

Implementing child rights and equity-based policies

Issues:

1) Government programme and child impact assessment

In 2015 a new Government was appointed. As part of the Government Programme, a programme addressing child and family services is being implemented. Although objectives of the programme promote child rights, its implementation and achieving these objectives in practice is a challenge. Especially, due to another Government's major obligation to implement a social welfare and healthcare reform during its term.

In the programme it is stated that "a child and family impact assessment will be modelled and introduced. The change under this key project will be supported through developing population-based budgeting."

Child Rights Impact Assessment (CRIA) has in recent years been added to several significant documents in public administration as well as to the contents and recommendations presented in various agendas (for example, the Government Programme, Child and Family Policy, Development Programme for Child and Youth Policy, and National Development Plan for Social and Health Care Services).

However, it has to be noted that the current Government is not the first one to include CRIA in a Government Programme. Concrete steps to introduce CRIA on national and local level has been slow despite endorsement by public officials and politicians.

Recommendations:

- 1) Child Rights Impact Assessment should be applied at the early stage of any decision-making process. Assessment has to be based on the Convention of the Rights of the Child (CRC). Assessment has to provide children with the opportunity to be heard. Outcome of the assessment has to be taken into consideration in decision-making.
- 2) Population-based budgeting that concentrates on children should be developed during the term of this Government.

2) Child poverty

In practice implementing the Government Programme meant cuts to social benefits and public services catering to the needs of children and families and raising fees. Cuts have affected education and early childhood education in particular.

Constitutional Law Committee has emphasised that reforms affecting families should not result in unreasonable outcomes for families. In addition, Committee demanded that the Government should closely monitor implementation of legislation in order to make sure that fundamental rights of children and families are not compromised.¹

Committee on the Rights of the Child has in its Concluding Observations to Finland expressed its concern that the number of children and families with children, especially under the age of 3,

¹ Constitutional Law Committee, PeVL 11/2015 vp and PeVL 12/2015 vp.

living in poverty, has more than doubled in the last ten years and that the amount of child benefits and parental benefits has de facto been reduced.²

According to Fundamental Rights Agency (FRA) the proportion of children at risk of poverty or social exclusion has grown. Finland is one of the countries with a growth from 13 % to 15,6 %.³

Recommendations:

- 1) The rights of the child should not be overlooked in economically difficult times. Finland has to guarantee all children and families adequate standard of living.
- 2) Finland should monitor implementation of legislation in order to assess whether child rights are respected.

Refugee and asylum seeking children

Issues:

1) Family reunification

In recent years Finland has made a number of restrictions to the rights of refugees and asylum seekers.

Amendments to the Aliens Act have restricted possibility to family reunification, making it practically impossible for most children. Restrictions have affected unaccompanied minors in particular. They have to be under 18 when their application for family reunification is decided. If a child turns 18 during application process, which can take years, they lose their right to family reunification.

In 2016 income requirements were tightened, and requirements apply also to persons granted international protection. In practice income requirement means that a person wishing to bring his/her spouse and two children to Finland needs to have a monthly net income of 2,600 euros. Meeting this requirement is hard for most Finns, but even harder for people in need of international protection.

Recommendations:

- 1) Finland should assess how different amendments to Aliens Act have affected children. Special consideration should be given to implementation of the right to family reunification. Assessment should take into consideration introduction of income requirements and their effect on children, especially unaccompanied minors.
- 2) Finland should take steps to urgently make necessary legislative changes based on this assessment.
- 3) Finland should speed-up procedures and make it easier for children to reunite with their families and pursue all practical measures to reunify children with their families.

² CRC/C/FIN/CO/4* (2011)

³ Fundamental Rights Agency (FRA), Fundamental Rights Report 2016, p.137. Available at: http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-fundamental-rights-report-2016-2_en.pdf

2) Detention

The previous UPR review recommended (89.48) that the Government of Finland apply alternative measures to the detention of asylum-seekers and irregular immigrants, including children and other vulnerable people.

Detention of children is still possible in Finland. Though unaccompanied children under the age of 15 can no longer be detained under any circumstance, unaccompanied children that have turned 15 may be detained for up to 72 hours once there is an enforceable decision on their removal from Finland; the period of detention can be extended by 72 hours for extraordinary reasons.

Committee on the Rights of the Child has in its Concluding Observations to Finland recommended that Finland should ensure that detention of asylum seeking children is carried out as a last resort, for the shortest time possible, when no alternative measures can be applied. The Government has launched legislative initiatives to introduce alternatives to detention, but at the moment, there are no plans to end detention of children.

Recommendations:

- 1) Finland should end detention of unaccompanied minors.
- 2) Given the negative impact of detention on a child's development, Finland should develop child friendly alternatives to detention and introduce practical alternatives to detention wherever children (or their families) are involved, given the negative impact of detention on a child's development.

Development Policy and Cooperation

Issues:

- 1) In the UPR mid-term report from 2014, Finland renewed its commitment to raising its development assistance to 0.7% of GNI (gross national income), although it was deemed unlikely that this threshold would be reached by 2015 as previously committed. Finland also emphasised its commitment to respect the universal human rights and requires all its development partners to abide to these, too.⁴ Since the last UPR mid-term report, Finland has implemented drastic cuts to its development assistance. Finland is also shifting emphasis from traditional development assistance to loans and investments in order to promote involvement of new actors in the work towards achieving the Sustainable Development Goals.

Finland's development policy focuses on supporting the Sustainable Development Goals (Agenda 2030) and the UN Framework on Climate Change (UNFCCC). Within this political framework, Finland's priority areas are to promote:

- 1) women's and girls' rights and equality;
- 2) economic development of developing countries;
- 3) democratic development of societies;
- 4) improved access to food security, water and energy and the sustainable use of natural resources.

⁴ UPR Mid-Term Report Finland, National Voluntary Commitments 159, 160, February 2012, p. 22

Central to the Finnish development policy is the realisation of human rights, and the rights of the most vulnerable such as children and people with disabilities are given a special mention.⁵ Finland emphasises public-private partnerships through engaging the Finnish private sector more closely in the mutual development effort.

However, the Government budgetary adjustments have greatly undermined the earlier commitment to 0.7% of GNI to development assistance. In 2016 “traditional” development assistance totals 493 million euro after drastic cut of 43% from 2016 onwards (some 200 million euro annually). Apart from this, another 130 million has been reallocated from aid to loans and equity investment in developing countries.⁶ For 2018 further cuts of 25 million euro have been proposed keeping development assistance at the level of 0.39% of GNI.⁷

Finnish Committee for UNICEF expresses its worry that the severe cuts to development assistance will have a negative effect on the realisation of human rights of the most vulnerable groups like children, women and people with disabilities in developing countries.

Recommendations:

- 1) Finland should draw a national plan for the realisation of the 0.7% commitment to development assistance.
- 2) Finland should elaborate human rights-based guidelines on inclusive development for all development partners, with particular emphasis on the most vulnerable groups, especially when the focus is shifting from traditional development assistance to loans and investment.

Human rights education

Issues:

- 1) Finnish Committee for UNICEF acknowledges the recent developments in the area of human rights education related to teacher training. However, these advancements have mostly been made in projects and that is why they are not enough to incorporate child rights as permanent and integrated part of the teacher training. Some progress has also been made in the area of basic education, for example the new national curriculum for basic education has more focus on child rights than the earlier one.

People working with children and youth should have enough education to implement child rights in their work. Child rights education is implemented in various ways in several educational sectors and the field is marked by heterogeneity and lack of a systematic approach. The need for child rights education extends to other professionals as well. For example border control officers that encounter refugee children in the course of their work should have training on the rights of the child.

Recommendations:

- 1) While respecting the autonomy of Finnish universities guaranteed by legislation, child rights education should be incorporated into the curricula of all teacher training and ensure that teachers have necessary skills in order to implement national curriculums.

⁵ In 2015, the sectors receiving most funding were: multi-sectoral programmes 25%, humanitarian aid 12%, good governance and civil society 10%, forestry, agriculture and fisheries 8%, education 8%, water and sanitation 6%, and conflict prevention and security 6%.

⁶ Ministry for Foreign Affairs of Finland

<http://formin.finland.fi/public/default.aspx?nodeid=49314&contentlan=2&culture=en-US>

⁷ General Government Fiscal Plan 2017-20

- 2) Education on child rights has to be provided to people working with children and youth in order to implement child rights in their work.
- 3) Public officials and civil servants at regional and local levels should be trained on the rights of the child.

Children's rights and business

Issues:

Arising from the Convention of the Child, States have an obligation to respect and ensure children's rights within their jurisdiction⁸.

At minimum, States should not support children's rights infringements by businesses through their own actions. The UN Guiding Principles on Business and Human Rights⁹ as well as the General comment No. 16¹⁰ require States to take additional measures to protect against human and child rights abuses by business enterprises that 1) are owned or controlled by the state, 2) receive substantial support and services from state agencies (e.g. export credit agencies and development finance institutions) or 3) are in public procurement contract with the state.

The previous UPR review recommended that the Government of Finland provide a framework for prohibiting the use of child labour by Finnish companies engaged with businesses abroad and multinational companies headquartered in Finland. Also, the Committee on the Rights of the Child has recommended the same, suggesting the establishment of an effective monitoring system of the companies' supply chains¹¹.

The Government of Finland has adopted and started the realization of the national action plan for the implementation of the UN Guiding Principles, as a response to these recommendations. However, the chosen approach of encouraging voluntary action is not sufficient to implement the recommendation, or to ensure respect for children's rights by all Finnish businesses.

Recommendations:

The government of Finland should take the following steps within the next 3 years:

- 1) Ensure that Finnish companies having state ownership do not cause adverse impacts on children's rights. This can be done by setting clear expectations, adopting relevant policies, requiring sufficient reporting, and using the owner's power through direct discussions with the senior management.
- 2) Ensure that public procurement contracts are awarded to bidders that are committed to respecting children's rights.
- 3) Make access to all public finance and other forms of public support for the private sector conditional on a business carrying out a process to identify, prevent and mitigate any negative impacts on children's rights in their overseas operations.

⁸ Jurisdiction is not limited to "territory" but includes also businesses' extraterritorial activities and operations, when a business is registered or domiciled, has its main place of business or substantial business activities in the State territory.

⁹ Unanimously adopted in 2011 by the United Nations Human Rights Council

¹⁰ General comment No. 16 on State obligations regarding the impact of the business sector on children's rights, - made by the Committee on the Rights of the Child

¹¹ CRC/C/FIN/CO/4* (2011)