



## **ALTERNATIVE REPORT**

**IN RELATION TO THE COMBINED FIFTH AND SIXTH REPORT OF FINLAND  
TO THE COMMITTEE ON THE RIGHTS OF THE CHILD**

### **Rights of the child and child participation in the new social welfare and health care reform in Finland**

by

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## **I. Introduction**

1. SOS Children's Villages Finland presents this submission for consideration by the Committee on the Rights of the Child in view of its examination of Finland's combined fifth and sixth periodic reports under the UN Convention on the Rights of the Child.
2. SOS Children's Villages Finland is an expert organization in child protection and early support for families and a service provider. The aim of SOS Children's Villages Finland 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, which has been operating in Finland since 1962, is a member of SOS Children's Villages International which provides alternative care to children without 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. The information for this submission has been obtained from a variety of sources. It is based on first-hand information from our programmatic work supporting children and young people and monitoring the situation and rights of children, particularly as it relates to child protection and welfare services, as well as on available secondary sources.
5. The present report focuses on the rights of the child and child participation in the new social welfare and health care reform. It identifies particular challenges and areas for consideration in the current reform to ensure that children's rights and best interests are at the centre of the reform, as outlined in the report.

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

6. In its concluding observations to the Government of Finland in 2011, the Committee while noting that the Ministry of Social Affairs and Health had primary responsibility for the welfare of children, including the development of social and health services and income security for families with children, expressed concern that because the Ministry's mandate was limited to certain areas of children's rights, it might not serve as a coordinating mechanism responsible for the implementation of the Convention. The Committee therefore recommended the State party "to ensure that it undertakes measures to establish an effective mechanism for coordinating the implementation of policies on child rights between all the relevant bodies and institutions at all levels. In doing so, the State party is urged to ensure that the mechanism is

provided with the necessary human, technical and financial resources to implement policies that are comprehensive, coherent and consistent at national, regional and municipal levels.”<sup>1</sup>

7. In 2011, the Committee also paid particular attention to children and families in vulnerable situations, including those with substance abuse problems, divorced parents raising children, and children in alternative care, and urged the government to provide them with adequate social protection and to ensure that they had access to all necessary health care services<sup>2</sup>.

8. During its last review by the UPR Working Group, in 2017, the Finnish Government accepted recommendations to intensify efforts in the reform of social and health care services with a focus on the protection of the rights of women, children, and vulnerable groups”<sup>3</sup>. In its responses to the UPR recommendations, it was stated that “Children’s rights are at core of the Government’s programme in reforming child and family services. It focuses on better identification of particularly vulnerable groups and early and timely support.”<sup>4</sup>

9. More recently, Finland was examined by the UN Committee on Economic, Social and Cultural Rights (CESCR). In its concluding observations, the Committee recommended that the Finnish Government “monitor the impact of the reform on availability, equal access, affordability and quality of health and social services throughout the country. In this regard, the State party should ensure that the stronger role for third-sector organizations in the promotion of health and well-being is premised on the right to health for all. The Committee also recommends that, in addition to taking account of regional characteristics, the reform should address the obstacles to access to services by groups such as unemployed persons, older persons and undocumented migrants.”<sup>5</sup>

10. Furthermore, the Committee was concerned about the frequent placement of children in alternative care and recommended Finland to “increase the capacity of preventive social care services, address the shortage of qualified personnel that has been identified and ensure that children of undocumented migrants and unaccompanied children benefit effectively from social care services.”<sup>6</sup>

11. The health and social services reform is the result of a long political process and debates in Finland. The goal of the reform is “to reduce inequalities in health and wellbeing and to improve the quality and availability of health and social services.”<sup>7</sup> 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.<sup>8</sup> 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 begin in early 2023.

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<sup>1</sup> CRC/C/FIN/CO/4, 3 August 2011, p. 3, para. 10-11.

<sup>2</sup> Ibid, p. 7-8, para. 31-34.

<sup>3</sup> A/HRC/36/8, 14 July 2017, recommendation 100.87 (Pakistan).

<sup>4</sup> A/HRC/36/8/Add.1, 8 September 2017.

<sup>5</sup> E/C.12/FIN 7, Concluding observations, 30 March 2021, p. 7. para. 41-42.

<sup>6</sup> E/C.12/FIN 7, Concluding observations, 30 March 2021, p. 6, para. 32-33.

<sup>7</sup> E/C.12/FIN 7, State report to the Committee on Economic, Social and Cultural Rights, 23 April 2020, p. 26.

<sup>8</sup> [Frontpage | Soteuudistus](#)

12. Despite the important goal of the reform, we are concerned that this new model of planning and service provision will create a new level of administration and possibly bureaucracy for families and children to access the services and support to which they are entitled. More concretely, the reform of the wellbeing services counties as a new model for structuring social services raises concerns and questions about the realization of the rights of the child and the consideration of the situations of vulnerable groups of children.

13. The responsibility for the provision of social services is now transferred to a new level of administration, which covers an area (county) formed by many municipalities instead of one. This means that some services that children are entitled to (eg. schooling) are provided in the municipality the child lives in and social services such as alternative care and other social work-based services are now going to be organized by a wellbeing services county that is responsible for the provision of 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 raise challenges. Different levels of administration should take joint responsibility for providing and informing about social services, as the children concerned should not be further disadvantaged by the way their services are provided and under whose responsibility. Therefore, in the strategy processes of the 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 and other child protection services to ensure the realization of children's rights.

14. Since 2019, Finland has also been preparing its National Child Strategy<sup>9</sup>. The development 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. The new wellbeing services counties should identify and put into practice the child-friendly policies and the guidelines of the National Child Strategy, in a concrete manner. There should also be a monitoring system to ensure they are adequately applied in the wellbeing counties.

15. In addition to the measures of the National Child Strategy, such as child impact assessment processes and child-friendly budgeting<sup>1011</sup> wellbeing counties strategic frameworks should contain references and action plans indicating how equal, safe, and easily accessible services for children in social care (eg. children in alternative care and other vulnerable groups) have been ensured. The State has previously recognized that one of the problems in the current model are the limited resources of Regional State Administrative Agencies that steer and supervise alternative care placements in child welfare and municipal child welfare services.<sup>12</sup> It should be addressed in the counties new strategies and budgets how to respond to this challenge. In addition, 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 meet high-quality standards.

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<sup>9</sup> [Child Strategy - Ministry of Social Affairs and Health \(stm.fi\)](https://stm.fi)

<sup>10</sup> [Child-oriented budgeting to be piloted in the 2022 Budget \(valtioneuvosto.fi\)](https://valtioneuvosto.fi)

<sup>11</sup> [Child Strategy - Lapsenoikeudet.fi](https://lapsenoikeudet.fi)

<sup>12</sup> [Committee on Economic, Social and Cultural Rights, Seventh periodic report submitted by Finland under articles 16 and 17 of the Covenant, 2020](#)

Moreover, practices to ensure the rights of the child to be informed and to 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 this strategy is implemented locally and reflected in the daily lives of children still needs to be clarified.

16. The UN Convention on the Rights of the Child (UNCRC) was ratified by Finland over 30 years ago<sup>13</sup>. The UNCRC and the new National Child Strategy guide child-friendly measures in policy development 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 to children, young people and families by the new wellbeing counties, municipalities and the state administration must be ensured at the administrative level, so that particularly vulnerable children and young people do not risk being left between different levels of administration and have easy access to quality services. 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, and the responsibility of the wellbeing services counties to specify how the child-friendly practices of the National Child Strategy will be concretely reflected in the production of services should be emphasised.

17. The legislation on child welfare (the Child Welfare Act 741/2007)<sup>14</sup> as well as the Administrative Procedure Act (434/2003)<sup>15</sup> contain provisions on the right of children to be heard in decisions affecting them. The Child Welfare Act requires that the best interests of the child be taken into account in any decision concerning the child<sup>16</sup>. 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 priority<sup>17</sup> and the model and examples of child participation at many stages of service development 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.

18. 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 and 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 legal advice and support services need to be reinforced.

19. Overall, child protection services provided in the new wellbeing services counties should be based, in addition to the relevant legislation, on the National Child Strategy. The expertise

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<sup>13</sup> [UN Convention on the Rights of the Child | Ombudsman for Children \(lapsiasia.fi\)](#)

<sup>14</sup> [Lastensuojelulaki 13 \(finlex.fi\)](#)

<sup>15</sup> [en20030434.pdf \(finlex.fi\)](#)

<sup>16</sup> Child Welfare Act [Chapter 4 'Involvement of the Child, Section 20 "Ascertaining the child's views and hearing the child"](#)

<sup>17</sup> [Pilot for the National Child Strategy includes children and young people in bill drafting \(valtioneuvosto.fi\)](#)

of NGOs and service provider organizations should be utilized in the organization of service production, training and as an expert resource. By supplementing the service catalogue of the wellbeing services counties with opportunities for preventive work, the wellbeing of children, young people, and families will be improved. 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 procured from private service providers, greater attention should be paid to quality criteria standards and effectiveness of services, as well as ensuring child participation in the development of services.

## Questions and Recommendations

SOS Children's Villages Finland would like to request the Committee to address the following questions and recommendations to the Government of Finland:

- *Please provide information on the current health and social services reform and indicate how this reform is envisaged to ensure access to quality services for vulnerable families and children, such as children without, or at risk of losing, parental care.*
- *In this line, how will the risk of exclusion be minimized under the reform? Also, when social and other services are provided to children by many providers e.g. new counties (all social services), municipalities (schooling, other public services), at national level (e.g. social benefits), are they not "lost" in services provided by different levels of administration, or how is it ensured that the many stakeholders work together in a transparent way to ensure that the reform does not disadvantage children and families?*
- *How are adequate resources for the Regional Administrative Agencies that direct and oversee alternative care placements as well as adequate resources for licensed social workers ensured in the services provided during the transition period and later in the new wellbeing counties?*
- *How is the participation of children and youth, especially vulnerable groups, considered in the planning processes of new services?*

1. **Take adequate measures to ensure that children's rights and child-friendly policies are at the centre of health and social services reform, so that children and families in vulnerable situations are not excluded and benefit from high-quality services.**
2. **Focus resources on strengthening families at risk and protecting vulnerable groups, such as children in alternative care and children at risk of losing parental care, during the implementation process of the new reform.**
3. **Provide high-quality services through a 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 when making procurement decisions regarding child protection services.**

- 4. 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 provision of 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.**
  
- 5. 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.**