

# Report to the UN Committee on the Rights of the Child

Alternative Report to Finland's 5<sup>th</sup> and 6<sup>th</sup> Periodic Report

The Ombudsman for Children in Finland

July 2022

## Foreword

This is the second report issued by the Ombudsman for Children (the Ombudsman), to the UN Committee on the Rights of the Child (the Committee) assessing the implementation of child's rights in Finland. Finland's government submitted its combined fifth and sixth periodic report to the Committee on 26 July 2019, two years late. In the spring of 2019, the Ombudsman, Finnish Committee for UNICEF, and Central Union for Child Welfare expressed their concern over the change in the Government's attitude towards human rights obligations and the rights of the child.<sup>1</sup>

This report focuses on themes that the Ombudsman has sought to promote. The report comments on recent developments and the key issues raised in the periodic Government report. It is based on observations made by the Office of the Ombudsman, the Child Advisory Board that supports its work, and on various studies, reports and meetings with children and other stakeholders.

The Ombudsman collects information from children and young people. The Child Barometer published every other year studies how six-year-olds view their own lives. Current themes related to the rights of the child are discussed with diverse groups of children in the Young Advisers meetings.

The Ombudsman organises yearly round-table discussions on current issues related to the rights of the child. These discussions seek to approach these issues from a broad perspective and, if necessary, establish a consensus for putting the issue on the decision-makers' agenda. In 2021 ombudsman held around 70 other meetings with stakeholders, decision-makers, professionals working with children, and the children's relatives and friends to collect information. The Ombudsman receives 500–600 communications from citizens annually, which also provide information on the everyday challenges children and their families face. They most often concern school, child welfare and questions of child custody and right of access.

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<sup>1</sup> Press release, 2019, 23 April.

## 1. General measures

### 1.1. Legislation (9<sup>2</sup>)

1. The Ombudsman's statutory duty is to promote the implementation of the Convention on the Rights of the Child (hereinafter Convention). In 2021 the Ombudsman issued 72 statements on legislative drafting documents at different stages of the drafting process. These statements focus on the proposed regulation's alignment with the Convention and that a comprehensive assessment of impacts on children has been conducted during the drafting process. The statements stress that the views of children should be determined and given appropriate consideration in the legislative drafting process.
2. The Ombudsman assesses the state of the legislation in its annual report on its activities to the Government. The report on the Ombudsman's activities to Parliament is issued every four years. The first report was issued in 2018<sup>3</sup> and the second report was published in 2022<sup>4</sup>. The first report contained an extensive examination of the compatibility of national legislation with the Convention. The second report reviewed the development of legislation in 2018-2021.
3. National legislation is mainly consistent with the Convention. Nonetheless, one cannot always establish from the legislative drafting documents that the regulations are specifically based on the legislative requirements imposed by the Convention. The drafting of legislation does not systematically and transparently promote the implementation of the Convention.
4. The child impact assessment is included in the legislative drafting process guidelines. However, the assessment is not systematically based on research or children's views. In government bills, the assessments are often limited to describing objectives and emphasising the bill's positive impact.
5. The Finnish Council of Regulatory Impact Analysis instituted in 2016 is tasked with assessing government proposals and the impact assessments presented in them. Even though its statements are not binding, the government proposal issued to Parliament must include the Council's statement and describe how it has been taken into consideration. The work of the Council contributes to the development of legislative impact assessments.
6. National legislation does not provide comprehensive legal protection of children. There are several shortcomings in the legal protection of children, manifesting both as insufficient provisions on legal protection and in actual activities.<sup>5</sup> A common feature of these problems is that children or their custodians do not have sufficient information on their rights and the means and procedures of legal protection available to them.<sup>6</sup>
7. Protracted legal proceedings can jeopardise the realisation of the rights of the child. The amendments to the Act on Child Custody and Right of Access in 2019 sought to improve the situation of custody related court procedures. The hearing times of child welfare cases are too

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<sup>2</sup> The numbers attached to the headings refer to the previous concluding observations in 2011, CRC/C/FIN/CO/4.

<sup>3</sup> K 5/2018 vp.

<sup>4</sup> K 3/2022 vp.

<sup>5</sup> The Ombudsman, 2017.

<sup>6</sup> K 5/2018, p. 178.

long in the administrative courts, and there are backlogs of child welfare cases at State Regional Administrative Agencies.<sup>7</sup>

8. The Ministry of Justice is currently preparing legislation aimed at enhancing the criminal procedures. One of the objectives is to speed up the handling of crimes committed against children.<sup>8</sup>

#### Recommendations

- Training on taking the rights of children into account should be provided for the drafters of legislation.
- Developing of child impact assessments should be continued. The use of research data in child impact assessments should be increased and enhanced.
- The legal protection of children and the available remedies should be regulated in greater detail. More remedies should be made available to children, and child-friendliness of existing remedies should be improved.
- In legal proceedings concerning children the urgency requirement must be followed. This must be ensured by legislation and sufficient resources.

#### 1.2. Coordination and national plan of action (11, 13)

9. Various child, family and youth policy measures have been taken in the reporting period, but a coordinated approach has been lacking. The key concerns of child policy have involved the increased risk of marginalisation, regional differences in the availability and quality of services, deterioration of universal services, and a lack of child impact assessments at the national and municipal levels.
10. A health and social services reform, in which the main responsibility for organising these services will be transferred from municipalities to wellbeing services counties from the beginning of 2023, is currently ongoing and has extensive effects on services aimed at children and families. Municipalities will remain responsible for organising education.
11. A reform program of child and family services started in 2016 but has not been brought to conclusion yet. It will be developed further alongside the wellbeing services counties.
12. Responsibility for the implementation of the Convention is divided between different ministries, with no central allocation of responsibility. The cooperation of ministries in law drafting and other implementation measures is negligible. The significance of comprehensive and effective implementation will be emphasised in, for example, the ongoing extensive social welfare and health care and social security reforms.
13. At the conclusion of its hearing concerning the Ombudsman's report to Parliament in 2018, Parliament required the Government to draw up a national child strategy (The Child Strategy).<sup>9</sup> The preparation of the strategy was initiated in 2018, and the strategy drawn up by a

<sup>7</sup> F.ex. OKV//50/2018.

<sup>8</sup> OM, 2022.

<sup>9</sup> EK 34/2018 vp – K 5/2018 vp.

parliamentary committee was published on 23.3.2021. It is based on the Convention and other national and international obligations concerning fundamental and human rights. The aim was to draw up a comprehensive, consistent, and ambitious policy for safeguarding and promoting the well-being and rights of children and young people.<sup>10</sup> The strategy work will continue with the preparation of implementation plans for each term of government. The first implementation plan (completed in 7.10.2021) contains 30 implementation measures.<sup>11</sup>

#### Recommendations

- The rights of the child should be mainstreamed to the mandates of all ministries and across administrative branches.
- Implementation of the Child Strategy should be integrated closely with the ongoing reforms, and its realisation should be monitored with functional indicators.
- The permanence of the Child Strategy should be secured.

### 1.3. Independent monitoring (15)

#### Increasing awareness of appeal procedures in national systems

14. Efforts have been made to increase awareness of the rights of the child and remedies available to children both in the administration and among NGOs. Room for improvement remains, however. Children do not have enough information on their rights and ways of notifying others of the infringement of those rights. Neither are all professionals working with children sufficiently familiar with children's rights and remedies.
15. Finland ratified the Optional Protocol on a communications procedure in 2016. Basic information on filing a complaint is compiled on the Ombudsman's website. The complaints procedure has nevertheless remained little known and little used.
16. Citizens do not have sufficient information on parties to whom they could turn to or feel that they have not received the assistance they needed. For example, not many are familiar with the work of the social and patient ombudsmen. Appeal procedures are unfamiliar and can appear daunting.
17. Citizens who contact the Ombudsman are advised on remedies and the competent authorities or other parties to whom to turn for help and advice. Contact details and instructions related to services for and the legal protection of children and families have been compiled on the Ombudsman's website.
18. The Parliamentary Ombudsman's inspection visits to child welfare institutions have increased children's awareness of their rights and legal protection. Complaints can be filed through the Parliamentary Ombudsman's website for children. The number of complaints filed by children

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<sup>10</sup> Child Strategy, 2021.

<sup>11</sup> Child Strategy, 2022.

in matters involving foster care has increased dramatically. Investigations have revealed illegalities in most of them.<sup>12</sup> Children do not file complaints for nothing.

19. Fundamental and human rights have a role in early childhood education and care (ECEC) and basic education as well as upper secondary education as a fundamental underlying principle and are a part of teaching under the curriculum.
20. In practice, teachers do not receive enough training on the rights of the child. Pupils and their parents are not sufficiently informed of rights at school and the remedies available.

#### Recommendations

- The authorities should increase communications and guidance on the rights of the child and the remedies available.
- Communications aimed at children must be accessible and understandable to them.
- Professionals working with children should receive more training on the rights of the child.
- The openness and accessibility of the work of social and patient ombudsmen should be improved. Corresponding measures must be developed for the education system.

#### Resources and cooperation between independent institutions

21. The Office of the Ombudsman was established in 2005. It is a separate and independent agency in connection with the Ministry of Justice. In addition to the Ombudsman, the Office employs five permanent officers. The resources are still manifestly inadequate in relation to the statutory duties and the expectations directed at the Ombudsman.
22. Finland's national human rights institution is comprised of the Human Rights Centre, the Human Rights Delegation, and the Parliamentary Ombudsman. The cooperation and distribution of duties between the Ombudsman and Parliamentary Ombudsman works well. The Ombudsman also cooperates with the Human Rights Centre and is a permanent member of the Human Rights Delegation.

#### Recommendations

- The resources of the Office of the Ombudsman for Children should be brought into line with its needs.

#### 1.4. Allocation of resources (17)

23. The state channels resources through legislation and state subsidies. The municipal administrations decide the allocation of these resources. There are large regional variations in children's services. Services for children and families have declined because of adjustments to state and municipal finances. Various benefits have been cut. The new wellbeing services counties are larger than municipalities and the goal is that resources too are more extensive and better targeted.

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<sup>12</sup> K 15/2020 vp..

24. Efforts have been made to regulate resource allocation by providing for minimum staffing in ECEC and child welfare services. The staffing targets are difficult to achieve without a clear increase in the number of trained employees.<sup>13</sup>
25. A Government study of child budgeting and its development (2020) noted that child budgeting requires national steering, dissemination of common operating models and more resources. Child budgeting should be an integral part of child impact assessments and the preparation of state and municipal budgets.<sup>14</sup>
26. In its statements to Parliament, the Ombudsman has repeatedly pointed out that the state budget does not indicate the appropriations for children's needs with sufficient transparency. Child impact assessment and child budgeting are rarely included in municipal budgets.
27. The Child Strategy published a guideline on child impact assessment, child budgeting and children and young people as providers of information in 2022. The guideline is intended for county councillors, youth council members, and local government officials in the wellbeing services counties.<sup>15</sup>
28. A working group for assessing child budgeting procedures and the development of competencies in municipalities and wellbeing services counties has been instituted in connection with the Child Strategy.<sup>16</sup>

#### Recommendations

- The child impact assessment must be enhanced, and the best interests of the child considered in decisions concerning state and municipal finances.
- Child budgeting competencies should be improved at all levels of administration.

#### 1.5. Data collection (19)

29. Research on children's welfare is being published, but the accessibility of results and utilisation of research varies.
30. Statistics Finland, an impartial state authority, will compile all available data on children and young people into a single database. The database will provide comprehensive information on, i.a. health and well-being, social relations, hobbies, school, and living conditions.
31. An increasing amount of research on the rights of the child is being conducted in Finland, but its coverage of age and child groups and domains of life is not sufficient yet.
32. A report published by the Ombudsman in 2014 presented the state of children's well-being in light of certain national indicators.<sup>17</sup> The maintenance of these indicators has been transferred to an information service administered by the Finnish Institute for Health and Welfare (THL).<sup>18</sup> THL conducts an extensive School Health Promotion study every two years.

<sup>13</sup> E.g. STM, 2020.

<sup>14</sup> Jokiranta et al., 2020.

<sup>15</sup> Iivonen & Pollari, 2022a.

<sup>16</sup> VM, 2022.

<sup>17</sup> The Ombudsman, 2014.

<sup>18</sup> <https://sotkanet.fi/sotkanet/en/index>.

33. The Ombudsman focuses on increasing the availability and utilisation of research data in its own work. The Office employs a senior researcher whose main duties are promoting child research and drawing up the Child Barometer every other year. The Barometer has sought to alleviate the scarcity of research concerning small children.
34. As a part of the Child Strategy the Ombudsman's office will conduct studies that concern the well-being of Sámi and Roma children and the realisation of their rights during 2022.

#### Recommendations

- The utilisation of research data in decision-making involving children should be enhanced.
- The indicators for monitoring the well-being of children should be developed actively.
- Sufficient resources should be ensured for research activities.

### 1.6. Follow-up and dissemination (65, 66)

35. The Government's Periodic Report or the recommendations by the Committee have not been discussed systematically or utilised in full.
36. The Ombudsman has published unofficial Finnish translations of the Committee's general comments. The translations of the general comments have been widely publicised. The website contains links to the originals at the Committee's website and to the Swedish Ombudsman's website (translations in Swedish).

#### Recommendations

- The Periodic Report and supplementary reports, and the Committee's conclusions and recommendations, should be widely publicised to decision-makers, professionals and children.
- The systematic implementation of the Committee's recommendations should be ensured at all levels of government.
- Plain language and accessible versions should be drawn up of the general comments.

### 1.7. Dissemination, awareness-raising, and training (21)

37. The Ombudsman has arranged training on the Convention for government officials every other year since 2015. The instructors have included the Parliamentary Ombudsman and specialists in child law.
38. The Ombudsman and the employees of its Office give regular presentations on the rights of the child at various stakeholder events. Around 70 presentations were given in 2021. The rights of the child have been featured at an increasing number of various stakeholder events. Extending the communications across administrations is crucial.



39. The Ombudsman regularly publishes articles on issues related to the rights and well-being of the child. E.g. in 2021, a book on disability and the rights of the child<sup>19</sup> and a book on the corona experiences of thirdgraders<sup>20</sup> were published.
40. Courses on the rights of the child are not systematically included in the basic university or other higher-education studies of professionals working with children.
41. The Ombudsman has produced a new freely available brochure on the Convention in nine languages and plain Finnish.<sup>21</sup>
42. The Ombudsman steers a national communications network for the rights of the child. A new national communications strategy concerning the rights of the child for 2022-2026 was published in 30.3.2022.<sup>22</sup>

#### Recommendation

- The basic education of everyone working with children should include mandatory studies on the rights of the child. Training should also be provided to those already practising their profession.

### 1.8. International cooperation (22)

43. The Ombudsman is a member of the European Network of Ombudspersons for Children ENOC and cooperates with the children's ombudsmen of the Nordic countries. The Ombudsman takes part in the EU's and Council of Europe's events that involve children. Lack of resources hinders the international cooperation.

#### Recommendation

- The Ombudsman's resources should be bolstered to safeguard international cooperation.

### 1.9. Child rights and the business sector (24)

44. Judging when an activity constitutes commercial influencing can be difficult in digital environment. Websites and social media accounts can be tailored to attract children based on the child's digital behaviour, and operators can offer services to children in exchange for disclosing their personal data. The responsibilities for marketing oversight and legislation are fragmented.
45. Regulation concerning restrictions in the provision of audio-visual content including movies, TV programmes, and digital games is currently renewed in order to protect children.<sup>23</sup>

<sup>19</sup> Pekkarinen & Schalin, 2021.

<sup>20</sup> Kekkonen, 2021.

<sup>21</sup> <https://lapsiasia.fi/en/brochures-on-the-rights-of-children>.

<sup>22</sup> Custódio & Hurskainen, 2022.

<sup>23</sup> OKM, 2021.

## Recommendation

- Possibilities for increasing commercial operators' responsibility for identifying and determining the age of their subscribers and users must be explored.

## 2. General principles

### 2.1. Non-discrimination (7, 25)

46. The Non-discrimination Act comprehensively prohibits all forms of direct and indirect discrimination. Non-discrimination must be realised both between children and groups of children, and in relation to adults.
47. Research results speak of inequality. According to the Child Barometer, a small group of six-year-olds cannot identify any positive things in their lives or feel that they receive help or positive feedback.<sup>24</sup> The School Health Promotion Study, Youth Barometer, THL's 1987 and 1997 cohort studies and the PISA study show that well-being has become polarised.
48. Discrimination occurs especially against children belonging to minorities. Children with disabilities or chronic diseases; children belonging to linguistic and cultural minorities; children belonging to sexual and gender minorities; and children who are child welfare clients are more vulnerable to discrimination. According to the School Health Promotion Studies online harassment targets children belonging to minorities and girls in particular.<sup>25</sup>
49. The current Government Programme<sup>26</sup> makes a commitment to enact legislation on legal recognition of gender that respects people's right to self-determination. Minors are not included in the commitment.
50. The cohort study of children born in 1997 with a parent or parents born abroad shows that children with a foreign background have an increased risk of marginalisation. The families' poverty and need for child welfare services were particularly pronounced.<sup>27</sup>
51. The groups of children interviewed by the Ombudsman have described many experiences of discrimination and shortcomings in the realisation of equal treatment.
- 51.1. Roma youth spoke of difficulties in obtaining an internship because of their background.
  - 51.2. Sámi children wished for more understanding of what it means to be Sámi. Linguistic rights are still not entirely realised in practice.
  - 51.3. Visually impaired children told that they had been bullied at school, but also that someone had intervened in the bullying. Teachers should tell the other pupils what it means to have poor eyesight so that others would better understand people with such disabilities.

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<sup>24</sup> Tuukkanen, 2020.

<sup>25</sup> Nieminen et al., 2020.

<sup>26</sup> VN, 2019.

<sup>27</sup> Kääriälä et al., 2020.

- 51.4. Siblings of children with special needs hoped for more understanding from other people. There is too much hostility towards children with special needs in society.
- 51.5. Girls from immigrant backgrounds told the Ombudsman that intervention in bullying at school is only momentary, and the underlying issues are not examined. They were lonely because they felt they faced appearance-based discrimination. They described sometimes being subjected to racist comments on the street.
- 51.6. Young people studying in vocational training spoke of bullying and sexual abuse. According to them, college staff have little ability to recognise vulnerability and their ability to discuss matters is often poor. They wished that the non-discrimination and equality plans of educational institutes would be prepared and implemented in cooperation with students.
- 51.7. Students at a vocational special needs education institution described severe bullying in primary school. They felt respected and appreciated at the special education institution but studying there had required many of them to move and live independently or in a dormitory.
- 51.8. LGBTIQ+ children told that the adults' knowledge on diversity is inadequate and that schools are still heteronormative and gendered attitudes occur. Discrimination had also taken place in hobbies and health care.
52. According to statistics from the National Agency for Education and THL, inappropriate conduct of school staff directed at pupils occurred in 14 percent of primary schools (the survey covered 91 % of primary schools). Young people who actively participate in society have experienced bullying and online targeting by adults. Inappropriate conduct of adults towards children is inadequately addressed in action plans for the prevention of violence.<sup>28 29</sup>

#### Recommendations

- The work against discrimination must be enhanced in every area of children's lives.
- Research results pointing to discrimination must be considered in the preparation of the Child Strategy, social security reform and other current reforms.
- Minors right to legal recognition of their gender identity must be ensured.
- Bullying and discrimination must be addressed with national programmes.

## 2.2. Principle of the best interests of the child (28)

53. In its report to Parliament the Ombudsman proposed that the best interest of the child as a primary consideration must be included in the Constitution of Finland.
54. The best interest of the child is used as a concept in legislation that concerns children, but it is not comprehensively provided for even in the core statutes.

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<sup>28</sup> OPH & THL, 2019.

<sup>29</sup> Pekkarinen & Mettinen, 2022.

55. Research on the realisation of the best interests of the child in legislation, courts, and the authorities has increased.<sup>30</sup> The Parliamentary Ombudsman regularly refers to the best interests of the child in its decisions, as do the Supreme Courts to an increasing extent. However, the grounds of the court judgments do not always indicate what the best interests of the child were in the case.
56. The Child Strategy published two handbooks on child impact assessment in 2022<sup>31 32</sup> and handbook for law drafters on hearing the views of children<sup>33</sup>.

#### Recommendations

- Enshrining the primacy of the best interests of the child in the Constitution should be given serious thought.
- Competence in assessing the best interests of the child and conducting child impact assessments should be increased at all levels of administration and in the courts.

### 2.3. Respect for the views of the child (7, 30)

57. An increasing amount of attention has been paid to the implementation of Article 12 of the Convention in legislation, various administrative branches, and the courts. Promoting the participation of children is nevertheless hampered by fragmentary regulations and varying age limits. Age limits are applied as a matter of routine. The views of smaller children or, for example, children with disabilities are not determined, even though regulations require it in accordance with the level of maturity.
- 57.1. Children with disabilities told the Ombudsman that they were easily ignored in health care, for example, with the physician and parents discussing the matter among themselves.
58. The hearing of groups of children is frequently implemented on a representative basis in the regulations, and in practice too. Determining the views of the child is often still overlooked, and the child's views are not always taken seriously.
- 58.1. Pupils entitled to school transport said that they are not asked for feedback on the arrangements and functionality of transport. Children have similar experiences of many other services as well.
- 58.2. In a meeting with the Youth Council, the young people expressed a wish to speak of their thoughts and opinions directly to the decision-makers at city council meetings.
- 58.3. In the Ombudsman's meetings with young people on the themes of environment and the future of the planet, the young people hoped that they would be given more say in climate issues.

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<sup>30</sup> E.g. Sormunen, 2021.

<sup>31</sup> Iivonen & Pollari, 2022a.

<sup>32</sup> Iivonen & Pollari, 2022b.

<sup>33</sup> Stenvall et al., 2021.

#### Recommendations

- The regulations on the participation of children must be harmonised.
- Children’s views and experiences must be heard more often and taken seriously.

### 2.4. Freedom of thought, conscience and religion

59. Children do not have the right to independently decide on their religious status before the age of majority. Joining or leaving a religion always requires the custodians’ endorsement.

60. Children cannot choose their religious education, which is determined by their religion. However, denominational religious education is prohibited in Finland. In 2022 the Ministry of Education and Culture published a report on the current state of worldview education and the need for reforms. The regulation concerning religious education must be reformed to increase equality.<sup>34</sup>

#### Recommendations

- Children's freedom of religion should be improved, taking the child's level of maturity into account.
- Regulations should enable equal rights to choose between religious or ethics education for all children. The possibility of a universal ethics education should be investigated.

## 3. Violence against children

### 3.1. Child abuse and neglect (38)

#### Action plan for the prevention of violence

61. Violence against children remains alarmingly common despite several measures implemented to prevent and intervene in violence. More comparable long-term follow-up data collected from children is required for reducing violence. Child victim studies aimed at children in the sixth and ninth grades were conducted in 1988, 2008 and 2013.<sup>35 36</sup> Victim surveys have been conducted in a much more limited scope in connection with the juvenile delinquency surveys and School Health Promotion Study, hence the data is not comparable. Within the framework of the Child Strategy, a child victim study is conducted in 2022.

62. The “Non-Violent Childhoods” action plan for 2020–2025 was drawn up in 2019 under the supervision of THL. It is based on the Convention, Lanzarote Convention<sup>37</sup> and Istanbul

<sup>34</sup> Åhs & Salmenkivi, 2022.

<sup>35</sup> Ellonen et al., 2008.

<sup>36</sup> Fagerlund et al., 2013.

<sup>37</sup> CETS No. 201.

Convention<sup>38</sup> and broadly covers the prevention of physical and psychological violence, sexual violence, and online harassment.

63. The action plan is extensive and the responsibilities for its implementation are fragmented, so the implementation will require a great deal of resources and time. It does not pay sufficient attention to violence between children.
64. The first Action Plan for the Lanzarote Convention for 2022-2025 and the second Action Plan for the Istanbul Convention for 2022-2025 were launched in 2022.

#### Recommendations

- Comprehensive and regular surveys of child victims must be ensured.
- Violence between children requires more effective interventions.

### Mistreatment in leisure activities

65. Children are often subjected to inappropriate treatment in their free time, for example during sports activities.<sup>39</sup> The #metoo movement has revealed gender-based violence in cultural activities. Mistreatment and sexual abuse have come to light in religious communities.
66. Sports associations have addressed violence in leisure activities by charting experiences of harassment and drawing up various guidelines for preventing and intervening in violence. Religious communities have also issued instructions for the prevention of inappropriate behaviour.

#### Recommendations

- Extensive efforts are needed to increase competence concerning the rights of the child in hobby and leisure time activities, among both children and adults.
- The implementation of the anti-violence and -harassment guidelines issued by recreational organisations and religious communities must be enhanced. The monitoring of organisations and associations must be enhanced.

## 3.2. Harmful practices

67. FGM is defined as assault or aggravated assault. A citizen's initiative on more explicit criminalisation was approved by Parliament in 2020.<sup>40</sup> The Ministry of Justice has begun drafting the legislation.<sup>41</sup>

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<sup>38</sup> CETS No. 210.

<sup>39</sup> Berg et al., 2020.

<sup>40</sup> KAA 1/2019 vp.

<sup>41</sup> OM, 2022.

68. The first action plan to prevent FGM ran from 2012 to 2016 and a new action plan was drawn up in 2019. Both authorities and organisations participate in the prevention of mutilation and promoting the health and well-being of those who have experienced it.
69. The Ministry of Social Affairs and Health has issued a guideline on the non-medical circumcision of boys. It specifies the required conditions for performing the operation, requires the consent of both parents and demands that the child's views on the operation be determined in accordance with their age and level of maturity. The Supreme Court has taken the position that the guideline is insufficient. The Ombudsman has submitted an initiative (2015) for the enactment of specific legislation in this regard. The Legal Affairs Committee of Parliament stated in 2020 that the conditions for allowing the non-medical circumcision of boys and the regulatory needs concerning its punishability should be reviewed.<sup>42</sup>
70. Underage marriage was prohibited in 2019. The Ministry of Justice is currently drafting legislation for annulling forced marriages and prohibiting the recognition of marriages contracted abroad while one or both of the parties were underage. The victims of forced marriage are assisted, for example through the assistance system for victims of human trafficking.
71. The Government Programme includes a commitment to improve intersex children's right to self-determination and give up non-medical surgery performed on small children.

#### Recommendations

- Boys' right to have a say in the performance of non-medical circumcisions should be ensured through legislation.
- The rights of intersex children should be ensured in legislation.

### 3.3. Corporal punishment (36)

72. Corporal punishment has been prohibited by law from 1983. Public awareness of the legislation prohibiting the use of corporal punishment is at a good level (90 % in 2021) but has declined since 2014 (95 %). Regardless of this, corporal punishment has not been eliminated (41 % reported using it at times, 15 % threatened their children with it).<sup>43</sup>
73. In the School Health Promotion Study (2019), 28 percent of pupils in the eighth and ninth grades reported suffering psychological violence during the past year, while 12 percent reported physical violence committed by their parents or other caretakers. Approximately one in four such children had told a trusted adult about the violence.
74. The effects of the covid-19 pandemic (the pandemic) on violence against children are not yet fully known. The police's domestic calls have increased during the pandemic, but the percentage

<sup>42</sup> LaVM 6/2020 vp – KAA 1/2019 vp..

<sup>43</sup> Paasivirta, 2021.

of domestic violence out of all police calls has not increased from its pre-covid level. A part of the violence committed against children has probably stayed hidden.

#### Recommendations

- Long-term and broad-based work against all forms of violence, and domestic violence in particular, should be continued.
- The effects of the pandemic on violence against children should be investigated and procedures created for intervening in violence also during times of crisis.

## 4. Family environment and alternative care

### 4.1. Family environment (32)

#### **Family counselling**

75. The social services intended for families are not uniform and sufficiently effective in all regions. There are shortcomings in social work, such as in the availability of educational and family counselling centres and the supplementary training provided to personnel. Parents are not always aware of the available services or to which they would be entitled.

76. According to a national survey conducted by the Ombudsman (2016), home service resources had been increased and availability had improved but means-testing is still required in many cases, clients may have to wait for services, and many cannot afford the costs of the service. Improving the availability of home services is listed in the Government Programme.

#### **Substance abuse in families**

77. An estimated 70,000 children are exposed to the substance misuse of their parents. In the social workers' estimate, intoxicants are a significant factor in 26 percent of cases involving the taking of children into custody.<sup>44</sup> The Social Welfare Act stipulates that adult's services must always take children into account.

77.1. The children of parents suffering from substance abuse and mental health problems feel that the subject is taboo. The families of parents receiving treatment are left outside, and children are not heard as part of the parent's care. Discussion of these subjects is insufficient at school.

78. The alcohol use of minors has declined since 2000 but experimenting with cannabis has become more common. The police has expressed concern over the increase in narcotics use and related violence during the pandemic.

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<sup>44</sup> Heino et al., 2016.



### Recommendations

- The nationwide availability of family services, home services and educational and family counselling should be ensured regardless of the client's means.
- Taking children into consideration in the substance abuse treatment of their parents should be ensured in the manner required by law.
- More information on substance abuse problems and their treatment should be given to children directly.
- The availability of substance abuse treatment for minors should be ensured.

### Services for pregnant women with substance abuse problems and their children

79. The health care service is primarily responsible for the treatment of pregnant women with substance abuse problems. Access to sufficient health care and social welfare services is a subjective right for pregnant women with substance abuse problems, but there are regional differences in the availability of and access to services. Not all women with substance abuse problems are recognised at the maternity clinic. Open care services are not often sufficient to guarantee abstinence.
80. There are drugs, alcohol, and medication abuse (HAL) clinics in all regions. The client volumes of these clinics have nearly tripled during the past decade. There were approximately one thousand women in HAL clinic monitoring in 2017.<sup>45</sup> Positive is, that the clinics are free of charge from 2021.
81. Ten of 19 regions offer institutional care and family rehabilitation. Institutional family rehabilitation services serve approximately 600 clients each year. Not all of those in need of treatment get a referral and commitment for payment. Sometimes, the rehabilitation period is short or is only realised after the birth of the child. This issue was exacerbated during the pandemic.

### Recommendation

- Access to institutional family rehabilitation for a sufficient period and in the earliest stage of pregnancy possible must be guaranteed to all pregnant women with substance abuse problems who need it.

## 4.2. Children deprived of family environment (7, 34)

82. Reforms of child welfare legislation have sought to transfer its focus to preventive activities and improve the quality of child welfare services, but improvements have not been achieved in practice. Particularly problems arise in the equal implementation of services, ensuring the participation of children, and in the treatment of children. Many children continue to be placed in institutional care.

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<sup>45</sup> Arponen, 2019.

83. The Parliamentary Ombudsman has highlighted the shortcomings in child welfare as one of the ten key human rights issues in Finland.<sup>46</sup>
84. The Ombudsman has made several suggestions for the improvement of child welfare services with regard to child welfare resources, the development of competence, enhanced monitoring and promoting the participation of children. Competence in the treatment of substance abuse and mental health issues and the application of restrictive measures must be improved.
85. The problems in child welfare services are due to a variety of factors. Recruiting trained social workers is difficult. The number of children under the responsibility of a single social worker exceeds the maximum provided by law in approximately third of municipalities, and the workers do not have enough time to meet the children. The lack of meetings is pronounced in the case of children placed in families. There are particular challenges in determining the views of young children.<sup>47</sup>
86. Several national studies have been conducted on the development needs of the child welfare service. The LAPE project has achieved improvements in many areas, but there is still much to do. Time for multi-disciplinary child welfare development projects has been set aside in 2020–2022. In 2022 a reform of the Child Welfare Act was initiated.
87. Before the pandemic, the number of child welfare notifications had doubled in ten years, and the number of children placed outside the home has doubled from the 90s (18,928 children in 2019).<sup>48</sup> Finland's child welfare system is severely overburdened.

#### Recommendations

- Reform of the Child Welfare Act should aim at transparent, predictable, and just child welfare practices.
- Children's awareness of legal protection should be increased.
- The supervision of child welfare and implementation of development projects should be enhanced, and the national steering improved.

### 4.3. Family reunification

88. The Non-Discrimination Ombudsman's study<sup>49</sup> of the application of the Aliens Act to the family reunification of beneficiaries of international protection when the initiator is a minor who entered the country unaccompanied showed that application of the provision prohibiting the circumvention of the provisions concerning entry into the country could be used to significantly curtail the right of beneficiaries of international protection.

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<sup>46</sup> K 15/2020 vp., section 3.6.1.

<sup>47</sup> de Godzinsky, 2014.

<sup>48</sup> Forsell et al., 2020.

<sup>49</sup> YVV, 2020.

89. The best interests of the child are frequently ignored in the family reunification process. The Ministry of the Interior has drafted a bill aimed at promoting the realisation of the best interest of the child when the provisions concerning entry into the country is applied.

#### Recommendation

- Competence in the comprehensive assessment of the best interests of the child should be increased in the Immigration Service.

### Children of prisoners

90. The Criminal Sanctions Agency's guidelines for child and family work are based on the Convention. Today, children are considered in prison social work, and attention has been paid to a child-friendly environment for meetings between children and parents. However, prisoners still report obstacles to meetings with their children.

90.1. The children of imprisoned parents hoped that the staff would be friendly to children and tell them in advance what a prison is like and what goes on in there. Contact and meetings between parents and children should be supported better. The views of children should be heard in the development of prison practices. The attitudes of teachers and friends to the children of prisoners vary, and the need for more information on the subject is evident.

90.2. The children of prisoners said that they do not have equal opportunities to be in contact with imprisoned parent. Prison telephone hours may be at an inconvenient time for children, e.g., during the school day.

#### Recommendation

- Contact between prisoners and their children should be improved.

## 5. Disability, basic health care and welfare

### 5.1. Children with disabilities (41)

91. The second national action plan under the UN CRPD was published in 2021.

92. The legislation on children with disabilities is extensive. It can be difficult for families to determine what forms of support are available to them and on what grounds. Access to services and support often depends on the municipality's resources.

93. Progress in inclusive teaching for children with disabilities has been slow, and sufficient resources have not always been provided for its implementation. Children and young people with disabilities are often targets of bullying, which can foster a negative attitude towards inclusion in teaching staff and parents.

93.1. Young people studying in a special vocational school told the Ombudsman of bullying experienced in basic education. For some, it had taken extremely

serious forms, even requiring police intervention. Their current educational institution was free of bullying. Its motto is “Let everyone shine”.

#### Recommendations

- Children with disabilities and their families must be offered adequate services and support.
- Discrimination, inappropriate treatment and bullying of children with disabilities should be addressed in educational institutions.
- Inclusion should be promoted by influencing the attitudes of pupils and teaching staff.

## 5.2. Health and health services (43)

94. The amendment of the Pupil and Student Welfare Act in 2014 paid particular attention to communal care for students. An assessment of the Act’s implementation in pre-primary, basic education and general upper secondary school (2018) found that there remains much room for improvement. For example, pupils and students had little opportunity to influence the work of student welfare teams or the educational institutions’ plans. The numbers of pupils and schools served by individual school psychologists varies greatly, which leads to inequality.<sup>50</sup>

95. The pandemic and remote studying have increased the support needs of children and young people. Children and their families have been left alone with their need for information, assistance and support. There has been a significant increase in the financial difficulties, loneliness and feelings of insecurity of families, challenges related to parenthood, and relationship and mental health problems during the pandemic compared to the previous year. The resulting care deficit has led to the accumulation and aggravation of issues.<sup>51</sup>

#### Recommendation

- Binding staffing requirements should be provided for school health care and student welfare.

## 5.3. Mental health (45)

96. The diagnosed mental health disorders of children and young people, demand for mental health services and psychiatric medication use has been increasing since 2000. Of the children born in 1997, 20 percent had a diagnosed psychiatric condition by the age of 18. More than 60 percent of children in foster care have a diagnosed psychiatric illness. The increase in client volumes is putting pressure on specialised health care.

97. The National Mental Health Strategy was published in 2020. It also covers substance abuse work and substance abuse prevention services. The mental health of children and young people is one of the strategy's focus areas.

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<sup>50</sup> Pelkonen et al. 2020.

<sup>51</sup> Hakulinen et al., 2020.

98. Mental health services for children and young people suffered from congestion due to the covid-19 crisis in the spring of 2020.

98.1. The members of the Youth Council reported that anxiety, stress and feelings of pressure had increased during the pandemic. The threshold for seeking help is high due to a fear of stigmatisation and getting help can be a complicated process. Many are also wondering about how bad they have to feel in order to seek help. Young people suffer from loneliness. Then again, they feel pressured to stay in touch with friends, especially in exceptional circumstances. Anxiety and excessive pressure at school have been brought up even before the pandemic.

99. The suicides of children and young people are roughly twice as common in Finland than in the other Nordics in proportion to the population. Unlike with adult suicides, no significant decrease in the suicides of children and young people has been witnessed in the 2000s.<sup>52</sup> Children and young people commit suicide in more violent ways than in other countries.<sup>53</sup>

#### Recommendations

- Mental health competencies must be increased, especially in basic services.
- Cooperation between sectors in supporting mental health must be increased.
- Particular focus must be placed on decreasing the child suicide rate.
- Sufficient resources for clearing the backlog of patients should be allocated to child and adolescent psychiatry, low-threshold services, and specialised health care.

#### 5.4. Breastfeeding (47)

100. A National Programme of Action for Breastfeeding Promotion has been drawn up for the years 2018–2022.<sup>54</sup> THL has employed a part-time breastfeeding coordinator with a fixed-term employment contract. In practice, the programme has not been implemented in all respects. The pandemic appears to have exacerbated the situation further. Support requests related to babies under the age of two months doubled in the spring of 2020. No resources have been allocated for the coordination of breastfeeding after 2020, and the future of the position is uncertain.<sup>55</sup>

101. Finland has not ratified the ILO's Maternity Protection Convention. A lack of working hours legislation about breastfeeding is hindering children's right to the best nourishment and can present obstacles for the mother's return to work.

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<sup>52</sup> Causes of death -statistics.

<sup>53</sup> LAPS/15/2020.

<sup>54</sup> Hakulinen et al., 2017.

<sup>55</sup> Information in writing, THL: breastfeeding coordinator, 15 December 2020.

#### Recommendations

- The position of breastfeeding coordinator must be made permanent and sufficient working hours must be allocated to it.
- The Maternity Protection Convention should be ratified, and breastfeeding breaks made possible during work.

### 5.5. Adolescent health (7, 49)

102. Approximately five percent of young people suffer from a substance use disorder, most commonly related to alcohol use. A significantly larger number have substance abuse problems of varying degrees.

103. To an extent, the increase in drug-related deaths among adolescents indicates that substances have become easier to come by and the mixed use of alcohol and drugs is common. The availability of substance abuse services for minors is poor in many municipalities.

#### Recommendations

- Substance use prevention services must be increased.
- The availability of substance abuse services for adolescents must be increased to correspond to actual needs.

### 5.6. Standard of living (51)

104. According to the income distribution statistics for 2019, 11.6 percent of children live in low-income families.<sup>56</sup> The poverty of families with children differs from that of other households, whose poverty is most often explained by exclusion from working life: more than half of poor families include an employed adult.

104.1. Children of poor families felt that they do not have equal opportunities for leisure activities, travel, or take part in celebrations or other occasions. Additionally, those who feel that they lack means have more limited options in how they spend their leisure time.<sup>57</sup>

105. The regulation of income and social security is complex. There is a great need for accessible, adequate, and timely counselling services.

106. A higher education and thus better employment opportunities can reduce the poverty of children and families in the long term, but only for the next generation.

106.1. Young people in vocational education pointed out that matters of financial management are rarely featured in teaching. For example, not everyone is aware of the seriousness of a bad credit record. Teaching on the use of money should begin in basic education, while in upper comprehensive school, the focus should be on

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<sup>56</sup> Income distribution statistics, 2019.

<sup>57</sup> Lapsen ääni, 2021.

becoming independent. Familiarity with the principles of operating a business and entrepreneurship courses were seen as important for everyone.

107. The Child Barometer 2020 indicates that a good life for 6-year-old children is not defined solely by indicators of privilege or underprivilege, such as the parents' education or financial situation. Regardless of their everyday challenges, many young children feel that they have a good life characterised by spending time and doing things together and good relationships with their parents.<sup>58</sup>
108. The ongoing social security and family leave reforms will have an impact on families' standard of living.
109. The pandemic has had the greatest impact on the families that were already the most disadvantaged. The number of such families has grown. The pandemic has emphasised the shortcomings in services that were already present under normal circumstances.

#### Recommendations

- The livelihoods of working families should be secured.
- Incentive traps should be dismantled to prevent families from being caught in a wheel of poverty and to make work worthwhile for the parents.
- Child impact assessments must be carried out at all stages of the social security and family leave reforms and in all administrative branches involved. Continuous assessments should be performed after the reforms.
- Questions of family income should be considered in housing policy.

## 6. Education, leisure and cultural activities

### 6.1. Education, including vocational training and guidance (53 a-b, 55)

110. Finnish basic education is at a high-level. Learning outcomes are generally excellent. Education is based on a strong regulatory foundation.
111. However, some children do not achieve the basic capabilities required for further study or work. There are inequalities in education both between and inside regions.<sup>59</sup>
- 111.1. The members of the Youth Council pointed out that the competence differences between pupils have become too great. Pupils should receive teaching appropriate to their level, which is currently not the case in practice.
- 111.2. The children on the Youth Council and Children's Parliament felt that the new curriculum has changed school for the worse. Pressure about school performance has grown. School takes up so much time that there does not seem to be any left for leisure activities.
- 111.3. The young people wished for equal teaching for all, and for more investment in mental health services for them.

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<sup>58</sup> Tuukkanen, 2020.

<sup>59</sup> The Ombudsman, 2016.

112. Finland has lagged behind other OECD countries in funding education.
113. The Ministry of Education and Culture conducted a national hearing of children of basic education age in 2020 while drafting legislation that would enable exceptional teaching arrangements. For the most part, children felt safe in classroom education at school. If exceptional teaching arrangements would be required once more, the pupils wished for clear assignments, homework and instructions, and a possibility to contact their teacher if questions or problems arise.<sup>60</sup>
- 113.1. The young influencers were concerned about having to stay home even because of a minor cold, which easily leads to falling behind in studies. There were differences between schools in remote teaching arrangements.
114. A significant reform was passed in 2020, extending compulsory education to secondary studies.

#### Recommendations

- Special attention must be paid to equality in education.
- Funding for education must be raised to the level of the other Nordic countries.

### **Bullying**

115. Bullying has decreased in the last decade but remains a serious problem in the school environment. According to the School Health Promotion Study 2019, nearly 25 percent of children in the eighth and ninth grades have been bullied and 17.5 percent of them had participated in bullying.<sup>61</sup> Promoting inclusion is an important tool for the prevention of bullying. The connection between low inclusion experience and bullying is strongest in the eighth and ninth grades.<sup>62</sup>
- 115.1. Based on the children's stories, schools have much room for improvement in preventing bullying and harassment and intervening in it. Some pupils who require individual support said that the children had told teachers about bullying, and the teachers were aware of it, but the bullying continued.

#### Recommendations

- There should be zero tolerance for all forms of bullying.
- ECEC, educational institutions and leisure activities should emphasise communality, inclusion and learning emotional skills.
- Various programmes for the prevention of bullying should be actively adopted, updated, and followed up on.

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<sup>60</sup> HE 218/2020 vp.

<sup>61</sup> Helakorpi & Kivimäki, 2021.

<sup>62</sup> Virrankari et al., 2020.



## 6.2. Early childhood education and care (53 c, 57)

116. The significance of ECEC for the growth and development of children has been stressed in recent years. Whole-day care is common. A subjective right to whole-day ECEC was restored in 2020 after having been restricted to part-time care for children with one parent at home in 2016. ECEC fees have been reduced.
117. The minimum staffing requirements for ECEC cannot be fully met by all units. There is great demand for ECEC teachers, and finding substitutes is difficult.
118. In the assessment of the Finnish Education Evaluation Centre, the quality of ECEC varies tremendously.<sup>63</sup>

### Recommendations

- The primary objective of arranging ECEC and increasing its attendance rate should be the realisation of the best interest of the child.
- Children's right to care, a safe environment and permanent, familiar employees should be ensured.
- A child's right to play and rest should be considered in ECEC.
- The personnel and quality issues in ECEC must be resolved.

## 6.3. Rest, play, leisure, recreation and cultural and artistic activities

119. According to the Government Programme, every child is guaranteed the opportunity to pursue a pleasant activity in connection with their school day. The Finnish model for leisure activities was launched in 2021 and the aim is to make the Finnish model for leisure activities a permanent practice.
120. According to the Child Barometer 2018, playing, games, staying at home and eating delicious food are the most important things for children in their leisure time. Play, home and food were the pillars of a good life according to the Child Barometer 2020.

### Recommendations

- Children's right to choose their own hobbies should be supported.
- All children's right to rest, play and recreation should be understood and supported.

## 7. Special protection measures

### 7.1. Asylum-seeking and refugee children (7, 61)

121. Asylum-seeking and refugee children, particularly the undocumented and deported, are in an especially vulnerable position. The position of minors filing for family reunification has also been jeopardised. The services necessary for the safety and care of unaccompanied minors,

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<sup>63</sup> Repo et al., 2020.

required under the Social Welfare Act and Child Welfare Act, are not implemented equally in all regions, nor do the contents of the services correspond to children's needs in every case.<sup>64</sup>

122. The law does not specify the training, competence, or orientation requirements for the representatives of unaccompanied children, nor does it limit the number of children represented by a single representative. Oversight of the representatives should be assigned to a single authority.<sup>65</sup>
123. Children and families who have received a negative residence permit decision can be placed in detention as a precautionary measure. Even though the Government Programme states that the Government intends to develop alternatives, it does not categorically prohibit placing children in detention.
124. There is a growing group of undocumented migrants. Their access to urgent care has been ensured, but for a fee. The largest cities offer maternity and child health clinic services on an equal basis with residents, but many avoid official services due to their vulnerable position.
125. According to a study by the Finnish National Agency for Education (2020), only a small percentage of municipalities provide ECEC for asylum seekers (15 %) and undocumented migrant children (2.5 %). Eleven percent of asylum-seeking and six percent of undocumented migrant children receive ECEC purely as a child welfare support measure.<sup>66</sup>
126. A special question arose in 2019 and 2020 concerning the 11 Finnish women and over 30 children with a Finnish background housed in the al-Hol refugee camp in Syria. The challenge arose from separating the children from their parents. Some families have been assisted in returning to Finland.

#### Recommendations

- The best interest of the child should be a primary consideration in all matters concerning migration.
- Unaccompanied children must be guaranteed a professional and suitable representative with sufficient time for managing the affairs of every child they represent.
- Placing children in detention as a precautionary measure should be abandoned.
- Undocumented migrant children's access to services should be ensured.
- Readiness in urgent matters and matters requiring international protection should be improved.

## 7.2. Children belonging to a minority or indigenous children (64)

127. The Sámi are recognised indigenous people. Traditional cultural minorities are the Swedish-speaking Finns, Roma, Ingrians, Karelian speakers, Jews, and Tatars. The school system has a significant impact on the opportunities of linguistic minorities, such as the Sámi, to live

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<sup>64</sup> Martiskainen & Toivonen, 2019

<sup>65</sup> Lundqvist et al., 2018.

<sup>66</sup> Junttila et al., 2020.

according to their own linguistic and cultural traditions. Efforts have been made to develop remote teaching in the Sámi language.

127.1. Sámi children hoped that awareness of the Sámi would increase among the public since, according to them, a lot of prejudice and confusion is connected to being Sámi.

128. The Roma continue to face social and structural discrimination. According to a recent study, many Roma have experienced difficulties in childhood, such as discrimination, poverty, illness of their custodians, bullying and inadequate housing.<sup>67</sup>

128.1. Roma children would be interested in learning the Romani language. They wished for Romani lessons during the school day.

129. Swedish-speaking and linguistic minority children don't always receive the services they need in their own language.<sup>68</sup>

#### Recommendations

- The well-being of children belonging to minorities and the realisation of their rights should be monitored regularly.
- Sámi teaching should be enhanced and provided more widely outside the home region.
- The linguistic rights of Swedish-speaking and linguistic minority children need to be better protected.

### 7.3. Sexual exploitation and sexual abuse (59)

130. Sexual offences against children with multiple perpetrators and victims have been uncovered in Finland. These cases have expedited the reform of sexual offence legislation. Protracted legal proceedings are a pressing concern.

131. The Barnahus model is currently under development. The national implementation plan of the Lanzarote Convention was published in 2022. Unfortunately, no funding has been allocated to the implementation.

#### Recommendations

- Treatment of sex offenders and people with such tendencies should be standardised and expanded to cover all regions.
- Regular criminal record checks on all people who work with children should be implemented.
- Adequate support for children who are victims of sexual offences must be ensured.

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<sup>67</sup> Weiste-Paakkanen et al., 2018.

<sup>68</sup> VN, 2022.

#### 7.4. Trafficking in human beings

132. A report published in 2019 noted that children and young people can also become victims of human trafficking.<sup>69</sup> Sexual abuse was the most common or most recognised form of exploitation. Awareness of the trafficking of children and young people varied between municipalities and authorities.
133. Drawing up an anti-trafficking action plan across administrative branches, launched by the Ministry of Justice, seeks to improve the status of victims of human trafficking and enhance the realisation of criminal liability.<sup>70</sup>

#### Recommendations

- The understanding of social welfare and health care professionals of human trafficking as a phenomenon, as well as their ability to identify victims of human trafficking and knowledge of the assistance system for victims must be ensured.

#### 7.5. Protection of children who have committed crimes

134. The age of criminal liability is 15 years. Children younger than that are referred to the social services. All children are liable for damages they cause. Mitigated sentences are given for children aged 15–17. Less than 10 juvenile penalties intended for young offenders are imposed annually.
135. There are 30 minors in remand custody on average each year, while 1 to 3 minors typically serve prison sentences in any given year. Minors can sometimes be isolated in pre-trial detention. They serve their sentences in the same facilities with adult prisoners. Placing minors in the same facilities with adults has been justified by the small number of underage prisoners. According to the Criminal Sanctions Agency's guidelines, minors can only be placed in the same facilities with adult prisoners if it is consistent with the best interest of the child.<sup>71</sup>
136. The education of minors in prisons is deficient.
137. In 2020, the Ombudsman submitted an initiative to the Ministry of Justice about ordering the identities of underage offenders to be kept secret. Such secrecy should be imposed as a rule and continue into adulthood.<sup>72</sup> The Ministry of Justice considered its current practices to be justified.

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<sup>69</sup> Kervinen & Ollus, 2019.

<sup>70</sup> OM, 2020.

<sup>71</sup> Rikosseuraamuslaitos, 2017.

<sup>72</sup> LAPS/15/2020.

### Recommendations

- Long-term services should be offered more systematically to young people who have committed crimes, and youth services should be developed to help them.
- The use of the juvenile penalty should be increased.
- A solution should be found for the placement of underage prisoners outside adult prisons.
- The divisions of responsibilities between authorities should be clarified and the coordination of their work improved.