



LAPSIASIAVALTUUTETTU  
OMBUDSMAN FOR CHILDREN IN FINLAND

12 March 2010 / Maria Kaisa Aula

**Pavel Astakhov**  
**Child Rights Ombudsman for the Russian Federation**

Dear Sir,

Thank you for your letter addressed to the Ombudsman for Children in Finland, requesting investigation of the taking into care of a certain child in Finland.

The activities of the Ombudsman for Children in Finland are provided for in the Act on the Ombudsman for Children (1221/2004). According to the Act, *“the duties of the Ombudsman are:*

1. *Monitor the welfare of children and youth and the implementation of their rights;*
2. *Influence decision-makers from the viewpoint of children;*
3. *Maintain contacts with children and youth and convey information received from them to decision-makers;*
4. *Convey information concerning children to professionals working with children, decision-makers and the public;*
5. *Develop cooperation between actors concerned with child policy;*
6. *Promote the UN Convention on the Rights of the Child.”*

The Ombudsman for Children in Finland acts on general societal level. The goal of the work is to ensure that the rights and interests of the child are taken into account as well as possible for instance in legislation and other decision making. The Ombudsman for Children in Finland thus does not have the authority to investigate individual cases.

In Finland, the legality of the actions of the social welfare authorities is supervised for instance by the Parliamentary Ombudsman. Anyone can file a complaint with him to request investigation of the legality of the actions of an official in a certain case.

Usually the complaint is filed by the party concerned, which would in this case be the parents or the child themselves. The complaint can be filed by other parties too but the Parliamentary Ombudsman cannot disclose information on the child or the family to the complainant without authorisation. This is due to the confidentiality obligation. What this means is that the parents of the child would have to sign a written authorisation allowing the complainant to receive information on the case to be investigated.

I could forward your letter directly to the Parliamentary Ombudsman. However, the request to make the investigation there should be a bit more detailed including identifying information to allow him to determine who the child, the family and the authority are whom the matter concerns. I am enclosing a brochure on the work of the Parliamentary Ombudsman in English and Russian.

On general level I would like to inform You that Finland's new Child Welfare Act (417/2007) entered into force at the beginning of 2008. It further detailed the grounds for taking a child into care and the related decision-making process. In urgent cases, it is possible to carry out an *emergency placement of a child*:

Section 38(1)

*If a child is in immediate danger for a reason referred to in section 40 below, or is otherwise in need of urgent placement and substitute care, the child may be placed with urgency in family care or institutional care, or the care and custody the child requires may be arranged in some other way.*

The emergency placement of a child is a temporary safety measure, which can be decided on by the local authority in the child's municipality of residence. If the social welfare board of the child's municipality of residence considers that the child needs to be taken into care, it must submit an application to the relevant Administrative Court. The decision of the Administrative Court may be appealed, all the way up to the Supreme Administrative Court. Under the aforementioned Act, the criteria for taking a child into care are as follows:

Section 40 – Duty to take a child into care and provide substitute care

1. *Children must be taken into care and substitute care must be provided for them by the municipal body responsible for social services if*
  1. *their health or development is seriously endangered by lack of care or other circumstances in which they are being brought up;*  
*or*
  2. *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.*
2. *Taking a child into care and provision of substitute care may, however, only be resorted to if*
  1. *the measures referred to in chapter 7 would not be suitable or possible for providing care in the interests of the child concerned or if the measures have proved to be insufficient and*
  2. *substitute care is estimated to be in the child's interests in accordance with section 4.*

Thank you for your communication. I do agree that the rights and interests of the child must be primary factors in all decisions taken by the authorities. The UN Convention on the Rights of the Child is legally binding upon Finland and was taken into account when the current Child Welfare Act was enacted. In my position as Ombudsman for Children in Finland, I am quite well pleased with the Child Welfare Act.

Of course, in individual cases it is the local social welfare authorities who are responsible for interpreting the law. Because of the aforementioned reasons, I cannot comment on individual cases; supervision in such cases falls within the domain of the Parliamentary Ombudsman.

I would like to inform You that our office has produced material about the UN Convention on the Rights of the Child in many languages that are spoken in Finland. Last autumn we published a Russian language version of the brochure. I enclose it here. This publication can be found from our webpage ([http://www.lapsiasia.fi/c/document\\_library/get\\_file?folderId=97173&name=DLFE-10456.pdf](http://www.lapsiasia.fi/c/document_library/get_file?folderId=97173&name=DLFE-10456.pdf)).

I would be happy to introduce you to the Finnish child rights policy and my tasks as the Ombudsman for Children. I would be interested to discuss my agenda on the reduction of violence against children too.

I have just discussed with Your Embassy in Finland and got information that You will come to Finland next week. I have booked a meeting with You on Tuesday 16<sup>th</sup> of March.

Respectfully yours,



Maria Kaisa Aula  
Ombudsman for Children in Finland