

**UPR Submission on child protection in Finland**

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**Joint Submission by:**

**Väestöliitto (The Family Federation of Finland)**

<http://www.vaestoliitto.fi>

**&**

**The Sexual Rights Initiative (SRI)**



**Väestöliitto**

## **Keywords: Rights of the Child; Sexual Abuse; Violence against Children; Child Protection; Sexual Rights**

1. This report was researched and prepared by **Väestöliitto (the Family Federation of Finland<sup>1</sup>)** with the assistance of the **Sexual Rights Initiative<sup>2</sup>**.

A large number of children are annually placed in substitute care in foster families or foster care institutions away from their families. Preventive care need to be improved to limit the need of placement. Väestöliitto has noticed, that the sexual rights of the minors placed away from home are frequently violated. The objectives of the child welfare act to protect children's rights to a safe growth environment, to balanced development and to special protection are not met. The report focuses on the realization of sexual rights of foster care juveniles (foster care institutions, family homes, and professional family homes), with special emphasis on the prevention of sexual abuse, maltreatment, and violence experienced by the client.

### **Background and Context**

2. The purpose of the child protection act<sup>3</sup> in Finland is to ensure that a child has the right to: a safe environment to grow up in, a balanced and diverse development, and special protection. Primarily, the responsibility of a child's well-being is with the parents or other legal guardians. Child protection should seek to prevent issues in the family and with the child as well as address these problems at an early stage. When assessing the need for and during implementation of child protection, the interests of the child are the most important. When assessing the interests of the child, one must pay attention to how different measures and solutions ensure a child with a safe environment to grow up in and physical and mental immunity. (Child welfare act chapter 1, 4§)
3. In Finland, the increasing number of children and juveniles placed away from home, in foster homes or foster care institutions, poses a social challenge to the welfare of juveniles. Since the beginning of the 90's the number of children and juveniles placed away from home has doubled from 8 000 to over 17 000.
4. According to the statistical report of 2010, there were 10 003 children placed in substitute care and 3 432 were urgently placed. The number of children in foster homes decreased 2 percent from the previous year, but there were 21 percent more urgently placed cases than in 2009. Overall, the number of children and juveniles placed away from home in 2010 was 17 064. This number grew by about one percent compared to 2009. Half of the children in custody were placed in families of which about 11 percent were of relative or close association. Over the past few years the declining trend in the portion of children placed in families has been reversed, however the portion of children placed in institutions has grown in the 21<sup>st</sup> century. There were a total of over 78 500 children and juvenile clients in child welfare and non-institutional care services in 2010. This is 11 percent more than in 2009. (Child welfare 2010, THL report)

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<sup>1</sup> Väestöliitto, The Family Federation of Finland works in the fields of social affairs and health. Väestöliitto was founded in 1941 and composed of 31 member organizations. The Federation provides services, acts as an advocate and carries out research. Through its services and research it has acquired a thorough expertise in issues related to the family, the population and sexual health

<sup>2</sup> The Sexual Rights Initiative (SRI) is a coalition of organizations that has been advocating for the advancement of human rights in relation to gender and sexuality at the UN Human Rights Council since 2006. The SRI partners are: Action Canada for Population and Development (Canada), Creating Resources for Empowerment in Action (India), Egyptian Initiative for Personal Rights (Egypt), Federation for Women and Family Planning (Poland), and Akahata (Argentina)

<sup>3</sup> Lastensuojelulaki, Child Welfare Act 417/2007, chapter 1

5. The urgent placing into foster care or taking into custody are actions that violate personal autonomy, by taking the child away without taking their views into account, and sometimes also against the will of her parents. The placement often results from underlying factors or behaviors that endanger the safety or well-being of the juvenile. The purpose of placing the juvenile away from home is to support safe growth and development by giving them a peaceful environment, limits, and the presence of a safe adult.
6. According to the child protection act, the following conditions must be met before taking a child into custody: a lack of care for the child or other conditions severely threaten the child's health or development; or the child severely threatens their health or development by using intoxicants, committing a felony that is more severe than what is considered minor, or engaging in other behavior that is comparable with the aforementioned.
8. According to the practical experience of Väestöliitto, child protection institutions do not regularly set safe and protective limits for its juveniles. Since 2005, Väestöliitto has had a service for 12-17 year olds who have experienced sexual abuse, providing short or longer term therapy. The service has also focused on prevention, increasing recognition of the problem, and providing teachers and other professionals with improved skills to encounter young people who have experienced abuse.<sup>4</sup> We are concerned about occurrences of sexual violence, maltreatment, and abuse experienced by juveniles that live in juvenile institutions. In our service we have encountered many young people from juvenile homes that have experienced sexual abuse and ended up in situations that endanger their health and safety while on their weekend vacation, home leave, or on other free time. The great challenge in juvenile placement institutions is that they have young people from a wide range of ages (13-18 year olds). The younger ones idealize the older ones. They might compete about who has had the worst experiences, in addition to sharing their sexual experiences with younger and less experienced juveniles. Some juveniles have taught younger ones about sex. We have also found out that there have been incidents of a juvenile repeatedly raping someone younger in a care home. (Väestöliitto's records)
9. Young people living in juvenile institutions have a noticeable amount of experiences with sexual maltreatment, which can result in unhealthy sexual behavior as well as in the use of intoxicants. A portion of juveniles have sex for money, have a need to please adults, and it is easy to persuade them into sexual acts for example by offering cigarettes, alcohol, or a place to spend the night. All of these things happen even though the youth has already been taken into custody in a juvenile institution. We have observed many examples of this within the service of Väestöliitto, as reported by the youngsters themselves, the placement institutions, or the police. The age of consent to sexual acts is 16 years in Finland. To better explain the present situation we list some typical examples from recent months:
  - A 14-year-old is urgently placed into another home because of unsafe conditions at home. During weekends the juvenile meets several adult males and has unprotected sex with them. This occurs repeatedly for many weeks. The foster parents are incapable of restricting the juvenile's whereabouts on the weekends.
  - A youth leaves from a juvenile home without permission. While on the run, the youth is forced into sexual intercourse by several men. These incidences came to light after the youth returned to the home and had the courage to tell the care taker.
  - A 15-year-old from a juvenile home has a relationship with a much older man who uses drugs. Contraception use is continually denied. The juvenile home does not restrict the youth's whereabouts and does not prohibit meeting with this older man.

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<sup>4</sup> Eikö se kuulu kenellekään? Rohkene kohdata kaltoinkohdeltu nuori Brusila et al, Väestöliitto 2009 (Encountering young people who have experienced sexual abuse)

- A 15-year-old placed in a juvenile home has sexual intercourse during their free time in exchange for commodities such as clothes.
  - An urgently placed 14-year-old has sexual intercourse with adult males in exchange for alcohol. This alcohol is consumed in the juvenile home in the morning in order to alleviate anxiety related to attending school. This incident goes unnoticed or at least nothing is done about it until an employee of the prevention clinic makes a child protection notice. Thus, child protection is not very well able to protect the children that have been placed in its care.
10. In the past two years, the Sexual health clinic has had 50 sexually abused clients of which 40% have had a background of child protection services. These youths have fallen victim to violence during their foster care period, typically while on the run or during home leave.

### **Legal and Institutional Framework**

11. In Finland, children are protected from sexual exploitation and abuse by criminal law and the child protection act. The legislation itself is good and gives the opportunity to ensure a child's safety. Finnish criminal law specifies sexual abuse targeted at minors and its related punishment.
12. The child protection act obligates authorities who work with children and youth to make a child protection notice in situations where they have found out about a child whose: behavior, living conditions, or need for treatment and care, requires an assessment of the need for child protection.
13. On the 1st of August, 2011, a change into the child protection act was accepted. According to this change, a child's foster care can only be organized in an institution if the child's need for care cannot be met through a foster family and its support services. This change will be implemented starting on the 1st of January, 2012, with the goal of strengthening the status of foster family care.
14. Placing a child into foster care implies that the chosen foster care location and its know-how can meet the child's or juvenile's growth and development needs.
15. According to section 79 in the child protection act the municipality that has placed the child in foster care has the responsibility to monitor that the foster care is implemented in accordance with the law. This also implies that the child receives the necessary services and support, which by law is the responsibility of the foster care municipality. In addition to the foster care municipality, the Regional State Administrative Agency has a responsibility to monitor the operation of the foster care location.

## Challenges

16. Even though the legislation is good, its implementation is difficult because of the lack of resources. In practice, the responsibility for implementing the law is with the municipality. The resources and services provided vary by municipality. In a questionnaire for foster care professionals in 2009, a little over half of the respondents (55%) were satisfied with the amount of foster care employees. About 4 in 10 respondents (42%) considered the amount of foster care employees to be insufficient. A third (31%) of employees from municipal institutions considered the amount of employees to be sufficient, while in professional private family foster homes this figure is 87%. (LSKL, Talentia 2009) Thus, a significant number of foster institutions lack sufficient number of employees.
17. Half of the respondents (51%) to the same questionnaire felt that they have received the needed support from social service employees in placement municipalities. A third (33%) felt that the support they received was insufficient to their needs.
18. Early intervention in a family's issues is impossible because non-institutional social care services are deficient and when the situation goes too far the only option is custody. Some clients feel that they need the support of traditional home services, which might not be provided in the municipality because of the decline in these services. Sometimes the service provided to the family simply did not meet the needs of the family. When designing child protection services it is important to take into consideration: how can we match the service provided to the client's service needs and can we assume that clients will commit and engage to the services that they themselves have defined as necessary. The resources of child welfare open care need to be significantly increased so that preventive care can be provided for families. The services should meet the needs of families in acute situations where parents do not manage by themselves. This can prevent further crisis.
19. The student care provided at school plays a central role in the recognition and early intervention of a young person's distress. The resourcing of student care varies by municipality. School nurses spend a large portion of their time with health check-ups that are required by law and often lack the time to take notice of a child's distress. School nurses often have to work without recommended consultation support because most municipalities do not have school doctors.
20. Finland has both municipal and private institutions. The service quality varies by municipality. So far, the monitoring of these institutions has been limited. In a questionnaire done in 2009 for foster care professionals, 60% said that a placement municipality employee had visited them over the past year. The amount of visits varied from 1 to 50 with a median number of visits being 2 (average 3). About a quarter (24%) of respondents said that a placement municipality employee had not visited them in the past year. Based on the results from the questionnaire, we can conclude that supervision is lacking.
21. Visits by the Regional State Administrative Agency were even rarer. About three in ten (29%) employees of a professional foster family home said that a representative of the Regional State Administrative Agency had done a monitoring visit. This figure was about a quarter (26%) in child protection institutions. A representative of the county administration had not visited foster families. According to the child protection act section 80, the Regional State Administrative Agency is responsible for monitoring child protection institutions by conducting, on its own initiative, visits to these institutions. The monitoring of private institutions carried out by the Regional State Administrative Agency is prescribed in the law on the monitoring of private social services. (Sijaishuolto sisältäpäin 2009).
22. In Finland, research and monitoring is lacking on the impact and efficiency of institutional care.

23. The professionals that work in these institutions do not have enough information about sexual abuse or how to intervene in those situations. The level of supervision, training, and consultation varies largely according to the form of placement in which the respondent worked in. Foster parents were most often left without any supervision, training, and consultation. The availability of supervision was the worst rated by foster parents; about three in ten (29%) said that they did not have any supervision available. (LSKL, Talentia 2009)

## 24. Recommendations

- a) The activities and quality of care in juvenile institutions has to be assessed. In addition, it needs to be determined if the staff resources are available as determined by law.
- b) More resources need to be allocated to child protection in order to support families as early as possible to avoid having to put children and juveniles into institutional care.
- c) The sexual rights of juveniles must be ensured in the institutions. The care has to be planned in such a way that not one juvenile falls victim to sexual abuse, maltreatment, or violence. This is possible by recognizing the occurrence of sexual abuse and the seriousness of the problem, improving resources and education of staff, re-evaluating homeleaves so that it will be safer, improving cooperation with biological parents and providing them support, and educating the children about safety skills so that they will better recognize dangerous situations and protect themselves.
- d) Attention must be paid to the skills of employee's of these institutions. In a survey by Väestöliitto in 2010, the employees felt their education was not sufficient regarding sexuality and abuse. Sexuality education and confrontation of sexual abuse must be added to the curriculum of social and health education. Training must be offered to all people involved in child protection work.
- e) Sexuality education must be offered to juveniles living in an institution, according to their needs.
- f) The supervision and protection of juveniles placed in an institution must be increased in order to decrease the amount of abuse cases. The free-time and home leave practices should be re-assessed.
- g) Foster family care must be increased and the implementation of the new law must be ensured. In smaller home like facilities, individual care and supervision is likely better, and the risk of negative peer pressure and abuse from older juveniles less.
- h) According to the players in foster care, the role of the social services employee responsible for the child must be highlighted and specified. The lack of resources and the turnover of employees lead to situations in which foster care locations are left alone with questions related to the child's growth and development.
- i) Social non-institutional care must be supported so that resources and employee's skills are sufficient. In some cases, a functioning non-institutional care can prevent placing someone into foster care or taking into custody.
- j) The resources allocated for school's health care must meet the recommendations regarding number of nurses and doctors per number of students, as well as availability of psychologists and curators. School health care has a central role in early recognizing the distress of a child and in providing low-threshold services.