time and resources for teaching and guidance. Impact assessment on the effects of project-based funding on students does not exist.

Reforms of early childhood education and care

The Act on Early Childhood Education and Care lays down provisions on children's rights to early childhood education and care and its aims. The name of the Act was changed in 2015 in connection with reforms of early childhood education and care. The act was previously known as the Child Day Care Act. In recent years, views on early childhood education have shifted towards it being seen as a part of the education system and its purpose is increasingly considered to involve supporting skills and development of children. The change is significant. Research indicates that early investments have the greatest impact on children's development²⁴. These investments are particularly important when it comes to children with more challenging backgrounds²⁵.

Recent education policy decisions pertaining to early childhood education and care have primarily focussed on undoing previous decisions related to the Act on Early Childhood Education and Care made in 2015²⁶. The Act that came into effect in 2016 limited the subjective right to early childhood education and day care to 20 hours per week. Group sizes were also increased, so that groups of children three years old and older could have eight children per educator, as opposed to the previous

22 Finnish National Agency for Education, 2018

23 Henry & Redding, 2020

24 Cunha & Heckman, 2007; Heckman & Carneiro, 2003

25 Cornelissen et al., 2018; Datta Gupta, 2018

26 Act on Early Childhood Education and Care (580/2015)

limit of seven children per educator. The new Act on Early Childhood Education and Care revoked both of these changes²⁷.

The effects of the 2015 reforms have been assessed through various surveys aimed at administration and staff of early childhood education and care as well as parents²⁸. Studies found that the changes have increased inequality between children and decreased children's possibilities for individual growth and development. The effects on younger children, children who need special support and children who need support with learning Finnish have raised the greatest concerns. The changes have also been considered to have resulted in increased turnover of children in groups and increase in the overall number of children. The law amendment did not lead to measures in all municipalities. Therefore, children living in different municipalities were put in an unequal position with regard to early childhood education and care.²⁹

The 2018 law amendment was justified by referring to the negative impacts of the previous amendment on the well-being and equality of children. Restoring the subjective right to early childhood education and day care, in particular, was a significant positive change that promotes the rights of children and equality between children. It means that children's right to early childhood education and care does not depend on the situation of their parents, such as unemployment. The change also helps ensure that all children living in Finland have an equal right to participate in early childhood education.

It is more difficult to comment on the effects of the changes to staff sizing. Research suggests that smaller groups sizes promote children's learning and development³⁰. However, positive impacts of the law amendment are most likely limited by shortage of staff, which is a particularly chronic problem in the metropolitan area and other large cities.

The situation is further complicated by the fact that the new Act on Early Childhood Education and Care raised competency requirements. The law requires increase in the number of staff with a degree from an institute of higher education by 2030. Many cities are already reporting that most of their current early childhood education and care staff does not meet the competency requirements³¹. The negative effects that high turnover of staff and under-staffing have on children are clear.

The new Act on Childhood Education and Care also includes provisions on a new data repository that will help the monitoring of staffing level and competency in the future. Data such as information on education providers, families and children needed by authorities in performance of their statutory

27 Act on Early Childhood Education and Care (540/2018)

28 e.g. VakaVai project, Puroila & Kinnunen, 2017

29 See e.g. Puroila & Kinnunen, 2017

30 See Rockoff, 2009; Öckert, 2021

31 The City of Turku, for example, stated in its press release (2021) that a quarter of the kindergarten teachers working in the city's day care centre's do not meet the qualification requirements. Deputy Mayor for Education of the City of Helsinki, Nasima Razmyar, said in an interview for Helsingin Sanomat that shortage of staff and under-resourcing of early childhood education and care are the most severe problems during this term of office (Bäckgren, 2021).

duties will be stored in the new Varda data repository³². In the future, it will be possible to use the data repository to examine data such as sufficiency of resources of early childhood education and care. It is to be hoped that the potential of the new data repository will be utilised for official reporting and monitoring. It is also important for researchers to be able to utilise this data when conducting research.

Decision-making that is based on scientific evidence recently took a great leap forward when it was decided that a trial would be carried out on the extension of pre-primary education to two years using a reliable research framework. The municipalities that are included in the trial were selected randomly, not based on willingness to participate as is usually the case. Thanks to the design of the research framework, the trial should provide reliable data on the effects and costs of pre-primary education before two-year pre-primary education is expanded to all municipalities in Finland. The research also makes it possible to assess whether the reform has unpredictable features that could have a negative impact on children.

One of the factors that speak in favour of extending pre-primary education is the very low level of participation of Finnish children in pre-primary education³³. Only approximately 78 percent of Finnish five-year-old children participate in pre-primary education, when the corresponding figure is 97 percent in Norway and 98 percent in Sweden³⁴. Furthermore, children from families with immigrant backgrounds or low income are less likely to participate in pre-primary education in Finland, which may increase inequality between families. If the two-year pre-primary education trial succeeds in increasing the participation of children who are in the most vulnerable position, it could have a significant effect on levelling out differences in learning and prevention of social exclusion.

However, no actual scientific evidence on the effects of Finnish pre-primary education currently exists. It is not at all clear how extending pre-primary education to two years would impact children's development and learning outcomes. From this perspective, it is important to gather reliable evidence on the measures before the reform is implemented in full. The Ombudsman for Children has also demanded that the monitoring and evaluation of the two-year pre-primary education trial involves constant child impact assessment that is based on the rights of children and diverse research data³⁵.

Goals, trials and ex-post evaluation of education reforms

It is important for the realisation of the rights and equality of children that the aims of education reforms are well-defined and that reforms are retrospectively extensively evaluated, in addition

32 Varda service privacy policy, 2021

33 OECD, 2015

34 Ellingsæter, 2012

35 Ombudsman for Children, LAPS/55/2020

evaluation carried out before their implementation³⁶. Evaluations should be diverse and of high quality and their methods and results should be subjected to review by the scientific community.

Research literature contains several examples which indicate that education reforms and changes to resources may harm children and particularly children who are in a vulnerable position. In Sweden, some students in lower secondary school were provided with a personal computer. The study found that this had no effect on average learning outcomes, but it significantly increased inequality between students from different family backgrounds.³⁷ A reform of vocational education and training was carried out in Finland in 1999 – 2001 with goals such as improving the level to which degrees correspond to the needs of the labour market and reducing the number of students who discontinue their studies. However, research showed that the reform did not affect young people's labour market outcomes and it increased the drop-out rates of boys.³⁸

The above examples illustrate the difficulty of predicting impacts of education reforms. The effects of education reforms may be surprising, and they may affect some groups positively and others negatively. Risks related to political measures and their implementation can, however, be mitigated through gradual implementation and trials. High-quality ex-post evaluation produces data on which new or remedial measures can be built. A systematic approach based on research is particularly important when it comes to education policy measures aimed at children and young people.

Assessment of the impacts of reforms requires extensive and precise data collection on factors such as education resources, changes in staffing and learning outcomes of children. Collection and utilisation potential of statistical data has significantly improved in recent years. In addition to the new data repository, data is now also being collected on factors such as student performance. The KOSKI data repository, established in 2018, includes data on degrees and completed studies in basic education, general upper secondary education and vocational education. Despite this positive development, many deficiencies with statistical data continue to exist. Data on the resources available for education is primarily collected on a very general level of education providers, and extensive statistics on teaching staff in basic education and upper secondary education still does not exist.

Approximately 60 percent of teachers responded to the latest survey of the national Opettajatiedonkeruu study by the Finnish National Agency for Education. Data collected through the survey cannot be used to draw conclusions on matters such as the share of qualified teachers in different municipalities because non-response was evidently not random. It is currently not possible to reliably assess questions such as equality of basic and upper secondary education in different municipalities from the perspective of children.³⁹

36 Lately, the need for development of ex-post evaluation has received plenty of attention; Rantala et al. (2021) discuss this extensively

37 A study by Hall et al. (2021) found that the prerequisites for using computers varied significantly between children from different backgrounds. Need for support and guidance was emphasised.

38 Ollikainen & Karhunen, 2021

39 Hannula et al., 2021

In addition to deficiencies related to data resources, often not enough attention is paid to the planning of ex-post evaluation when preparing legislation, and the impacts that reforms have on children have been poorly monitored in general.⁴⁰ Preparation of comprehensive ex-post evaluation encourages decision-makers to clearly define the goals of a reform in a way that makes it possible to later assess and monitor those goals. Extension of compulsory education has been one of the few reforms for which a clear plan for ex-post evaluation was drawn up when the legislation was being prepared⁴¹. It is to be hoped that these types of actions gain popularity in the future.

The method of implementation of a reform is of high importance on whether the impacts of the reform can be reliably assessed later. The two-year pre-primary education trial is a great example of how reforms can be reliably tested. However, in Finland the term trial is usually used in situations where resources are distributed to a small select group, instead of making the measure available to everyone. These measures very rarely produce reliable and useful information that would support further measures.

Implementation of randomised trials is not always possible due to reasons such as costs or ethics. In such case, impact assessment can be furthered by taking ex-post evaluation into consideration in the method of implementation of the reform. The 1999 – 2001 vocation education and training reform was implemented gradually, which made it possible to assess the impacts of the reform⁴². Unfortunately, gradual implementation was not used for the 2018 vocational education and training reform, which was implemented simultaneously everywhere in Finland. Gradual implementation by age group or area, for example, would have allowed for more reliable assessment of the reform's impacts.

Development of education resources and equality

Education resources significantly affect the possibilities and implementation of education policy. Finland is one of few countries where investments made into education have declined in the 2010s⁴³. Cutting of education resources may be appropriate if it promotes restructuring and improving efficiency of the education system. However, quick drastic cuts to financial resources make it difficult to achieve savings by making educational activities more efficient⁴⁴.

According to research literature, increases and cuts of education resources may affect children's learning outcomes and further education choices of students. Latest extensive research results from

40 Nokso-Koivisto, Sarvimäki and Toivanen (2019) write extensively about impact assessment and planning for ex-post evaluation.

41 Ministry of Education and Culture, 2021a

42 Ollikainen & Karhunen, 2021

43 OECD, 2021

44 In 2016, Etna estimated that the amount of education budget cuts (including cuts to student financial aid) made by the Sipilä cabinet totalled nearly one billion euros. According to the calculation, this was approximately 6 percent of education expenditure when compared to 2019 expenditure without cuts.

the United States, that are based on the newest methods, strongly support the notion that changes to education resources affect children in various ways⁴⁵. For example, education budget cuts made due to the economic crisis negatively affected learning outcomes and likelihood of seeking further education⁴⁶. New resources aimed at schools' support functions and student guidance have been shown to improve learning outcomes, particularly in school districts that have previously spent relatively limited resources on these forms of support⁴⁷.

Currently only a small amount of scientific evidence exists on the impacts of education resources on learning outcomes in Finland. An exception to this is a yet unpublished dissertation article that looks at effects of class size on discipline problems and academic achievement in comprehensive schools in Eastern Finland⁴⁸. According to the study, a larger class size correlates with increased discipline problems and a small but statistically significant drop in learning outcomes. Another study conducted in the 1990s examined the effects of school spending cuts in Finnish general upper secondary schools on matriculation examination results.⁴⁹ Based on the results of the study, these cuts did not have a significant effect on matriculation examination results.

Development of education resources

According to the statistics of Statistics Finland, education expenditure has declined nearly every year in the 2010s. Figure 1 shows that although current expenditure on education increased by 2.7 percent in real terms in 2019 compared to the previous year, it was not sufficient to mend the education expenditure cuts of previous years. Current expenditure on education relative to GDP has also declined since 2010. In 2019, current expenditure on education relative to GDP was 5.1 percent.

When the development of expenditure on education is examined on an international level Finland is a rare exception. The only other countries where education expenditure per student declined in 2012 – 2018 were Russia, Greece and Slovenia. Most countries significantly increased expenditure on education during the period. Finland has fallen below the average of OECD countries on many comparisons of education investments.⁵⁰ Vocational education has been the target of the most considerable budget cuts. In 2017, ETLA estimated that cuts to vocational education were as high as 12 percent that year when compared to 2019 expenditure without cuts. Savings were sought through measures such as focusing supply of education and reducing classroom teaching.⁵¹

45 Jackson & Mackevicius, 2021; Jackson, 2020

46 Jackson et al., 2021

47 Abott et al., 2020

48 Syren et al., 2022

49 Häkkinen et al., 2003

50 OECD, 2021

51 Trade Union of Education in Finland, OAJ, 2019

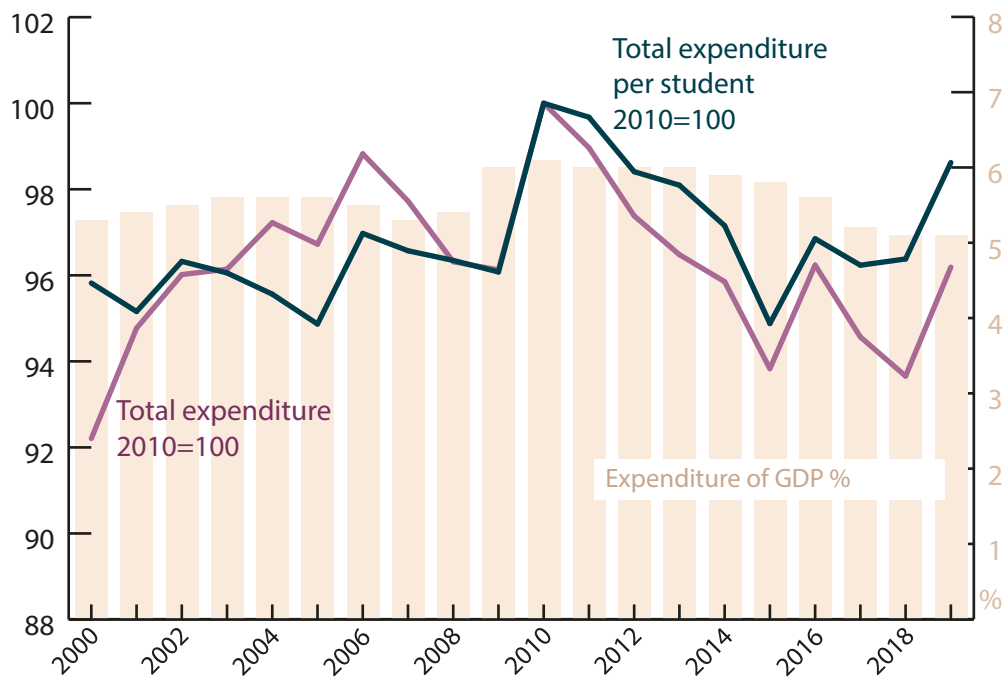


Figure 1. Real development of current expenditure on education 2000 – 2019. (Source: Official Statistics of Finland (OSF): Educational finances [e-publication]).

Vocational education budget cuts are particularly worrying because they affect young people who are at a higher risk of social exclusion. Vocational education is a more common choice for children who have previously had poorer than average school performance.⁵² Cutting education resources from young people who are in a more vulnerable position is short-sighted and could have significant negative effects on the well-being and future of children.

The COVID-19 pandemic has further highlighted the need for sufficient high-quality education resources. The constantly growing amount of research data quite convincingly shows that the pandemic and closing of schools have had a considerable negative effect on the learning outcomes, development and well-being of children.⁵³ Research shows that the harm caused by the pandemic has disproportionately affected children with challenging backgrounds, which has increased inequality. Remedying the damage caused by the pandemic may necessitate significant additional investments into education. Ensuring sufficient resources may require for additional support to be targeted at those who need it the most. There is evidence on benefits gained through targeting of support from policies such as the City of Helsinki’s positive discrimination funding.⁵⁴

52 Silliman & Virtanen, 2022

53 See e.g. Hanushek & Woessmann, 2020; Kuhfeld et al., 2020

54 Silliman, 2017

Education resources and equality

In Finland, the obligation to provide education primarily falls on municipalities that have widely varying amounts of resources and capabilities for providing statutory and non-statutory services to children. It is probable that the realisation of children's rights varies from municipality to municipality.⁵⁵

Figure 2 illustrates concerns related to funding, using general upper secondary education funding as an example. Net costs of general upper secondary education were 746 million euros in 2019. This was financed through central government transfers (171 million euros), unit price funding by municipalities (429 million euros) and funding by municipalities to patch the missing gap (146 million euros). The funding paid by municipalities to patch the gap suggests that costs have increased faster than the unit price share of municipalities and central government. In addition, municipalities could apply for project funding, but the total annual amount granted is a couple of dozen million euros at most.

This means that central government transfers make up only approximately 23 percent share of funding. The majority of other funding is largely dependent on matters determined by each municipality, which may naturally be affected by various external factors such as the population structure and financial situation of the municipality. In other words, the impact of state financing on matters such as ensuring equality between children in different municipalities is relatively small.

Realisation of children's rights is not solely dependent on the funding granted to regions or education providers, as the efficiency of use of resources also plays a big role. An important question to consider is how to ensure that resources are truly used for education and not other municipal functions. In 2015, the central government of Norway granted municipalities a significant grant with the aim of decreasing the student-teacher ratio in grades 1–4. However, research showed that this did not reduce group size, instead, the new resources were channelled elsewhere⁵⁶.

The extent to which additional resources are actually utilised for the intended purpose remains an open question. If individual funding intended for education is only used to replace local resources or used for other functions and activities, the resources used on children's education do not increase. This is a legitimate concern in Finland considering the large variation in the financial situations of municipalities. Children's rights may not be equally realised if some municipalities replace core funding with project funding or prioritise existing functions while other more financially stable municipalities invest more in quality of student guidance and special education, for example.

55 Mäntylä et al., 2021

56 Reiling et al., 2021

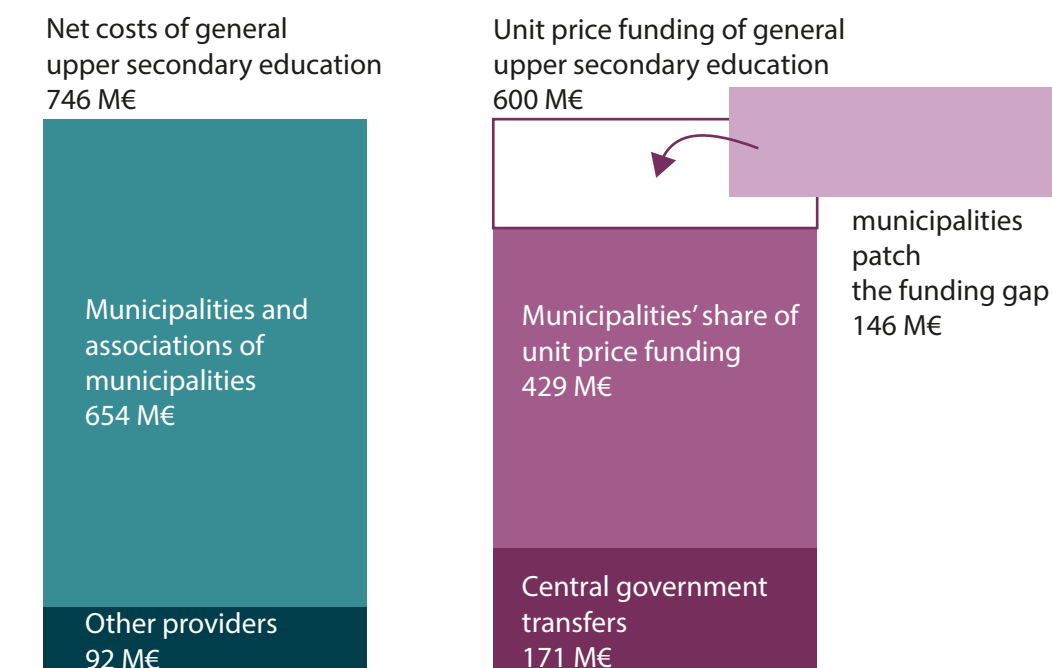


Figure 2. Costs and funding of general upper secondary education in 2019. (Source: Association of Finnish Local and Regional Authorities)

It is very difficult to reliably assess how well or equally children's rights are realised in different municipalities and schools in the long term. There is no extensive and reliable data from Finland on questions such as the share of qualified teachers, resources used for student guidance or sufficiency of resources spent on special needs education. Currently, data is not even systematically collected on the amount of guidance and classroom teaching in all levels of education.⁵⁷

In addition to teaching resources, local availability of education also plays a big role when it comes to equality between children living in different regions. Efforts have been made since the early 2000s to make education more efficient through school consolidation by concentrating education into larger units and closing smaller ones. The reduction in the number of schools has been particularly significant in basic and vocational education. Figure 3 shows the number of general upper secondary schools and vocational schools in 2000 – 2020. It is highly likely that these changes have a great impact on regional availability of education, even taking into consideration that merging of education providers and schools does not always mean that teaching premises are closed.

⁵⁷ Ministry of Education and Culture, 2021b

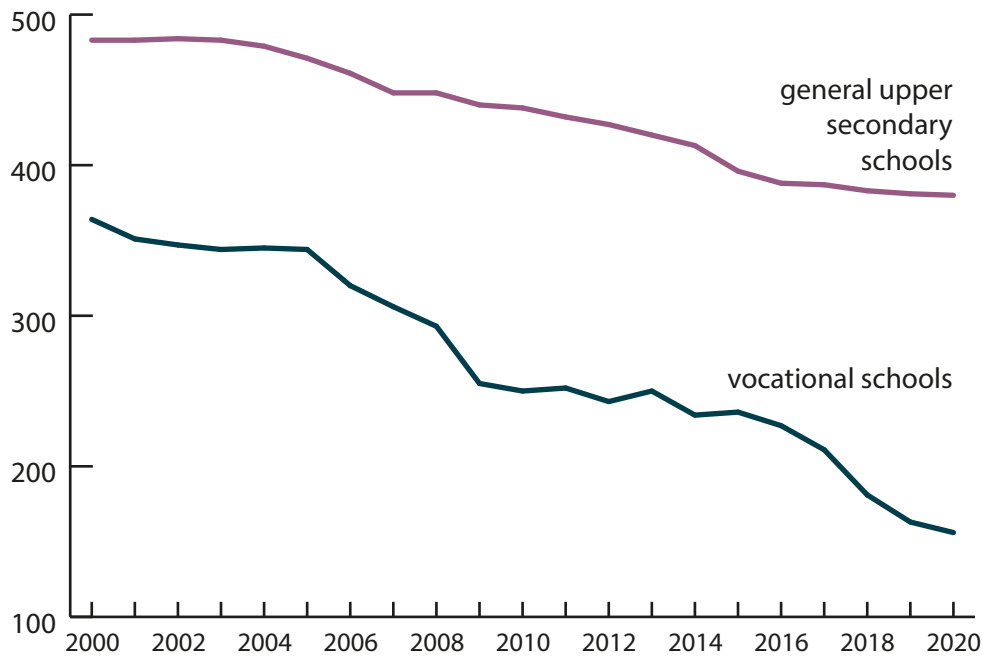


Figure 3. Number of upper secondary schools in 2000 – 2020. (Source: Vipunen, 2021.)

Even though school consolidation may offer a tempting option for mitigating costs of education, it may have unwanted effects on the well-being and education and career paths of children living in the areas subject scaling down of education. Increased distance to school may affect factors such as learning outcomes, well-being, choice of education and decision to move out of a childhood home too early considering the child’s development.

The effects of school consolidation in comprehensive schools⁵⁸ and upper secondary education⁵⁹ have been studied in Finland. Research suggests that reducing the comprehensive school network has not affected learning outcomes or placement in further education⁶⁰. Reducing the regional availability of education may have a particularly significant effect on upper secondary education where young people choose between very different fields of education. Furthermore, consolidation of schools may have led to interruption of studies, particularly before the extension of compulsory education.

A study that examined post-compulsory education reductions shows that reducing the regional supply of general upper secondary education has the greatest impact on young people’s schooling choices, whereas reducing the regional availability of vocational education appears to also postpones studies and may decrease educational attainment⁶¹. The results suggest that reducing regional availability

58 Izadi, 2015.

59 Virtanen & Riukula, 2020.

60 In the autumn of 2021, the Rural Policy Council, the Island Committee and the Office of the Ombudsman for Children launched an assessment study on the realisation of educational and social rights of children living in rural and island regions as comprehensive schools are being closed. The study also examines impacts of school closures on vitality of the regions.

61 Virtanen & Riukula, 2020.

of education may also affect local young people's success in the labour market. The study finds clear differences in the career trajectories of young people at least until the age of 21.

In the future, the fact that age groups will get smaller further adds to the pressure to reduce the network of schools. It is very important that the effects of such reductions on children are taken into consideration better than before when making these decisions.

Conclusions

The rights and status of children should be addressed with care and consideration based on data that is as reliable as possible. Several extensive education reforms were implemented in Finland in the years 2017 – 2021 to extend compulsory education and reform education structures of nearly every sector of education. The data used as a basis for the reforms appears to be weak in many respects and the impacts of the reforms have not been carefully monitored and assessed. Education resources have simultaneously been subject to heavy cuts.

The compulsory education attendance age was raised to 18 during the current term. There is plenty of evidence from other countries on the positive effects of similar extensions on the prospects and future of children. The group that typically benefits the most from extending compulsory education are those young people in a vulnerable position whose continuation of studies is affected by the reform. The potential benefits of the extension of compulsory education may be endangered if sufficient resources are not allocated for the implementation of the reform. The same concern also applies to other reforms implemented in recent years. Although many education reforms have had goals with good intentions, their impact on children ultimately largely depend on the resources available for education.

Total resources allocated to education have been increased in the last couple of years, but these increases have not been sufficient to bridge the gap left by previous extensive cuts. Finland is one of few countries where the amount of education resources has declined in the last ten years. The lack of resources is particularly worrying in vocational education. Vocational education is the most common choice of education for children in a more vulnerable position, and these cuts may have far-reaching detrimental effects. The COVID-19 pandemic has highlighted the need for sufficient high-quality education resources.

Extension of compulsory education is one of few education reforms on the impacts of which there is quite an extensive amount of research available. A relatively comprehensive plan for retrospective assessment was prepared on its effects before the legislation was enacted. The field of education has seen several other extensive reforms and numerous smaller projects that do not appear to be based on research, the goals of which were not clearly defined and the effects of which were not systematically monitored and examined. Education policy decisions may always involve some unpredictable detrimental counterproductive impacts. Risks of counterproductive impacts could

be mitigated through gradual implementation and trials. High-quality retrospective assessment produces information that can be used as a basis for remedial or new measures. Project funding could also be more efficiently targeted if reliable information on the effects of projects on children was available. It also takes courage to fix or revoke reforms that have failed. A systematic approach based on research is particularly important when it comes to education policy measures aimed at children and young people.

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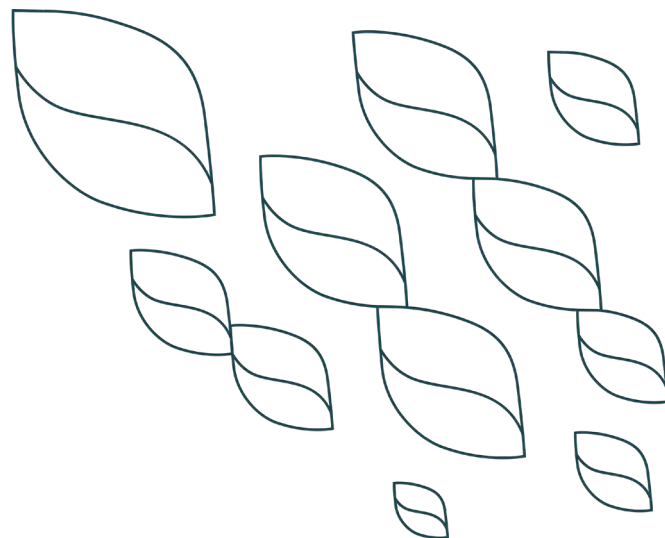
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Questions related to children's rights 2017 – 2021

Elina Pekkarinen, Ombudsman for Children

The COVID-19 pandemic and rights of the child

In January 2020, news about a novel SARS-CoV-2 virus came from China. The virus had started spreading from the city of Wuhan and caused coronavirus disease COVID-19. The first COVID-19 infection in Finland was diagnosed on a Chinese tourist travelling in Lapland on 29 January. The first case of a Finnish citizen being infected with COVID-19 was diagnosed on 26 February as a part of a surge of infections originating from Central Europe. After only two weeks, on 11 March, the World Health Organization declared that COVID-19 had caused a global pandemic. During the same week, the Finnish Government recommended avoiding travel and public events. On 16 March 2020, the Government, in cooperation with the President of the Republic, declared a state of emergency in Finland over the coronavirus situation¹.

For the daily lives of children and young people the declaration of a state of emergency meant various restrictions that were provided in the form of measures and recommendations. They affected children's early childhood education, comprehensive school, upper secondary education, finances of families, employment of parents and young people, housing, social welfare and health care services, safety, hobbies and other recreational activities, participation and social relationships. Although the state of emergency was later lifted, the pandemic has fluctuated, and various restrictions and recommendations have been set and lifted at a frequent pace up to the time of writing this report. The Ombudsman for Children and various other parties, such as the COVID-19 working group for

1 Finnish Government, 2020a

the national child strategy, have described the effects of these measures in numerous reports and statements.² This Report to Parliament uses the general principles of the UN Convention on the Rights of the Child – non-discrimination, best interests of the child, survival and development of the child and children’s right to be heard and their views being given due weight – as a basis for examining the pressure points of children’s rights that were made visible by the COVID-19 pandemic, many of which existed before this exceptional period and have grown worse during the past two years.

The pandemic and non-discrimination

Non-discrimination is one of the general principles of the UN Convention on the Rights of the Child. It means that children must be guaranteed all rights under the Convention without any discrimination based on the child’s personal characteristics or background. The UN Committee on the Rights of the Child has urged member states to take non-discrimination into consideration when preparing action plans and strategies that concern children.³ Finland fumbled with this general principle when preparing measures and strategies related to the COVID-19 pandemic.

During the pandemic, entire child population has been subject to discrimination on the basis of age because nearly all restrictions, obligations and recommendations directly or indirectly target minors. Restricting early childhood education, remote teaching arrangements, avoiding gatherings, interruption of hobbies and closing of play areas and public spaces all cumulatively affected children. The reason for the restrictive measures was acceptable because they were imposed to prevent the spread of a generally hazardous communicable disease. The effects that the restrictive measures had on children accumulated and the measures were strict considering that the virus only rarely causes a severe form of the disease in children, and according to the scientific evidence at the time, before 2021, the virus did not appear to be spreading significantly among children. Protection of other population groups was referred to as grounds for the restrictions.

Even though the restrictive measures targeted the entire child population, their negative effects were more severe for certain groups of children. Since the spring of 2020, professionals in the field of education and care have been communicating messages about children being left behind or completely dropping out of education, the police have been communicating messages about increased number of domestic calls, child welfare and social workers about overburdened families and health care professionals about missed mother and child clinic and school health care visits. Hobbies experienced a big drop in participation. Children whose parents were not able to support them with remote learning were put in an unequal position with regard to the special teaching arrangements. Domestic abuse and violence directed against children increased in both police statistics and the results of the school health survey. The shutdown of services was particularly difficult for families living with a disability. Therefore, it can justifiably be concluded that the pandemic increased inequality between children, and the society could not try to stop this development.

2 Statements by the Ombudsman for Children concerning COVID-19 (in Finnish) <https://lapsiasia.fi/covid-19-lausunnot>; Finnish Government 2020b; 2021.

3 CRC/GC/2003/5

Restrictive measures also placed children in an unequal position based on where they live. In the metropolitan area and Finland Proper, restrictive measures were in effect for months and students in upper secondary education and higher education studied through remote learning nearly constantly. Lower secondary school students also had long stretches of remote learning. Restrictions on hobbies and gatherings continued. In many other regions, life continued as almost normal and children in these regions gained an advantage on things such as the matriculation examination. Regional inequality has also manifested in overburdening of mental health services for children and young people in the metropolitan area and Finland Proper.

In summary, it can be concluded that structural discrimination against the child population, various groups of children and individual children was not prevented in Finland during the pandemic. Heikki Hiilamo's section of this Report to Parliament shows that Finland's efforts at mitigating the damage caused by the pandemic have not been focused on families to the extent they have in other countries.

The pandemic and the best interests of the child

The greatest problem with the pandemic is culminated in the principle of the prioritising the best interests of the child having been bypassed. The rights and special status of children did not receive the attention they require under international agreements. The problem is evident on both national and local level.

Examples of this can be found by examining national strategies related to the COVID-19 pandemic. There was no mention of the best interests of the child being a primary consideration in strategies from the early stages of the pandemic⁴⁵, even though decision-makers were reminded of this in documents written by various parties, such as a statement by the Constitutional Law Committee⁶, the stage 1 report by the exit and reconstruction group of the Ministry of Finance⁷, a report by an independent science panel⁸, open letters and statements by the Ombudsman for Children⁹ and the special coronavirus group working on the national child strategy¹⁰. In January 2021, it was stated that the aim of the various measures is to mitigate the long-term harm caused to people (particularly children and young people) and society as a whole¹¹. At the same time, the principle of the best interests of the child being a primary consideration was expressed in a subordinate clause: "taking into consideration that measures targeting children and young people should be the last to be implemented in relation to other measures."¹² The difficulty with internalising the primary nature

4 VNK/2020/57

5 STM/2020/192

6 PeVM 14/2020 vp, Committee Report (in Finnish).

7 Finnish Government, 2020c.

8 Laatikainen et al., 2020

9 Statements by the Ombudsman for Children concerning COVID-19 (in Finnish) <https://lapsiasia.fi/covid-19-lausunnot>

10 Finnish Government, 2020b

11 Voipio-Pulkki & Pohjola, 2021, p. 8

12 STM/2021/32

of the best interests of the child can be seen in the use of the “adults first” principle in documents from January 2021, which was used when referring to restrictive measures primarily targeting adults. “Before restrictions on children and young people, for example before the suspension of group leisure activities, other measures under communicable diseases legislation should be decided on (the “adults first” principle).”¹³

In August 2021, the Ministry of Social Affairs and Health sent out a letter to Regional State Administrative Agencies in which it referred to the UN Committee on the Rights of the Child’s principle of the best interests of the child being a primary consideration and emphasised the “children and young people first” principle in dealing with the pandemic:

“The Ministry of Social Affairs and Health wishes to highlight the principle of children and young people first and realisation of the principle in connection with the use of restrictive measures and evaluation of proportionality and necessity of such measures, so that efforts are made to avoid restrictive measures targeting children and young people and to use them only when absolutely necessary. Restrictive measures should also be assessed from the perspective of the best interests of children being the primary consideration and this consideration should be tied to the evaluation of proportionality and necessity.”¹⁴

The principle of the best interests of children being the primary consideration became a part of the national COVID-19 pandemic strategy, which states that “the principle of prioritising the best interests of the child will continue to guide decision-making.”¹⁵ In practice, the strategy transferred the responsibility for assessing the best interests of the child to regional authorities, and national guidelines have not been set by the time of writing this report. The situation can be described as difficult and problematic for the realisation of the best interests of the child. The following section will discuss how the COVID-19 pandemic should be examined in relation to the general principle of the UN Convention on the Rights of the Child concerning the right of the child to life, survival and development.

The pandemic and the right of the child to life, survival and development

The April 2021 action plan for implementing the hybrid strategy transferred the power of decision on restrictive measures to local authorities, with the exception of restaurant restrictions. The strategy tied lifting of restrictions to 80 per cent vaccination coverage. The testing strategy was changed, and regions cut down on the testing of children in particular.

Before 80 per cent vaccination coverage had been achieved in October 2021, the Government, the Finnish Institute for Health and Welfare and regional authorities rapidly lifted recommendations and restrictions such as social distance and face mask recommendations, the national recommendation for remote work and restrictions on gatherings. Some regions also abandoned quarantine practices

13 STM/2021/32, p. 12.

14 Ministry of Social Affairs and Health, 2021, p.1.

15 Voipio-Pulkki et al., 2021, p. 9.

in schools. Although restrictive measures that were harmful to children were removed, the pace at which restrictions on adults were lifted was careless because the pandemic started spreading exceedingly among children. All children under the age of 12 were unvaccinated and less than half of young people aged 12 to 15 had received both doses of the vaccine. They were now left without the protection of restrictive measures. The situation was particularly burdening for children in risk groups and people close to them. Although severe forms of the COVID-19 disease continue to be rare in children, the Ombudsman for Children considers the situation to be very problematic for the best interests of the child. A virus with unknown long-term effects is now spreading amongst children with next to no protective measures in place. It is particularly concerning that strategic decisions on the matter have not been made and the national strategy only emphasises the objective of mitigating the pandemic. From the perspective of children's rights, this appears as evading of responsibilities and there has been very little discussion in national politics about the position of children.

The situation is problematic not just when it comes to the best interests of individual children or groups of children, as the interests of the entire child population are in danger in the current situation. Contrary to previous research evidence, various studies conducted in the autumn of 2021 suggested that children efficiently spread the new delta variant. A concerning observation made by recent studies is that even asymptomatic children may have a high viral load.¹⁶ Even if the disease is relatively harmless to children, there is a danger that the child population will be discriminated against, because as unvaccinated "vectors" for the virus they cause a risk to other population groups. The Ombudsman for Children supported the proposition that a COVID-19 passport would also be required for 12–15-year-olds, because it would have made it possible for young people to safely participate in hobbies, activities and events in areas where restrictions are in effect. The Government proposal was changed in parliament so that the COVID-19 passport does not apply to children under the age of 16 because too many practical problems were connected to its implementation. The Ombudsman for Children demanded that minor children should be able to use a COVID certificate without online banking identifiers or help from their custodians. However, in practice many events intended for children, such as dances and other parties, have been cancelled by referring to health security reasons. In November 2021, the CDC in the United States recommended that children 5 to 11 years old be vaccinated with the Pfizer/BioNTech paediatric COVID-19 vaccine¹⁷. At the time of writing this report, Finland has started assessment on the need to vaccinate children.

The pandemic and the right of the child to be heard

A key principle stretching across the UN Convention on the Rights of the Child is about children's right to express their views, be heard and those views being given due weight. This principle highlights the child as an active participant and legal entity. In order to ensure children's right to be heard and have their views acknowledged, children must be offered sufficient information on the matters at hand.

16 Research evidence in brief <https://www.health.harvard.edu/diseases-and-conditions/coronavirus-outbreak-and-kids>

17 <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/children-teens.html>

During the course of the COVID-19 pandemic, the Ombudsman for Children has repeatedly proposed that the amount of communication directed at children should be increased by both State administration and municipalities. Thus far, the Finnish Government has held two press conferences aimed at children and websites of municipalities contain a varying degree of information aimed at children and young people. As the pandemic has progressed, the Finnish Broadcasting Company has commendably published a fair amount of information directed at children in social media, and experts at the Finnish Institute for Health and Welfare have produced general information for social media platforms. Some hospital districts have linked to these posts and articles on their websites.

While efforts have been made to increase communications, State administration has invested in investigate the views of children and young people. When legislation was being prepared in the early stages of the pandemic, child impact assessment was not conducted due to urgency of the situation, but as the pandemic continued efforts to assess child impacts and investigate the views of children and young people have increased. An excellent example of hearing children is the preparations for the temporary amendments to the Basic Education Act and the Act on European Schooling Helsinki (HE 218/2020) in connection with which the Ministry of Education and Culture conducted a national online survey aimed at children and young people to investigate the views and experiences of students in basic education during the spring and early autumn 2020. More than 58,000 students responded to the survey, which encourages the undersigned to conclude that these types of surveys can be conducted at a relatively quick schedule and used to obtain very valuable information to support lawmaking.

The closer decision-making gets to the daily lives of children the rarer careful child impact assessments become. Ever since the start of the pandemic, the Ombudsman for Children has received notifications and enquiries about decisions made by municipalities and various organisations without careful assessment of the best interests of children or child impacts. These decisions have concerned imposing of restrictive measures, lifting such measures and various protective and precautionary measures, such as measures related to face masks, group sizes or space arrangements. Protective and precautionary measures have been both demanded and criticised. The Ombudsman for Children has only rarely discovered or been informed about cases where the views of children and young people have been heard when making decisions on various measures. In September and October of 2020, the Office of the Ombudsman for Children investigated the views of children and young people concerning the pandemic. The report published on the basis of those views is also examined in this Report to Parliament. The report emphasises the importance of hearing the views of children and young people not only in normal circumstances, but particularly when society is in a crisis that tangibly affects the lives of children and young people.¹⁸

18 Kekkonen, 2021

Concerns over children's health

It is often said that Finland has the healthiest children in the world. However, relatively little statistical data exists on the state of children's health in Finland. The LATE study published in 2010 put together nationally significant material on the state of children's health. The report on the study stated that significant challenges with promotion of children's health continue to exist. These challenges were related to matters such as obesity and unhealthy diets. Approximately 25 per cent of the girls and 31 per cent of boys who participated in the study had a diagnosed condition, injury or developmental delay. Approximately one in ten children under school age and 13 per cent of children of school age were regularly taking medication. Courses of antibiotics were common, and children exhibited various symptoms, such as headache, restlessness and difficulty concentrating. Approximately 95 per cent of children had been vaccinated according to recommendations. The report stated that, in addition to the observations above, more attention should be paid to children's sleeping and exercise habits, use of entertainment media and dental care, as well as young people's use of intoxicants and prevention of accidents.¹⁹ There remains plenty to be done for public health in Finland.

In the 2000s, mental health problems of children and young people have received more attention than physical and somatic health. School health surveys indicate that symptoms of anxiety and depression experienced by children and young people, as well as their concerns over their own mental state has increased year by year. The year 2021 was particularly bleak, especially for girls, as 30 per cent of girls who responded to the school health survey, regardless of level of education, described symptoms of moderate or severe anxiety during the past two weeks. Approximately 7.5 per cent of boys reported anxiety.

Health care services have also seen an increase in mental health problems of children and young people, which have been channelled into referrals to specialised health care. Outpatient visits in specialised health care (figure 1) and periods of care in psychiatric inpatient care (figure 2) for young people aged 13–17 have grown particularly rapidly. The periods of psychiatric inpatient care for children under the age of 13 are currently decreasing, but their outpatient visits have increased manifold since the 1990s. It is worth noting that days of psychiatric inpatient care have decreased at the same time, which means that young people aged 13–17 go to inpatient care more often but spend less time per visit (figure 3).

19 Mäki et al., 2010.

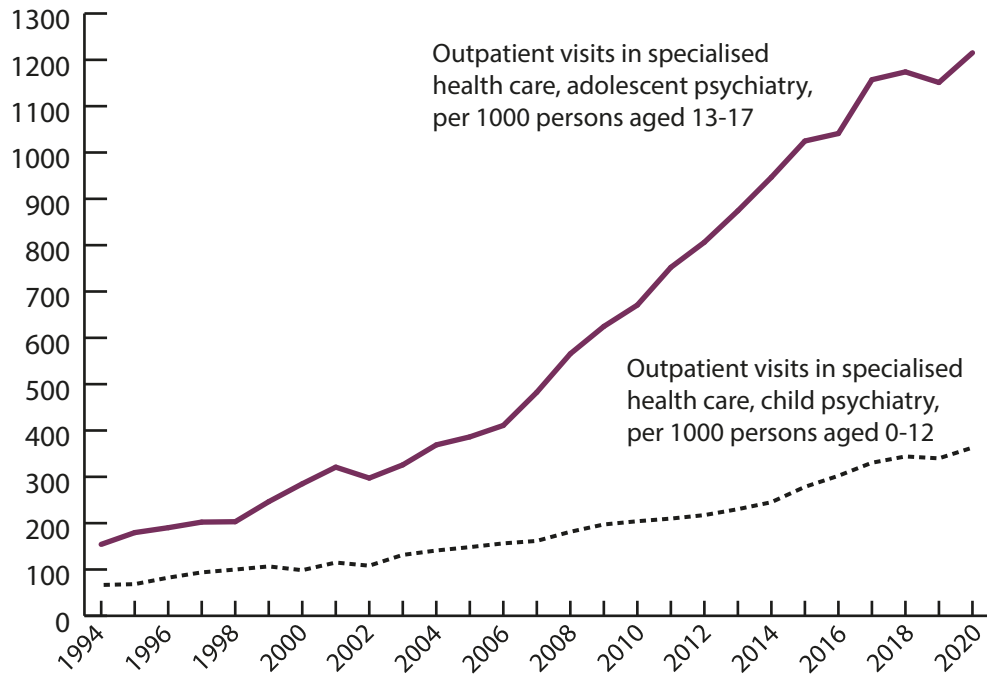


Figure 1. Outpatient visits in child psychiatry and adolescent psychiatry per thousand children aged 0-12 and 13-17 in 1994–2020. (Source: Sotkanet.fi statistics and indicator bank)

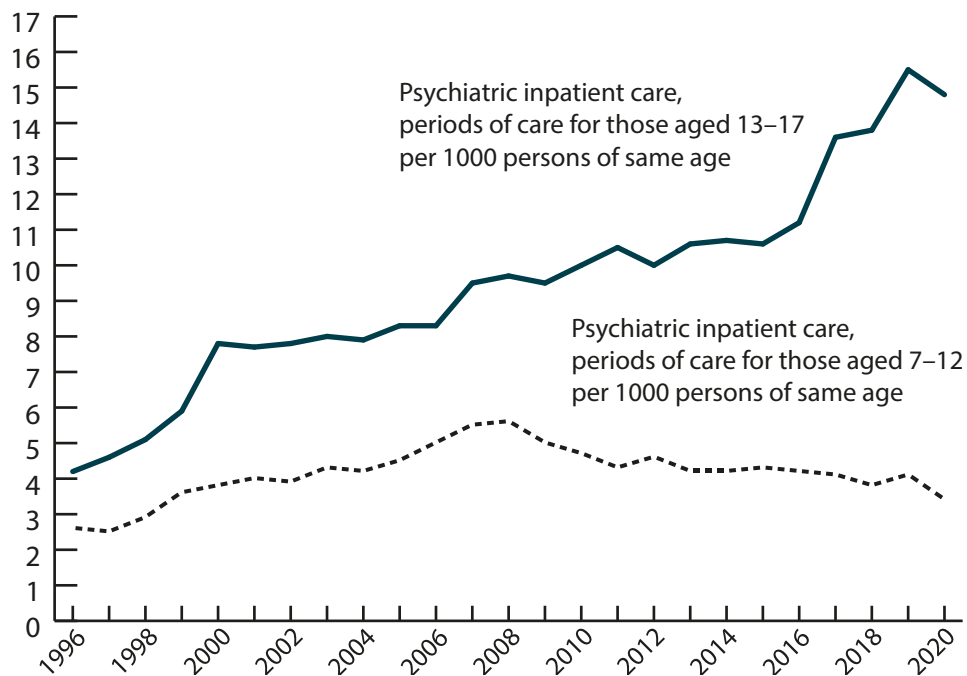


Figure 2. Periods of psychiatric inpatient care for children aged 7–12 and 13–17 per 1000 persons of same age in 1994–2020. (Source: Sotkanet.fi statistics and indicator bank)

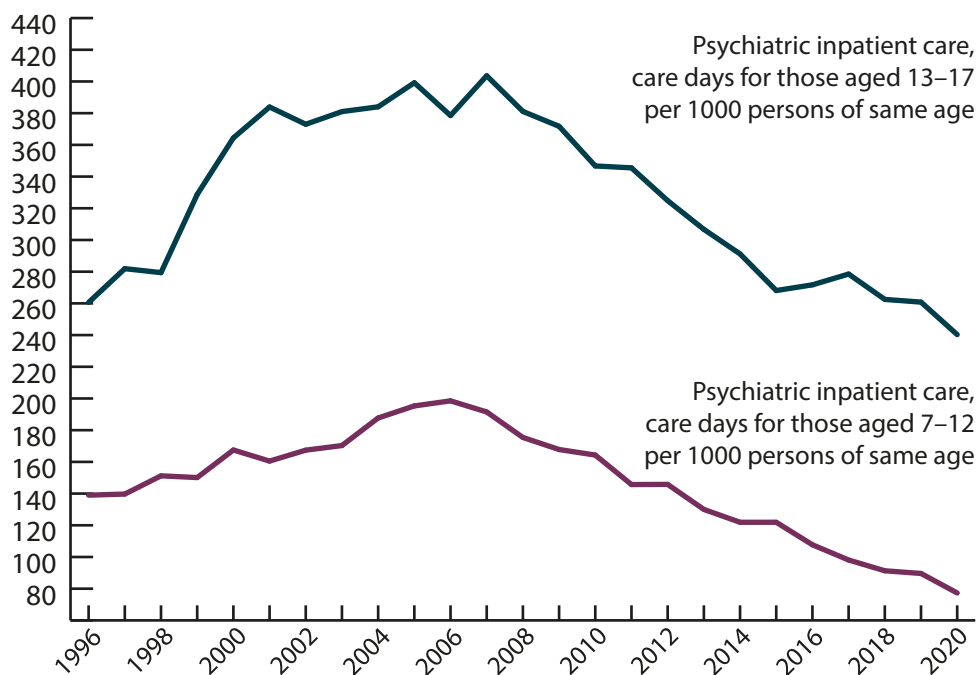


Figure 3. Psychiatric inpatient care, care days for those aged 0-12 and 13-17 per 1,000 persons of same age in the years 1996-2020. (Source: Sotkanet.fi statistics and indicator bank)

The use of psychopharmaceuticals by children and young people has also increased. For example, in 2008 ADHD medication was taken by 1.26 per cent of boys aged 6–12 and 0.21 per cent of girls aged 6–12, and the corresponding figures from 2018 were 4.42 for boys and 0.99 for girls. The percentage of boys aged 13–17 taking ADHD medication increased from 0.93 per cent to 4.21 per cent and the percentage for girls of the same age increased from 0.14 per cent to 1.28 per cent. It is noteworthy that the use of ADHD medication is considerably more common among children born near the end of the year.²⁰

According to the UN Convention on the Rights of the Child, children have the right to the highest attainable standard of health. It is evident that there is plenty of room for improvement when it comes to physical and mental health of children and young people, and mental health of children and young people in particular requires urgent measures to be taken. The necessary changes cannot be achieved through specialised health care alone and renovations are needed in basic services and other sectors. Responsibilities and organising of basic level mental health services (research, treatment and rehabilitation) provided to children and young people are currently not well defined on legislative level or clearly coordinated in practice.²¹ Urgent actions are required to remedy the situation. The National Mental Health Strategy and Programme for Suicide Prevention 2020–2030

20 Vuori et al., 2020

21 Hietanen-Peltola & Kalmari, 2021

aim to address this issue. However, the strategy ties the promotion of mental health of children and young people to the National Child Strategy, the implementation of which is only starting. At the time of writing this report, it is difficult to predict how successful the strategy will be. There is a risk that the measures will be sporadic and structural reforms of mental health services for children and young people do not receive enough attention in the reform of health and social services.

A third question related to children's health and well-being concerns sexual health of children and young people. Progress has been particularly positive when it comes to reduction of induced abortions among minors, the number of which has significantly decreased in the 2000s. In 2000, the number of induced abortions per 1,000 girls aged 13–17 in Finland was 8.2, whereas the number dropped to 2.4 per 1,000 girls aged 13–17 in 2019 (figure 4). Although the number of induced abortions does not reveal the whole picture on the state of young people's sexual health, the indicator is indicative when assessing the state of sex education provided to children as well as their sexual behaviour.

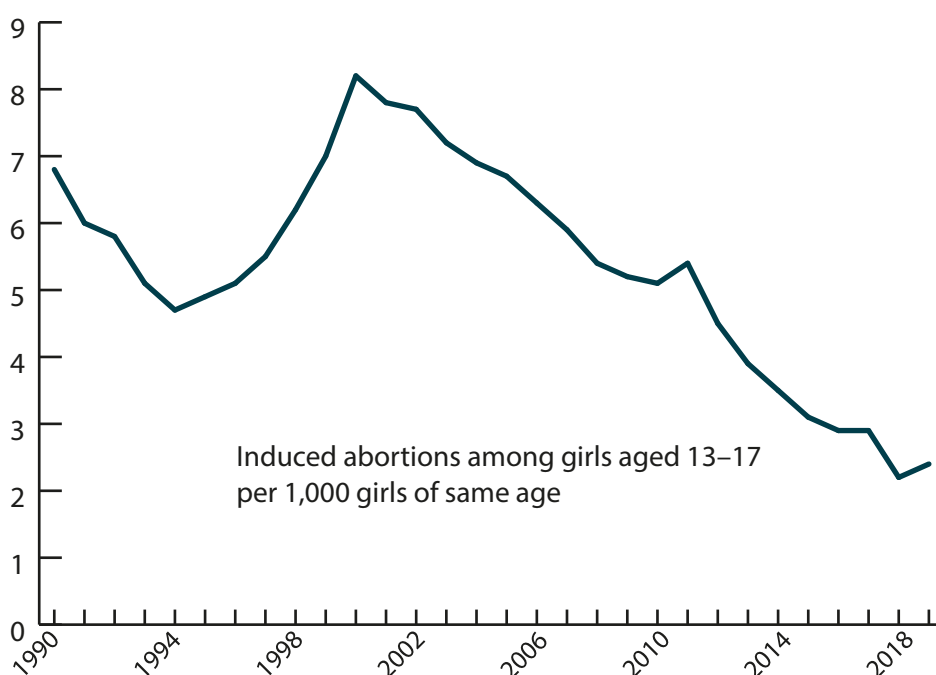


Figure 4. Induced abortions among girls aged 13–17 per 1,000 girls of same age in 1990–2019. (Source: [Sotkanet.fi](http://sotkanet.fi) statistics and indicator bank)

Crimes and violence against children

Violence against children and young people has declined in Finland from decade to decade. Finland was the second country in the world to enact a law prohibiting disciplinary violence in 1984. The attitudes of educators have become more and more negative towards disciplinary violence since the enactment of the law (see Helander in this report). Violence between children has similarly declined during the 21st century. However, in 2021 violence against children took a turn for the worse in some respects.

In the early stages of the pandemic, in the spring of 2020, police authorities announced that the number of domestic calls was rising, and various organisations reported increased domestic violence. Professionals working with children and families expressed their concerns over overburdening of families and overcrowding of services.²² Surveys suggest that the strain on family situations also lead to a slight increase in domestic violence. Physical violence employed against children of lower secondary school age by a caregiving adult grew from 11.8 per cent to 12.5 per cent (15.4 per cent for girls) and violence witnessed by children at home between people close to them increased. In 2019, 13.8 per cent of girls of lower secondary school age reported physical violence between family members, whereas the figure was 17.1 per cent in 2020.

Changes related to sexual offences against children and young people are more difficult to assess because research that would produce comparable data on child victims has not been conducted in Finland since 2013. At the same time, reports of sexual offences against children and young people have increased dramatically. According to the statistics on offences and coercive measures by Official Statistics of Finland, the number of cases of sexual abuse and aggravated sexual abuse of children aged 10–14 recorded by the police doubled in the 2010s from 495 children to 979 children. The total number of victims under the age of 18 for these types of offences was 1,673 in 2020 (figure 5).

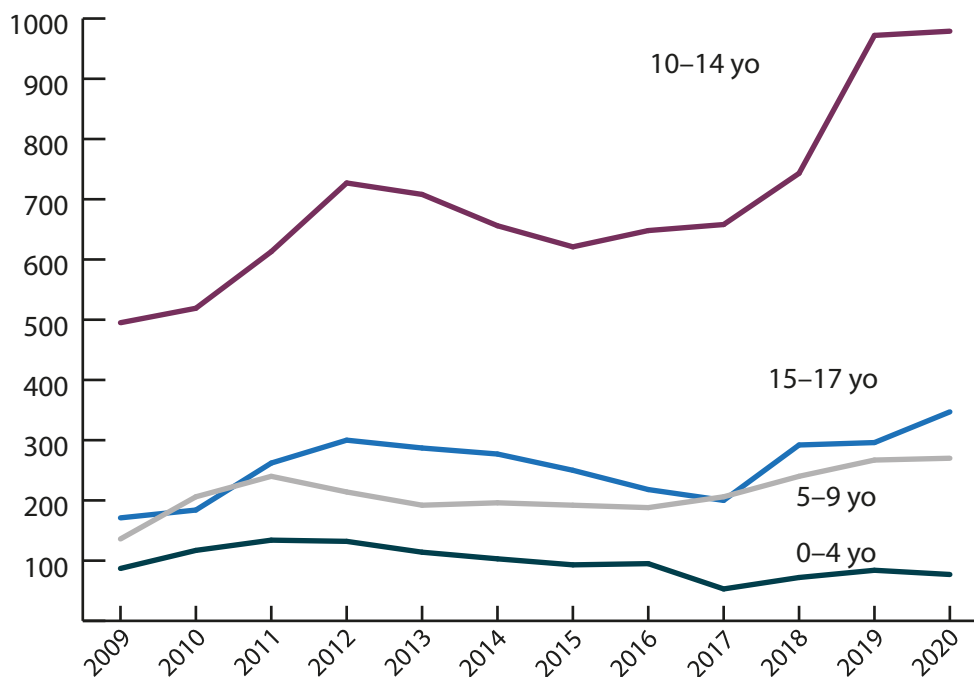


Figure 5. Number of victims of sexual abuse of a child and aggravated sexual abuse of a child recorded by the police by age group in 2009–2020. (Source: Official Statistics of Finland (OSF): Statistics on offences and coercive measures)

22 E.g. Hakulinen et al., 2020

Statistics do not always provide reliable data, especially on sensitive crimes that involve high amount of concealed crime. According to researchers, child victim research suggests that sex offences are declining rather than increasing.²³ However, the results of the 2021 school health survey showed a marked increase in responses pertaining to sexual harassment. As many as 15.6 per cent of girls who responded to the survey said that they had experienced sexual violence in the past year, when the figure for 2019 was 11 per cent. Sexual harassment had increased in public spaces and particularly over the telephone and online. Children in lower secondary school experienced the most sexual harassment at school, whereas experiences of sexual harassment in daily life in general were most common for young people in vocational schools.

It is difficult to obtain reliable reference data on sexual violence experienced by children and young people because reliable child victim research has not been conducted in Finland since 2013 and the questions included in the school health survey are not comparable to previous child victim research. The plan to conduct child victim research as a part of the national child strategy's implementation in 2022 is a positive turn. Other successes include the extensive and comprehensive "Non-violent child" action plan for the years 2020–2025²⁴ and the Barnahus project that promotes investigation of crimes against children in the regions of five university hospitals (see also Helander's section in this report).²⁵

In a 2021 statement, the Ombudsman for Children addressed the issue of violence between children, or so-called peer violence. The statement noted that violence between peers is not adequately identified, and sufficient efforts are not made to prevent it. According to the UN Committee on the Rights of the Child, prevention of violence requires comprehensive methods that involve children, young people and families alongside authorities and professionals. It is clear that victims of violence and people close to them must be provided with both urgent and long-term help and support.²⁶ Communities must also not be forgotten. Recent acts of violence, such as the Koskela murder, have traumatised not only the people involved but the whole surrounding community.

Violence by children and young people is closely connected to the status of children and young people in the criminal law system. The 2020 Annual Report of the Ombudsman for Children²⁷ commented on the status of minor children, because the 2017 Universal Periodic Review of the UN Human Rights Council addressed problems related to the position of prisoners under the age of 18 in Finland, particularly the fact that minor prisoners interact with adult prisoners. Finland justified this by referring to the small number of minor prisoners and the best interests of the child.²⁸ The Ombudsman for Children stated that long-term services should be systematically provided to young people who commit crimes, and youth social work and youth services must be developed

23 Ellonen et al., 2019

24 Korpilahti et al., 2019

25 Finnish Institute for Health and Welfare, 2021

26 Pekkarinen & Mettinen 2021, pp. 15–17

27 Office of the Ombudsman for Children, 2020

28 A/HRC/36/8/Add.1

to help them. The divisions of responsibilities between authorities should be clarified and the coordination of their work improved. The Ombudsman for Children found it extremely worrying that remand imprisonment and unconditional imprisonment continue to be imposed on minors in Finland and that these are enforced in the same facilities as adult prisoners. In August 2020, the Parliamentary Ombudsman submitted a request for investigation and a statement to the Ministry of Justice concerning separation of minor prisoners²⁹. In August 2021, the Criminal Sanctions Agency published a report and plan for establishing separate units for minor prisoners in connection with existing prisons³⁰.

Children in Al-Hawl

In March 2019, Finland received information about a refugee camp located in al-Hawl, where family members of ISIS fighters were kept against their will. The camp was controlled by SDF forces and Kurdish police. In the summer of 2019, approximately 70,000 people (mostly women and children) were held in the camp, 11 of whom were Finnish women and approximately 30 of whom were Finnish children or children with Finnish backgrounds. The conditions in the camp were extremely rough. Finland had already prepared for the possibility that families with children might be returning to Finland from conflict zones, and the Ministry of the Interior published guidelines for the situation.³¹ However, families and children being detained in a camp was an unexpected turn of events.

The Ombudsman for Children was heard in 2019 by the working group preparing the matter, different ministries and other State administration. The view of the Ombudsman for Children was that provisions of the UN Convention on the Rights of the Child must be complied with, and the survival and development of all children must be ensured to the maximum extent possible (UN Convention on the Rights of the Child, Article 6) without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's background (UN Convention on the Rights of the Child, Article 2). The Ombudsman emphasised that states must undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention States must undertake such measures within the framework of international co-operation, if necessary (UN Convention on the Rights of the Child, Article 4).

In practice, the question of separation of parents and their children became a difficult dispute of internal policy. The Ombudsman noted that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child must be a primary consideration (UN Convention on the Rights of the Child, Article 3(1)).³² The Ombudsman for Children highlighted the importance of

29 EOAK/4760/2020

30 Muurinen, 2021

31 Ministry of the Interior, 2017

32 Convention on the Rights of the Child, Article 3(1)

taking into consideration the case-specific situation and the individual when planning measures. In these circumstances, the option of returning the child to Finland together with the mother should be considered and any interventions by social services or the criminal sanctions system should be implemented in Finland.

In addition, the Ombudsman for Children also considered that Finland should be ready to act if the situation of a child is endangered to the extent that the child must be immediately brought to safety. Action should be taken in such situations even if a parent refuses to return or is refused entry to the country. The view of the Ombudsman for Children was based on Articles 3, 9 and 19 of the UN Convention on the Rights of the Child and sections 17 and 26(2) of the Child Welfare Act (2007/417). No progress was made on the matter before late 2019.

A complaint concerning the actions of the Finnish Government was filed with the Chancellor of Justice, who issued a decision on 19 October 2019. The decision referred to section 7(1) of the Constitution of Finland, according to which everyone has the right to life, personal liberty, integrity and security, as well as Article 6 of the UN Convention on the Rights of the Child, according to which every child has the inherent right to life and States Parties shall ensure to the maximum extent possible the survival and development of the child. The Chancellor of Justice deemed that it may not be possible to fully apply the Child Welfare Act or the Convention on the Rights of the Child in the case. As grounds for his decision, the Chancellor of Justice stated that the exercise of official authority – in this case measures resembling taking children into care without their and their parents' consent, to which measures Finnish authorities have contributed – must be based on law, and in these exceptional circumstances it is not clear which law should be applied: the region is not governed by a state to which a request for official assistance could be addressed and there is no functional child welfare system in the region. Syria and Kurdistan Regional Government are not parties to the Hague Convention on parental responsibility and protection of children. The Chancellor of Justice stated in his decision that a legally clear course of action would be to attempt to repatriate both the children and their custodians. On the other hand, it might be possible to repatriate children without the consent of their custodians based on case-by-case assessment if it meant protecting the life of the child. The Chancellor of Justice justified this by stating that the custodians have been aware of the circumstances and significant risks to basic and human rights of the child when they have gone to the region, and protection of family life does not entitle custodians to act in ways that endanger the health and development of the child. The grounds also included the difficult conditions in the camp and security threats related to repatriating adults.³³

In December 2019, the Finnish Government outlined guidelines³⁴ and drew up a resolution³⁵ for repatriating children from the al-Hawl camp, and just a few days later two orphan children were brought to Finland from Syria. In the 2020 Annual Report, the Ombudsman for Children emphasised that obligations under the Convention on the Rights of the Child and national legislation must also be

33 OKV/998/1/2019

34 Finnish Government, 2019

35 UM/2019/203

complied with in situations where a Finnish child is abroad. Children cannot be held accountable for their parents taking them to a conflict zone. Taking into consideration the special circumstances of the children and obligations under the Convention on the Rights of the Child, it would be justified for authorities to do everything in their power to attempt to get the children away from conflict zones. The Ombudsman for Children viewed the situation as untenable and emphasised that in this truly exceptionally situation the primary action should be to look for solutions that protect the children's best interests and ensure their rights to special protection, survival and development.³⁶

In December 2020, the Deputy Parliamentary Ombudsman gave her decision on the complaint concerning the al-Hawl case³⁷. According to the complaint, the Ministry for Foreign Affairs and the Social Services of the City of Helsinki had neglected their duty to investigate the children's need for child welfare services. The Parliamentary Ombudsman found that the Ministry for Foreign Affairs had not neglected its duties because the children resided outside Finnish jurisdiction. However, the decision also stated that the Ministry for Foreign Affairs must promote the realisation of basic and human rights as part of the values that Finland has committed to in its constitution. According to the decision, these values also apply to the actions of the Ministry for Foreign Affairs with regard to children who are Finnish citizens and the child welfare of whom does not appear to fall under the responsibility of any other competent international authority than Finland. Thus, the Ministry for Foreign Affairs is responsible for protecting the basic and human rights of children through all means available to the Ministry by taking active measures and by taking the basic and human rights of children into consideration when carrying out the measures. As examples, the decision mentioned voluntary arrangements made by NGOs and international organisations to organise children's return together with their custodian, investigate the children's identities and preparation for their repatriation together with other authorities. In its supplement, the Ministry for Foreign Affairs stated that it has already taken various measures to resolve the situation.

During the years 2020 and 2021, mothers and children were repatriated to Finland directly from the camp and through embassies from which they had sought help. At the time of writing this report, some children and women apparently still remain on Syrian soil.

36 Office of the Ombudsman for Children, 2020.

37 EOAK/3173/2019

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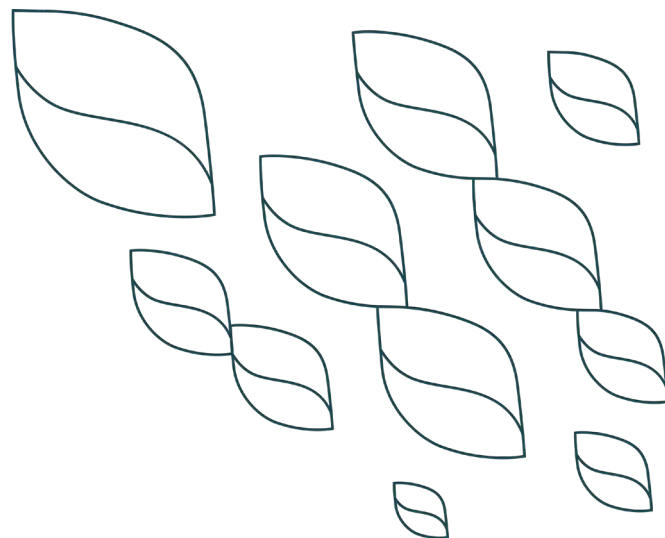
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Progress of Finnish national legislation in 2018–2021 from the perspective of the UN Convention on the Rights of the Child

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Starting point for the review of the period of observation 2018–2021

This chapter takes a glance at the progress of national legislation in 2018–2021 (hereinafter *the observation period*) from the perspective of implementing the UN Convention on the Rights of the Child (hereinafter *UNCRC*). The chapter will describe key improvements of legislation from the observation period on a general level and highlight areas of legislation that need development. The chapter will conclude with a brief look at the state of children’s legal protection.

The extensive report on the implementation of the UNCRC in national legislation, which was included in the first report to parliament written by the Ombudsman for Children in 2018 (hereinafter *the 2018 Report to Parliament*)¹, will be used as a basis for this review. The 2018 Report to Parliament reviewed the state of legislation based on articles of the UNCRC, highlighted key provisions related to the implementation of each article and evaluated the current state of legislation. Particular attention was paid to how the general principles stretching across the UNCRC were acknowledged in national legislation. The current more concise review will focus on key legislative measures related to children’s rights that have been carried out during the observation period. Thus, this review does

1 K 5/2018 vp.

not include all of the themes that were addressed in the 2018 Report to Parliament. Rights of the child have been taken into consideration relatively well with regard to the excluded topics, and they have not been subject to significant change during the observation period.

In summary, there have been plenty of changes to the rights of children on the fronts of legislation and law drafting during the observation period. The message put forward by the 2018 Report to Parliament was that national legislation primarily corresponds well to the rights of the child ensured under the UNCRC. This has been achieved regardless of the fact that Finland does not have a well-established tradition of utilising the UNCRC for law drafting, and it could not be deemed on the basis of law drafting documents that the UNCRC is used systematically. It was clear based on the article-by-article examination of the UNCRC that, in many respects, national legislation guarantees the rights of the child better than the minimum requirements of the UNCRC, but there were also deficiencies and need for improvement, especially when it came to advancing equality and inclusion of children.²

The message of the current report follows roughly the same lines. Legislative changes have been primarily positive. Acknowledging the best interests and rights of the child in law drafting is progressing in small steps, although it continues to be primarily related to legislation conventionally concerning children, such as laws on education and child welfare. Progress has been slower with regard to legislation that is not typically recognised as pertaining to children. However, there are also positive examples of this type of law drafting, such as taking the views of children in consideration in the preparations of the new climate change act.³ Impacts on children are more frequently assessed in connection with government proposals on matters conventional related to children's rights, and hearing of children and young people has even been a part of preparations of certain changes to legislation. Based on law drafting documents, utilisation of research data for child impact assessment is not very common.

The latter half of the observation period was an exceptional period, as the COVID-19 pandemic reached Finland in the early spring 2020 and a state of emergency was declared. The pandemic continues to affect the life of Finns in many ways and the situation varies from region to region depending on the disease situation and matters such as changes in the need for hospital treatment. Efforts have been made to control the pandemic through various means, including legislation. According to a study conducted in the University of Eastern Finland, a total of 102 government proposals that can be considered to be related to the COVID-19 pandemic were presented in 2020.⁴ Regulations aimed at slowing down the pandemic, maintaining the emergency supply, ensuring operations and basic services in municipalities, facilitating progress of studies and financial support offered to companies and private individuals, among other things.⁵

2 K 5/2018 vp; Helander, 2018.

3 Ministry of the Environment, 2021.

4 Jukka et al., 2021. 20 of these pertained to extending the validity of temporary legislation and regulations.

5 Ibid., figure 2.

Regulations made it possible to close down and restrict various operations, which also affected the lives of children. The most tangible direct effects were the transfer to remote learning in schools and educational institutions and the nearly full interruption of hobbies. Many other restrictions have indirectly impacted the daily lives of children. A significant portion of the legislative changes are meant to be temporary.⁶ As the pandemic is still ongoing, it is difficult to predict how these temporary, but relatively long-lasting, regulations will affect the lives of children and young people in the future. Several studies and reports on the effects of the pandemic on children and young people have already been published.⁷ Based on the studies and reports, it is clear that there are both long-term and short-term effects. This chapter makes only a few of individual references to regulations related to the pandemic due to the temporary nature of the regulations.

Changes to legislation have been monitored until 15 November 2021.

General measures of implementation

In 2011, the UN Committee on the Rights of the Child (hereinafter *the Committee*), a body responsible for monitoring implementation of the UNCRC, reprimanded Finland for lack of a consolidated legislative framework covering the full scope of the UNCRC and its Optional Protocol. According to the recommendations of the Committee, Finland should take all necessary measures to ensure that legislation and administrative regulations fully conform to the principles and provisions of the UNCRC and its Optional Protocols.⁸

The National Child Strategy

At the end of the parliamentary proceedings on the 2018 Report to Parliament, the Parliament adopted a position to obligate the Government to draw up a national child strategy.⁹ The National Child Strategy was completed on 31 December 2020, and its aim is goal-oriented and consistent fulfilment of fundamental and human rights obligations concerning children that spans several government terms. The rights of children confirmed under the UNCRC and other human rights agreements heavily influenced the National Child Strategy.¹⁰ Implementation plans for the implementation of the strategy will be prepared during each term of government, and the first action plan, which covers the remaining term of Prime Minister Marin's government, was completed in October 2021.¹¹

6 64 percent of the government proposals issued in 2020 (Jukka et al., 2021, section 4.2.2.)

7 I.a. Finnish Government, 2021b; Hastrup et al., 2021; Nelimarkka et al., 2021

8 CRC/C/FIN/CO/4*, sections 8–9

9 EK 34/2018 vp

10 Iivonen & Pollari, 2020

11 Finnish Government, 2021c

The strategy reflects shared political will, and each government will be responsible for its own implementation plan.¹²

The first implementation plan identifies measures and projects that are currently in progress and includes 30 new measures that are specifically based on the National Child Strategy. The projects and measures include some measures aimed at development of legislation, but the main focus is on other development. Even though the National Child Strategy corresponds to the Committee's demand for a national legislative framework, the question of how this framework is used to actually ensure continuation of measures and comprehensive development of legislation in the span of several government terms remains somewhat unclear.

The first implementation plan states that continuation of work on the child strategy shall be ensured by establishing a national child strategy unit (measure 30), but it does not define specific measures aimed at development of legislation as a whole or means for ensuring continuity of this development work specifically. Coherent development of legislation in the long-term requires for strategy guidelines to be supported through measures that ensure inclusion of development measures in future government programmes and legislative plans and state budgets formulated on their basis, as well as future implementation plans for the National Child Strategy.

Child impact assessment and child-oriented budgeting

The 2018 Report to Parliament noted that child impact assessment is not included in all key government proposals and budget proposals.¹³ This has been a major legislative challenge for the implementation of the UNCRC to which the Ombudsman for Children and many other parties promoting children's rights have repeatedly drawn attention.

In a report on the 2018 Report to Parliament, the Social Affairs and Health Committee stated that child impact assessment is important for the realisation of equality. The Committee deemed that in many cases child impact assessment and utilisation of its results can effectively prevent accumulative impacts of decisions disproportionately punishing certain groups of children. In addition to prior assessments, the Committee also emphasised the importance of assessing existing operations and decisions, as well as the importance of coordinating, collecting and sharing research data concerning children, young people and families.¹⁴

One of the strategic guidelines of the National Child Strategy is that child and family impact assessments will be systematically included in decision-making and activities at all levels of government. The plan is to extend impact assessment to the preparation and monitoring of budget

12 Koulou, 2021, p. 654.

13 K5 /2018 vp., p.141.

14 StVM 28/2018 vp.

decision, and extensively developed measures and competence related to child impact assessment and child-oriented budgeting over several terms of government.¹⁵

The handbook on child impact assessment for legislators, which was drawn up in connection with the National Child Strategy, can be considered to be a tangible step forward for child impact assessment.¹⁶ Even though the handbook is primarily intended for legislators it can also be utilised for other levels of decision-making.

A report by the Finance Committee on the 2018 Report to Parliament noted the need for acknowledging development of child-oriented budgeting as a part of preparations for the national child strategy.¹⁷ The Social Affairs and Health Committee supplement this notion with the demand that preparations for the child strategy must take into consideration the measures, methods and needs for development required to obtain cross-administrative and regionally comprehensive data on matters such as the state of children's well-being and budget impacts of decision-making related to children.¹⁸

A significant leap was taken when the Ministry of Finance started preparing inclusion of child-oriented budgeting into the State budget process. The working group responsible for developing child-oriented budgeting stated that "child-oriented budgeting, like other forms of phenomenon-based budgeting, can promote better recognition of entities, increase awareness, facilitate knowledge management and support decision-making. Child-oriented budgeting (examining expenses and taxation related to children in the state budget), child impact assessment and monitoring of outcome data requires extensive and careful planning and gradual progress that must also take into consideration other phenomena addressed in the budget, namely sustainable development and gender impacts."¹⁹

Child-oriented budgeting was piloted in the 2022 budget proposal and the plan is to standardise the practice in the 2023 budget proposal.²⁰ Analysing the state budget from the perspective of children provides better insight into proposed investments in children and young people, thus making it easier to assess the amounts and targeting of expenses related to children and young people.

According to the 2022 budget proposal, expenditure directly targeting and allocated to children as well as expenditure clearly targeted at families with children have been taken into account in the analysis, but the analysis does not extend to different types of expenditure indirectly allocated to the age group of children. As grounds for this, the proposal states that "such expenditure estimates do not effectively describe the cost decisions or changes affecting children, and the calculated review would not allow making conclusions related to the level of appropriations concerning the age group of children".²¹

15 Finnish Government, 2021a, p. 34.

16 Iivonen & Pollari, 2021.

17 VaVL 6/2018 vp.

18 StVM 28/2018 vp.

19 Ministry of Finance, 2021.

20 Jokiranta et al., 2020.

21 HE 146/2021 vp, p. Y 71.

Identification and assessment of indirect expenses may be very challenging, but it is required for transparency of the budget proposal's overall impact on children and young people. Indirect impacts result from decisions such as appropriations allocated to environment, housing and transport, and they may have significant effect on the well-being of children and realisation of their rights. More extensive child impact assessment based on research evidence would act as a measure that supports identification of indirect factors and child-oriented budgeting in general when preparing the state budget. In the future, child-oriented budgeting must be developed to include more detailed assessment.

General comments of the UN Committee on the Rights of the Child

The UN Committee on the Rights of the Child guides the implementation and interpretation of the UNCRC in member states by issuing general comments that each concentrate on a specific article or topic. There are currently a total of 25 general comments.²² Unofficial translations into Finnish are freely available on the website of the Ombudsman for Children which also contains a link to Swedish translations of the general comments published by the Ombudsman for Children in Sweden.

Two new general comments were issued during the observation period. General comment No. 24 (2019) on children's rights in the child justice system replaced general comment No. 10 (2007) on children's rights in juvenile justice.²³ The latest general comment No. 25 (2021) on children's rights in relation to the digital environment emphasises that children have the right to enjoy all opportunities provided by the digital environment and right to protection from risks related to the digital environment. States parties should take all appropriate measures to protect children from risks to their well-being and development, such as online abuse of children and violations of their privacy.

22 General Comments of the UN Committee on the Rights of the Child. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

23 For reasons that led to issuing the new general comment see CRC/C/GC/24, section 1.

Overview on the state of legislation during the observation period

General principles (articles 2, 3.1, 6 and 12)

The UN Committee on the Rights of the Child has defined four principles of the UN Convention on the Rights of the Child as its general principles, in the light of which children's rights must be developed for effective implementation of the Convention.²⁴ These general principles are the right to non-discrimination (article 2), the right to life, survival and development (article 6), the best interests of the child being a primary consideration (article 3.1) and the right to inclusion (article 12). According to the Committee, the UNCRC must always be understood and interpreted as a whole, but the general principles in particular must be taken into consideration in all circumstances when applying other provisions of the Convention. These are guiding principles for the realisation of children's rights. It is important to note that each general principle is simultaneously an independent right the realisation of which must be ensured.

The general principle of the UNCRC, with the exception of the best interests of the child being a primary consideration, have been ratified in the Constitution of Finland (731/1999). The right to non-discrimination is provided for in section 6 of the Constitution, which states that everyone is equal before the law and highlights the status of children as equal individuals. The right to life is provided for in section 7, and the right to survival and development is evident from the obligation of public authorities to guarantee for everyone adequate social, health and medical services and promote the health of the population provided in section 19.3. According to the provision, public authorities must support families and others responsible for providing for children so that they have the ability to ensure the well-being and personal development of the children. Children's right to inclusion has been ratified in section 6.3, according to which children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development

The above general principles of the UNCRC (articles 2, 6 and 12) are also included in various legislation below the level of the Constitution. It is clear that legal provisions on the constitutional level also promote the inclusion of those rights into other legislation. In addition, constitutional provisions must be implemented regardless of whether or not specific provisions are included in other legislation.²⁵ In practice, deficiencies in the realisation of children's rights are often not related to the need for specific legislation, but the issue that provisions of law do not result in actual application of these legal rights in practice.

24 CRC/GC/2003/5, section 12.

25 It should also be noted that according to section 22 of the Constitution of Finland, public authorities shall guarantee the observance of basic rights and liberties and human rights.

Right to non-discrimination (article 2)

The 2018 Report to Parliament noted that legislation specifically pertaining non-discrimination corresponds well to the requirements under the UNCRC. More effort should be put into viewing other legislation from the perspective of equality between children, and child impact assessment in particular should be utilised in the early stages of law drafting in order to advance equality between children, between different groups of children and between adults and children.²⁶ This observation bears repeating here.

Efforts should be made to use child impact assessment to identify both direct and indirect impacts on the realisation of equality. In addition to legislation, equality should also be promoted in decision-making and practice. In a communication published in September 2021, the Ombudsman for Children reminded municipalities about the importance of investing in equality of children and groups of children.²⁷ In the communication, municipal decision-makers were urged to invest in child impact assessment, investigate children's views as part of decision-making and pay particular attention to groups of children in a vulnerable position.

Primary nature of the best interests of the child (article 3.1)

Legal provisions on the best interests of the child currently missing from the Constitution are included in other laws, but legislation on the matter is not comprehensive. If provisions on acknowledging the best interests of the child are not included in national legislation, the best interests of the child may not be taken into consideration in practice. An overarching rule on the best interests of the child being a priority is missing from legislation such as the Act on Child Custody and Right of Access (361/1983).

The Act on Child Custody and Right of Access is considered to be a key piece of legislation on the relationship between a child and his or her custodian. The Act was amended in 2019.²⁸ The Ombudsman for Children proposed that the Act on Child Custody and Right of Access should include a specific provision on the best interests of the child being a priority, which would oblige authorities to assess and resolve all matters pertaining to child custody and right of access in a manner that would ensure that the best interests of each child are met to the maximum extent possible, taking the child's individual needs and wishes into consideration in each case. Assessment of the best interests of a child, as well as the grounds for the assessment, should be included in all decisions and other documents concerning the child.²⁹ This proposed legal provision was not included in legislation, but the Parliament demanded that the Government instructs the implementation of the reform of

26 K 5/2018 vp, p. 140

27 Ombudsman for Children, 2021

28 HE 88/2018 vp.

29 LAPS/8/2016, 03/10/2018 (statement to the Legal Affairs Committee), LAPS/8/2016, 14/11/2018 (statement to the Social Affairs and Health Committee). See also statement by Assistant Professor Hakalehto to the Legal Affairs Committee, 11/10/2018, available in Finnish on the website of the Parliament

the Act on Child Custody and Right of Access by stating that the best interests of the child shall be a guiding principle of interpretation in all decision-making and actions.³⁰ Special attention should be paid to this in monitoring the enforcement of the Act.

At the time of writing this report, the Parliament is considering a government proposal that would promote the best interests of the child. It proposes that a legal provision stating that the best interests of the child shall be taken into consideration in planning, providing and deciding on education and operations should be added to the Basic Education Act (628/1998), the Act on General Upper Secondary Education (714/2018), the Act on Vocational Education and Training (531/2017) and the Act on Initial Education and Training for a Degree Programme (1215/2020).³¹

Fractured legislation does not support the realisation of the best interests of the child as required by the UNCRC. The best interests of the child being a primary consideration in all decision-making and other actions concerning children is a right, the purpose of which is to ensure that all rights under the UNCRC are realised to the maximum extent possible for every child. Another purpose is to ensure comprehensive development of the child. During the observation period, the Ombudsman for Children repeatedly drew attention to the best interests of the child not being sufficiently discussed in preparatory documents, as well as documents not including comprehensive child impact assessment which would help ensure that the legislative decision would promote the best interests of the child to the maximum extent possible. Preparatory documents often do not make it clear what factors were considered to be the factors that form the best interests of the child and how much importance was given to different factors. Evaluation of the best interests of the child is often very limited and only focused on the amendment at hand. This means that particularly indirect impacts on the rights and well-being of the child – the best interests of the child – are often not identified and assessed.

The 2018 Report to Parliament pointed out the issue that the term “best interests of the child” is increasingly present in legal practice, but its content is usually not specified in more detail.³² A great leap forward was taken with Supreme Court decision KKO:2021:14, in which the Supreme Court found that hearing the child in person was necessary to assess the child’s best interests in a case concerning the appointment of a substitute guardian for bringing an action on revoking paternity. The hearing could be carried out pursuant to section 15 of the Act on Child Custody and Right of Access. In the grounds for the decision, the Supreme Court referred to the UNCRC and, for the first time, to General Comment No. 14 of the Committee on the right of the child to have his or her best interests taken as a primary consideration. The key question of this decision concerned hearing of the child as part of assessing the best interests of the child.³³

Inclusion of the primary nature of the child’s best interests as a legal provision on fundamental rights in the Constitution of Finland (731/1999) would be a significant step towards child-friendly

30 EV 175/2018 vp., resolution 1. See LaVM 12/2018 vp.; StVL 6/2018 vp

31 HE 127/2021 vp

32 See Sormunen, 2016, concerning matters such as legal practice of the Supreme Administrative Court

33 See Hakalehto, 2021, for more information about legal practice of the Supreme Court

legislation and legal practice. This change was also proposed in the 2018 Report to Parliament.³⁴ Such provision in the Constitution would ensure that the best interests of the child would be acknowledged in all application of laws that directly or indirectly affect children, including cases where the best interests of the child are not provided for in other applicable legislation. Furthermore, the guidance it would provide would further obligate legislators and other parties who make decisions concerning children to carry out child impact assessment.

Right to life and development (article 6)

Every child's right to life, survival and development to the maximum extent possible (article 6) is primarily well implemented on a legislative level, but deficiencies continue to exist. Social rights of children in a vulnerable position, such as undocumented children, are not realised equally with other children. Concerns over the impacts of the COVID-19 pandemic on children's development and well-being in the long and short term have been raised during the pandemic. The pandemic has lasted a long time and affected the daily lives of children in many ways. Temporary legislative changes related to the pandemic were made at a quick schedule and child impacts of the legislation were not assessed carefully. Decisions on matters such as the order of vaccination, restrictions and lifting of restrictions also affect the well-being of children. The issue is not just a question of legislation, as other decision-making and practice that does not sufficiently account for the best interests of the child can also have significant impacts on children.

The right of the child to be heard (article 12)

The right of the child to be involved in decision-making concerning the child in a manner that accords with the child's level of development is a key human right. Investigating the views of the child and taking those views into consideration are integral in determining and ensuring the best interests of the child. Therefore, particular attention should be paid to both of these during law drafting and application of law.

Children's right to be heard is relatively extensively provided for in current legislation, but there remains plenty of room for improvement with regard to application of such legal provisions in practice. Inclusion of children was addressed in various law drafting documents during the observation period. In addition to legislation, actual inclusion of children should also be promoted through education, training and allocation of sufficient resources to law drafting and application of law. Officials and other decision-makers involved in law drafting and application of the law often say that they do not have sufficient competence in hearing children and ascertaining their views, for which reason these are considered to be difficult and laborious. Furthermore, lack of time often also poses an issue and the time available does not allow for the hearing of children.

One positive example of inclusion of children in law drafting is the government proposal related

34 K 5/2018 vp., p. 142.

to a programme for preventing bullying, violence and harassment in early childhood education, schools and educational institutions. Preparations for the proposal included representative hearing of children and young people, and the results and impact of the hearing are clearly described in the proposal.³⁵ Children and young people have also been heard in connection with the on-going preparations for the reform of the Climate Change Act.³⁶

Inclusion of children and young people in decision-making has been advanced by various parties, including the State, municipalities and organisations. In October 2021, the Ministry of Justice, the Ministry of Education and Culture and the Ministry of Social Affairs and Health announced a project in which the ministries will cooperate with civil society to develop a new platform for digital participation and a model to support inclusion of children and young people.³⁷ A handbook for law drafters on hearing the views of children was prepared as part of the implementation of the National Child Strategy.³⁸

Definition of a child (article 1)

The UNCRC defines a child as every human being below the age of eighteen years, but also leaves room for national legislation: “unless under the law applicable to the child, majority is attained earlier.” National legislation in Finland uses the age limit of 18. Even though the definition of a child has remained unchanged, it has been subject to clear changes during the observation period. They have led to nearly completely abandoning the national latitude allowed by the Convention.

Prohibition of marriage by minors

Section 4(2) of the Marriage Act (234/1929), which made it possible to grant a person under 18 years of age a dispensation to marry for special reasons, was repealed in 2019. Thus, marriages can currently only be concluded by adults. Although marriage concluded as a minor did not previously specifically affect the age of reaching majority, a child who entered into marriage as a minor was released from the custody of his or her parents. Due to the amendment to the Marriage Act, the Act on Child Custody and Right of Access (section 3) was also amended to state that custody ends when the child attains the age of 18 years. The amendment clarifies the position of children, even though the preparatory documents for the amendment recognise that the change may have negative effects in individual cases where granting dispensation might be in the best interests of the child. In individual cases, the amendment may also hinder a child’s inclusion in decision-making concerning the child in a manner that accords with the child’s level of development and beliefs. However, dispensation has rarely been applied for in recent years and it has usually concerned young people aged 17.³⁹

35 HE 127/2021 vp., pp. 27–28.

36 Ministry of the Environment, 2021.

37 Ministry of Justice, Ministry of Education and Culture & Ministry of Social Affairs and Health, 2021.

38 Stenvall et al., 2021.

39 HE 211/2018 vp., p. 8.

Annulment of forced marriages (government proposal)

In October 2021, the Parliament was presented with a government proposal on annulment of forced marriages, which would also involve taking a stricter approach towards marriages concluded by minors abroad in situations where a spouse has lived in Finland at the time of entry into marriage. This would mean that a marriage concluded abroad by a person under the age of 18 years would not be recognised in Finland, unless there was a special reason to do so. This aims to prevent situations such as attempts to evade the absolute age limit of 18 for concluding a marriage in Finland. As examples of special reasons, the government proposal mentions unreasonable consequences to the spouses from the marriage not being recognised, request for recognition of the marriage by a spouse who was married as a minor but is now an adult and the best interests of a mutual child of the spouses.⁴⁰

Family environment and social security

Several legislative amendments related to family environments were made during the observation period.

The Act on Child Custody and Right of Access was amended in 2019. The amendments specified general provisions of the Act in more detail, including custodians' obligation to protect the child from violence, foster relationships that are important to the child and contribute to the realisation of the right of access. There were also amendments concerning agreeing on custody and right of access as well as alternating residence. In addition, the right of the child to be heard in the processing of matters concerning the child was reinforced.⁴¹

Although the reform of the Act on Child Custody and Right of Access responded to many practical issues and the preparations took into consideration requirements set under the UNCRC, further improvement is still needed. One clear deficiency is that the Act does not specifically require that the principle of the best interests of the child being a primary consideration must be complied with in all matters pertaining to child custody and right of access. When enacting the law amendments, the Parliament stated that the Government must provide the instruction for the implementation of the reform of the Act on Child Custody and Right of Access that the best interests of the child shall be a guiding principle of interpretation in all decision-making and actions (resolution 1)⁴², but an instruction does not have the same level of binding force as a legal provision included in the Act. Furthermore, the decision of the Parliament included four other resolutions pertaining to alternating residence, enhancing support to parenthood and partnership, national instructions for family circumstance assessment and monitoring of the reform's implementation and impacts.

40 HE 172/2021 vp., p. 13

41 HE 88/2018 vp

42 EV 175/2018 vp

The Maternity Act (253/2018) entered into force on 1 April 2019. The Act was enacted based on a citizens' initiative⁴³, and its purpose is to protect the best interests of the child by confirming two legal parents responsible for the child's maintenance as soon as possible after the child's birth. The aim of the Act was to clarify legal situations and enhance parenthood and equality of female couples.

The Parliament is currently considering a government proposal for a parenthood act that would combine the Maternity Act and the Paternity Act (11/2015) under the same act.⁴⁴ This primarily concerns a technical merging of the two acts, but legal provisions are reviewed on the basis of needs emerging from practical application of the legislation. Full gender-neutrality will not be reached with the parenthood act and it is important to monitor and assess application of the act and take any necessary legislative measures to further advance equality between different forms of families.

The Parliament is also currently working on a government proposal on the family leave reform.⁴⁵ The aim of the reform is to promote equality between men and women in working life and help with reconciling work and family. The proposal proposes a full reform of the parental allowance system under the Health Insurance Act. Statements issued by the Ombudsman for Children stated that more flexible utilisation of parental allowance days supports the child's right to grow and develop according to the child's individual capacities, as well as the possibilities for families to make decisions suited for their individual needs taking into consideration the primary nature of the best interests of the child. Allocating days of parental allowance to both parents will likely promote a more equal distribution of parental allowance between parents, but the chosen solution involves factors that may jeopardise the rights of children in a vulnerable position in particular, because the reform is heavily based on the idea that all parents can and want to utilise the possibility to flexibly arrange the use of parental allowance days.⁴⁶

In a statement to the Social Affairs and Health Committee concerning the government proposal on the family leave reform, the Ombudsman for Children also brought up the need for working hours legislation on breastfeeding.⁴⁷ Finland has a national action programme for breastfeeding promotion for the years 2018 – 2022⁴⁸. The aims of the programme include promoting the capacities and possibilities for mothers and families to feed their child according to their wishes, extending the duration of breastfeeding and exclusive breastfeeding to meet the recommendations of the WHO, reducing socio-economic differences related to breastfeeding, growing public awareness on the health benefits of breastfeeding and increasing cooperation between professionals and social actors to promote breastfeeding. More detailed legislation is required to carry out the action programme. Furthermore, Finland has not ratified the Maternity Protection Convention No. 183 of the International Labour Organization ILO, which obligates member states to ensure that a woman

43 KAA 3 /2016 vp

44 HE 132/2021 vp

45 HE 129/2021 vp. The government proposal was approved by Parliament on December 8, 2021

46 LAPS/63/2019, 04/10/2021

47 Ibid.

48 Hakulinen et al., 2017

shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child. The Committee on the Rights of the Child also states in General Comment No. 15 that compliance with the ILO Convention No. 183 should be ensured.⁴⁹

In order to improve equality in parenthood, an extensive change of attitudes in working life and society as a whole is needed in addition to legislative changes, and actual measures for improving employment for women and combating the gender wage gap must be taken.

An extensive reform of social security is being prepared by a parliamentary committee in the years 2020 – 2027. The committee will review basic social security, income security, social assistance and their interrelations and funding, as well as better integration of services and benefits.⁵⁰ The impacts of the reform on children's rights will be monitored and assessed in future annual reports of the Ombudsman for Children and the next report to parliament.

Child welfare and substitute care

The 2018 Report to Parliament stated that the legislative entity consisting of the Child Welfare Act (417/2007) and the Social Welfare Act (1301/2014) corresponds well to the requirements of the UNCRC, but the Report also highlighted problems related to child welfare, such as issues with staffing levels, lack of necessary places of substitute care particularly for young people with severe symptoms, and provision and monitoring of mental health services. Several amendments were made to child welfare legislation during the observation period.

A working group for reforming demanding substitute care in child welfare was appointed in 2019, and a draft proposal prepared by the working group was circulated for comment in the autumn of 2020.⁵¹ Advancing of proposals made by the working group has continued in a statute drafting project with the objective of reforming child welfare legislation, so that the contents and structure of substitute care would better meet the needs of children who require demanding special support.⁵² The plan is to present the government proposal to the Parliament in June 2022.

The government proposal on staffing levels in child welfare, which is part of the above legislative entity, was presented to the Parliament in October 2021.⁵³ The purpose of the proposal is to advance the realisation of children's rights in child welfare and ensure realisation of the goals of child-specific and family-specific child welfare. The aim is to increase staffing levels to improve the opportunities for social workers to sufficiently familiarise themselves with each child's case, as well provision of social work in a manner that is in the best interests of the child to the maximum extent possible. One social worker could be responsible for the cases of no more than 35 children in 2022 and 2023, and no more than 30 children starting from 2024. Deliberation of the Parliament is yet to be concluded.

49 CRC/C/GC/15, section 44

50 STM031:00/2020

51 STM026:00/2019

52 STM077:00/2021

53 HE 170/2021 vp. The government proposal was approved by Parliament on December 7, 2021

The aim of the amendments to the Child Welfare Act, which entered into force in April 2019, was to advance children's right to good treatment, care and upbringing, as well as clarify the line between generally accepted common upbringing methods and restrictions that encroach upon basic rights. Another aim was to improve legal protection of children placed outside the home and the legal protection of their custodians.⁵⁴ In connection with approving the government proposal, the Parliament demanded that the right of children placed in substitute care to balanced development and well-being as well as the use of restrictions included in the Child Welfare Act must be assessed and made clearer as part of preparations for legislation on the self-determination of clients and patients. This is addressed in the above-mentioned preparations for legislation which is due to be completed in the summer of 2022.

A legislative motion to extend the age limit of after-care to 25 years was approved in the same context.⁵⁵ The extension of after-care came into effect at the start of 2020.⁵⁶ A reference in the Child Welfare Act to the new Administrative Judicial Procedure Act (808/2019), which entered into force at the start of 2020, was reviewed in connection with the deliberations on the government proposal. Appeals on administrative court decisions with the Supreme Administrative Court were made subject to a leave to appeal. However, administrative court decisions concerning taking a child into care and placement in substitute care were not included under matters that could be appealed with a leave to appeal.⁵⁷ The Parliament approved a resolution demanding that the Government starts an assessment of need to reform the child welfare decision-making and appeals system and takes necessary legislative measures.⁵⁸ This assessment is very important with regard to developing the legal protection of children and families. The assessment and law drafting measures have not yet been started.

In August 2021, compulsory education was extended to everyone under the age of 18. In connection with the consideration of the government proposal on the matter, the Education and Culture Committee added to the Child Welfare Act section 52a which concerns children's right to education in substitute care.⁵⁹ The legal provision reinforces the right of children in substitute care to education on an equal basis with others and obliges child welfare workers and education providers to cooperate when preparing substitute care and during provision of substitute care.

In coming years, provision of child welfare and other social services will be significantly affected by the Act on the Provision of Social and Health Services (612/2021), which was enacted in June 2021, as well as other new and amended legal provisions on the transfer of responsibility for social, health and emergency services from municipalities to health and social services counties (hereinafter the *Sote reform*).⁶⁰ In statements concerning the government proposal, the Ombudsman for Children

54 HE 237/2018 vp

55 LA 86/2018 vp; EV 317/2018 vp

56 HE 71/2019 vp

57 PeVL 16/2019 vp., p. 2-8; StVM 18/2019 vp., p. 3-4

58 EV 80/2019 vp

59 HE 173/2020 vp; SiVM 15/2020 vp

60 HE 241/2020 vp.

emphasised the importance of taking into consideration the rights of children in a vulnerable position and careful child impact assessment in connection with application of the law. Systematic and continuous monitoring of application of the law and collection of data from the start ensures that actual impacts can be assessed on the basis of scientific data.⁶¹ The Sote reform will most likely be one of the key topics in future annual reports of the Ombudsman for Children, as well as the next report to parliament.

Education, leisure and culture (articles 28–31)

Early childhood education and care

The new Act on Early Childhood Education and Care (540/2018) entered into force in August 2018. The reform completed the transfer of administration from the Ministry of Social Affairs and Health to the Ministry of Education and Culture. Early childhood education is increasingly seen as pedagogical activity with a direct connection to basic education via pre-primary education. The new act supports this view. The new act and its preparations show significant improvement in taking obligations under the UNCRC into consideration. For example, a legal provision stating that the planning, organisation or provision of early childhood education and care and associated decision-making shall take into account the interests of the child as the first priority (section 4) was added to the act. Several amendments have also been made to the act after the reform.

In 2016, the subjective right of children to early childhood education was restricted so that the right to full-time early childhood education only applied to the children of parents who worked or studied full time, as well as certain discretionary situations laid down in legislation. This placed children in an unequal position, as municipalities were given power to decide how they will apply the restrictions within the legal framework. The Ombudsman for Children objected to the restriction of right to early childhood education on various occasions and considered that the subjective right should be returned to all children equally.⁶² This was eventually done in August 2020.⁶³

A government proposal on a three-tiered support model for early childhood education was presented to the Parliament in September 2021.⁶⁴ Preparation of the model was demanded in connection with parliament approval of the government proposal on reforming the Act on Early Childhood Education and Care (resolution 3).⁶⁵

61 LAPS/60/2020, 09/02/2021

62 I.a. Office of the Ombudsman for Children, 2018

63 HE 34/2019 vp

64 HE 148/2012 vp

65 EV 67/2018 vp

These days, the importance of every child's participation in early childhood education and care is highly emphasised and efforts have been made to increase participation through various measures, such as lowering client fees and reducing the child home care allowance.⁶⁶ It has been proposed, in connection with the family leave reform, that in the future the right to early childhood education and care would start when the child is nine months old and the child could keep the same place of early childhood education and care, subject to certain conditions, if the child takes a break from early childhood education and care while a parent receives parental allowance.⁶⁷ Early childhood education and care is considered to be particularly important for children in a vulnerable position. Currently, the aim of making it possible for every child to participate appears difficult to achieve, particularly due to lack of trained staff.

Legal provisions on qualification requirements for early childhood education and care staff, staffing levels and derogations from them are included in the new Act on Early Childhood Education and Care (chapters 6 and 7). The Act was amended in June 2021 with the addition that the ratios of children and staff may not be departed from due to absence of staff (section 36(3)). In connection with the amendment, members of early childhood education and care staff were also obliged to report any observed deficiencies or threats of evident deficiencies in the provision of early childhood education and care. Furthermore, legal provisions on measures to be taken to eliminate reported deficiencies or evident threats of deficiency were added.⁶⁸

However, there is a significant shortage of qualified staff in many regions. It is obvious that these shortages may result in reduction or variation in the quality of early childhood education and care.⁶⁹ Another problem is that it has been possible to reduce the municipal supplement to the child home care allowance while there is a lack of qualified staff. This has disproportionately affected younger children who are in a more vulnerable position, and the early childhood education and care of whom should emphasise safe and permanent carers and elements of care over pedagogical elements.

It should be noted with regard to deficiencies related to early childhood education and care that the right of children who are not residents of a municipality but reside in the municipality (so-called undocumented children) to early childhood education and care is not realised on an equal basis with other children, even though the Parliament demanded in 2018 that the Government must monitor and assess the impacts of the reform of the Act on Early Childhood Education and Care on the equal provision of sufficient early childhood education and care services to all children and consideration of the best interests of the child everywhere in Finland and in all population groups, and to take any necessary measures to realise the aims of the Act (resolution 1). According to section 6(3) of the Act on Early Childhood Education and Care (540/2018), in urgent cases or if circumstances otherwise so require, a municipality shall ensure that early childhood education and care is also organised for

66 I.a. HE 198/2020 vp

67 HE 129/2021 vp

68 HE 249/2020 vp

69 See e.g. Repo et al., 2020. See also resolutions 5–7 given by Parliament in connection with enacting the Act on Early Childhood Education and Care, EV 67/2018 vp

children staying in the municipality who are not municipal residents. The provision does not appear to impose a sufficiently strict obligation to deal with issue. The demand for the right of children who use sign language to receive early childhood education and care in their first language has also not yet been realised.⁷⁰

Efforts have been made to improve the quality of early childhood education and care through a government proposal which proposes that private day care activity should be subject to a licence.⁷¹ The government proposal is due to be presented to the Parliament in late November 2021. In addition to ensuring quality of private day care activities, the proposal also aims for better advance supervision of private early childhood education and care, as well as shifting focus from ex post facto monitoring to prior monitoring.

Basic education and upper secondary education

Extension of compulsory education

The most significant reform during the observation period was the extension of compulsory education to upper secondary education. The new Act on Compulsory Education (1214/2020) entered into force on 1 August 2021. The Act states that all children permanently residing in Finland must attend compulsory education, primarily starting the year when the child turns seven and starts basic education and ending when the child turns 18 or has completed upper secondary education, as referred to in Finnish law (section 2). In connection with extending compulsory education, upper secondary education was also made free of charge (chapter 4). Education is provided free of charge until the end of the calendar year when the student turns 20.

The reform advances equality between children and aims for preventing exclusion by reducing school dropout rates. The reform is discussed in more detail in the section of this Report to Parliament written by Hanna Virtanen and Hannu Karhunen. During the Parliament's deliberations on the government proposal, the Ombudsman for Children noted that sufficient and accessible student places should be available in the whole country. It should also be ensured that all children have equal opportunities to make choices on the basis of their individual interests and wishes when starting upper secondary education. The Ombudsman for Children considers it important that special attention is paid to guidance and support provided to students, particularly when transferring from basic education to upper secondary education, in order to find each student a meaningful place of study.

In the future, it should be made sure that both basic education and upper secondary education will be provided free of charge equally in the whole of Finland. Differences between municipalities and schools in costs of textbooks, other learning materials, tools, working clothes and work materials hinder equality.

70 HE 148/2021 vp., p. 29

71 See also background study on the licensing of private educational services and the prohibition on seeking profit, Tuori, 2021

When enacting the Act on Compulsory Education, the Parliament issued a total of 22 resolutions pertaining to matters such as provision of sufficient support, ensuring availability of student welfare, monitoring of the reform's implementation and impacts from different perspectives and continuation of measures aimed at renewal and improvement of the entire path of education.⁷² The high number of resolutions, along with their content, indicate how significant the reform is for children's rights.

In October 2021, the Ministry of Education and Culture published a monitoring plan to monitor the implementation of extended compulsory education in 2021 – 2024. Monitoring will be based on the monitoring needs specified in the government proposal and the 22 resolutions of the Parliament.⁷³

Two-year pre-primary education trial

A two-year pre-primary education trial was launched along the extension of compulsory education, which is provided for in the Act on a Two-Year Pre-primary Education Trial (1046/2020). The purpose of the trial conducted from August 2021 to May 2024 is to provide data to support decision-making on national implementation of two-year pre-primary education, which would mean extending pre-primary education to the entire age group of five-year-olds. The basis for learning is created in early childhood. Participation in early childhood education and pre-primary education is deemed to be an important step for later success in school and studies. The Ombudsman for Children considers it important that the entire path of learning, from early childhood education and pre-primary education to the end of compulsory education, is viewed as a whole.

In a statement to the Education and Culture Committee concerning the trial, the Ombudsman for Children demanded that scientific research carried out on the trial must include continuous and diverse child impact assessment that also investigates the views of children and takes them into consideration both during the trial and in decision-making after the trial.⁷⁴ The Education and Culture Committee included the demand in its report.⁷⁵

The Finnish National Agency for Education will put together a trial register for the administration, compilation of statistics, monitoring and evaluation of the trial.⁷⁶ According to the Ministry of Education and Culture, results of the trial will be studied by monitoring and evaluating the trial's implementation, target group, pedagogical and functional practices, the core curriculum for the trial and local curricula.⁷⁷ The collected data will be used as a basis for national decision-making.

72 EV 218/2020 vp

73 Ministry of Education and Culture, 2021a

74 LAPS/55/2020, 02/11/2020

75 SiVM 15/2020 vp

76 Available online at <https://www.oph.fi/fi/koulutus-ja-tutkinnot/kaksivuotisen-esiopetuksen-kokeilurekisteri> (retrieved 08/11/2021) (in Finnish)

77 Online at <https://okm.fi/kaksivuotisen-esiopetuksen-kokeilu> (retrieved 08/11/2021) (in Finnish)

Upper secondary education

The new Act on General Upper Secondary Education (714/2018) entered into force on 1 August 2019.⁷⁸ The new act reformed the structures of general upper secondary education with the aim of promoting provision of more extensive study units and studies across multiple subjects, as well as developing students' broad-based competence during general upper secondary studies.

A reform of vocational education was carried out during the previous term of government, and the Act on Vocational Education and Training (531/2017) entered into force on 1 January 2018.

Student welfare

Legislation on student welfare was reformed in 2014. The aim was to improve well-being, health and safety on an individual level and on the level of school communities. The legislation has generally met the requirements set under the UN Convention on the Rights of the Child.

However, the COVID-19 pandemic has led to problems related to availability of services, which may have further hindered the status of students in a vulnerable position.

In October 2021, the Parliament was presented with a government proposal which proposed legislation on binding staffing levels for student welfare.⁷⁹ Starting from the beginning of 2022, education pursuant to the Basic Education Act, which is under the scope of the Student Welfare Act, should have at least one school social worker per 670 students and at least one psychologist per 780 students. Similar staffing levels also apply to upper secondary education. Competency requirements for school social workers were also specified with the aim of promoting recruitment of skilled school social workers. The objective of the amendment is to better support availability and quality of these services, thus improving the health and well-being of children and young people.

Preparations for the Sote reform have involved heated discussion on the provision of student welfare. In the future, the responsibility for providing student welfare lies with health and social services counties, and in practice these services are provided in schools and educational institutions near students.⁸⁰

Legal protection in education

The 2018 Report to Parliament stated that the clearest problem with law pertaining to education is the lack of legislation on the legal protection of students. A large portion of problems at schools emerge in situations on which appealable decisions are not made. Problems must be resolved efficiently and without delay in order to ensure students' well-being and progress of studies. Retrospective means

78 HE 41/2018 vp

79 HE 165/2021 vp. The government proposal was approved by Parliament on November 31, 2021

80 See StVM 16/2021 vp., p. 49–51

of legal protection, such as appeals to the Regional State Administrative Agency or an ombudsman, are often too slow. Although various measures to combat bullying in schools and ensure freedom to study in peace have been taken in recent years, the situation is not good.

A study on the monitoring of basic education⁸¹, published in the autumn of 2021, states that in the current model monitoring is based on self-monitoring and legality control on the basis of complaints. The monitoring system and loose regulation have led to differences between municipalities in the realisation of students' rights. The study raised the concern that the current monitoring system guarantees the rights of "good and ordinary" children, but the rights of children with different backgrounds may not be looked after by anyone. Children placed in substitute care are mentioned as an example of such group of children.⁸² The study mentioned the following as procedural challenges: decisions are not made, guidance on procedural matters is not available, there are deficiencies related to hearing parties and passivity related to investigations and replying to enquiries.⁸³ The study proposes for specific legislation to be enacted to preventively address these issues. It highlights that "it is important to also collect information on possible deficiencies from children themselves. Supervisory authorities should have personal contact with children, for example in the form of interviews at school. The current responses indicate that trust in someone listening and believing children is not very high."⁸⁴

Health care and social security (articles 24, 33)

Act on the Status and Rights of Patients (785/1992) and the Act on the Status and Rights of Social Welfare Clients (812/2000) guarantee every child the right to influence matters concerning the child in a manner that accords with the child's level of development. For example, a child has the right to decide on the treatment given to the child if a health care professional deems the child capable of making such a decision owing to the child's age and level of development. In practise, children's right to self-determination is not always sufficiently realised.

Health care services

Amendments to the Act on Client Charges in Healthcare and Social Welfare (734/1992), which entered into force in July 2021, made services such as primary health care appointments with a nurse and outpatient clinic visits free of charge for patients under the age of 18. A proposal submitted to the Social Affairs and Health Committee by the Ombudsman for Children⁸⁵ led to the Parliament deciding that the treatment and care entity provided by maternity clinics to pregnant patients who

81 Mäntylä et al., 2021

82 Ibid., p. 116

83 Ibid., p. 28–30

84 Ibid., p. 116

85 LAPS 61/2018M 03/11/2020

use intoxicants will be provided free of charge. The Social Affairs and Health Committee stated in its report that equal access to health care services must be ensured for every child and young person regardless of the family's level of income, and also found that an extensive reform of legislation on client charges is necessary and impacts on children and persons with disabilities should be assessed in connection with the reform.⁸⁶

A project on the right of clients and patients to self-determination was delayed and started in the latter half of 2021. The project will be carried out in stages and the first step is to prepare a proposal intended to clarify legislation on involuntary treatment and care.⁸⁷

Children's right to information and self-determination with regard to the use of health care services were raised as challenging questions during the observation period. The My Kanta service offers an electronic user interface that can be used to view the patient's own health information, and gradually information recorded by social services will also be made available.⁸⁸ Due to reasons primarily related to the development and implementation of patient information systems and the Kanta user interface, access to children's information was at first restricted so that custodians could view the information of their children under 10 years of age. Gradually the information of older children will be made available to parents. A minor can only use the My Kanta service if they have the required means of identification, such as online banking identifiers. Younger children rarely have such means of identification. Therefore, the restrictions of the My Kanta service may have unnecessarily made it more difficult for children and their parents to manage children's affairs, even though gradual implementation has been understandable and justified as such. These delays and problems could have been partly avoided if an extensive child impact assessment had been carried out in the early stages of development and if development was more firmly based on an understanding of children's rights.

Vaccination of young people aged 12 – 15 against COVID-19 started in August 2021. It became clear in connection with the vaccinations that the right of minor children to decide on the treatment given to them, owing to the child's age and level of development, pursuant to section 7 of the Act on the Status and Rights of the Patient, was not always understood, even by professionals. A child has the right to decide whether the child wants to get vaccinated if a health care professional deems the child mature enough to make the decision. In such case, the child also has the right to refuse information being provided to their parent regarding whether or not the child got vaccinated. Children's privacy has not been respected in all situations involving vaccinations. Information on vaccination is personal data⁸⁹ and within the scope of protection of a child's privacy. Therefore, vaccinations must be arranged in a manner that allows for information concerning the vaccination to be kept secret from other people, including teachers and other students. There is also problem related to legal

86 StVM 39/2020 vp

87 STM005:00/2021

88 Kanta Services / Minor's rights

89 Data pertaining to health status is protected under the General Data Protection Regulation (GDPR). For more information see e.g. <https://tietosuoja.fi/en/what-is-personal-data>

protection when it comes to children's right to self-determination. Assessment of a child's ability to decide on the child's own treatment is performed by a health care professional who does not need to write a decision that could be appealed. Children do not have effective and sufficiently quick means for contesting this assessment.

Mental health and substance abuse

Issues related to the provision of mental health and substance abuse services to children and young people have been raised in various contexts. A new national mental health strategy for Finland was finished in 2020⁹⁰. Developing positive mental health in the daily lives of children and young people was chosen as one of the strategy's five priority areas. A substance use and addiction strategy was completed in 2021. This strategy recognises children and young people as users of intoxicants and family members of users of intoxicants.⁹¹

In September 2021, the Ministry of Social Affairs and Health set up a project to prepare necessary clarifications for legislation on provision of mental health and substance abuse services.⁹² In the future, legislation on these services will primarily be provided under the Health Care Act (1326/2010) and the Social Welfare Act (1301/2014), and legal provisions on these services in the Mental Health Act (1116/1990) and the Act on Welfare for Substance Abusers (41/1986) will be repealed. When preparing these legislative changes, it is important to make sure that the bodies responsible for mental health and substance abuse services provided to children and young people are clearly defined on the legislative level. The objective should be functional gradation of care and care pathways in base level social and health care services.⁹³

Efforts are also made to improve mental health and substance abuse services provided to children and young people in child welfare substitute care through amendments to the Child Welfare Act, a government proposal on which is due to be presented to the Parliament in June 2022.⁹⁴

Violence against children (articles 19, 34, 36, 37 (a), 38, 39)

Member states are obliged under the UNCRC to protect children from all forms of abuse, neglect and violence. Efforts have been made during the observation period to promote this obligation through legislative means and by making practical measures more effective.

90 Vormaa et al., 2020.

91 Ministry of Social Affairs and Health, 2021b.

92 STM105:00/2021.

93 Kalmari & Hietanen-Peltola, 2021.

94 STM077:00/2021.

An extensive and comprehensive action plan for the years 2020 – 2025 titled “Non-Violent Childhoods”⁹⁵ was published in Finland in 2019. The action plan is based on the UNCRC, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Lanzarote Convention) and the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, Istanbul Convention). An action plan for the Istanbul Convention has been prepared for the years 2018–2021, and the Committee for Combating Violence against Women is responsible for drawing up the next action plan.⁹⁶ An action plan for the Lanzarote Convention for the years 2022–2025 is due to be published by the end of 2021.⁹⁷

The Barnahus project of the Finnish Institute for Health and Welfare aims to improve processes of investigating suspected violence against children, as well as support and care provided to children who have experienced violence.⁹⁸ One of the project’s objectives is to use cooperation between authorities to decrease the time it takes to get from a report of an offence to a judgment. With regard to this issue, the 2018 Report to Parliament noted deficiencies in the Criminal Investigation Act (805/2011).⁹⁹ According to the Act, if a person under the age of eighteen is suspected in an offence the criminal investigation shall be conducted urgently (chapter 3, section 11(2)), but a similar legal provision does not exist for situations where a child is a victim. Furthermore, the Criminal Investigation Act does not state anything about the best interests of the child being a priority. There are similar deficiencies in the Criminal Procedure Act (689/1997).

In recent years, various reports have drawn attention to the length of time it takes to process offences against children.¹⁰⁰ A report ordered by the Government on the duration of the criminal process in cases involving sex offences against children states that the average duration of the criminal process in a case involving a sex offence against a child is longer than the average duration of a case involving a rape offence or severe violence committed against an adult, and regional differences are significant, particularly during the pre-trial investigation stage.¹⁰¹ As the report states, enacting legislation on urgency of legal proceedings is not enough and it must also be made sure that sufficient and skilled resources are available for pre-trial investigation.

In a comment included in the 2020 Annual Report, the Ombudsman for Children addressed the issue of violence between children and young people, which is not sufficiently recognised. The comment stated that identification and prevention of peer violence is currently not sufficient. Prevention of violence requires a comprehensive method of action. Programmes and plans of authorities and professionals are not enough and children, young people and families must be included in prevention

95 Korpilahti et al., 2019

96 STM183:00/2020

97 STM147:00/2020

98 Online at <https://thl.fi/en/web/thlfi-en/research-and-development/research-and-projects/barnahus-project> (retrieved 08/11/2021).

99 K 5/2018 vp., p. 163

100 Ruuskanen & Sarimo, 2018; Tolvanen, 2020; Fagerlund & Toivonen, 2021

101 Fagerlund & Toivonen, 2021, p. 89–90

of violence. Both urgent and long-term help and support must be provided to victims of violence and people close to them.¹⁰² The comment does not discuss needs for changes in legislation, but it is clear that legislation should be used as a means to combat peer violence if necessary. The government proposal¹⁰³ intended to change legal provisions on discipline in schools and educational institutions is a good example of this.

Prevention of child abuse

Preventive measures are emphasised in the protection of children from all forms of violence and other abuse. On a legislative level, this is ensured through services and other measures pursuant to the Social Welfare Act and the Child Welfare Act, for example. The Act on Checking the Criminal Background of Persons Working with Children (504/2002) and the Act on Checking the Criminal Background of Volunteers Working with Children (148/2014) also provide tools for workplaces and voluntary activity to ensure safety and protection of children. Provisions of the Criminal Code (39/1889) are applied when taking retrospective measures related to violence against children.

According to section 1(2) of the Act on Child Custody and Right of Access, a child shall be protected from all forms of physical and mental violence, maltreatment and exploitation. The provision was added in connection with the 2019 reform of the Act on Child Custody and Right of Access, and it obliges parents and other custodians of a child to protect the child from violence and other abuse employed against the child by other people. Furthermore, parents and other custodians may not employ any form of violence, maltreatment or exploitation against the child. The child must also be protected from intimate partner violence that is not directly employed against the child.¹⁰⁴

In August 2021, checking of criminal backgrounds of persons working with children was extended to short term employment lasting no more than three months (Act on Checking the Criminal Background of Persons Working with Children, section 5b). However, this does not mean that the employer is obligated to inspect the criminal record of an employee; it means the employer has the right to do so. In connection with approving the amendment, the Parliament also approved two resolutions according to which the Government (1) must urgently take measures to comprehensively investigate and evaluate legislation related to the criminal background of persons working with children, and need for legislative changes, particularly possibilities for extending the obligation to check criminal backgrounds and speeding up the process of obtaining criminal records, as well as prepare any necessary legislative proposals, and (2) pay appropriate attention to the realisation of children's right to safety and children's basic rights in situations concerning a person's suitability for working with children, and child impact assessments must be carried out in connection with future legislative projects on the matter and included in government proposals presented to the Parliament.¹⁰⁵

102 Pekkarinen & Mettinen, 2020, p. 15–17.

103 HE 127/2021 vp.

104 HE 88/2018 vp., p. 35.

105 EV 78/2021 vp.

The Ombudsman for Children has proposed in various statements and reports, including the 2018 Report to Parliament, that it should also be possible to check the criminal background of a person working with children during employment, and the obligation (or right) to do so should be more extensive when it comes to people such as self-employed persons. At the same time, it should be recognised that checking the criminal background of persons working with children is just one way of preventing abuse of children, and all possible measures should be taken to make sure that operations and activity is organised in a way that ensures protection of children and promotes safety education provided to children.¹⁰⁶

Bullying

In January 2021, the Ministry of Education and Culture launched a programme to prevent bullying, violence and harassment in early childhood education, schools and educational institutions in accordance with the objectives set in the 2019 Government Programme.¹⁰⁷ A government proposal related to the programme is currently being considered by the Parliament. The government proposal proposes changes to legal provisions on disciplinary actions to facilitate timely intervention with bullying, harassment and violence, improve the legal status of students and secure a safe learning environment for everyone in schools and educational institutions.¹⁰⁸

Detrimental practices

During the observation period, the Parliament was presented with a citizens' initiative on prohibiting genital mutilation of girls.¹⁰⁹ The citizens' initiative proposed the enactment of a separate law prohibiting genital mutilation. The Parliament communication on the matter demanded the Government to urgently take measures to amend the Criminal Code to make genital mutilation of girls and women more explicitly punishable by law, and to present the Parliament with the necessary law proposals during the current parliamentary term.¹¹⁰ The Ministry of Justice appointed a working group to prepare a report on legal clarification of punishability of genital mutilation in the Criminal Code. The term of the working group ends on 28 February 2022.¹¹¹ According to the understanding of the Ombudsman for Children, the report will take a gender-neutral approach to discussing genital mutilation, meaning that it will probably also comment on prohibiting circumcision of boys.

The Programme of Prime Minister Sanna Marin's Government 2019 (hereinafter *Government Programme 2019*) aims to strengthen intersex children's right to self-determination, and eliminate cosmetic, non-medical surgeries on young children's genitals.¹¹² The plan is to address the matter in connection with preparations for so-called transgender legislation. Government Programme 2019

106 K 5/2018 vp, p. 160.

107 Ministry of Education and Culture, 2021b.

108 HE 127/2021 vp.

109 KAA 1 /2019.

110 EK 44/2020 vp.

111 OM019:00/2021.

112 Government Programme 2019, p. 89.

states the following on the subject: “An act on the legal recognition of gender that respects people’s right to self-determination will be enacted. The requirement of infertility will be removed from the act, and medical treatments will be separated from the change of legal gender. Gender can be changed, upon application, by an adult who presents a reasoned account of his or her permanent experience of representing the other gender.”¹¹³ The entry in the Government Programme does not include a mention of the right of minors to change their legal gender or even this possibility being considered during the preparations of the act, which must be deemed a shortcoming. The working group on the change of transgender legislation started its work in May 2021, and the work is scheduled to be finished on 31 January 2022.¹¹⁴ The schedule is relatively strict considering the slow start and the level of difficulty involved. Therefore, it is unclear whether the government proposal on the matter can be considered by the Parliament during the current term of government.

Prohibition of corporal punishment

Pursuant to section 1(3) of the Act on Child Custody and Right of Access, a child must not be subdued, corporally punished or treated offensively in any other way. The provision refers particularly to prohibited upbringing methods, in other words disciplinary violence. Prohibition of disciplinary violence has been included in Finnish law since 1984, but disciplinary violence continues to be used as a method of upbringing. Awareness about the prohibition was high in the 2010s, but according to the latest survey awareness has somewhat declined: 90 per cent of respondents knew that physical disciplining of children is prohibited by law. The figure has declined by approximately five percentage points from the results of the 2017 survey. Attitudes towards disciplinary violence have also gotten worse. The trend is worrying and calls for active communication on the damage caused by disciplinary violence and the prohibition of disciplinary violence (see also Pekkarinen in this report).¹¹⁵

Sexual abuse

Reformation of legislation on sexual offences is currently under way in Finland. One of the goals of the reformation is to improve protection of children through means such as anchoring criminal liability and sanctions and clarifying and simplifying legislation on sexual offences committed against children. The plan is to present the Parliament with a government proposal in early 2022.

The national plan for the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) is due to be completed by the end of 2021. Support and treatment provided to children and young people who have been victims of sexual abuse or violence, and processes of investigating suspected cases of offence are diversely developed in the Barnahus project mentioned above. These measures may also influence legislation.

113 Ibid.

114 STM021:00/2021.

115 Paasivirta, 2021.

Specific issues (articles 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Children with disabilities

The UN Convention on the Rights of Persons with Disabilities (hereinafter *UNCRPD*) came into effect in Finland in 2016. Ratification of the UNCRPD was deemed to require a reform of legal provisions concerning restrictions of rights of persons with disabilities to self-determination¹¹⁶, and the necessary changes were made to the Act on Special Care for People with Intellectual Disabilities (519/1977).¹¹⁷

A project on renewing legislation on disability services is currently under way at the Ministry of Social Affairs and Health.¹¹⁸ The aim of the project is to prepare a government proposal that proposes enactment of a law on disability services. The law would apply to persons who, due to long-term disability caused by an injury or illness, necessarily and repeatedly require help or support to manage daily life and who would not receive suitable and sufficient services under other legislation. The project is closely related to another project carried out by the Ministry of Social Affairs and Health on clarifying legislation on involuntary care, which aims to renew means of legal protection related to involuntary medication in psychiatric care, update outdated regulation of involuntary care in the Act on Welfare for Substance Abusers and move legislation on the right to self-determination in the Act on Special Care for People with Intellectual Disabilities to the appropriate act (stage 1 of the project on right to self-determination).¹¹⁹

Rights of indigenous children

The 2018 Report to Parliament noted that the rights of minority groups to their own language, religion and culture are not effectively realised in practice, even though legislation guarantees those rights relatively extensively. Particularly services not being provided in one's own language is often a problem.¹²⁰

Preparations of a Strategy for the National Languages of Finland and a language policy programme in accordance with Government Programme 2019 started during the observation period. The rights of children should be extensively taken into consideration in different areas of society when carrying out both of these projects.

116 StvM 51/2014 vp

117 HE 96/2015 vp

118 Ministry of Social Affairs and Health, 2021a

119 STM005:00/2021

120 K 5/2018 vp., p. 195

In the years 2020–2021, a development group worked on the development of Sámi language education and early childhood education and care services under the Ministry of Education and Culture.¹²¹ A report on staffing levels and need for training in Sámi language early childhood education and care was drawn up during the project. According to the report, shortage of staff is a key problem for the provision and development of Sámi language education and early childhood education and care services.¹²² Shortage of staff also affects matters such as provision of student welfare services to Sámi-speaking children and young people. The development group aims to investigate measures for ensuring availability of Sámi-speaking staff for social and health care services.

Asylum-seeking and refugee children

The 2018 Report to Parliament stated that a legislative problem related to legislation on aliens is that it is extensive and difficult to understand. The legislation leaves ample room for interpretation, and it has not been possible to make sure in all situations that the best interests and rights of the child are realised to the maximum extent possible. The issue continues to exist. In October 2021, the Ministry of the Interior launched a preliminary assessment project on a full reform of the Aliens Act.¹²³ Extensive child impact assessment should be carried out in connection with the project to ensure that the best interests of the child will be realised to the maximum extent possible for children within the scope of the Act.

According to a report published by the Non-Discrimination Ombudsman in 2020, the status of minors seeking family reunification has been jeopardised.¹²⁴ Based on the entries on family reunification in the Government Programme 2019¹²⁵, the Ministry of the Interior is currently preparing a government proposal on family reunification¹²⁶, which will propose that application of the requirement for sufficient financial resources should be discontinued for family members of persons under international and temporary protection in situations where the family was formed before the sponsor arrived in Finland. One proposed change to the Aliens Act will be to emphasise the realisation of the best interests of the child in regulation on circumventing provisions on entry in the country in situations involving family reunification of minor children under international protection. In the future, if the sponsor has a minor child who has been granted international protection a residence permit on the basis of family ties could be refused only if reunification of the family in Finland would be against the best interests of the child. Due to a decision by the Court of Justice of the European Union, the government proposal will also propose changes to legislation on defining minority in connection with family reunification. The government proposal is due to be presented to the Parliament in November 2021.

121 OKM015:00/2020

122 Arola, 2020

123 SM024:00/2021

124 Non-Discrimination Ombudsman, 2020

125 Government Programme 2019, p. 84.

126 SM023:00/2020

The services necessary for the safety and care of children who have entered the country without a custodian, required under the Social Welfare Act and Child Welfare Act, are not implemented equally in all parts of Finland, nor do the contents of the services correspond to the children's needs in every case.¹²⁷ Furthermore, the right of the child to early childhood education is not equally realised for undocumented children who do not have a municipality of residence in Finland, even if they have resided in a municipality for an extended period of time.¹²⁸ This happens regardless of the fact that, according to section 6(3) of the Act on Early Childhood Education and Care, a municipality must ensure that early childhood education and care is also organised for children staying in the municipality who are not municipal residents.

The fact that law does not specify the training, competence or orientation requirements for the representatives of children who have entered the country unaccompanied continues to be a deficiency. Furthermore, law does not limit the number of children represented by a single representative. Oversight of the representatives should be assigned to a single authority.¹²⁹

Detention of children continues to be possible in certain situations. According to the Aliens Act, children and families who have received a negative residence permit decision can be placed in detention as a precautionary measure. The Government Programme 2019 states that one aim is to keep developing alternatives but does not categorically prohibit placing children in detention. Section 122 of the Aliens Act, pertaining to detention of children, limits the time unaccompanied children can be held in detention (no more than 72 hours + extension of up to 72 hours for special reasons). The time limits can be justified due to practical reasons, but the longer durations of detention no longer constitute short-term deprivation of personal liberty. The Act states that deprivation of personal liberty of a child detained with their family may last several months (section 127). In practice, children have in some cases been detained for extended periods of time, which significantly hinders the realisation of the rights of the child. For example, the right of the child to education cannot be sufficiently guaranteed in detention units. The Ombudsman for Children finds that detention of children should be completely stopped and replaced with alternative precautionary measures.

Rights of the child in the criminal justice system

In March 2020, the Ombudsman for Children presented the Ministry of Justice with an initiative that proposed for the Ministry to prepare changes to the Act on the Publicity of Court Proceedings in General Courts (370/2007), so that the Act would be in compliance with the recommendations of General comment No. 24 of the Committee on the Rights of the Child.¹³⁰ According to the initiative, legislation should be changed so that the identity of a person who committed an offence as a minor could be ordered to be kept secret, and confidentiality would also be taken into consideration in

127 Martiskainen & Toivonen, 2019

128 Junttila et al., 2020

129 Lundqvist et al., 2018

130 LAPS/17/2020, 11/03/2020; CRC/C/GC/24

the publicity of the court decision. Keeping offences committed as a minor confidential should be considered to be the general rule and confidentiality should continue after reaching adulthood.

In the 2020 Annual Report, the Ombudsman for Children proposed that efforts should be made to tailor measures for young people to help them break free from violent ways of action and violent communities. Sentences of imprisonment imposed on minors must be arranged in a manner that supports the child's rehabilitation, education and attachment to society. According to the understanding of the Ombudsman for Children, this does not happen in adult prisons.¹³¹ Furthermore, it should be ensured, on a legislative level if necessary, that criminal cases of young people are handled in court by judges and prosecutors specialised in such cases, and that defence counsels of young people have the necessary competence for working with minors.

The state of legal protection of the child

The UN Convention on the Rights of the Child is an important element for the realisation of children's legal protection. Article 4 of the UNCRC is a key provision that obligates member states to take all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention. Legislation that takes the rights of the child into consideration is an important guarantee for anticipatory legal protection. On the other hand, appropriately specific legislation is also required for realisation of effective ex post facto legal protection. The Committee on the Rights of the Child emphasises that "it is essential that domestic law sets out entitlements in sufficient detail to enable remedies for non-compliance to be effective." According to the Committee, for rights to have meaning, effective remedies must be available to redress violations.¹³²

The Optional Protocol to the Convention on the Rights of the Child on a communications procedure has been in force in Finland since 2016. It concerns a post ex facto means of legal protection which has proven to be relatively slow. During the observation period, the Committee on the Rights of the Child considered two communications submitted against Finland. A decision was issued in 2020 on a communication¹³³ concerning assessment of the best interests of the children in connection with deportation of their father. The circumstances of the case changed during the consideration of the communication and the Committee decided to discontinue the consideration of the communication. The Committee issued Finland with its first condemnatory decision in the spring of 2021.¹³⁴ The case concerned a Russian LGTB family that had not been granted asylum in Finland. In the decision, the Committee found that the decision made by Finland to refuse asylum was not in the best interests of the child and did not take into consideration the threat of violence that may be directed against the child of an LGTB family in Russia.

131 Pekkarinen & Mettinen, 2020, p. 15–17

132 CRC/GC/2003/5, sections 24–25

133 CRC/C/85/D/87/2019

134 CRC/C/86/D/51/2018

In principle, the means and measures of legal protection provided for in national legislation are also available to children, but in practice most of them require active action to be taken by the child's custodian. The child's own views can easily be completely overlooked. Means of legal protection do not meet the requirements of child-friendly justice.¹³⁵ Even though there has been some development during the observation period, there remains plenty of room for improvement. Custodians and other persons interacting with children are responsible for ensuring the realisation of the rights of the child both anticipatorily and if those rights have been violated. It is equally important that children have the capability and opportunities to talk about situations in which they have felt that their rights were jeopardised or violated. This is possible only if children are provided with sufficient information about their rights. Therefore, particular attention should be paid to teaching children and young people their rights and what to do and who to contact if their rights are violated. The right of the child to be heard in everyday situations and in connection with decision-making is an important right for the realisation of legal protection. On the other hand, attention should also be paid to making sure that custodians of children and other people close to children are familiar with the rights of the child and the various means of legal protection available. Year after year, communications received by the Ombudsman for Children indicate that custodians do not have enough information about the means and processes of legal protection available to them.

From the perspective of children and young people, anticipatory legal protection – preventing rights violation from happening in the first place – is of utmost importance. All parties who work with children, both authorities and private actors, play a key role. Furthermore, it must be ensured that any deficiencies are addressed as soon as possible. Processes of handling violations of children's rights must work effectively and without delay. This requires that sufficient resources are made available to parties such as supervisory authorities and courts. The COVID-19 pandemic has brought along additional challenges as processing times have increased. Realisation of legal protection of the child requires clear and specific legislation.

Oversight of children's rights has been one of the focus areas of oversight of legality by the Parliamentary Ombudsman since 1998. The Parliamentary Ombudsman has a website directed at children and young people, which can also be used to submit complaints. The Parliamentary Ombudsman has systematically met with children and young people during supervisory visits and increased their awareness about their own rights. Although complaints on matters related to children are primarily submitted by their parents and other people close to them, the number of complaints received directly from children has grown. During the year 2020, the Parliamentary Ombudsman resolved 65 complaints submitted by children, which is 11 per cent of all complaints related to children's rights. Most complaints concerned substitute care, but complaints were also submitted on matters such as school and studies.¹³⁶

135 See EN, 2012

136 K 8/2020 vp., p. 315

The division of responsibilities between the Parliamentary Ombudsman and the Chancellor of Justice will be made clearer by, for example, centralising matters pertaining to oversight of legality of children's rights as a responsibility of the Parliamentary Ombudsman. A government proposal on the matter was presented to the Parliament on 21 October 2021.¹³⁷ The government proposal does not include a separate child impact assessment. Section 4.2.4. of the proposal, which concerns impacts on the status of individuals and population groups, states that the proposal aims take into consideration special requirements of the highest level of oversight of legality as extensively as possible in the oversight of realisation of the rights of people in a vulnerable position, Romany people and other special groups. The section also presents the assessment that extending the division of responsibilities may somewhat decrease awareness about which overseer of legality a complaint pertaining to a certain matter should be addressed to. Although it will continue to be possible to forward complaints from one overseer of legality to another in accordance with the division of responsibilities, this also reinforces the idea that special attention needs to be paid to informing children, young people and their custodians about available means of legal protection.

137 HE 179/2021 vp

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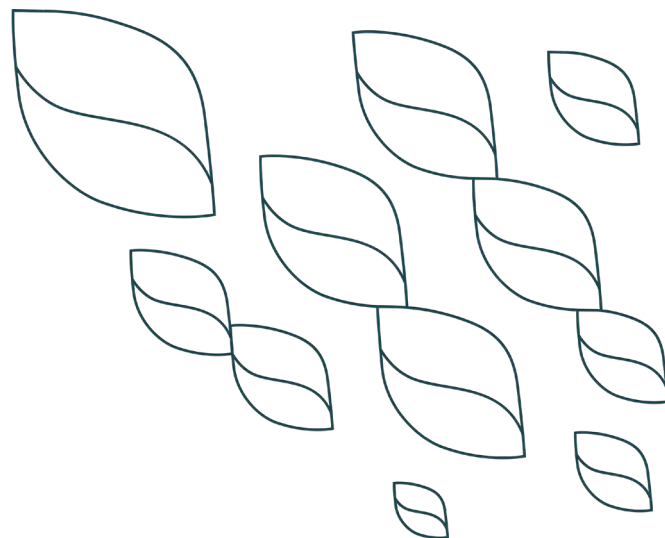
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What have children and young people told us?

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Contact with children is the Ombudsman's legal obligation – taking children's views into consideration is everyone's responsibility

Contact with children and conveying information they provide to decision-makers is one of the statutory duties of the Ombudsman for Children¹. The Ombudsman for Children is also tasked with conveying information concerning children to children, adults working with children, authorities and the rest of the population². These special duties, together with other responsibilities of the Ombudsman, set a special obligation to meet children and young people and discuss matters related to their lives and well-being. What makes this duty particularly important is the fact that no other authority is as clearly legally obliged to have contact with children and young people. The preparatory materials for the Act on the Ombudsman for Children state that the Ombudsman for Children should establish channels for expressing the views of children (HE 163/2004 vp). The Office of the Ombudsman for Children currently has various means for performing this duty. For example, the Office regularly publishes the Child Barometer that sheds light on the views and opinions of 6-year-old children, the Office funds, publishes and carries out various surveys, studies and collections of articles, as well as meets children and young people in Young Advisers meetings.

1 Act on the Ombudsman for Children (Laki lapsiasiavaltuutetusta) 1221/2004, Section 2, subsection 2, paragraph 4

2 Act on the Ombudsman for Children (Laki lapsiasiavaltuutetusta) 1221/2004, Section 2, subsection 2, paragraph 6

The UN Convention on the Rights of the Child emphasise children's participation in their own lives. One of the guiding principles of the Convention is Article 12, according to which a child who is capable of forming their own views has the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child (Section 1). The Article also highlights the child's right to be heard in any judicial and administrative proceedings affecting the child (Section 2). Thus, children must be ensured the right to express their views on everyday matters at home, school and hobbies, as well as their views on official proceedings in court and with various administrative authorities. All adults who interact with a child can be considered to have the responsibility to listen and hear the child's views. In addition to the right to influence matters affecting the child, they also have the right to freedom of expression on a general level through any media of the child's choice (Article 13). It is important to note that the child must be provided with sufficient access to information concerning a variety of things, particularly matters affecting the child's life, in an accessible and understandable format, for the child to be able to freely form and express their opinions.

Investigating the views of a child and respecting those views is connected, in one way or another, to all rights of the child guaranteed under the Convention on the Rights of the Child. This is most clearly evident from another key principle of the Convention on the Rights of the Child – the best interests of the child being the primary consideration (Article 3(1)). Realisation of the best interests of the child must always be assessed when children or measures affecting children are involved. The UN Committee on the Rights of the Child (hereinafter “the Committee”), a body responsible for monitoring implementation of the Convention on the Rights of the Child, has stated that the rights of a child are not appropriately ensured if the views of the child have not been ascertained³. It should be noted that the views of children should be investigated not only in connection with matters concerning an individual child but also when it comes to matters affecting a group of children or all children. Therefore, views of children should be investigated and taken into consideration to the extent possible when preparing legislation, in urban planning and in connection with local decision-making, for example. Investigating the views of children must be an integral part of comprehensive and thorough child impact assessment that should be carried out in connection with all preparatory actions and decisions that are directly or indirectly related to children.

In addition to the Convention of the Rights of the Child, national legislation includes various provisions on investigating children's views and taking them into consideration in connection with various matters, such as family, early childhood education, school, education, social services, health care and alien affairs. Legislation supports implementation of the provisions of the Convention on the Rights of the Child, but other legal provisions that restrict the hearing of children based on age limits (typically either 12 or 15) are still in effect. Strong grounds often do not exist for such age limits. It would be recommendable for more legal provisions to be enacted on the obligation to investigate the views of younger children and take them into consideration in accordance with the child's level of development. Younger children must be provided with opportunities to influence

3 General Comment No. 12 of the UN Committee on the Rights of the Child, Section 74

matters affecting their own lives. The Office of the Ombudsman for Children followed this principle when organising Young Advisers meetings and taking other measures intended for investigating the views of children.

The Office of the Ombudsman for Children has collected the experiences and thoughts of children over the years by meeting children in person or digitally and through telephone interviews, surveys and drawing assignments, among other methods. Taking into account the age and maturity of children, their views can be investigated regardless of whether the child is under school age, a teenager or anything in between. Collection of information can also be targeted at specific groups of children, such as children living in a certain environment, members of various linguistic and cultural groups, children within the scope of a certain service, children living with a disability or children who are in a special situation due to their family circumstances. Meetings with children have shown that the views of adults on the experiences and thoughts of children are often distorted and occasionally incorrect. Hearing children for the purpose of supporting political and administrative decision-making is a valuable opportunity that is too rarely used.

Young Advisers model

Young Advisers meetings are typically meetings with a group of children built around a specific theme, where children have the opportunity to discuss important topics and have their views made known to decision-makers. Approximately six Young Advisers meetings are held every year. The Office of the Ombudsman for Children has enquired about suitable topics and groups of children from interest groups and tied the topics to annual strategic focus areas. Instructors of the group of children or adults in the target group's organisation are primarily in charge of the practical arrangements of the meetings. Each group is usually met once, but if there is a need to continue the discussion another meeting can be arranged with the group. The Ombudsman for Children and the person responsible for preparing the meeting from the Office of the Ombudsman for Children attend the meetings.

The topics of the meetings are primarily related to the annual strategic focus area of the Ombudsman for Children. For example, the focus of 2020 was the future of our planet, in 2021 the focus is equality and in 2022 it will be safety and security. When selecting the group of children, attention is paid to ensuring diversity and the group's representation of different areas of children's lives and daily life of diverse children. If necessary, groups can be consulted on a quick schedule on important and burning topics. The theme of the Young Advisers meeting steers the age range of children to be invited. The UN Committee on the Rights of the Child, the body responsible for monitoring implementation of the Convention on the Rights of the Child, emphasises that all processes in which children are heard and participate must be transparent and informative, voluntary, respectful of children, relevant to children and child-friendly. It must also be ensured that the children know the purposes for which opinions and other information collected in the meeting are used and how they

may be interpreted, and the children must be provided with feedback on how and to what extent their views have had an impact⁴.

During the COVID-19 pandemic, some meetings have been arranged via a remote connection, but meetings are primarily held by going to meet the children in person. Meetings start with an introduction, after which the Ombudsman for Children briefly explains the duties of the Ombudsman and rights of children in a manner appropriate for the children's age. An interview and discussion framework is used as a guideline for discussion, but children are given room to express their thoughts without being rushed or led. Conversation can also be supported through functional and playful methods, such as group exercises, drawing assignments or use of pictures. It is extremely important to give room to the children's own views and opinions. Children are provided with opportunities to express their views on matters that might need improvement and things that are good in their lives. Information obtained during meetings is extensively utilised for initiatives, comments, briefs, statements, article collections and reports of the Ombudsman for Children, as well as communications of the Office.

Young advisers as producers of information

A total of 22 groups of children were met in connection with the Young Advisers activity in 2017–2021. Three groups of children of different ages living in different regions were met concerning the 2020 focus area of the future of our planet. As a summary of the meetings, it can be concluded that questions related to clean environment, diversity of nature and global warming interest children of different ages living in cities and rural areas. For example, children from families that get their livelihood from agriculture and forestry were equally concerned about the future of the Earth but felt that suggested solutions threatened their future way of life. Children and young people shared the experience that adults do not take their concerns and actions seriously. The carrying capacity and future of our planet are the most critical issues affecting the rights of children. Some young people felt that burden for the future of the Earth is thrust on their shoulders. A strong message conveyed to decision-makers from the meetings is that children and young people must be provided with functional channels for influencing matters, and their strive to make an impact must be taken seriously while simultaneously making sustainable decisions and taking responsibility now instead of pushing problems into the future.

Five groups of children of different ages, who are in different stages of their studies and live with a disability, were met concerning the 2021 focus area of equality. A wish to be primarily acknowledged as ordinary children was emphasised during the meetings, and particularly young children had difficulty understanding the concepts of equality and being different. Young people in middle school and vocational studies approached the topic from the perspective of freedoms: being different

⁴ General Comment No. 12 of the UN Committee on the Rights of the Child, Section 134.

should not restrict anyone, instead, it should unite people and be a source of empathy. Regardless of age, children and young people had an uncomplicated and natural attitude toward their own special needs and those of others. However, they had experienced ignoring of their views, bullying and discrimination by other people. There remains plenty to be done in eradicating these problems from Finnish society. According to the young people, a positive atmosphere and community spirit consist of small things: greeting others, inclusion and asking others how they are doing. These are simple gestures that anyone can do and that have a significant effect on fellow humans. Young people highlighted that full responsibility for a good community spirit in school and outside school should not lie with young people and it should primarily be the responsibility of adults.

Groups of children from Sámi native regions were also met to discuss the topic of equality – a total of four groups from North Saami, Inari Saami and Skolt Saami speaking school groups. The children's views on equality were discussed during the meetings and emphasis was placed on the topics of the significance of Sámi identity, use of Sámi language, services and culture in the area and long distances. In the view of the young advisers, Sámi identity means matter such as native language and family that stretches outside the borders of Finland. In addition to language and family, the young advisers considered other important things about Sámi identity to include colours, music, events, items and clothing, reindeer and dogs and peace and cleanliness of nature. Being allowed to be part of the Sámi culture and grow into a Sámi identity in peace was deemed important: "It's cool to be part of this culture and get to revive a language and culture", said one of the advisers. However, there are few opportunities to diversely and vibrantly use the language outside of school and family. The status of the Sámi was considered to have improved, even though people's ignorance and some prejudices were acknowledged. With regard to the living conditions in Sámi native regions, the young advisers were particularly interested in talking about the long distances, scarcity or poor availability of activities and services and there being limited choices in life due to lack of opportunities for work and studies. The young advisers wished that decision-makers would learn more about the Sámi and respect the special features of the regions and the way of life.

LGBTQ+ youth was met on two occasions regarding the topic of equality. The young people who participated in the meetings considered equality to mean the right to be acknowledged as the person you are, which means being treated in a way that respects everyone's human worth. For the young advisers, such environments include home and friends, and for some older advisers lukio (upper secondary school) as well. For the young people who participated in the meetings, diversity of genders and differences in sexual orientation were natural human features and respecting those features is part of being treated with dignity. The young people experienced minority stress in a world where even adults cannot be bothered to learn the right terms and attitudes. It is concerning that, in addition to school, other children and particularly adults had expressed discriminatory attitudes and inappropriate views when the young people were participating in hobbies and getting health care. The young advisers wished that diversity of genders would be better taken into consideration, particularly in primary schools and middle schools where gendering, discriminatory attitudes and inappropriate approaches continue to be commonplace.

In addition to the annual areas of focus, children of parents living with substance abuse and mental health issues, siblings of children living with disabilities, children whose parents have divorced and girls from immigrant backgrounds were provided with opportunities to discuss their family situations and experiences. Matters related to education were discussed with young people in vocational schools and children who had experience with school transport. Questions related to influence and topical matters, such as studies and mental health, in general were discussed during the meetings of two groups.

The wishes of children and young people for more time and attention from adults is a recurring topic during meetings. Finding safe adults and having them be present is considered to be important. The request of children and young people for more time from adults is not unreasonable. Children and young people are experts when it comes to their own lives and environments, and can recognise shortcomings, positives and wider phenomena related to culture and practices. They have opinions and ideas, and they want to influence matters. During discussions, children also show preparedness to represent themselves if they are given room to do so.

Discussion regarding matters related to the environments in which children live also came up during conversations about other topics. Children and young people want safety and equality from their living environments. The responsibility of adults for these things is considered to be very significant. Children and young people from families with stress factors, such as mental health issues, substance abuse or siblings who need special support, wished for outside support for both children and their parents. Teachers and other staff are considered to be key in creating a safe atmosphere at school. The responsibilities of instructors and coaches are emphasised in connection with hobbies. Children of all ages want stimulation and diversity in their recreational environments, and it is important for older children in particular to be able to participate in activities and travel without help from their parents.

Children and young people feel that their views are too often ignored during provision of services when it comes to matters that affect them. One child whose parent has substance abuse problems said that the attending doctor had not asked anything from other members of the family, even though they had background information that would have been important for treatment. In addition to friends and family, the concerns of children and young people extend to their peers. Representatives of Vaasa Youth Council (2020) expressed their concerns over matters such as students' learning differences, and Tampere Youth Council (2019) highlighted deficiencies in the new curriculum for basic education and the burden it causes to students. Young people studying in vocational education (2018) were also concerned about the poor level of teaching. Young people who had gone through separation of their parents (2021) were concerned about the availability of mental health services as well as climate change.

Although the backgrounds and ages of the participating children and the topics discussed vary significantly, the meetings also convey an emphatic shared message about the importance of investigating the views and experiences of children. It is not sufficient to only listen to children

and young people – their views must be taken seriously. This means truly utilising their views for decision-making, not just on matters directly affecting the everyday life of children, but also when it comes to wider societal issues. Young Advisers meetings impart the message that being able to use their democratic power is important to children and young people.

The Child Barometer and separate investigations

The Child Barometer is a study on the everyday lives of 6-year-old children carried out by the Office of the Ombudsman for Children every other year. The Child Barometer has been published since 2016 and each study focuses on a specific theme. The Child Barometer is a pioneer in investigating the views and experiential knowledge of young children: data on the matters of children this young has not been previously regularly collected anywhere in the world.

The focus of the first Child Barometer published in 2016 was trust and the topic was examined from the standpoints of relationships, feelings and society. The responses of 6-year-old children were collected through telephone interviews. Based on the Child Barometer, the majority of 6-year-old children in Finland are doing well and trust the people close to them. However, there is a small group of children who are unable to identify positive things in their life, and do not view themselves as receiving positive feedback or help. The results of the study give a positive outlook on the trust of 6-year-old children in Finland, but they also raise concerns for children who consider that they do not receive compliments or support.

The 2018 Child Barometer examined leisure time and exercise habits of 6-year-old children and compared face-to-face and telephone interviews as methods of gathering information on children's experiences. According to the study, playing games and playing pretend, staying at home and eating delicious food are the most important things for children in their leisure time. In the comparison of information gathering methods, face-to-face interviews produced more extensive answers, whereas telephone interviews had the benefit of less restriction on the selection of respondents.

The 2020 Child Barometer surveyed 6-year-old children's thoughts on good life, asking the question what factors good life consists of and in what way are these factors part of children's own lives? The results of the study indicated that there were three basic foundations of good life for children: play, home and food. The results as a whole showed children's rational way of thinking about good life and conveyed a positive picture on the everyday life of 6-year-olds. Children's message is that it is crucial to ensure functional everyday life for children.

The Office of the Ombudsman for Children carried out separate investigations on the period of work experience (TET) in which young people participate in middle school and on children's experiences related to the coronavirus, as well as published collections of articles concerning the future of the Earth, children's rights and questions related to disability.

The TET middle school work experience period is the first and possibly only contact with working life for many students before the end of compulsory education. A report published in February 2019 collected views and experiences related to the TET middle school work experience period from 29 teachers and 66 middle school students. The majority of students saw the TET period as a positive experience and features of a good workplace were considered to include diverse work suited for you as an individual and, most of all, a good atmosphere. Approximately one third considered the TET period to have been a negative experience due to factors such as monotonous or difficult work duties or a poor atmosphere. Custodians played a significant role in selecting the workplaces for the TET period and teaching students about attitudes regarding working life. Even though students are encouraged to apply for TET work that interests them, in practice they often choose workplaces that are familiar to them or near their home. The majority of students considered the TET period to have been useful and many said that they learned a lot about working life. There were local differences to the duration of the TET period, and in smaller towns not everyone got to work in a workplace they wanted. Teachers wished for more cooperation with business owners and tools for student guidance to help students choose workplaces that match their own interests.

In recent years, concerns over the state of the environment and climate have been raised to everyone's awareness, especially through the actions of children and young people. At the same time, fear and uncertainty experienced by children and young people regarding the impacts of climate change have increased significantly, which is also indicated by the increased need for support in the service system. A collection of articles published in October 2020 asks the questions, how do children and young people view the future of our planet and what means of influence related to environmental policy children have available to them. Children and young people are aware of environmental threats, which has increased concerns but also motivated many to demand changes. The future of the Earth and children's rights are a question of intergenerational justness. Children have the right to influence environmental policy issues, but the obligations and decision-making responsibilities always fall on adults.

The pandemic has deeply affected the everyday life of children. A study published in May 2021 examined the experiences of third-grade students from Jyväskylä regarding COVID-19 by studying drawings collected from them. In their drawings, the children illustrated the coronavirus as a disease and as a phenomenon that changed social norms. Coronavirus as a disease was considered to be negative, but the change of social norms took on diverse meanings. Some children illustrated the increase of time spent with the family and the changes related to remote schooling as pleasant things, while others experienced the restrictions on social activity and remote connections as negative. The study showed that information on the views of a large group of children can be collected with relatively minor arrangements, and that it is important to have conversations with children about the feelings and thoughts raised by the exceptional circumstances.

Realisation of children's equality depends on the actions taken and decisions made by adults, and they become emphasised when it comes to children in a vulnerable position. A collection of articles published in October 2021 focuses on questions related to disability from a legal perspective, with

regard to social institutions and as a part of children's daily life. The articles show that attitudes toward disability, discrimination and inaccessible structures make the life of children living with disability more difficult in various ways. Even though disability policy has taken many steps forward in recent years, equality of disabled children is still often not realised in Finland. Children emphatically expressed their desire to be part of society and live ordinary lives together with other children. The means for improving the situation for these children already exist, but they require structural changes, updating of attitudes and especially taking children's views into account.

Conclusion

Hearing the views of children is not just a statutory obligation of decision-makers and other parties. It has also been shown to have many positive effects on the lives of children and on decision-making. Children whose views are heard by interested adults believe in their possibilities to influence matters and trust that society values them⁵. Political participation has also been shown to have positive effects on the personal well-being of children and their social relationships⁶. When the views of children on matters affecting them are taken into consideration in decision-making their connection to local community strengthens and their integration into society improves. Children's participation in decision-making prevents exclusion, a key risk factor for which is lack of opportunities to influence matters. According to research, adults make better decisions when they listen to children – both adults and children agree on this.⁷

Hearing children provides valuable opportunities for gaining information on the environments and circumstances in which children live from the best possible experts. For example, during the provision of health care or other services adults sometimes talk about matters affecting a child without involving the child or taking the child's own views and knowledge into consideration. Asking children for their views and opinions is often quite simple, and the experience gained by the Office of the Ombudsman for Children through regular meetings with children shows that the obtained information can be utilised for scientific research and decision-making. However, we should bear in mind that the purpose of hearing children is not to burden them with responsibility but to produce better information to support decision-making. Hopefully, the work carried out with children and young people by the Ombudsman for Children acts as an encouraging example to other authorities and decision-makers.

5 Jylhänkangas, 2013

6 Alboroz-Manoyma et al., 2021

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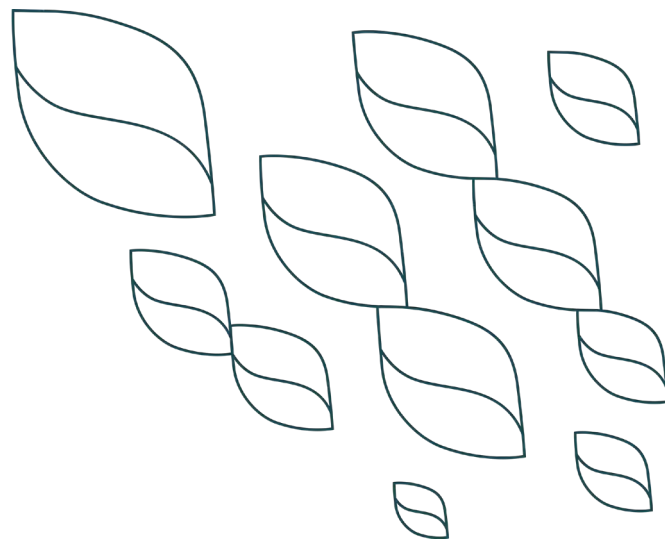
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EPILOGUE

Towards a future paved by the National Child Strategy

Elina Pekkarinen, Ombudsman for Children

Concluding observations of the UN Committee on the Rights of the Child as a beacon for the National Child Strategy

In the Ombudsman for Children's previous Report to Parliament in February 2018, Professor Emeritus Matti Rimpelä extensively discussed child, youth and family policy in Finland¹. Rimpelä's analysis of the current situation was strict. According to Rimpelä, diverging of institutions and structural indifference both caused and accelerated burdening of services specialised on the problems of children and families, and issues caused by fragmentation of services could not be eliminated in a world of established structures. Rimpelä stated that a strategy focused on cooperation and maintaining these structures has been in testing for 30 years and the results do not encourage us to continue with the strategy. As an alternative, Rimpelä proposed a genuinely new strategy that looks long into the future and cost effectively responds to challenges of the 2030s by developing overall architecture, in other words, it is an extensive reform of the system all the way from State administration to the daily lives of families and children.

This Report to Parliament repeatedly refers to the National Child Strategy, the preparation of which was proposed to Finland by the UN Committee on the Rights of the Child in 2011. In its concluding

¹ Rimpelä, 2018.

observations on the periodic report concerning the state of children's rights in Finland, the Committee commended the policies on the well-being of children, youth and families as well as the development programme for children and youth which were adopted in the early 2000s. However, the Committee found it regrettable that Finland lacked a consolidated legislative framework covering the rights of the child, an effective mechanism for coordinating the implementation of policies on child rights and a plan of action for the implementation of children's rights.

In 2011, the UN Committee on the Rights of the Child recognised that the Parliamentary Ombudsman and the Ombudsman for Children have been tasked with independent monitoring of children's rights in Finland, so that the Parliamentary Ombudsman is responsible for receiving complaints on violations of children's rights and the Ombudsman for Children is responsible for monitoring policies concerning children. It is necessary to point out that even though the Committee considered the arrangement to be acceptable, the Committee also called upon the State party to ensure that both of these national mechanisms are provided with the necessary human, financial and technical resources to guarantee their independence, efficacy and accessibility. The Committee expressed concern over the insufficient resources provided to the Office of the Ombudsman for Children. In practice, the Ombudsman for Children together with other authorities, NGOs and other actors has raised awareness in Finland about the Committee's concluding observations.

In the concluding observations, the Committee draws attention to the fact that responsibility for coordinating matters related to the welfare of children is concentrated on the Ministry of Social Affairs and Health, and notes that a single ministry may not serve as an adequate coordination mechanism responsible for the overall coordination of children's rights. Instead, the Committee recommended that Finland take measures to establish an effective mechanism for coordinating the implementation of policies on child rights and that the mechanism is provided with the necessary human, technical and financial resources to implement policies that are comprehensive, coherent and consistent at national, regional and municipal levels. The Committee also urged Finland to develop a comprehensive policy and plan of action for the full implementation of the Convention.²

Implementation of the Committee's recommendation took a relatively slow start. This epilogue describes the process that was gone through to eventually take measures to establish such mechanism coordinating the implementation of policies on child rights as recommended by the Committee, as well as how successful these measures were.

2 CRC/C/FIN/CO/4, sections 8 – 13.

National actors as initiators of child strategy

The 2011 programme of Prime Minister Jyrki Katainen's Government aimed to promote child and youth policy with the goal of advancing cross-sectoral cooperation and division of responsibilities.³ The government programme mentions the right of children to basic education, culture and arts, but a comprehensive idea of development of children's rights is missing from the programme. The focus on the provision of services in child, youth and family policy continued in the 2015 programme of Prime Minister Juha Sipilä's Government.⁴ This is understandable because an enormous reform of social and health care services was being prepared with a central goal of service reorganisation. One of the key projects of Juha Sipilä's Government was the programme to address child and family services (LAPE), the guiding principles of which were diversity of families and promoting children's rights.

The LAPE programme had various objectives that aimed for better coordination and timely access to services. Key objectives included cross-sectoral administration of child and family policy and services, implementation of child and family impact assessment for decisions, population-oriented budgeting and monitoring of children's well-being. The plan of action for the LAPE programme stated that ensuring human rights will be used as a basis for the programme and the programme will be part of implementation of the UN Convention on the Rights of the Child in Finland.⁵

In June 2017, the Ministry of Social Affairs and Health and the Ministry of Education and Culture appointed a working group of four investigators who were tasked with investigating overlap between the education and culture sector and social and health services, as well as models for network management. The investigators were also requested to present proposals for reforms of guidance and operational culture to ensure child and family-oriented provision of services in the new operational environment. Former Minister of Education and State Secretary, then Director General of the Finnish National Agency for Education, Olli-Pekka Heinonen, chaired the working group. The working group published a report on 7 February 2018.⁶

According to the report, the lack of structures promoting child and family-oriented approaches became clear during the investigation. In their absence, there is a lack of national ambition for realisation of children's rights. The report finds that such structures are necessary to get rid of ministry-specific political measures and to efficiently merge responsibilities and services of different administrative branches with long-term effects – the clients are largely the same after all.

The working group also referred to the concluding observations of the UN Committee on the Rights of the Child presented above and proposed that each parliamentary term a special child and family strategy (LAPE strategy) would be prepared, and the strategy would act as a tool for coordinating child, youth and family policy in Finland and be considered by the Parliament. The report planned

3 Programme of Prime Minister Jyrki Katainen's Government, 22 June 2011.

4 Finland, a land of solutions. Strategic Programme of Prime Minister Juha Sipilä's Government, 29 May 2015

5 Ministry of Social Affairs and Health, 2016.

6 Heinonen et al., 2018.

the implementation and monitoring of the LAPE strategy in quite a lot of detail: the Government would be tasked with considering matters related to children, young people and families as proposed by ministerial working groups in LAPE strategy sessions held twice annually. The proposals would be prepared on the basis of steering committee sessions of the Ministry of Education and Culture, the Ministry of Social Affairs and Health and the Ministry of Economic Affairs and Employment held regularly at least twice per year. It was proposed that Permanent Secretaries of the Ministries would have roles of initiators and leadership.

The communications network on the rights of the child, which consists of child and family organisations and authorities, published its first statement demanding a child strategy in November 2017.⁷ After the announcement on the appointment of the working group, on 13 February 2018 a group consisting of a few key child and family organisations published another statement in which they called for a national child strategy. The statement noted that the LAPE programme has enhanced cooperation, particularly between the Ministry of Social Affairs and Health and the Ministry of Education and Culture, but its temporary nature threatens integration of child, youth and family services after the programme comes to an end. The statement addressed the report of the working group led by Heinonen, and proposed that goals and measures for promoting the implementation of the Convention on the Rights of the Child and other key rights protecting the welfare of children and young people be entered in the child strategy. The organisations proposed that the strategy be approved by the Government every four years and that necessary entries to regional and municipal strategies be made on the basis of the strategy.⁸

The demands to adopt a national child strategy did not stop there. A Report to Parliament by the Ombudsman for Children was published on 21 February 2018. In the foreword to the report, the Ombudsman for Children, Tuomas Kurttila, proposed that the Parliament would decide on preparing a national child policy strategy based on the UN Convention on the Rights of the Child. Kurttila set three starting points for the strategy: 1. It is necessary to enact a law on Finland's child policy strategy; 2. The Government would decide on the strategy; 3. The Government would report to the Parliament on the implementation of the strategy during the term of government to reinforce the role of the Parliament as the stern of Finland's child policy.⁹ At the end of the parliamentary process concerning the Ombudsman for Children's Report to Parliament in January 2019, the Parliament decided to oblige the Government to prepare a national child strategy.¹⁰

It seems justified to presume that February 2018 was a historical turning point for the rights of children in Finland. Persevering advocacy work by various parties channelled into a growing pressure on the Finnish Government. A demand for a national child strategy had now been presented by not only an international authority but also investigators appointed by ministries, key child and family organisations and the Ombudsman for Children. Soon, the Finnish Government started taking measures.

7 Iivonen & Pollari, 2017

8 Särkelä et al., 2018

9 Kurttila, 2018

10 Parliamentary communication 34/2018 vp (in Finnish)

Child's Time – Towards the National Strategy for Children 2040

In Government discussion on spending limits in April 2018, the Government decided to start preparations for national child strategy. A cross-administrative strategy that promotes the interests of children in social decision-making and is based on widely researched data was set as a goal. The aim of the child strategy was to create a child and family friendly Finland and promote positive development of birth rates. Annika Saarikko, Minister of Family Affairs and Social Services, and Sanni Grahn-Laasonen, Minister of Education and Culture, were responsible for the preparations of the National Child Strategy, guided by a diverse Lapsifoorumi child forum and a steering group appointed in June of the same year. Marianne Heikkilä, Executive Director of the Martha Organization, was appointed as the Project Manager of the Child's Time project. The schedule for the project was breath taking: the strategy was expected to be finished in February 2019 – in just nine months.

Preparations for the Child's Time project did not settle for traditional hearings. Instead, actors in civil society, public and private sectors and ministries were extensively involved in the process and they convened in three Lapsifoorumi child forum meetings as well as various interest group meetings. Other participants in the process included experts by experience and more than a hundred researchers and research groups, who were asked to sum up key results of their research to aid work on the strategy. Despite the strict schedule, more than a thousand people were met in connection with the preparation, approximately two hundred of whom were children.

The following key areas of well-being were outlined on the basis of cooperation with interest groups, work done by the steering group, meetings and contributions by researchers: relationships, inclusion, learning, participation, security and health. The steering group prepared three separate scenarios on the basis of these key areas of well-being.

- In linear progression, inequality continued to develop along the same lines and child policy returned to fractured and administrative-branch-specific development work. Good trends could not be reinforced, and polarisation of children's well-being continued. Finland did not commit to agreements on human rights and coordination of cooperation was fragmented.
- The crisis-like development highlighted negative changes in all areas. Problems grew deeper and services and income transfers were not sufficient for preventing them. The scenario also mentions an ecological crisis that would threaten all children and their living environments.
- The scenario to strive for – the vision of the Child's Time project – was titled the Child's Time scenario. In this scenario, a child, youth and family friendly Finland has been achieved (Figure 1).

The Child's Time strategy work was made tangible in seven aims that concern the child's relationships, inclusion of the child and the family in the community in which the child is raised and in the local community, family time, enabling an individual pathway for growth and learning for every child and young person, decreasing child poverty, and enabling people to have as many or as few children as they wish.

Objectives for achieving the Child's Time vision¹¹

1. Every child and young person has safe adults who are close to them and act with the child's best interests at heart.
2. Every child, young person and parent/custodian is a member of communities and feels that they belong in those communities and can make a difference through their actions.
3. Families spend more time together and experience it as positive.
4. Friendships of children and young strengthen and loneliness decreases.
5. Each child and young person has a pathway to continuous growth and learning that acknowledges individual differences.
6. People can have as many or as few children as they wish.
7. Family poverty decreases.

(Source: Child's Time report, p. 45)

11 Finnish Government, 2019, p. 45

Child's Time

National Strategy for Children 2040

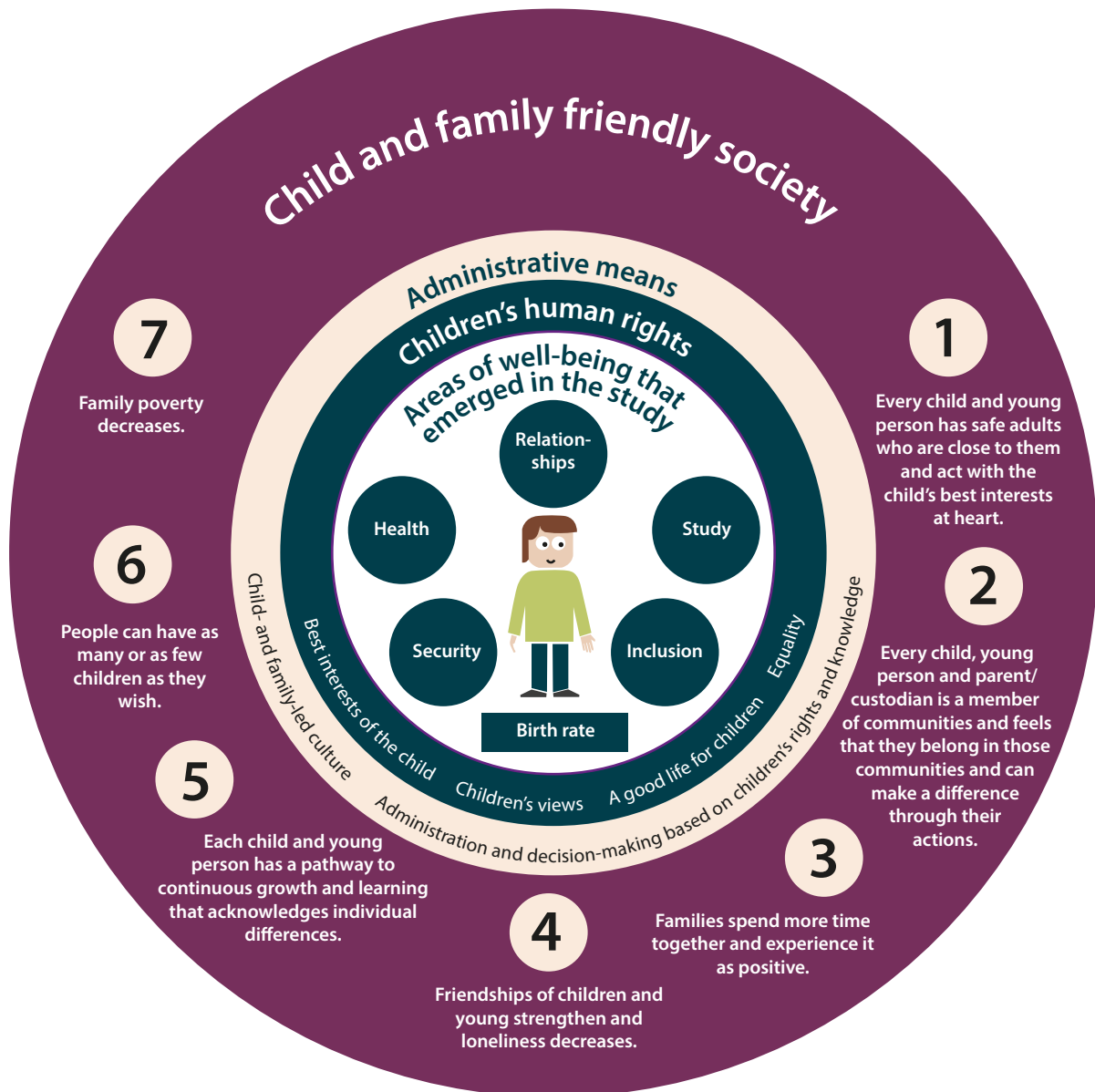


Figure 1. Vision of the Child's Time strategy 2018–2019.

The Child's Time project was ambitious because it did not settle for just painting a vision. It also defined various guidelines and mentioned several means for achieving the goals it set. Work on the strategy emphasised administration and decision-making based on children's rights and knowledge, leadership, child- and family-led culture, interaction and cooperation. However, because the project was considered to act as groundwork for the actual national child strategy, which had been proposed to be prepared during the next term of government, concrete measures were left for others to work on. The Child's Time project proposed the road map illustrated in figure 2 for the implementation of the national child strategy.

Child's Time road map towards the National Strategy for Children

- The goal is to create a systemic and parliamentary child strategy that stretches over several terms of government by the year 2040.
- The strategy extensively covers matters related to the lives of children, young people and families
- Basis for the strategy:
 - international agreements related to children's rights,
 - the UN Convention on the Rights of the Child,
 - national legislation,
 - research data,
 - experts by experience
- Measures for the implementation of the strategy will be agreed in government negotiations
- Regional strategies will be prepared on the basis of the strategy

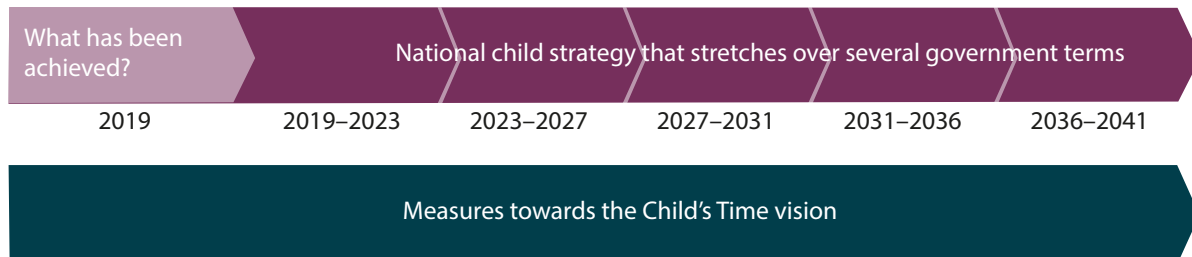


Figure 2. Child's Time road map.

The Child's Time project was a unique and ambitious achievement in the field of children's rights in Finland. On a breathtakingly fast schedule it managed excellently to gather information from expert, experience and research and provided the Government's future child strategy preparations plenty to work with.

However, the Child's Time project suffered from insufficient acknowledging of history and basic structures of Finnish society. Four of the seven objectives aimed for change that is dependent on relationships – adults who are close to children, communities, time spent with the family and children's friendships. A pathway of learning, increasing birth rates and reduction of child poverty were the clearest objectives that could be achieved through social policy, but matters such as development of social and health services and social security, reconciling work and family and child impact assessment, in which social policy plays a key role, were not addressed. At the same time, matters such as discrimination, children's possibilities for influence and participation and questions related to violence and intoxicants did not receive any attention in the objectives for the strategy, even though they were commendably mentioned in the report. Thus, structural problems of the Finnish welfare state appeared in the aims of the Child's Time project as problems of individuals and communities as well as lack of will, rather than deeply rooted structures formed in the course of history, patterns of economy, the labour market and environments, and practices of the political decision-making system. Eyes that were firmly fixed in the future did not remember to look in the rear-view mirror. One of the biggest issues was that the report did not take into consideration the concluding observations on Finland by the UN Committee on the Rights of the Child, which left the basis for children's rights on shaky ground.

In conclusion, it can be stated that the Child's Time project acts as excellent groundwork for the national child strategy and its implementation by future governments. Particularly the research statement on which a separate report was published¹² is an internationally unique summary of key observations from various fields of research, albeit the fields are largely centred around educational and social sciences. However, the Child's Time report was not fully successful in setting appropriate goals and means for achieving those goals. Although the documents produced during the Child's Time preparation provided a multilevel depiction of Finnish society, child policy and future based on research evidence, these were not reflected on the level of strategic goals. We should, however, remember that setting strategic goals was not the original aim of this groundwork. The Governments of Prime Minister Antti Rinne and Prime Minister Sanna Marin were tasked with this duty.

The National Child Strategy as an exertion of a parliamentary committee

During the preparation of the Programme of Prime Minister Antti Rinne's Government¹³ various actors called for preparation of a national child strategy on the basis of work carried out during the previous term of government. The Ombudsman for Children, Tuomas Kurttila, also left the creation of a national child strategy to the government as a "testament" of his last day in office, and the Parliament demanded for the strategy in a parliamentary communication in January 2019¹⁴. The demands were heard. Fair, equal and inclusive Finland was made one of the seven strategic themes of the government programme. Promoting a child and family-friendly society was set as one of the objectives for this strategy and creation of a strategy for families with children was set as a measure for achieving this objective.

The steps of a national child strategy were entered in the Government Programme in surprisingly high detail. The government programme outlined that a child strategy will be prepared by a parliamentary committee, and formulating a vision for a child and family-friendly Finland that spans government terms and crosses administrative boundaries was set as an aim for the strategy. The strategy would be based on information and research evidence, and it would promote the implementation of the Convention on the Rights of the Child. The government programme also emphasised child rights-based governance and decision-making, child and family-friendly services and benefits and cross-sectoral measures. In the government programme, the government pledged to assess the child impacts of its decisions, improve child budgeting, strengthen knowledge about child well-being and foster the inclusion of children and young people. In addition to the central government, there would be broad-based commitment to the goals of the strategy by other public

12 Välijärvi, 2019

13 Programme of Prime Minister Antti Rinne's Government, 6 June 2019: Inclusive and competent Finland – A socially, economically and ecologically sustainable society

14 Parliamentary communication 34/2018 vp (in Finnish)

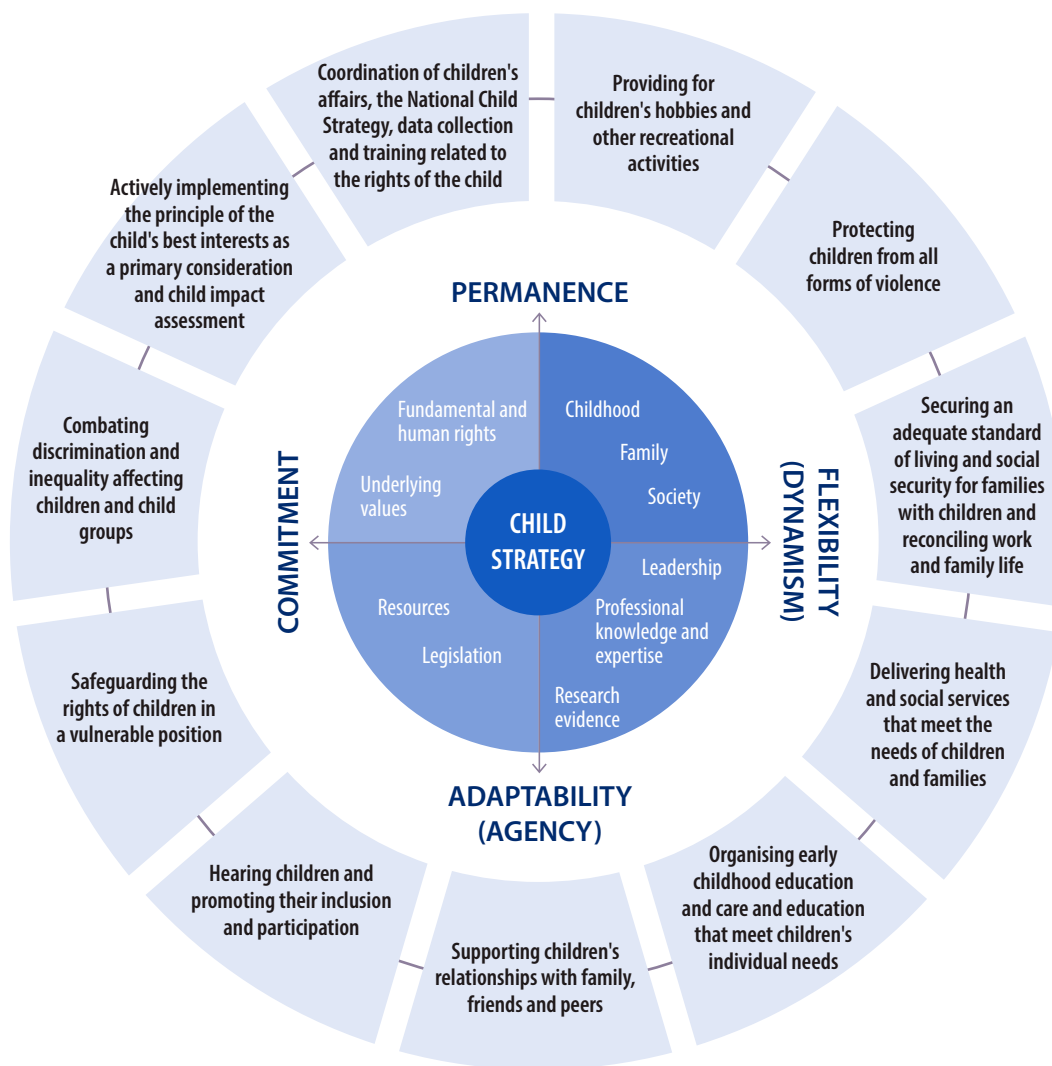
operators, particularly municipalities and joint municipal authorities, higher education institutions and education providers, organisations, parishes and businesses. It was decided that preparations for the strategy would utilise the Child's Time 2040 report.

Preparations for the national child strategy started unhurriedly. In October 2019, Johanna Laisaari, Master of Laws with court training, was appointed as the Secretary-General for the National Child Strategy. The goal was to set up a parliamentary committee in December. However, appointment of the Committee was delayed due to political events, and the Committee was not appointed until 5 March by the Government of Prime Minister Sanna Marin. A total of nine members were appointed for the Committee, one from each parliamentary party and a personal deputy for each of them. Four permanent experts were also appointed. The Committee also had a Secretariat that consisted of officeholders from the Prime Minister's Office, the Ministry of Social Affairs and Health and the Ministry of Education and Culture as well as representatives of non-governmental organisations.¹⁵

Only a week after the appointment of the Committee the situation turned outright dramatic. COVID-19 was declared a pandemic and Finland glided towards a state of emergency along with the rest of the world. The first actual meeting of the Committee was held in June 2020 and a monitoring working group was set up. For health security reason, a total of five out of six Committee meetings were held as hybrid meetings using remote connections.

A road map for the National Child Strategy was created as a part of outlining the legal basis for the Strategy before the Parliamentary Committee started its work. It was built on two axes between permanence versus adaptability and commitment versus flexibility, where fundamental and human rights and underlying values presented commitment and permanence, childhood, family and society presented flexibility and permanence, leadership, research evidence, professional knowledge and expertise presented flexibility and adaptability and resources and legislation presented adaptability and commitment. The strategy was influenced by the legal assessment on the matter, concluding observations on Finland by the UN Committee on the Rights of the Child and the results of the Child's Time project (see figure 3).

15 Composition of the Committee at the time of signing: Chairman Krista Kiuru (SDP), Deputy Chairman Li Andersson (Left), Ari Koponen (PS), Heikki Autto (NCP), Hilikka Kemppi (Cen), Sofia Virta (Greens), Mikko Ollikainen (SPP), Päivi Räsänen (CD), Harry Harkimo (MN). Expert members: Elina Pekkarinen (Ombudsman for Children), Hanna Heinonen (Central Union for Child Welfare), Inka Hetemäki (UNICEF Finland), Virve Toivonen (University of Eastern Finland). Secretariat: Johanna Laisaari (Prime Minister's Office), Katja Bergbacka (Ministry of Education and Culture), Esa Iivonen (Mannerheim League for Child Welfare), Sanna Koulu (Ministry of Social Affairs and Health), Taina Kulmala (Prime Minister's Office), Kirsi Pollari (Central Union for Child Welfare), Laura Saarinen (Ministry of Social Affairs and Health).



The UN Convention on the Rights of the Child (Finnish Treaty Series 59–60/1991) is binding on Finland as a human rights treaty. It defines the rights of persons aged under 18 that the States Parties must respect in different areas of life and society.

This National Child Strategy is intended to fulfil Finland’s obligations under the Convention. In addition to the UN Convention on the Rights of the Child, the strategy is underpinned by Finland’s other fundamental and human rights obligations and strong rule of law.

The four universal principles of the UN Convention on the Rights of the Child provide the backdrop for the strategy: non-discrimination; the child’s best interests as the primary consideration; a child’s right to life, survival and development; and the child’s participation.

Figure 3. Road map to the National Child Strategy.

The National Child Strategy prepared by the Parliamentary Committee is a concise document that contains objectives and lines of action instead of concrete measures. The Committee defined a Finland where the rights of the child are respected as a vision for the Strategy and the following aims were crystallised as the strategy's three guiding principles:

1. The strategy will create a genuinely child and family friendly Finland where the rights of the child are respected.
2. Children's rights and status will be mainstreamed, ensuring that children are consistently taken into consideration in all policies and activities alongside with other members of society and that they are informed of their rights.
3. The status of children in a vulnerable position will be secured, and their needs will be recognised better.

The National Child Strategy is divided into three parts – “Finland for all children”, “thriving and competent children” and “children as participants in society” – all of which have subsections on various ideas, assessment of their current state, strategic policies for achieving goals and legal basis for the objectives. The Finland for all children section includes combating discrimination and inequality, safeguarding the rights of children in a vulnerable position and protecting children from violence. The thriving and competent children section includes the subcategories of social welfare and healthcare services for children and families, early childhood education and care and education, adequate income for families and reconciliation of work and family life, children's relationships with family, friends and peers and children's leisure time and hobbies. Child impact assessment and child budgeting as well as children's right to be heard and informed are included under the children as participants in society section. The National Child Strategy appears to be built on the background material for the Child's Time preparations and the observations of the UN Committee on the Rights of the Child.

The pandemic caused challenges to the work of the Parliamentary Committee as well as other work on child strategy. Participation of children, young people and interest groups in workshops, events and forums was made difficult by the pandemic and efforts were made to facilitate participation through virtual tools, such as surveys, streamed events and remote meetings. For example, despite some difficulties 1,344 children and 1,593 adults were reached via a virtual survey carried out in connection with the child strategy. In addition to a group working on child budgeting, the preparations for the strategy also included a special coronavirus group that was tasked with investigating and promoting children's rights and well-being of children and families in the recovery from the pandemic.^{16 17} Separate reports on the legal basis for the strategy¹⁸, children's participation and inclusion in

16 Finnish Government, 2021a

17 Finnish Government, 2020

18 Iivonen & Pollari, 2020

general¹⁹ and as a part of preparation for the Child Strategy²⁰, hearing of children in connection with law drafting²¹ and child impact assessment in connection with law drafting²² were also published in connection with the strategy. This shows that strategy work invested extensively into publications that can potentially produce information to support work on children's rights in the long run.

The work on the National Child Strategy aimed to trim the excess and stick to the legal foundation. This helped avoid politicisation of the strategy, which could have prevented its completion through parliamentary cooperation where the views of different parties can heavily diverge. The chosen method proved successful as the National Child Strategy was approved in February 2021. However, the question that determines the destiny of the National Child Strategy is how it manages in its primary objectives of influencing field-specific, national and municipal strategies and budgets. Strategy work dependent on publications and digital tools is in danger of becoming alienated from practical work and decision-making in municipalities and everyday lives of children. Plentiful reports and publications have been a strength of the National Child Strategy, but they simultaneously pose a challenge to strategy work. When reports are written by top experts in each field the texts are of high quality on a theoretical level but may be difficult to fully understand. Transferring texts to the everyday life of children, young people and families requires implementation, the first steps of which are examined in the next chapter.

Implementation and future of the National Child Strategy

The future of the National Child Strategy depends on the success of its implementation, in other words, turning its strategic outlines into a concrete child policy. The National Child Strategy implementation plan of Sanna Marin's term of government²³ was published in October 2021. The implementation plan acknowledged approximately 120 measures and projects that were already in progress or being prepared and corresponded to the objectives of the National Child Strategy in one way or another. These projects were presented in an annex to the implementation plan, and they included projects from a variety of administrative branches, from promotion of cycling and walking to the social security reform. The implementation plan carefully cross-tabulated the measures and projects with the measures of the National Child Strategy. The examination makes it apparent how different sectors promote policies that directly or indirectly affect children. However, without separate assessment the impacts of those measures remain unknown.

The National Child Strategy was tasked with promoting 30 measures that aimed for the development of existing structures, consolidating good practices, mapping out new possibilities and modelling them. The projects are meant to be advanced in cooperation by various agencies, organisations,

19 Stenvall, 2020a

20 Stenvall, 2020b; Stenvall, 2021

21 Stenvall et al., 2021

22 Iivonen & Pollari, 2021

23 Finnish Government, 2021b

municipalities and research institutions, and their implementation must ensure inclusion of children and young people, equality and basis on research evidence. Several projects study issues that have data gaps. Examples of such projects include the child victim survey and surveys studying abuse and neglect of children in substitute care and the realisation of the rights of Sámi and Romany children. Various guidebooks and plans to resolve identified problems will be produced in connection with some of the projects. For example, a handbook for child protection will be drawn up for children, uniform practices will be prepared for providing preliminary information and a website will be created for work against bullying, sexual harassment, violence, hate speech and discrimination.

Efforts have been made for a long time to find funding, permanent structure and people to carry out some of the projects. It is a positive turn that these projects will now be realised. However, the execution of the National Child Strategy offers only a temporary relief because the projects must be completed by the end of 2022, or by the end of the term of government, April 2023, at the latest. Uncertainty related to child policy and practices continues. When child policy and practices are unpredictable it inevitably echoes into the lives of children and young people. At the same time, unpredictability of the action plan may help maintain disarray for the prevention of which the National Child Strategy was created. The scale of the projects varies widely, not all of the parties carrying out the projects are known and not all of the projects have yet started. The extent to which the action plan will succeed in reaching its goals is impossible to predict.

The most critical question is how will work on the National Child Strategy continue during future terms of government. The last measure of the implementation plan for the national child strategy, measure number 30, is establishing a national child strategy unit to support continuity and permanence of the strategy. When writing this Report to Parliament, the undersigned attempted to find out where in State administration the structure promoting the implementation of the child strategy would be placed. This question was not answered, and the structure continues to be undetermined. In the view of the Ombudsman for Children, it would be necessary that, instead of a single ministry, the unit should be established in a structure that coordinates all administrative branches, such as the Prime Minister's Office. If placed under a single ministry, the unit is in danger of being reduced to a structure which the UN Committee on the Rights of the Child noted with concern in its observations concerning Finland ten years ago. At the time, the Committee simply stated that a single ministry would not be able to ensure comprehensive realisation of children's rights across sector boundaries. A strong structure is important when it comes to perseverance of child policy because a weak structure prevents continuation of policy measures that stretch across several terms of government. A strong structure would ensure that the objectives of the National Child Strategy would be taken into consideration when preparing government programmes.

As a summary of the work on the National Child Strategy in 2018 – 2021, it should be noted that despite setbacks the work has been successful and of high quality. Work carried out during all terms of government has included both strengths and weaknesses, some of which have been caused by external factors. Dissolving of cabinets, reorganisations and the COVID-19 pandemic were issues that nobody could have predicted and that inevitably affect the promotion of government programme

objectives. Haste and differences in political views were predictable underlying factors. Factors that can be combated, such as lack of organisation caused by hurry and unpredictability caused by differences in political views, should be eliminated from the work on the National Child Strategy. The aim should be persistent advancing of sustainable child policy based on human rights. Work carried out on the Child's Time project should be multidisciplinary and dynamic and maintain the joy and openness of working together, whereas parliamentary work on the National Child Strategy should ensure basis on children's rights, analysis of projects performed with reverence and careful theoretical basis of background studies. If these best aspects of critical background for the completion of the National Child Strategy can be combined and maintained in the future, Finnish child, youth and family policy may have a clearer role in promoting the rights of children.

It can be concluded that the lives of children cannot be improved through strategies if the strategies are not turned into action. In the last four year, the status, well-being and rights of children have faced a problem that the Finnish society, and the whole world, has been poorly equipped to deal with. The COVID-19 pandemic has made visible the support structures on which modern Finnish families rely and the inequality of children within these structures. Momentary diminishing of the dense network of services and institutions that support children, young people and families caused immediate distress to children whose families cannot manage without support. Whereas some children were able to continue their lives with little disruption with support from their families, and some children were even more content than before. If the network is not patched up there is a real danger that Finnish childhood is on a path towards a scenario that the Child's Time vision calls crisis-like. A shared strategy based on children's rights can be used to guide Finnish childhood towards child's time, even when facing challenges.

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