



Universal Periodic Review of Finland

41st session, October - November 2022

Submission of SOS Children's Villages Finland

(Helsinki, 31 March 2022)

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I. INTRODUCTION

1. SOS Children's Villages Finland presents this submission concerning the rights of the child in Finland for consideration by the UPR Working Group at its 41st session (October - November 2022).
2. SOS Children's Villages Finland is an expert organization in child protection and early support for families and a service provider. SOS Children's Villages Finland aim is to improve the wellbeing of children, young people, and families with children. We also act as a development partner for municipalities and counties to promote the wellbeing of families and children. SOS Children's Villages Finland also has strong expertise in preventive work, such as providing digital support and discussion forums for children and young people as well as creating platforms to meet others in similar situations. SOS Children's Villages has been operating in Finland since 1962 and is a member of SOS Children's Villages International that provides alternative care to children who have lost parental care and family strengthening programmes to prevent child family separation in over 136 countries.
3. SOS Children's Villages Finland has participated in the Finnish National Child Strategy process and its monitoring group as an expert advisor and is an important partner for many municipalities as a child protection services provider and expert on matters related to children in alternative care. We also aim to strengthen child and youth participation in communicating and developing child protection services at national level through a group of experts with experience in child protection services.
4. This report is based on key objectives of the work of SOS Children's Villages Finland as well as on an assessment of the commitments made by the Government of Finland to implement relevant recommendations on children's rights supported at its previous UPR. The information for this submission was obtained from a variety of sources, including first-hand information from our programmatic work serving children and young people, as well as monitoring the situation and rights of children, particularly as it relates to child protection and welfare services.
5. The present report addresses the rights of the child and child participation in the new social welfare and health care reform.

II. Rights of the child and child participation in the social and health care services reform

6. In the last UPR, Finland supported the recommendation to “*continue with its structural reforms in social welfare and health care with a focus on protecting the rights of women, children, and vulnerable groups*”¹ and in its responses emphasized that “*Children’s rights are at core of the Government programme in reforming child and family services. It focuses on better identification of particularly vulnerable groups and early and timely support.*”²
7. The health and social services reform is the result of a long political process and debates in Finland. The Government proposal for legislation on establishing wellbeing services counties and reforming the organisation of healthcare, social welfare and rescue services was adopted by Parliament on 23 June 2021.³ The goal of the reform is to improve the availability and the quality of health and social services for all throughout the country.
8. In the framework of the new reform, the responsibility for the organisation of public health care and social services has been transferred from the municipalities to the wellbeing services counties.⁴ The Act on Wellbeing Services Counties (611/2021) came into force on 1 July 2021. The elections of the wellbeing services counties, where regional political representatives and the county council were elected, took place in January 2022. The work of the counties, including the responsibility for providing child protection services, will officially start in early 2023.
9. Despite the important goal of the reform, we are concerned that this new model of planning and service delivery will create a new level of administration and possibly bureaucracy for families and children to access the services and support they are entitled to. More concretely, the reform of the wellbeing services counties as a new model of structuring social services raises concerns and questions regarding the realization of the rights of the child and the consideration of the situations of vulnerable groups of children. The responsibility for the delivery of social services is now transferred to a new level of administration, which covers an area formed by many municipalities instead of one municipality. This means that some services that children are entitled to (eg. schooling) take place in the municipality the child lives in and others (social services eg. alternative care providers, social worker meetings) are now organized by a wellbeing services county that is responsible for providing / organizing the services in a much larger area. In this case, for example, cooperation between services provided in wellbeing services counties and services provided in municipalities may rise challenges. Different levels of administration are required to take joint responsibility for providing and informing about social services, as the children concerned should not be further disadvantaged by how and under whose responsibility their services are provided. Therefore, in the strategy processes of the

1 A/HRC/36/8, 14 July 2017, recommendation 100.87 (Pakistan)

2 A/HRC/36/8/Add.1, 8 September 2017

3 <https://valtioneuvosto.fi/en/-/1271139/government-proposal-for-health-and-social-services-reform-and-related-legislation-adopted-by-parliament>

4 <https://soteuudistus.fi/en/frontpage>

new wellbeing counties, the emphasis should be on access to equal and high-quality services, with a focus on vulnerable groups, such as children in alternative care as well as in other child protection services to ensure the realization of the rights of the child.

10. Since 2019, Finland has also been preparing its National Child Strategy⁵. The elaboration of the strategy and its action plan has been a valuable process whose main objective is to ensure a child-friendly Finnish society and social services. This strategy should also be extended to the new wellbeing services counties, although the process of municipal adaptation is not yet clear. New wellbeing services counties should address child-friendly policies and the guidelines of the National Child Strategy, including child rights, in a more concrete manner. In addition to the measures of the National Child Strategy, such as child impact assessment processes and child-friendly budgeting^{6,7} wellbeing counties strategic frameworks should contain references and action plans indicating how equal, safe and easily accessible of services for children in social care (eg. children in alternative care and other vulnerable groups) have been ensured. Furthermore, references to procedures for purchasing social services from private providers and for working with municipalities and other stakeholders need to be mapped out transparently to ensure that children, young people, and families are not at risk of being excluded from social services they are entitled to and that all services provided operate to high quality standards. In addition, practices to ensure the child's rights to be informed and participate in planning and decision-making should be clearly defined in the relevant plans and strategies. On top of this, as part of the National Child Strategy, Finland is implementing the EU Child Rights Strategy and the European Child Guarantee. How it is implemented locally and reflected in the daily lives of children still needs to be clarified.

11. The UN Convention on the Rights of the Child (UNCRC) was ratified by Finland over 30 years ago⁸. The UNCRC, as well as the new National Child Strategy, as highlighted above, guide child-friendly measures in policy-making and implementation. It is important that, as part of the wellbeing counties reform of social services, children's rights are strongly recognized and realized. Cooperation in terms of support and services provided for children, young people and families by the new wellbeing counties, municipalities and state administration must be ensured at the administrative level, so that particularly vulnerable children and young people are not at risk of being left between different levels of administration and have an easy access to quality services. The service pathways consisting of many services and their providers need to be clear to and inclusive of children, young people, and families. Particular attention should therefore be paid to the rights of the child and the best interests of the child when designing service pathways during the transition phase as well as emphasize the responsibility of the wellbeing services counties to clarify how the child-friendly practices of the National Child Strategy will be concretely reflected

⁵ <https://stm.fi/en/child-strategy>

⁶ <https://valtioneuvosto.fi/en/-/10623/child-oriented-budgeting-to-be-piloted-in-the-2022-budget>

⁷ <https://www.lapsenoikeudet.fi/en/campaign/national-strategy-for-children/>

⁸ <https://lapsiasia.fi/en/convention-on-the-rights-of-the-child>

in the service production.

12. The legislation on child welfare (the Child Welfare Act 741/2007)⁹ as well as the Administrative Procedure Act (434/2003)¹⁰ contain provisions on the right of children to be heard in decisions affecting them. The Child Welfare Act requires that the best interest of the child be considered in every decision made concerning the child. In the establishment of the wellbeing services counties, it should be further clarified how children and young people, particularly the most vulnerable, are consulted as part of service development. In the National Child Strategy process, child participation was a high priority¹¹ and the model and examples of child participation at many stages of preparation of services should be implemented also at the level of the wellbeing county administration. In particular, children in vulnerable situations, such as children in alternative care or at risk of losing parental care should be included in decision-making processes.
13. In the context of the reform of social services, it would also be important to pay attention not only to the quality and accessibility of services for children and young people in vulnerable situations, but also to the accessibility of legal protection and enforcement practices for children. Easily accessible legal support as well as adequate access to information for children must be ensured as part of the reform. The complexity of legal protection practices for children in their current form should be addressed. Concerns about legal security practices and the channels that children can use to access counseling and legal support services need to be strengthened.
14. Overall, child protection services provided in the new wellbeing services counties should be based, in addition to relevant laws, on the National Child Strategy. The expertise of NGOs and service provider organizations should be utilized in the organization of service production, training and as an expert resource. Supplementing the service catalog of the wellbeing services counties with opportunities for preventive work will increase the wellbeing of children, young people, and families. This together with the production of high-quality services, can be seen as a factor in strengthening the rights of the child. Similarly, where child protection services are provided by the public sector or purchased from private service providers, greater attention should be paid to quality criteria and effectiveness of services as well as ensuring child participation in the development of services.

D. Recommendations

SOS Children's Villages Finland recommends to the Government of Finland to:

1. Take adequate measures to ensure that children's rights and child-friendly policies are at the centre of the health and social services reform, so that children and families in vulnerable situations are not excluded and benefit from high-quality services. SOS

⁹ https://www.finlex.fi/en/laki/kaannokset/2007/en20070417_20131292.pdf

¹⁰ <https://www.finlex.fi/fi/laki/kaannokset/2003/en20030434.pdf>

¹¹ Pilot for the National Child Strategy includes children and young people in bill drafting (valtioneuvosto.fi)

Children's Villages Finland underlines the importance of focusing resources on strengthening families at risk and protection of vulnerable groups such as children in alternative care and children at risk of losing parental care during the implementation process of the new reform. High-quality services should be ensured by well-coordinated response from different levels of the administration and private providers as well as by using quality indicators and impact assessment criteria in policy development and decision-making at a concrete level when making procurement decisions regarding child protection services.

2. Ensure the active and meaningful participation of children and young people, especially vulnerable groups, in the implementation of health and social services reform by involving them in the planning and delivery of the services, to which they are entitled, under the wellbeing services counties. In this regard, collaborate with and support civil society organizations working with and for children in vulnerable situations, such as children in alternative care.
3. Take concrete steps to make legal protection practices for children and young people clearer, more accessible and more effective as part of the health and social services reform to ensure that children, particularly those in vulnerable situations, have easy access to legal protection services and are adequately informed about them.