



BUILDING A EUROPE FOR AND WITH CHILDREN



Child and youth participation in Finland

A Council of Europe policy review



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Directorate General of Social Cohesion

Programme "Building a Europe for and with children"

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Contents

- Foreword 5
- Executive summary 7
- Background to the review 11
- Finland in brief 13
- Methodology used for the policy review
on child and youth participation 15
- Survey of children’s views on their experience
of participation in Finland 17
- Outcomes of the child focus group meetings..... 31
- Municipal case studies..... 41
- Legal and policy analysis of child and
youth participation in Finland 51
- The implementation of the right to be heard
in different settings and situations 81
 - The family..... 81
 - Alternative care 83
 - Health care..... 86
 - Education and school 92
 - Play, recreation, sports and cultural activities 99
 - In situations of violence 103
 - Judicial and administrative proceedings 110
 - Public life and civil society 114

Conclusions and recommendations	117
References and resources	121
APPENDIX I: Methodology	121
APPENDIX II: Survey questions	131
APPENDIX III: Focus group guidelines	137
APPENDIX IV: Municipal case study guidelines	147
APPENDIX V: References and resources	151

Foreword

“Adults don’t listen when I think differently”. This quote from a Finnish child illustrates one of the key conclusions from a focus group which was part of the policy review on child and youth participation in Finland: Children who are not listened to described themselves as feeling frustrated, angry, not appreciated or, to use their own words: *“I feel that my opinion is not important...that I am too little, worse than others”*.

It is common knowledge that self-image is a crucial aspect of the personal development of every human being. This applies to children in particular, since how they perceive themselves at an early age will affect the way they interact with others and their future development. It is therefore essential that young people feel respected by adults in order to stand by their rights and become self-confident adults.

Moreover, I am deeply convinced that child and youth participation is to the benefit of us all. Decisions taken by governments, judges, ombudspersons, teachers, doctors and parents are better informed if they take due account of children’s views.

The benefit which participation brings to the individual child and the way it improves the decision-making process are two good reasons to invest in child participation. However, the main reason why the Council of Europe promotes child participation is that children have the right to participate and this right is far from being guaranteed in Europe today.

The participation of children and their influence in society has thus become a priority for the Council of Europe’s Programme “Building a Europe for and with children” and is one of the three thematic pillars of its Strategy for the years 2009-2011. Given that the Council of Europe’s Youth Sector has outstanding experience in promoting and implementing the active involvement of young people in decision making, it was only natural for these two sectors to join forces and set up a joint project on child and youth participation focusing on everyone under the age of 18.

This policy review is the first of three such in-depth reports which will contribute to the empirical basis for the future work of the Council of Europe in this area, including a future recommendation of the Committee of Ministers on child and youth participation. Moreover, the policy reviews seek to provide member states with an analysis of the extent to which legislation, policies and practice in their countries comply with a child’s right to participation and how these can be improved.

I would like to thank the Finnish authorities for their outstanding financial and political support to the Council of Europe’s work on children’s rights and for having volunteered to undertake this pilot policy review on child participation. My thanks also go to the author of the report, Mieke Schuurman, and all the other people who have contributed to this process: the members of the Ad hoc Advisory Group on Child and Youth Participation, the Finnish

in-country review team including a children's reflection group, the children participating in focus groups and in an online survey and, last but not least, the co-ordination team within the Finnish Ministry of Education and Culture.

The report points out the considerable strengths of the Finnish system as well as areas in which change is recommended. My personal lesson learned from this report is that effective participation cannot only be adult-led; it should allow children to decide by themselves which form it should take.

May this report inspire all those who wish to make child participatory rights more than an aspiration: a reality in the daily lives of children across Europe.

Maud de Boer-Buquicchio

Deputy Secretary General of the Council of Europe

Executive Summary

“Participation is a question of attitude, not law.”

“Participation should spring from children themselves.”

Quotations from Finnish children participating in review process

These quotations illustrate one of the key conclusions of the Finnish review on child and youth participation. Although there are statutory obligations concerning this participation, it could in practice be considerably improved. This is particularly the case with certain life situations in Finnish society, such as health care, children living in alternative care and with regard to decisions on play and recreational activities.

Child and youth participation as guaranteed in **Article 12 of the UN Convention on the Rights of the Child** means that children have the right to be heard and taken seriously. The UN Committee on the Rights of the Child has adopted a General Comment on the implementation of this article and gives detailed guidelines on which areas children have a right to participate. The Finnish country review on child and youth participation has been based on these guidelines.

The review was conducted with support from a **European review team**, involving European experts and Council of Europe representatives, and an **in-country review team**, including a **focus group of six children**. In addition, an **on-line survey** was carried out with more than 700 children from across Finland aged 7-17, and a discussion day with **focus groups of children**, aged 10-21, was held in September 2010. During the focus group discussions, children talked about their own experiences and the everyday activities in which they are involved. They discussed whether adults listened to them in connection with these activities, and when that was not the case found explanations and solutions on how to improve this. Apart from the active consultation of the children in the review, **two municipal case studies** were carried out in Tampere, a large city, and Pietarsaari, a smaller municipality.

In Finland, child and youth participation, including direct and representative forms of involvement, mainly takes place in **‘formal’ structures**. These include local youth councils (above 12 years), school councils, national and local children’s parliaments (7 to 12 years old), children’s ombudsmen and surveys carried out with children across Finland, which is a strength of the Finnish participation system. An analysis of the law and policies on child and youth participation shows that there is an **extensive range of Finnish legislation** on the subject, and the ‘formal’ participation structures are based on it. Although the legislation is the basis for child and youth participation, it has not been extensively evaluated, with the exception of parts of the Youth Act. However, the ‘formal’ structures ensure that child

participation very much involves a **'top-down' approach**, where activities are pre-planned, **instead of a 'bottom-up' approach**. Children themselves are not involved in the development of participation methods, and new methods are not sufficiently tried. There is a **need for new instruments and tools** to improve the participation of children and young people in all aspects of life and society.

Children consulted for the review stated that the majority of children felt that their views were listened to and taken seriously when they were participating in informal structures, such as the family and dealings with school staff, doctors and health workers, whereas they were less likely to be listened to in other settings, such as local and national administration, or in dealings with lawyers and judges, child care workers in residential institutions, and the media. Children consulted said that child helplines and school councils (around 60-70% of the children consulted) did a great deal to ensure that the views of children and young people were heard and taken seriously. Half of the children consulted said the Finnish Children's Ombudsman, the Finnish Children's Parliament, the municipal youth councils and the local children's parliaments did a lot to ensure their views were heard. However, almost a third of the children did not know what these bodies were and were unable to answer the question. According to the children, the Finnish Parliament and its members do less than other formal and informal bodies to listen to their views. The majority of children (85%) know about their right to be heard and taken seriously, having been informed about this by adults or other children and young people.

Tools to improve the participation of children in all settings can be found by sharing best practices in child and youth participation, by involving children themselves in developing new participation mechanisms and by training professionals working with and for children. A tool used in the consultation process for the review report consisted in working with focus groups of children, in particular by using a 'kaleidoscope of experience' or the so-called 'world café' technique. Working with focus groups needs to be stimulated and can ensure that child participation occurs at ground level and not only in representational structures. It emerged from the focus group meeting that peers and adults closely related to the children generally listen to their views whereas professionals working with and for children are less likely to do so. According to the children, this is due to preconceptions that adults have about children, such as the erosion of the adult's authority, or a lack of time and resources. The solution put forward by the children was to change the participation structures and the attitudes of adults. The children were self-critical and said they needed to become more active themselves.

Other recommendations resulting from the review include **improvements in legislation**. In particular, youth participation needs to be more clearly defined in the Youth Act and should include an obligation for municipalities to adopt a **local youth strategy or action plan**, including measures for participation in schools, health care and other settings. An improvement in the legislation relating to children below the age of 12 is needed, for example on the establishment of school councils in addition to those in upper and higher education. These should become compulsory in all educational institutions. However, improvements can also be made with regard to social and health issues.

An overall conclusion that emerged from consultations with the children and from an analysis of the existing participation structures is the need for **better training of professionals working with and for children**, including teachers, legal professionals, health care workers, police

officers, social workers, NGO representatives and municipal, regional and national civil servants. In addition, children need to be educated and informed about their rights and about child participation. In addition to education, children should be given **more child-friendly information**.

The analysis of existing participation structures shows that no consideration was given in the selecting processes of formal child and youth participation structures to the **involvement of disadvantaged children**, including migrant children, disabled children, asylum-seeking children or other disadvantaged groups. It was taken for granted that all children have equal chances to participate via the school system. However, there is no evidence that they are equally represented in existing participation structures or are involved in surveys and hearings or other forms of participation. Representatives of migrant and disabled children have stated that they do not participate in formal or informal structures. Human and financial resources are needed to ensure that these children have equal opportunities to participate. Organisations in other Council of Europe countries with experience in consulting these children can share this experience and the instruments they use with Finnish organisations and institutions.

Children and young people are **often not consulted at the start of the decision-making process** and can therefore not exert real influence on decisions made. The municipal case studies reveal a number of good practices whereby children participate in local decision-making committees on various local issues, including education or urban planning.

With regard to participation in educational institutions, many school councils have been established. These are regarded by pupils as representing their interests. However, school councils do not function well everywhere and do not exist at all school levels. In addition, it does not mean that school councils are the only way pupils can participate in educational decisions and planning the curriculum. It is recommended that **school councils be made compulsory at all levels of education** and that its role and objectives be laid down in law. In addition, specific methods need to be developed in **pre-schools and nurseries**.

In conclusion, Finland has many strengths regarding listening to children and young people and taking their views seriously, in particular in formal representational structures. However, improvements could be made by developing new innovative child participation methods, providing training, ensuring child-friendly information and involving disadvantaged children and young people.

Background to the review

The review is based on the Framework for the policy review process of the Council of Europe policy review on child and youth participation 2010-2011¹.

Article 12 of the Convention on the Rights of the Child provides:

“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

Objectives of the review

The overall objective for the review is

- (a) to provide member states with an analysis of the extent to which legislation and policy in their country complies with the rights in the UN Convention of the rights of the child pertaining to child and youth participation and influence in decision-making;
- (b) to give member states advice and recommendations that will help them to implement international and national provisions on child and youth participation in practice;
- (c) to work towards a comparative framework in the field of child and youth participation in different member states and identify ‘parameters’ of participation.

The outcomes of the review process will contribute towards

- creating Pan-European guidelines on how to mainstream child and youth participation at different levels of decision-making;
- developing educational and training tools on child and youth participation.

Expected results

At a member state level:

Independent recognition of positive developments and evidence of change;

1. Final version March 2010, http://www.coe.int/t/transversalprojects/children/participation/Final%20framework%20for%20CYP%20review_Mar%203.pdf.

- Advice on how to strengthen the legislative and policy framework for child and youth participation, using the framework of the Convention on the Rights of the Child and positive developments in other member states;
- Increased awareness of the right of children and young people to be heard and taken seriously, contributing towards a broad culture of participation;
- Positive contribution to government's preparations for periodic reviews by the UN Committee on the Rights of the Child.

At the Council of Europe level:

- Development of quality indicators, based on the results of the reviews and existing provisions (conventions and recommendations);
- Working methods which fully include children and young people in policy analysis at a national and European level;
- To produce a comparative framework identifying different parameters of participation in the reviewed countries.

Focus areas

The review will focus on child and youth participation in the following areas:

- Family
- Alternative care
- Health care
- Education (including kindergarten/early childhood education)
- Out of school activities (sports, arts, leisure, influence over public space)
- In situations of violence
- Judicial and administrative proceedings (including criminal justice and immigration)
- Public life and civil society (political activities, engagement in the democratic process at local and national level, child and youth led organisations and activities)
- Children in the media

In the current review the focus areas have been slightly adapted, on the basis of the UN Committee's General Comment No. 12 on the implementation of Article 12 of the UN Convention on the Rights of the Child (UNCRC), on the right of a child to participation.

Finland in brief

Finland, officially the **Republic of Finland**, is a Nordic country situated in Northern Europe. Its neighbours are Sweden to the West, Norway to the North and Russia to the East, while Estonia lies to its South across the Gulf of Finland.

Finland is over one thousand kilometres long from the south to the North, where the climate and nature are nearly Arctic. Finland is the seventh largest country in Europe with its 338,000 square kilometres, of which 69% is forest, 10% inland waters and 8% arable land. It is often referred to as the “country of thousands of lakes” and has one of the world’s largest forestry industries.

Finland is a parliamentary republic with a central government based in Helsinki and local governments in 342 municipalities. The unicameral parliament is composed of 200 members and elected for a four-year term. The President is elected in direct elections for a six-year term.

A total of about one million residents live in the Greater Helsinki area (which includes Helsinki, Espoo, Kauniainen and Vantaa), and a third of the country’s GDP is produced there.

Finland was a relative latecomer to industrialisation, remaining a largely agrarian country until the 1950s, after which it underwent rapid economic development. It built an extensive welfare state and managed to perform a balancing act between East and West in terms of global economics and politics. It continually tops international comparisons of national performance and was ranked the best country in the world in the 2010 Newsweek survey on the basis of health, economic dynamism, education, the political environment and the quality of life.

Population

Finland has 5,304,000 inhabitants, of whom 22.8% (1,222,959) are children aged 0-19². The gender ratio in the Finnish population is 49% males and 51% females, but for the age group 0-19 it is the opposite: 51% boys and 49% girls. The majority of the population is concentrated in the south of the country. After Norway and Iceland, it is the third most sparsely populated country in Europe.

The **proportion of foreign citizens in Finland is 2.9%**, which is among the lowest in the European Union³. Most of them are from Russia, Estonia and Sweden (40%). The children of foreigners are not automatically given Finnish citizenship. If they are born in Finland and cannot obtain the citizenship of any other country, they become Finnish citizens.

2. Statistics Finland, Demographic Statistics at end of 2009.

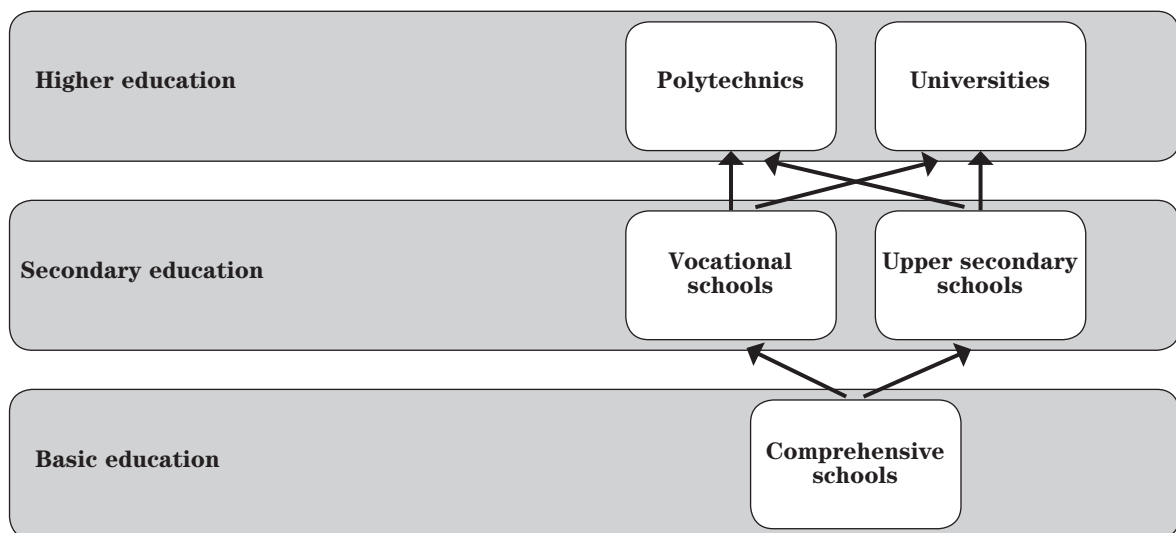
3. Statistics Finland, Demographic Statistics at end of 2009.

Finland has **two official languages**. The majority speak Finnish (93%) and a minority speak Swedish (6%). A minority of 0.17% (9,000 citizens) living in the north of the country speak the Lappish language Sami. All citizens have the right to education in their native language.

In the UNICEF survey on child well-being in rich OECD countries, **Finland is near the top of the world list of overall child well-being** in fourth place. In this list, overall child well-being is measured and compared under six different headings or dimensions: material well-being, health and safety, education, peer and family relationships, behaviours and risks, and young people's own subjective sense of well-being. It draws upon 40 separate indicators relevant to children's lives and children's rights and is guided by the UN Convention on the Rights of the Child (UNCRC)⁴.

The Finnish school system

The Finnish school system is divided into basic education (common to all, six-year primary school and three-year secondary school), secondary education (upper secondary schools and vocational schools) and higher education (universities and polytechnics).



4. UNICEF Innocenti Research Centre, Report Card 7, “Child Poverty in perspective: An overview of child well-being in rich countries. A comprehensive assessment of the lives and well-being of children and adolescents in the economically advanced nations”, Florence, 2007; <http://www.unicef-irc.org/publications/445>.

Methodology used for the policy review on child and youth participation

(Appendix I contains the full text of the methodology used)

The policy review on child and youth participation to be carried out in Finland was assigned by the Council of Europe. In this respect, Finland has played the role of a pilot country. A range of experts and children and young people were involved in the review process.

A **European review team** was appointed by the Council of Europe and included a European consultant, two members of the ad hoc advisory group on child participation, the Finnish national co-ordinator and two representatives from the Council of Europe Secretariat. The European review team supported the European consultant in developing the methodology for the country review.

An **in-country review team** was set up by the Finnish Ministry of Education and Culture and was co-ordinated by the Finnish national co-ordinator, based at the Ministry of Education and Culture. The in-country team was made up of representatives of Finnish ministries, children's rights NGOs, the Finnish Children's Parliament, the Finnish Children's Ombudsman, the Finnish Youth Research Network, national and municipal youth councils, local authorities, immigrant citizens and a focus group of six children (for a full list see Appendix V). The group represented a range of backgrounds, areas of interest and priority concerns in relation to children's rights and participation. This provided great strength and inspiration in the course of the review since various members of the team contributed their expertise and knowledge concerning child participation in all the different aspects of Finnish society.

The process started with the development of a draft **methodology**, prepared by the European consultant. The draft methodology was inspired by the **UN Committee's General Comment No. 12** on the implementation of Article 12 of the UN Convention on the Rights of the Child (UNCRC), the right of a child to participation. It was discussed at an in-country team meeting in Helsinki on 26 May 2010. Comments from the in-country team members were incorporated and a new draft was commented on by the European Review Team. The methodology served as basis for the **in-country team to collect information and answers to the questions raised in the methodology**. The whole process was co-ordinated by the national co-ordinator, who organised another in-country team meeting in mid-September to discuss and agree the outcomes of the consultation and see where any gaps were.

Apart from the in-country team, a **focus group of six children**, which was intended to be part of the in-country team, was formed. The group was composed of two children below the age

of 12, two children between 13 and 18 years old and two children from a disadvantaged background. They met once with twelve other children during a discussion day with children's focus groups (see below), and the focus group of six children took part in a hearing on the draft review report in Helsinki on 5 November.

A **discussion day with children's focus groups** was held on 18 September and eighteen children and young people between the ages of 10-21, including the focus group, took part. The format of the meeting was organised around the 'kaleidoscope of experience', a tool provided by Daniel Stoecklin, one of the European review team members. During the meeting, the children were split in four focus groups. They talked about their own life experiences and the activities in which they were engaged and discussed whether child participation in the different aspects of those activities was possible and whether they felt that the adults involved listened to them. They were also asked to come up with suggestions for adults and for themselves on how to improve child and youth participation and how to take their views seriously. The outcomes of the smaller focus groups were discussed in plenary to identify common conclusions and recommendations.

Two municipal case studies were carried out by an external researcher with expertise in child and youth participation. One such study was conducted in the small bilingual municipality of Pietarsaari on the central west coast of Finland and one in the city of Tampere in the south of the country. Questions forming part of the methodology were asked by interviewing one person in each municipality with considerable expertise on child and youth policies.

An **online survey** was carried out with more than seven hundred children in Finland during two weeks in September. The children were asked about their experience of participation in different settings and situations.

Two children with experience in different forms of alternative care, foster care and residential care institutions were interviewed about their experience of being able to participate in decisions affecting their living environment and their lives.

The **draft review report** was discussed in Helsinki on 5 November at a hearing attended by the in-country review team and other relevant Finnish players, the children's focus group and the European review team. The hearing involved a discussion of the report in plenary and specific working groups on the participation of children in different settings and situations.

Survey of children's views on their experience of participation in Finland

From 6-18 September 2010, an electronic survey of children across Finland was carried out with the aim of contributing to the Council of Europe policy review on child and youth participation in Finland. The survey questions were based on a survey carried out in the UK by the Children's Rights Alliance for England, the National Children's Bureau and Participation Works in the UK in February 2010. The aim of the questions was to examine the extent to which children living in Finland feel they have a voice and influence in matters affecting them.

The online survey was distributed through several channels: the Ministry of Education and Culture, the Mannerheim Child Welfare League (an NGO), the Children's Ombudsman, the National Coordination and Development Centre of Youth Information and Counselling Services, the Finnish Youth Research Network, youth councils and youth organisations. X3M Radio carried out an interview with a representative from the Ministry of Education and Culture on the survey. The text of the survey was translated into **Finnish, Swedish and Sami** to allow virtually all children in Finland to fill in the questionnaire. The majority of the children (96%) replied that Finnish was their mother tongue, only 0.7% that it was Swedish and only 0.3% that it was Sami.

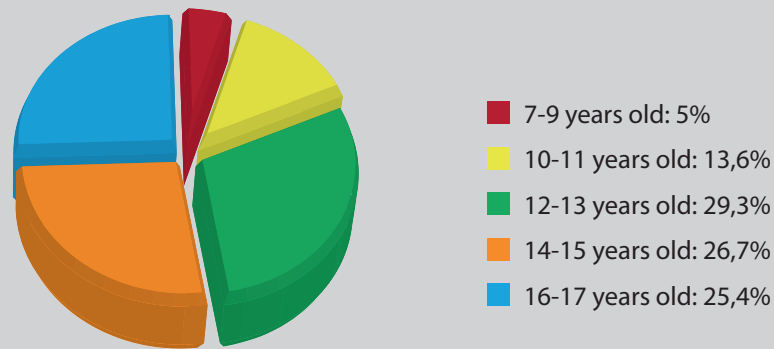
A total of 704 children between the ages of 7-17 filled in the survey, which survey does not claim to be representative for Finland since children participated on a random basis. However, several general questions regarding personal information, including their age, gender, place of residence and cultural background, showed that children came from all parts of Finland and ensured a good geographical representation, gender balance and balance as regards cultural backgrounds.

With regard to the different age groups, figure 1 shows that all age groups participated. However, each of the 12/13, 14/15 and 16/17 age groups was represented by at least 25% of the respondents, while only 5% were aged 7-9 and 13.6% were aged 10-11. 42.5% of the children were boys and 57.5% were girls. Despite the fact that the percentage of girls who participated was slightly higher than the percentage of boys, it was possible to conclude that a good gender balance was in place.

With regard to the background of the participants, the majority of the children were born in Finland (96.9%), only 0.9% of the respondents were born in another European country and 1.6% were born outside Europe. Another 0.7% did not know where they were born. A slightly lower number of the fathers and mothers, 93% and 93.6% respectively, were born in Finland and 2.5% of the fathers and 2.4% of the mothers in another European country. 2.8% of the mothers and 2.6% of the fathers were born outside Europe. Again a small minority of the children did not know where their father or mother was born.

The number of foreign children, 2.5% of all survey respondents, was representative of the total number of foreigners in Finland, which is 2.9%.

Figure 1 – Age groups of children participating in survey on children’s experience of participation in Finland



Do children think adults listen to them?

We asked children ‘In general, how often do you think adults listen and take children’s and young people’s views seriously?’

Almost half of the children surveyed (46.3%) stated that adults listened to what they had to say ‘always’ or ‘most of the time’; and just over a third (36.5%) stated that adults sometimes took their views on board. Almost 14% of children thought that adults ‘hardly ever’ or ‘never’ listened to their views.

Do children feel their views are taken seriously?

We asked children ‘how often do you feel your views are heard and taken seriously by parents, carers, teachers, college lecturers, doctors, health workers, child care workers in residential care institutions, lawyers and judges, and in the media?’

Figure 2.1 shows that the majority of children feel their views are taken seriously ‘most of the time’ or ‘always’ by parents or carers, teachers or college lecturers, doctors and health workers. In contrast, children feel that the local and national administrative authorities are less likely to take their views into account.

Figure 2.1

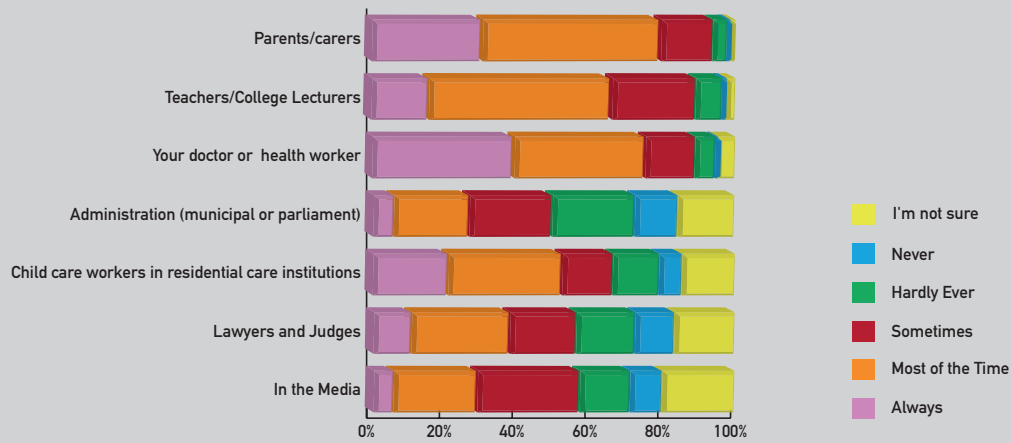
	By your parents/ carers	By teachers/ colleague lecturers	By your doctor or health worker	By the admi- nistration (municipal or parliament)	By child care workers in residential care institutions	By lawyers and judges who make decisions that affect your life	In the media
Always	29,5%	14,5%	33,8%	3,3%	9,4%	4,5%	3,6%
Most of the time	49,3%	50,6%	36,2%	12,6%	14,3%	11,9%	15,9%
Sometimes	14,2%	23%	13,6%	13,8%	6,3%	8%	19,5%
Hardly Ever	3,8%	7,1%	5,4%	13,8%	5,8%	7,1%	9,5%
Never	1%	1,3%	0,6%	7,1%	2,8%	4,7%	6%
I'm not sure	1,3%	2,4%	5%	9,8%	6,3%	7,1%	13,2%
Don'tknow what/who this is	0%	0,3%	1,4%	15,3%	17,5%	16,9%	9,4%
Does not apply to me	0,9%	0,9%	4%	24,3%	37,6%	39,8%	23%

NB: Not all children responded to the question whether the media take children's views seriously 90.1% answered this question.

With regard to child care workers in residential care institutions, lawyers and judges, the media and local and national administrative authorities, the table provides a slightly skewed picture since a relatively high percentage of children stated that the question did not apply to them: they had not been in contact with a judge or lawyer, residential care workers, local or national administrative authorities or the media.

Those who answered this question stated that a slight majority of child care workers in residential care institutions took their views into account 'most of the time' or 'always' but less than 40% of lawyers and judges, the media and the administrative authorities did so. According to the children questioned, the lowest figure, less than 30%, was scored by the administrative authorities.

Figure 2.2 – How often do you feel your views are heard and taken seriously?



Views taken seriously by parents and carers

Figure 2.1 shows that more than two-thirds (78.8%) of children said that parents and carers took their views seriously ‘always’ or ‘most of the time’.

Views taken seriously by teachers and college lecturers

As stated in Figure 2.1, just over half of the children (65.1%) think that teachers and college lecturers take their views seriously ‘always’ or ‘most of the time’. Almost one in ten (9%) believe that their college lecturers or teachers ‘hardly ever’ or ‘never’ do so.

Views taken seriously by your doctor or health worker

Figure 2.2 shows that 70% of the children who replied to this question believe doctors and health workers take their views seriously ‘always’ or ‘most of the time’. Only a small minority believe that doctors and health workers ‘hardly ever’ or ‘never’ do so. This positive trend could be explained by the existence of school nurses, who children generally trust when they give them confidential information. It does not become clear from this question whether children’s views are taken seriously by hospital boards or when they stay in long-term care or spend time in hospital.

Recommendation: children who have experience of long-term care or in hospital need to be asked more specific questions about their right to be heard and taken seriously by health care institutions.

Views taken seriously by administrative bodies (local or national)

Figure 2.1 shows that less than 15% of the children said that the local or national administration (municipal or parliament) took their views into account ‘always’ or ‘most of the time’. However, almost a quarter (24.3%) said this did not apply to them and 15.3% did not know what the local or national administrative authorities did. Figure 2.2 shows that less than 30% of those children who responded said that the local or national administrative authorities took their views into account ‘always’ or ‘most of the time’, which is the lowest score for all the groups questioned.

Recommendation: Local and national authorities need to make an effort to inform children about their work and its impact on children and young people and involve these individuals in decisions that affect them.

Views taken seriously by child care workers in residential care institutions

Figure 2.2 shows that about half the children that were able to reply to this question (less than 50%) believe that child care workers in residential care institutions take their views seriously 'always' or 'most of the time'. However, about a quarter of those who replied said their views were 'hardly ever' or 'never' taken into account. A large majority of the children participating in the survey (55.1%) replied that this question did not apply to them or they did not know who child care workers in residential care institutions were, which shows that these children have no experience of such institutions.

To complement the results from the survey, two specific interviews were held with a 19 year old girl, who had lived in a foster family for 17 years, and a 17 year old girl who had lived in different foster care institutions and a school home.

The girl who had spent most of her life in the same foster family was positive about the way her foster family listened to her and enabled her to have an impact on decisions affecting her, including choosing hobbies and the college to study at. She was also given more responsibilities as she grew older. She is now involved in Pesäpuu (the national expert centre for child protection) and helps develop child protection measures. She said that Pesäpuu really listened to the children's views and took them into account. She was also very positive about the children's ombudsman, who has represented their interests very well.

The 17 year old girl who had spent her life in different foster institutions said that wherever she had lived no one had ever asked the opinion of young people on matters concerning their living environment. However, she had both good and bad experiences of being listened to in the various institutions. In some places, the adults listened to her views but in others her opinion did not matter. She had never heard about youth councils in the residential care institutions in which she had lived but thought it a very good idea to set up such bodies to ensure that children and young people living in the institution had the right to participate in decisions taken there. The chapter on child and youth participation in child care provides further evidence of the need to improve listening to and to empower children and young people living in residential child care institutions.

Recommendations:

- Legalise the establishment of youth councils in residential care institutions in Finland and in this way allow all children and young people living in these institutions to have official channels to give their views on their living environment.
- Train carers in other forms of child care, including foster care, to ensure children are able to participate in decisions affecting their lives and ensure their opinions are taken seriously.

Views taken seriously by lawyers and judges making decisions that affect their life

More than half of the children (56.7%) who replied said this question was not applicable to them, by which they meant they had not been in contact with judges or lawyers or did not know who lawyers and judges were. Figures 2.1 and 2.2 show that less than 40% of the children said that lawyers and judges took their views seriously 'always' or 'most of the time', but

a quarter said that judges and lawyers ‘hardly ever’ or ‘never’ took their views into account. This is a high number considering that it is not a daily occurrence for children and young people to come into contact with lawyers and judges and these people should at least know how to respect the children’s rights, including their right to be heard and taken seriously.

In this respect, Article 12.2 of the UNCRC, which states that ‘the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child...’ needs to be better implemented. On 17 November 2010 the Committee of Ministers of the Council of Europe adopted **Guidelines on child-friendly justice** intended to enhance children’s access to and treatment in justice. These guidelines cover the child’s position and views at all stages of both judicial and extrajudicial procedures and promote children’s rights to information, representation and participation.

Recommendation: Provide more education on children’s rights and the right of children to participate in dealings with lawyers and judges.

Views taken seriously in the media

Figure 2.1 shows that almost a third of the children (32.4%) believe that the question whether the media takes their views seriously does not apply to them or they do not know what the media are. Figure 2.2 indicates that about a third of those children who were able to reply said that the media took their views seriously ‘always’ or ‘most of the time’. A slightly smaller group of children said that the media ‘hardly ever’ or ‘never’ took their views seriously and quite a large group said they ‘sometimes’ took their views seriously.

A comparison of these results with the answers to a similar question asked in the UNICEF Nordic Survey in Finland ‘Media (TV, radio, newspapers and the internet) presents the opinions and perspectives of children and youth and respects them’, shows that a similar figure – slightly more than one-third of the respondents (37.8%) – replied that they did not agree or disagree with this statement. In other words they believed it did not apply to them and had no opinion on it. In the same survey, about 40% of the children fully or partly agreed that the media presented their opinions and respected them and one in five (21.4%) partly agreed or completely disagreed with this statement.

The results vary somewhat with regard to the media, but the figure for children who responded positively about their views being taken seriously by the media is quite low compared to the other groups questioned in the survey.

Recommendation: More work needs to be done to ensure a positive image of children in the media and to educate those working in and with the media on how to interview and present children and young people and take their views seriously at the same time.

Do children feel they have influence over decisions made in different settings?

We asked children how much influence they felt they had over decisions in their family, their school, or their home town or over decisions taken by the administrative authorities (municipal or parliamentary), their doctor/health worker, their residential care institution, lawyers and judges or leisure clubs (including sports clubs, music clubs, art clubs, etc).

Figure 3.1

	In your family	In your school	In your home-tome	With the administration (municipal or parliamentary)	With your doctor or health worker	In your residential care institution	With lawyers or judges	At leisure clubs
A lot of influence	40,6%	10,5%	5,1%	3%	22,7%	8%	4,4%	18,2%
Some influence	47,3%	45,9%	17,6%	11,8%	40,9%	16,1%	12,4%	41,5%
A little influence	8%	31,8%	30,4%	16,2%	15,8%	9,2%	10,9%	13,5%
No influence	2%	8,1%	27,8%	27%	7,2%	8,5%	11,6%	5%

Figure 3.1 shows that **children were most likely to feel they have influence over decisions made in their family, in their schools, by their doctor or health worker and at leisure clubs.** The UNICEF Nordic Study on Child Rights to Participate 2009-2010 confirms the finding that children feel they are able to influence decisions in home-related issues, but influencing school-related issues could be improved compared to other Nordic countries. More than 1000 Finnish children aged 12-16 participated in this comparative survey of children in the Nordic countries.⁵ As far as doctors and health care workers are concerned, it has to be noted that the results from this question do not necessarily include hospital doctors and other hospital staff, including the board of directors.

By contrast, children feel they have **'little' or 'no influence' over decisions made in their home town and by their local or national government.** In the case of children who have been in residential care institutions, almost half feel they have an influence over decisions in the institution. Children who have been in contact with lawyers and judges feel they have 'little' or 'no influence' over decisions. For the last two groups it has to be noted that almost half of the children said this question did not apply to them.

5. UNICEF Nordic Study on Child Rights to Participate 2009-2010, carried out by Innolink Research. The study compares the views of children aged 12-16 on their rights and the right to participate in Finland, Sweden, Norway, Denmark and Iceland.

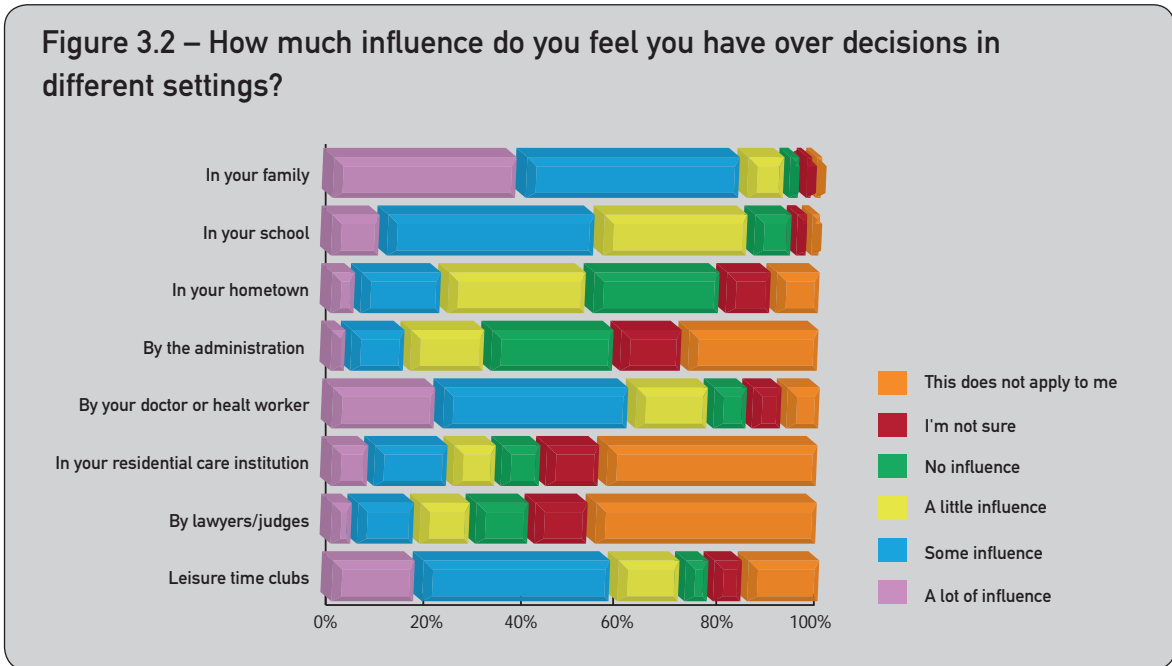
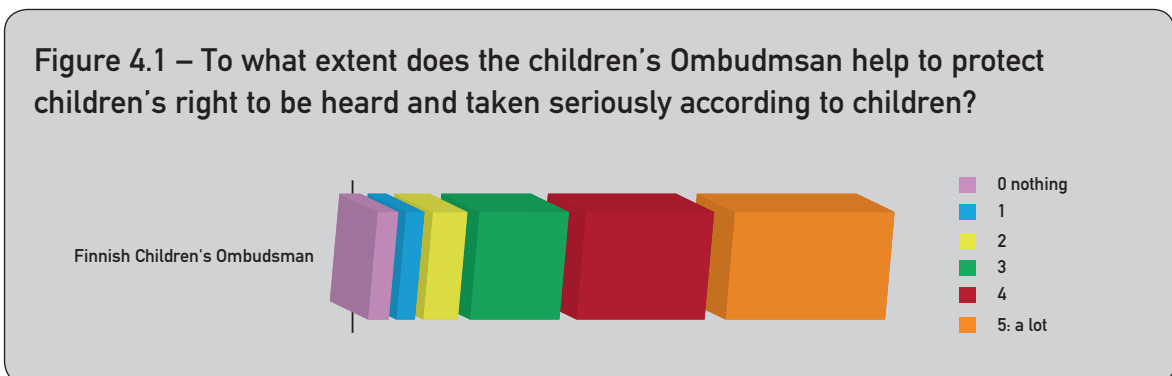


Figure 3.2 shows that the proportion of children who are ‘not sure’ whether they have influence over decisions taken by local and national administrative authorities, in residential care institutions and by lawyers and judges is higher than the proportion of those who are ‘not sure’ in the other areas.

What bodies help to protect the right of children and young people to be heard and taken seriously?

We asked the children what bodies and institutions helped to protect their right to be heard and taken seriously. They were able to indicate this on a scale of 0-5, where 0 meant that a body did nothing to protect their right to be heard and 5 that it did a great deal to protect that right.



- I’m not sure: 10.9%
- Don’t know what/who this is: 30.4%

Figure 4.1 shows that children say the **Finnish Children's Ombudsman** makes a considerable or very considerable effort to ensure that children are heard and their views are taken seriously. More than 50% of the children placed their rating on the upper part of the scale (3-5). However, almost a third of respondents replied that they did not know who the ombudsman was. The Children's Ombudsman needs to ensure that more children get to know her and her work.

“In some cases adults don't want children to know there's a children's ombudsman”
(Quotation from a young person at a national hearing, 5 November 2010)

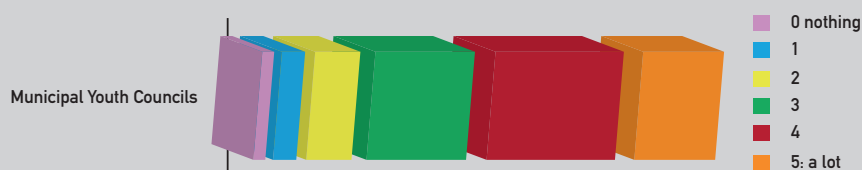
Figure 4.2 – To what extent does the children's Parliament help to protect children's right to be heard and taken seriously according to children?



- I'm not sure: 11.1%
- Do not know what/who this is: 27.8%

Figure 4.2 shows that children say that the **Finnish Children's Parliament** makes a considerable or very considerable effort to ensure children are heard and that their views are taken seriously. Almost 50% of the children placed their rating on the upper part of the scale (3-5). However, more than a quarter of the respondents answered that they did not know what the children's parliament was. This could be explained by the fact that the children's parliament is intended for children aged 7-13 and there are other participation arrangements for young people above the age of 13. However, it remains important to promote their work with all children in Finland as the Children's Parliament has representatives from nearly 200 of the country's 342 municipalities.

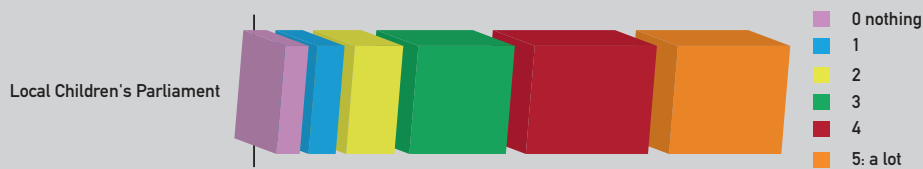
Figure 4.3 – To what extent do Municipal Youth Councils help to protect children's right to be heard and taken seriously according to children?



- I'm not sure: 13.2%
- Don't know what/who this is: 17.9%

Figure 4.3 shows that more than half of the children that responded believe that **municipal youth councils** make a considerable or very considerable effort to ensure children's voices are heard and taken seriously (3-5 on the scale). Around 14% considered that they did not do a lot to ensure children's voices were heard and similar numbers were not sure or did not know what a municipal youth council was.

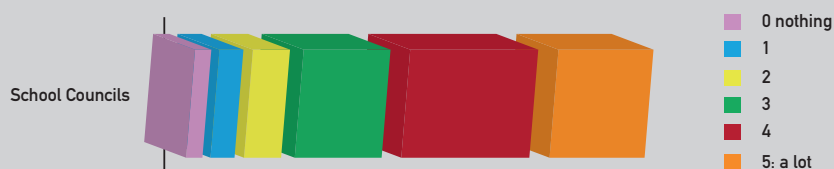
Figure 4.4 – To what extent do local children's help to protect children's right to be heard and taken seriously according to children?



- I'm not sure: 13.1%
- Don't know what/who this is: 30%

Figure 4.4 shows that 44% of the children think the **local children's parliament** makes a considerable or very considerable effort to ensure children are heard and that their views are taken seriously. They indicated this on the upper part of the scale 3-5. Again, almost a third did not know what the local children's parliament was, and these bodies need to acquaint children in the municipalities with their work. However, it has to be noted that not all municipalities have such a parliament. There are currently more than twenty local children's parliaments in Finland.

Figure 4.5 – To what extent do school Councils help to protect children's right to be heard and taken seriously according to children?

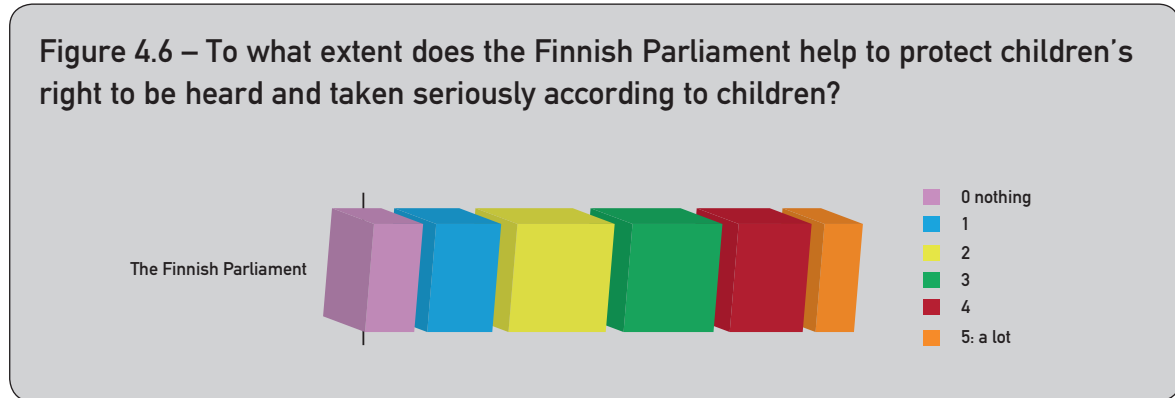


- I'm not sure: 10.1%
- Don't know what/who this is: 4.4%

Figure 4.5 shows that a large majority of the children (70%) believe that **school councils** make a considerable or very considerable effort to ensure their voices are heard and taken

seriously, which was indicated on the upper part of the scale (3-5). School councils are well-known to children and only 17% responded that they do little to nothing to ensure they are consulted.

Figure 4.6 – To what extent does the Finnish Parliament help to protect children's right to be heard and taken seriously according to children?



- I'm not sure: 17.5%
- Don't know what/who this is: 9.5%

Figure 4.6 shows that the children say that the **Finnish Parliament** does some work to ensure children are heard and taken seriously. A third indicated this in the middle of the scale (2-3). However, about 20% considered that the Finnish Parliament did nothing or hardly anything to ensure children's voices were heard and taken seriously, while a similar group of about 20% said it made a considerable or very considerable effort to listen to them seriously.

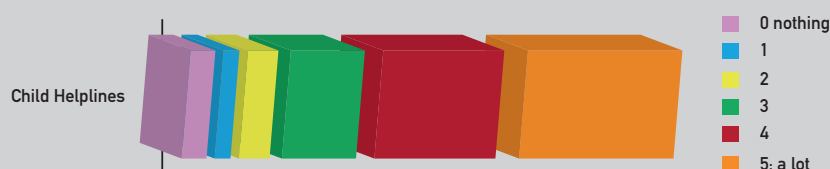
Figure 4.7 – To what extent do members of the Finnish Parliament help to protect children's right to be heard and taken seriously according to children?



- I'm not sure: 17.3%
- Don't know what/who this is: 9.7%

Figure 4.7 shows that children responding to the survey said that the **members of the Finnish Parliament (MPs)** did some work to ensure children were heard and taken seriously. This was rated by a third of the children in the middle of the scale (2-3). Almost a quarter felt that MPs did nothing or hardly anything to listen to them and take their voices seriously.

Figure 4.8 – To what extent do child helplines help to protect children’s right to be heard and taken seriously according to children?



- I’m not sure: 16.6%
- Don’t know what/who this is: 8.9%

The Mannerheim Child Welfare League maintains a **free telephone and online service for children and young people in Finland**. The Federation of Mother and Child Homes and Shelters maintains an online service for children and young people that focuses on the status of children and young people in the family. The Family Federation maintains a “boys’ phone”.

Figure 4.8 shows that a majority of the children (more than 60%) believe that **child helplines** make a considerable or very considerable effort to ensure children are heard and taken seriously, which is indicated on the upper part of the scale (3-5). More than a quarter of the children even state that child helplines do a great deal to listen to them seriously. Apparently, a large majority of children are aware of the child helplines in Finland. It should be noted here that children were not observed when they filled in the questionnaire and asked why they had stated that child helplines were doing so much to take their views seriously. It may be assumed that for whatever reason a child calls a child helpline they will always been listened to and given proper advice. However, it is not clear from this question whether children are involved in the development and design of the child helplines.⁶

Concluding remarks

When comparing the different bodies and organisations relevant for the promotion of a child’s right to be heard and taken seriously, it can be concluded that children think **child helplines and school councils do most to promote that right**.

About half the children think the **Children’s Ombudsman, the Finnish Children’s Parliament, the municipal youth councils and the local children’s parliaments** do a lot to promote their right to be heard and taken seriously. However, about a third of the children do not know these institutions, which means they could do more to make children and young people more aware of their work.

According to the children questioned in the survey, **Finnish political bodies, the Finnish Parliament and individual MPs** do not do a great deal to promote the rights of children to be heard and taken seriously, although they do make some effort according to the children.

6. A Guide to Child Participation Practice in Child Helplines has been published by Child Helpline International. It aims to inform how children are and can be involved in different activities, at different levels and at different stages of child helplines.

Interestingly, it seems that children consider that the Finnish Parliament makes a greater effort than individual MPs to ensure that children's voices are heard and taken seriously.

Are children informed about their right to be heard and taken seriously?

Article 42 of the UN Convention on the Rights of the Child states that all children should be informed about their rights. This includes informing them that they have a right to express their views freely and to have their views given due weight in all matters that affect their lives, as outlined in Article 12.

To determine the extent to which this right is being fulfilled, we asked children 'have any of the following people told you that you have a right to be heard and taken seriously?'

Most children (86%) reported that they had been informed about their right to be heard, though a substantial minority (14%) said no one had informed them about this right.

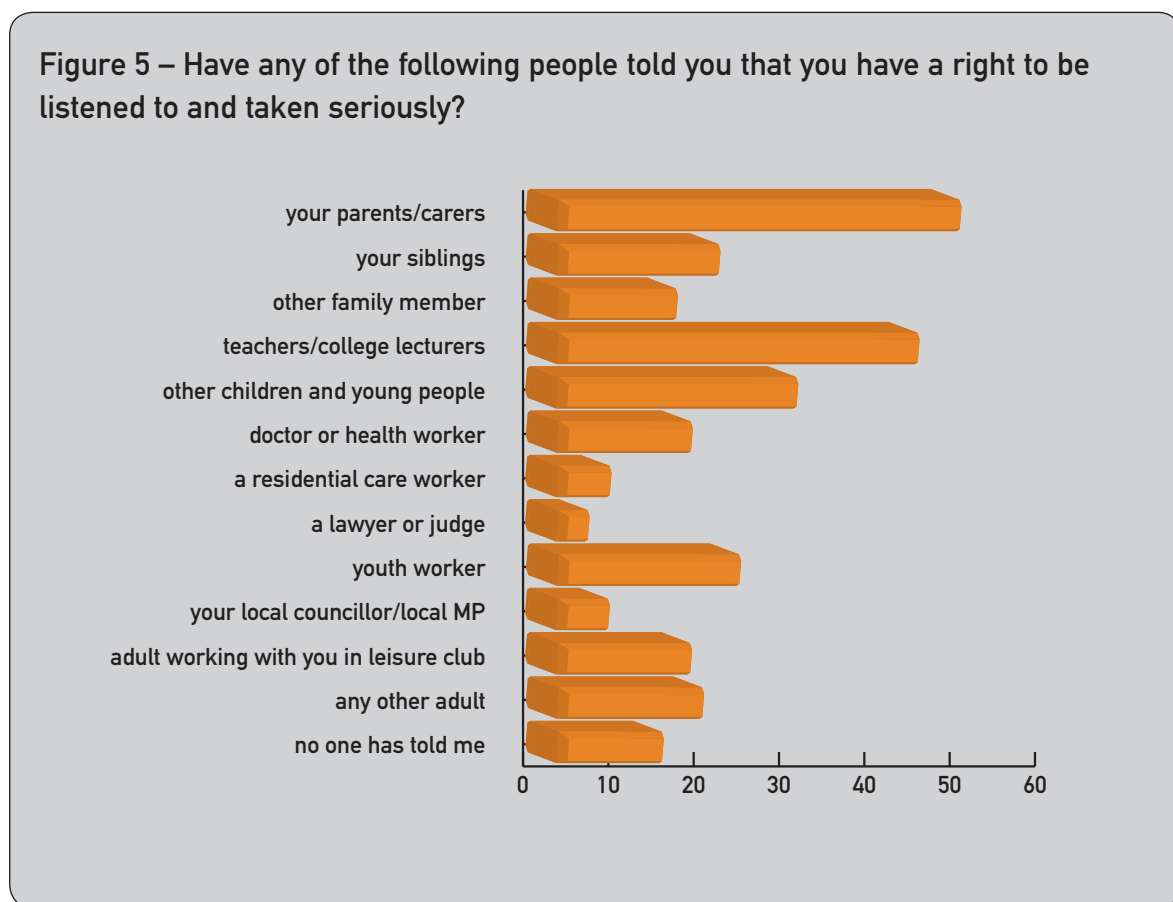


Figure 5 shows that children were most likely to be informed about their right to be listened to and taken seriously by their parents or carers, teachers or college lecturers or by other children and young people. A substantial group of children (18.9%) had not been told by any adult about that right.

To complement the results of the survey carried out for the Council of Europe, the results of the UNICEF Nordic Study on Child Rights to Participate 2009-2010 are included below.

UNICEF Nordic Study on Child Rights to Participate 2009-2010

The UNICEF Nordic Survey questioned children and young people (12-16 years old) on a number of other specific questions relating to child participation and of relevance for the review of child and youth participation in Finland.

The Finnish children were asked 'in your opinion, what are the three most important issues in respect of which young people should be heard and be able to exert influence?' They replied school-related issues (31%), free time and hobbies (21%) and home and family issues (20%).

Involvement of Finnish children in participatory activities

Children were asked whether they were involved in participatory activities at schools or on youth bodies and local youth councils. One in five children and young people (21%) said they were members of a student body at their school or another school activity, e.g. student/peer tutor, programmes for preventing bullying, peer mediator (20.8%), whereas only 7% of the children are involved in the work of a local or regional youth council or youth bodies/councils run by organisations. Even fewer children (5.7%) are associated with a political party (as a member or otherwise involved in its activities). Compared to other Nordic countries, participation in most of the above-mentioned activities is clearly less frequent among the respondents in Finland.

Importance of channels or methods of participation

Children were asked to evaluate the importance of a range of channels or methods of participation, whereby participation was defined as acting to create a desired change. Often, the ultimate goal is to influence public authorities and/or decision-makers.

The most important channels of participation are internet blog posting and online communities (e.g., YouTube, Facebook); student body of school; national or international political consultations and meetings with child/youth delegates; scouts, youth club and/or similar. In Finland, like in all Nordic countries, the children consider internet blog posting and online communities to be the most important channels of participation.

When asked which of the channels or methods of participation have worked for the children in influencing matters, the most successful channels for participation in the children's opinion were internet blog posting and online communities; scouts, youth clubs or similar clubs and the student body of the school.

According to the gap analysis, the channels of participation that have been least successful in relation to the estimated importance of the method are national or international political consultations and meetings with child/youth delegates and student body of the school. However, almost all channels and methods of participation are considered to have been realised well in relation to expectations.

Outcomes of child focus groups meeting

On Saturday 18 September 2010, **eighteen children, nine boys and nine girls between the age of 10 to 21** from the Helsinki area and places between 100 and 200 kilometres to the north and west of the capital, met at the Allianssi House in Helsinki to discuss what the participation of children and young people means for them in their daily lives.

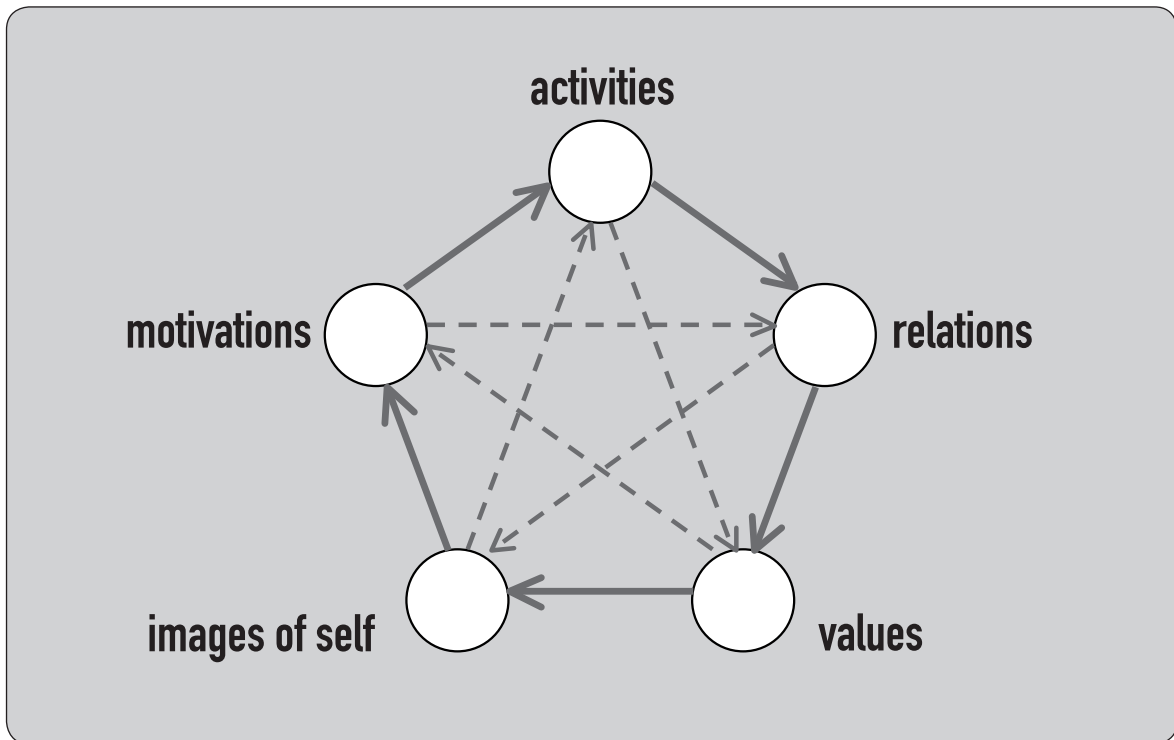
Guidelines and a programme had been prepared for the meeting (see Appendix III), which was based on the “kaleidoscope of experience” method and the world café technique. Children began introducing themselves to each other by using a ball and telling each other what activities they liked. After the introductory session, the facilitator, Rauna Nerelli, presented and explained to them the objective and consultation process of that day’s meeting.

The children were divided into four focus groups, each of which discussed different tasks, based on the kaleidoscope of experience. The first task involved writing down details of the various activities in which the children were engaged. The second involved writing down details of each of those activities, underlining those in which their point of view is taken into account before a decision affecting their life is made, and highlighting the ones that do not. The third task involved discussing why their point of view is not taken into consideration. The fourth was to discuss what might be done to improve this and what children and young people can do themselves, and the final task was to discuss how it feels when someone fails to listen.

Each child was allocated a letter A, B, C or D. After the tasks were completed, the children changed tables: child A, child B and child C moved to another table to discuss the conclusions of the reports written up in the first session, while Child D acted as secretary and stayed at the same table. He or she wrapped up the outcomes from the different sessions to report back to the plenary.

An INTERPRETIVE ANALYSIS of the factual elements was added, drawing mainly on the use of the kaleidoscope of experience (used here as a grid of analysis). The elements reported are accordingly included among the five elements of the kaleidoscope (activities, relations, values, images of self, motivations) used as headings. Below is a diagram illustrating the kaleidoscope of experience analysis:

The system employed (kaleidoscope of experience)



Activities

Activities undertaken by the children and young people

The first task was to write down details of any activities at school during the different seasons, including hobbies and interests, as well as other activities or work in which the children and young people were engaged. A whole range of activities were mentioned by the children and noted down on the left-hand side of a sheet of paper:

- School: attending school, homework, studying.
- Home: gardening and working in the yard, walking the dog, home, resting, lounging, watching television.
- Friends and relatives: meeting friends, spending time with the family, spending time at grandmother's, visiting relatives.
- Eating, food.
- Hobbies: reading, visiting the library, drawing, cooking, cleaning.
- Sports: jogging, swimming, riding, driving, downhill skiing, scouts, gym, ballroom dancing.
- Music: composing music, song writing.
- Travel: travelling, tourist activities, visiting the summer cottage, going abroad, travelling by train.
- Being alone, spending time alone, reflecting on the world.
- Computer games, internet, hobbies.

- Participation activities: youth council, organisations, meetings, wielding influence, the youth work facility, the student council, participation, sharing information, the town hall, the youth services office, having a say in municipal affairs, having a say through the Finnish Children’s Parliament.
- Going out: partying, music, shopping, going to cafés, night clubs.

The kaleidoscope seemed to help children reflect on a wide range of activities. Without it, the risk would have been to focus too quickly on the “participation activities”. Forgetting the other activities would have prevented them from seeing the main outcome in the next stage (relations) in which they discover a direct relationship between participation and proximity.

Relations

Persons with whom children are in contact during their activities

The second task was to write down details of the persons with whom the children and young people were in contact, chatted or connected during these activities.

The persons who did not take the opinions of children and young people into account are underlined. The persons who sometimes take their views into account are in italics. The persons who are not marked do take their views into account.

- Hobbies and interests: parents, instructors/coaches, other amateurs, friends, staff.
- School: teachers, school friends, me, school nurse, other school staff
- Home: parents, siblings, family, neighbours, relatives
- Summer cottage: family, relatives, neighbours, friends, boyfriend
- Youth work: municipal youth worker
- Exerting influence on municipal affairs: municipal director and decision-makers, elected officials, civil servants
- Shops/ purchases: sales staff, friends
- Education service centre: officials
- Internet: others who are online, friends
- Driving: friends
- Having meetings/ participating and having a say: youth council members
- Partying: friends, strangers, staff
- Admissions Office: officers/office staff
- Youth work facility: youth work
- Youth club: youth workers, friends, other young people
- Cooking: family
- Travel: family, friends
- Work: supervisors, colleagues

An analysis of the range of persons with whom children and young people are in contact reveals that those who fail to listen to their views and opinions and take them into account include staff and others who work with children and young people, including teachers, instructors, coaches,

youth workers, civil servants, decision-makers, elected officials and strangers. However, another group of children stated that teachers and instructors or coaches did sometimes do so.

It can be concluded that **those who do not listen to children and young people are in the main adults who usually do not have a personal relationship with them** but with whom the children have contacts via their participatory activities on municipal and local councils and at national level, as well as youth work. It is striking that youth workers are mentioned as not listening to children's and young people's views, since they would be expected to be trained to do this.

In relation to teachers and instructors or coaches at sports and activity clubs, a mixed result came out of the focus group meetings. Some children and young people said that this group did not listen to their views, but another group said that they sometimes took their views into account.

Among those persons who do listen to children's views are relatives, family, neighbours and friends and other young people – in general their peers and adults close to them. However, the school nurse and other on-teaching school staff also listen to the views of the children that took part in the focus groups.

The direct link between participation and proximity shows that relatives, family, neighbours, friends and other young people usually listen to children. This happens mainly in non- or semi-structured activities. By distinguishing relations from activities, the consultation based on the kaleidoscope helped to uncover this aspect, whereas too rapid a focus on “participation activities” would not have highlighted the main finding here, which is surprising: **people who are professionally expected to listen to children do so less than people who are closely related to the children.** The next section highlights different values or rationales underlying this difference.

Values

Children and young people identify different reasons why adults do not listen to their views

The next task for the children and young people was to think of reasons why certain people, in particular adults, do not listen to their views. They identified different reasons for this, including: “adults have a strong desire to decide for themselves”, there is not enough time or a lack of will, “they don't necessarily understand that they should listen”, “young people don't know anything, do they?”; a lack of understanding; adult selfishness; older people have different views; reluctance to change established practices; leaders know best; “well, they don't listen when I have a different opinion”. These can be divided into the following three categories:

- Adults do not have time or lack of resources or interactive skills or simply want to decide themselves. Adults are often not acquainted with the way children express themselves and act.
- Preconceptions about children and their level of knowledge, resulting in children's opinions not being valued. Adults often know best what children need and do not consider children as equal partners in their debates. The age gap leads to different views and interests. “Municipal policymakers are not interested in children's affairs”.
- Suspicion that emphasising children's rights to participate will erode the adult's authority. There is a reluctance to change established practices and structures and adult attitudes.

Moreover, coaches claim to know best for the children. Adults avoid their responsibility to involve children and are selfish and have 'huge egos', dismissing children's views.

These three explanatory factors could even be linked to a more general feature: the values or rationales of people who do not listen to children are probably linked to the question of professional status and expectations.

This gives rise to an interesting **hypothesis**: we might posit that **hierarchy is an explanatory factor, which stops professionals from being more participatory**. They are actually trapped in a double-bind relationship where they have to prove and establish their authority and expertise in a given field while at the same time being asked to listen to children as if they knew more than them.

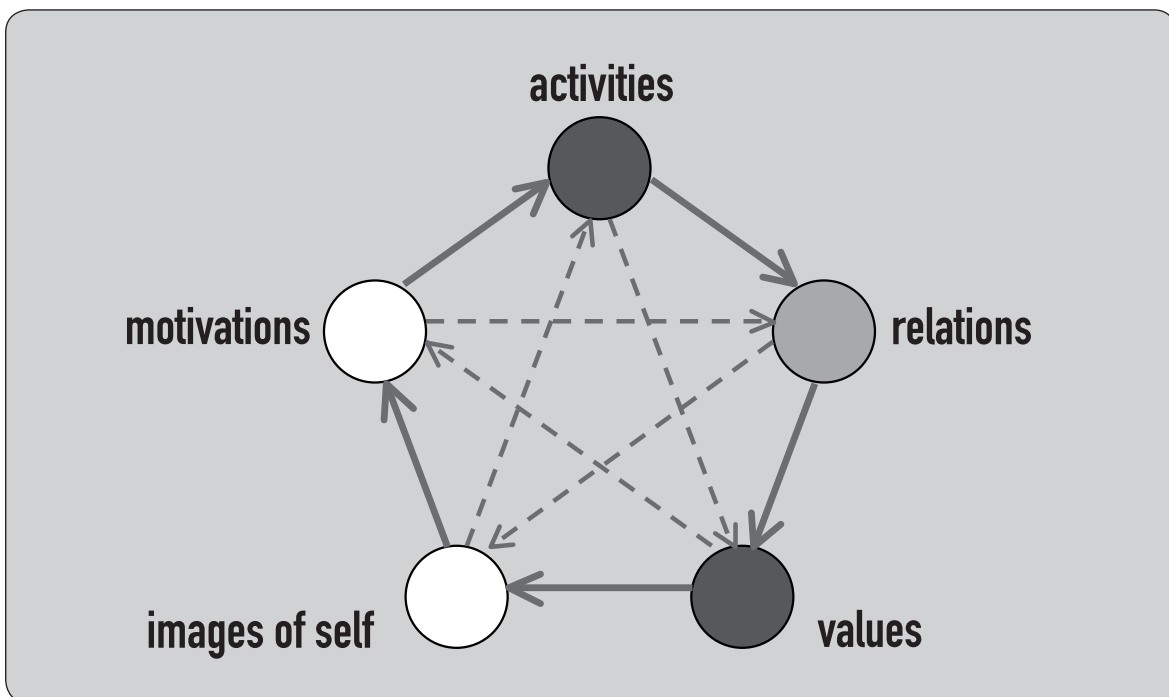
Adults therefore tend to resolve this double injunction to the detriment of children: they do not listen to them very much because they are afraid this would be interpreted in the professional sphere as proof of incompetence.

In contrast to this, people who do not have a professional role in relation to working with children are not trapped in a status dilemma: they can listen to children without any risk for their (professional) status or rank.

By distinguishing activities, relations and values, the kaleidoscope of experience helps to uncover this explanatory factor: **the value of status in a competitive professional world in which expertise is required is not compatible with listening to children**.

In proximity relationships, there is no problem, or less of a problem, with the question of status because the rationale supporting children's participation is the value of the close and personal relationship (proximity).

This analysis can be summarised on the kaleidoscope with the following assumptions:



For professionals:

Professional activities highlight participative relationships with children, and both elements (activities and relations) reinforce the value of expert status (which in turn reinforces the image of self as an expert and the motivation to keep professional activities as they are).

For non-professionals:

Non-professional activities favour participatory relationships with children, and both elements (activities and relations) reinforce the value of proximity or close relations (which in turn reinforces the image of self as close friends or relatives and strengthen the motivation to foster participatory activities).

In sum, we end up with a dichotomy between participation as a threat to status and as a means to proximity (which are two different values). This in turn makes it possible to specify the differences in the context of public/private areas of activity.

What are the solutions to ensure that children's and young people's views are heard?

The children and young people were next asked what they thought should be done about adults not listening to their views and what they themselves could do about this. They were also asked what an ideal consultation would involve.

The solutions proposed by the children to combat the obstacles to children's participation and to adults listening to their views were two-fold. One proposal referred to the need to alter participatory structures, including clarifying the Youth Act, in relation as far as listening to young people is concerned, as well as the need for adults to change their attitude. The second solution proposed concerned self-criticism and the need to be more active, adopt a change of style, hold more discussions with peers, be motivated and not give up. Here we find the two aspects of "capability": social opportunities and personal skills.

The children questioned described an ideal situation regarding the consultation of children and young people: adults and decision-makers need to come down to the level of children and young people, show mutual respect and listen seriously to what children have to say.

"Ideally you'd always be asked (your opinion) and it would be considered"

"Ideally, the person would listen and say it's a good idea".

Images of self

How do children and young people feel when someone fails to listen to them?

The children's final task was to describe how they feel when someone fails to listen to their views and opinions. They described a range of feelings: frustrated, irritated, angry, rebellious, disappointed, unappreciated, alienated, I'm too insignificant, I'm worse than others, I feel my opinion is not important, and I'm not able to do this.

It is very important for these poor images of self to be taken into consideration. In line with the above hypothesis, they can also be put into perspective, given the attitude towards the public sphere in general.

Generally speaking, the methodology has enabled the range of activities and relationships to be kept open before (instead of) focusing too quickly on “participation in structured activities” (especially school and the municipality). It helps to situate more macro-level influences, such as the issues of status and proximity discussed above.

The recursive dynamics of the kaleidoscope helps to identify the ethos of professional bodies as the key to change. Before taking an informed decision, it would be possible to advance the hypothesis that more child participation would occur in the public sphere once professional status is not solely linked to expertise in specific fields of activity but also implies skills in listening to all stakeholders, including children.

In other words, the difference of values between the public and private spheres seems for the time being to be the main explanatory factor. People might have been taught that in order to be good parents they have to listen to their children. They do not yet consider that this is also a component of being a good professional, because this is not yet required in the professional environment, where the values and corresponding images of self are clearly linked to expertise and competition.

Motivations

Outcomes from the child focus group discussions

After carrying out the tasks, the children discussed the outcomes in the focus groups. The main thrust of the discussion was on school and hobbies but participation in municipal affairs also encouraged discussion.

In relation to school, the children identified both good and bad examples of participation in school affairs. According to the focus groups, **teachers often lack a genuine desire to develop school councils** and they hoped this attitude would change. The children also noted that **teachers were not always sufficiently aware of what to do with student councils**. The student council system usually works well in higher education but in secondary education involvement usually depends on the teachers, who often try to restrict rather than encourage activities. The same often applies to municipalities. The problem is that student council affairs seem to have been forced on teachers. **Primary schools do not have student councils for all classes**, which also discourages pupil participation in the school's affairs.

Generally speaking, it could be said that **pupils are sometimes consulted at school and sometimes not**. There was agreement that **children and young people should be consulted more often**, for example when new equipment or learning material is being purchased, as well as when the school playground is being designed. Children and young people should be more involved when decisions are actually being made.

The participants drew attention to the fact that children do not have much opportunity to meet other children of different ages. The number of theme days or shared activity days could be increased, so that **younger and older students could meet, learn from each other and help each other to be heard**. The opportunity to meet was also seen as significant in terms of **increasing mutual respect and tolerance of distinctiveness**.

A change of attitude among the young people themselves was also desired. In general, more natural interaction between young people and between young people and adults is necessary.

Here again, we find the two components of capability: social opportunities and personal skills. These two components are also conceived as “conversion factors”. In other words, social and individual factors help to convert the individual entitlement to participation (participation rights as provided for by the Convention on the Rights of the Child) into real freedom to participate.⁷

According to the focus group members, **participation in municipal affairs is difficult** because the initiative to do so rarely stems from the young people themselves, who are therefore **included in the process too late**. Young people are easily only accorded nominal power and there is too much bureaucracy. Policymakers should take children and young people better into account. The municipality should ask for young people’s views of when making new investments, especially when related to youth activities, because this encourages young people to take good care of affairs that concern them. Municipalities should encourage rather than restrict participation. **Existing structures do not support or facilitate the direct consultation of children and young people**. Apparently, the children and young people in the focus group do not see local youth councils as effective means of participation.

In the view of the focus group members, **people involved in teaching various hobbies do not always listen**. For example, a person new to a group is easily discriminated against owing to a lack of experience. If the group is too big, consultation is easily forgotten. Young people should be consulted more effectively.

In relation to health issues, it is possible to obtain information but rarely without prompting.

Recommendation for adults to ensure children and young people are listened to.

The children and young people came up with suggestions and advice for adults to ensure that they can genuinely participate in decision-making and that their voices are taken seriously. The suggestions and advice reflect the fact that changes should be made to values held important. The suggestions and advice included: the need to **reserve enough time and take children’s views seriously**, regardless of their age, to **use child-friendly language, not to make false promises**, to **invite young people as experts**, to encourage young people to participate and do so **at the start of a decision process**, and to **provide feedback**. Professionals should be invited to develop skills in connection with the values mentioned by the children in this context.

In relation to **legislative measures**, the children and young people advised ensuring that children and young people are informed about the Youth Act, as well as **redefining the Youth Act**, clarifying the issues that concern young people and **defining more precisely what is meant by youth participation**. They also recommended **putting the role and objectives of youth councils on a statutory footing** and **providing training on the participation of children and young people for those working with them**.

“Adults could learn to listen to young people proactively so that they don’t always have to go to them”

7. Amartya Sen, *Development as Freedom*, Oxford University Press, 1999, on the capability perspective.

Evaluation of the consultation day

An evaluation was carried out with the children using a feedback line, with 100% on one end indicating yes and 0% on the other end indicating no.

In response to the question whether they were pleased to be participating in the consultation day, almost all children located their opinions at 60-90% along the line.

In response to the question whether they had learnt something during the day, the youngest indicated that they had learnt more and were located at the 'yes' end of the line with 80-100%, while the older ones were closer to the midrange of 40-60%. The youngest children learnt new vocabulary and the older children learnt from the experiences of others.

Since the age range of the children participating was between 10 and 21, the children were asked whether the age range was too big. The majority thought that was not the case and their reactions were: "It was great to hear the opinions of younger participants", "Different age groups have different interests."

The majority of the children found the length of the day was all right but a little too long and would have liked to have more variety in the activities instead of only talking and writing, but they did find the questions discussed relevant and considered the methods used child-friendly: "You were able to talk informally, and you didn't need to feel awkward and think about words". The children suggested that a break in the fresh air with the whole group would have been a good idea.

All the children agreed that they had had fun during the consultation day. "Interesting new acquaintances were made and you got to express your own thoughts and listen to the opinions of others"

Three quarters of the children felt they were definitely able to have a say during the day and placed their rating at 80-90% on the feedback line, but a quarter rated this at 50%: "Hopefully, these issues will not remain inside these four walls".

Recommendations based on outcomes of the child focus group meeting:

- Provide training to those working with children and young people, including youth workers and teachers, as well as local and national decision-makers, on how to listen seriously to children.
- Provide education for children on children's participation and children's rights.
- Ensure enough time for child and youth participation processes.
- Take children's and young people's views seriously by not making false promises, by treating children and young people with respect and as experts and by providing them with feedback.
- Involve children and young people at the start of consultation processes and not at the end, for example in municipal affairs.
- Ensure that all schools, including primary schools, have school councils; school pupils and students should be consulted more often in schools, including on school equipment and learning materials.

- Ensure that children of different ages are able to meet and learn from each other, for example on shared activity days.

Legal measures:

- Redefine the Youth Act, to clarify what issues concern young people and define more precisely what is meant by youth participation.
- Put the role and objectives of municipal youth councils on a statutory footing to ensure that all youth councils are able to participate in all decisions affecting young people's lives and living environment.

Municipal case studies in Pietarsaari and Tampere

Two municipal case studies in a relatively small municipality, Pietarsaari, and a large city, Tampere, were carried out by an independent researcher with expertise on child and youth participation. Due to time constraints, one person was interviewed in each municipality. Ideally, a minimum of three people, including a child or young person, would need to be interviewed to ensure the case studies give a more balanced set of results. However, on the basis of the interviews carried out it was possible to draw some tentative conclusions on child and youth participation in Finnish municipalities. Guidelines and questions raised can be found in Appendix IV.

The case studies were evaluated according to the following structure: What child and youth participation structures exist in the municipalities? What are their achievements? Are all children able to participate on an equal basis? Is education on child participation provided? Are associations and child/youth civil society supported in their child participation activities? Are children able to participate in education, both at schools and with regard to influencing municipal decisions? In what ways are children involved in municipal decisions concerning play, recreation, sports and cultural activities?

“If the municipality makes it difficult for young people to be consulted, what can possibly motivate them to stay there?”

Quotation from a Finnish child participating in a child focus group

Case study of the municipality of Pietarsaari/Jacobstad

Pietarsaari, or Jacobstad (the town's Swedish name), is situated on the central west coast of Finland and is a bilingual town in which 38,8% of the inhabitants are native Swedish speakers and 56,4% are Finnish speakers. It has 19,690 inhabitants⁸, of whom 7,000 are below 29 years of age.

The Secretary for Youth Affairs⁹ was interviewed on the involvement of children and young people in decision-making in the town and at schools.

Local youth council

The key participatory activity for children and young people is the municipal youth council, which is the only channel through which children can have a say on municipal issues.

8. Population figure at 31 June 2010.

9. Data provided by the Secretary for Youth Affairs in Pietarsaari are in italics.

Children and young people aged 13-19 can be members of the youth council and are elected for a period of 2 years. Candidates are sought via newspaper advertisements and notices at schools, 'so that anyone who happens to be of that age group should somehow find out that they can stand as a candidate'. According to the Secretary for Youth Affairs, this guarantees an equal chance for all children to become involved. A total of fourteen children and young people can be elected for the youth council and the remaining candidates become deputy candidates.

Equal chances for all children and young people

Experience in the selection of candidates for youth and children's councils has shown that not all children will have equal chances to participate when they have to respond to newspaper advertisements or notices on school notice boards. In particular, the more vulnerable and marginalised children do not respond to this kind of advertisement and have to be approached in person. Municipalities need to ensure there are special mechanisms in place to ensure that children with specific needs (disabled children), minority children and migrant children are also able to stand as youth council candidates.

Young children below the age of 13 are not able to participate in any formal mechanisms in Pietarsaari, which is a matter for concern.

Child participation training

No training is given to professionals working with and for the benefit of children, such as social workers, community workers, medical and health care staff or other municipal civil servants. The youth council members do not receive training on how to participate. This needs to be improved in Pietarsaari.

Achievements of the Pietarsaari youth council

Since 2006, the youth council members have been elected for a term of two years. Children and young people hardly ever come up with their own initiative, but respond to consultation requests from the municipality. The youth council focuses a great deal on events and making them child-friendly, for example the Runeberg Week 2011, in the planning of which children from the youth council are involved. They have been invited by the municipal working group to join it and are now discussing a programme for children and young people at that event, such as a rock concert or a magician for the children.

The key achievement of the youth council is the adoption of a motion to **allow its representatives to sit on different municipal committees**. The result is that one youth representative takes part in each of the following committees: the Technical Services Committee, the Construction and Environmental Committee, the Education Committee and the culture, exercise and sports subcommittees. The youth representatives have to be at least 15 years old, which has been laid down in the rules of procedure and is due to the confidential nature of issues discussed in the committees.

A good example of the involvement of a youth representative in the Education Committee was their feedback on the results of a school health survey carried out at the Swedish High School. The youth representative provided feedback on how they experienced the situation at that school.

The proceedings of the youth council meetings are minuted and the youth council's activities are evaluated with the young people.

The youth council seems to focus more on providing its input to the organisation of municipal events than on actual policies. It appears that when the **youth council is involved this happens at a very late stage in a decision-making process**, for example in the case of municipal education policies. Usually 'when everything is done and dusted' children can give their opinion. For example when a decision was made on the layout for facilities of the new high school, children and young people were only able to contribute to a few minor changes at the final stages of the process. However, also with regard to the planning of a skateboarding area, which needed to be renewed at the instigation of the health inspector, children and young people were only invited to give their comments when the plan had already been drawn up. They were able to listen to the explanations for the plan and then give their opinion. Due to the recession, the skateboarding plan has been put on hold.

Bilingualism

A specific feature of the town of Pietarsaari is its bilingual character: it has a substantial minority of Swedish-speaking inhabitants and, accordingly, Swedish-language schools. The fact that the municipality is bilingual allows all children to take part in the youth council and the municipal committees in their own native language. However, the 3.7% of the population who speak another language than Finnish or Swedish are not taken into account in the participation process. It is not clear whether this minority group is represented on the municipal council. The lack of support for non-native Finnish or Swedish speakers is a concern with regard to the right of all children to participate equally.

No support for child participation in child and youth civil society organisations

There is not much co-operation between the municipal youth council and NGOs and civil society organisations (for example, political party youth organisations, the scouts, religious youth organisations, etc). The last named organisations do not have their own participation channels in Pietarsaari. The local government does not provide any support for child and youth participation initiatives of civil society organisations.

Participation in education

Children and young people are involved in school councils in Pietarsaari. However, these councils only exist in secondary and higher education and **not in primary schools**. Where they exist, school councils **do not seem to have much power to influence decisions in their schools**, according to the children involved. However, this does not mean that school councils are not active. For example the school council of the Finnish Upper School organised a strike to support their teachers when they were campaigning against unpaid leave.

With regard to the **influence of children and young people on local education policies**, youth council representatives are members of the Education Committee. An example is given where a student council of a Finnish high school local government discussed plans. However, no information was available on whether their inputs were taken into account. With regard to local education policy, children and young people are apparently **consulted at a very late stage of the decision-making process**.

In the last three years, the municipality has held a **municipal Discussion Day**, in which both **decision-makers and young people are involved** and where young people can make their ideas and requests known to policymakers. The event is organised in co-operation with the student/school councils. Big issues, like the merging of the Finnish and Swedish High School, have been discussed. The young people are in favour of this, but according to the municipality this is not going to happen due to a lack of space to move the two schools into one building. In addition, other issues have been discussed on the Discussion Days, such as a skateboarding area and under-age drinking in the school park. With regard to the skateboarding area, the youth centre and retail business are involved in the discussions. Young people have been kept informed about progress made during their youth council meetings but have not been given real feedback on their contributions to the process.

When **school clubs** were set up, young people were consulted at the time when the town gave funding for club activities for one or two years. However, arrangements for school clubs very much depend on how keen the teachers are to run them. The municipal welfare officer believes that each school needs such a club.

Play, recreation, sports and cultural activities

Children and young people have not been asked by the municipality to become involved in the planning of sports and leisure activities. So far, there has been very little co-operation between sports and youth work but this might change now that the council officers responsible for both issues are members of the same committee.

Case study of the municipality of Tampere

Background to the city of Tampere

Tampere is situated to the north-west of Helsinki in southern Finland. It has 211,649 inhabitants¹⁰, of whom 70,000 are from 5 to 29 years old. The number of inhabitants of school age (7-15 years old) is 16,554 (at 31 December 2009). In 2009, 94.6% of the inhabitants were Finnish speaking and only a small minority of 0.5% was Swedish speaking. 4.9% speak other languages. 7,200 foreign nationals live in the city.

In 2009 there were 614 homeless people living in Tampere, 112 of whom were homeless young people under the age of 25, which was down on the previous year (129 in 2008).

The city of Tampere has 317 community health-care centres and 4 city hospital units. It has six family support centres, and about 350 children under the age of 18 are in care. Foster care that meets the needs of the child and his or her family is arranged. It can be provided in a foster family or at a community care institution or the family support centre, or else it can be purchased from a foster home or children's home.

The city of Tampere has an extensive range of services for children and young people, including a children's ombudsman, who is currently the only local children's ombudsman in Finland, as well as cultural projects, 21 youth centres and a variety of leisure activities.

10. Population figure at 31 June 2010.

The Tampere children's ombudsman¹¹ was interviewed on the involvement of children and young people in decision-making in the town and at schools.

Local children's parliament and youth forum

The city of Tampere has two mechanisms for allowing children of different ages to participate in local decision-making, the **Children's Parliament**, for children 7-12 years old, and the **Youth Forum**, for secondary school children.

The Children's Parliament meets twice a year, and every school in Tampere can send two representatives. In other words, all children have the opportunity to participate in the parliament's activities via their school's student councils or their school. The board (cabinet) is selected during the general meeting in spring and anyone can stand as a candidate.

The Youth Forum has the same type of structure as the children's parliament. The target group, 7th to 9th grade or high school students, is involved in the youth forum's activities. The youth forum has two general meetings per year. A board is selected at the spring meeting. Representatives from different schools and colleges are invited to take part in the general meetings. All upper schools and high schools can send their representatives to the general meetings, so that everyone has the opportunity to participate.

The Youth Forum organises meetings between student councils, 'Oktaforms', which take place twice a year. They have also organised a 'Mayor's question time'. Linked to this, the city of Tampere holds 'Youth Alvars', which are regional meetings at which children and young people discuss current issues of interest to them in the hope of influencing policy. The Youth Event Group is linked to the Youth Forum and manages its activities. Any youngster in Tampere can participate in these activities. A child or young person who does not attend school cannot be involved in the Children's Parliament or Youth Forum. However, according to the children's ombudsman there are no school dropouts in Tampere.

Achievements of the Tampere Children's Parliament and Youth Forum

The aim of Tampere's Children's Parliament is to offer children the opportunity to **influence issues concerning children in Tampere** and give them the feeling that they have succeeded in having their say. The Children's Parliament deals with issues selected by the parliament itself. For example, it has put forward motions **concerning school dinners or school health care issues**. It is also given issues to deal with by the municipality and decides whether to discuss them. The Children's Ombudsman forwards information to the Children's Parliament on upcoming and ongoing local government issues. An example from this autumn was the city's budget preparations, on which the Children's Parliament gave its opinion.

One example of the Children's Parliament's own activities is the awarding of scholarships. The parliament determines the criteria on which the award is based and to whom it should be presented. Awards are given to individuals and groups. Group scholarships have been awarded for various projects, such as funding for group trips or trips to give a performance somewhere. Individual scholarships are awarded on the basis of criteria that the Children's Parliament has decided for that particular year. This might be for 'fair play' or a good deed.

11. Data provided by the Tampere children's ombudsman are in italics.

According to the Children's Ombudsman, children who receive scholarships learn skills on how to budget and plan activities.

The Youth Forum's main duty is to influence issues related to the lives of young people living in Tampere. It closely monitors youth policy-making in the city government and puts forward proposals (motions) on issues it believes are important. It has, for example, proposed that more locations be provided for bands to play, that a youth café be set up in Tampere and that the Youth Forum be given the **right to participate in the work of the municipal committees**. All these proposals have been accepted. There is now a Youth Café, and in response to a motion from the Youth Forum the City Executive allocated two places to the Youth Forum on various committees, including the Child and Youth Services Committee, the Education and Life Quality Committee, the Competence and Livelihood Committee, the Day Care and Basic Education Executive Committee, the Culture and Leisure Services Executive Committee and the Secondary Education Executive Committee. The Children's Ombudsman has been informed that young people's views are duly taken into account in the municipal committees, and youth representatives are asked to give their opinion on issues on the committees' agendas –“something has happened in policymaking here in Tampere since they've really wanted to hear the views of young people”.

Children are provided with feedback on their opinions and the decisions they have taken, in particular through the Children's Ombudsman or directly in the official bodies (i.e., the municipal committees). Children and young people are involved from the beginning of the local decision-making process through the Children's Ombudsman.

An area in which children and young people could be more involved in the city of Tampere is traffic and infrastructure planning, although the school councils have expressed their views on traffic safety around the schools.

Equal chances for all children and young people

There are no special mechanisms in place to allow very young children, children with special needs or migrant children to participate. All children who attend school, which includes all children living in Tampere, since there are no school dropouts according to the Children's Ombudsman, are allowed to participate in the Children's Parliament or the Youth Forum. A number of physically disabled children participate in the Children's Parliament and the activities of the Student Council. It is likely that more immigrant children participate in the latter activities than in the Youth Forum or the Children's Parliament. In addition, there are nurseries that involve very young children in decision-making through small-scale everyday activities, such as planning local green spaces.

It is important to ensure that immigrant children, as well as marginalised children, including homeless children and children living in residential care institutions, of which there is a small minority living in Tampere, are able to participate in the Children's Parliament and the Youth Forum, and specific mechanisms need to be facilitated by the municipality.

Child participation training

Training has been organised for various bodies and professionals, and courses are held every year for teachers supervising student councils. The Youth Services Department organises

these courses, which bring together not only the supervising teachers but also student council representatives, i.e. children and young people. The training is ongoing.

Training has also been organised for various municipal officers and policymakers, including social workers, focusing on taking the child's viewpoint into account. This is in response to a permanent order issued by the mayor that children's views must be considered in municipal decision-making.

In Tampere, there is an informal network of practitioners who work in different city departments. Known as the 'Myyrä' (vole) network, it is in charge of and promotes the participation of children and young people in these departments. It is led by the Children's Ombudsman in co-operation with the Municipal Democracy Unit.

The effect of training on children's participation has not been evaluated. However, it remains a challenge for the city of Tampere to find ways to enable children and young people who are not interested in the traditional ways of participating to be heard. By contrast, young people who are already active and enthusiastic and have many hobbies are becoming more easily involved in child participation activities.

Child-friendly information on local services has been provided to children and young people in the form of a guide entitled 'Mitä tekisin?' (What shall I do?) and containing a comprehensive description of many different services. It includes everything from city services to various leisure opportunities run by associations in which children and young people can become involved. Tampere also has a 'Nuorten Tampere' (Tampere Youth) website, which is targeted at young people and provides a wealth of information on different subjects, including private life, sexual health, etc. It is youth-oriented and young people are involved in producing its content.¹²

No support for child participation in child and youth civil society organisations

The local government does not give direct support to participation activities in civil society but the city does allocate grants to them. It would be possible to make those grants conditional on the involvement of children in the development of the associations' activities. This needs further development in Tampere.

Participation in education

School councils exist in all school types in Tampere, including primary, lower secondary and upper secondary education. The way they function depends very much on the teachers involved. At school level, the curricula are planned and the student councils and parent-teacher associations are involved in this work. At municipal level, young people are involved in the executive committee on day care and early childhood education.

School clubs are organised as afternoon activities and children are consulted each year in spring by a questionnaire on the activities in which they would like to take part the following autumn.

Play, recreation, sports and cultural activities

Children have been consulted on the design of playgrounds and the planning of parks in Tampere and on local nurseries or other places with very small children. The process of

12. <http://www.nuortentampere.fi/>

listening to the views of young and even very young children has been intensified in the last few years.

Conclusions and recommendations for child and youth participation at municipal level

What does listening to a child mean?

“That the child/young person is listened to when something is being prepared and not when the matter is already decided. It means giving more weight to the opinions of young people.”

Quotation from a Finnish child participating in a focus group meeting

Although the two municipal case studies cannot be viewed as being representative for all small municipalities and big cities in Finland, some tentative conclusions and recommendations can be drawn from their best practices in involving children in local decision-making and decision-making in schools. In general, it can be concluded that the city of Tampere has better child participation structures in place than the smaller town of Pietarsaari. The reasons for this might be that a city has more facilities for developing the necessary structures and processes. Another explanation can be found in the role of the local children’s ombudsman in Tampere, who is very active in promoting and facilitating child and youth participation locally.

Regarding Finnish municipal structures, it has to be noted that there is a **strong municipal autonomy**, which results in very few opportunities to share best practices. This autonomy provides strengths, such as freedom of implementation, latitude with regard to co-operation and the motivation to take initiatives. However, it also leads to challenges as the municipality cannot function as a real platform for implementation as it works in isolation and its work is dependent on human and financial resources. This has to be borne in mind with regard to participatory activities for children and young people in municipalities.

For young people aged 13 -19, both towns have municipal youth councils and school councils. However, for younger children in Pietarsaari there is no children’s council or parliament either at municipal level or at school level, whereas in Tampere there is a children’s parliament for 7 to 12-year olds and school councils have been set up in primary education. There is wide support for a legal obligation to develop and implement in each municipality a **local youth participation strategy or action plan**, which would include issues such as education and schools, the health sector and cross-sectoral issues.

With regard to **equal opportunities**, both towns claim that all children have equal chances to participate in the existing child participation structures, In practice, however, it turns out that marginalised children, such as homeless children, immigrant children, children living in residential care and disabled children, need to be approached more proactively if they are to participate. Specific mechanisms need to be developed locally to ensure these children have equal opportunities to do so. In Tampere, there are examples of good practices of physically disabled children participating, and examples of good practice exist in the case of very young children in nurseries and other places attended by small children. In Pietarsaari, no mention of this is made.

In both municipalities, on the initiative of the Youth Council and Youth Forum young people are able to **participate in the municipal committees**, which take decisions relevant for chil-

dren and young people in the areas of education, youth policies, day care, leisure and culture. In Pietarsaari, young people also work on the Environment and Construction Committee. However, in Tampere children are involved in the decision-making process from the start, whereas children in Pietarsaari are only involved at a later stage of the decision-making process, which is often too late to influence more than specific details of the decision. An example of good practice can be found in Kitee, a small rural town in the north-east of Finland, where children aged 8-12 have been active as urban planners and contributed to the planning and improvement of a problem neighbourhood around their school. The children have proved to be a valuable urban planning resource and their level of participation involved co-operation and decision-making between adults and children.¹³

Pietarsaari is a **bilingual town** with a large Swedish minority and has enabled all children to take part in the Youth Council and the municipal committees in their own language, i.e. Finnish or Swedish. However, there is no provision for the 3.7% of children who speak other languages. The same applies to Tampere, where non-native Finnish speakers make up 4.9% of the population.

In both municipalities, there is not much co-operation between the municipality and local associations, NGOs and civil society organisations, and no support is given to them to develop child and youth participation initiatives.

Recommendations

- **Ensure the involvement of youth councils in municipal decisions at the beginning of the decision-making processes** instead of at the end, when only minor issues can be changed by the children and young people. This could be done via the Children’s Ombudsman, as in Tampere. Where a municipality might be too small to have a children’s ombudsman, this post could be part-time or the same person could be chosen for several municipalities in the same region.
- **Ensure children and young people are consulted on ALL issues affecting them**, including sports, recreation, education, welfare, infrastructure, environment, health, etc.
- Make it a legal obligation to develop and implement in each municipality a **local youth participation strategy or action plan**, which would include issues such as education and schools, the health sector and cross-sectoral issues.
- **Ensure the training of local professionals working with children and young people** on children’s rights and children’s participation on the basis of the good example set by Tampere. Ensure that the effect of the training of professionals working with children is **evaluated**.
- **Explore ways for children under 13 to participate** at municipal level, like the Tampere Children’s Parliament, either by involving them in the Youth Council or setting up a separate ‘children’s council’ for younger children or consultation mechanisms in which younger children can be involved.
- The local government needs to compel schools to set up school councils, not only in secondary and upper secondary but also primary education, for example by providing

13. Liisa Horelli, “Children as urban planners”, *Architecture and Behaviour*, Vol. 10, no. 4, pp. 371-377.

training for school professionals, which is already done in Tampere, where all schools have to have school councils.

- Ensure that **children and young people are represented on municipal committees**, based on the example of Pietarsaari and Tampere.
- The local government needs to make an effort to **involve marginalised and vulnerable children in youth councils**, since this group usually does not respond to the usual announcement channels, such as school notice boards, but need to be approached in person. The key challenge seems to be to involve all children equally in decision-making at local level. All children and young people, including those with special needs, migrant children, asylum-seeking children, etc, need to have an **equal chance to participate**. With regard to the involvement of vulnerable children, lessons could be learned from civil society organisations working with them. As far as the participation of non-native Finnish children and young people, such as children of the Swedish and Sami minorities, is concerned, it needs to be ensured that they are able to participate in their own language.
- Municipalities need to **support local associations**, NGOs and child/youth civil society in the development of child and youth participation structures.

Legal and policy analysis of child and youth participation

This section of the review provides an analysis of the legal and policy framework for child and youth participation in Finland and aims to respond to the issues raised in General Comment No. 12 of the UN Committee of the Rights of the Child on child participation. The section begins with a legal and policy analysis of child and youth participation in Finland, including the child's right to information and the role of the media. The second part of the analysis focuses on the implementation of the right to be heard in different settings and situations, including the family; alternative care; health care; education and school; play, recreation, sports and cultural activities; situations of violence; judicial and administrative proceedings; public life and civil society.

Introduction to the legal and policy framework for child and youth participation in Finland

“I hope they show mutual respect, that is even if they're not so interested they should at least try to listen (even if there's nothing you can do)”

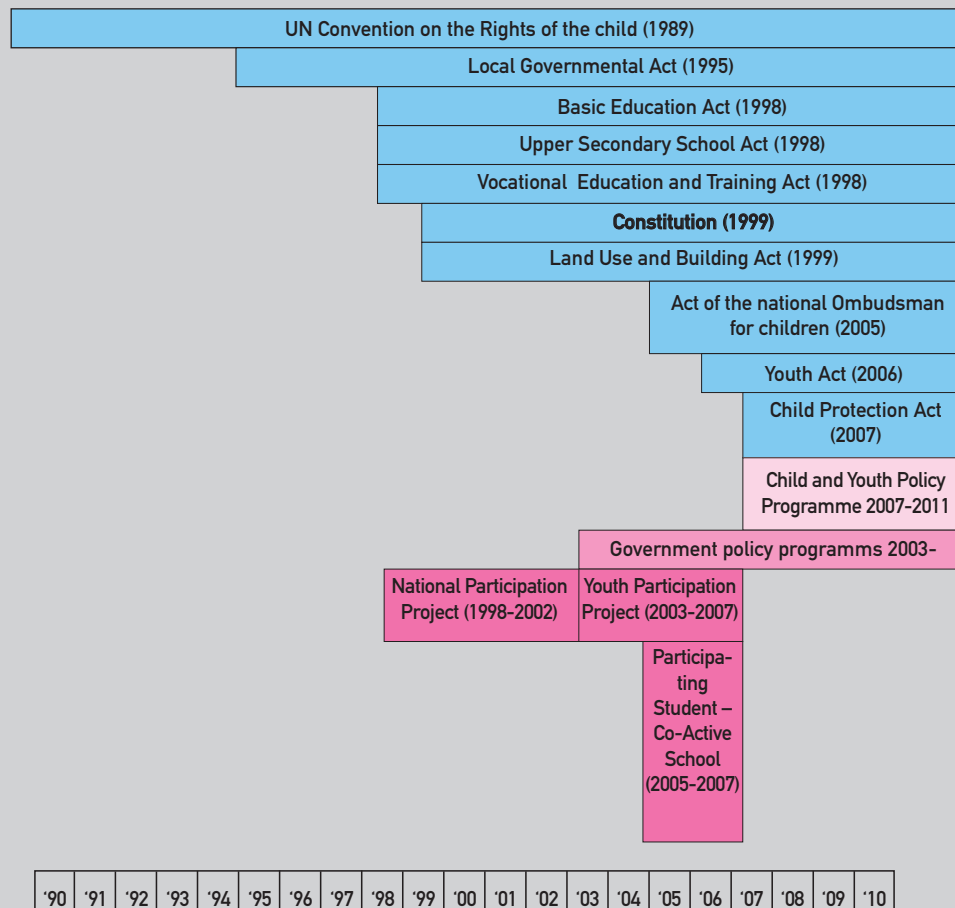
Quotation from a Finnish child participating in a focus group meeting

In Finland all citizens are subject to the same national legislation. Participation and opportunities for action are enshrined in Article 14 of the **Finnish Constitution**, which states that “public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her”. The Constitution is the framework for all legislation and legislative amendments in Finland and has primacy over other legislation, including the right to participate. The legislative framework governing child and youth participation is shown in Figure 1.¹⁴

Municipalities are local administrative bodies that are governed by local councils, which are in turn elected by the local population. Section 27 of the **Local Government Act (365/1995)** defines the participation and opportunities for action for citizens at the municipal level, and participation can be fostered by helping residents to manage, prepare and plan matters on

14. The legal framework for child and youth participation is described in detail in: Eva Feldmann-Wojtachnia, Anu Gretschel, Vappu Helmisaari, Tomi Kiilakoski, Aila-Leena Matthies, Sigrid Meinhold-Henschel, Roland Roth, Pia Tasanko, “Youth participation in Finland and Germany. Status analysis and data based recommendations”, Finnish Youth Research Network, Bertelsmann Stiftung und Forschungsgruppe Jugend & Europa am CAP, Ludwig-Maximilians-Universität München, 2010.

Figure 1 – Chronological development of legislation, contracts, policy programmes and national projects to encourage child and youth participation



The 2006 Youth Act (72/2006) made youth participation and the right of young people to be consulted in municipalities a legal obligation. Section 8 states that “young people must be given the opportunity to become involved in dealing with issues relating to local and regional youth work and policy”. In addition, young people must be consulted when issues concerning them are dealt with. The word ‘must’ suggests a strong obligation, and the areas where young people must be given the opportunity to participate are clearly defined and relate to local and regional youth work and policy. However, young people themselves and the Federation of Youth Councils call for the clarification of section 8 of the Youth Act and for municipal officials to be made more aware of the existence and implementation of the Youth Act and given the necessary training in this regard.

It should be noted that the Youth Act also provides a new framework for interpreting the Local Government Act. The voluntary civic participation (direct democracy) mentioned in

15. Evaluation of Basic Services 2007; Vainila 2008, 40. See also the government’s report to parliament, 3/2002v, p. 11)

section 27 of that Act should be seen as an example of the methods that the municipalities are obliged to apply in order to provide opportunities for youth participation.¹⁶

In relation to education, the **Basic Education Act (628/1998)** (for grades 1-9) contains a reference in Section 47 to participation and being consulted in the school environment – a **school can have a student council** consisting of its own students. The **Upper Secondary School Act (629/1998)** and the **Vocational Education and Training Act (630/1998)** (both apply to grades 10-12)¹⁷ state that educational institutions must give students an opportunity to take part in the development of their education and to be consulted before decisions affecting their studies or their role as students are made. The acts also oblige all upper secondary schools and vocational schools to have a school council consisting of their own students. This shows that children and young people in secondary and upper education have a legal right to be consulted and take part in decisions, whereas in primary education there is no such obligation but only a possibility. However, participation at schools involves more than school councils: it requires the pupils to attend to their daily education and its development. The Education Act states that students must be consulted before decisions that have a fundamental effect on their studies and their status are taken (leading to compulsory student representative bodies), but it **does not state how school councils have to be structured and in what areas children have to be consulted.**

The new **Child Welfare Act (417/2007)**, section 5, gives greater weight to the child's own opinion. It entitles children to obtain information in a child welfare case affecting them and gives them the opportunity to present their views, in accordance with their age and level of development. A decision concerning a child or young person or the provision of child welfare must pay special attention to that individual's views and wishes. At local level, when municipal services for children, young people and families with children are developed, special consideration must be given to the needs and wishes of children and young people.

The Child Custody and Right of Access Act (1983), section 4.2 provides: 'Before making the decision concerning the child the guardian must discuss with him/her if it is possible considering his/her age and level of development. In making the decision, due weight must be given to the child's opinion.'

Municipalities are local administrative bodies that are governed by local councils, which are in turn elected by the local population. **Section 27 of the Local Government Act (365/1995)** defines citizen participation and opportunities for action at the municipal level. It states that the municipal council shall ensure that local residents and service users have opportunities to participate in and influence their local authority's operations and that this right is respected. Section 27 (6) states that participation can be fostered by helping residents to manage, prepare and plan matters on their own initiative. According to Erika Vainila, several municipalities have set up separate councils for the disabled, senior citizens and young people in recognition of this fact. The section also refers to special funding for youth councils.¹⁸ Section 28 of the Local Government Act gives **all local residents** the right to launch initiatives, stating that "local residents have the right to submit initiatives to the local authority in matters related to

16. See Vainila 2008, 121.

17. See diagram of the Finnish school system on page 9.

18. Evaluation of Basic Services 2007; Vainila 2008, 40; see also Government report to parliament, 3/2002 vp. 11.).

its operations. Persons submitting initiatives shall be informed of the action taken as a result of an initiative”.

The question is whether local residents include children and young people below the age of 18. In practice many municipalities have installed youth and/or children’s councils. In 2007, there were 226 municipalities with youth councils and other youth/child action groups¹⁹ (out of a total of 342 municipalities in 2010).

Section 14 of the Local Government Act states the following about the right of a legally incompetent person to be heard:

- The right of a legally incompetent person to be heard shall be exercised by his/her guardian, custodian or other legal representative. However, a legally incompetent person shall alone exercise his/her right to be heard in a matter pertaining to income or assets in his/her possession.
- A legally incompetent person who has attained the age of eighteen years shall alone exercise his/her right to be heard in a matter pertaining to his/her person, if he/she is capable of understanding the significance of the matter.
- A **minor who has attained the age of fifteen years** and his/her custodian or other legal representative have a parallel and separate right to be heard in a matter pertaining to the person of the minor or his/her personal rights or interests.

The National Children’s Ombudsman

The **National Children’s Ombudsman Act** (1221/2004) provides for a Children’s Ombudsman whose duty it is to monitor the welfare of children and young people and the exercise of their rights, to influence decision-makers from a children’s viewpoint, to convey information received from children and young people to decision-makers and to promote the UNCRC. The Office of the Children’s Ombudsman began operating in 2005. Administratively, the Ombudsman co-operates with the Ministry of Social Affairs and Health.²⁰ She has a group of youth advisors to assist her and is a member of the European Network of Ombudspersons for Children (ENOC).

Section 2 of the Act defines the **duties of the Children’s Ombudsman**:

“It is the duty of the Children’s Ombudsman, in co-operation with other authorities as well as organisations in the field of activity and other players, to promote the implementation of the interests and rights of children. The duties of the Children’s Ombudsman are:

1. to assess the realisation of children’s interests and rights and monitor the living conditions of children and young people;
2. to monitor legislation and societal decision-making and assess their impact on children’s welfare;

19. Eva Feldmann-Wojtachnia, Anu Gretschel et al., “Youth participation in Finland and Germany. Status analysis and data based recommendations”, Finnish Ministry of Education and the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSF), 2010.

20. An unofficial English translation of the Children’s Ombudsman Act is available at http://www.lapsiasia.fi/en/overv/statutes/law_on_the_ombudsman, and an unofficial translation of the Decree is available at http://www.lapsiasia.fi/en/overv/statutes/act_of_government.

3. to develop initiatives, advice and guidance on matters relating to children in societal decision-making and to promote the realisation of children's interests in society;
4. to maintain contacts with children and young people and provide them with information on decision-making;
5. to develop forms of co-operation between different players;
6. to convey information concerning children to children, to those working with children, to authorities and to other sections of the population; and
7. to promote in different ways the implementation of the Convention on the Rights of the Child adopted by the General Assembly of the United Nations (59-60/1991)."

The Children's Ombudsman must submit an annual report to the government and prepare an annual action plan. In that annual report, the Ombudsman must assess the state of children's and young people's welfare and present an assessment of any necessary amendments to legislation. Under current legislation, the Children's Ombudsman cannot report directly to parliament. The Ombudsman's duties do **not include handling appeals or complaints concerning the enforcement of children's rights in the case of individual children or families**. In terms of children's rights, this duty is specifically assigned to the Parliamentary Ombudsman.

Finland has **other human rights authorities and law enforcers** (other special councillors, regional state administrative agencies) that can, in theory, deal with complaints made by children. In practice, however, these are **hardly ever contacted by minors**. Complaints concerning children primarily come to light through contacts made by parents. The Office of the Children's Ombudsman is carrying out a project aimed at making the activities of other human rights authorities and law enforcers more child-friendly.²¹

There is no statutory system of **children's ombudsmen at the local level**. Finland's first (and only) municipal children's ombudsman was instituted in 2003 in the city of Tampere,²² in response to the Mayor's long-term commitment to taking the opinions and needs of children and young people into account in planning and decision-making. The section in this review containing two municipal case studies refers to the city of Tampere and shows the important role of the local children's ombudsman in promoting and supporting child and youth participation in that city.

Specific Legislation implementing Article 12 UNCRC

Article 12 UNCRC is also implemented through the following more specific legislation:

- The Status and Rights of Patients Act 1992/785 (see section on health care)
- The Status and Rights of Social Welfare Clients Act 812/2000
- The Administrative Procedure Act (423/2003)
- The Language Act (423/2003)
- The Sami Language Act (1086/2003)

21. Information about the activities of the Children's Ombudsman is available in English in the report submitted to the European Network of Ombudspeople for Children in 2010 http://www.lapsiasia.fi/c/document_library/get_file?folderId=618937&name=DLFE-10175.pdf as well as in the summary of the action plan for 2010 http://www.lapsiasia.fi/c/document_library/get_file?folderId=97173&name=DLFE-8361.pdf

22. Eva Feldmann-Wojtachnia, Anu Gretschel et al., op. cit. (footnote 19).

The **Administrative Procedure Act** defines the fundamental principles and procedures for the operations of authorities and issues detailed provisions on **the authorities' obligations under the Finnish Constitution to listen to citizens**. It guarantees children's rights to information about matters concerning them, but the question of whether or not to disclose information must always be assessed, especially from the child's point of view.

The purpose of the **Language Act (423/2003)** is to ensure the **constitutional right of every person to use his/her own language, either Finnish or Swedish, before courts and other authorities**. Since Swedish is the less commonly used national language, it can be considered a minority language in this context. The Language Act (423/2003) also aims to guarantee everyone's right to a fair trial and proper administration irrespective of his/her language and to safeguard the linguistic rights of individual people without their specifically needing to invoke those rights. Among other things, the Act guarantees everyone's right to use Finnish or Swedish before a State authority and an authority of a bilingual municipality. Furthermore, the authorities must offer people the opportunity to be heard in their own language, i.e. Finnish or Swedish. Everyone has the right to use and be heard in his/her own language in a matter that has been instituted on the initiative of the authorities and that directly affects the fundamental rights of that person or a person under his/her custody or an obligation imposed on the person by the authorities. The **Language Act applies to all citizens and does not make specific reference to children**, but in practice children have the right to use their own language, either Finnish or Swedish. This is for example illustrated by the municipal case study of Pietarsaari, which is a bilingual town.

The purpose of the **Sami Language Act (1086/2003)** is to contribute to guaranteeing the **constitutional right of the Sami to maintain and develop their language and culture**. The Act lays down provisions on the right of the Sami to use their own language before the courts and other public authorities, as well as on the authorities' duty to enforce and promote their linguistic rights, especially in their traditional homeland. The goal is to ensure the right of the Sami to a fair trial and proper administration irrespective of their language and to guarantee the linguistic rights of the Sami without their specifically needing to invoke those rights. Among other things, the Act gives the Sami the right to use their language in their own affairs or in a matter in respect of which they are interviewed by a public official referred to in the Act. An official may not restrict or refuse to enforce the linguistic rights covered by the Act on the ground that the Sami person also knows another language, such as Finnish or Swedish.

The **consultation of citizens is referred to in other legislation, for example, the Land Use and Building Act (132/1999)**. This gives everyone the right to participate in the process of planning the use of land and water areas and building activities and ensures a high-quality and interactive planning process. Under the Act, the planning authority must publish its plans so that those concerned are able to follow and influence the planning process. Section 65 (as amended, in force since 1 January 2009) entitles those who have made written objections to receive the local authority's reasoned opinion on the objection if a return address is provided. However, with the exception of a number of park planning processes involving the co-operation of young people, for example in Helsinki, no specific reference is made to children able to influence land and water planning processes. No information is available for assessing the opportunities for children and young people to develop living environments, for example, despite the fact that this is one aim of the Land Use and Building Act and, for

instance, the policy programme.²³ An example of good practice where young people are able to influence the planning of their environment can be found in the municipal case study of Pietarsaari, where young people are represented on different municipal committees, including the Construction and Environment Committee.

Child and Youth Policy Programmes

In addition to its obligations under the laws safeguarding child and youth participation, the Finnish Government has to adopt a youth policy development programme every four years pursuant to the Youth Act (72/2006). The first **Government Child and Youth Policy Programme (2007-2011)** was adopted on 13 December 2007 and contains around 300 child and youth policy measures. A focus area of the Programme is the participation of children and young people, including the development of systems enabling them to exert an influence and have their voices heard. One of its aims is that all municipalities will by the end of 2010 have implemented a system that enables the 5-17 age group to participate and be heard and respects the needs and backgrounds of children of different ages. However, it has to be noted that it is not clear what this means in practice for small and large municipalities. Does it mean that only a hearing process has to be set up? Currently different participation mechanisms exist in different parts of Finland, which is a positive development, since what would work well in one municipality might not do so in another. It is most important that children and young people are able to voice their opinions on municipal issues and that their views are taken seriously by municipal policymakers.

The Programme includes concrete aims and measures to achieve the objectives and targets such areas as democracy education and development into active citizenship, equality and combating discrimination; education for global responsibility and tolerance; learning a sustainable lifestyle; media literacy; youth work on the Internet; systems enabling children and young people to exert influence; eDemocracy; the development of student body activities; preventive youth, culture and sports activities; youth facilities in local communities; improvement in the prerequisites for the operations of non-governmental organisations; and the dissemination of information about children's rights.

In addition, the Finnish Government has launched three policy programmes covering a variety of cross-sectoral issues to ensure that its key objectives in the Government Child and Youth Policy Programme can be achieved. One of these objectives is the **government's Children, Youth and Families Policy Programme (2007-2011)**, which creates a framework for the well-being of children, young people and families. **This programme supports the first Child and Youth Policy Programme** and can be regarded as a kind of action programme incorporating implementation measures. It aims to give children and young people more opportunities to participate in pre-school educational environments, schools, institutes of education, and libraries. Child-friendly aspects of the judicial process will be reinforced and the opinions of children and young people will be taken into account more widely in the context of social and health services, the development of services and community planning.

²³ See the mid-term evaluation report of the parliament. In a forthcoming book: "How near you are, municipality of children and youth?" (expected late 2011) by Any Gretschel, Tomi Kilakoski et al., which will contain some information assessing this aspect.

The position of the UNCRC within the Finnish legal system

“Young people should be heard in two stages. And their opinion must be considered. Even if the law doesn’t require it (i.e., does not require that issues relevant to young people are dealt with in the way young people want them to be), their opinions should be considered, explained and followed up with feedback (be it good or bad).”

Quotation from a Finnish child participating in a child focus group

Finland has not made any reservations or declarations to Article 12 of the UN Convention on the Rights of the Child. Article 12 of the UNCRC and the UNCRC as a whole has been incorporated into the country’s Constitution, notably in Article 6, which states that: “Children shall be treated equally and as individuals and shall be allowed to influence matters pertaining to them to a degree corresponding to their level of development”. The UN Convention on the Rights of the Child has been fully ratified in the form of a Parliamentary Decree on the implementation of the Convention on the Rights of the Child and the passing of an Act on the ratification of certain provisions of the Convention (16.8.1991/1130).

The Finnish Government has submitted a total of four reports on the implementation of the UNCRC in Finland to the UN Committee on the Rights of the Child, which agreed with the conclusions of three of them. The fourth report will be discussed at the Committee’s session no. 56 in May 2011. In its **Concluding Observations** on the third State Report in September 2005, the Committee expressed concern that only children aged 15 and older have the right to be heard directly by a judge/court in legal proceedings relating to such matters as custody, alternative care or child protection measures. The Committee was also concerned that the training on the Convention for professionals working with and for children remained insufficient. In relation to the child’s right to access to appropriate information, Finland was encouraged to develop agreements and projects with journalists to protect children from being exposed to harmful information in the media and improve the quality of information addressed to them.²⁴

Responsibility for the implementation of Article 12 UNCRC

As such, the implementation of Article 12 of the UN Convention is not the responsibility of any individual ministry or ministry department. Rather, the **responsibility is divided between different parties.**

The duties of the **Ministry of Education and Culture’s Youth Policy Division** include the implementation of the Youth Act (72/2006) and, consequently, the promotion of youth participation, especially at the local level. This also means supporting children’s and young people’s hobbies and leisure time activities and their own organisations, as well as youth workshop activities and youth information and counselling services.

In the period 2007–2011, the government is implementing a special policy programme for children, young people and families under the auspices of the Ministry of Education and

24. Committee on the Rights of the Child, fortieth session, Consideration of Reports submitted by States Parties under Article 44 of the Convention, Concluding Observations: Finland, CRC/C/15/Add.272, 20 October 2005.

Culture. As stated in the government's programme and separate strategy document, the aim of the policy programme is to **co-ordinate the operations of different ministries with regard to child-related issues**. The duties also include the wide-ranging promotion of children's right to participation. A study currently underway aims to determine how the best practices developed in the implementation of the policy programme could be made a permanent part of the government's work. Pursuant to the Youth Act (section 4), the government adopts a youth policy development programme every four years. **The programme contains the national objectives for child and youth policy and provides guidelines for child and youth policy programmes at the provincial and municipal levels**. The involvement and participation of children and young people are key elements of this programme, the implementation of which is assessed annually pursuant to the Youth Act by the **Advisory Council for Youth Affairs**, an expert body specialising in youth work and policy attached to the Ministry of Education and Culture.

The **Children's Ombudsman** is a public official independent of the government and is attached administratively to the Ministry of Social Affairs and Health. The post is based on the UN Convention on the Rights of the Child. The Ombudsman **monitors and promotes the exercise of children's rights in Finland**. He/She does not settle appeals or complaints or carry out inspections of institutions as this law enforcement duty is the responsibility of the Parliamentary Ombudsman.

The **Ministry of Foreign Affairs**, in turn, is responsible for the Finnish Government's reporting on children's rights to the UN Committee on the Rights of the Child. The government reports every five years on the implementation of the Convention on the Rights of the Child. In addition to the Government's report, child welfare organisations and the Children's Ombudsman submit their own "supplementary reports".

Finland does not have a national strategy or policy exclusively for the promotion of Article 12 UNCRC. However, the **government's child and youth policy development programme** mentioned above defines targets related to the participation of children and young people in a broader context as well as in the **government's Children, Youth and Families Policy Programme**, which has resulted in an efficient co-operation network for promoting the dissemination of information about children's rights.

Evaluation of the effectiveness of laws and regulations

Of the legislation incorporating provisions on listening to children and young people, **only the Youth Act is regularly evaluated** with regard to its effectiveness as a part of the government's assessment of basic services.

"The Youth Act should be redefined so that the views of young people are taken seriously, recorded, dealt with and weighed up when decisions are made."

Quotation from a Finnish child participating in a child focus group

Under the Youth Act (section 4), the Advisory Council for Youth Affairs annually assesses the implementation of the child and youth policy development programme. The assessment includes evaluating the **impact of measures** and monitoring their implementation. Based on surveys provided by ministries, an evaluation of the progress of the development programme's

implementation is submitted to the ministerial group of the government's Children, Youth and Families Policy Programme.

Regional state administrative authorities have collected information about the implementation of section 8 of the Youth Act, especially concerning the structures, if any, that municipalities have in place for listening to children and young people. The umbrella organisation Finnish Youth Co-operation Allianssi has collected information about the practical functioning of these structures by arranging discussions in municipalities between young people and decision-makers in order to improve municipal services and young people's opportunities for exerting influence.

Assessments have also been made of the activities of **school participation structures** (student bodies). However, they have been mainly based on **answers collected from adults** at schools.

The Child Welfare Act and the Child Custody and Right of Access Act are part of general legislation that encourages and obliges parties to consult with children. However, their functionality has not been assessed to date. In fact, the parliament's mid-term evaluation report states that there is **still no information available as to whether and how children and young people can participate in child welfare services** (at an individual and family level and also in arranging and developing municipal child welfare services for children and young people). Under the Child Welfare Act, which came into force in early 2008, municipalities must consider children's opinions on the organisation of services that encourage physical and mental growth and well-being and on all child welfare issues involving individuals and families. The implementation of the Act has not yet been assessed.

The Finnish Government points out that both the Child Welfare Act (2007) and the Youth Act (2006) have been in force for such a short time that hardly any assessments of their impact have been made. However, some sort of assessment could have been made during the past three to four years.

The aim of the government's policy programme has been to promote the assessment of the effects that municipal decisions have on children. The assessment serves as a tool for municipalities to further the welfare of children, young people and families and for designing and developing services. The goal is for the tools for assessing the effects on children to be used when decisions target children and young people.

Concluding remarks

It can be concluded that, although legislation is in place to promote and support child and youth participation in different areas of children's and young people's lives, the assessment of the impact and implementation of these provisions remains quite poor, with only the Youth Act being regularly assessed.

It is recommended that the government assess legislation on a regular basis and that it not only consults adults in this connection but also children and young people.

Specific legal judgments

There are legal cases that confirm the view that children's opinions must be heard. The following case, tried in court in 2001 (S2001/518), serves as an example of this.

After the death of their mother, the children remained without a guardian. Custody of the children had been sought by the children's father and by the person who had been living with the mother and the children. The children said they wanted to stay with the latter. The Helsinki District Court gave the children's father custody, even though the children said they wanted to stay with the mother's new partner, whom they were used to living with. The mother's partner appealed to the court of appeal, which upheld the District Court's judgment. The case was remitted to the Supreme Court. Under section 2 of the Act on the Implementation of Decisions concerning Child Custody and Right of Access, implementation cannot be initiated against the child's will once the child has turned 12. The children in question had turned 14 and 12, so that the Supreme Court held that the decision custody, according to which the children would have had to move in with their father, could not be implemented because of the children's age and the desire they had expressed. Taking into account the children's best interests, the Court held that custody should be given to the person living with the children.

Training for professionals working with and for children

Training with regard to Article 12 UNCRC and the practical aspects of children's right to participate is not systematically provided for professionals working with and for children, including lawyers, judges, police officers, social workers, community workers, psychologists, carers, residential and prison officers, teachers at all levels of the education system, doctors, nurses and other health professionals, civil servants and public officials and asylum officers. Training may be provided at individual educational institutions. **Training is available to some professionals, such as teachers, but not all groups.** In addition, civil society organisations working with issues concerning children and young people (for example the Mannerheim Child Welfare League) provide their members with **general training in children's rights.** As far as centrally based umbrella organisations working in this field are concerned, the organisation Finnish Youth Co-operation Allianssi and the Central Union for Child Welfare train their member organisations and employees if required.

The Centre for School Clubs has occasionally provided training for teachers and club instructors in connection with the activities of the Youth Parliament. The content of the training has not specifically related to the Convention on the Rights of the Child but material related to it has been distributed at events. The goal has been to inform pupils in particular about their rights. The Centre has not arranged systematic training for teachers.

There are many projects, programmes and best practices for taking children's rights and interests into consideration. **Many judges, for example, have improved their specialist skills in handling child-related cases,** and child-friendly facilities have been set up in court buildings. The police aim to increasingly emphasise the training of police officers investigating crimes that target children. **Special training for police officers and health care professionals conducting interviews with children was launched as a pilot project in 2009.** The Finnish Police College arranges an annual two-week course on "sex crimes and children involved in police operations", the aim of which is to teach the basic skills for solving crimes targeting children. Reducing violence is one of the goals of the **National Internal Security Programme (2008–2011).** One measure is to set up a children's refuge to offer comprehensive help and

support to children and young people who have suffered from sexual and physical violence. The refuge will be piloted from 2011.

The Ministry of Education and Culture recently established a working group that drew up a proposal for a national communications strategy on children's rights. The group suggested that education on children's rights and participation should in future be arranged for professionals in various fields as part of their basic education and as continuing education. The Government policy programme has commissioned a survey to find out to what extent education on children's rights is offered at Finnish universities and polytechnics.

The working group proposed that courses on the Convention on the Rights of the Child be systematically developed for professional and continuing education. The government needs to assess the level of teaching relating to the Convention at universities and polytechnics, and this assessment can be used as a basis for determining what educational units are given responsibility for the national development of training on children's rights. The survey will be submitted to the Children, Youth and Families Policy Programme at the Ministry of Education and Culture on 31 March 2011.

Concluding remarks

Training on the implementation of Article 12 UNCRC for professionals working with and for children has not been consistently provided. Many teachers have received training and a number of other groups of professionals, including police officers and health professionals, as well as NGOs, offer their members training on children's rights in general.

One of the outcomes of the **child focus group meeting** was the need for the better training of professionals working with and for children with regard to children's participation, including how to involve children, listen to them and take their views seriously. This is supported by the outcomes of the **children's survey**, which revealed that, in particular, professionals working with and for children do not seriously listen to children and take their views into account.

It is therefore **recommended that the government provide structural training on children's right to participate to all professionals** working with and for children, including teachers, police and law enforcement officers, health professionals, child care professionals, civil servants and officials dealing with asylum-seekers.

The right to information in relation to the right to participation

The **right to information** (Article 17 UNCRC) is extremely important in relation to Article 12 UNCRC. Children need access to information in formats appropriate to their age and capacities on all issues that concern them. This applies, for example, to information on their rights, national legislation, policies, local services, and appeals and complaints procedures. Consistent with the Convention, States Parties should include children's rights in the school curricula. The right to information is to a large extent a precondition for the effective realisation of the right to express views.

Information in a child-friendly language

The authorities have produced some informative material that specifically targets children. The website of the Children's Ombudsman is a good example of this. The Office of the

Children's Ombudsman has published a brochure on children's rights designed with children in mind. However, government and municipal authorities have consistently failed to take children and young people into consideration in the production and dissemination of information. **Child-friendly communication policies and materials targeting children are needed in the context of measures carried out by authorities.**

The dissemination of information about children's rights was increased in 2009 through a wide-ranging 20th anniversary campaign focused on children's rights. The Office of the Children's Ombudsman and various organisations jointly produced a brochure on the Convention on the Rights of the Child in different languages (Finnish, Swedish, Sami languages, Russian and sign language). Tens of thousands of brochures were distributed among young people during the anniversary year. The government working group studying communications strategies for children's rights proposed that the amount of information distributed to children be increased. It needs to be assessed what dissemination mechanisms, either brochures or modern media, including web-based social networks, work best to reach children.

In the 2009-2010 UNICEF Nordic Study on Child Rights to Participate, 69% of children living in Finland (12-16 years old) seem to know 'a bit' or 'a lot' about children's rights, having gathered most of the information on these rights at school (83.2%), in the media (radio and television) (55.5%) and in newspapers and magazines (50.2%).

The school is the main institution that informs children about issues concerning them. The objective is defined in the National Basic Education Core Curriculum. The National Board of Education revised this on 1 August 2010, giving schools the task of informing children about the Convention on the Rights of the Child using educational approaches required by the children's age and level of development in specific grades.

In Finland, children and young people take part in various peer communication projects relating to youth communication, media education, preventive drug education and the promotion of children's and young people's opportunities to exert influence. Peer communication projects have been arranged, inter alia, by municipal youth departments, schools, children's parliaments and youth councils, both locally and nationally.

No government party is responsible for fully ensuring that the content and language of materials for children and young people are suitable for the target audience. Youth information and counselling services have established this when, for example, they have received requests from customers to explain the content and meaning of brochures "in plain Finnish". This applies to both printed and online materials. While the goal is to pay more attention to child-friendly information, this has not been done systematically.

Basically all Finnish human rights authorities, law enforcers and guardians of fundamental rights accept appeals and complaints submitted by minors. However, the various agencies do not specifically inform minors about their rights. These agencies include the Equality Ombudsman, the Minorities' Ombudsman, the Data Protection Ombudsman, the Parliamentary Ombudsman, the Office of the Chancellor of Justice, the National Welfare and Health Supervisory Authority and the regional state administrative authorities. The Data Protection Ombudsman has prepared online information designed for young people. Patient and social services ombudsmen offering local advice to health care and social welfare clients usually do not inform minors about their rights. Some patient and social services ombudsmen

may visit schools but this is not very common. In autumn 2010, the Children's Ombudsmen initiated co-operation with these parties with the aim improving information given to minors about their judicial protection.

No laws and regulations are in place to ensure children receive appropriate information

Laws and regulations ensuring that children receive the appropriate information to allow them to take decisions and express their views do not exist as such. However, the National Youth Information Co-ordination and Development Centre follows the Council of Europe's recommendations in its activities: Recommendation CM/Rec(2010)8 of the Committee of Ministers to member states on youth information and Recommendation No. R (90) 7 of the Committee of Ministers to member states on information and counselling for young people in Europe. These recommendations emphasise, among other things, that the information offered young people must be appropriate for them and meet their needs, as well as be up-to-date, understandable and reliable irrespective of the tool used for information dissemination and counselling. The purpose of these recommendations is to strengthen young people's own activities and role in decision-making that affects their lives.

The Youth Act, Administrative Procedure Act and Local Government Act are used to secure children's right to obtain information about matters concerning them.

Under the Administrative Procedure Act (423/2003), stakeholders must be supplied with the hearing documents either in original or as copies or otherwise be given an opportunity to examine them. Accordingly, in connection with the hearing children must be given the opportunity to familiarise themselves with all the documents drawn up by the authorities and available to the decision-maker. However, if the documents contain information about the child's parents that might seriously harm the child's mental health or relationship with his/her parents, the unrestricted disclosure of information may be contrary to the child's best interests. This rule emphasises the fact that information disclosure must always be assessed from the child's point of view in particular and be in the child's best interests.

In the case of health issues, children must be provided with information in formats appropriate for their age about proposed treatments and their effects and be able to contribute to the planning and programming of services for their health and development. In Finland, no such information is laid down by law.

Independent information and the appointment of a guardian in legal proceedings

A child involved in legal proceedings can be appointed a guardian under both the Criminal Code and the Child Welfare Act. The guardian's duty is to inform the child about the proceedings, establish his/her opinions, explain the consequences of expressing them and, if necessary, present the opinions to the court. The appointment of a guardian is not compulsory for children involved in legal proceedings unless the court deems there is a need for this to be done.

Under the Criminal Code, a district court may appoint a guardian if, for example, the child is a victim of a sexual or violent crime and the alleged suspect is a family member. What makes this problematic is that the appointment of a guardian may take a long time. In addition, the Criminal Procedure Act (689/1997) ensures the appointment ex officio of a defence counsel

for a suspect who is under 18 years of age. The function of the legal counsel is very similar to that of a ‘guardian’ appointed under the general provisions concerning judicial procedure.²⁵

Under the Child Welfare Act, the guardian is appointed by a local register office or district court, and this can be done if the interests of the child’s legal guardian (parent) are believed to conflict with the child’s (i.e., the guardian cannot impartially look after the child’s interests in the case). This means that the guardian acts as a substitute for the custodian.

Under the Child Welfare Act, a child can also be appointed a counsel for court proceedings if the case is being dealt with by a court of appeal or the Supreme Administrative Court.

Under the **Child Welfare Act**, a child must be appointed a **social worker**, whose task it is to inform the child (section 53) and regularly meet with the child if he/she is a child welfare client or has been put into care. Information must be disclosed in a manner in keeping with the child’s age and level of development. **In some municipalities, the ratio of social workers to children as clients is too low**, and contacts do not always materialise in the way desired.

According to Finnish legislation, **children cannot be appointed a guardian in court proceedings or custody disputes if these are related to the parents’ divorce. In Finland, children are not considered to be stakeholders in such cases.** This can be seen as a shortcoming, and the Children’s Ombudsman, for example, has been of the opinion that **the law should be amended** to enable children to be appointed a guardian in custody disputes. Moreover, legislation does not define the child’s right to obtain general information in divorce proceedings. This is left to the parents. However, judicial divorce proceedings are currently undergoing change and some district courts are testing a procedure in which an expert familiar with the child’s development is involved in the proceedings in addition to the judge (the “Follo” model).

The guardianship system has been developed in a project set up by Save the Children Finland.²⁶ The project has provided good experience of ‘tandem’ activities, in which children are supported by both a social worker and a legal counsel in proceedings under the Child Welfare Act.

Under the Aliens Act, **unaccompanied minor asylum-seekers** are appointed a guardian, whose task is to help and advise them in matters relating to asylum-seeking.

Concluding remarks

More **child-friendly information** needs to be provided to children on matters affecting their lives and rights and there needs to be a **legal requirement** for professionals working with and for children to provide children and young people with child-friendly information.

The **guardian ad litem system needs to be improved** overall and co-ordinated at the national level. This applies to the registration, education and supervision of guardians as well as the funding of the system. In relation to care decisions, it has to be possible for the child to be

25. The two general provisions concerning judicial procedures are Article 4a, Chapter 12, of the Code of Judicial Procedure and section 19a of the Administrative Judicial Procedure Act (586/1996). Both legislative instruments provide for the appointment of a guardian in specific circumstances, to which the Guardianship Act (442/1999) is applied.

26. <http://www.sosiaaliportti.fi/fi-FI/Lastensuojelunedunvalvonta/>.

appointed a guardian. The police, judiciary and social workers should be more aware of the child's right to have a guardian appointed.

Attitude towards children's right to be heard

The **right to freedom of expression** (Article 13 UNCRC) is important in connection with Article 12 UNCRC. By freedom of expression is meant the right to hold and express opinions and to seek and receive information through any media. These two articles taken in combination contribute to the development of children's abilities to exercise this right.

The general attitude to child and youth participation and the right to be heard is positive. This was established in the context of the 2009 national communication and influence campaign communication campaign conducted on the occasion of the anniversary of children's rights. This campaign was a collaborative effort by NGOs and child and youth organisations, the church and the State and is ongoing. The goal was to enhance general awareness of children's rights to ensure that as many adults as possible felt responsible for ensuring respect for these rights. A particular objective was to make it easier for children to express their own opinion, participate and exert influence. The target group consisted of children and young people under the age of 18, as well as people working with children and children's parents. As co-operation on the campaign was broad-based, **awareness of the Convention increased by 18% among the population**. According to a study commissioned by the government's Children, Youth and Families Policy Programme and carried out in October 2008 by Taloustutkimus, 54% of the population had heard about children's rights. In January 2010, the figure was 72% and it has risen since. The study showed that **as many as 95% of Finns believe that adults can make better decisions if they take children's opinions into account**. It is interesting that they believe this, especially as children's perception, as noted in the survey carried out with more than 700 children (7-17 years old) on child participation and the UNICEF Nordic Study on Child Rights to Participate shows that the percentage of adults who seriously listen to them and take their views into account is considerably lower. The figures vary for different groups of adults. For example, parents and teachers tend to listen better to children than for example local and national government administrators or elected representatives.

In recent years, an improvement – for example, in legislation and, to some extent, in attitudes – has been seen in children's right to be consulted. Other positive developments include the general provisions on consulting children in the Youth Act and the Child Welfare Act, for instance. Legislation on children's and young people's education also contains provisions on consulting pupils and on the activities of pupil bodies. At the attitudinal level, positive work has been done by the Children's Ombudsman and the Finnish Youth Co-operation Allianssi, among others. There is still a way to go before a good situation is reached: only one in every six (17%) young people believes that decision-makers consider young people to be serious discussion partners or influencers in all or nearly all matters, while one in every ten thinks young people are not taken to be serious influencers in any matter. (Myllyniemi 2008, 65–67.) . These figures are supported by the findings of the Children's Survey (7-17 years old) carried out in September 2010 in Finland, where only 15.6% of the children questioned felt their views were 'always' or 'most of the time' taken seriously by the local or national administration.

Conclusion

More specific legislation on listening to children and young people in different situations is needed.

Attitude towards a children's right to be heard in the Finnish media

Media attitudes to listening to the opinions of children and young people clearly changed at the time of the anniversary of children's rights, and this was one of the main impacts of the anniversary, the theme of which was the right of children and young people to participate and be heard.

Many dailies set up websites at which they surveyed and directly asked for the opinions of children and young people. Helsingin Sanomat, the biggest daily, now regularly publishes a page on young people's opinions. In 2009, the Finnish Broadcasting Corporation arranged a children's theme day on one of its regional radio stations (15 September 2009) and gave children and young people the microphone in particular. The Finnish Broadcasting Corporation and Helsingin Sanomat have also co-operated with the Voice of the Young project, which is associated with the City of Helsinki's system for enabling children and young people to participate.

The Youth Voice News Centre, a pioneer project of the City of Helsinki Youth Department, works as a news agency and delivers material and stories to various media. Its aim is to **encourage young people to produce media content** and submit it to mainstream media. The project activates young people and enables them to have public discussions and debates in media with other people, authorities and politicians on current issues important to them. One of the many **goals** of the Youth Voice News Centre is to **change the mainstream media's image of Finnish youth** to one that is more positive and individual and mentions their active involvement. The Centre also enables young people to participate and discuss issues with authorities and decision-makers and endeavours to increase the positive visibility of young people in the media.²⁷

Children are increasingly being heard in the media, which **generally treat with respect the individuals they interview**. Nevertheless, **they treat children and young people too generally as a group and often as a "problem"**. They often fail to identify the social change and development that causes the symptoms and problematic behaviour of children and young people. Young people participating in the hearing on the draft review report argued that the media needed to report on positive youth issues and believed it was a responsibility of adults to report positive news to the media. One possible solution could be the establishment of a **Youth Media Council** to comment on the content of children's TV. Moreover, the media had to adopt existing **ethical guidelines** on reporting on children and youth to ensure their balanced representation.²⁸

Some Finnish cities have established editorial offices for young people that produce media items from the youth perspective (newspaper articles, blogs, radio and TV features) for both

27. 'Finnish Media Education, best practices', booklet published by the Finnish Society on Media Education in co-operation with the Ministry of Education and Culture, Cultural Policy Division.

28. These are a few of the recommendations of the Global Youth Media Council, in which 35 young people aged 13 to 21 representing 20 countries took part in June 2010: <http://www.wskarlstad2010.se/gymc.php>.

the national and local media. Youth content has traditionally been published in youth newspaper sections and in TV programmes for young people but activities are no longer restricted to them. Today, youth content is also published at key locations in the main media (the Voice of the Young serving as a good example of the latter as it is produced in the metropolitan region but published in the main national media). However, it needs to be ensured that news on children and young people is not published on a separate page but incorporated into the mainstream media to ensure that adults also read it.

Finnish children and young people are active users of various media, of which the internet is the most significant (over 90% of young people have access to the internet from home). Children under the age of 14 are the most active TV viewers, while those over 14 spend more time online than in front of the TV.²⁹ It is important to acknowledge the importance of social media for children and young people nowadays, such as Facebook. The **involvement of social media** in the promotion of the participation of children and young people and informing them about their rights needs to be further explored and encouraged.

With regard to **children's own opinions about the media** taking their views seriously, about a third of the Finnish survey respondents (aged 7-17) believed that the question did not apply to them or said they did not know who they were. One third of the children who could answer the question said the media 'always' or 'most of the time' took their views seriously, while a slightly smaller group found that they 'hardly ever' or 'never' did so. Of the UNICEF Nordic Study respondents (aged 12-16), about 40% fully or partially agreed that the 'media (TV, radio, newspapers and internet) presents the opinions and perspectives of children and youth and respects them' and one in five (21.4%) partially agreed or completely disagreed with that statement.

Media education may be improved by the Act on the Classification of Audiovisual Programmes currently under discussion. This would assign the responsibility for co-ordinating media education in Finland to a new agency.

Concluding remarks

Although evidence shows that children and young people are increasingly being heard in the media, there is still work to be done to ensure children are not portrayed generally as a group or as a "problem". The Finnish Government should contribute to this by **launching positive campaigns on children and young people, establishing a youth media council** and encouraging the media to adopt **ethical guidelines on reporting on children and youth**.

The use of **social media** in promoting and developing the participation of children and young people and informing them about their rights needs to be further explored and encouraged.

Gaps in relation to the analysis of national legislation and policy

"Adults are reminded that they have rights, so why should we children not have them?"

Quotation from a girl at a national hearing on the draft review report, 5 November 2010

29. bid

Finnish legislation pays quite a lot of attention to children's right to participate, exert influence and be heard. Legislation has been supplemented in this respect, especially in the 21st century. Any obstacles are mainly related to the lack of operating practices, adult education and training, interaction skills and the question of time.

As far as special legal provisions are concerned, the legislation on early childhood education, i.e. day care, is practically the only body of statutory rules without a real obligation to listen to children and help them participate.

To date, the promotion of the right to participate has focused on representational systems at the local level (children's parliaments, youth councils, student bodies). These are important systems that create a foundation for a culture of children's participation. In addition to the systems themselves, the goal should be to ensure the quality of their operation and, especially, to educate adults in spending time and interacting with children and young people of different ages. Moreover, the opportunities to be consulted and exert influence should also be available at the level of individuals, especially when the service client is the individual child. Children and young people are often only listened to collectively and through representational systems.

As for participation structures (student bodies, listening to children at municipal level), there is still room for development especially with regard to the attendance in court proceedings of children under the age of 12. In addition, only a few municipalities have set up participation systems for under-12 year olds. Similarly, only around one in every three primary schools has a pupil body.

The right to participate has been considerably promoted in the area falling within the remit of the Ministry of Education and Culture, especially through youth work, but the same cannot be said of development work or the assessment of operations in the area covered by the Ministry of Social Affairs and Health (examples include children's health care rights and opportunities to provide feedback on the quality of health care; listening to foster placement clients during monitoring and ensuring they are aware of their rights).

Overall, the discussion in Finland has focused on extensive legislation and programmes for promoting of child and youth participation in Finnish society. Legislation alone does not prevent, or significantly promote, the participation of children and young people in particular. When drafting legislation, not enough thought is ever given to the fact that laws also affect this group of individuals and should provide some sort of practical interface, for example, promoting and assisting with the emergence of children's and young people's own perspectives and emphasising them in decision-making processes. What is also needed is procedural information about ways of linking the involvement of children and young people to local decision-making processes (creation of new ideas, planning, decision-making, implementation and assessment). Adult awareness needs to be increased in order to treat children and young people as a specific group of citizens in legislation and in routine administrative procedures.

It can be said that youth participation rights are established in Finland as strategic tools for steering youth policy at the national level, especially towards the local municipal level. Moreover, at municipal level there are more permanent structures for direct and representative participation. Examples include various types of hearing, elected youth parliaments which are consulted before certain decisions are taken, and a child ombudsman. However,

it appears that participation rights and options are offered “top down” by the state and that there is **no strong “bottom up” movement among local players** making serious use of these “pre-planned” options. Most of these participation options are merely representative forms of democracy – which means that opportunities to participate are not even open to all young people but, rather, only their elected representatives. It can be said that the methods used are too selective and that there is virtually no culture of directly involving most children in a particular area of planning processes.

Participation is determined by adults and if this is to change their attitude needs to be changed too. If this is to happen, **practices first need to be changed**. This means that informal forms of representation for children and young people need to be developed in addition to formal forms. **Tools and instruments** are needed to change child and youth participation practices in legal proceedings, police work, schools, health care institutions, etc. They may consist in the **sharing of best practices** and the **involvement of children and young people in the development of child participation processes**, as well as **training and schooling** by child rights and child participation experts, and they may lead to the more informal representation of children and young people.

After practices have changed, the next step is to change attitudes, which involves encouraging adults to listen to children. In this respect, thought needs to be given to the basic indicators on how to be an adult who listens to children. **Respect** is a key indicator mentioned by children. Since interaction with adults and friends, who are closer to the child, is easier than with professionals working with and for children, this message needs to be put across to these professionals. Adults working with or for children should not primarily see themselves as professionals but as adults who can interact with children and young people on an **equal basis**. In this respect, it has been pointed out that children can be seen from three different levels: as ‘clients’, as ‘experts’ and as ‘citizens’. It needs to be analysed what these levels of participation mean for children and young people. For instance, when children are viewed as ‘experts’ new forms of focus group meetings will be needed. The views of groups of children need to be taken into account. In this respect, **individual and collective forms of participation** exist in Finland. Individual consultations with children can often be damaging to them and does not provide enough input for decision-makers, while more collective forms of participation give a wider perspective on the views of groups of children. In this connection, the organisation of more **focus group meetings** could close the gap between top-down and bottom-up participation processes.

In general, **more bottom-up approaches to participation should be encouraged** in Finland to complement the pre-planned formats imposed from above.³⁰ However, bottom-up and new innovative approaches should not replace pre-planned ones: new initiatives will not work if there is no compromise in the context of participation processes. In this regard, **laws facilitating child and youth participation are the bottom line to participation**.

The State Provincial Offices’ Evaluation of Basic Services reveals that the implementation of the Child and Youth Policy Programme has been (at the very least) discussed in nine out of ten municipalities. However, over half of municipalities failed to involve children and young

30. Eva Feldmann-Wojtachnia, Anu Gretschel et al., Youth participation in Finland and Germany. Status analysis and data based recommendations, 2010.

people in the organisation of the programme. **Children and young people must be involved in organising and implementing child and youth policy programmes** (State Provincial Offices' Evaluation of Basic Services 2008, 141).

As far as the state's own activities are concerned, the opinions of children and young people are still under-utilised when developing services. A few positive examples (such as the revision of the core basic education curriculum) have been seen in the policy area falling within the remit of the Ministry of Education and Culture.

Adults working with children do not receive systematic education on children's rights, children's rights to participate or skills for interacting with children.

The Children's Ombudsman does not deal with appeals or complaints concerning individual children and families. However, other human rights authorities or law enforcers do not work in a child-friendly manner, for example by informing children and young people about their activities.

It would be easier for the Children's Ombudsman to exert influence if he/she were able to report directly to Parliament, for example, once every four years, on the state of the rights and welfare of children and young people.

The children's guardian system employed in legal proceedings could be further developed by ensuring better co-ordination nationwide. Listening to children and taking their interests into consideration should also be given more attention in divorce cases and associated proceedings.

The general principle of the best interests of the child is not always implemented in Finland. There are shortcomings in understanding and applying this principle, and the effects of legislation and administration on children are not sufficiently broadly understood. Children's rights and interests should be all-pervasive themes in society. However, the impacts of plans and decisions on children are not generally assessed. A guide to child impact assessment in municipal decisions has been produced and a few pilot projects have been organised around the theme, which is a positive development.

Evaluating the implementation of legislative instruments needs to be carried out more consistently and regularly and in co-operation with children and young people themselves.

Age limits on children's rights to express their views

It is necessary to distinguish between two issues from the perspective of the Convention on the Rights of the Child (UNCRC): This partly has to do with the distinction that the Convention makes between the expression of the child's view and the determination of the child's best interests. Examples concerning different age limits are listed below according to this distinction.

1) Children's rights to express their views and the ensuing responsibility of adults to ascertain them. The Child Welfare Act, for example, specifically states that the views of children of all ages must be determined.

2) The right to make decisions, which refers to age limits after which children and young people can make decisions about their own affairs or otherwise officially and independently

deal with matters pertaining to them (such as freedom of religion, acquiring a driving licence, hearings pursuant to the Administrative Procedure Act and the right to vote).

1) Children's rights to express their views and the ensuing responsibility of adult to ascertain them

- The Constitution does not set a minimum age limit for ascertaining a child's views.
- The views of a 12 year old must be taken into consideration in matters pertaining to him/her. The child's consent is needed to change his/her first or last name after he/she has turned 12. The first or last name of children under the age of 12 cannot be changed if their level of development is such that their will can be taken into account. After the minimum age of compulsory school attendance, children reach their next legal milestone at the age of 12, when they obtain various rights that increase their autonomy. For example, a 12-year old can request access to a foster placement and cannot be adopted or affiliated with a religious group without his/her consent.

2) The right to make decisions, which refers to age limits after which children and young people can make decisions about their own affairs or otherwise officially and independently deal with matters pertaining to them

- A 15 year old can appear as a witness in court and becomes personally criminally liable.
- A 15 year old can independently sign, terminate and cancel an employment contract.
- A 15 year old has the right to open a bank account and make a will.
- A 15 year old can leave the church with the parents'/custodian's consent and join a political party.
- A 15 year old can be a board member of an association and thus enforce his/her freedom of association. Under section 7 of the Associations Act, an association can be established by a person who has turned 15. Unless otherwise defined in the association's statutes, every member aged 15 or above has the right to vote, and every person entitled to vote has one vote. All parties entered in the party register are also political associations.
- A 16 year old has the right to vote in church elections.
- The legal age of majority, including both rights and responsibilities, is reached at the age of 18.
- An 18 year old can leave the church without parental consent.
- An 18 year old is entitled to vote in parliamentary, presidential and European elections. In spring 2010, a working group appointed by the Ministry of Justice studied the option of lowering the voting age in local government elections to 16. In its memorandum, the group discussed practical ways of testing the lower age limit and the legislative amendments this would require. The discussion focused on the strengthening of young people's participation, opportunities to exert influence and democracy education.

The parish (church) elections in November 2010 will give voting rights for the first time to 16 year olds. The amendments lowering the voting age in parish elections took effect on 1 January 2009.

After completing their compulsory education, young people are entitled to apply for study-related benefits. A 17 year old can obtain student financial aid for secondary or higher educa-

tion. However, the amount of aid still depends on the parents' income. With student aid, the parents' financial obligations towards their child end when he/she turns 20, after which the amount of student aid granted is no longer linked to the parents' income.

Under criminal law, the age of 15 is an important milestone since young people are then liable for the offences they commit. People under the age of 15 may also have to compensate for damage they have caused but in criminal cases they are dealt with under the Child Welfare Act and the measures provided therein are imposed. Until the age of 18, punishments must be mitigated and the investigating authorities must take the previous life stages and living conditions of the young person suspected of an offence into consideration. People under the age of 15 may not swear an oath but can be heard in court. The court may also decide to hold a closed hearing if a case involves people under the age of 15 or alternatively deny them entry into the courtroom because of the nature of the case concerned.

Table 1. Steps on the path towards adulthood from the perspective of young people's legal status.

<p>Limited right to student financial aid 17–20 yrs. End of child benefit 17 yrs. Right to daily unemployment benefit 17 yrs. Right to labour market subsidy 17 yrs. Study grant 17 yrs.</p>	<p>Limited right to unemployment benefits 17–25 yrs. Compulsory education ends at the age of 17 or when the syllabus has been completed.</p>
<p>Right to rehabilitation allowance begins at the age of 16 Right to statutory sick pay begins at the age of 16 Right to disability allowance for people under the age of 16 Right to disability pension 16 yrs.</p>	<p>A1 driving licence 16 yrs. Age of sexual consent 16 yrs.</p>
<p>Right to work if compulsory education is completed: 15 yrs.</p>	<p>Board member of an association 15 yrs. Right to drive a moped and tractor 15 yrs. Right to sign an employment contract 15 yrs. Right to manage self-earned money, as well as to open and manage a bank account 15 yrs. Criminal liability 15 yrs. Right to leave a religious group with parents' consent 15 yrs. Right to use slot machines without parents' or custodian's consent 15 yrs. (An amendment to the Lotteries Act will raise the age limit for all games of chance to 18. The Act was before Parliament in spring 2010.) Entitled to transport a child no older than 10 by bicycle 15 yrs. Not entitled to take a witness's oath under the age of 15</p>

Right to limited employment with custodian's consent 14 yrs.	
	Youth psychiatry 13–17 yrs. (e.g. age limits for Hospital District of Helsinki and Uusimaa)
A 12 year old must be heard and has the right to be heard in a child welfare case pertaining to him/her.	<p>First or last name cannot be changed without the child's consent 12 yrs.</p> <p>Adoption cannot be confirmed without child's consent 12 yrs.</p> <p>A child cannot be affiliated with a religious group or dismissed from one without his/her consent 12 yrs.</p> <p>Liable for damage caused 12 yrs.</p>
	Minimum age of compulsory education 7 yrs.

Are the views of the children given due weight in accordance with their age and maturity?

The right of children's views to be given due weight in accordance with their age and maturity means that children are not only listened to but their views are also carefully considered with regard to measures affecting them. In relation to this, the question needs to be answered as to whether children actively participate in decision-making about their lives and, if so, how. This also means that the 'best interests' of the child (Article 3)³¹ and the right not to be discriminated against (Article 2) has to be respected and taken into consideration where the state has a responsibility to listen to the child as laid down in Article 12.

Pursuant to **section 8 of the Youth Act**, young people must be given the opportunity to take part in and be heard in matters concerning them. The Ministry of Education and Culture supports the municipalities' information system and counselling service for young people, which includes a **youth initiative channel and hearing instrument**. The initiative channel includes the following sections:

- Young people's ideas on municipal matters
- Young people's discussions and comments in favour of or against ideas
- Supported ideas formulated into initiatives
- Young people can sign an initiative to support it before it is submitted or further processing.
- The municipality is in charge of progress on the initiative and of any further measures.

The initiative and hearing system is used by 120 municipalities. National proposals made through the youth initiative channel are submitted to the appropriate ministries for further processing through the Ministry of Education and Culture's Youth Policy Division and the

31. See D. Stoecklin. "Réflexivité, participation et capabilité. Le droit des enfants de participer", *Norme juridique et réalité pratique: contribution à un nouveau contrat social*, J. Zermatten & Stoecklin (Eds.), Sion, IUKB/IDE, 2009, pp. 75-109, in which the authors push further the analysis of how concrete tools favour the consideration of the child's opinion in decisions taken in his/her best interests.

Advisory Council for Youth Affairs. In addition to traditional NGOs, municipalities now have youth councils, youth forums, children's parliaments and other similar groups.

The Centre for School Clubs has arranged Youth Parliament activities for 8th and 9th grade pupils since 1998 and provided guidelines for related parliament club activities. The aim of the school clubs is to foster the development of the pupils' childhood and adolescence in accordance with the Basic Education Act. The aim also includes support for participation. When club activities at school are evaluated, this is done using different approaches, including taking account of the point of view of the individual, i.e. the club member.³²

The Finnish Children's Parliament

The **Finnish Children's Parliament** has developed a national children's parliament, with representatives from some 220 municipalities. The children, aged 7-13 years, are selected by the municipality, and each municipality has the right to select two representatives. There are **no specific measures to ensure that all children are equally represented** by taking into account gender division, disabled children, children from ethnic minorities and disadvantaged children. The meetings of the Finnish Children's Parliament, as well as the activities of its board and nine committees, are mainly arranged online under guidance, since the vast majority of Finnish children have access to the internet at home. There is also one annual physical plenary session in which all representatives have a right to participate (at the moment 440 children). These are large-scale sessions, therefore an experiment has been conducted this year to decentralise the physical sessions by splitting them into five areas in the hope that this will encourage municipalities to work towards setting up local children's parliaments.

The Children's Parliament adopts resolutions and initiatives; issues statements, produces poems, drawings and songs, poses questions; holds press conferences; conducts questionnaire surveys; asks other children and adults to join in a discussion or meeting; requests adult experts; and informs children and adults in its own municipality. Decisions made by the Parliament concern practical aspects of children's rights, for example the demand that adults propose recommendations to prevent bullying and teasing in schools or discuss environmental issues.

The **aim of the Children's Parliament** is to create a culture of democracy for comprehensive schools by ensuring that all children are listened to and given information about matters that concern them by ensuring that they are able to participate and influence decision-making, the aim being to ensure that they learn the principles of how to influence a democratic society and that they find out how to be important and respected in one's own community.

The Finnish Children's Parliament regularly co-operates with the national parliament, the Ministry of Education, the Democracy Unit of the Ministry of Justice and the Office of the Children's Ombudsman. It is one of the various national youth work services and development centres. Its operations are maintained and developed by the Finnish Children's Parliament Foundation.³³

32. Brochure on School Clubs, English Summary, Helsinki 2010.

33. The Finnish Children's Parliament, 2008-2009 Report of Children's Participation Activities, www.lastenparlamentti.fi

The 2007-2010 National Child and Youth Forum

The Ministry of Education co-ordinated the 2007-2010 National Child and Youth Forum. Participants included pupils and students from comprehensive schools, upper secondary schools and vocational institutes. The Forum convened twice during the school year in Helsinki. Each municipality involved in the activities sent two permanent representatives of pupils or students, elected in advance, to these meetings, accompanied by a mentor teacher.

In between the meetings, children and young people worked on the themes in their own schools, educational institutions or municipality under the leadership of the mentor teacher. The goal was to develop and strengthen the structures and operating methods of young people's participation in municipalities. The heads of municipal education and culture departments played an extremely important role in supporting this work.

National decision-makers (e.g., ministers and committee chairs) were invited to the year's final forum meeting to listen to young people and answer their questions.

In addition, the Union of Local Youth Councils, which is an umbrella organisation, made a statement on educational reform.

Objectives and results of the National Child and Youth Forum

1. To create a genuine interaction and influence channel for children and young people
 - Children's and young people's views obtained for local and national decision-making.
2. To foster achieving the values of basic, upper secondary and vocational education and the objectives of the core curriculum.
 - Communal operating cultures developed.
3. To strengthen local, regional and sub-regional participation structures
 - Co-operation between municipal and regional players strengthened.
4. To disseminate the results and practices of the Child and Youth Forum throughout the country

The UN Convention on the Rights of the Child used as a tool for:

- becoming acquainted with the Convention
- discussing the implementation of rights in the school/educational institution, in the municipality/federation of municipalities, in Finland, worldwide
- discussing the significance of the participation of children and young people for the implementation of rights and for learning and growing towards responsibility, as well as showing how rights and participation support the well-being of children and young people
- supporting the development of participation structures and influencing the operating culture nationally, locally and at school
- changing or strengthening issues in the direction preferred by children and young people.

Municipal-level examples can be found around Finland of **children and young people taking part in creating ideas and designing, implementing and assessing various development projects relating to the municipal environment**. This principle is repeatedly mentioned in the Finnish Government's Child and Youth Policy Programme and in the Children, Youth and

Families Policy Programme. “Children and young people will be given more opportunities to exert influence and participate in the planning, implementation and evaluation of activities in pre-school education environments, schools, institutes of education and libraries.” And “The opinions of children and young people will be taken into account more widely in the context of social and health services and in the development of these services, as well as in community planning” (the government’s 2007–2011 Children, Youth and Families Policy Programme). In practice, there is a lack of adequate evaluation information on several arenas of child and youth participation: pre-school education, libraries, social and health services, and community planning, including for example the planning of sports facilities.

Local-level youth councils (see section on Public Life & Society) can appoint their representatives to Suomen Nuorisovaltuustojen Edustajisto, a **national expert body for youth issues**. It is involved in the preparation of various political decisions concerning young people and, if required, issues statements on these decisions. It has representatives from some 70 municipalities and their number is steadily rising. Suomen Nuorisovaltuustojen Edustajisto was established in 2009 and is supported by the Ministry of Education and Culture. It is currently in its second term. It works in close co-operation with Suomen Nuorisovaltuustojen Liitto – Nuva ry (the Association of Finnish Youth Councils), for example in connection with the body’s funding, but it also operates as an independent opinion former and is not controlled by the Association.

Children belonging to the Sami minority

The Ministry of Education has also financed development work aimed at making the opinions of children and young people belonging to the **Sami minority** heard better. In 2010, a **Sami Youth Council** was established in connection with the Sami Parliament, the minority’s own self-government institution. The Children’s Ombudsman gathered the opinions and details of the experience of Sami children and young people on matters affecting their welfare by carrying out a survey among Sami children aged 13-18 years old and interviewing their parents and people working with them. The outcomes of the survey are in general positive with regard to how Sami children experience their living conditions, with a few aspects requiring improvement, such as the need for more youth centres, for bilingual/multicultural teaching and for a more truthful and contemporary presentation of the image of the Sami in the media.³⁴

No information is provided on what action has been taken in connection with the findings of this report and whether the views of the Sami children and those working with them are taken into account in policy and decision-making.

Roma minority children

No corresponding self-government institutions exist among the Roma minority. It is, however, important to also improve listening to **Roma children** as part of Finland’s national Roma policy. This was taken into consideration in the proposal for a national Roma policy programme published in early 2010. The Children’s Ombudsman carried out a survey on the welfare and rights of Roma children. The research was based on interviews with 36 Roma children aged 10-18, selected from various environments in Finland. Roma adults working

34. Office of the Children’s Ombudsman 2008 reports:1 “Being Sami is a Gift” The Welfare of Sami Children and the Realisation of their Rights in the Finnish Sami Region, by Minna Rasmus (English summary).

with the children were also interviewed. The school attendance of Roma children has been a concern but nearly all those interviewed attended pre-school and this provided a good basis for staying at school. However, the children interviewed experienced considerably more bullying than the average for children at school. It would appear that experiencing discrimination is becoming routine. Roma children actively use the internet and mobile phones, have a wide range of hobbies and have a strong sense of Roma identity.

There is a crucial need to intervene in the bullying of Roma children and prevent discrimination, as well as to promote knowledge of the Roma culture and arrange more widespread Roma language teaching. It is important that hobbies and recreational activities are developed that foster the mutual interaction of Roma youth and their participation in the activities of young people in the majority population. In particular the national and regional advisory boards on Roma affairs and local Roma affairs committees have a duty to ensure Roma children are able to participate and exert influence.³⁵ **The question is whether national, regional and local bodies will take action on these recommendations.**

The aim of surveying the opinions of Sami and Roma children was to improve listening to children in their own communities and more widely in Finnish society in general. The main development proposal is that Finnish children should on the whole be provided with more information about the national minorities – the Sami and Roma – at school.

Vaasa Youth Jury Experiment

Researchers and students of social and health management at the University of Vaasa are conducting an experiment on youth participation in the autumn of 2010. Its objective is to scientifically test the theoretical prospects of deliberative democracy in the Finnish school context. A specific youth involvement format, the youth jury model, has been chosen. The jury will be composed of 24 jurors who will represent the wider school community on demographic and attitudinal issues. Members of the Vaasa Youth Council were asked to act as a focus group to decide the precise question to be debated by the future jury. The question they came up with was 'How to create a school community in which studying isn't just about performing and in which everybody can do well just by being themselves, everybody cares about each other, everyone has a 'face' and there is a feeling that you are studying for living'. The most important challenge will be to have a representative sample of youth jurors, so considerable efforts will be made to make young people aware of the experiment. The youth jurors will question a 'witness panel', conduct debates in small groups and present the outcomes at a media event.

Concluding remarks

Many participatory structures exist for children and young people at national, regional and local level, including the national Children's Parliament, local youth councils and the Centre for School Clubs. All these bodies claim to provide equal rights for all children to participate, but no specific mechanisms are in place to ensure that, for example, minority children, such as Sami and Roma, or disadvantaged groups of children are able to participate equally.

35. Office of the Children's Ombudsman 2009:2 "More Similar than Different. The Welfare of Roma Children and Youth and the Realization of their Rights in Finland", Pekka Junkala and Sanna Taway (English summary).

With regard to **age limits to participation**, these depend on the maturity and development of the child, in accordance with Article 12 UNCRC. However, it needs to be ensured that children below the age limits are able also to put forward their views and have them taken seriously. Especially in pre-school education, as well as in several other situations, for example with regard to play areas and sports and recreational facilities **younger children** cannot be involved in the decision-making process (see sections on education and schools and on play, recreational, sports and cultural activities).

The implementation of the right to be heard in different settings and situations

The right to be heard has to be implemented in the diverse settings and situations in which children grow up, develop and learn. Various ways of influencing the implementation of the child's right to be heard are available for use by States Parties to foster children's participation.

The family

The family is the primary place where children grow up, “where they can express their views freely and be taken seriously from the earliest ages” (paragraph 90 of General Comment No. 12). State parties should encourage, **through legislation and policy**, parents, guardians and childminders to listen to children and give due weight to their views in matters that concern them. The State Party is also encouraged to promote **parent education programmes** that build on a relationship of mutual respect between parents and children, foster the involvement of children in decision-making, consider the implication of giving due weight to the views of every family member, address the question of understanding, promoting and respecting children's evolving capacities and provide for ways of dealing with conflicts within the family. A crucial aspect of family relations is the focus on the child's right to be heard.

Legislation and policies encouraging parents to listen to children and take their views seriously

According to **Article 6 of the Finnish Constitution**, children must be treated equally as individuals and allowed to influence matters pertaining to them in a way corresponding to their level of development. This provision lays the foundation for the activities of the public authorities and the whole of society to aim at the best interests of children taking into consideration and listening to children in matters pertaining to them.

Provisions on **parental responsibilities** are contained in the **Child Custody and Right of Access Act 1983**, under which parents must ask the child's views when making decisions concerning him/her. Section 4.2 of that Act states that before making a decision concerning the child the parents or guardian must discuss it with the child to see if it is possible considering his/her age and level of development. In making the decision, due weight must be given to the child's opinion.

Section 4 of the Child Welfare Act (417/2007) defines the best interests of the child in the context of child welfare activities. The general objective is to promote the child's favourable development and well-being. Under section 4.1, when assessing the need for and providing child welfare, it is first and foremost the child's interests that must be taken into account. To

do this, the objective is to ensure, among other things, children's opportunity to participate and influence matters pertaining to them. Many special statutes contains provisions on listening to and involving children in handling of matters pertaining to them.

Listening to and involving children has been a key development measure at both the state and municipal levels. The **Finnish Government's Child and Youth Policy Programme for 2007–2011** attaches great importance to this, and bodies like the National Institute for Health and Welfare strongly emphasise the need to assess the effects on children with the aim of increasing the consideration given to their best interests and to their views when decisions are made.

Children's own experiences of their opportunities to be consulted and to exert influence are monitored in various surveys. These include the **annual Youth Barometer**, published by the Advisory Council for Youth Affairs, and the **School Health Promotion Study**, published by the National Institute for Health and Welfare. According to a study on the participation opportunities of children aged 12 to 16, published by UNICEF Finland in spring 2010, a special area of development compared to other Nordic countries is the low participation of Finnish children in pupil body activities at comprehensive schools.

All the development work discussed above also targets parents, that is, it involves listening to children in all their everyday activity environments, with due consideration given for their age.

According to **surveys conducted by the Children's Ombudsman**, children think their opportunities to exert influence are better at home and in the family than at school. Surveys show that the majority of children are satisfied with their opportunities to exert influence at home. This is confirmed by the survey carried out among 700 children (7-17 years old) for this review: more than two-thirds (78.8%) said that parents and carers took their views seriously 'always' or 'most of the time'. The survey also showed that the majority (81.2%) felt they had a lot or some influence over decisions made in the family. However, it has to be noted that the results might have been much different if migrant or disabled children had been questioned. In the hearing on the draft report, it turned out that **it is not common practice in immigrant families and families with disabled children** for parents to take the views of their children seriously. The UNICEF Nordic Study on children's' right to participation shows that children (12-16) felt they could exert most influence on home-related issues, such as how to spend their own money and how much time to spend on the computer or watching television, compared to other matters like school and spare time.

Parent education programmes

Finland has a comprehensive and high-quality service system and parental support structure that takes into consideration family life cycles and children's ages. The **Decree on Welfare Clinic Services, School Health Services and Student Health Services** obligates municipalities to **organise family counselling** for expectant mothers and fathers. Family counselling is initiated for families expecting their first child. Current family counselling is mainly multidisciplinary and functional (and varies according to the municipality). The **goal of family counselling is to support future parents in their task of looking after and raising children**. Family counselling is arranged for groups, is interactive and is partly based on peer support.

Finnish welfare clinic services support parents in matters related to raising children. This child-rearing partnership with day care and later with comprehensive school also supports parenthood. Parents regularly discuss child-rearing and child development with day care and

comprehensive school staff. This interaction (child-rearing partnership) has a firm basis in the legislation and authority guidelines relating to different sectors. In addition, discussions on child-rearing, listening to children and children's participation are conducted at parents' evenings, in parental associations and in other peer activities. The Basic Education Act obliges homes and schools to co-operate.

Under the new Decree on School Health Services, schools must arrange a medical examination for the whole family, i.e. both children and parents, in certain grades. On this occasion it is possible to discuss matters related to parenthood and the family's well-being. The Decree will take effect in 2011, which means that this form of operating is only just beginning.

It is vital to understand that of the different spheres of life it is the family that Finns appreciate the most. Nine out of ten Finns considers the family to be an important part of their lives. (World Values Survey 2007)

The Central Union of Child Welfare's **Neuvo project** aims to improve the position of children and to minimise the children's losses if their parents divorce. **The children's right to be heard is a key principle.** The project has developed services and practices that support parenthood and promote a conciliatory spirit and co-operation between parents. It has also supported co-operation between organisations and other service providers with regard to the production of services for divorced families and has aimed to increase the general awareness and understanding of the effects that divorce has on children.

In addition to municipalities, several organisations and parishes organise extensive services that support parenthood and are provided online, as telephone services and in the form of manuals. These organisations include the Mannerheim Child Welfare League (telephone and online service for parents) and the Family Federation.

Concluding remarks

In general, there is good provision for the participation of children in the family and their home in Finnish legislation and policy, including the provision of support and education for parents on child rearing and for children whose parents get divorced. The child's right to be listened to and taken seriously is part of this education.

When children themselves are questioned, it emerges that the family and their parents or carers are the adults who listen to them and take their views most into account.

Alternative care

In all Council of Europe member states, a group of children live in institutional care, for various reasons. This may be alternative care to replace (temporarily) the family, juvenile justice institutions or other institutions.

Legislative measures to ensure children's participation in alternative care

“Adults want to be better and they think that their status will be jeopardised if a young person has a finger in the same pie”

Quotation from a Finnish child in a focus group meeting

Under the **Child Welfare Act**, all children and young people placed outside the home must have a **designated social worker** and must always know his/her name and how to contact him/her. Young people always have the right to know why they are in foster care and what will happen to them. Social workers must, on their own initiative, explain these issues to children and young people in foster care in a manner that corresponds to their age and level of development. A child must not be supplied with information that might endanger his/her development or is contrary to an extremely important private interest of him/her.

Under **Article 6 of the Finnish Constitution**, children must be treated equally, as individuals, and must be allowed to influence matters pertaining to them in a way that corresponds to their level of development.

Section 5 of the Child Welfare Act (417/2007) states: “Views and wishes of the child or young person. A child’s right to obtain information in a child welfare case affecting him/her and the opportunity for him/her to voice an opinion on the case must be safeguarded in a manner in keeping with the child’s age and level of development. Special attention must be paid to the views and wishes of a child or young person when assessing the need or provision of child welfare or a decision concerning a child or young person.”

- “Special attention must be paid to the views and wishes of a child or young person when assessing the need or provision of child welfare or a decision concerning a child or young person.” (section 5 of the Child Welfare Act)
- “In the provision of child welfare, the child’s wishes and views must be ascertained and taken into account in a way that is appropriate for the child’s age and level of development.” (section 20(1) of the Child Welfare Act)
- “Children aged twelve years or more must be given an opportunity to express their views in a child welfare case concerning them.” (section 20(2) of the Child Welfare Act)
- “Before making a decision on taking a child into care and substitute care or on terminating care, the child’s own views must be ascertained and an opportunity must be provided for the child to be heard.” (section 42 of the Child Welfare Act)
- The national child welfare quality recommendations and the national foster care action plan currently in preparation include recommendations on listening to children and young people.
- In addition to their custodian or other legal representative, children twelve years of age or more are entitled to be heard in a child welfare case concerning them (section 21). Being heard means the child’s right to submit an application concerning an interest or service, the right to be heard prior to a decision being made and the right to appeal independently against a court judgment him/her. For example, children are entitled to request non-residential support measures, to appeal against a decision concerning them, to ask for foster care or the termination of or a change to an urgent placement or to appeal against decisions concerning them.
- A plan must be drawn up for every child who is a child welfare client unless the client relationship is terminated after an investigation into the need for child welfare or the situation is one of temporary advice and guidance. The client plan must be drawn up and reviewed in co-operation with the child and custodian and, where necessary, with the child’s other legal representative, parent, other person responsible for the child’s care and upbringing

or a person close to the child, and any party closely involved in the child's care (section 20(1) and (2) of the Child Welfare Act).

- When ascertaining their views, **children must be provided with sufficient information about the court hearing of their case and about different alternatives** so that they can form their own view and express their opinion about the matter under discussion. Under section 5 of the Child Welfare Act, the child's right to obtain information in a child welfare case affecting him/her must be safeguarded in a manner in keeping with the child's age and level of development.
- “The social worker responsible for a child's affairs must ensure that it has been explained to the child in substitute care, in a manner in keeping with the child's age and level of development, why he/she has been taken into care and what measures have been or will be taken in his/her case.” (section 53(1) of the Child Welfare Act)
- Under section 5 of the Status and Rights of Social Welfare Clients Act, **social welfare staff must explain to clients their rights and responsibilities**, as well as different alternatives and their impact, along with other issues of importance in the matter pertaining to them. The explanation must be made in such a way that the client sufficiently understands the content and its significance.
- The **municipality that has placed the child in foster care or institutional care is responsible for ensuring that the placement is made in accordance with the Child Welfare Act** and that the child receives the services and support measures required. The activities of the foster placement location are also monitored by the placing municipality and the Regional State Administrative Agency (section 79 of the Child Welfare Act).

Experiences of children living in alternative care

Two girls (17 and 19 years old) who had lived in alternative care were interviewed, and children in the survey carried out across Finland were asked whether child care workers listened to their views and took them seriously. The two interviewed had different experiences. One had lived for most of her life in the same foster family and experienced this in a similar way as children living with their own parents. She was able to express her views and was listened to by her foster parents. She had never been informed about her rights as a foster child and had never been visited by a social worker. She is now sharing her views on child protection with the National Centre for Child Protection and feels her views are taken into account. The other girl interviewed had lived in various residential care institutions and had both good and bad experiences of carers listening and not listening to her views. She had never heard about a **youth council within the residential care institution**, which could influence decisions taken by that institution, but found this very important.

Experts in the hearing on the draft review report pointed out that residential care institutions and social workers had enormous power over what happened to children living in institutions, leaving virtually no influence for children themselves. The Child Welfare Act might improve this, but this needs to be closely monitored. Moreover, evidence was given that social workers had made improper use of their power and children felt betrayed or harmed by decisions taken. Similarly, there were children in alternative care who had never seen a social worker or else their social worker changed very often, which made them **feel that no one was standing behind them and they had no one they could trust**.

It is therefore recommended that social workers learn to show respect for children (which needs to be mutual), to be flexible and to arrange for short time placements, for example. They also need to have more time to listen to children and there should be more interaction between social workers and foster families, which should be checked at least once per year. To achieve these changes, social workers have to be trained to use their power in a positive way by taking children's and young people's views seriously.

The survey carried out with children in Finland showed that about half of those who replied to the question (not all children have experience with alternative care) said that they were able to express their views in residential care institutions and that these views were taken seriously either always or most of the time. However, about a quarter replied that their views were hardly ever or never taken into account. This accordingly gives a mixed picture of children's views being taken into account in alternative care. **Practice needs to be improved for these children**, which could be done by providing more **training for professionals** working with children and **setting up youth councils in alternative care institutions**.

Concluding remarks

The **legislation** to ensure the child's right to be listened to in relation to alternative care in Finland includes:

- legislation that gives a child the **right to information** about any placement, care or treatment plan;
- the right of the **child to be consulted** and have his/her views taken into account in the **development of child-friendly care services**;
- a competent **monitoring institution**, such as a children's ombudsperson, which exists for all children's rights issues in Finland.

Recommendations:

- There is, however, **no legal obligation** to establish mechanisms, such as a **representative council for children in a residential care facility** with a mandate to participate in the development and implementation of the institution's policies and rules. **This is a gap** that needs to be addressed both by the government in the form of legislation (as in the Netherlands, for example) and by the alternative care institutions themselves.
- **Practice shows that children are not always listened to** when they live in alternative care or do not always know their social worker, who should inform them about their rights. Practice needs to be improved by providing more **training for professionals, including social workers**, working with children in alternative care and by **setting up youth councils in alternative care institutions**.

Health care

A child should have a right to participate in individual health-care decisions and to be involved in the development of health policy and services.

“Young people don't know anything, do they?”

Quotation from a Finnish child in a focus group meeting

Legislation on access to confidential medical counselling and advice

According to General Comment No. 12 on children's participation, a State Party must have legislation or regulations in place to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being.

A key principle in the case of the Finnish health care services is to listen to children and young people and take their opinions into consideration (in a manner keeping with their age and level of development). In practice, however, children and young people are mainly represented by their parents. If a child or young person clearly indicates to staff that he/she wishes to discuss matters without his/her parents, this will be taken into account.

In legislation, the status and rights of minors in relation to the rights and responsibilities of custodians are mainly defined in the **Child Custody and Right of Access Act (361/1983)** and the **Guardianship Services Act (442/1999)**. In addition, the **Child Welfare Act (417/2007)** aims to ensure the child's right to an environment in which he/she can grow up safely and is provided with opportunities for balanced and well-rounded development and given special protection. These Acts also influence legal issues concerning the status and right of self-determination of minors in health care facilities.

Under the **Status and Rights of Patients Act (785/1992)**, which entered into force in 1993, a minor capable of deciding on his/her treatment must be cared for by mutual consent. The child's maturity is primarily assessed by the doctor involved. Section 7 of the Act states: **The opinion of a minor patient on a treatment measure has to be assessed if possible with regard to his/her age or level of development.** If a minor patient's age and level of development are such that he/she can decide on the treatment provided, he/she has to consent to that treatment.

The objective was to formulate the Act in accordance with international human rights standards, and the phrase "age and level of development", without reference to age limits, in **section 7 refers directly to Article 12 of the UNCRC**, according to which a minor who is capable of forming his/her own views must be assured the right to be heard in proceedings affecting him/her and these views must be given due weight. Based on preliminary work, what is crucial is whether the patient understands the significance of treatment or its refusal and the impact on his/her health. Issues that need to be taken into consideration include the patient's age, general maturity, the nature of the treatment measures and any risk factors related to them.

The Status and Rights of Patients Act does **not specify a particular age**, but the preparatory materials refer to the preamble to the Child Custody and Right of Access Act, based on which a child over 12 years of age can more or less be considered mature enough for his/her opposition in the case of medical issues to be taken seriously. The preparatory materials also refer to the Mental Health Act (1116/1990), which gives a child over 12 years of age an independent right of appeal against a decision ordering treatment.

The Child Welfare Act (417/2007) gives children aged 12 or more an opportunity to express their views (section 20) and to be heard in a case concerning them (section 21). The age limit is flexible, seeing as the opinion and will of a child under 12 must be given greater weight if he/she opposes a measure. The Medical Research Act sets the age limit at 5 if the child opposes research measures, as can be seen in the preparatory materials. The preamble to the Act states that the inviolability of human dignity is considered to mean that children

cannot be subjected to research against their will if they are capable of understanding what the research is about and what it involves.

The legislation mentioned above clearly provides even very young children with the opportunity to be heard in matters concerning them and gives them the right to have their opinions taken into consideration. **The right to be heard is not always implemented sufficiently, especially in the case of small children.** The child policy report submitted by the government to parliament in 1995 found this to be a **considerable problem in terms of legal protection.**

The aim of the Health Care Act currently under consideration in parliament (HE9/2009) is to improve the client-centeredness of health care services, which means the Act also encompasses children and young people, in keeping with their age and level of development.

With regard to **health care services in schools**, school nurses are considered persons who can be trusted by children and young people. However, in practice school nurses can inform social workers, who in turn inform the psychologist, who might inform the principal and the parents about what the child has told the school nurse. It is important to ensure that the confidentiality of school nurses is maintained. Another aspect in schools that is in need of improvement is to ensure children have access to health care in the schools they attend. For example, in cases where children move to another location and school they need to be able to use health care services in their ‘new’ school.

Age of consent for children to medical treatment

Indicative age limits for treatment decisions³⁶

Patient's Age	Procedure
under 12 yrs.	Parental consent. The matter must always also be considered from the child's perspective and the child must approve the treatment. A child who opposes the treatment must not be forcibly treated. Especially the will of school-aged children must be taken increasingly into account as the child grows older. Children can be coached for necessary treatment in non-urgent cases. Children aged 10 to 11, and sometimes younger than this, may be developed enough for their independent will to merit consideration (cf. the criteria set for the consent of 12 year olds).
12–15	The patient's consent. When assessing whether the planned treatment is appropriate, the child's level of development must always be taken into account. This requires: – sufficient information about alternative forms of treatment – careful consideration, and – freedom from force and pressure. Usually also parental consent. A child who opposes the treatment must not be forcibly treated.

36. Adapted from the article by Kauko Kouvalainen and Matti Nuutinen on “The principle of patient's consent and child patients”, Finnish Medical Journal 13/92, 1267–1270. In: Hannuniemi, A. 1997.)

Patient's Age	Procedure
15–17	The patient's consent. The matter must also be considered from the parents' point of view and discussed with them.
over 18	The patient's consent.

In practice, the **general principle is that 12 year olds are heard and the views of 16 year olds are complied with**. Children and young people are treated in a hospital children's ward and children have their own outpatient clinics. These days, there are also hospitals in which children and young people are treated in the same facilities as adults. Finnish hospitals do not have separate wards for young people, with the exception of a few psychiatric wards. In Finland, health care is organised into different departments based on the diagnosis and illness, not the child's age.

The goal of the association Nobab Finland is for children and young people to be prepared for treatment based on their age and level of development by using material and information designed for them. When children and young people are given a picture of their treatment based on this information, they can also express their own opinion about it. In **practice, not all child health care units disseminate information in a manner appropriate for children**. This puts children and young people in an unequal position with regard to receiving information.

Information on the right to participate in paediatric research

Finland follows strict ethical regulations for granting research permits to paediatric hospitals. Children always have the right to refuse to participate in research. The challenge is to obtain permits for research in which children are interviewed or their lives are monitored in the hospital. However, a few studies conducted in Finland have listened to children's experiences.³⁷

Each municipality has a patient and social services ombudsman, whose task it is to disseminate information about the patient's/client's rights. According to reports, social service ombudsmen usually do not talk about their activities to children and young people (e.g., in educational institutions). A report on patient ombudsmen is to be produced in 2010.

Under the **Medical Research Act (488/1999)**, medical research on people may not be conducted without the subject's informed consent in writing. Research subjects must be properly informed about their rights, the purpose and nature of the research and the procedures it involves. The potential risks and harm must also be properly explained to them (section 6).

As for minors, section 8 states the following:

Minors may be research subjects only where it is not possible to obtain the same scientific results using other research subjects and there is only a slight risk of harming or distressing the subject.

It is also required that:

- 1) the research is likely to be of direct benefit to the research subject's health, or
- 2) the research is likely to be of special benefit to the health of people in the same age group or in the same state of health.

³⁷. For example, Törrönen 1998 and Pelander 2008.

It is sufficient for the minor to give his/her consent in writing when he/she has reached 15 years of age and is capable of understanding the importance of the research procedure given his/her maturity and the type of illness and research involved and when the research is likely to be of direct benefit to his/her health, The guardian must be informed of this. In other cases, minors may be research subjects only if written consent has been given by the guardian or other legal representative after the information referred to in section 6(2) has been provided. The consent must be in accordance with the minor's presumed will. Consent may be withdrawn pursuant to section 6(4) (23 April 2004/295).

Staff with experience of working with minors must give them information about the subject-matter of the research and about the risks and benefits. If a minor who, under subsection 3, may not be a research subject without the consent of the guardian or other legal representative, is capable of understanding the significance of the research procedure to be carried out on him/her, then his/her written consent is also needed. (23 April 2004/295) If the minor opposes the research or research measure, his/her opinion must be respected in keeping with the minor's age and level of development.

It is recommended that the Status and Rights of Patients Act be made accessible to patients in hospitals. In Finland, there is still room for improvement, especially concerning the information disseminated about children's and young people's own rights, and this should be pointed out to senior health care officials and professionals. A good example of this comes from school health care services, where young people are told about their right to attend medical examinations without their parents.

Receipt of appropriate information on health care treatment

Since children are not systematically prepared on the basis of their age, their views are not always heard.

Under Finnish legislation, medical research may be undertaken only under the responsibility of a doctor or dentist with the adequate professional and scientific qualifications (section 5 of the Medical Research Act). Section 6 of the Act obliges health care personnel to provide minors with information in keeping with their ability to understand. If a minor opposes the research or research measure, the minor's opinion must be respected in keeping with his/her age and level of development. The starting-point in the Status and Rights of Patients Act is that the amount, quality and intelligibility of information must be assessed from the perspective of the patient in question. The preparatory materials state that explanations should avoid the use of professional jargon that a patient cannot be expected to understand. Moreover, when providing an explanation the patient's age, education, mother tongue and other personal aspects must be taken into account.

The Status and Rights of the Patient Act also contains provisions on a system of patient ombudsmen, which is designed to support patients and prevent difficulties in the case of health care services. The patient ombudsman system was set up because it was felt necessary to have a party that provides both patients and staff with information about patients' rights and to whom patients can turn in matters concerning legal protection. In spring 2010, the Children's Ombudsman initiated a study on the child-friendliness of the patient ombudsmen. The purpose of this is to determine how much and in what type of matter children and young people independently contact the ombudsman. The study also aims to examine how

the rights of children and young people are implemented in health care services from the patient ombudsman's perspective and whether the ombudsman's activities could be made more child-friendly. The study shows that minors contact the patient ombudsman on only a very few issues in Finland. Ombudsmen believed the reason for the small number of contacts lay in the lack of information about the patient ombudsman system and the way it operates. Minors were also considered to have too few child-friendly ways of making contact. In addition, the system does not provide particular support for independent contacts by children and young people. In the study, the patient ombudsman system proved to be poorly integrated overall, and the mode of operation and resources varied according to the health care unit. Legislation related to the ombudsman system has been found lacking in many previous studies, and the organisation of operations has fallen too much on the shoulders of individual health care organisations. The existing patient ombudsman system does not provide particular support for independent contacts by children and young people nor does it help to develop user-friendly feedback systems related to health care, for example.

Status and Rights of Patients Act of 17 August 1992/785
Section 5

Patients' right to be informed

A patient shall be given information about his/her state of health, the significance of the treatment, various alternative forms of treatment and their effects and about other factors related to his/her treatment that are significant when decisions are made on the treatment given. However, this information shall not be given against the patient's will or when it is obvious that giving the information would cause a serious risk to the patient's life or health. Health care professionals should try to give the information in such a way that the patient can understand it. If the health care professional does not know the language used by the patient or if the patient, because of a sensory handicap or speech defect, cannot be understood, interpretation should be provided if possible.

No particular reference is made to minors in connection with the patients' right to be informed, so it is recommended that this reference be specifically included.

Involvement of children in the planning of health and development services

Finnish children's hospitals do not employ systematic approaches for collecting the views of children and young people and for treatment feedback. Their views are taken into consideration on a random basis in development work.

Municipalities' welfare plans for children and young people are a new statutory tool used to guide and develop welfare activities for these individuals. A plan encompasses all municipal sectors and is part of the design and implementation of operations and established assessment practices. The purpose is to ensure that municipal activities related to children's welfare are long-term and goal-oriented. A plan defines the content of the municipality's policy on children and child protection and makes provision for the resources required. It is approved by the council and revised at least once every four years. Its content must always be taken into consideration when drawing up a budget and plan for the municipality. When a

welfare plan is drawn up, children and young people are consulted, as are organisations and other parties involved.

The survey carried out in Finland indicates that a majority (70%) of children feel that their doctor or health worker 'always' (33.8%) or 'most of the time' (36.2%) takes their views seriously. The reason for this relatively high figure might be that school health services that provide health-related information in a child-friendly manner are available in Finland. The children who participated in the Finnish focus group meeting said that the school nurse and non-teaching school staff were among the people who they felt listened to their views.

Concluding remarks

Several laws are in place to allow children to participate in health care or medical decisions and to ensure they are informed about health treatments. Several of these laws provide for age limits, such as above 12 years of age or above 5 years old. In practice, the right to be heard is not properly implemented. In particular, very young children are not consulted on health care and medical treatments. Moreover, information thereon is not always provided in a child-friendly manner, an exception to this being the school health services. The patient ombudsman service, which is available in every municipality, is not child-friendly and is hardly ever used by children.

It is therefore recommended:

- Establishing better health care monitoring mechanisms for children and young people
- Making more child-friendly information available for children
- Having health care and medical staff better trained with regard to children's participation
- Guaranteeing the confidentiality of the school nurse
- Possibly reviewing the legislation on the age of consent

Education and School

Respect for the child's right to be heard in the education context is fundamental for the implementation of the right to education. Less than 10% of children (aged 11, 13, 15 years) like school a lot, which is less compared to other European countries.³⁸

Children's and parent's views taken into account in the planning of school curricula

According to the National Basic Education Core Curriculum for 2004, "Pupils' parents and guardians must be able to influence the determination of the curriculum's educational objectives. Pupils may also be involved in the work on the curriculum."

Schools usually have **parents' associations** that co-operate with the teaching staff and pupil body. Parents are also represented on school boards. When drawing up new curricula, schools organise discussion and communication events for parents and send out to homes a variety of questionnaires related to the school's values and activities.

38. UNICEF Innocenti Research Centre, Report Card 7 'Child Poverty in perspective: An overview of child well-being in rich countries. A comprehensive assessment of the lives and well-being of children and adolescents in the economically advanced nations', 2007.

A core curriculum revision project has been launched in Finland. The working group appointed by Henna Virkkunen, the Minister of Education, to consider the general objectives and lesson distribution in basic education invited teachers from secondary schools, upper secondary schools and vocational institutions to discuss the nature of a good school now and in the future. **Nearly 60,000 young people from across Finland took part in the online interview organised by the National Board of Education and Fountain Park Oy from 14 December 2009 to 25 February 2010.** They discussed the skills and knowledge needed in the future and the extent to which schools currently succeed in teaching things considered to be the most important. Pupils also offered their views on how these things could be learned even better. The goal was to make use of young people's opinions in drawing up curricula. It seems that no children undergoing basic education have been consulted on the national curriculum.

Schools' efforts to incorporate the views of children and parents in school activities were studied in a recent survey by Rimpelä et al. (2010). According to the authors, the opportunities for custodians to participate and exert influence had been described in the curricula of about three in every four comprehensive schools. 67% of the schools had a parents' association that met on a regular basis. According to a survey, carried out by the Finnish Parents' Association, parents would like to see closer co-operation between the home and school as well as opportunities to participate. The survey conducted by the Association indicated that just over a quarter (28%) of parents had been able to participate in the evaluation of school activities. Around half of parents of comprehensive school pupils considered co-operation to be insufficient, for example, in matters relating to school meals. Nevertheless, most of the parents of comprehensive school pupils (86%) felt they were welcome at their children's school and nearly as many (82%) were of the opinion that parents were encouraged to maintain contacts with the school. Nearly a third of parents of comprehensive school pupils would like to have more parents' meetings and one-on-one meetings with teachers (Parent Barometer 2009).

Under the **General Upper Secondary Schools Act**, student bodies should be consulted on the preparation of curricula as representatives of upper secondary school students. **In practice, this varies according to the school.** Parents' opinions may be expressed on upper secondary school boards, which may have parents as members. This, too, depends on the school.

The **Basic Education Act**, the **General Upper Secondary Schools Act**, the **Vocational Education and Training Act**, the **Universities Act** and the **Polytechnics Act** all state that students must be consulted when making decisions that concern them.

Participating mechanisms at schools

“Teachers can't listen because there are so many kids at school that they don't have time to listen to them all.”

Quotation from a Finnish child participating in a focus group meeting

The **Basic Education Act** states in section 47a that a school can have a school pupil council. The purpose of the school council is to work towards better co-operation between the pupils and more opportunities for participating in the work of the school. The bodies responsible for running the school can decide whether they want to have a school council or not. However, if there is no school council, they should ensure that the pupils are consulted in some other way

whenever decisions concerning them are made. The pupils' participation is not mandatory for the time being. Despite the imprecise wording of section 47 of the Basic Education Act, student body activities have become normal and popular both at the lower and upper levels of elementary school. The extent of the school council's activities varies from one municipality to another. The student bodies co-operate with each other and there is an umbrella organisation for all upper secondary school students.

At the upper secondary level, student bodies are required by law but in the case of comprehensive schools they are only recommended. Schools can decide themselves how to implement student body activities, which does not ensure that these activities are democratic and that all pupils are consulted.

Section 31 of the General Upper Secondary Schools Act requires a pupil body to be established at every upper secondary school operating in Finland. Section 27 also requires the pupil bodies to be consulted on pupil-related matters. Everyone basically has an equal opportunity to participate in the "learning environment".

According to a very extensive report (covering 67% of comprehensive school pupils) by the National Board of Education and the National Institute for Health and Welfare on the promotion of welfare and health in basic education in 2009³⁹, 40% of primary schools and 98% of secondary schools have pupil bodies that operate on a regular basis. Activities by peer pupils (mentors, remedial education providers or tutors) are found in nearly 70% of schools.

The UNICEF Nordic Study on Child Rights to Participate 2009–2010 points out that in Finland only around 21% of secondary school pupils have taken part in student body activities, compared to an average of 38% in other Nordic countries. The obligation under the Youth Act to listen to children and young people is complied with in only a few municipalities (2007 report on the evaluation of basic services). Local children's parliaments have been set up in around twenty municipalities (out of a total of 342), which means a positive trend has been set but more work needs to be done to encourage all municipalities to do so. The Act on Pupil Body Activities will soon be debated in parliament.

The basic education quality criteria drawn up by the Ministry of Education and Culture and completed this year (Ministry of Education and Culture publications 2010: 6) offer practical tools that enable schools and education providers to assess the impact of decisions concerning the school department. The Ministry has supported the local implementation of the quality criteria which include the **pupils' opportunity to participate in curriculum discussions and in the evaluation and development of education** provided on the basis of those discussions. They also include a **separate chapter (8) on the participation and influence of pupils**. According to the criteria, education providers must ensure that appropriate procedures to enable children and young people to participate and exert influence have been set up in municipalities and that they have been made an established part of decision-making relating to children and young people. Pupils must be consulted in the municipality in connection with decisions concerning them. The procedures for participating and exerting influence must be regularly assessed and developed. In turn, schools must have an open and interactive operating culture that appreciates the participation of pupils and their custodians. Student

39. Hyvinvoinnin ja terveyden edistäminen perusopetuksessa 2009 – The promotion of well-being and health in basic education.

body activities must be goal-oriented, systematic and effective, and schools must provide sufficient resources for their supervision. Pupils' participation in teaching and other school activities must be ensured and supported at schools through feedback mechanisms.

The National Board of Education, the Union of Finnish Upper Secondary School Students and the Finnish Association of School Principals jointly prepared self-assessment material for upper secondary school students in 2009. This material serves as a development tool and provides a separate set of questions for school principals to use for assessing the entire school community, for teachers to assess their own teaching methods and organisation and for students and local education providers to assess the opportunities for participation.

Finnish legislation has ensured the existence of hospital schools since 1962 by determining that the municipality in which a hospital is located must, if required, provide hospital teaching. Despite this, instruction is not uniformly available at Finnish hospitals. **No information** is provided on whether school councils are in place at **school hospitals** or whether there other participatory mechanisms for sick children.

Do children feel they can take part in decision-making in schools?

According to a national survey conducted among upper secondary school student bodies (2006), around half of respondents felt the student body was active or very active at their school and took part in decision-making.

A questionnaire sent out in connection with a study on good administration in spring 2009 was answered by 1,130 students from six upper secondary schools. According to the results, young people are not consulted sufficiently on matters concerning them. This was the opinion of 44% of the respondents. Young people's assessment of being consulted or of the adequacy of their opportunities for exerting influence depends on the participation measures available to them. **The most positive attitudes to participation opportunities came from upper secondary school students in municipalities with an active youth council.**

Finland has twice (1999 and 2010) participated in the **IEA Civics Study**, an international study of young people's social skills, participation and attitudes involving Finland and around thirty other countries and conducted in co-operation with the International Association for the Evaluation of Educational Achievement (IEA).

Although **Finnish young people** were well prepared, in terms of knowledge, to participate in social activities, they were **not particularly interested in international politics or social issues**. Finland was one of the five countries where young people's interest in social issues fell considerably short of the national average. The other countries with a similarly low interest were Belgium, Sweden, Slovenia and Norway. In view of the Nordic results, it should be noted that interest in environmental issues was not included in the international survey. These issues are of much greater interest to Nordic young people than other fields of politics. As many as 61% of Finnish eighth-grade pupils said they were interested in environmental matters, while other fields of politics were of interest to only a third or a quarter of them.⁴⁰

The **National Welfare and Health Research and Development Centre** and the **National Board of Education** surveyed the state of participation at comprehensive schools using a questionnaire

40. http://ktl.jyu.fi/img/portal/17876/ICCS_2009_verkkoversio_v2.pdf

sent to school principals. Based on the 2007 and 2008 surveys, the focus of pupils' participation is on parties and excursions (over 90%). According to the **reports of adults at schools**, around 70% were involved in the design of facilities and playgrounds, 65% in the drafting of rules and regulations and 30% in planning meals. On the other hand, according to a WHO study, only 20 to 40% of pupils said they had participated in drafting rules for their school and 40 to 50% were unsure about this. There is a **big difference** between the answers provided by the adults and the children, which may indicate a need for schools to provide more information about the opportunities for participation.

According to responses to questionnaires sent out by the **Children's Ombudsman**, children's most common wish is to be better involved in the planning of meals, school facilities, the playground and holiday activities, as well as in the **planning of lessons**, especially in arts and crafts.

Secondary school and upper secondary school pupils participate every second year in an **extensive school health survey** that also examines pupils' experience of participation in schools. In 2010, 47% of eighth and ninth grade pupils said they did not know how to influence matters at school. 29% of respondents felt they were not consulted at school. The atmosphere at school was found to be problematic by 29% of eighth and ninth grade pupils. The responses did not show any particular change one way or the other in the 2000s. The results of the school health survey are available to all municipalities for their own purposes and can be used in development work.

The Finnish survey shows that just **over half of all children feel that teachers and college lecturers take their views seriously always or most of the time**, while only one in ten (9%) believe that they hardly ever or never take their views seriously. The focus group meetings indicated the same trend: about half find that teachers listen to their views while another group of children said that teachers only sometimes took their views into account. In response to the question whether they believed they were able to influence decisions made at schools, almost half of children (45.9%) said that they had some influence while 31.8% thought they had little influence. With respect to the influence of **school councils**, a majority of the children (70%) believed that these made a considerable or very considerable effort to ensure their voices were heard and taken seriously. The school councils are well-known to children.

Human rights and children's rights education at schools

Human rights education is included in the Basic Education Core Curriculum, and the value base consists of human rights, equality, democracy, the preservation of biodiversity and the viability of the environment, as well as the acceptance of multiculturalism. **Key documents** defining human rights include the UN Universal Declaration of Human Rights, the **Convention on the Rights of the Child** and the European Convention on Human Rights. Basic education fosters a sense of community, responsibility and respect for the rights and freedom of individuals. In the 7th to 9th grades, pupils learn about human rights and the key human rights treaties, including the Convention on the Rights of the Child.

New content was added to the teaching of history for 7th to 9th grade pupils on 1 August 2010:

Human rights issues and co-operation between nations

- Human rights violations, such as genocide, the Holocaust and other cases of persecution targeting a particular nation

- UN operations, the Universal Declaration of Human Rights
- The Convention on the Rights of the Child, the European Convention on Human Rights and other key human rights treaties.

Human rights education is included in the **upper secondary school syllabus** via various subjects, such as history and social studies and religion and ethics, as well as physics.

In practice, the provision of human rights education varies widely because it has only just (1 August 2010) been included by law in the national core curriculum. All the key teaching materials used in history, social studies, religion and ethics have long dealt with issues relating to human rights education. Because of this, Finland was admonished by the UN Committee on the Rights of the Child in 2005.

Education on democracy and active citizenship

Education on democracy and active citizenship is included in the curricula for all grades and in the general part of curricula, as well as in the thematic area of active citizenship that links together all disciplines. In basic and upper secondary school education, it is mainly dealt with in social studies.

Consultation of children on education policy

Under the law, the **local education** provider must consult pupils and students on decisions that affect them. National student organisations and the Children's Ombudsman constitute the main consultation channels at the national level. Student organisations are consulted in the context of many different preparation processes but consultation often also depends on the active participation of those organisations. However, in accordance with the principle of local self-government the main responsibility for education policies lies with the municipalities. The two municipalities involved in the case studies in this review (the city of Tampere and the smaller municipality of Pietarsaari) both have youth council representatives on their education committees and these are examples of good practices that should be followed by other Finnish municipalities.

Student organisations

There are four independent student organisations at the secondary level (SLL, FSS, OSKU and SAKKI), but in the case of basic education there is only one for the upper grades of comprehensive school (FSS). The degree of organisation among secondary-level students is around 50%. The Union of Finnish Upper Secondary School Students, for example, reports a figure of around 50%.

Children's participation in their transition to the next school level

In the transition to the secondary level, young people make their choice independently. Education after basic education is no longer part of compulsory school attendance and young people can freely apply to the institution of their choice.

Section 17 of the **Basic Education Act** has been recently revised to take account of the need to **consult pupils who require special support**. Before a decision on special support is made, the education provider must consult the pupil and his/her custodian (or legal representative).

Even though legislation does not require children to be consulted, they usually are. The decree on educational assessments requires that this be done.

If it is decided that the pupil must repeat a year instead of transferring to the next level (section 11 of the Decree on Basic Education), the custodian is consulted, but the child may not be. Teacher(s) will usually have discussed matters with the child in connection with assessments in different subjects. The **Basic Education Act does not make it compulsory for the child to be consulted when he/she transfers from a standard class to a special-needs class or vice versa.**

Finnish special legislation, which puts the Constitution into specific terms, is still relatively underdeveloped in the field of children's participation at school compared to, for example, social welfare (child welfare) or health care legislation.

Teacher training on children's participation in education

Universities (which are autonomous) are responsible for the content of basic teacher training. Pupil participation can be included in in-service teacher training courses provided by various parties.

In principle, teachers should review the course content and objectives with students at the beginning of a course. This mainly applies to upper secondary schools.

The National Education Board and student organisations have organised training for teachers who supervise student bodies.

The training of teachers in the field of children's participation does not seem consistent across all teacher training courses and is an area for improvement.

Participation of children in out-of-school education and activities

There are youth workshops, which function as practical training places for unemployed young people under the age of 25. At the Ministry of Education and Culture, the development of the content of youth workshop activities is the responsibility of the Youth Policy Division. In the context of youth work, workshops are good places for young people to develop their life management skills and become adults, as well as to benefit from social growth and on-the-job learning.

As described in the legal and policy analysis section, there are **school clubs** that plan out-of-school activities for every child of compulsory school age. These activities are evaluated *inter alia* by assessing the point of view of the club members, i.e. school children.

Concluding remarks

- The involvement of parents in education planning and development is well advanced, whereas the involvement of students is reasonable to poor. At secondary and upper education level, students can participate much better than at primary school level. No information is provided about the **participation of children in pre-schools**, which could indicate that children do not participate at all or only in an ad hoc manner. Legislation on child and youth participation in education, at all levels, needs to be improved – **child and youth councils need to be compulsory in all educational institutions.**

- With respect to **child participation activities at pre-schools and nurseries**, more common practices need to be shared. Children can be involved in drawing up rules and choosing activities and asked about how they feel about “compliance with Article 16 UNCRC”, since respect for privacy, for example, is linked to how comfortable they feel in the room they are in.
- **School councils have to be ranked higher on the school agenda**, which can be achieved by means of a memorandum of understanding between the Ministry and NGOs and by facilitating the **inclusion of student council activities in the curriculum**, for example in civic education.
- In places with local youth councils, pupils feel more positive towards participation opportunities at upper secondary schools than in other places, which could imply that **different youth participation activities positively influence each other**. It is therefore recommended that different organisations involved in participation activities share the lessons learned.
- There is a need for the **provision of more information to children and young people about participation** opportunities at schools.
- School councils are given a positive assessment by pupils as far as representing their views is concerned.
- **More teacher training on children’s participation needs** to be provided during initial training or when teachers are working at educational institutions or schools.
- Although Finnish legislation and curricula provide for **human rights and children’s rights education**, its actual provision varies widely in practice. It is therefore recommended that the National Core Curriculum for Basic Education and Upper Secondary Education (Act of 1 August 2010) be amended and that monitoring be improved.

Play, recreation, sports and cultural activities

Children are entitled to play, recreation and physical and cultural activities for their development and socialisation.

The design of playgrounds and the accessibility of recreational facilities

Finnish municipalities differ in their approach to involving children and young people in the design of youth facilities and areas, sports grounds and playgrounds. The methods have ranged from inquiring about the kind of facilities that children and young people want to the inclusive planning of facilities. In the case of one big sports hall, for example, the layout of planned youth facilities was designed in co-operation with young people.

The two municipal case studies show that the involvement of children varies. In Pietarsaari, for example, children and young people are only consulted at the end of the decision-making process, whereas in Tampere they are involved from the beginning.

Children’s participation needs to be mainstreamed in **urban planning** by involving builders, social workers, policymakers and children. All these groups need to be brought together even though they do not all use the ‘same language’. The development of playgrounds involves many different urban planning aspects, including safety of access and their actual locations.

The latest method is a system for consulting young people that is in use in 120 municipalities. The internet-based system can be used, for example, to ask children and young people for their opinions on the locations of skate parks or light transport routes.

Health care institutions have given varying attention to children's need to play and to the play environment. **When designing hospitals, children's opinions are not heard** or taken into consideration.

Participation of very young children and children with specific needs

"Ideally, you'd always be asked (your opinion) and it would be considered"

Quotation from a Finnish child participating in a focus group meeting

VAU ry is a national disabled sports organisation set up for the purpose of improving the conditions for disabled sports. It plans, develops and puts into practice the sporting interests of visually impaired and mentally disabled people and makes it possible for them to participate in competitions. It maintains a network in which 650 families are involved and engage in sports.

VAU has a branch for under 13 year old children and another for 14 to 19 year olds. It also organises **camp and training for young people**, either in peer groups (for example Special Olympics for the mentally disabled) or together (for example Young Actors – education for all interested young people).

Nuori Suomi is an independent organisation, whose task is to promote the well-being and joy of life of children and young people through sport. It is responsible for developing and maintaining a website that is open to and free for everybody and at which information and support material for the development of neighbourhood sports facilities for children and young people can be found.⁴¹

There are **no specific tools in use for this** according to Nuori Suomi, even though they have tried to develop ways of improving the opportunities of children and young people with specific needs. Nuori Suomi will suggest the planning of such tools in the final report that deals with children and young people who are or are at risk of being excluded from sport.

The **Aladdin's Lamp network of eleven art centres for children and young people**, set up by the Ministry of Education and Culture, organises cultural activities for children and young people in Finland. The centres develop innovative, child-oriented methods to support the self-expression of children and young people. The **activities respect children's own artistic needs and emphasise the participation of children and young people**. Methods adopted by different centres are actively implemented in other centres as well as outside the network.

Examples 1 & 2 of methods developed in the network for **children of day care age**:

- 1) ARX, the Hämeenlinna art centre for children and young people, has housed a children's own theatre festival ("I am") for four years. Five year olds in day-care prepare their own plays for the stage jointly with their instructors. The children are present throughout the theatre production process from scriptwriting to the performance. Simultaneously, the day-care teaching staff are trained in the "I am" method, which they can immediately test in practice.

41. A short description in English can be found at http://www.lahiliikuntapaikat.fi/in_english.

The “I am” theme boosts the child’s self-image and empathy. Method guidelines have been prepared on the “I am” method to enable the method to be adopted nationwide.

- 2) Seiniä päin (“Against walls”) is a method of the Lastu art centre in northern Savo, in which children get to participate in the design and construction processes of neighbouring areas. The method has been used for day-care- and school-aged children. The four-stage method introduces children to real design and construction projects in their home district. It starts with the acquisition of information and, for example, meetings with experts. Children get acquainted with the location in a manner typical for their age, for example through play or taking photographs.

Based on their research work, children build scale models of their ideas. The models are finally displayed at an exhibition, which also makes the project results visible to the community. The Lastu art centre specialises in environmental education, architecture, exhibition activities and design.

Examples 3 & 4 of methods developed in the network for **children in need of special support**:

- 3 The Pii Poo art centre in Lempäälä (Tampere region), specialises in cultural activities for children and young people in need of special support. Various contemporary circus methods are an important form of activity. The family circus method involves families with a child with reduced mobility or multiple disabilities. The family can unrestrictedly get acquainted with circus work during four training sessions under professional guidance. The method emphasises encouragement and the versatile nature of the circus: everyone is bound to find their own field of interest. The project ends with the whole family’s circus show, with an audience present. The goal of the family circus is to involve the whole family and provide experiences.

- 4) The Pessi art centre in Vantaa specialises in dance pedagogy.

For years, the centre has emphasised regional co-operation between different cultural institutions. Jointly with players in the dance sector, the centre has focused on various target groups, such as children and young people in need of special support. The autumn 2010 exhibition, “Creature or Organism” introduces children to contemporary art. Constructed from recycled materials, the exhibition is a versatile installation. Schools can book the exhibition, for example, for guidance in movement improvisation tailored to the group. Visiting groups learn about the works through movement improvisation. Guided tours are also offered to special groups, in which case the teacher provides detailed information about the group’s characteristics, which are used to plan the tour. Groups often include several assistants and image folders or other corresponding materials, which can be used for discussion if no one in the group can talk. The guide is a dancer and dance pedagogue.

Consultation of children on local youth work activities

The 2007 evaluation of basic services included an open-ended question, at which the respondent was asked to provide examples of issues that children and/or young people had been able to influence in the municipality. The answers especially mentioned matters related to the development of youth work services. Consultation methods mentioned included participation in the design committee, statements from influencer groups, youth facilities questionnaires, the preparation of a youth programme (specifically by young people) and discussions. ⁴²

42. The results of the 2010 evaluation of basic services did not make it into this review.

School Clubs

Whether children are involved in the planning of school clubs and after-school activities depends on the municipality and the school. There are school clubs that plan out-of-school activities for every child of compulsory school age. These activities are evaluated inter alia by assessing the point of view of the club members, i.e. school children.

Participation of children in cultural activities intended for minority groups

Multicultural children and young people do not receive special attention in Finland. Instead, the goal is to take everyone into consideration on equal terms in activities. However, both municipalities and youth organisations are of the opinion that multiculturalism has not been taken sufficiently into consideration in the field of youth work.⁴³ Only 21% of youth organisations and associations and 16% of municipal youth departments send targeted information about their activities to multicultural youth groups, for example, in their own language or through special information channels.⁴⁴ Resources, linguistic skills and universality are usually cited as the reasons for the scarcity of information aimed at multicultural young people. It is often assumed that immigrants' own associations automatically organise activities in their mother tongues.

A survey and interviews conducted among multicultural young people indicate that the young feel they do not receive enough information about opportunities for cultural participation and cultural activities.

According to the survey, multicultural young people should be involved more closely in the design and implementation of youth work. This is especially true for young people with an immigrant background.

The nation-wide Multicultural Youth, Leisure and Participation in Civic Activities research project was co-ordinated by the Finnish Youth Research Network from 2004 to 2007. One primary question was "What kind of participation opportunities are there in various environments for young people from multicultural backgrounds?" In order to answer these questions, extensive nation-wide quantitative and qualitative research was carried out. The data obtained came from a nation-wide questionnaire survey of young people, aged 13–25, from multicultural backgrounds (n=1384), responses to a nation-wide questionnaire survey of leisure organisation secretaries (n=136) and municipal youth workers (n=227), qualitative interviews with multicultural young people (n=40) representing different nationalities and living in different parts of the country and qualitative interviews with municipal youth workers (n=40) from the ten largest cities in Finland, containing the vast majority of Finland's immigrant population.

Concluding remarks

- Children need to be consulted at the start of consultation and planning processes relating to play, recreation, sports and cultural activities. This can be achieved by **mainstreaming children's participation in decision-making** in urban planning, **providing children with**

43. Ovet auki! Monikulttuuriset nuoret, vapaa-aika ja kansalaistoimintaan osallistuminen, Open the doors! Multicultural young people, spare time and participation in civic activities 2009, p.114.

44. Pyykkönen 2007a, 26; Kivijärvi & Harinen 2008, 39.

more feedback about decisions taken, fostering a discussion culture and giving more visibility to good practices.

- There is a need for better consultation with children with special needs on play, recreation, sports and cultural activities.
- Multicultural young people need to be involved more closely in the design and implementation of youth work.
- To ensure children with special needs and multicultural young people are more involved, they must be better informed about participation opportunities, and participation has to be adapted to their requirements, in particular in the case of children with special needs.

In situations of violence

The UNCRC establishes the right of the child to be protected from all forms of violence and the responsibility for States Parties to ensure this right for every child. The UN study on violence against children by Paulo Sérgio Pinheiro, states in its conclusions that ‘children have the right to express their views, and to have these views taken into account in the implementation of policies and programmes’, and ‘children’s organisations and child-led initiatives to address violence guided by the best interests of the child should be supported and encouraged’.

Prohibiting all forms of violence against children

Finland prohibits all forms of violence against children in all situations. **Finnish legislation prohibits all violence against children, including corporal punishment in the family**, which has been prohibited in the country since 1984. Parliament is currently considering a government bill that establishes that under the Criminal Code any violence against young people under the age of 18 is an offence to be prosecuted by the public prosecutor (including violence outside the home).

In Finland, the Ministry of Social Affairs and Health is in charge of children’s welfare by generally promoting the welfare of families and children. In October 2010, the Ministry presented a National Programme for 2010-2015 to prevent and reduce the corporal punishment of children and young people. The programme will be jointly implemented with NGOs and other parties working with children’s issues. In connection with the preparation of the anti-corporal punishment programme, the Office of the **Children’s Ombudsman conducted a survey among children and young people**⁴⁵ in which they were asked their opinions about ways to best reduce corporal punishment and how they would like to obtain further information about the programme. A total of 370 children over the age of seven responded but it turned out that it was not easy for victims of corporal punishment to talk about their experiences. **Children were of the opinion that parents should be given more help to prevent them from venting their frustrations on their children** (reducing alcohol consumption, mental health problems, burn-out). **Children wanted to receive more information on the subject** especially at school and online, and this information needs to be provided in a child-friendly manner. Children’s

45. Online survey for children and adolescents: “NEVER HIT A CHILD! How could we reduce disciplinary violence against children?”, carried out by the Finnish Children’s Ombudsman in March 2010.

views have been taken into account in the National Action Programme for reducing the corporal punishment of children.⁴⁶

In Finland, the prevention of crime has focused on preventing and reducing violence against children and young people. The Crime Prevention Council, operating in conjunction with the Ministry of Justice, has collected facts, heard experts and organised seminars to disseminate best practices.

The National Security Programme contains legislation currently in force as well as several measures that implement the Convention on the Rights of the Child and aim to protect children from corporal and mental violence, injury and assault and neglect or indifferent treatment or exploitation, including sexual exploitation. Concrete measures in the programme include ways of preventing the social exclusion of children and young people by expanding the use of the early action model, developing children's security skills as part of basic education, improving children's skills to enable them to protect themselves against sexual exploitation in digital interactive media and conducting a campaign against corporal punishment.

An **extensive study of child victims** in Finland was conducted in 2008 by the Finnish Police College. It collected information from over 10,000 children and young people on the violence and exploitation they had experienced both at home and elsewhere. A corresponding study had been carried out in the 1980s. The aim is to repeat the study on a regular basis (about every 4 or 5 years). Studies show that violence against children has declined in the past 20 years, especially mild violence and corporal punishment. Symbolic violence and serious violence have not gone down in the same way as mild violence.

The Internet has introduced a new risk of sexual violence targeting children. The sexual exploitation of young people by adults or young people considerably older than their target is common online. Internet-related sexual violence targeting children has not been studied enough in Finland. The phenomenon also involves legislative shortcomings (for example, in terms of persuasion) and factual shortcomings (in terms of early intervention and victim identification).

Professionals who work in different fields with or in the best interests of children do not have sufficient information about the digital media-related sexual exploitation of children, about identifying children targeted by sexual exploitation or about how to take children's needs into account. In 2003, the National Welfare and Health Research and Development Centre published a manual for social and health care service staff who deal with inquiries into the sexual exploitation of children and assault. The manual has increased the ability to inquire into suspected cases of the sexual exploitation and assault of children and report them to the police. In 2009, the Ministry of Social Affairs and Health drew up a new memorandum on sexual exploitation⁴⁷ in which the guidelines were updated and new proposals were made for conducting investigations. The National Welfare and Health Research and Development Centre also published a safety skills educational material for children in 2005. The Finnish

46. <http://www.lapsiasia.fi/en/frontpage>

47. Lasten seksuaalisen hyväksikäytön selvittäminen. Työryhmän muistio. Sosiaali- ja terveystieteiden tutkimuskeskus 2009:30. - The examination of sexual abuse of children. The Working group's report. Reports by the Ministry of Social Affairs and Health 2009:30

Medical Society Duodecim published a recommendation on investigating the sexual exploitation of children in 2001. It was updated in 2006.

National programme against corporal punishment targeting children

The 2010-2015 national programme against corporal punishment targeting children was published in October 2010. It is a broad-based, versatile and co-ordinated multi-sectoral strategy. The programme has been prepared by a working group appointed by the Ministry of Social Affairs and Health and in which NGOs and the Children's Ombudsman were also represented. **Children and young people themselves were directly involved in the development of the programme** by taking part in a survey in which they were able to give their opinions on how corporal punishment against children could be reduced. The goal is for 2011 to be a special campaign year (Child's right to a good education). The aim is to halve the incidence of corporal punishment experienced by children in all population groups by 2012.

Consultation of children in the development of measures addressing violence

When preparing the **programme against corporal punishment**, the Office of the Children's Ombudsman conducted a **survey among children** and its report was published in October (see above). The prevalence of violence against children was last studied in 2008 by conducting a child victim survey. Responses were collected from over 10,000 secondary school children and young people. The survey was funded by the Ministry of the Interior and conducted by the Finnish Police College.

Children have not actually been consulted on anti-violence legislation and preventive measures. Some forms of violence may, in fact, make it difficult to consult small children in particular. In the context of anti-violence work as a whole, the **extensive child victim survey conducted in Finland** can be considered a kind of consultation. It contains an extensive collection of **children's experiences of violence, bullying and exploitation**. The survey was funded by the Ministry of the Interior and carried out by the Finnish Police College in co-operation with the National Legal Policy Research Institute. The Central Union for Child Welfare was also involved in implementing the research project, which surveyed the current situation of children and its development. **The most vulnerable children participate in these surveys if they attend school**, so street children, for example, are excluded. However, the **problem of street children is very small** and virtually non-existent in Finland. Children experiencing violence and sexual exploitation at home basically attend school, which is why their situation has come to light in the surveys. However, the **surveys do not include any actual consultation on measures**. It has to be ensured that children and young people are consulted on legislative measures relating to violence at home. With regard to schools, children and young people need to be encouraged to be active in order to prevent violence, including physical violence and other forms of 'violence' such as the exclusion of children. In the school context, different professionals, teachers and police have to co-operate on combating violence. Teachers see their role as teaching children and therefore avoid involving them in combating violence, a situation they need to address.

Child-friendly reporting mechanisms

The Mannerheim Child Welfare League maintains a **free telephone and online service for children and young people in Finland**. The Federation of Mother and Child Homes and

Shelters maintains an online service for children and young people that focuses on children's and young people's status in the family. The Family Federation maintains a "boys' phone". Folkhälsan, founded in 1921, is an NGO operating in the social welfare and health sector and maintains a Swedish-language telephone on-call service for young people.⁴⁸

Counselling phone services do not pass on information to the police or other parties concerning crimes targeting children but instead advise the caller on what to do or who to contact locally.⁴⁹ In the survey carried out among 700 Finnish children, a majority said that child helplines made a considerable or very considerable effort to ensure children were heard and taken seriously. The survey also showed that the majority of children (91.1%) are aware of the child helplines in Finland.

Children can contact all authorities, but this is not particularly child-friendly in practice. Information on human rights authorities needs to be communicated and explained to children in a child-friendly manner, including providing information on child-friendly websites. Things have taken a **negative turn in Finland** compared to the situation a few decades ago. This has been caused by the **decrease in the presence of school nurses, who used to be the channel through whom children could confidentially talk** about their problems and often also obtain help. The focus groups meeting of Finnish children confirmed that children felt that school nurses listened to them and took their views seriously.

Online police officers provide a flexible and low-threshold option for talking about crime targeting young people. No similar low-threshold procedure exists for primary school pupils. It is important to ensure that professionals meeting locally with children are aware of the procedures to follow if a child is a victim of crime.

In general there are not enough facilities for children and young people to report incidences of violence, so children and young people need to be encouraged to use existing channels and online services.

Concluding remarks

- Children have been consulted on their experience of violence and exploitation and results have been incorporated into the programme against the corporal punishment of children.
- Children have not been consulted on the development of anti-violence legislation.
- **Child-friendly reporting mechanisms**, including various child helplines and online services exist for children to report incidences of violence. These mechanisms are well-known to the children and trusted.
- **Human rights authorities** need to become more child-friendly and better explain their role to children and young people.
- **School nurses** are key as confidential partners whom children can trust with their problems and ask for help. It is a concern that the number of school nurses is declining.
- **Violence in schools** needs to be better combated by involving both teachers and children.

48. A summary of how children and adolescents experience violence against them in Finland is available at: <http://www.optula.om.fi/uploads/zuw1es4dwsb27.pdf>

49. Child Helpline International has produced a guide to improve child participation in child helplines, including several concrete case studies from across the world, A Guide to Child Participation Practice in Child Helplines. 'He who wears the shoe knows where it pinches' – CHI Practice Handbook.

Children heard in judicial and administrative proceedings

States Parties have specific obligations with regard to judicial and administrative proceedings:

- the child’s right to be heard in **civil judicial proceedings**, including in those involving divorce and separation, separation from parents, alternative care and adoption;
- the child’s right to be heard in **criminal judicial proceedings**, including the child offender; the child victim and child witnesses;
- the child’s right to be heard in **administrative proceedings**, for example, children are able to express their views on discipline issues at schools and juvenile detention centres and on asylum requests from unaccompanied children.

A child who has turned 15 can be heard as a witness or when notice has been given of the intention to present evidence. Under section 21 of chapter 17 of the **Code of Judicial Procedure**, a **person under the age of 15 may be heard as a witness** or for probative purposes if the court deems this appropriate and if listening to the child personally is of central significance to the clarification of the matter and would probably not cause suffering or other harm that might damage the child or impair his/her development. **The testimony of a small child can be recorded on video** and the recording can be used later as evidence in court. Under section 11 of the Code of Judicial Procedure, a statement given by a person under the age of 15 and recorded on video can be admitted as evidence in court if the defendant is provided with an opportunity to question the person heard.

Provisions on a **minor’s rights to be heard in court** are contained in Chapter 12 of the **Code of Judicial Procedure (4/1734)**, which deals with the parties. Moreover, the **Child Custody and Right of Access Act** and the **Act on the Implementation of Decisions concerning the Child Custody and Right of Access Act** contain **provisions on ascertaining a child’s views**.

Section 1 of the Code of Judicial Procedure states that in a **civil case** concerning a minor the **minor’s right to be heard shall be exercised by the guardian, custodian or other legal representative**. The minor can exercise the right to be heard if he/she is competent to speak about the matter in issue or the offence, or if the dispute concerns a transaction that he/she is competent to enter into. A **minor who has turned 15 has an independent right to be heard in a matter concerning his/her person**, parallel to that of the custodian or other legal representative. Under section 3, the court may hear the minor’s guardian, custodian or other legal representative in a case in which the minor has an exclusive right to be heard if this is considered to be necessary in view of his/her best interests.

Under section 11 of the **Child Custody and Right of Access Act (361/1983)**, in a case concerning child custody and right of access, **the child’s own wishes and opinion must be ascertained** – if possible in the light of the child’s age and level of development – if the parents cannot reach an agreement on the matter, if the child is taken care of by a person other than his/her custodian or if this is considered necessary in view of his/her best interests. **The child’s opinion must be ascertained with discretion**, taking into consideration the child’s level of development in such a way that no harm is caused to the relationship between the child and the parents.

Under section 15, the **child can be personally heard in court** if this is absolutely necessary for dealing with the case. The hearing can **only take place with the child’s consent** and if it is clear that **it will not result in damage to the child**.

Under section 2 of the **Act on the Implementation of Decisions concerning Child Custody and Right of Access**, implementation may not be initiated against the will of a child aged 12 or more. In addition, the implementation of a decision may not be initiated against the will of a child under the age of 12 if the child's level of development is such that his/her will can be taken into consideration. Section 211 states that the court may, where appropriate, hear the child in compliance with the provisions of sections 11 and 15(2) of the Child Custody and Right of Access Act.

A minor may be a party to criminal proceedings as the victim of a crime or as the defendant. Since the **age limit for criminal liability is 15**, the defendant may not be younger than this in a criminal case. Under the Code of Judicial Procedure, children under the age of 15 may not be heard in criminal proceedings. A person who has turned 15 has the right to be heard if the crime targets his/her person or property under his/her control. A defendant aged 15 or more is heard if he/she is criminally responsible. However, a minor's guardian, custodian or other legal representative is independently heard parallel to the minor.

Under section 4 of chapter 1 of the Criminal Procedure Act (689/1997), a minor has the right to request that a charge be brought for an offence directed at property that is under his/her sole control or if it concerns a transaction that he/she has the capacity to enter into. If the minor has turned 15, he/she has a right parallel to that of the custodian or other legal representative to request that a charge be brought for an offence directed at his/her person.

The child is heard during the preliminary investigation. If there is reason to believe that his/her legal representative is unable to look after the child's best interests impartially, the child's right to be heard can be secured by appointing a guardian.

Under section 14 of the **Administrative Procedure Act (434/2003)**, **a minor's right to be heard in administrative matters is exercised by the guardian, custodian or other legal representative.** However, a minor shall alone exercise his/her right to be heard in a matter pertaining to income or assets in his/her possession. **A minor who has attained the age of fifteen years and his/her custodian or other legal representative have a parallel and separate right to be heard** in a matter pertaining to the person of the minor or his/her personal rights or interests. The Administrative Procedure Act is applied as a general instrument to the processing of administrative matters unless otherwise provided in a special statute.

Under the general provision of section 17 of the Administrative Judicial Procedure Act (586/1996), a minor's right to be heard is exercised in an administrative court by the guardian, custodian or other legal representative unless otherwise provided elsewhere. Under section 18, a minor is alone entitled to exercise the right to be heard in a matter relating to income or property that he/she is entitled to administer. A minor who has reached the age of fifteen and his/her custodian or other legal representative have a parallel and separate right to be heard in a matter pertaining to the person of the minor or his/her personal rights or interests. Under section 19, when the guardian, custodian or other legal representative exercises the right to be heard, the ward shall also be heard, and when the ward exercises the right to be heard, the guardian, custodian or other legal representative shall also be heard if necessary in the ward's interest or for the purpose of settling the matter.

The **Child Welfare Act (417/2007)** contains numerous provisions on ascertaining children's opinions as well on hearing children and the right to be heard. Chapter 4 of the Act contains provisions on children's participation in child welfare cases.

Under section 20 of the Child Welfare Act, the child's wishes and views must be ascertained and be taken into account in a way that is **appropriate for the child's age and level of development**. The child's views must be established with sensitivity and in a manner that does not cause unnecessary harm to the relationship between the child and his/her parents or others close to the him/her. The way in which the child's views are ascertained and the principal substance of these views must be entered into the client documents concerning the child. **Children aged 12 or more must be given an opportunity to express their views in a child welfare case concerning them**, in accordance with section 34 of the Administrative Procedure Act. The child's views may only be left unascertained in cases where doing otherwise would endanger the child's health or development or if it is otherwise manifestly unnecessary. In connection with ascertaining the views of and listening to the child, no information may be supplied that might endanger his/her development or is contrary to any of his/her extremely important private interests.

Under section 21 of the Act, in addition to the custodian or other legal representative, children twelve years of age or more are entitled to be heard in a child welfare case concerning them. Section 28 contains provisions on taking the child's views into consideration and on listening to the child, for example when the court is considering authorising an examination of the child by a doctor or other expert. Under section 43 of the Act, a case concerning foster care and foster placement must be decided by an administrative court if a **child aged 12 or more opposes foster care or a related foster placement**. Under section 86, children may be heard in person by administrative courts or the Supreme Administrative Court if they request this or consent to it. In connection with the hearing, the child must not be supplied with information that might seriously endanger his/her health or development. **A child under the age of 12 may only be heard in person if the hearing is necessary for dealing with the case** and it is considered that it will not cause significant harm to the child. A child may be heard in person in oral proceedings or in some other manner decided by the court.

Under section 10 of the Status and Rights of Social Welfare Clients Act (812/2000), the wishes and opinion of a minor client must be ascertained and taken into consideration in keeping with the minor's age and level of development. The wishes and opinion of a minor must also be ascertained in connection with the appointment of a guardian.

Under section 36a of the **Basic Education Act (628/1998)**, a **pupil must be heard in a disciplinary matter** before the pupil is kept in detention, a written warning is issued or the pupil is suspended.

The **main challenges and problems** when dealing with cases that involve **children in civil, criminal and administrative courts relate to hearing children in a manner that takes their special needs into consideration**. A child can be heard as an interested party, defendant or, in rare special cases, as a witness. In general courts, issues related to hearing children arise, for example, in cases involving child custody and right of access, and in administrative courts, in cases involving foster care. What makes these cases particularly difficult from the child's point of view is that the same proceedings involve the child's parents as interested parties. Ascertaining the child's opinion in such a way that parental pressure or other factors do not influence the case is quite challenging. **Usually, it would be more appropriate to hear the child at premises other than the courtroom.**

Currently, however, Finnish courts do not have special facilities for hearing children. If the hearing is not conducted in the courtroom, special arrangements need to be made (for example, using the judge's chambers). The hearing of a child usually requires special interaction skills, which are not part of a judge's normal professional competence. The hearing of a child victim in criminal proceedings is also challenging for the same reasons. It is essential to ensure that a child victim is able to state how he/she wants to be heard (in the courtroom or elsewhere). It is also important to reduce or avoid causing mental suffering, which is why remote technical equipment should be used more when hearing children so that they do not need to meet the suspect.

The problem in Finland is the scarcity of expert resources. This leads to proceedings becoming prolonged, especially in cases of suspected sexual exploitation.

According to the government's Children, Youth and Families Policy Programme, judicial proceedings should be made more child-friendly.

Concluding remarks

Children and young people can be heard in criminal, civil and administrative cases when they are above the age of 15, and they can be heard when they are above 12 years old in child welfare cases, including child custody, foster care and adoption proceedings. In all these cases, the child's maturity and development are taken into account, as is whether the participation can cause the child or young person any harm.

The main challenge when hearing children in criminal, civil and administrative courts is taking their special needs into account. Special facilities, including specific courtrooms or interview rooms for children, need to be available and judges and other legal professionals need to receive training on child-friendly interaction skills. In addition, proceedings in particularly sensitive and damaging cases, such as sexual exploitation, need to be completed within a limited timeframe to avoid very long trials for child victims of these crimes.

The government's Children, Youth and Families Policy Programme makes a first step towards committing to ensure that judicial proceedings become more child-friendly. However, the details need to be fleshed out and should include:

- providing training for legal professionals on child-friendly interaction methods;
- providing children and young people with child-friendly material and information and making information on legal procedures available at schools;
- ensuring that proceedings involving children are as short as possible, but not at the expense of their quality;
- ensuring that when younger children can be heard, in particular in child welfare cases, this is also facilitated below the age of 12 when the child's level of development and maturity permits this. Ways of hearing children below the age of 12 need to be further explored.

The hearing of children in migration and asylum cases

Section 6 of the Aliens Act (301/2004) contains provisions on migrant and asylum-seeking minors.

Section 6 – Applying the Act to minors

- (1) In any decisions issued under this Act that concern a child under eighteen years of age, special attention shall be paid to the **best interests of the child** and to circumstances related to the **child’s development and health**.
- (2) Before a decision is made concerning a **child who is at least twelve years old**, the child shall be heard unless such hearing is manifestly unnecessary. The **child’s views shall be taken into account** in accordance with the child’s age and level of development. A **younger child may also be heard** if the child is sufficiently mature to have his/her views taken into account.
- (3) **Matters concerning minors** shall be processed with **urgency**.⁵⁰

The provisions in the Aliens Act concerning asylum procedure also apply to minor asylum-seekers. Section 6 of the Aliens Act and section 14 of the Administrative Procedure Act are applied when hearing a minor asylum-seeker. At the asylum interview, the applicant must be asked to give his/her opinion on the possibility of being removed from the country and sent to a safe country of asylum or a safe country of origin and prohibited entry to the country. In particular, the applicant must be asked to state the reasons why he/she believes that the state in question is not safe for him/her. In addition, the authorities must establish whether there are grounds other than international protection for giving the applicant the right of residence. A **representative** within the meaning of the Integration of Immigrants and Reception of Asylum-Seekers Act (493/1999) must be given the **opportunity to attend the asylum interview of an unaccompanied minor**.

Under section 19f of the Integration of Immigrants and Reception of Asylum-Seekers Act, asylum-seekers and beneficiaries of temporary protection are informed as soon as possible, and no later than 15 days after the filing of an asylum application or the beginning of temporary protection status, of the benefits, responsibilities and social and health care services covered by the reception system. This also applies to children.

Under section 26 of the Act, a **representative may be appointed for a refugee child, a child granted temporary protection status, a child applying for a residence permit or asylum or a child who is a victim of trafficking**, if the child is in Finland without a custodian or other legal representative. An unaccompanied minor who is a victim of trafficking must always be appointed a representative immediately. The representative exercises a custodian’s right to be heard in matters pertaining to the child’s person and assets, decides on the child’s living arrangements and manages the child’s assets. Before making a decision in a matter pertaining to the child’s person or assets, the representative **must discuss the matter with the child**, if possible taking due account of the child’s age, level of development and the nature of the matter. When making a decision, the **representative must take the child’s opinions and wishes into account**.

Under section 28, before the application to appoint a representative is filed, the child must be given an opportunity, insofar as this is possible in view of the child’s age and level of

50. Aliens Act (301/2004), including amendments up to 549/2010. An unofficial translation from the Finnish Ministry of the Interior, legally binding only in Finnish and Swedish, is available at <http://www.finlex.fi/en/laki/kaannokset/2004/en20040301.pdf>

development, to express his/her own wishes and opinions. Under section 29, the application to release a representative from his/her duties can be filed by a child aged 15 or more.

The procedures in the case of asylum-seeking children have a number of special features. In particular, procedures in cases involving unaccompanied children differ considerably from those involving adults. In both the Aliens Act and the Integration and Reception Act, the best interests of the child and hearing the child have been included in the general principles. In the case of asylum-seeking children arriving with their families, the asylum decisions usually make no reference to the child's interests, let alone providing explanations as to how the decision works in the child's best interests. **Ways to take the child's best interests better into consideration are currently being developed for cases involving unaccompanied children.** If a child arrives with his/her family to seek asylum, the child's application is handled jointly with the family members' applications, and the decision is made at the same time. Children are also heard in asylum interviews. The way this is done for **younger children is that the interviewer asks the child, in the presence of the parents**, whether he/she wishes to bring up any issues. An individual asylum interview is arranged for young people aged 15 or more. An individual interview may also be arranged for a person under the age of 15, taking into consideration his/her age and level of development, but this does not happen very often. If a child seeks asylum without a custodian, an asylum interview is always arranged for him/her. **In Finland, children are always heard, irrespective of their age.** In the case of small children, the hearing may simply involve **playing with the child**, but the older the child is the more the hearing aims to find actual grounds for granting asylum. There are **two types of interview forms** for minors, one for those under the age of 15 and another for those aged 15 or more.

The Finnish Immigration Service has drawn up **interview guidelines** and these are available, for example, at the website of the UN refugee agency UNHCR. The aim is to **conduct interviews in a child-friendly manner**, taking into consideration children's special needs and level of maturity. The guidelines pay special attention to establishing contact with the child and talking to him/her in such a way as to ensure that the ensuing atmosphere is as confidential as possible. The child's representative and interpreter are always present at the hearing and a legal counsel is often also present. The Immigration Service requests a statement from a social worker on how the child's best interests can be taken into account in each individual case. **The applicant's identity, route and method of entering the country are investigated by the police and/or border security service.** These authorities hear the child separately. The police call these interviews **interrogations** and they are not part of the Immigration Service's interviews. When dealing with a police organisation, **it is difficult to assess its expertise with regard to hearing children.**

Overall, it is safe to say that **legislation and guidelines relating to the Finnish asylum procedure are quite good.** How well the child is heard depends largely on the experience of the official interviewing the child, the skills of the interpreter and, most importantly, the awareness of the representative. The views and opinions of unaccompanied children are largely conveyed by the representative. **The skill level of representatives varies, since no special training is required** and no compulsory orientation or continuing training is available for those appointed to this challenging post.

Everyone, including children under the age of 14, is fingerprinted in Finland (cf. the Eurodac decree, according to which the fingerprints of people aged 14 or more must be entered on

the Eurodac database). If the child's age is unclear, a medical age determination may be carried out. Provisions on this were recently enacted by the Aliens Act. Children themselves cannot demand an age determination, which was found problematic in cases in which a child has been wrongly registered as being of age in another EU member state. The entry made in another member state is automatically considered correct, and the child is not able to have it changed (by contesting the case, appealing against the decision, etc).

When a child is accommodated in a group home at the reception centre, he/she is informed about the tasks of the representative, social worker and group home staff. The social worker also collects information about the child's welfare through interviews. The aim of the interview is to find out about the child's needs for services and obtain information for the social worker's statement appended to the child's asylum application.

The current Government Programme requires the child's interest to be determined when making decisions about asylum-seeking and refugee children. However, it is impossible to respect the best interests of the child when dealing with unaccompanied minor asylum-seekers, since they are not treated primarily as children but as asylum-seekers. The Child Welfare Act requires the child's interest to be assessed, but the application of the Act to foreign children is anything but clear. Children's interests and welfare usually receive insufficient attention where adult services and, especially, mental health services are concerned and when children are in the care of substance-abusing mothers.

The All Our Children association is currently developing ways to take a child's best interests into consideration and make the voice and experiences of unaccompanied children heard in the asylum procedure. Tools for assessing the psycho-social state of children will also be developed for social workers involved in the reception of minors. The aim is to create standardised procedures that provide for the equal treatment of minor asylum-seekers and ensure that any action is in the best interests of the children concerned. A consultation model that provides decision-makers with expert assistance in assessing the best interests of the child as a part of the decision-making process will be developed jointly with the Finnish Immigration Service. The project is being carried out in co-operation with the Finnish Immigration Service, the Espoo Group and Family Group Home and the Federation of Special Welfare Organisations.

In 2009, the office of the **Minorities Ombudsman** conducted a **survey of the consideration of children's best interests in decisions concerning asylum-seekers and child refugees.** The survey focused on the status and treatment of unaccompanied minor asylum-seekers. Authorities involved in the asylum procedure and the reception of minors **were interviewed for the survey**, as were **minor asylum-seekers** and representatives of organisations familiar with the best interests of children. Finland is committed to treating asylum-seeking children primarily as children and to safeguarding their right to life, survival, development, care and protection, their own identity and equal treatment. In practice, the **child's best interests are not always sufficiently assessed in the asylum process**, or else they are not the primary criterion in that process. During the asylum process, the **child is primarily treated as an asylum-seeker and only secondarily as a child.**

Concluding remarks

Legislation and asylum procedures take the children's best interests and the other principles and provisions of the UNCRC into account.

Practice shows that the best interests of the child are not always guaranteed in asylum procedures. Representatives of minor asylum-seekers do not receive special training on how to work with children and young people. The child's best interests are not always sufficiently assessed in the asylum process: the child is primarily treated as an asylum-seeker and secondarily as a child.

Finnish immigration services are well trained in child-friendly interview techniques, but police officers who interrogate asylum-seeking children have not received such training.

It is therefore **recommended that**:

- **training on child-friendly interview techniques** be provided for children's legal representatives and police officers.
- provision be made to ensure that **minor asylum-seekers are primarily treated as children** and only secondarily as asylum-seekers. This can be monitored and enforced by the child's legal representative.

Public life and civil society

Much of children's participation takes place at local and community level, such as local and municipal youth councils. However, according to the UN Committee, children should also be helped to establish their own youth-led organisations and initiatives, which will create space for meaningful participation and representation.

Youth-led organisations

Finland supports youth-led organisations. Children above the age of 15 are legally allowed to be a board member of an organisation but only those above the age of 18 have power to sign documents. Annual government expenditure on youth work amounts to about 0.1% of the state budget. Most of it comprises proceeds from the national lottery and the rest is made up of tax revenues. **National youth work organisations receive government subsidies**, which cover about a quarter of their operating costs. No information has been provided on whether these subsidies are sufficient and sustainable for youth organisations.

The state supports the municipalities and their youth work. Statutory government transfers for municipal youth work cover about 4.7% of expenses. These transfers are based on a unit cost calculated at €14 (2009) per municipal inhabitant under the age of 29. In addition, local authorities receive some discretionary government transfers. Together the statutory and discretionary government transfers cover about 11% of municipal expenditure on youth work. The municipalities spend about €30 per inhabitant on youth work. However, national youth-led organisations have better access to funding than local ones.

Few municipalities have a specific youth committee and most have adopted a system whereby the youth services are included in joint committees together with sports, cultural, educational, recreational or welfare affairs.

An organisation can be approved as a national youth organisation if it has at least 1,000 members and at least two-thirds of them are under 29 years of age. It is possible to make exceptions to the thousand member requirement if an organisation works with a minority group or provides activities that can be considered to be of national relevance. Some organisations accept members up to 35 years of age while others put the limit at 30 and some do not have

an age limit at all. In 2010, there were 69 organisations, all of them national, that received financial support from the state.

Local, regional and national children's councils or parliaments

According to the Finnish Government's Child and Youth Policy Programme, by the end of 2010 every Finnish municipality should have a system enabling people aged 5 to 17 to exert influence. In 2007 there were 226 municipalities with youth councils and other youth/child action groups.⁵¹

The Finnish Children's Parliament includes 7 to 12 year old representatives appointed by municipalities. It promotes children's participation and opportunities to exert influence and furthers the interests of children and young people in Finland. It is a modern, representational, child-oriented and co-operative institution that enables children to have their voices heard. Currently, over 20 municipalities have a local children's parliament.

The first youth councils were established in Finland in 1995, after which youth councils and other municipal systems enabling young people to be heard and exert an influence have been set up in municipalities. According to the 2007 evaluation of municipal basic services, around 60% of Finnish municipalities use a system enabling young people to exert an influence. The 2010 evaluation of basic services will determine the extent to which the objective of the Government's Child and Youth Policy Programme has been achieved.

Since no national provisions exist on youth councils or other youth influence groups, the composition of youth councils varies greatly depending on the municipality. Youth delegates are usually aged 13 to 19. The membership of youth councils ranges from just a few members to 60. Youth delegates are primarily selected in democratic elections but other methods have also been used. Democratic elections do not enable the positive inclusion of specific groups, such as street children and child refugees, in the selection process, and no special places have been reserved for these groups on youth councils. Youth councils are independent in terms of religious and political affiliation but often co-operate with political blocks in municipalities. (More information on the specific mechanisms is provided in the legal and policy analysis.)

Suomen Nuorisovaltuustojen Liitto (the Association of Finnish Youth Councils), established in 1998, acts as the national co-operation, lobbying, education and communication party for local youth councils. The Association is organised into eight districts at the regional level to enable lobbying and communication activities to be handled closer to local players. In some regions (Lapland and Kainuu), the exertion of regional influence has taken place through youth forums prior to district activities. However, the launch of district operations is expected to increase the mutual exchange of information between youth councils in the regions and provide opportunities for greater participation in regional youth policy discussions,

At national level, the expert body as far as youth issues are concerned is the association Nuorisovaltuustojen Edustajisto, to which local youth councils can appoint their own representatives. It enables young people to participate and be heard in matters concerning them, including in national decision-making. It is involved in the preparation of political decision-making and, when required, issues statements and participates in discussions on

51. Eva Feldmann-Wojtachnia, Anu Gretschel et al., op. cit (footnote. 19).

young people. Nuorisovaltuustojen Edustajisto was established in 2009 and is supported by the Ministry of Education and Culture. It is currently in its second term and has members from around 70 municipalities, with the figure continuing to grow. It works in close co-operation with Suomen Nuorisovaltuustojen Liitto – Nuva ry (the Association of Finnish Youth Councils), for example with regard to the body's funding, but also operates as an independent opinion former and is not controlled by the Association.

A 2010 study on youth participation in Finland confirms the conclusion that facilities for child and youth participation at local level are guaranteed both legally and at the policy level. In practice, however, the participation of young people on youth councils, at schools, in youth centres and in associations is not as good as that guaranteed by law. There is a lack of information on participation in pre-school education, libraries, social and health services, community planning and state administration, and further evaluation is needed to assess the impact of participation where it exists.⁵²

Marginalised groups are still not able to participate fully in matters affecting their living circumstances. For example deaf young people experience humiliation in various situations when the interpreter is the agent and the deaf client is regarded as incapable of managing his/her life.⁵³ It is important to have a broader analysis of child and youth participation and the social engagement of marginalised groups and to provide a detailed overview of how people with different capabilities experience their ability to participate.

The role of NGOs, civil society and religious institutions

NGOs, civil society and religious institutions are always a crucial part of policymaking and involving children and young people in Finland. Non-governmental organisations have a firmly established status in Finnish democracy and are almost always consulted when important political programmes and documents are being drawn up. Non-governmental youth organisations are also represented in different kinds of political working groups as well as in the more established institutions, such as the Advisory Council for Youth Affairs.

The amount of funding provided by the Ministry of Education and Culture was increased after the adoption of the latest Youth Act in 2006 and the focus has since been on participation as a theme. During the 20th anniversary of the UNCRC (2009), there was, for example, a very broad campaign. Its main aim was the promotion of children's right to participate and it brought together state ministries, the Children's Ombudsman, NGOs, churches and UNICEF.

Funds are provided for such projects as: 1) the establishment of the national children's parliament (ages 7–12) and local children's parliaments; 2) the promotion of children's rights and children's involvement in the Evangelical Lutheran church; 3) the organisation of seminars and education workshops in order to inform local and regional authorities about children's participation rights and promote children's activities; 4) the promotion of youth councils at municipal level; 5) the promotion of the participation of Sami children and their youth council (indigenous people, national minority).

RAY (the Finnish Slot Machine Association) supports NGOs responsible for telephone and online assistance services (such as the Mannerheim Child Welfare League, the Federation of

⁵² Eva Feldmann-Wojtachnia, Anu Gretschesl et al., op. cit. (footnote 19).

⁵³ Luukkainen 2008, 169-171

Mother and Child Homes and Shelters, the Family Federation, the A-Clinic Foundation, and Save the Children Finland).

Concluding remarks

In Finland various children's parliaments and youth councils have been established at national, regional and local level. Children's parliaments usually involve primary school age children (7-12 years old) while youth councils involve 13-18 year olds. At the same time, Finland has a large number of NGOs and civil society organisations operating in the field of children's rights and promoting and supporting children's participation. However, whether involvement in NGOs and civil society means genuine participation for children and young people is questionable. It seems their role is limited to participation or involvement in an NGO or civil society organisation. No mention is made of children and young people having planning roles and decision-making power in NGOs or whether there are child and youth-led NGOs.

Recommendations:

- At local level, there are more youth councils for the older age group, so **more efforts need to be made to involve younger children (below the age of 13) in local decision-making processes.**
- **Special mechanisms need to be put in place to ensure disadvantaged children and young people**, including minority children, street children, asylum-seeking children, disabled children etc, can take part in all these participatory processes. Even when these children attend school, they need to be encouraged and given support to stand for a seat in a children's parliament or on a youth council.
- **The scope for child and youth participation in NGOs and civil society needs to be improved and the establishment of child and youth-led NGOs should be encouraged and supported, and the existing ones should become more democratic.**

Conclusions

“The ideal situation would be where adults and other decision-makers came down to street level and asked us what should be changed and what not. In other words, they’d come and ask us what we think.”

Quotation from a Finnish child participating in a child focus group meeting

The review contains specific conclusions and recommendations on the implementation of children’s right to participate in different settings and situations and in Finnish legislation and policies. In addition, there are more general conclusions and recommendations that can be drawn from it.

In general, child and youth participation in Finland is very much carried out in **‘formal’ structures**, that is mainly of the direct and representative type. It includes youth councils, children’s parliaments, school councils, children’s ombudsmen and surveys. Moreover, the approach to child and youth participation is very much **‘top down’ instead of ‘bottom up’** – i.e., activities are pre-planned. The methods are not open to all children and young people and are too selective, and there is no culture of the direct involvement of children in the planning process. **New child participation methods** should be found and tried out. For example, working with **child focus groups**, as done for this review, could be a good method of ensuring a better ‘bottom up’ approach of involving children and young people. However, **sharing best practices and involving children and young people in developing child participation processes**, as well as **training professionals working with and for children**, can also be **tools for improving the participation of children and young people**. One method of participation is no better than another as long as the key conditions for children’s participation are met, which are that participation needs to be genuine and safe.

When different child participation practices and methods have been introduced, the **attitudes of adults** to listening to children will be the next step along the path to change. The interaction of adults and children needs to be encouraged to take place on an equal basis and with mutual respect.

The areas of participation are mainly in **formal institutions**, such as schools, municipal youth councils and the national Children’s Parliament. However, when **participating in informal structures**, such as within the family and with (non-teaching) school staff, the majority of children and young people state that they feel their views are listened to and taken seriously, whereas they do not always believe that the formal structures best represent their interests.

A strength of the Finnish participation system is that there is a clear public responsibility for developing access to participation, and extensive legislation and policies have been developed that encourage and motivate children and young people to participate in decisions affecting

their lives. Legislation is the bottom line to participation and is necessary to facilitate children's and young people's involvement. There is a gap in relation to legislation and policies, namely the **need for a better evaluation** of these legal instruments and policies – only parts of the Youth Act are regularly evaluated. Evaluation needs to be carried out by also consulting children and young people themselves. With regard to the **Youth Act**, young people should be made more aware of its provisions and the term 'youth participation' needs to be defined more clearly. The Youth Act should include an obligation for municipalities to adopt a **local youth strategy or action plan** that includes measures for participation at schools and in the health care sector, as well as cross-sectoral participation.

Improvements in legislation are needed for children below the age of 12. Many municipalities have established youth councils for children above 12 years of age, but only a few have mechanisms in place for younger children. It is strongly recommended to adopt **local youth strategies or action plans**. The areas in which child and youth participation is well regulated include in particular education, culture and youth measures, but more work needs to be done **in the area of social and health issues** to guarantee children's right to participate.

A conclusion that frequently came up during the review of child participation in different settings, is the need for **better training for professionals working with children**. Some training has been provided for different groups of professionals but this needs to be done in a more consistent manner and include all professionals working with children, including teachers, legal professionals, health care professionals, police officers, social workers, NGO representatives and municipal, regional and national civil servants. In addition to the provision of training for professionals, there is a need to educate children on child participation and children's rights.

Another general conclusion is that the **provision of information to children** is not always carried out in a child-friendly manner and information about participatory structures needs to be better communicated to children and young people themselves. Moreover, with the exception of the Children's Ombudsman, who does excellent work with children and young people, ombudsmen tend not to be child-friendly and children therefore do not make use of their services.

When children are consulted, this is often only done later in the decision-making or consultation process, which means that children can no longer really influence the decisions made. When children are consulted and where child participatory structures exist, children need to be **consulted from the start of the decision-making process**. The City of Tampere is an example of good practices in this respect.

The **involvement of disadvantaged children** is not provided for in legislation nor in selection processes for formal child and youth participatory structures. All formal participatory structures select children and young people via the school systems and in this way expect that they have equal chances to participate since all children attend an educational institution. In practice, there is no evidence that immigrant children, asylum-seeking children, minority children, disabled children, street children or other disadvantaged groups are equally represented in the existing participatory structures or participate in surveys and hearings (with the exception of surveys and interviews specifically targeting these groups). Examples of good practices in other countries have shown that **the involvement of these children requires extra human and financial resources** and does not happen simply because they attend a

school. Children who do not attend school (for example, street children or school dropouts), even though this is a very small minority in Finland, need to be taken into account too.

With regard to child and youth participation in different situations, it can be concluded that appropriate Finnish legislation is in place to cover several situations, but **in practice children are not listened to** and their views are not taken seriously. This is the case in alternative care settings, in health care situations and in relation to play, recreation, sports and cultural activities.

With regard to **participation in educational institutions**, school councils are compulsory in upper education and pupils believe they represent their interests. There is a **need to have compulsory school councils at all levels of education**, and their role and objectives should be laid down by law. Specific methods need to be employed to ensure the participation of children in **pre-schools and nurseries**.

The review notes that **different participation structures can positively influence each other**, for example where municipal youth councils existed school pupils felt more positive towards participation opportunities in their schools than in other places.

ANNEX I

Council of Europe policy review on child and youth participation

Methodology for the Policy Review on child and youth participation

The review should be based on General Comment No 12 (2009) “the Right of the child to be heard” from the UN Committee on the Rights of the Child.⁵⁴

The General Comment No 12 states that “the child’s right to be heard imposes an **obligation on States parties** to review or amend their legislation in order to introduce mechanisms providing children with access to appropriate information, adequate support, if necessary, feedback on the weight given to their views, and procedures for complaints, remedies or redress” (paragraph 48). And “State parties should **carefully listen to children’s views wherever their perspective can enhance the quality of solutions**” (paragraph 27).

An in-country review team together with the European consultant will cooperate in

- 1) gathering preliminary data and
- 2) in-depth data on child and youth participation within the State party.
- 3) The in-country team is supported by a **reflection group of children**, this group will be involved in the in-country team throughout the review period.
Selection of the children (six in total) needs to be balanced (age/ sex/ background/ interests, etc). Selection will be carried out by the in-country group together and will ensure that two children are from a disadvantaged background.

Gathering Preliminary Data of the State Party:

Legal and Policy analysis - Desk review combined with face-to-face interviews

In order to fulfil the obligations of Article 12 State parties should adopt several strategies. These strategies need to be verified by desk research of national policies and legislations by the in-country review team:

Questions:

- Are restrictive declarations and reservations to article 12 made by the State party?

54. United Nations, Committee on the Rights of the Child, General Comment no 12 (2009), CRC/C/GC/12, 1 July 2009.

- Is Article 12 or the UNCRC embedded in the country’s Constitution?
- Does the State Party have a **Government Department** or agency responsible for ensuring the implementation of Article 12 of the UNCRC?
- Does the State Party have a **national strategy or policy** promoting Article 12 of the UNCRC? If yes, is this in particular for promoting or for implementing Article 12?
- Which (**general**) **laws, regulations, institutional codes** and policy documents are in place that ensure that appropriate conditions are ensured for children to be supported and encouraged to express their views? (Laws and regulations on specific focus areas to be requested separately and in more detail, see below)
Are these **laws and regulations regularly evaluated** with regard to their effectiveness?
- Are there **specific legal judgements**, including court decisions which refer to the need to implement the right of the child to be heard?
- Is an **independent human rights institution**, such as a children’s ombudsman or commissioner with a broad children’s’ rights mandate established?⁵⁵ If yes, can a description of its mandate and activities be given? If not, why not?
- Is **training** provided on article 12, and its application in practice, for all professionals working with, and for, children, including lawyers, judges, police, social workers, community workers, psychologists, caregivers, residential and prison officers, teachers at all levels of the educational system, medical doctors, nurses and other health professionals, civil servants and public officials, asylum officers?
If yes, what type of training is given and is the effect of the training on children’s participation evaluated? (for example is the training on-going for any new staff working with and for children?) If not, why not?
Is training available to voluntary organisations?
- The **right of information** (Article 17) is extremely important in connection with article 12. Children need access to information in formats appropriate to their age and capacities on all issues that concern them. This includes, for example, information on their rights, national legislation, policies, local services, and appeals and complaints procedures. Consistently, States parties should include children’s rights in the school curricula. The right to information is to a large extent a prerequisite for the effective realisation of the right to express views.

Questions:

- Is the State Party ensuring that children and young people receive **information concerning issues affecting them in a child-friendly language**?
- Are there **any laws and regulations** ensuring that children are **receiving the appropriate information** to allow them to take decisions and express their views? For example in health issues: children must be provided with information in formats appropriate for their age, about proposed treatments, their effects and outcomes, to be able to contribute to the planning and programming of services for their health and development. Ask children, who have been through the **health care system** if these laws and regulations are put into place.

55. See the UN Committee on the CRC’s general comment No. 2 (2002) on the role of independent human rights institutions.

- Do children receive **independent information** in relation to for example legal proceedings, where advocates have to provide children with independent information? For example, how is this regulated in the divorce and separation cases?

Knowledge of children’s right to be heard and the role of the media

The **right to freedom of expression** (Article 13) is important in connection with Article 12. The freedom of expression relates to the right to hold and express opinions, and to seek and receive information through any media. The combination of these two articles contributes towards building children’s capacities to exercise their right to freedom of expression.

Questions:

- What is the **general attitude towards the child’s right to be heard** in the State Party’s society? In case there are negative attitudes towards a child’s right to be heard, is the government undertaking any public campaigns, including opinion leaders and the media, to change widespread customary conceptions of the child?
- What is the attitude towards a children’s right to be heard in the media? Are children pictured in a positive or negative way in the media or in a balanced way? Give concrete examples of this.

Gaps in relation to national legal and policy analysis?

- With regard to the outcomes of the previous review questions, what gaps exist to ensure the full implementation of the child’s right to participate?
- Is the State Party making any distinction with regard to age limitation on the right of the child to express his/her views, for example in most countries children below 16 are not allowed to vote? If yes, in which settings?

Where child participation legislation and policies are in place, are the **views of the children given due weight in accordance with their age and maturity**? This means, are the children not only listened to, but are their views also carefully considered in measures affecting them? In relation to this, the question needs to be answered: are children actively participating in decision-making about his/her life and if yes how?

This also means that the ‘best interests’ of the child (Article 3)⁵⁶ and the right not to be discriminated (Article 2) has to be respected and taken into consideration where the State has a responsibility to listen to the child as laid down in Article 12.

In-Depth Gathering of Data:

The Implementation of the Right to be Heard in Different Settings and Situations

The right to be heard has to be implemented in the diverse settings and situations in which children grow up, develop and learn. Various ways of influencing the implementation of the child’s right to be heard are available, which States parties may use to foster children’s participation.

56. See Stoecklin, D. (2009). *Réflexivité, participation et capacité. Le droit des enfants de participer. Norme juridique et réalité pratique: contribution à un nouveau contrat social* (J. Zermatten & Stoecklin Eds.), Sion: IUKB/IDE, p. 75-109, in which the authors push further the analysis of how concrete tools do favour the consideration of the child’s opinion in decisions taken in his/her best interests.

The Family

The family is the primary place where children grow up, “where they can express their views freely and be taken seriously from the earliest ages” (paragraph 90). State parties should encourage, **through legislation and policy**, parents, guardians and childminders to listen to children and give due weight to their views in matters that concern them. The State Party is also encouraged to promote **parent educational programmes**, which build on a relationship of mutual respect between parents and children; involvement of children in decision-making; implication of giving due weight to the views of every family member; understanding, promotion and respect for children’s evolving capacities; ways of dealing with conflicts within the family. Crucial within family relations is the focus on the child’s right to be heard.

Questions:

- Is the State Party having any legislation or policies encouraging parents to listen to children and to give due weight to their views in matters that concern them? Describe the existing legislation and policies and **ask children** whether they are consulted in family life and whether they believe that their points of view are taken seriously/listened to.
- Is the State Party having any parent educational programmes, including one or more of the above described issues? If yes, are there any statistics on how many parents do make use of these parent educational programmes?

Alternative care

In all Council of Europe Member States a group of children live in institutional care, for different reasons. This can be alternative care to replace (temporarily) the family, juvenile justice institutions or other institutions.

Questions:

- Does the State Party have legislation or regulations in place to ensure children in all forms of alternative care, including in institutions, are able to express their views freely? If yes, which ones?

These should include:

- legislation that provides the child with the right to information about any placement, care or treatment plan;
- the right of the child to be heard and that his/her views are taken into account in the development of child-friendly care services;
- competent monitoring institution, such as a children’s ombudsperson; establishment of mechanisms, such as a representative council of the children in the residential care facility, with the mandate to participate in the development and implementation of the policies and rules in the institution.
- Where these regulations or legislation exists, are these implemented in practice? (**ask children**).

Health care

The child should have a right to participate in individual health-care decisions as well as being involved in the development of health policy and services.

Questions:

- Does the State Party have legislation or regulations in place to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being?
- Does the State Party have a fixed age of the right to consent for the child to medical treatment? If yes, is there an opportunity for younger children to express their informed view on his/her health/medical treatments, with this given due weight?
- Are children and young people provided with clear and accessible information on their right to participation in paediatric research and clinical trials by physician and health-care facilities? If yes, please describe what type of information.
- Have children, who have been through the health care system, received the appropriate information, according to their age, about proposed treatments, their effects and outcomes, to be able to take decisions on health treatments? (**ask children**)
- Are children enabled to contribute their views and experiences to the planning and programming of services for their health and development? This information can be obtained via feedback systems for children using services or involved in research and consultative processes and can be transmitted to local or national children's councils or parliaments.

Education and School

Respect for the right of the child to be heard in education is fundamental for the realisation of the right to education.

Questions:

- How are the educational authorities including the children's and their parent's views in the planning of curricula and school programmes?
- In what way are mechanisms set up to allow children to express their views on the development and implementation of school policies and codes of behaviour, such as school councils, student representation on school boards, class councils, etc? Are there any mechanisms in place to allow all children from the early years onwards to participate in their learning environment? If these mechanisms exist, how these function in practice and how are these valued by children/young people participating?
- Do children feel they can take part in decision making in schools?
- Is human rights and children's rights education part of the school curriculum (and if so at which school levels)?
- Is education about democracy and active citizenship part of the school curriculum, and if so at which school levels?
- Does the State Party consult children at local and national levels on all aspects of education policy? Is there a difference between consultations at national and at local level? If yes, which is the difference and how can this be explained?
- Is there an independent student organisation? If yes, what percentage of the students are members of it?
- Are children heard in decisions on their transition to the next school level, and if yes how?

- Is there any training for teachers on how to include child participation in education? Are teachers in practice involving children in education planning and activities? (**question for children**)
- Can children take part in out-of-school education or activities when they drop out of school or when they leave school at 16?

Play, Recreation, Sports and Cultural Activities

Children are entitled to play, recreation and physical and cultural activities for their development and socialization.

Questions:

- Are children consulted on the design of play grounds and the accessibility and appropriateness of play, recreational, sport and cultural facilities? If so, what type of participatory structures are used for this? Is the government making it a condition to consult children when play areas are build? If the government involves children in the decision making process at what stage of the process are children getting involved, does this happen from the very first start?
- Are special mechanisms in place to allow very young children and children with specific needs (disabled children) to express their wishes in relation to play, recreation, sports and cultural activities and if yes how?
- Are children consulted on local youth work activities and are they provided with information on this? How is this consultation taking place?
- Are children consulted on the designing of new school clubs, including the programmes, the activities and the way activities are run and organised and if yes how?
- Are children consulted on ‘cultural’ activities intended for minority groups in the country, for example migrant children, and if yes, how are these children consulted?

In situations of Violence

The UNCRC establishes the right of the child to be protected from all forms of violence and the responsibility for States Parties to ensure this right for every child. The UN study on violence against children by Paulo Sérgio Pinheiro, states in its conclusions that ‘children have the right to express their views, and to have these views taken into account in the implementation of policies and programmes’, and ‘children’s organisations and child-led initiatives to address violence guided by the best interests of the child should be supported and encouraged’.

Questions:

- Is the State Party prohibiting all forms of violence against children, in all settings? If yes, how?
- Has the State Party adopted a national strategy, policy or plan of action on violence against children with realistic and time-bound targets, coordinated by an agency with a capacity to involve multiple sectors, including children and young people themselves in a broad-based implementation strategy?

- Is the State Party consulting with children in the development and implementation of legislative, policy, educational and other measures to address all forms of violence? If so, what participatory forms are used for this and to what extent are the most vulnerable children and disadvantaged children involved in these consultation processes (e.g. street children, refugee children, exploited children)?
- Which child-friendly reporting mechanisms are in place for children to report abusive behaviour against children, e.g. free telephone helplines or other places where they can report this in a safe and confidential way.

Judicial and administrative proceedings

State Parties have specific obligations with regard to judicial and administrative proceedings:

- the child's right to be heard in **civil judicial proceedings**, including in divorce and separation cases; separation from parents and alternative care; adoption;
- the child's right to be heard in **penal judicial proceedings**, including the child offender; the child victim and child witness;
- the child's right to be heard in **administrative proceedings**, for example are children able to address discipline issues in schools, juvenile detention centres, asylum requests from unaccompanied children.

Questions:

- Are there any laws and regulations in place to ensure that children are heard in all these different proceedings? If yes, are there any age limits for the children to be heard?
- With respect to migration, is a child, who has just arrived as immigrant, heard on his or her educational expectations and health conditions?
- With respect to an asylum claim, is the child given the opportunity to present his or her reasons leading to the asylum claim? If yes, is the child provided with the relevant information, in his/her own language, his/her entitlements, services available, means of communication and the immigration and asylum process?

Public life and civil society

Much of children's participation takes place at local and community level, such as local and municipal youth councils. However, according to the UN Committee children should also be supported to form their own youth-led organisations and initiatives, which will create space for meaningful participation and representation.

Questions:

- Does the State Party support the establishment and maintenance of **youth-led organisations**? How is funding provided to these organisations and is this sufficient and sustainable?
- If youth-led organisations are supported, how many of these organisations exist, what is the age-level involved in these organisations, is it a local, regional, national or thematic organisation and what has the impact been of its work?
- Do there exist **local, regional and/or national children's councils or parliaments**? If yes, what age groups are involved; are different groups of children without discrimination

involved, e.g. boys/girls, disadvantaged children such as disabled children, street children, refugee children, school drop-outs, etc; what is their mandate?

- What is the role of NGOs, civil society and churches/religious institutions in developing practices to support children to participate, without making it tokenistic? How is the State Party supporting NGOs and civil society in their child participation work?

Methodology to review the specific policy areas

The answers to the questions concerning the different policy areas need to be found by desk-research, on-line surveys and face-to-face interviews.

Desk-Research

- The desk-research includes research into the State Parties legislation, regulations and policy acts. Apart from this, academic research and existing consultation results/opinion polls will have to be reviewed.

Focus groups of children and face-to-face interviews

- Face-to-face interviews will be carried out with the relevant stakeholders, including children, in the different fields described above. The stakeholders to be interviewed will be agreed in consultation with the in-country team.
- Focus groups of children and young people will be set up to stimulate children and young people's ability to reflect on their own lives and therefore also on their participatory experiences.
- The tool to be used for both face-to-face interviews and focus group discussions is the model developed by Daniel Stoecklin, the "kaleidoscope of experience" to be combined with the "world cafés" technique (<http://www.co-intelligence.org/P-worldcafe.html>), which is a living network of conversation around questions that matter.
- The stakeholders to be interviewed are (adult) representatives from the national, regional and local authorities; schools, NGOs, youth workers, health workers, child care workers, etc; and children and young people.
- Focus groups of children and young people and individual interviews with children should be carried out with a representative group of children, involving different age groups and different backgrounds (boys, girls, migrant backgrounds, ethnic backgrounds, disabled children, children in care, etc).

Selection of these children will be carried out by the in-country group, ensuring that disadvantaged children are getting involved as well. The focus groups will in particular work with existing groups of children. A minimum of 4 focus groups will be set up.

- The European consultant will draft guidelines and questions for the interviews to be held within the country.

Case Studies of selected municipalities

- A selection of (three or more) municipalities will be chosen as Case Studies for the review. These will include bigger and smaller municipalities, cities and located in rural areas, geographically equally distributed, to guarantee a representative selection of municipalities. Key representative within the municipalities will be identified and interviewed. The in-

country review team will be responsible for carrying out the interviews or delegating this responsibility to a competent expert.

- The interviews will in particular focus on the areas with the least or no data available on the issues listed above.

Online survey

- An on-line survey (target $\pm 0.25\%$ of the official national children/young people population) will be developed for children and young people (aged 7-18) and will include closed questions (multiple choice). The survey will only include broad questions and the outcomes of the survey will be complementary to interviews and focus group discussions and the specific case studies of municipalities.
- It needs to ensure that the survey is tested with a pilot group of children before placed on the internet. This could be the reflection group of children.
- Ensure a good marketing strategy in order for as wide a group of children to reply to the survey. Ensure that existing child and youth councils or groups both at national and municipal level are participating in the surveys.
- Ensure that disadvantaged children, either without access to the internet, or for example due to disabilities, who are unable to fill in the internet survey, are consulted by face-to-face interviews, in focus group meetings or with their parents or care givers, to ensure an inclusive approach to all children, since children are not an homogeneous group.
- The survey will be distributed via existing mechanisms, websites, child and youth organisations, NGOs.

Assessment and in-depth survey

- Evidence gathering and **national hearing/working seminar** on the draft report prepared by the European consultant, including the results of the desk review, municipal case studies, the online survey, the interviews and group discussions.
- In this meeting the **reflection group of children** will be involved.

ANNEX II

Children's Views Survey on Children's Experience of participation

Finland

Period: September 2010

Why is this Survey carried out?

The Council of Europe is a European organisation of which most countries in Europe are members. Finland is one of these member states. The Council of Europe protects the rights of children and young people, including your right to be heard and taken seriously. The Council of Europe would like to know how children and young people can participate in and influence decisions that affect your lives in Finland. These can be decisions taken by your family, by schools, by doctors or health workers, by people working in residential care institutions, by the local, regional or national government and by lawyers and judges.

We are running this online survey to find out how well children and young people's right to be heard and taken seriously is being put into practice. It should take you about 10 minutes to complete the survey. Please return to ... (name Finnish organisation, Children's Parliament, Municipal Youth Councils, etc).

The results from this survey will be included in a report by the Council of Europe. This report will help policymakers in Finland and other European countries to better protect children and young people's right to be heard and taken seriously. The report will be ready by the end of this year and there will be a shorter version available for children and young people

You can fill in this survey without indicating your name.

Explain how the survey works practically by Finnish organisations that will make the survey online and collect its results, including deadline for submission.

Questions

Personal Information to be filled in:

Tick the appropriate boxes.

How old are you? (tick the appropriate box)

7-9

10-11

- 12-13
- 14-15
- 16-17

Are you a boy or a girl? (tick the appropriate box)

- Boy
- Girl

Are you born in Finland or another country? (tick the appropriate box)

- In Finnish origin
- In a European country
- Outside Europe
- I don't know

My father is born: (tick the appropriate box)

- In Finland
- In a European country
- Outside Europe
- I don't know

My mother is born: (tick the appropriate box)

- In Finland
- In a European country
- Outside Europe
- I don't know

My mother tongue is: (tick the appropriate box)

- Finnish
- Swedish
- Saami
- Another than the above mentioned, what language?

What is the name of your hometown?

Question 1

In general, how often do you think adults listen and take seriously children and young people's views? (tick the appropriate box)

- Always
- Most of the time
- Sometimes
- Hardly Ever
- Never
- I'm not sure

Question 2

How often do you feel your views are heard and taken seriously by (tick the appropriate boxes)

	By your parents/ carers	By teachers/ college lecturers	By your doctor or health worker	By the government	By child care workers in residential care institutions	By lawyers and judges making decisions that affect your life	In the media
Always							
Most of the time							
Sometimes							
Hardly Ever							
Never							
I'm not sure							
Do not know what/who this is							
This does not apply to me							

Question 3

In general, how much influence do you feel you have over decisions made ... (tick the appropriate boxes)

	In your family	In your school	In the area where you live	By the Government	By your doctor or health worker	In your residential care institution	By lawyers or judges
A lot of influence							
Some influence							
A little influence							
No Influence							
I'm not sure							
This does not apply to me							

Question 4

How much do you believe that the following bodies and organisations help to protect children and young people’s right to be heard and taken seriously?

Indicate with giving a figure on a scale of 0 to 5: 0 means contributing nothing to protecting the right of children and young people being heard and 5 means contributing a great deal to protecting the rights of children and young people being heard.

If you are not sure or do not know what or who the organisation is you can tick these boxes.

The Finnish Children’s Ombudsman	0	1	2	3	4	5

- I am not sure
- Do not know what/who this is

The Finnish Children’s Parliament	0	1	2	3	4	5

- I am not sure
- Do not know what/who this is

Municipal Youth Councils	0	1	2	3	4	5

- I am not sure
- Do not know what/who this is

The local Children’s Parliament	0	1	2	3	4	5

- I am not sure
- Do not know what/who this is

School Councils	0	1	2	3	4	5

- I am not sure
 Do not know what/who this is

The Finnish Parliament	0	1	2	3	4	5

- I am not sure
 Do not know what/who this is

Members of the Finnish Parliament (MPs)	0	1	2	3	4	5

- I am not sure
 Do not know what/who this is

Child Helplines	0	1	2	3	4	5

- I am not sure
 Do not know what/who this is

Question 5

In the past 12 months, have any of the following people told you that you have the right to be heard and taken seriously? (Tick the appropriate box, you can tick more than one box).

- Your parents/carers
 Your siblings
 Other family member
 Teachers/college lecturers
 Other children and young people
 Doctor or other health worker

- A residential care worker
- A lawyer or judge
- Youth worker
- Your local councillor/local member of parliament
- An adult working with you in leisure time clubs (sports, music, etc)
- Any other adult
- No one has told me I have a right to be heard and taken seriously
- I'm not sure

Article 12: A child's right to participate.

The United Nations Convention on the Rights of the Child guarantees all children equal rights. Article 12 includes one of these key rights. It states that a child has a right to participate in decision-making processes that may be relevant to their lives and to influence decisions taken in their regard – within the family, the school or the community.

The practical meaning of children's right to participation must be considered in each and every matter concerning children. It does not mean that all children's views must be endorsed, but expressing an opinion ensures that children have the ability to influence decisions.

For more information look at the website (include website of Finnish organisation explaining the rights of children and their right to participate).

ANNEX III

Guidelines and Programme for organising the Child Focus group meetings

Purpose of the child focus group using the kaleidoscope of experience and world café technique

The goal of a child focus group is to uncover processes and structural aspects (macro-level) that favour or, on the contrary, weaken child and youth participation (elements impacting on participation).

The word “participation” should be explicitly mentioned as being the focus of the discussion.

The purpose of this methodology is to guarantee that we are not “closing” too soon or “mapping beforehand” what participation is about, and start from the children and young people’s perspectives on their daily lives.

By talking about daily life experiences children and young people will necessarily highlight what participation means for them and how it “works/looks like” in the different settings (structural impact of the CRC).

A short guide of good practice for children’s participation in the child focus group meetings

To ensure meaningful participation by children and young people it is helpful to go through a checklist of things to consider before you get started. Many of these ideas are probably very familiar to you, but we hope that this will serve as a friendly reminder of good practice in children’s participation.

Getting Started: division of focus groups and information to children and young people

Children are divided in groups by the organisers of the day, taking into account the different ages of children. Younger children are brought together in a group and the older children and young people will be together. Each group will include four children. There will be a minimum of four groups of children.

Children need good information about the process in which they are being asked to participate. The better informed they are the more involved and committed they will be. It also helps them to decide if they want to be involved in the first place.

Provide them with clear, sufficient and relevant information which may include:

- Objectives of the consultation and how their work will fit into a larger process
- Description of the consultation process (including timescale)

This information should be available in a child friendly format and the relevant language(s).

Additional information will be needed on:

- The venue and the date
- The programme of the consultation day
- The number of participants and their ages
- The facilitators
- Logistics and support available
- Information for parents and carers: where they can stay, timing of the programme.
- Make a document available before including the questions that will be discussed during the consultation day, in order for the child and youth participants to have a chance to review them before discussions start.

Facilitators

Each focus group has one facilitator who is responsible for ‘guiding’ the children and young people’s group process towards the agreed objectives. The facilitator does not get involved in the content, but guides the process. He/she is responsible to protect the group process and keep the group on track according to the programme. Good facilitation is crucial to obtain positive outcomes.

The role of facilitators is:

- To work with the participants to help them develop their own individual idea and prioritise the issues the group wants to raise.
- Ensure equal participation of all children in the focus group and that diversity of opinion is respected.
- Establish ground rules at the beginning of the day together with the participants to ensure full participation and mutual respect.
- Write up the report of the focus group discussions.

Meeting Environment

The set up of the focus group meetings is crucial, they set the tone and mood for the event. It is important that an atmosphere and environment is created which truly enables children to be heard in matters that affect them. The working in small focus groups creates such an environment and the facilitators can give a message to the children that their views will be taken into account. The working in small focus groups ensures that children gain self-confidence, feel safe, it creates intimacy and friendship for all young participants opposed to large sessions which can be intimidating for them.

The meeting room needs to be big enough for the ‘plenary sessions’ and for round tables for the focus group discussions (world café), without disturbing the different focus groups.

Practical tools needed

Ensure that practical tools are available for the children and young people to work with, including:

- Flip charts, one for each focus group
- Pencils in different colours
- Paper and pens
- Coloured stickers

Ensure that during the breaks and lunch child-friendly food and drinks are available and allow them sufficient time for breaks.

Child protection measures

Child protection is at the core of the UN Convention on the Rights of the Child and measures to protect children and make them feel safe need to be in place during the consultations.

- Children’s participation should be entirely voluntary. Each child should be free to leave at any time if she or he no longer wishes to be part.
- The written report of the consultations should not disclose the identity of any of the child participants, unless the child and his/her parents/carers give prior consent.
- Treat children with respect and recognise them as individuals with their own rights.
- Value their views and take them seriously.
- Strive to understand them within the context in which they live.
- Ensure there are **one (or two) adult persons they can speak to in confidence**, preferably not the facilitator of their own focus group and inform the children at the start of the day with the name and role of this person (s).
- Ensure that **an evaluation** is carried out at the end of the process.

Written report of the children’s consultations

The discussions of the different focus groups and outcomes of the discussions needed to be recorded into a report, which will be **done by the facilitators**. The discussions can be recorded or handwritten notes can be taken. At the end of the day, oral conclusions can be drawn already together with the child and young participants. Afterwards when the report is written, it might be good to check with the children whether they agree with the contents of it.

What needs to be included in the report?

- **Background of the children participating** in the focus groups: their age, gender, which part of the country they come from.
- **Outcomes of the discussions: the different activities they are involved in** and who they are in contact with for which activities. And among these people **who are the ones that are considering their points of view** before taking decisions that affect the activities or have an impact on the lives of the children and young people involved. If these people do

not take their points of view into consideration, why do they think this happens, what are the reasons for this?

- **Can any conclusions** be drawn from the focus group discussions, e.g. are there activities that all children feel that they are listened to, or is there no pattern in this?
- **Evaluation:** how did the children experience the ‘world café’ process:
 - Did they feel they could express their opinions freely?
 - Where they listened to by the other children/young people?
 - How was the role of the facilitator, was his/her role useful, guiding, creating a good or fun atmosphere, etc?

Working Method: Programme for the Day

Starting at 10.00 o'clock

Introduction (20 minutes): what we are here for, explaining the process and programme of the day, what will be done with the outcomes of the day, explain briefly the Council of Europe policy review on child and youth participation in Finland. Inform the children on the confidential person.

Do an introductory session of all the children to each other, for example, ask pairs of two children to introduce themselves to each-other (name, where you are from, age, interests you have); after this ‘pair- introduction, the children will introduce each-other to the group, e.g. next to me sits Mike... etc.

Distribution of one kaleidoscope of experience to each participant?

This is a disc made out of solid paper, the format is the size of a CD, which will be distributed to each participant and each facilitator.

Explain to the children that this is a tool for creative thinking, that will be used to start the consultation (session 1). Tell them they are offered this game and they can keep it as a gift. Tell the children the kaleidoscope has so far only a French version and that this tool can however be used for the purpose of the present consultation provided we translate the five words written on the disc.

Ask each child to directly write the translation (in English or Finnish) on the copy they have received (Relations and Motivations being already the same in French and English):

French	English	Finnish
Activités	Activities	...
Relations	Relations	...
Valeurs	Values	...
Images de soi	Images of self	...
Motivations	Motivations	...

There is no need to use the other side of the disc (instructions in French).

If you want to inform the children about what is written on the black circle, here is the translation: “Kaleidoscope of experience: See your life from different angles!”

Now we are ready to start using the kaleidoscope:

You can see the colours can be turned in different positions on the disk, but now we will use only one position of this game: place the red colour on Activities.

Session 1 (45 minutes)

In this first session, we start with a Solo exercise

Participants are invited to place the red colour on Activities, and to answer (on papers) to the following points:

- 1) List (on a sheet of paper) the different activities (red colour) you have (for instance study at school, leisure, sports, etc.)
- 2) for each activity, describe whom you are in contact with (for instance relations, teachers, etc, yellow colour). Among these people underline the ones who are not considering your point of view before taking a decision that is affecting your life.
- 3) In your opinion, why are these people not considering your point of view? What are the reasons (values: blue colour) behind this?
- 4) How do you feel about it? (images of self: blank circle)
- 5) What do you want to do in this regard? (motivations: blank circle)

Note: The 3rd question helps uncover values and/or structural aspects that hinder child and youth participation: These elements can be considered as being some of the “parameters” of participation.

Pause (15 minutes)

Session 2 (70 minutes):

Sharing of the individual responses in tables of 4:

Each round lasts 15 minutes:

- 1st round: ABCD (4 tables have ABCD children)
- 2nd round: all A children move to another table
- 3rd round: all B children move to another table
- 4th round: all C children move to another table

Child D acts as the secretary together with the facilitator. Child D does not have to move tables, but stays at the same table (other children will join him/her every round. All D secretaries (4) and facilitators wrap-up and make a report in plenary (30 minutes).

The work done in Sessions 1 and 2 will be highly beneficial to structuring and cross-checking things in Session 3.

12.30-13.30 Lunch

Session 3 (90-120 minutes)

In plenary session.

Do the elements you have highlighted in Session 1 and 2 hinder participation in the following areas?

- the Family;
- Alternative Care;
- Health Care;
- Education and School;
- Play, Recreation, Sport and Cultural Activities; In situations of violence;
- Judicial and Administrative Proceedings;
- Public life and civil society;
- General Information.

And, what actually helps you participating in these same areas?

Prepare flip-charts with the area as the title (for instance family life), with two columns: +(elements favouring participation) and – (elements hindering participation).

Please use the following questions to stimulate responses on precise aspects regarding each focus area

Questions with regard to the different focus areas:

The Family

- Do your parents or carers ask your opinion on matters in your family which you feel matter to you? This could range from simple issues as the choice of your meal to the choice of a school, a sports club, leisure activities, etc.
- If they do and you give your opinion, do they listen to your views and take them seriously when they take a decision?

Alternative Care

- When you live in alternative care, are your carers asking your opinion on decisions taken in the institution you live in and which affect your life? These could be on small or bigger issues.
- Do you know if you can set up a youth council, which is allowed to participate in decisions made by the institution, in the institution you live in?
- Do you know where to go to if you have complaints or would like to raise issues related to your living conditions in the institution, someone who is independent, for example a children's ombudsman?

Health Care

- When you have been treated by a doctor or nurse, have they given you information you could understand on what they were going to do or on your treatment, for example the effects of the treatment and expected outcomes? Was the information clear enough for

you to take a decision on your treatment? The same question can be asked for clinical trials and paediatric research.

- Do you know you have a right to see confidential information, counselling and advice with regard to your medical treatment, without parental consent, where this is needed for your safety or well-being?
- When you are below the age of 13 years: have doctors or nurses asked you whether you would agree to your treatment, after they had told you what they were going to do and why in child-friendly language?
- Have you been asked after medical treatments what you thought about it or was there a way you could give feedback on it (e.g. filling in a survey)?
- Is there a way you can contribute to the development of health care systems in the community you live in, for example through a local youth council or national children's and youth councils and parliaments?

Education and School

- Have you been asked by decision makers/local authorities or national authorities on what you believe should be included in the school programmes? If yes, how did this happen and where you happy with the consultation?
- Are there at your school any school councils or school boards or student representations where children at the school can be represented and have their say on school policies, codes of conduct, school rules, etc? If yes, how do these function in practice and what is your opinion on these school councils, etc (e.g. do you believe these are important or only a 'talk-shop' or are the directors at school seriously listening to it?)
- Do you feel you can have a say in decisions taken by the school?
- Do they teach you human rights and children's rights at your school?
- Do you feel your teachers are involving you in education planning and activities?

Questions for children and young people aged 12 years and older:

- Do they teach you about democracy and active citizenship, for example being politically active, at your school?
- Do you know whether there exists an independent student organisation or union in Finland? And if yes, do you know whether most students are members of this?
- When you went to the next school level (secondary school or higher education), were you able to have your say in the decision which school you would go to?
- Do you know whether children and young people can take part in out-of-school education and activities, for example when they drop out of school or when they leave school early?

Play, Recreation, Sports and Cultural Activities

Have you ever been consulted on the design of play grounds, for example whether it is accessible and what should be included in the play ground, this can be play, recreational, sports and cultural facilities in the neighbourhood you live in? If you were consulted did this happen from the very first start or only at a later or last stage?

- Do you know whether children with specific needs (disabled children) are able to have their say in relation to play grounds, recreation, sports and cultural activities and if yes how is this done?
- Have you ever been consulted on local youth work activities? If yes, how was this done and what do you think about it?
- Is your school consulting children on setting up new school clubs and activities of the school clubs?
- Do you know whether minority children are consulted on cultural activities which are planned for them? If yes, how is this done?
- In Situations of Violence
- What do you understand by ‘violence’ against children?
- Are you aware that there are laws that prohibit all forms of violence against children in Finland?
- Do you know of concrete actions or projects in Finland that are combating violence against children? If yes, are children consulted in these actions or projects?
- Do you know where you can report violent behaviour against you? (for example free telephone help lines or confidential persons you know?)

Judicial and Administrative Proceedings

Questions for migrant or refugee children:

- When you came to Finland did you receive information you could understand on what services are available for you and what your rights are?
- When you arrived in Finland did they ask you about your health and what school/education you would like to follow?

Public life and civil society

- Do you know whether there exist organisations which are led by young people? If yes, do you know how these are funded and is this sufficient to keep the organisation running?
- Are you involved in a local, regional and/or national children’s councils or parliaments? Can you say which age groups are involved and are all children able to take part, no matter whether they are boys or girls, disabled, migrant or refugee children?
- What are you talking about in the local or national children’s council, can you decide this yourself or is the agenda given to you by others?

General information questions

- Do you feel that in general you (children and young people) in Finland are listened to when decisions are taken that affect you? For example, when you had a say on a decision affecting your life at school or in your family, did the adults listen to you and take your view into account when they took the decision? Possibly you can explain this with an example.
- When stories on children are reported in the media, e.g. on television, the radio, internet, newspapers, do you believe that their views are taken into account? Can you give concrete examples for this?

- Are children and young people interviewed by the media on issues that concern them and can you give concrete examples on this?
- Do you know whether children below the age of 16 can vote in certain activities in Finland? And if yes, where is this allowed? For example children are not allowed to vote for national, regional and local elections below the age of 18 or 16, but maybe there are organisations or institutions where children are allowed to vote? If yes, do you know where this is possible?

Pause (20 minutes)

Session 4: (45 minutes)

Discussion in Plenary

This last session is a good way to close the discussions and may lead to conclusions and recommendations from the participants and the expectations from the children and young people.

What is important to you about this (these) situation(s) and why do you care?

(Here is a possibility to refresh/reassess answers to questions 4 and 5 of Session 1: what children think now that they have done the whole exercise).

Closing (10 minutes)

Evaluation of the day. Since it has been a long day for the kids, this should be a short session. You can ask the children to write up with some key words on yellow sticky tags what they thought of the day (e.g. fun, learning experience, made new friends, etc) and they can stick these all on a big piece of paper on the wall.

- Inform the kids what is going to happen with the outcomes of their discussions.
- Thank all the children and young people for their participation and the facilitators for their involvement and support to the kids.
- Give a certificate signed by the Ministry of Education and Culture to each child and young person indicating that they have participated in this day.

Possibly invite parents/carers in for the closing session.

ANNEX IV

Guidelines and questions for Municipal Case Studies in Finland

As stated in the methodology for the policy review on child and youth participation some case studies of a selected number of municipalities will take place.

Case Studies of selected municipalities

A selection of municipalities will be chosen as Case Studies for the review. These will include bigger and smaller municipalities, cities and located in rural areas, geographically equally distributed, to guarantee a representative selection of municipalities. Key representative within the municipalities will be identified and interviewed. One responsible person, from the in-country review team and with experience in this area, will be appointed by the Ministry of Education and Culture to carry out the interviews.

The interviews will in particular focus on the areas with the least or no available data, including alternative care; health care; education and schools; play, recreation, sports and cultural activities.

First step: Identify key persons, which can be both civil servants and persons working in certain organisations or institutions with children. These should be areas which are the competence of the municipality. In particular try to find persons in the following areas:

- Alternative Care
- Health Care
- Education and Schools
- Play, recreation, sports and cultural activities
- Civil servants working in the area of local children/youth policies

Second Step: Set up meetings with the persons identified and give a short introduction

When meeting introduce briefly the purpose of the interview and explain the review to be carried out on child and youth participation in Finland by the Council of Europe. Ask whether the person interviewed would permit to be quoted or not. Please note down the name and function of the person interviewed.

Collect background information on the municipality: Number of Inhabitants, including percentage of children (0-18 years). Other relevant information, such as whether there are mainly Finnish people living in the municipality or many immigrants, refugees, street chil-

dren. How many health care institutions are there in the municipality (e.g. hospitals) and are there any alternative care institutions for children? How many schools are there?

Third Step: Questions to be asked

General Information Questions

- Is training provided on children’s participation and its application in practice (Article 12 UNCRC) for all professionals working with and for children, including social workers, community workers, teachers, medical and health professionals and civil servants at the municipal office?
- If yes, what type of training is given and is the effect of the training on children’s participation evaluated (e.g. is the training on-going for any new staff working with and for children?).
- Is information provided to children on local services, and if yes, is this done in a format which is appropriate for their age and their capacity to understand the issue that concerns them?
- Is there a local children’s council or any other mechanism which allows children to participate in local decision making?
- If yes, how are children selected for this, what age group of children is represented, is there an equal chance for all children, including disabled, disadvantaged children, migrated children, refugee children, school drop-outs, street children, etc. to participate?
- On what issues does the children’s council participate and are these chosen by the children and young people or given by the municipality?
- What happens to the decisions taken by the children and youth council?
- Is feedback given to the children’s council on what happens with their decisions and is their participation leading to outcomes and results?
- What is the role of NGOs, civil society and churches/religious institutions in developing practices to support children to participate in your municipality?
- How is the local government supporting NGOs and civil society in their child participation work?

Alternative Care

These questions can only be asked to people working in alternative care institutions or civil servants responsible for these institutions at municipal level.

- Is there legislation that provides the child with the right to information about any placement, care or treatment plan;
- Is there legislation that provides that the child will be heard and that his/her views are taken into account in the development of child-friendly care services;
- Is there a competent monitoring institution, such as a children’s ombudsperson or another institution within the alternative care institution or at local level;
- Is there legislation that provides the establishment of mechanisms, such as a representative council of the children in the residential care facility, with the mandate to participate in the development and implementation of the policies and rules in the institution;

- Where these regulations or legislation exists, are these implemented in practice? If yes, which ones are implemented and how and which ones are not and can you give reasons why you believe these are not implemented?

Health Care

These questions can best be asked to people working in health care institutions (e.g. hospitals or other medical clinics) or civil servants responsible for health care at local level.

- Are children and young people provided with clear and accessible information on their right to participation in paediatric research and clinical trials by physician and health-care facilities? If yes, please describe what type of information.
- Have children, who have been through the health care system, received the appropriate information, according to their age, about proposed treatments, their effects and outcomes, to be able to take decisions on health treatments?
- Are children enabled to contribute their views and experiences to the planning and programming of services for their health and development at local level? This information can be obtained via feedback systems for children using services or involved in research and consultative processes and can be transmitted to local children's councils.

Education and School

- How are the educational authorities at local level including the children's and parent's views in the planning of curricula and school programmes?
- Do school councils exist in this municipality, and if yes at which type of school (primary, secondary, higher education?). If yes, do the majority of the children take part in the school councils in this municipality?
- Are children consulted at local level on all aspects of education policy? If yes, how is this done? Are children participating from the first start of the process of decision making or involved at a later stage? Do all children, regardless of sex, age, ethnicity, disadvantaged background, etc, have a chance to participate? Is their participation evaluated and is feedback given to the children? Does the participation of children lead to outcomes/results?

Play, Recreation, Sports and Cultural Activities

- Are children consulted on the design of play grounds and the accessibility and appropriateness of play, recreational, sport and cultural facilities in your municipality? If so, what type of participatory structures are used for this? Is the local government making it a condition to consult children when play areas are build? If the local government involves children in the decision making process at what stage of the process are children getting involved, does this happen from the very first start or at a later stage?
- Are special mechanisms in place to allow very young children and children with specific needs (disabled children) to express their wishes in relation to play, recreation, sports and cultural activities and if yes how?
- Are children consulted on local youth work activities and are they provided with information on this? How is this consultation taking place?
- Are children consulted on the designing of new school clubs, including the programmes, the activities and the way activities are run and organised and if yes how?

- Are children consulted on ‘cultural’ activities intended for minority groups in your municipality, for example migrant children, and if yes, how are these children consulted?

Ask whether the person would like to give **any further information or feedback** on areas where child participation is facilitated in his/her municipality (areas which have not been discussed above).

If not given yet, ask whether the person interviewed could **describe a concrete case** where children have participated from the start of the process until the decision was taken at local level and ask to describe how this process worked: what went well and what are lessons learned for the future (or did everything go well?).

Note: please ensure that the same questions are asked in all municipalities (two in the case of Finland).

Report of the interview

To be included:

- **Information on the persons interviewed.**
- **Background information on the municipality:** Name; Which part of Finland it is situated; Number of Inhabitants, including percentage of children (0-18 years). Other relevant information, such as whether there are mainly Finnish people living in the municipality or many immigrants, refugees, street children. How many health care institutions are there in the municipality (e.g. hospitals) and are there any alternative care institutions for children? How many schools are there?
- **Answers to the questions.**
- Where possible **concrete examples of functioning child participation structures, e.g. a “case”** discussed by a local children/youth council, from the beginning of the process until the outcome (to illustrate existing structures).

ANNEX V

In-country review team and other resources

In-country review team

- The Finnish Youth Research Network
- The National Board of Education
- National Coordination and Development Centre of Youth Information & Counselling
- Central Union for Child Welfare
- The Finnish Children’s Parliamentary Office
- Office of the Ombudsman for Children
- The Centre for School Clubs
- The Union of the Youth Councils in Finland
- Finnish Youth Cooperation Allianssi
- Ministry of Justice
- Ministry of Education and Culture
- Ministry of Health and Welfare

Other resources

- Ministry of Foreign Affairs
- National Institute for Health and Welfare
- The Representative of Finnish Youth Councils
- NOBAB Finland
- Taikalamppu-network = Aladdin’s Lamp network
- Mannerheim League for Child Welfare
- The Association of Finnish Local and Regional Authorities
- Union of parents
- VAU ry Finnish Sports Association of Persons with Disabilities
- The Swedish-speaking School Student Union of Finland
- The Union for High School Students
- The Church Council

- Curly ry
- Somaliland
- Hakunila International Organization
- City of Vantaa
- Advisory Council for Youth Affairs
- University of Vaasa, BoWer (Bothnia Welfare – Coalition for Research and Knowledge)
- Pesäpuu (Alternative care)
- Young Finland Association (promotion of the well-being of children and young through physical activity and sports)

Reference Documents

- The Government's Policy Programme for Child And Youth Policy
- Policy programme for the well-being of children, youth and families
- Youth Act (72/2006)
- Constitution of Finland, section 6 (1999)
- National Ombudsman for Children Act (1221/2004)
- Child Welfare Act (417/2007)
- Child Custody and Right of Access Act (1983) § 4.2
- Local Government Act (365/1995)
- Aliens Act (301/2004)
- Basic Education Act (628/1998)
- Act on the Status and Rights of Patients (785/1992)
- Medical Research Act (488/1999)
- State Provincial Offices' Evaluation of Basic Services 2008
- Office of the Ombudsman for Children reports 2008:1 "Being Sami is a Gift" The Welfare of Sami Children and the Realization of their Rights in the Finnish Sami Region, by Minna Rasmus (English summary)
- Decree on School Health Services
- National Core Curriculum for Basic Education 2004
- Kauko Kouvalainen's and Matti Nuutinen's article on "The principle of patient's consent and child patients", Finnish Medical Journal 13/92, 1267–1270. In: Hannuniemi, A. 1997
- Ovet auki! Monikulttuuriset nuoret, vapaa-aika ja kansalaistoimintaan osallistuminen, 2009, p.114 = Open the doors! Multicultural young, spare time and participation in civic activities, 2009, p.114
- Youth participation in Finland and in Germany, Status Analysis and data based recommendations
- The examination of sexual abuse of children. The Working group's report. Reports by the Ministry of Social Affairs and Health 2009:30
- EUROPEAN COMMISSION'S COMMUNICATION ON THE RIGHTS OF THE CHILD (2011-2014), Finland's answers

The report “Child and youth participation in Finland – A Council of Europe policy review” provides a comprehensive analysis of the implementation in Finland of the right of children to participate in decisions affecting them.

Taking as a starting point a the child’s right to be heard, as set out in Article 12 of the United Nations Convention on the Rights of the Child, the report undertakes a legal and policy analysis of child and youth participation in Finland and assesses how child participation functions in different settings: the family, alternative care, health care, education, recreation and cultural life, in situations of violence, judicial and administrative proceedings, and public life and civil society. As the review highlights, legal obligations for child and youth participation are well in place in Finland and significant achievements have been made in promoting the child’s right to be heard. However, improvements can be made by encouraging more bottom-up participatory initiatives, strengthening the involvement of young children and of children from disadvantaged backgrounds, investing in the training of professionals working with children and making sure that wherever possible children are consulted at the beginning of decision-making processes.

Children and young people themselves played an important role in the drafting of this report. In addition to an online survey in which more than 700 children participated, the report reflects the outcomes of the discussions of children’s focus groups and the input from a children’s reflection group, which was involved in the whole process leading to this report.



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