



# Convention on the Rights of the Child

Distr.: General  
16 May 2011

Original: English

---

## Committee on the Rights of the Child

Fifty-seventh session

30 May–17 June 2011

### **Written replies by the Government of Finland to the list of issues (CRC/C/FIN/Q/4) in connection with the consideration of the fourth periodic report of Finland (CRC/C/FIN/4)\***

#### **Part I**

##### **Reply to the issues raised in part I, paragraph 1, of the list of issues (CRC/C/FIN/Q/4)**

1. The working group that prepared the implementation of the Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution and child pornography completed its report and submitted it to the Ministry for Foreign Affairs on 11 March 2011. In this report the working group proposes that Finland should ratify the Optional Protocol. The report has been sent to a large number of authorities, non-governmental organisations and other actors for comments. Thereafter, the Government will, possibly in autumn 2011 or winter 2012, submit a Government proposal based on the report to the new Parliament to be convened after the forthcoming elections.

##### **Reply to the issues raised in part I, paragraph 2, of the list of issues**

2. The Ministry of Social Affairs and Health is responsible for family policy and the welfare of children, youth and families in collaboration with other government ministries. The Ministry is specifically responsible for the development of social and health services and income security of families with children.

3. The Ministry's development work on child and youth affairs is supported by the Advisory Board on the Health and Welfare of Children and Young People.

4. The Ombudsman for Children oversees the implementation of children's rights.

##### **Reply to the issues raised in part I, paragraph 3, of the list of issues**

5. The Government Policy Programme for the Well-being of Children, Youth and Families, and the Development Programme for Child and Youth Policy follow the

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

principles of the Convention on the Rights of the Child both in respect of the three P's (Provision, Protection, Participation) and support the four principles of the CRC.

6. The Government has three policy programmes, based on the Government Programme, in which the parties represented in the Government set out their key goals for the present electoral period. In connection with the revision of the Youth Act (*nuorisotyölaki, lagen om ungdomsarbete*; 235/1995, as amended 72/2006) in 2006, a provision was issued according to which the Government is obligated to launch a Development Programme for Child and Youth Policy. The programme was adopted by the Government in December 2007. The Government Policy Programme for the Well-being of Children, Youth and Families thus addresses special cross-sectoral issues specifically during this electoral period.

7. In accordance with the Government Programme, a working group was set to monitor and support the implementation of the Development Programme for Child and Youth Policy during the electoral period. The Government Policy Programme for Children, Youth and Families is coordinated by the Minister of Culture and Sport, who is also responsible for youth affairs.

8. The Government Policy Programme in the area of the well-being of children is based on the principles of the CRC, and one of the specific goals of the programme was to strengthen the implementation of the CRC by enhancing awareness of the CRC.

9. The goals of the Government Policy Programme and the Development Programme for Child and Youth Policy are largely the same. They should not be seen as separate sets of targets, but as two different instruments serving the Government while it implements the provisions of the CRC.

10. The possibilities to strengthen coordination between the central government and local government have also been examined in the Government Policy Programme. A working group has made proposals on how to better coordinate actions related to the Child Welfare Act (*lastensuojelulaki, barnskyddslagen*; 417/2007) and the Youth Act (*nuorisotyölaki, lagen om ungdomsarbete*; 72/2006) and to improve the implementation of activities at local and government levels within the meaning of Section 12 of the Child Welfare Act and the Development Programme for Child and Youth Policy in Section 4 of the Youth Act, respectively.

#### **Reply to the issues raised in part I, paragraph 4, of the list of issues**

11. The Committee working on the reform of non-discrimination legislation completed its assignment in December 2009 and submitted its report to the Ministry of Justice. The Committee proposed the expansion of the scope of application of the Non-Discrimination Act (*yhdenvertaisuuslaki, lagen om likabehandling*; 21/2004) and, among other things, prohibition of age-related discrimination in all public and private activities except in the context of private life. A special obligation would be imposed on government authorities, educational institutes and employers to promote non-discrimination and to identify their actions in the form of a written plan.

12. Additionally, the Committee proposed that the post of the Ombudsman for Minorities, currently responsible for monitoring compliance with the regulations pertaining to ethnic discrimination, be replaced by an Ombudsman for Equal Treatment, responsible for supervising compliance with the Non-Discrimination Act. However, the new Ombudsman for Equal Treatment would not replace the office of the Ombudsman for Gender Equality nor the Ombudsman for Children.

13. In the spring of 2010, an extensive round of consultations was held on the report. Nearly all the parties that had issued an opinion endorsed the proposed reform of non-

discrimination legislation. A large proportion of the commentators found that the committee report provided a sound basis for legal reform, but felt that further preparations were called for before a government proposal is issued. The Ministry of Justice will continue preparation of the reform.

### **Reply to the issues raised in part I, paragraph 5, of the list of issues**

#### **Consideration of the views and wishes of the child in matters governed by the Administrative Procedure Act and the Administrative Judicial Procedure Act**

14. General provisions regarding a minor's right to be heard have been set forth in the Administrative Procedure Act (*hallintolaki, förvaltningslagen*; 434/2003) and the Administrative Judicial Procedure Act (*hallintolainkäyttölaki, förvaltningsprocesslagen*; 586/1996). The point of departure is that a child's right to be heard is exercised on his or her behalf by a custodian, guardian or other legal representative. However, a child is entitled to exercise the exclusive right to be heard in respect of income or property administered by him or her. Additionally, a child of 15 years of age or older and his or her custodian or other legal representative each enjoy the right to be heard individually in matters that affect the child's person or his or her interests or rights.

15. The Government proposal concerning the Administrative Procedure Act recommended that the age limit for the exercise of the right to be heard be lowered to 12 years. However, the government proposal was rejected by Parliament and the 15-year age limit will be maintained in the general law while the child's right to speak and be heard will be addressed by way of special legislation.

16. If a child is represented by a custodian, guardian or other legal representative in any administrative body or court, the Administrative Procedure Act and the Administrative Judicial Procedure Act require that the child be heard if this is necessary in order to safeguard the child's interests or solve the matter. Conversely, when the child exercises his or her right to be heard, the custodian, guardian or other legal representative of the child must be heard if necessary.

17. A child may be heard at an administrative court in order to settle the case in the same way as an adult, except that a person under 15 cannot be called to testify under oath. A witness or other party called to present evidence can be heard without the interested party or other person being present if this is necessary, if such a party or person distracts or harasses the party being heard or would otherwise refrain the party being heard from disclosing everything he or she knows about the issue. A witness or other person can be used in a closed oral session, for example, if information to be held in confidence under law is discussed in the proceedings. Additionally, an oral hearing can be held at the request of the interested party without any members of the public being present, if a closed session helps the court to learn more about the case and a public hearing is not necessary in order to protect a material public or private interest.

#### **Other legislation**

18. Aside from the general laws, there are numerous special provisions relating to specific sets of issues under which the opinion of a child under 12 or younger may have to be determined. Among other legislation, such provisions are contained in the Child Welfare Act (*lastensuojelulaki, barnskyddslag*; 417/2007), the Aliens Act (*ulkomaalaislaki, ulänningslagen*; 301/2004), the Basic Education Act (*perusopetuslaki, lagen om grundläggande utbildning* 628/1998), and the Act on the Status and Rights of Patients (*laki potilaan asemasta ja oikeuksista, lagen om patientens ställning och rättigheter*; 785/1992).

19. The procedure required under the Child Welfare Act (*lastensuojelulaki, barnskyddslagen*; 417/2007) was already discussed in the report provided by Finland in 2008. A child may be heard in person in cases falling under the Child Welfare Act, if the child requests or consents to it. However, a child under 12 may only be heard in person if such hearing is necessary for settling the case and it is not deemed to cause the child any significant harm. A child may be heard in person in oral proceedings or in some other manner deemed appropriate by an administrative court. If necessary for the protection of the child or to ascertain his or her true views and wishes, the court can hear the child in person with only one or several of the members of the court present.

20. In issues governed by the Aliens Act special consideration in all decision-making regarding the child shall be given to the interests of the child and the circumstances concerning their health and development. A child of 12 or older must therefore be heard before any decision affecting him or her is made, unless such hearing is clearly uncalled for. Due consideration shall be given to the views and wishes of the child relative to his or her age and maturity. A child younger than this may be heard if he or she is mature enough to warrant due consideration of his or her views and wishes.

21. According to the Basic Education Act a child must be heard irrespective of his or her age, for example, before they are given detention or before some other disciplinary action is taken. Furthermore, a pupil must be heard, along with the guardian, before any decision on special needs education can be made.

22. Similarly, the Act on the Status and Rights of Patients requires that the opinion of a minor be determined whenever possible considering his or her age and maturity.

#### **Consideration of the views and wishes of the child in matters heard at general courts of law**

23. As far as cases heard at general courts of law are concerned, the general rule is that when a child is a party to a dispute or a complainant in a criminal case, the child's right to be heard is exercised by his or her guardian or other legal representative. However, when the case concerns the child's person, the right to be heard is exercised by the custodian or other legal representative. If the child has the right to administer the subject of the dispute or criminal offence, or if the dispute concerns an act in law that the child is competent for, the child is entitled to exercise an exclusive right to be heard. Additionally, a child of 15 or older may exercise his or her independent right to be heard along with a custodian or other legal representative when the case concerns his or her person.

24. If a child is a defendant in criminal proceedings, he or she exercises the right to be heard independently if he or she is deemed legally responsible. However, the guardian, custodian or other legal representative exercises the independent right to be heard along with the child.

25. The court may hear the child's guardian, custodian or other legal representative in a matter in which the child exercises an independent right to be heard if such hearing is deemed to be in the child's best interest.

26. A child under 15 years of age may be heard as a witness at a general court of law or called to present evidence if the court finds this appropriate and if such personal hearing is of material importance to the resolution of the case and such hearing will most likely not cause such suffering or other harm that would be detrimental to the child or his or her development. However, when a child under 15 years of age is heard as a witness, he or she cannot be called to testify under oath. A witness, other party called to present evidence or complainant can be heard without the interested party or other person being present if the court finds this appropriate, for example, because the witness or other such person would otherwise refrain from disclosing everything he or she knew about the issue, or if the party

being heard would be harassed or distracted by the interested party or other person. A witness or other person may be heard in a closed oral session, for example, when the person being heard is under 15 years of age.

27. As stated in Finland's report in 2008, a child is not in a position of a party to the case when a dispute concerning his or her custody and visitation rights is heard by a court of law. Under the Child Custody and Right of Access Act (*laki lapsen huollosta ja tapaamisoikeudesta, barnskyddslagen*; 417/2007) the court may, at its discretion, hear the child in person in the proceedings. According to the act, a child may be heard if there are reasonable grounds for doing so in order to resolve the case. A hearing is allowed only if the child consents to this and if it is apparent that no harm will come to the child as a result of such a hearing.

#### **Reply to the issues raised in part I, paragraph 6, of the list of issues**

##### **Violence against children within the family**

28. The Ministry of Social Affairs and Health has drawn up a national Action Programme to reduce corporal punishment of children for 2010–2015 [www.STM.fi](http://www.STM.fi) (Publications 2010:7, in Finnish). The assignment is linked with the Internal Security Programme adopted by the Government in 2008. According to the programme the child is entitled to lead a safe and violence-free life and to special protection. The Council of Europe has prepared a strategy against corporal punishment of children aiming at developing good practices in the member states and bringing about necessary amendments to relevant legislation. The working group investigated the matter in particular from the points of view of the churches and religious communities and immigrants.

29. The objective of the Action Programme is to strengthen the child's human dignity and to increase reciprocal respect between the children and parents so that no child would be faced with corporal punishment but could grow in a favourable, tender, understanding and inclusive atmosphere. The programme aims to continue and add momentum to the good development that has taken place in Finland over the past two decades so that attitudes against corporal punishment will be consistently strengthened among both children and adults and that corporal punishment experienced by children will be reduced all the time. A further objective is to diminish regional differences and differences between population groups in both the prevalence of corporal punishment and children's and adults' attitudes towards it. The action programme aims to contribute to making follow-up studies on corporal punishment an established practice. Such studies have been e.g. a child victim study, an attitude study among adults and an attitude study to be made among children.

##### **Strategies to combat pornography and sexualization in media and advertising**

30. The Ministry of Justice has prepared the bringing into force of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and assessed whether the existing national measures are sufficient to prevent sexual exploitation and abuse of children. The related Government proposal applies mainly to the Penal Code. It has been proposed that the essential elements of the penal provisions on child pornography are specified and supplemented.

31. Moreover, it has been proposed that the *modus operandi* of the possession of obscene pictures of children are harmonised with the *modus operandi* of the distribution of obscene pictures. This would remove certain current restrictions regarding the liability to penalty when the penal provisions on possession are enforced. A person may render him/herself guilty of possession if he/she for example obtains access to a picture, recording or file containing child pornography through a contract-based access right without physical possession of the item.

32. In the government proposal, it has been proposed that a provision to the Child Welfare Act where, in cases of sexual abuse of children, the duty to notify is extended to cover not only the child welfare authorities but also the police so as to prevent any delays in criminal investigations.

33. The Parliament adopted the Act on bringing into force of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and related Acts on 15 March 2011.

34. The Act on measures to Restrict the Distribution of Child Pornography (*laki lapsipornografian levittämisen estotoimista, lagen om åtgärder som hindrar spridning av barnpornografi*; 1068/2006) entered into force on 1 January 2007. The purpose of the act is to restrict access to child pornography by reducing Internet traffic with technical means by using confidential blocklists. According to the Act, Internet operators can, if they so wish, refuse their clients access to web pages containing child pornography. Some operators have declared that they will comply with the recommendation. The first operators have said that they started refusing their clients access to blocklisted web pages from the beginning of 2008.

**Reply to the issues raised in part I, paragraph 7, of the list of issues**

35. The Disability Policy Programme 2010-2015 was launched in August 2010. The programme contains concrete proposals on how to promote and implement the Convention on the Rights of Persons with Disabilities in different sectors. Areas that are covered include: independent living, social inclusion, building, transport, education, work, social protection, health and rehabilitation, safety, culture, international cooperation and statistics. The main content of the Disability Policy Programme is measures to ensure the following objectives:

(a) Preparation and implementation of the legislative amendments necessitated by the ratification of the Convention on the Rights of Persons with Disabilities;

(b) Improving the socioeconomic status of persons with disabilities and combating poverty;

(c) The availability and high quality of special services and support measures will be ensured across the country;

(d) Accessibility in society will be strengthened and increased;

(e) Disability research will be reinforced, the information base improved, and diversified high-quality methods developed in support of disability policy and monitoring.

36. All the programme objectives also apply to children with disabilities. The legislation regarding services and support measures for persons with disabilities does not differentiate between age, diagnosis or the type of disability. There are several measures in the programme that especially focus on children with disabilities and their families. In addition to measures to support families, there are also several measures to support children and young people with disabilities in school and studies.

37. The National Council on Disability (VANE) is responsible for monitoring the implementation of the Disability Policy Programme. More info in English is available at [http://www.vane.to/vampo\\_eng.html](http://www.vane.to/vampo_eng.html)

**Reply to the issues raised in part I, paragraph 8, of the list of issues**

38. Under Section 19(3) of the Act on the Integration of Immigrants and Reception of Asylum Seekers (*laki maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta, lagen om främjande av invandrades integration samt mottagande av*

*asylsökande*; 493/1999), special needs due to the age, vulnerability and physical and mental condition of asylum seekers and beneficiaries of temporary protection shall be taken into account in organising accommodation and in arranging their reception in general. Under sub-section 4 of the Section, the best interest of children shall be taken into account in reception. Children in need of special support shall be provided with the appropriate counselling, rehabilitation and mental health services.

39. In practise, a social worker and a nurse who work at a reception centre settle the special needs of applicants through interviews and physical examination. Also the assistants who work at a reception centre are obliged to inform the social worker and nurse if they realise that a client has special needs. The special needs offered are planned based on information collected through interviews and screenings. In practise minor asylum seekers have received nearly the same health services as children living in Finland.

### **Reply to the issues raised in part I, paragraph 9, of the list of issues**

#### **Economic protection of the family**

40. Parents are eligible for a variety of benefits from the Social Insurance Institution (Kansaneläkelaitos, Kela) as their children are born and grow up. Even before the child is born expecting mothers are entitled to a maternity grant, which can be provided either in the form of a cash benefit or a maternity package.

41. Parents are entitled to various parental leaves, during which mothers are paid a maternity allowance and fathers a paternity allowance. Parental allowance is payable for either the mother or the father depending on which of them looks after their child.

42. The Social Insurance Institution provides a monthly child benefit for each child under 17 years of age. Higher rates of child benefit apply for single parents.

43. To support the care of small children who are not in municipal day care, the Social Insurance Institution (Kela) provides child home care and private day care allowances. Child home care allowance can be paid until 3 years of age, and private day care allowance until the child starts school.

44. Adoptive parents are eligible for nearly all of the same benefits as biological parents.

#### **Social protection of the family**

45. According to Section 19 of the Constitution of Finland, each Finnish citizen has the right to receive indispensable subsistence (social assistance). The size of the basic amount of social assistance for a member of a household is laid down by law. The expenses to be covered include the necessary housing costs, higher than minor health care costs as well as expenses arising from special needs or circumstances that are regarded necessary for ensuring a person's or a family's living and help them to cope independently (i.e. the poverty line). The basic amount of social assistance covers the expenses for food, clothing, information, and other indispensable daily needs. Its amount is index-bound and increases when the index rises. Social assistance is granted to citizens and households with the smallest income or with no income at all.

#### **Poverty of children and families with children**

46. According to a study carried out by the Statistics of Finland the poverty of children and families with children has more than doubled in the past ten years. The group of the poorest persons includes approximately 14% of all the families with children. The amounts of child benefits and parental benefits have de facto reduced. The families with children are indeed the only group where the number of the poor has grown. Wellbeing has increased

for most adults but poverty has mostly increased in families having children under the age of 3 years.

## Part II

### Information requested in part II (a) of the list of issues

#### New legislation enacted after Finland's periodic report 7/2008

47. The Decree on Children's Day Care (*lasten päivähoidosta annettu asetus; statsrådets förordning om barndagvård; 442/2008*) was amended as of 1 August 2008. It provides easier transfer from part-time child care to full-day care. The Act on Child Benefit (*lapsilisälaki, barnbidragslagen; 980/2008*) was amended as of 1 January 2009. Child benefit was raised to EUR 141 for the third child, to EUR 161.50 for the fourth child and to EUR 182 for the fifth child or more (+EUR 10 per month).

48. The Act on the Child Home Care Allowance and the Private Care Allowance (*laki lasten kodinhoidon ja yksityisen hoidon tuesta, lagen om stöd för hemvård och privat vård av barn; 763/2008*) was amended as of 1 January 2009. Child home care allowance was raised to EUR 314.28 (+EUR 20 per month) for one child under three years of age. Partial care allowance was raised to EUR 160 (+EUR 22.67 per month).

49. The Health Insurance Act (*sairausvakuutuslaki, sjukförsäkringslagen; 804/2008*) was amended as of 1 January 2009. The minimum rate of sickness, maternity, paternity and parental allowance was raised to EUR 22.04 per day (+EUR 6.84). The minimum rate per month was raised from EUR 380 to EUR 551, i.e. the increase was EUR 171 (based on 25 days per month).

50. The index for maintenance allowance and child support was raised by 5 per cent as of 1 January 2009.

51. The level of adoption support that compensates for the costs for international adoption was raised as of 1 January 2009 (the amount of support depends on the country of adoption and ranges from EUR 1,900 to EUR 4,500).

52. The Act on Maintenance Allowance (*elatustukilaki, lagen om underhållsstöd; 580/2008*) was amended as of 1 April 2009. It provides higher level of index-linkage for maintenance allowance and child support and a clearer system of indexation.

53. The Decree on Welfare Clinic Services, School and Student Health Services, and Preventive Oral Health services for Children and Youth (*asetus neuvolatoiminnasta, koulu- ja opiskeluterveydenhuollosta sekä lasten ja nuorten ehkäisevästä suun terveydenhuollosta, statsrådets förordning om rådgivningsverksamhet, skol- och studerandehälsovård samt förebyggande mun- och tandvård för barn och unga; 380/2009*) entered into force on 1 July 2009. In the Decree the local authorities are ordered certain duties regarding the organisation and contents of health examinations and health education (including extensive check-ups of the whole family during pregnancy, before school start and during comprehensive school; families expecting a child are organised prenatal training and a house call; need for support of those who do not attend health examinations must be reviewed, taking into account the environment where the family lives and the children and young people grow up; need for special support must be identified and the necessary support must be organised; children's, young people's and families' views must be considered; school and student health care must check every three years that the school and studying environments are healthy and safe and follow up annually that any deficiencies are redressed).



54. The Act on the Child Home Care Allowance and the Private Care Allowance (*laki lasten kotihoidon ja yksityisen hoidon tuesta, lagen om stöd för hemvård och privat vård av bar; 858/2009*) was amended as of 1 January 2010. Partial home care allowance was raised to EUR 90 per month (+EUR 20), and eligibility for this benefit was extended to apply also to self-employed persons.

55. The length of paternity leave was extended with two weeks from 24 weekdays to 36 weekdays as of 1 January 2010.

56. The Child Welfare Act (*lastensuojelulaki, barnskyddslagen, 88/2010*) was amended as of 1 March 2010. The amendments include expediting decision-making regarding emergency placement, improving the status of prisoners' children by, for example, establishing a prison family unit and introducing an advance child welfare notification.

57. The basic protection benefits, which have not been covered by index protection – i.e., the minimum rehabilitation allowance as well as daily allowances (sickness, maternity, special maternity, paternity and parental allowance as well as special child care allowance), child benefit, child home care allowance and private care allowance – were linked to the national pension index reflecting the change in consumer prices. This revision took effect on 1 March 2011.

58. The Government proposal to amend the Act on Children's Day Care and the Basic Education Act (*hallituksen esitys eduskunnalle laeiksi lasten päivähoidosta annetun lain ja perusopetuslain muuttamisesta, regeringens proposition till riksdagen med förslag till lagar om ändring av lagen om barndagvård och av lagen om grundläggande utbildning; 322/2010*). Parliament adopted the Government proposal on 15 February 2011. The amendments introduce provisions on day care services across municipal borders. The local authority can organise day care also for non-residents. However, non-residents do not have a subjective right to receive day care services outside their municipality of residence. The goal is to promote client-orientedness in day care services.

59. -The Act on Services and Assistance for the Disabled (*laki vammaisuuden perusteella järjestettävistä palveluista ja tukitoimista, lagen om service och stöd på grund av handikapp; 981/2008*) was amended as of 1 September 2009. The amendment introduced provisions ordering that the client's individual need for help must be taken into account when services and support measures are organised, the need for services must be assessed within a specified time limit, a service plan must be drawn up without delay and that decisions must be taken within the required time frame. Personal assistance for persons with severe disability was included in the local authorities' responsibility to organise services for persons with disabilities. Personal assistance entails that a person with severe disability receives immediate help in daily chores, at work and in studies, hobbies, participating in society and in maintaining social interaction at home and outside the home.

60. The Act on Interpreter Services for Person with Disabilities (*laki vammaisten henkilöiden tulkkauspalveluista, lagen om tolkningstjänst för handikappade personer; 133/2010*) entered into force on 1 September 2010. The Social Insurance Institution was given the responsibility to organise and finance interpreter service for person with severe disability. Previously, the local authorities answered for the service. The right to interpreter services covers persons with both hearing and visual impairment, person with hearing or speech impairment and persons who need interpreter services at work, in studies, in conducting their personal affairs and in taking part in civic activities, hobbies or recreational activities.

61. The Municipality of Residence Act (*kotikuntalaki, lagen om hemkommun; 1377/2010*) and the Social Welfare Act (*sosiaalihuoltolaki, socialvårdslagen; 1378/2010*): amended as of 1 January 2011. The amendments reinforce individuals', including persons with disabilities, freedom to choose his or her municipality of residence.

62. The Government proposal to amend Section 50 of the Child Welfare Act, the Family Carer Act and the Informal Care Act (*hallituksen esitys eduskunnalle laeiksi lastensuojelulain 50 §:n, perhehoitajain ja omaishoidon tuesta annetun lain muuttamisesta, regeringens proposition till Riksdagen med förslag till lagar om ändring av 50 § i barnskyddslagen, familjevårdslagen och lagen om stöd för närståendevård*; 331/2010). Parliament adopted the government proposal on 1 March 2010. The aim is that the substitute care of children should be organised as institutional care only if the substitute care cannot be organised anywhere else with sufficient supportive measures in a way that is in the best interests of the child. In effect, family care overrides institutional care as the primary form of substitute care. The amendments also entail improvements to the pre-training and other support for family carers as well as to the arrangements and social security during a family carer's leave. Similar amendments are introduced into the Informal Care Act.

63. The Government Resolution on a programme to organise housing and related services for people with intellectual disabilities for 2010–2015 was issued on 21 January 2010. The goal of the programme is to ensure individual housing as well as sufficient services, support and care for person with intellectual disability, including children with severe disability. The objective is to reduce the number of people in institutional care by introducing individual support and services in the neighbourhood.

64. A partner in a registered partnership is entitled to parental allowance under the Health Insurance Act after intra-family adoption of a child no older than one year of age with the same terms as when a married couple adopts a child. The reform entails that also female couples are entitled to a benefit comparable to the paternity allowance. Moreover, both male and female couples are entitled to a parental allowance comparable to the so-called father's month. The amendment entered into force on 1 September 2010.

65. The National Pensions Act (*kansaneläkelaki, folkpensionslagen*; 1224/2009) was amended as of 1 January 2010. A child with disability who has immigrated to Finland can receive disability pension after turning 16 years of age. It is no longer required that the child has lived in Finland for at least three years. A condition is, however, that the child lives in Finland when he or she turns 16 and is a recipient of disability allowance for children.

66. The National Pensions Act (*kansaneläkelaki, folkpensionslagen*; 1224/2009) was amended as of 1 January 2010. Child supplement can be granted only for a child living in Finland for whose subsistence the pension recipient answers. A condition for the entitlement to and the payment of child supplement is that the child lives in Finland. Child supplement can also be granted for a child who lives in a country that enforces the EU Regulation on social security.

67. The Act on Disability Benefits (*laki vammaisetuksista, lagen om handikappförmåner*; 1050/2009) was amended as of 1 January 2010. A child with disability who has immigrated to Finland can receive pensioners' care allowance after turning 16 years of age. It is no longer required that the child has lived in Finland for at least three years. A condition is, however, that the child lives in Finland when he or she turns 16 and is a recipient of disability allowance for children.

68. The Act on Disability Benefits (1228/2009) amended as of 1 January 2010. Disability benefit is paid for institutional care extending over three months.

69. The Health Care Act (*terveydenhoitolaki, hälso- och sjukvårdslagen*; 1326/2010) enters into force on 1 May 2011. The new Health Care Act includes several obligations to organise health promotion and necessary related cooperation as well as preventive services for children and young people (child welfare clinics, school and student health care). The Act prescribes that health examinations and health education must be organised also for

young people and people of working age that are not covered by student or occupational health services. Moreover, the Act harmonises the age limits for adolescent psychiatry services. Mental health services for children and young people must be organised within three months until the young person turns 23 (after that services must be organised within six months). Previously, the age limits varied from 16 to 23 years from hospital district to another. Determining the need for care within the mental health services for children and young people must be initiated within three weeks of the arrival of the referral. Any treatment that has been found necessary on the basis of the service needs assessment must be organised within three months taking into account the urgency of the treatment. Regarding efforts to prevent children's problems, it is important that the new Health Care Act prescribes that the child must be considered even within social and health care services for adults.

70. An amendment to the Youth Act (*nuorisolaki, ungdomslagen*; 693/2010) came into force on 1 January 2011. It provides for multidisciplinary cooperation among the public authorities, the adoption of outreach youth work as a regular practice in local communities, and the disclosure of information for these purposes. Issuing provision on multidisciplinary cooperation can be regarded a significant, even historic improvement in the cooperation among public authorities involving work with children and young people. According to Section 7a of the Act:

[f]or the planning of the cross-sectoral cooperation between local authorities and for the development of implementation, the local authority shall have a youth guidance and service network comprising representatives of local educational, social, youth, labour and police administration. In addition, the network may include representatives of the defence administration and other authorities. (Section 7a of the Act)

71. Subsidised outreach youth work, which started in 2008, has been expanded to cover almost the whole country. This form of work has reached a substantial number of young people who formerly fell between the cracks in social services. These young people have been guided to youth workshops or other structured activities (about 2,400 young people in 2009). The employment of 232 workers in 2010 enlarged the activities to 192 municipalities. A total of EUR 6.8 million was allocated for outreach activities. The 2011 budget includes an appropriation of EUR 8 million for the purpose, which allows some further increase in the activities. Around EUR 3.5 million of lottery funds will be allocated for the activities in addition to the budget funds.

72. A new Act on organising medical examinations in sex offences against children (*laki lapseen kohdistuneen seksuaalirikoksen selvittämisen järjestämisestä, lagen om ordnande av utredningar av sexualbrott mot barn*; 1009/2008) came into force at the beginning of 2009. The Act lays down provisions on how a medical examination must be conducted when requested by the police, prosecutor or court in order to investigate a suspected sex offence against a child. The Act has improved the practice followed in these examinations in health care. However, the Act does not apply to other measures taken by the police during pre-trial investigations.

73. The new Act on the Promotion of Integration (*laki kotoutumisen edistämisestä, lagen om främjande av integration*; 1386/2010) concerning support and promotion of integration and immigrant's participation in society will come into force in 2011. The new legislation provides for clearer obligations for taking into account the best interest of the child. This includes an obligation for municipalities to draw up a clear integration plan for all unaccompanied minors who receive a residence permit in Finland taking into account the opinion of the child. In the pilot project *Participative Integration in Finland* included in Chapter 9 of the new Act, one integration path is to be developed for immigrant children and young immigrants to improve integration of these groups and prevent exclusion.

74. The new Act on People Seeking International Protection Concerning the Safeguarding of Subsistence and Care of an Asylum Seeker, Beneficiary of Temporary Protection and Victim of Trafficking (*laki kansainvälistä suojelua hakevan vastaanotosta, lagen om mottagance av personer som söker internationellt skydd*) will come into force in 2011. The Act pays special attention to the best interest of the child and to circumstances related to the child's development and health.

75. According to the aforementioned Act children's views must be taken into account in accordance with their age and level of development. Children aged twelve or above must be heard. The Act provides for special accommodation for unaccompanied minor asylum applicants apart from adult asylum applicants and health care on the same grounds as for Finnish nationals.

76. The amendments to the Aliens Act (*ulkomaalaislaki, utlänningslagen*; 301/2004) concerning medical age assessment of minors and family reunification came into force in 2010. A medical age assessment will be conducted if there are reasonable grounds to suspect the reliability of the information provided by the alien concerning his or her age. Participation is voluntary, but a refusal to participate in the test without reasonable cause will result in treating the person concerned as an adult.

77. Family reunification provisions were also amended, and a provision on foster children was added to the Aliens Act. Under the new provision, an unmarried child under 18 years who is under his or her parent's or guardian's *de facto* care and custody and in need of such care and custody on the date a decision is made on the residence permit application is treated as a child when no official statement is available on the dependency status. A comparison requires reliable information indicating that the child's previous parents or guardians have died or are missing and that the sponsor or his or her spouse was the child's guardian before the sponsor entered Finland. If the sponsor is a foster child residing in Finland, the comparison requires reliable information indicating that the person concerned was the sponsor's guardian before the sponsor entered Finland.

78. The amendments to the Act on the Integration of Immigrants and Reception of Asylum Seekers concerning the restrictions on asylum-seeking EU citizens' right to receive services came into force in 2010.

79. The amendments to several Acts that gave the Immigration Service's powers relating to the practical guidance and planning of the reception of asylum-seekers and beneficiaries of temporary protection, the practical guidance and supervision of the detention unit for aliens and the guidance of the provision of assistance to victims of trafficking came into force in 2010.

80. The Ministry of Education Decree on Government Subsidies for Supplementary Instruction to Primary, lower Secondary and Upper Secondary Pupils who are Native Speakers of a Foreign Language, the Sami language or the Roma language (*opetusministeriön asetus vieraskielisten sekä saamenkielisten ja romanikielisten oppilaiden täydentävään opetukseen perusopetuksessa ja lukiokoulutuksessa myönnettävän valtionavustuksen perusteista, undervisningsministeriets förordning om grunderna för statsunderstöd som beviljas för kompletterande undervisning i den grundläggande utbildningen och gymnasieutbildningen för elever med främmande språk*) *samiska och romani som modersmål*; 1777/2009) was amended in 2010. Finnish/Swedish as a second language used to be taught to immigrant children who had come to Finland no longer than four years previously. The new provisions extended the period to six years. The government subsidies are granted for three hours of instruction a week for a group of four pupils.

81. The above-mentioned Decree (1777/2009) also provides for a special subsidy for the instruction of immigrant pupils' native languages for two hours a week per each group of

four. Another important amendment was that schools which do not have four speakers of Sami or Roma can receive subsidy for the instruction of two pupils at minimum.

82. An amendment to the Basic Education Act (*perusopetuslaki, lagen om grundläggande utbildning*; 642/2010) improved the right of a pupil to general, enhanced or special support in learning. A pupil who has temporarily fallen behind in studies or otherwise needs short-term support in learning has the right to remedial teaching. A pupil who has difficulties in learning or in schoolwork is entitled to special needs education alongside other instruction. A pupil who needs regular support or several forms of support in learning or school-going is given enhanced support in accordance with a learning plan specifically devised for him/her. The relevant changes have been made to the core curriculum.

83. Provisions concerning student unions were included in the Basic Education Act. The purpose is to promote cooperation and open up opportunities for influence and participation among schoolchildren in matters concerning them. The education provider decides on the arrangement of these activities. If the education provider does not organise any student union activities, it must otherwise ensure that the pupils have opportunities to express their opinions on matters relating to their school or other unit in which they are active, which are of common interest to all pupils in the school.

84. In 2006–2010 the National Board of Education revised the requirements of all vocational upper secondary qualifications, the core curriculum of preparatory education for immigrants and the curriculum of rehabilitative instruction and guidance for pupils with disabilities both as regards initial training and competence-based vocational qualifications. The reform concerned the structure, aims, vocational skills requirements and evaluation criteria.

85. The core curriculum of pre-primary education has also been revised and will be adopted by August 2011.

#### **Information requested in part II (b) of the list of issues**

86. The amendments to the Act on the Ombudsman for Minorities and the National Discrimination Tribunal (*laki vähemmistövaltuutetusta ja syrjintälautakunnasta, lagen om minoritetsombudsmannen och diskrimineringsnämnden*; 660/2001) concerning the Ombudsman's duties as the National Rapporteur on Trafficking in Human Beings came into force in 2009.

87. As a part of the Policy Programme for the Well-being of Children, Youth and Families, an experiment was launched at the beginning of 2011 to introduce a new procedure for resolving child custody disputes. In these proceedings, the judge is assisted by a child psychologist or an experienced social worker with family counselling training whose main task is to help parents to realise what is in the best interest of the child. The expert's fee is paid out of government funds. The two-year experiment is being tested at four district courts.

88. The Advisory Board on the Health and Welfare of Children and Young People was set up 1 December 2007 and its mandate was renewed in December 2010. The tasks of the Advisory Board include to monitor and assess the health and welfare of children and young people as well as related services, to promote and coordinate cooperation of different actors, to take part in strategic planning as well as to make proposals regarding the long-term promotion of the health and welfare of children and young people.

89. The National Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos, THL*) was established on 1 January 2009, after the merger of the National Public Health Institute (*Kansanterveyslaitos, KTL*) and the National Research and Development Centre

for Welfare and Health (*STAKES*). The National Institute for Health and Welfare is a research and development institute under the Finnish Ministry of Social Affairs and Health. The Department of Children, Young People and Families belongs to the division of Health and Social Services and focuses on children and families. It has three units: Child and Adolescent Health and Welfare Unit, Child, Adolescent and Family Services Unit, Sexual and Reproductive Health Unit.

90. Six Regional State Administrative Agencies started operating on 1 January 2010. The duties of the former state provincial offices, occupational health and safety districts, environmental permit agencies and regional environmental centres were transferred to these agencies. They work in close collaboration with local authorities. They foster regional equality by executing all legislative implementation, steering and supervision functions in the regions. The agencies strengthen inter alia implementation of basic rights and legal protection and access to basic public services.

#### **Information requested in part II (c) of the list of issues**

91. Accompanied and unaccompanied minor asylum-seekers and refugee children are a key target group in several projects funded by the European Refugee Fund and the European Return Fund in cooperation with national project partners. The application period for the projects was in 2008–2010 and the projects are running at present.

#### **Policy Programme for Health Promotion (2008–2011)**

92. The Policy Programme for Health Promotion aims at the promotion of the Health in All Policies approach. The idea is that all administrative sectors embrace the approach, and not only the social and health sectors.

93. With regard to children and young people, it means high-quality preventive and other social and health services as well as an environment that promotes health. The policy programme includes for example the following measures:

- (a) Healthier meals at day-care centres and schools;
- (b) Schools and institutions for vocational education promote physical activity (school yards for example);
- (c) Particular attention must be paid to children who are physically inactive and who have a poor social background.
- (d) Support for the child's development, early interaction and the child's other socio-emotional development as well as support for parenting and the parents' mutual relationship must be established as permanent activities in all maternity and child welfare clinics;
- (e) The Decree on Welfare Clinic, School and Student Health Services (*asetus neuvolatoiminnasta, koulu- ja opiskeluterveydenhuollosta, statsrådets förordning om rådgivningsverksamhet, skol- och studerandehälsovård samt förebyggande mun- och tandvård för barn och unga*; 380/2009) provides for the content and age-group-specific number of health examinations;
- (f) Mental health services for children and young people are reinforced and timely access to the services is improved.

94. The objectives have been implemented in cooperation with the ministries, research institutes under the auspices of the Ministry of Social Affairs and Health as well as NGOs in the field. Within the policy programme, funding has been allocated to 16 development and training projects and 9 publications have been issued. These have dealt with the prevention of health-related and social problems and the dissemination of good practices.

Some of the projects and publications have focused on children and young people through promoting healthy lifestyles, supporting mental health and promoting healthy learning environments in vocational education. For instance, the association Nuori Suomi, which is an NGO promoting the physical activity of children and young people, is currently piloting a project to challenge young people to more physical activity.

95. The policy programme and co-operation partners have organised training events and seminars in which the idea has been extensive and cross-sectoral health promotion that has an impact on the service system but also on the built environment, recreational activities and on the support provided for NGOs. Reviews of the programme indicate that it has been widely accepted that health promotion plays an important role in curbing the growth of expenditure and in ensuring the well-being of individuals. Investing in the well-being of children and young people especially is important for the future.

96. A ministerial group as well as a steering group with representatives from different ministries, development and research institutes and NGOs has been established for the policy programme.

#### **National Development Programme for Social Welfare and Health Care (Kaste) 2008–2011**

97. The National Development Plan for Social Welfare and Health Care (*Kaste* Programme) consists of five extensive projects to develop and reform services for children, young people and families. With the help of the projects, all the primary services supporting the development of children are integrated together across the current sectors, such as health, social welfare, youth work, education and the police. Special services, such as child psychiatry, child welfare and child guidance and family counselling, are integrated to support the basic services with the help of different kinds of activities. Moreover, services are brought close to where children and young people live and grow up (home, day care, school, recreational activities) and the focus on institutions is dismantled. Best models and practices are spread across the country.

98. Family centres, well-being clinics and multiprofessional service networks are examples of service models focusing on early support. Increased diversity and intensity in the cooperation between primary and specialised services secure the right of children and young people to get help and support in their own environments. Structures for intensive response regarding consultation and cooperation have been introduced to the services. The aim is that placements in institutional care and outside the home become rare.

99. At the moment there is an ongoing reform process in Finland to revise not only the whole set of services provided for children, young people and families but also the working methods and management and cooperation structures that support the services. The development work involves multiprofessional cooperation between municipal services in the field of social welfare, health care, early childhood education and care, education and youth work as well as educational institutions and NGOs.

#### **National Policy on Roma (2009)**

100. One of the aims of the National Policy on Roma is to strengthen the participation of Roma children in early childhood education and basic education. The measures include improving their learning skills, enhancing their cultural rights and raising general awareness of the situation of the Roma. One key element is development of cooperation and support of Roma families with the parenting skills, which we call “educational partnership”.

### **Publications**

101. The following publications are also available in English:

(a) National action plan to reduce health inequalities 2008-2011 (Ministry of Social Affairs and Health. Publications 2008:16);

(b) Government resolution on development guidelines for health-enhancing physical activity and nutrition (Ministry of Social Affairs and Health. Publications 2008:10);

(c) Recommendations for the prevention of interpersonal and domestic violence (Ministry of Social Affairs and Health. Publications 2008/9);

(d) Providing a safe environment for our children and youth. The national action plan for injury prevention among children and youth (National Institute for Health and Welfare 27/2009);

(e) Plan for mental health and substance abuse work. Proposals of the Mieli 2009 working group to develop mental health work. (Ministry of Social Affairs and Health. Reports 2009:3). The report contains some proposals for how to safeguard the mental health of children. The method focusing on the intergenerational transmission of mental health and substance abuse problems and on the prevention of social exclusion has been implemented well and there is also some research indicating that the method is effective.

### **Development projects**

#### **Playing the Game (National Institute for Health and Welfare)**

102. The project aims to improve the possibilities of school to promote the child's healthy growth. It is developing a method that helps teachers in comprehensive schools to support the child's social and emotional development. The method helps reduce and prevent mental ill health among children, thus affecting problem behaviour in schools. The project also offers tools for parents in supporting their children's social and emotional development. In addition, the project aims to identify ways of improving co-operation between school and home. The model will be incorporated in the curriculum of the first years of comprehensive school education.

#### **Effective Family (National Institute for Health and Welfare)**

103. The Effective Family project aims to develop working methods that help provide support to families and children and prevent disorders in children when a parent has mental health problems or a severe illness. The methods are intended to be used by social and health care professionals, different co-operating partners and organisations.

104. The project aims to strengthen the preventive approach and build up co-operation between services for adults and services for children. Effective Family is a research, development and implementation project that covers the whole of Finland.

#### **Information requested in part II (d) of the list of issues**

105. In March 2011, Parliament accepted the Government proposal for the adoption of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, including related legal amendments. As part of this process, provisions of the Penal Code regarding sexual offences against children were revised and the statutes of limitations were extended with regard to sexual crimes targeting children. At the same time, the Child Welfare Act was amended by imposing an obligation on people



working in social welfare, health and other such professions to report suspicions of sexual abuse to police (in addition to the child welfare authorities).

### Part III

#### Data requested in part III, paragraph 1 (a), of the list of issues

106. Based on the *Child Welfare 2009* report, a slight downward trend was observed in the number of children and young people placed outside the home and taken into care, which had been rising for some time. However, the number of emergency placements continued to increase.

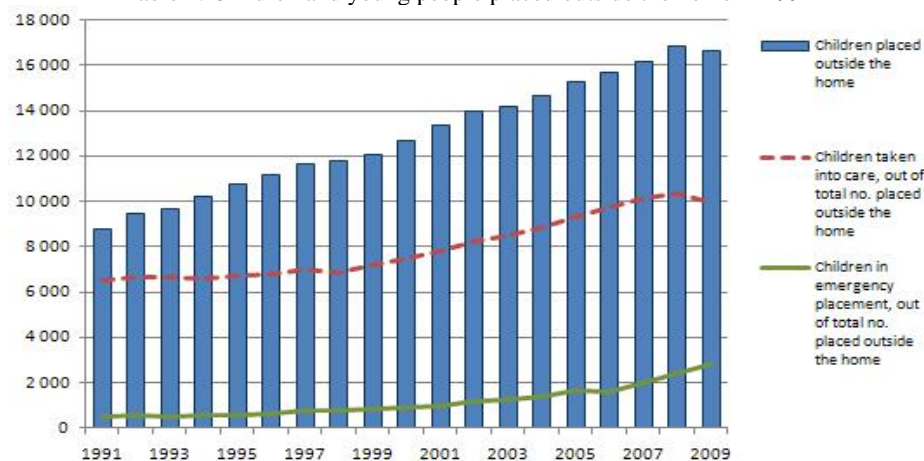
107. During 2009, the number of children in care fell by 4 per cent. The number of emergency placements rose by 17 per cent. In most cases, children were initially taken into care through emergency placement. Emergency placements accounted for 75 per cent of all new placements into care. A fifth of children in care had been taken into care involuntarily. As a percentage of the population of the same age, the share of children in care aged 16 and over was considerably higher than that of other age groups, and stood at 2.5 per cent.

108. There were over 16 000 children and young people who had been placed outside the home. The total had fallen by 1.5 per cent on the previous year. Nationwide annual collection of data on child welfare started in 1991, and this was the first time that a drop was recorded in the number of children placed outside the home.

109. Nearly half of the children taken into care are placed in families. The percentage of children in institutional care is highest with regard to all children and young people placed outside the home, including short-term placements. There were more boys placed outside the home than girls. A total of 15 municipalities had no placements outside the home in 2009.

110. The number of children and young people who had been the subject of child welfare interventions in community care continued to grow in 2009. Client numbers showed an increase of about 5 per cent on the previous year. In 2009, there were more than 70 700 children and young people as clients in child welfare and receiving support in community care.

Table 1. Children and young people placed outside the home in 1991-



Source: *Child Welfare 2009. Statistical Report 29/2010*

Table 2. Children and young people placed outside the home based on the last placement decision

	1995	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Ages 0-20 by form of placement											
Foster care	5 131	5 595	5 739	5 740	5 576	5 438	5 427	5 512	5 511	5 573	5 462
Professional family home	813	1 535	1 790	1 989	2 178	2 309	2 461	2 583	2 807	3 093	2 971
Residential care	3 077	3 431	3 540	3 932	4 085	4 509	4 846	5 062	5 346	5 725	5 916
Other care	1 717	2 109	2 271	2 335	2 369	2 434	2 519	2 558	2 513	2 484	2 294
Total	10 738	12 670	13 340	13 996	14 208	14 690	15 253	15 715	16 177	16 875	16 643
Ages 0-20 by reason for placement											
Community-based child welfare intervention	2 625	3 357	3 626	3 608	3 433	3 532	3 530	3 600	3 469	3 552	3 315
Emergency placement	232	363	345	433	442	482	643	613	814	1 176	1 627
Taken into care	6 159	6 968	7 172	7 563	7 978	8 316	8 671	9 033	9 499	9 611	9 357
out of which involuntarily	941	1 228	1 259	1 351	1 479	1 485	1 667	1 734	1 938	1 905	1 872
After-care	1 722	1 982	2 197	2 392	2 355	2 360	2 409	2 469	2 395	2 536	2 344
Total	10 738	12 670	13 340	13 996	14 208	14 690	15 253	15 715	16 177	16 875	16 643
Children aged 0-17 placed outside the home on 31 Dec	8 987	10 462	10 910	11 313	11 437	11 923	12 541	12 895	13 383	13 896	13 680
Children aged 0-17 placed outside the home as a percentage of the population of the same age on 31 Dec	0,8	0,9	1,0	1,0	1,0	1,1	1,1	1,2	1,2	1,3	1,3

For more information, please see the whole report *Child Welfare 2009*. Statistical Report 29/2010. [http://www.stakes.fi/tilastot/tilastotiedotteet/2010/Tr29\\_10.pdf](http://www.stakes.fi/tilastot/tilastotiedotteet/2010/Tr29_10.pdf)

### Information requested in part III, paragraph 1 (b), of the list of issues

111. The laws regulating the care and placement of children whose parents are serving a prison sentence have been renewed. The new legislation has greatly improved the position and conditions of the children of imprisoned parents. A family ward was established in the Vanaja Prison on 1 March 2010 and has, as of the beginning of 2011, operated under the auspices of the National Institute of Health and Welfare (*Act on the Child Welfare Unit of the National Institute of Health and Welfare, laki terveyden ja hyvinvoinnin laitoksen alaisista lastensuojeluyksiköistä, lagen om barnskyddsenheter som lyder under Institutet för hälsa och välfärd*; 1379/2010).

112. A child under two years of age with a parent who is in pre-trial custody or serving a prison sentence may – as a support measure in open care – be placed in a mother and baby unit in the family ward of the prison. Care and placement of a child under three in the unit may be continued if this is necessary in the interests of the child. The decision on the placement of a child in a prison is made by a child welfare officer following consultations

with the Criminal Sanctions Agency. All decisions shall always be based on the best interests of the child (Sections 31a and 37 of the Child Welfare Act). The decision to transfer a prisoner who is a parent to a family ward is made by the regional evaluation centre. A pre-requisite for such a transfer is a decision from the child welfare authorities to place the child of the imprisoned parent in the family ward.

113. The purpose of the prison's family ward is to support child-parent interaction and create a physically and emotionally secure framework for the daily life for the child. Social welfare and health care professionals will be present in the ward from 7 a.m. to 10 p.m. on a daily basis. The parent's main occupation is to look after and care for the child.

114. On 1 March 2011, there were a total of seven children of imprisoned parents in the family ward. During the past few years, the number of prisoners' children in daily care has varied from 4 to 15. On an average, the children spend 7.5 months in such care.

**Data requested in part III, paragraph 1 (c), of the list of issues**

115. According to statistics collected by the Metsälä Detention Unit, 4 unaccompanied asylum-seekers claiming to be minors were detained in 2010 under the Aliens Act. The number was 15 in 2009 and 8 in 2008. Statistics on the legal grounds for detention were not broken down by age.

**Data requested in part III, paragraph 1 (d), of the list of issues**

116. According to the information received from the Immigration Service, resident permits based on an amendment of the Aliens Act (*ulkomaalaislaki; utlänningslagen*, as amended 619/2006) have not been granted to any child victims of trafficking.

**Data requested in part III, paragraph 1 (e), of the list of issues**

Table 3. The number of children (under 18 years old) in pre-trial detention (record of apprehension/detention during pre-trial investigation).

		<i>Nationality, Finnish</i>	<i>Nationality, foreign</i>	<i>Total</i>
2008	Man	283	51	334
	Woman	26	2	28
				362
2009	Man	297	53	350
	Woman	27	4	31
				381
2010	Man	294	31	325
	Woman	29	6	35
				360

117. The number of prisoners or persons awaiting trial in custody who are under 18 years of age is extremely low in Finland. On 1 March 2011, there were only four prisoners under 18, or 0.09 per cent of the total (3,371). Of these minors, two were serving a prison sentence and two were held in pre-trial custody. One of the persons in custody was a female, the others were male. According to the Detention Act (*tutkintavankeuslaki; häktningsslagen; 767/2005*) persons held in detention should be placed in separate wards from the prisoners whenever possible. Under the Prison Sentences Act (*vankeuslaki; fängelselagen; 768/2005*) women and men must also be separated when in detention.

118. The Parliamentary Ombudsman initiated a survey of the placement and conditions of minor prisoners (879/2/08). According to the survey, minors are placed in prisons either apart from other prisoners – usually in closed wards – or in the same wards as other prisoners, in which case they have the opportunity to participate in the activities organised in the prison. The Ombudsman underlines in his decision that minors should have their own quarters to which other prisoners have no access. According to the Ombudsman, the minor prisoners' opportunities for social interaction must be assured and steps must be taken to ensure their security in order to prevent all forms of pressure and abuse. Furthermore, placement in segregated quarters may not prevent potential participation in organised activities and interaction with other people. Personnel working with children must have sufficient expertise to recognise the child's best interests and the needs related to his or her level of development. The Ombudsman has asked the Central Administration of the Criminal Sanctions Agency to submit a report by 30 June 2011 explaining what measures have been taken to improve the conditions of minor prisoners.

119. The report by the Criminal Sanctions Agency is still under preparation and the decisions on the required measures to be implemented in response to the Ombudsman's letter have not yet been made. However, the Central Administration of the Criminal Sanctions Agency has requested opinions on the issue from all the three Criminal Sanctions Regions.

120. According to the Prison Sentences Act, prisoners must be placed as near to their domicile as possible. With minors in particular, proximity to home and family are important

considerations in the selection of the correctional facility. Since there are so few minor prisoners in Finland and they come from different parts of the country, it is no easy task to place them in the same facility, even if this would be advisable in terms of the organisation of activities. Additionally, it is difficult to implement structural systems for an extremely small prison population in such a way as to ensure that minors are not segregated from others. For example, of all the minor prisoners in detention on 1 March 2001, only two could be placed in the same ward.

121. Steps will be taken to explore new solutions for the placement of minor prisoners. One option to be considered is the possibility of placing more of those serving a prison sentence in facilities outside the prison, an alternative permitted under the Prison Sentences Act subject to certain pre-conditions. For those persons held in pre-trial custody, this is not possible, and therefore other options are being explored. Arrangements based on the special needs and interests of the minor prisoner could be the best and most flexible solution to the placement issue.

**Information requested in part III, paragraph 2, of the list of issues**

122. The Ministry of the Interior has issued instructions on hearing children in pre-trial investigations (*SM-2006-02026/Ri-2*) which are to be complied with in the investigation of crimes against children. These instructions will be updated during spring 2011, and they will come into force from the beginning of July 2011.

123. The Committee on the Rights of the Child has proposed that the State party develop programmes and strategies to use mobile technology, media advertisements and the Internet as means of raising awareness among both children and parents about information and material injurious to the well-being of children.

124. The Internal Security Programme imposes a duty on the police to provide a centralised service system through which individual citizens, companies and organisations can easily report suspected or actual cybercrime, crimes making use of the Internet or other suspicious material. Through the tip-off service, citizens can, using the relevant form at the police website, leave tip-offs concerning suspected criminal material they have come across on the Internet. Responsibility for the processing of tip-offs and the related coordination rests with the National Bureau of Investigation. However, as regards images involving sexual exploitation of children, tip-offs should be made on the website of Save the Children Finland, which coordinates the tip-off service concerning child sexual abuse. This organisation cooperates with the National Bureau of Investigation in filtering suspicious sites and a link to the service is provided also on the tip-off service of the police.

125. As a new measure of community policing, the Police recently set up their own profile on Facebook in order to improve contacts with adolescents. Furthermore, a couple of years ago the Helsinki Police Department created its first police profile on Internet Relay Chat, called IRC-gallery, which is a chat where Internet users can register and chat with one another. At the moment, the Helsinki Police Department has three police officers maintaining their profiles on IRC-gallery. The police officers answer questions that users send to them, and they also have one-to-one chats with those children who so wish. Through IRC-gallery, the police officers also arrange larger meetings with adolescents, e.g. in shopping centres where children have the opportunity to meet the police and talk to them. According to the Helsinki Police Department, this service has reached many adolescents and some reports of suspected crimes (e.g. rape and sexual abuse of a child)

have also been made<sup>1</sup>. Additionally, some other larger police departments have created a similar service.

126. The police are involved in several projects aimed at developing specialised services for children to report a suspected crime. There are several NGOs which provide these services funded by the State or the European Union. For example, the police take part in a project called Netari which engages in online youth work coordinated by the City of Helsinki Youth Department, in which 24 municipalities around Finland take part. The project is supported by the Ministry of Social Affairs and Health, and its aim is to offer services of different authorities in social media used by children. The police are also involved in the activities of Netari, for example, by making it possible for young people to talk to them through this network every Friday. If necessary, children will be guided to meet these authorities face-to-face. In the Helsinki metropolitan area, the Family Federation's Nuska project, where the police are also involved, is currently underway. The project is aimed at developing a meeting and networking model for professionals to enable them to encounter and support sexually abused young people in the 12-17 age group.

127. The police take part in security awareness education which is given to children and adolescents at the earliest possible stage in order to teach them various skills, including ways to protect themselves against online grooming. The police have established a system in which every school designates one police officer as a contact point. These police officers cooperate with school authorities in implementing awareness education, and they are also responsible for security planning of their designated schools.

128. Help for young people and children is available, for example, from Victim Support Finland, the Rape Crisis Centre Tukinainen and crisis services for young people called Girls' Houses. The police cooperate with these organisations in implementing programmes or seminars intended to prevent crimes against children or to lower the threshold for reporting a crime.

#### **Other measures**

129. Since 2010, the National Police Board has arranged special training for those police officers, psychologists and professional health care staff who interview children in criminal cases. The training has several aims, e.g. to raise the quality of interviews in abuse and assault cases, to improve employees' skills in interviewing and to decrease stress factors of the work by offering appropriate tools and guidance especially for interview situations. It is also aimed at enhancing cooperation between the police and professional health care staff. The training consists of theoretical and special information on conducting interviews during criminal investigations. It also covers the supervision of work which includes personal guidance given to each participant on conducting interviews.

---

<sup>1</sup> According the Annual report of Virtual Community Policing Group, 36 police measures related to sexual crimes were conducted during 7 months in 2010 and 17 crime reports were written. Most common suspected crime in these reports was child sexual abuse. Crimes were reported by the children / adolescents themselves.