

The Universal Periodic Review (UPR) 2022 4th cycle

Report by Save the Children Finland (SCF)

Save the Children Finland (SCF) is a national non-governmental organisation founded in 1922. We aim to improve the realisation of the rights of the child and the position of children in Finland and internationally. Save the Children Finland is a member of Save the Children International (SCI) delivering programmes in more than 120 countries around the world. In Finland, in addition to being a child rights advocate, we provide child protection services and other support for children and their families. The International programmes improve the rights of the child in developing countries, areas near Finland and in humanitarian crises. SCF's civic activities aim to motivate citizens to take action to improve the implementation of the rights of the child. Youth activities include youth clubs, actions against racism as well as support chats. We also carry out media education and operations preventing the abuse and sexual violence of children, also in the digital media. In advocacy, we deliver recommendations and statements to decision makers and ministries, work in various networks and coalitions with professionals, researchers, children and other NGOs to make a positive and sustainable difference in the lives of all children.

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1. A submission by Save the Children Finland (SCF)ⁱ

1.1. Some observations of the general measures in implementation of children's rights

Finland has completed its' first National Child Strategy in 2021. In the future the Child Strategy will be complemented by an action plan for each government term. The Strategy will be implemented in cross-administrative collaboration, involving a wide range of stakeholders in the Finnish society. ⁱⁱ

The Strategy is based on the four general principles of the UN Convention on the Rights of the Child – non-discrimination; the best interest of the child; the child's right to life, survival and development; and the inclusion of the child. The Strategy advances child budgeting, child impact assessment and participation of children in matters affecting their lives, and thus supports better realization of child's best interest principle in community, regional and national decisions on legal, policy and administrative level.

The Ombudsperson for Children launched in 2022 a National Communication Strategy to ensure that children, their parents, communities, professionals and decision makers are better informed of child rights

In 2019, Finland submitted its joint 5th and 6th report on the implementation of the UNCRC.ⁱⁱⁱ An extremely prolonged reporting has resulted in the lack of comprehensive understanding of developments of the rights of the child in Finland. Also, there has been a long delay in submission of the civil society alternative report.

The reform of the organization of public healthcare, social welfare and rescue services will be completed in Finland in 2022. The responsibility for organizing these services will be transferred from municipalities to wellbeing services counties from 2023. It is utmost important that the rights of the child will be equally guaranteed in this major reform and that the role of the third sector will be supported in supplementing the services.

Due to COVID19 pandemic there is a concern of the well-being of children and families. The Working group appointed by the Ministry of Social Affairs and Health stresses that the consequences of the crisis should be monitored on a long-term basis and the impact must be addressed thoroughly, and adequate resources must be available for ensuring the rights and wellbeing of children, youth and families.^{iv} There is a need to make sure that the most vulnerable children and young people will have low access to social and health care services, also online, paying attention especially to mental health care.

The government adopted in 2019 the Development Policy across Parliamentary Terms that is based on human rights. While the policy prioritizes certain sectors that focus on child development (e.g. education) and puts emphasis to rights of women and girls, it remains weak in spelling out how it explicitly advances rights of all children - there is no indication of need for child impact assessment in development cooperation nor is there specific provisions for broader children's rights.

2. Racism, hate speech, discrimination and the rights of the most vulnerable children

2.1. Overview and challenges

The second National Action Plan for Fundamental and Human Rights 2017–2019 has emphasized strengthening of fundamental and human rights education and training at schools and among government officials.^v Despite these emphases, racism, including structural racism, especially towards people of African descent is severe in Finland.^{vi} The current intervention programmes in schools and

education institutions seem not to prevent enough racism against children of various ethnic background, including migrants and refugees. Children confront hate speech in online platforms. The experiences of children, including very young children, are not heard in order to understand e.g. the complexity of structural racism and what kind antiracist interventions would be required in communities and in institutions (schools and within leisure activities e.g. sports).

There is a lack of comprehensive policy framework on LGBTIQ+ people's human rights in Finland. This has also a severe impact on how LGBTIQ+ children and youth are protected, and their rights are guaranteed. According to 2019 School Health Promotion study^{vii} there is an utmost need to seek effective solutions to human rights violations affecting the health and well-being of sexual or gender minorities children and youth (LGBTIQ+ youth).

2.2. SCF recommends the government to

2.2.1. continue to build the capacity of professionals, including media, and decision makers on national, community and local level to understand better the everyday lives of vulnerable children who experience racism, hate speech and various forms of discrimination, and seek sustainable measures to protect these groups.

2.2.2. guarantee that human rights education and equality and non-discrimination plans^{viii} in all educational institutions include systematical monitoring and coherent actions against racism and discrimination and promotion of equality of vulnerable groups of children, including LGBTIQ+ children and youth.

2.2.3. take action to recognize the right of the most vulnerable children, including LGBTIQ+ children, to be heard on the community and wellbeing services county level.

2.2.4. proceed with a comprehensive national action plan focusing on the rights and protection of LGBTIQ+ people, including children. This plan should ensure that child protection services have competence to address the needs of LGBTIQ+ children and youth, and LGBTIQ+ children and youth have timely access to LGBTIQ+ sensitive mental health services.

3. Violence against children

3.1. Overview and challenges

An Action Plan on Non-Violent Childhoods 2020–2025 to prevent violence against children aged 0–17 in different growth and operating environments was updated in 2021^{ix}. The Action Plan is in line with the rights of the child and aims to improve the position of the child victim in the current service, care and crime systems, also providing assistance to children who are violent or at risk of violent behavior. The Action Plan^x for implementing the Lanzarote Convention^{xi} was approved in 2022.^{xii}

Every child has the right to be protected online. Children's rights should be in the heart of digital policies. Child sexual abuse material (CSAM) depicts sex offences against children of any age and gender. Intentional recording and distribution of images of sexual abuse often plays a central role in a sex offences against a child.

There are upcoming changes to the Finnish Criminal Code. One of the expected changes is that the offense of rape would be based on a lack of consent.^{xiii} There would also be a clearer distinction between the legislation on child sexual abuse and sexual offences against adults. Sexual violence against children online is a growing problem in Finland.^{xiv} Solicitation of a child for sexual purposes (grooming) is a severe child rights violation. According to the SCF report^{xv} many children face online grooming and know another child who has faced online grooming.

3.2.SCF recommends government to

3.2.1. guarantee evidence-based materials made for children and for their guardians to advance children's knowledge and skills to protect themselves from sexual abuse online.

3.2.2. ensure the adequate provision of information to, skills and capacity of professionals working with children about the extent of child sexual abuse online and grooming in all operating environments, including early childhood education, school, health care and social services.

3.2.3. increase the information about online, low-threshold reporting channels, such as INHOPE-hotlines, extensively among children and adults.

3.2.4. ensure help and support services available for people who are concerned of their sexual interest in children.

3.2.5. guarantee safety by design and privacy by default a priority for all communications platforms. Companies operating messaging services should not be allowed to operate in a manner which allows impunity for wrongdoers.

3.2.6. ensure the capacity and resources of law enforcement to investigate child sexual abuse cases without extensive delays. Criminal procedures should be child-friendly and proceed quickly.

3.2.7. ensure INHOPE^{xvi} hotlines have the mandate and resources to take all necessary actions to facilitate the removal of CSAM^{xvii} form online, including sending notice and takedown requests to service providers and temporarily download material.

4. Child protection

4.1. Overview and challenges

Child Welfare Act^{xviii} has been changed over many years and has become fragmented to implement. In 2022 Annual Report to the Finnish Parliament the Ombudsperson for Children called for a holistic reform of the Child Welfare Act to guarantee more protection for the most vulnerable children.^{xix}

The number of child customers per social worker in child welfare services has increased to the extent that the quality of the services does not meet the best interest of the child. The social workers are overburdened and that has an impact on the quality of the services.^{xx}

Due to excessive amount of work, there is a lack of interest to pursue a career in child protection, especially in the institutional foster care. The low interest in the field, also in choosing education, will hamper the quality of the child welfare services. Especially the institutional foster care faces a severe lack of the personnel. The reputation of the foster care is low, work is challenging, and young professionals are not interested in pursuing a career in institutional care. The education in the polytechnics does not prepare the student's enough in employment in child protection.

4.2. SCF recommends government to

4.2.1. reform the Child Welfare Act and integrate it coherently in the social and health care services paying special attention to the provision of mental health care services.^{xxi}

4.2.2. commit to reviewing and changing the law limiting to 25 child customers per social worker.^{xxii}

4.2.3. invest in high quality professional education in child protection.

5. Refugee children and children seeking protection and asylum

5.1. Overview and challenges

Annually around 3000-5000 people apply for international protection from Finland, about one fourth (23-25%) of them children. The year 2015 was an exception with almost ten times higher number of asylum applications (32 477) than during previous years. After 2015 the number of undocumented people has been increasing in Finland due to negative asylum decisions, and it is estimated to include also more children and families.^{xv} This year numbers of international protection will also consist of people who arrive from Ukraine, and proportion of children is predicted to be higher. During 2020-2021 Finland received 126 unaccompanied minors and 49 members of vulnerable single-parent headed families through EU relocation scheme. Additionally, Finland annually receives around 800-1000 people through resettlement under the refugee quota. Many asylum-seeking children arriving to Finland are arriving without some or any of their family members.

Family reunification of children receiving international protection is difficult in Finland. The process is complicated, there is not enough support provided in languages spoken by those seeking family reunification, it can be very expensive and include travel to countries where travelling is not possible or safe for family members. The right for family life is not always fulfilled.

Although not being often implemented, detention of children in migration is possible and occurs in Finland, especially after negative asylum decision and preceding the return. Detention of unaccompanied 15–17-year-old children is limited to maximum of 6 days. The detention of children accompanied by their family members has no age limit and may last for a maximum of one year.

Early education is not provided equally to all migrant children. Asylum seeking or undocumented children do not usually have access to early education with exception of few municipalities that have decided to provide these services also for children with uncertain status.

The assessment of the best interest of the child and its effects on decisions concerning the child is not transparent related to asylum processes and family reunification.

5.2 SCF recommends government to

5.2.1. prohibit the detention of children in migration. There needs to be alternatives to detention developed both for children and their family members.

5.2.2. minimize the barriers of family reunification. The right for family life needs to be supported through easier and faster family reunification processes.

5.2.3. provide early education equally to all children living in Finland apart from their migration status.

5.2.4. commit to assess best interest of the child a transparent manner and base decisions on the best interest of the child.^{xxiii}

6. Child poverty

6.1. Overview and challenges

In Finland around 112 000 children are growing up in poverty and social exclusion. Many of them are living in precarious family situations such as single-parent families, families with many small children, disabled child/children or illnesses, immigrant families, families with low income and unemployed parents.

The government implements a Finnish model^{xxiv} to enable every child and young person to have at least one leisure activity free of charge in connection with the comprehensive school day. Pupils and

students in comprehensive school as well as students in additional education are the target group for the first implementation stage of the model. The aim is to anchor it as a permanent approach in municipalities.

In 2018 SCF initiated a Citizens Initiative^{xxv} calling for action to provide upper secondary education free of charge to make sure that children living in poverty will have equal access to education as their basic right. Since August 2021 government has implemented an upper secondary education reform^{xxvi} in which compulsory education will be extended to 18 years of age and upper secondary studies will become free of charge. This reform will assist the children living in low income and poor families to have equal access to upper secondary education.

6.2. SCF recommends government to

6.2.1. tackle child poverty by providing families with employment and sufficient financial resources and social security. Social security reform is urgent, and children's rights need to be in the focus in the reform process.

6.2.2. guarantee that authorities develop and increase available services for children and families especially for those in most vulnerable situations and suffering from poverty. All family services should be flexibly and geographically available in all parts of Finland and services ought to be based on the needs of the children and families focusing on preventative support.

6.2.3. ensure that the Finnish model will become sustainable in reaching out to all children to guarantee their right to play and engage in hobbies that support their well-being. Leisure activities need to be arranged on municipal level, free of charge and easily available.

6.2.4. monitor that the secondary education reform will genuinely guarantee the children and youth living in poverty equal right for quality education despite their economic status.

6.2.5. to commit to the European Child Guarantee^{xxvii} and the required implementation of national action plan to prevent and tackle child poverty.

7. Children's rights in the digital environment

7.1. Overview and challenges

The UN Committee on the Rights of the Child published a General Comment on the children's rights in relation to the digital environment.^{xxviii} It builds on balancing both children's right to freedom of expression, opinion, assembly and right to leisure as well as protection of children in online environments.

7.2. SCF recommends government to

7.2.1. to make sure that decision makers, civil servants, professionals working with children, parents and care givers, children and youth are better aware of the rights of the child in the digital environments.

7.2.2. guarantee the development and investment in low threshold digital services for children and young people

8. Development co-operation and corporate social responsibility (CSR)^{xxix}

8.1. Overview of the situation and challenges

In its interim UPR report (2014) Finland agreed to increase its development cooperation budget to 0,7 per cent of the GNI. Finland did not honour this commitment during the previous UPR cycle, either.

In 2019 the target was included in the Government Programme being 0,48% in 2020, and it will remain around the same level based on the government appropriations until 2025. The Government Programme also made a commitment to develop a roadmap to achieve the target, but it was left out from the government report on development policy (2021) and simultaneously the government decided to cut from the funding from 2023-2025 and the target will not be met.

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

The Government Programme of 2019 promised to investigate the possibility to legislate on corporate social responsibility based on due diligence, which takes into account companies of different sizes and international value chains at European level and to prepare a report with the objective of enacting a corporate social responsibility act based on a duty of care imposed on companies regarding their operations in Finland and abroad.

While this has been done, Finland is not taking very significant steps in regard to the national due diligence law. EU's due diligence law proposal will not eliminate child labour as the proposed regulation focuses only on large companies and "established business relationships.

8.2. SCF recommends the government to

8.2.1 honour the commitment in the Government Programme and develop a binding timetable for achieving the international commitment to development cooperation of 0,7 % of the GNI by 2030.

8.2.2. make required efforts to establish a human rights due diligence law that will exceed the proposed EU-level regulation.

i In the follow up of the previous recommendations by the UPR Working Group in 2017 and in reflection to the Finnish voluntary report 2019

ii <https://stm.fi/en/child-strategy>
<https://valtioneuvosto.fi/en/-/1271139/national-child-strategy-to-strengthen-inclusion-of-children-and-young-people->

iii <https://um.fi/documents/35732/0/COMBINED+5TH+AND+6TH+PERIODIC+REPORT+OF+THE+GOVERNMENT+OF+FINLAND.pdf/2c7ecf60-65f9-3232-33fd-56dea6e6eb96?t=1571143223073>

iv https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162647/VN_2021_2.pdf?sequence=1&isAllowed=y

v <http://urn.fi/URN:ISBN:978-952-259-588-1>

vi https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-being-black-in-the-eu_en.pdf

vii <https://www.julkari.fi/handle/10024/140742>

viii Equality and non-discrimination planning is mandatory in schools. Act on Equality between Women and Men and Non-discrimination Act.

ix <http://urn.fi/URN:ISBN:978-952-259-588-1>

x The Action Plan will advance the prevention of all forms of sexual violence against children and protect child victims.

xi The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201)

xii Finland ratified the Lanzarote Convention in 2011

xiii This concerns children older than the age of consent.

xiv Perustulokset, nuoret 2019 ja 2021 - Kouluterveyskyselyn aikasarjat 2006-2021 - THL kuutio- ja tiivistekäyttöliittymä

xv grooming_in_the_eyes_of_a_child_2021.pdf (amazonaws.com)

^{xvi} <https://www.inhope.org/EN>

^{xvii} Child Sexual Abuse Material

^{xviii} No. 417/2007; amendments up to 1292/2013 included

xix

<https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163790/Eduskuntakertomus%20FINAL%20saav%20englanti.pdf?sequence=1&isAllowed=y>

xx <https://www.pelastakaalapset.fi/ajankohtaista/kampanjat/lastensuojelusta-ei-saa-saastaa/>

xxi

<https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163790/Eduskuntakertomus%20FINAL%20saav%20englanti.pdf?sequence=1&isAllowed=y>

xxii In 2021 the government amended the law to limit the number of customers per social worker to 35 in 2022-2023, and to maximum of 30 from 2024 onwards .

^{xxiii} <https://valtioneuvosto.fi/en/-/un-committee-on-the-rights-of-the-child-underlines-the-primacy-of-the-child-s-best-interests-in-a-finnish-asylum-case>

xxiv <https://okm.fi/en/the-finnish-model>

xxv <https://www.kansalaisaloite.fi/fi/aloite/2607>

xxvi https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162875/MoEC_compulsory%20educaton.pdf?sequence=1&isAllowed=y

xxvii <https://ec.europa.eu/social/main.jsp?catId=1428&langId=en>

^{xxviii} <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation>

xxix Recommendation 89.51: Reconsider the matter by taking the necessary steps to fulfil the objective expressed in 2008 to reach the 0.7% target for ODA in relation to the Millennium Development Goals by 2015

Recommendation 90.16: Provide a framework for prohibiting use of child labour by the Finnish companies engaged with businesses abroad and multinational companies headquartered in Finland (Netherlands).