



Group of young people running with an EU flag

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Improving the Quality of Childhood from the perspective of the Ombudsman for Children in Finland

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SUMMARY

This article discusses the quality of childhood from a human rights' perspective. How does the UN convention for the Rights of the Child define the criteria for a good childhood? What is the role of the Ombudsmen for Children in promoting the quality of childhood? What is the role of children's participation rights in promoting the quality of childhood? What are the challenges for EU institutions with regard to children's rights?

A human rights approach to the quality of childhood

All EU member states have ratified the UN Convention for the Rights of the Child (CRC), which was adopted by the UN assembly as far back as 1989. This convention with its 54 articles reflects an almost global consensus on the minimum criteria for a good childhood for everyone under 18 years of age.¹ Often the core substance of the CRC is defined by the "three P's": Protection, Provision and Participation. When defining the criteria for a good childhood these three aspects should all be met. The three areas of protection, provision and participation are interdependent.

Children are vulnerable and thus have the right to special protection and care. This is the obligation of all adults, who in turn should in their actions evaluate and promote the best interests of the child (for example in the family, in child welfare, in government departments, and in the courts).

The provision of education, health, childcare, child welfare and parenting services should be of high quality. Children should be treated as individuals who have the right to grow up and realize their potential. Both parents have the primary responsibility for the upbringing of their child but they should receive support from the public authorities where necessary.

The third "P" is the right of children to participate, exert an influence and to be heard (Article 12). This imposes a responsibility on adults to elicit the opinions of children before making decisions that affect children either directly or indirectly. There is no minimum age limit for these rights to participation: it is the obligation of adults to adjust their methods of communication and dialogue with children, so that they are communicating with children in an age-appropriate manner.

All children are equal in this respect. It is a good exercise to evaluate the situation from the perspective of children in different positions. For example, girls and boys, small children and adolescents, children in care, children in hospital, children with special needs and/or disabilities, children whose parents are in prison, unaccompanied asylum seeking children, children of different religions or languages, as well as challenging and well behaved children, all have the same human value and rights.

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Often adults prioritize and understand children's protection and provision oriented rights and needs but tend to forget or even ignore the rights of children to participate. However if adults – in their work to protect children and provide services – consider and learn from children's experiences and perspectives, this leads to better decision making and the provision of more effective services, thus creating a better quality of childhood. Children are not only victims or (passive) objects of adults' actions but are subjects and individuals who have their own opinions and perspectives which adults should take into account.

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Participation rights mean in practice the right of the child or a group of children to express their views and to be taken seriously in all matters affecting children. Dialogue between the adult and the child is a necessary part of the process. It is not a one-way street.

For example, when defining the best interests of the child it is necessary to find out the views of the child or the group of children concerned. But to have your say is not equal to having it your way. Adults are responsible for making the decisions, and in coming to a decision other concerns may need to be taken into account in addition to the opinions of the child or children. But in order to decide it is the responsibility of the adult to find out the opinions of children, to consider them seriously and to give feedback: to explain their decision and inform the children about it.

Article 12 of the Convention for the Rights of the Child

- Children who are able to form their own views must be guaranteed the right *to express them freely* in all matters that concern them.
- The views of children *must be taken into account* according to their age and level of maturity.
- Children must especially be given the possibility *to be heard* in judicial and administrative matters that concern them.

The child rights' perspective emphasizes the well-being of children "here and now" – as citizens of today, not just as citizens of tomorrow

The child rights' perspective on the quality of childhood emphasizes the right of every child to a good life, independent of his or her future productivity. Providing a good childhood and valuing children are ends in themselves. The child rights' perspective emphasizes the well-being of children "here and now" – as citizens of today, not just as citizens of tomorrow. Children have the right to learn but also have a right to play, to care and to recreation. Children are thus not only "learners" or potential for the future workforce but whole persons.

Often however, children's issues are approached from an instrumentalist perspective, especially in political documents and discussions. Well known and oft repeated arguments include: "it pays to invest in children and childhood", "children are our future (workforce) or "children are the contributing adults of tomorrow". These are not bad arguments but it is necessary to notice that planning policies on the basis of this instrumentalist perspective are too restricted. One should not see children as "trainees" or objects of adults' actions.

The Ombudsmen for Children in Europe provide a channel for children's views

The Ombudsmen for Children are independent human rights institutions that by law and independently from government monitor, promote and protect the rights of the child.

As of 2011 there were 37 Ombudsman for Children institutions in the Council of Europe member states and 27 ombudsmen for children in EU member states. They form a co-operative network known as ENOC (www.ombudsnet.org). The oldest institution is in Norway (founded in 1986) and the most recent ones include Italy, the Netherlands and Estonia. In Finland the Ombudsman for Children institution was established in 2005. Some of the Ombudsmen for Children are separate institutions (for example in Sweden, Finland, Belgium, and the UK) and others work in connection with the general ombudsman's office (for example in Greece, Spain, Hungary, and Estonia). Also the titles can vary: for example, in the UK the Ombudsmen for Children are called Commissioners for Children.

In 2011 Nigel Thomas, Brian Gran and Karl Hanson studied the role of independent children's rights institutions in the EUⁱⁱ. They listed the following tasks that different Ombudsman for Children institutions have in common (please note that the emphases may vary from country to country):

The Ombudsman for Children institutions in the EU member states work to:

- ensure full implementation of the CRC. In this role they monitor and report to the UN on a regular basis
- work for a higher priority for children's issues in government and civil society: opinion making
- improve public attitudes towards children and young people
- influence law, policy and practice
- promote effective co-ordination of government for children at all levels, act as a networker
- provide a channel and voice for children's views
- encourage government and adults in general to give proper respect to children's views;
- encourage the government to collect and publish adequate data on children;
- promote awareness of the human rights of children, among children and adults;
- undertake research
- conduct investigations and supervise institutions
- review and ensure children's access to complaints systems (nationally and internationally)
- respond to individual complaints from children

Not all Ombudsmen for Children institutions, for example, respond to individual complaints from children, conduct investigations or supervise institutions. But all institutions work to ensure children's access to the complaints systems in their respective countries and underline that children's voices should be heard in investigations and in the supervision of institutions.

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All Ombudsmen for Children institutions thus put a major emphasis on providing a channel and a voice for children's own views and they convey children's opinions to decision makers. Often the Ombudsman for Children is the major state body that has the task to ask children, to find out their opinions and to stay in touch with children. Mainstreaming the rights of the child to other state institutions and municipalities is one of the biggest tasks of the Ombudsman for Children institutions.

What is meant by children's participation?

I would like to share with you my experiences and conclusions in working with children's rights and especially with regard to participation rights in Finland. In Finnish legislation the participation rights of children are well represented. They are included in our constitution, in the Youth Act, the Child Welfare Act and in the Basic Education Curriculum. So in theory everything should be working well.

However, this is not always the case in practice. Legislation is necessary in order to build continuity, define the obligations of adults and create structures. But the legislation is not enough. The discussion should turn from being focused only on structures to building a culture of participation and to promoting adults' positive attitudes and interactive skills.ⁱⁱⁱ

Every child has the right to be seen and dealt with with respect and dignity by adults. The experience of participation grows in human relationships and in mutual learning

Often participation is discussed in rather technical terms and in terms of representative democracy. But the key to participation is interaction and dialogue between children and adults. It is a way of living together in the community. Participation rights are practiced in everyday encounters with children in day care, schools, youth work, libraries and in child welfare and police work. Every child has the right to be seen and dealt with with respect and dignity by adults. The experience of participation grows in human relationships and in mutual learning.

Educating and training adults in the necessary skills and attitudes to positively interact with children of different ages is a key issue

Educating and training adults in the necessary skills and attitudes to positively interact with children of different ages is a key issue. Every professional working with children should have basic studies in children's rights and participation skills included in the curricula of their professional trainings. Adults have many preconceptions and misconceptions about children and the level of children's knowledge. Often adults underestimate children's capacities and are surprised by the positive contributions children's experiences can make to improving services. The most common obstacle to children's participation is adults' (so called) lack of time. Adults do not realize the benefits of children's participation in empowering children and their parents.

One of the priorities of my current work is to promote the view of children as "experience experts"

One of the priorities of my current work is to promote the view of children as "experience experts". Children have lots of experience of different general services (daycare, school, public transport, library, sports). Some children have had a different range of experiences: they have stayed in foster care or children's' homes, they have parents who are in prison, they have experienced domestic violence or they are disabled. All children can provide very useful guidance to adults who develop these general and special services. Surveys, peer support groups and focus groups are means of channeling children's feedback and ideas with regard to quality to the service design teams.

Children can participate as individuals, as "experience experts" and as citizens/members of a municipality. Taking children seriously as citizens of a municipality means to channel their priorities to the decision making bodies in the municipality and to provide for the interaction of children with decision-makers. These can be student bodies, local children's parliaments and local youth councils. In Finland the previous government had a goal that there should be a local youth council in every municipality. At present there are youth councils in about 80% of the municipalities in Finland.

Children as partners in the development and design of services

If professionals included children and adolescents as their partners in service development, the result would be improved quality and more effective services

Thus, children and adolescents accrue plenty of experience in how well services function. When developing services, adults do not always make sufficient use of the information held by children. If professionals included children and adolescents as their partners in service

development, the result would be improved quality and more effective services. The quality of child, youth and family services should always be evaluated from the viewpoint of the professional, the parent, the young person and the child.

As the Ombudsman for Children in Finland I have conducted several small scale surveys and studies focusing on children's opinions about and experiences of services.^{iv} What have we learned from them? What things should a professional bear in mind?

The first thing to note is that for children their close relationships and the continuity of these are the keys to wellbeing and to maintaining the quality of their childhood. Family relationships, with their mother and father and their siblings are of course the most important. Good food and meals are also a key element of care in children's experience. One primary school pupil defined her wellbeing as follows: *"I am fed, taken care of and can spend time on my hobbies and am safe."*

Social relationships are of great importance to a child's wellbeing both when things are going well and when things are going badly

Social relationships are of great importance to a child's wellbeing *both* when things are going well and when things are going badly. When children are asked "what is good in your daily life?" they often describe what they do with parents, siblings, friends, grandparents, teachers and with their pets. Bad things in their life often include negative sides of human relationships: arguing, quarrelling, shouting, bullying, experiencing unequal treatment at home or at school, loneliness – in terms of both a lack of friends and/or a lack of time spent with the adults in their lives.

If a service is only "a name on a door" without face-to-face knowing of the person, the threshold for the children and adolescents to use the service becomes considerably higher

Because human relationships support and carry children, also services are made up of people for children and adolescents. If a service is only "a name on a door" without face-to-face knowing of the person, the threshold for the children and adolescents to use the service becomes considerably higher. If a professional and a child have time to meet and become acquainted, this improves the quality and effectiveness of the service. Mutual trust is a key to providing effective services.

We have asked children about why they do not tell professionals about domestic violence, for example. One child put it very well: *"Confiding in a grown-up you don't know can be scary, and you don't know if you can trust them completely."*^v

With regard to children, staff turnover and continuously having to meet new adults due to professional specialisations pose challenges to service development. In addition, the situation becomes even more difficult if various professionals attend to their own "sectors" of the child's or adolescent's issues. It would be ideal if children and adolescents could influence the choice of person who primarily handles their issues.

From the point of view of professionals, children are easily regarded as students, patients, rehabilitees and clients of child welfare services. For a child, however, quality lies in him or her being regarded as a complete person, with all of the attendant joys and sorrows. Providing encouragement and support in terms of future prospects and hope, and strengthening the child's self-esteem, lead to better results than regarding the child as a "child at risk" or a "problem case". While services have often been planned for the benefit of children, in many cases children do not receive information about themselves in a manner which they can understand. A sense of participation is created when the child understands the process that he or she is involved in.

The more closely different services are linked to school, the lower the threshold for approaching these services becomes

In most cases, children have no knowledge of special services and rarely approach them out of their own volition. For children, school is the most familiar and important community outside the home. The more closely different services are linked to school, the lower the threshold for approaching these services becomes. The more that student welfare professionals are involved and visible in the operating of the school community, the easier it is to approach them. Schools could improve how they communicate and the information they provide about special services. Health and social services should enhance communications tailored to the needs of children and adolescents.

With respect to the wellbeing of children and adolescents, parents are central. In many cases, mental distress in children is caused by their parents not receiving timely, concrete support in handling their problems. These may include relationship disputes, mental health problems, violence, alcohol abuse, lack of skills as a person in charge of a child's upbringing, or an excessive workload.

"More attention could be paid to alcohol consumption, in addition to workload. Work-related stress is awful – and I am the target when that stress is unloaded." (adolescent reply)

Professionals working with children and adolescents need excellent interactive skills and time to meet and become acquainted with the child or young person. Good professionals want to learn about the experiences of children and adolescents. They explain the reasons for their suggestions and solutions, and do not make promises which they cannot keep. They support the continuity of relationships, and have basic knowledge of other services for

children, adolescents and families, whilst working in a networking manner. In addition, they ensure that parents are rehabilitated as far as is possible, in the cases where the child receives services due to the problems of the parents.

Aspects of child friendly services – what do children experience as a good quality service?

- Relationships: Are the adults familiar?
- Staff turnover
- Staff availability
- Is the adult interested in the child as a whole human being?
- The attractiveness and the colours of the facilities
- The atmosphere
- The food/catering
- Do children have enough knowledge of the services available to them?
- Time management and the interactive skills of adults
- Adults' reasoning in coming to decisions
- The cooperation skills of different professionals and their knowledge of each other
- Do parents get support?

What is a good school, from the point of view of children?

Even though Finland achieves very good PISA results, I am not yet satisfied by the level of participation in our schools. Children and young people know lots of facts but they are not given the chance to practice their citizenship skills. More space should be given to the development of the school as a community, taking into account the wellbeing of children as whole human beings. The lack of participatory culture is one reason why Finnish pupils have not given such high grades to their school when asked whether they liked school or not.

The following comments from Finnish primary and secondary school pupils represent the typical comments received when the ombudsman for children office asked them what they would improve at their school:

"Food could be better. Potatoes could be cooked better."

"Breaks should be longer so there is enough time to play and move."

"Students are told off for not going outside during breaks, but there is nothing to do outside, so why would anyone want to go there?"

"Paint the school in brighter colours, so that it doesn't look like a hospital!"

"There could be more activities with other classes, so that everyone would get to know each other better."

"I would like to have a say in what we do in crafts, because the teacher always decides this."

"The learning side is going well, but we don't have enough footballs."

According to our surveys and discussions with children and young people, their priorities for a good school (in Finland) include:

- 1) A comfortable, beautiful, more "home-like" physical environment: including the school buildings and the school playgrounds.
- 2) The quality of mealtimes and breaks during the school day: increased opportunities to spend time playing
- 3) A good atmosphere at school and supportive friendships – work against bullying
- 4) Ask for the opinions of children, and children to be given possibilities to influence matters in everyday life at school.

Children learn at school – which they certainly do value – but the school as a community has also many other functions in their lives

Children's quality of experience at school often consists of small things that do not necessarily cost much. Adults should be wise enough to ask about these and to take them seriously. Children learn at school – which they certainly do value – but the school as a community has also many other functions in their lives: it offers the opportunity to make friends, play in the playground, eat and share meals together, enjoy the colors and visual aesthetics of school. Children attend school with all their senses!

In conclusion, participation is a child's right and is thus the obligation of all adults. However, adults need not only see it as an obligation but also notice the benefits of children's participation. These include the empowerment of children and the closer engagement of children with the community. Children get a feeling that *"I matter!"*. It produces better decisions and more effective services. Children's participation can be and is fun and good participation appreciates children and childhood. But it demands that adults change their attitudes to recognize that children are citizens already now and today.

Observations about EU policy on the rights of the child

All the EU member states have ratified the UN Convention for the Rights of the Child but the EU as an institution has not yet done so. However, the European Commission first addressed the issue of children's rights and released a communication on the matter in 2006, which, in principle, was a very positive development. The 2006 communication was accompanied by a preliminary list of EU actions which had implications for children's rights. The objectives, such as mainstreaming children's rights in all EU policies, were ambitious. The new Commission has since revised the strategy and issued a new communication in 2011, titled "An EU Agenda for the Rights of the Child."^{vi} The Fundamental Rights Agency has done good work in the field to monitor and follow up the situation.

Many EU policies have indirect implications for children and the circumstances in which they grow up, even when these policies are not actually related to children

However, even though the goals in the 2011 Communication remained ambitious, the big picture of child rights is still missing from the Commission's communications and policies. Many EU policies have indirect implications for children and the circumstances in which they grow up, even when these policies are not actually related to children. The Commission's communications have failed to state clearly the objectives that putting children's rights first be made a priority in all EU policies and that policy areas with the largest budgets, cohesion policy (which is the EU policy to decrease disparities, ie economic, social, regional etc.) and economic policy will also be re-evaluated.

The greatest progress has been made with regard to external relations of the EU with reference to third parties and foreign policy and mainstreaming the rights of the child. Naturally, some of this is due to the fact that the legal basis for common European action on issues concerning children is the strongest when it comes to external relations.

The union has also successfully improved internet safety and has taken a stand against the sexual abuse of children. Financial support made available to national action groups has made a big difference (the Safer Internet Programme). Judicial cooperation on criminal matters has also become more efficient. The Commission has impressed upon the Member States the importance of educating the public about child poverty and the need for open coordination. However they have barely touched on policy areas that affect children and families indirectly.

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The problem is that while EU policies have focused on improving the circumstances of children in vulnerable situations, they have largely ignored policies that affect all children.

The following are a few examples of policy areas that should be taken into account to a greater extent in the EU child rights policy:

- 1) Consumer policy and the rights of the child
- 2) The consequences of free movement of labour and economic policy from the perspective of children (balancing work and family, children being left behind when parents go to work abroad)
- 3) The repercussions of alcohol policy from the perspective of children whose parents abuse alcohol (in addition to children and young people who abuse alcohol themselves)
- 4) The EU's statistical policy and the role of children, ie how EU regulations in statistics and

data collecting guidelines include children/citizens less than 18 years of age.

5) Taking an overview of all EU policies relating to children and young people

6) The implications of EU regional development initiatives for children

The challenge is to also integrate the perspective of the child into economic policymaking and documents as well as into the Structural Funds.

EU strategies should also place more responsibilities onto the EU institutions themselves. It is extremely important that the Commission continues to increase cross-sectoral coordination and cooperation between different administrative sectors with regard to child rights issues and also that it trains its own staff to mainstream the rights of the child.

What should a common European strategy on the rights of the child cover?

- Cross-sectoral cooperation on child rights issues should also be encouraged in the EU's own administration.
- All of the EU's policies (including economic policy and structural policy) should be subjected to a systematic review from the perspective of child rights and the findings compiled into reports. The EU should incorporate the child rights perspective into its own policies and train staff in these matters.
- European economic and employment policy should include provisions to balance work and family to ensure that competitiveness is not promoted at the expense of child welfare. Low birth rates are a threat to the union's long-term economic growth.
- The rights of children and young people should be factored into development and cooperation initiatives in countries outside EU and EU partners outside EU member states as well as in the Member States and across the EU.
- The protection of children should be incorporated into EU consumer policy and audiovisual policy. Advertising and media have major influences on the lives of children and young people. Decisions made at EU-level have implications for the Member States' legislation on these issues. Policymakers should ensure that commercial interests are not promoted at the expense of child welfare.
- Common European policies have a considerable impact on statistics in the Member States; they dictate what statistical data are prioritised and what surveys are carried out across the union. With this in mind, policymakers should ensure that children as a group are represented in statistics and that enough information is collected on individual children in different circumstances. Common European child welfare indicators covering issues other than child poverty could be efficient means of getting a better overview of the situation.
- Focusing on children in vulnerable situations naturally has its merits, but it is also important to remember that EU policies have implications for all children growing up across the union. These implications also need to be evaluated and analysed. Moreover, efforts to mainstream the rights of the child should also extend to policy areas that have indirect implications for the welfare of children and families.

Finally, the EU should also be more demanding in its human rights policy: children's right to live without any violence should be promoted and implemented across the EU member states. The EU should promote the full prohibition of corporal punishment at home, at school and in institutions. At the moment this is not the case. As adults we are not allowed to pull the hair of our husband, wife or workmate if they disagree with us. But in some EU countries the use of disciplinary violence against children is still allowed. What is important is that adults should set a good example in the home!

The full prohibition of corporal punishment (disciplinary violence against children) is in force in 16 member states^{vii}:

Austria	Bulgaria
Cyprus	Denmark
Finland	Germany
Greece	Hungary
Poland	Latvia
Luxembourg	The Netherlands
Portugal	Romania
Spain	Sweden

Disciplinary violence still allowed at home and in alternative care in 10 member states:

Belgium	The Czech Republic
Estonia	France
Ireland	Italy
Lithuania	Slovakia
Slovenia	UK

It would be a real challenge for the European Union as a whole to implement the UN convention on the rights of the child. That would mean regular monitoring and independent evaluation by the UN. There would need to be improved cross-sector coordination and a more holistic view of children would need to be adopted. Especially in European Union policy documents, the instrumentalist view of children often dominates.

A good childhood for everyone should include:

- More play – less performance
- Greater adult presence – less loneliness
- More timely support for families when they are experiencing problems
- More opportunities for children to participate, influence matters and be heard

References

- i More information on the UN Convention for the Rights of the Child and its monitoring mechanisms: UN committee for the Rights of the Child: <http://www2.ohchr.org/english/bodies/crc/>
- ii Nigel Thomas, Brian Gran and Karl Hanson: *An independent voice for children's rights in Europe? The role of independent children's rights institutions in the EU*. *International Journal of Children's Rights* 19 (2011) 429-449.
- iii More on this issue can be found on http://www.coe.int/t/dg3/children/participation/PolicyReview_en.pdf
Child and youth participation in Finland . A Council of Europe policy review. 2011.
- iv For example a publication on the experiences of children in alternative care. (*Suojele unelmia, vaali toivoa. Nuorten suositukset lastensuojelujen ja sijaishuollon laadusta*) . Publication has a summary in english.
http://www.lapsiasia.fi/c/document_library/get_file?folderId=5535297&name=DLFE-22613.pdf
- v Results of this survey are included in the publication http://www.stm.fi/julkaisut/nayta/-/_julkaisu/1537947
Do not hit the child! National action plan to reduce corporal punishment of children 2010–2015 in Finland. This publication is in English.
- vi http://ec.europa.eu/justice/policies/children/docs/com_2011_60_en.pdf
COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS
An EU Agenda for the Rights of the Child
- vii Source <http://www.endcorporalpunishment.org/>

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