

## THE SITUATION OF CHILD PROTECTION IN FINLAND

Kadotetut lapset (Lost Children) gives the following information about the state of child protection in our country:

The human rights situation in Finland is weak. Parliamentary Ombudsman Petri Jääskeläinen has named the protection of children and the handling of children's issues as one of the key fundamental and human rights problems.

The substitute maintenance has become a business for private operators at a cost of around EUR 1 billion. There are 19,086 children (2020) placed outside the home. 1.8 per cent of minors live outside the home (population 5,533,793 / children under 18 1,041,526). Urgent placements are made every other hour, in 2020 4,662 children were urgently placed. There are 11,386 children in care and 7,700 children placed in substitute care. (1)

The child's right to his or her own family is not being realized. The system has been set up in the country to support foster care in families and other service providers who serve the purpose of financial gain. The financial support due to the parents is directed to foster care, although according to the law, the parents should be entitled to parental support.

Relative placements are hardly used in Finland at all, although the Child Welfare Act, which came into force in 2008, requires first to look for suitable families in the child's immediate circle.

### **Child protection - control system**

Child protection is based on a system of supervision called early intervention, in which teachers in particular are active. The early intervention is based on the model of worries and was developed at the Department of Health and Welfare in the late 1990s. Researchers at the Department of Health and Welfare developed the model, which became a tool for stigmatizing children, especially in schools. The developers of the anxiety model themselves have stated: Anxiety surveys are "feeling-based", literally "mutua". (2)

The unscientific methods of social workers, family workers and different service providers are a serious problem of legal certainty, as children and families are assessed in different contexts according to their feelings. Assessment

statements based on a concern model are used as a basis for emergency placement of children, custody and for restricting and preventing contact between the placed child and relatives.

In 2008, the developers of the system woke up to the misuse of their own tools and published their emergency call on November 24, 2008: Don't stigmatize children in the zoning zone! Researchers later named the zone of concern a social experiment. (3)

The basic task of teachers according to the law is to teach and work in cooperation with parents. However, teachers make concern-based assessments and child diagnoses. With the model of worries, more and more children are classified as abnormal; it is not that the children have changed in any way. This will increase the number of clients in child psychiatry.

Mere concern is not a sufficient legal basis even to initiate a child protection client, let alone to interfere with a child's fundamental or human rights. A child protection notice can and often does lead to a child being taken away from their home and parents.

### **Urgent placement**

In the absence of effective remedies, urgent placements are also made for illegal purposes. The law requires that there be an imminent danger. Urgent placement brings families within the range of service providers - without asking for family needs and desires. With the threat of urgent placement and custody, 7,700 children live in the so-called outpatient investments outside the home. The placement of outpatient care should be voluntary by law.

### **Finland does not know the reasons for the custody**

The reasons for the custody are not recorded. No one in Finland knows whether the right children are targeted by child protection measures, why they were placed in conditions, what conditions they live in and how they have been affected by child protection measures.

A study published by the Ministry of Finance in 2013 states:

"We don't know what will happen after the child protection notice. We know what age children come to child protection and whether they are boys or girls, but we don't know what happens in outpatient care. The open care support service is a real black box. For example, nationally comparable information on the reasons for child protection declarations, the authors of the declarations and the processing of such declarations is completely lacking..... The amendment to the Statistics Act has in time prevented the registration of causes. We know the number of foster care and we have a rough breakdown of placement in families, professional family homes and institutions. However, we do not know the size of child welfare facilities or the training backgrounds of staff. We don't even know how many child welfare facilities there are in the

country. We do not know how long the custody lasts, why they end and with what results. Little is known about the children's daily lives during the placement, for example about their health. (4)

### **The poor, single parents and those in need of health care are targeted**

According to the register, children who become clients of child protection are the children of the poor and single parents. (5) According to one study, long-term family income support, the mother's smoking during pregnancy, the father's youth, the mother's single parenthood and the mother's psychiatric ward treatment strongly increased the likelihood of being placed outside the home. (6)

The Association of Finnish Local and Regional Authorities (2017, 2019) and Valvira have stated on several occasions that children in Finland are taken care of solely because of a lack of services. As many as 85% of children are left without some of the service they need before placement.

The shortcomings in the practice of child psychiatry in hospital districts for more than 30 years particularly affect children with neuropsychiatric and psychiatric disorders who do not receive examinations, treatment or rehabilitation due to a child protection clientele. An inspection of the State Audit Office's child protection revealed that special medical care places investment orders (6/2012). (7)

Counselor Tapio Rätty from the Office of the Parliamentary Ombudsman and Deputy Chancellor of Justice Mikko Puumalainen have recently stated that "pushing responsibility for a child's health care services to child protection is illegal. Finland has allowed the trampling of children's rights to continue for years. An incomprehensibly strange class B mental health hospital for children has been built for substitute care ". (8)

THL has conducted studies based on interviews, opinions and documentation of social workers. These studies aim to misrepresent that substance abuse problems, violence and / or mental health problems are the causes of detention. In 2007, 84 social workers were interviewed in the study (Heino Tarja, Who are the new clients in child welfare? A study of children and families behind the statistics, Stakes working paper 2007: 30). In 2016, 116 social workers were interviewed and the documents prepared by them were examined (Heino Tarja, Hyry Sylvia, Ikäheimo Salla, Kuronen Mikko, Rajala Rika, Reasons, backgrounds, services and costs of placing children outside the home, HuosTa project (2014-2015) main results, THL report 3 / 2016).  
Permanent custody

### **Permanent custody**

According to the case law of the European Court of Human Rights, custody should be a temporary measure during which family reunification should be sought. Despite the obligation to reunite the family enshrined in the Child Welfare Act (Section 4), custody is rarely terminated, with only 3-5%, ie about

300-400 children, custody ending. However, the statistics only track what happened to the "custody decision" and not what happened to the child. It is not possible to say whether all 3-5% of children have actually returned home due to statistical shortcomings.

In foster care, the child's contact should be supported, but in practice child protection alienates children from their families. Children, the number of whom is unknown, have disappeared from foster care (especially family care). The ideology of child protection is that the child's relatives, not even the grandparents, should not be taken into account when choosing a place of foster care.

### **Delegation of public authority**

The Deputy Chancellor of Justice has assessed the situation of child protection and the outsourcing of work related to child protection to private parties operating without official responsibility. In the cooperation between social workers and the private service provider, the roles of the service provider and the authority have become blurred.

The problem has increased as private actors have become involved in child protection as the 21st century progresses. The role of child welfare organizations as guardians of their own background and the interests of foster care cannot be sufficiently taken into account, but they are in principle considered experts (eg Pesäpuu ry's role as an active trainer for social workers).

### **Adverse Consequences of Substitute Maintenance**

According to a recent study, the situation of children placed outside the home is worse than the rest of the population by all measures. According to the results, the situation of placed children on the eve of adulthood was worse than the average of the rest of the population in all areas of life studied. The study looked at mental health problems, social and economic incapacity, victimization of violence, crime, suicide, and mortality.

The study compared children in the family, some of whom had been placed and some of whom lived at home. The situation of the placed children was worse than that of their uninvested siblings. Those placed outside the home suffer from mental disorders more often than other children or unaccompanied siblings.

The research of the universities of Helsinki, Eastern Finland and Oxford, as well as THL, is based on exceptionally comprehensive data. It monitored all children born in Finland between 1986 and 2000, for a total of about 890,000. About 30,000 of them were placed outside the home. (9)

According to one study, children and young people who have experienced custody die more than three times more often than their peers before the age

of 25. The study examined Finnish children (approximately 13,000 children) taken into care between 1991 and 1997. Young people died from substance abuse, accidents and suicides. Six girls and 29 boys between the ages of 15 and 24 committed suicide. (10)

The child should also have the right to education during foster care, but this right is not exercised as intended by the legislature. "Tailor-made teaching in a child welfare institution" too often means neglect of teaching or mere homework by instructors. Child welfare research provides consistent and internationally consistent evidence that investment has a negative impact on the educational careers of those placed (Altshuler, 1997; Parrish et al., 2001; Finkelstein 2002; Weinberg, Zetlin, & Shea, 2003; Burrell 2003; Ploug 2003; Christoffersen 2003; Lips 2007; Clausen & Kristoffersen 2008; Vinnerljung & Sallnäs 2008; Tideman et al. 2011; Berlin et al. 2011).

### **Problems of administrative court proceedings**

Child protection cases are dealt with in an administrative court, where a fair trial cannot take place in the current situation. The Child Welfare Authority produces its own documentation for the process by writing and presenting its own output as evidence. The inequality of the parties to the proceedings is obvious.

Evidence is not assessed in the light of anti-custody and pro-custody considerations, but in terms of child protection perceptions. A comparison of the different policy options in the best interests of the child is almost completely absent from the decisions. According to one study, an extract from child protection records is taken as such for the weakest administrative court decisions. "None of the decisions under investigation contained references to decisions of the Supreme Court or the EIT, draft laws or the legal literature." (11)

The system of expert members of the administrative court should be clarified as a matter of urgency. Experts have a social background and exercise judicial power. According to the study, there is insufficient research data on the ideologies and policies that shape the values, norms and practices of child protection that underlie child protection.

### **The Ombudsman for Children is silent**

Children in foster care are subjected to violence and ill-treatment. However, the Ministry of Social Affairs and Health has only clarified the situation for the period 1937-1983. In 2016, the Finnish state apologized to those abused in foster care. There was abuse and violence in all forms of foster care. The interviewees had experiences of physical and sexual violence, neglect of basic needs, ie food or health care, and various forms of humiliation.

According to the THL School Health Survey of the National Institute for Health and Welfare, the well-being of children and young people living in a place of

residence differs in many respects from the well-being of peers living in other ways. They were less generally satisfied with their lives and more generally felt that their health was moderate or poor. One in three of all high school-age young people placed had experienced a punishment for which they did not know why or a mass punishment. One in five was left without food as a punishment for something. The placed children and young people more generally felt lonely than other young people and reported that they did not have any good friends or close friends.

The use of tobacco products and intoxicants was significantly more common among placed children and young people living in a different way. About one in six placed high school students used alcohol on a weekly basis, and 27% reported drinking themselves at least monthly.

Children in substitute care experienced school bullying at least once a week much more often than their peers. 33–43 per cent of the placed young people had experienced sexual harassment, depending on the grade level. (12)

Elina Pekkarinen, the Ombudsman for Children, has submitted a report to Parliament on the status of children and the realization of their rights in Finland in 2018–2021. He spoke about violence against children, but completely did not mention violence against placed children, suicides, ill-treatment of families with children. The launch of a review of the current status of substitute care is an urgent matter for the government. Pekkarinen should defend all children, particularly vulnerable children in substitute care.

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On behalf of the Lost Children

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annex:

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