



Ålands
Ombudsmanna
Myndighet

Visit to Åland by Ms Farida Shaheed, UN Special Rapporteur on the Right to Education 27 November 2023

Mandate and role of the Åland Ombudsman Authority

The mandate of the Åland Ombudsman Authority is to promote and safeguard equality, gender equality and non-discrimination; to monitor the interests and rights of children according to the UN Convention on the Rights of the Child (CRC) and advocate and influence decision-making in all matters concerning the life of children and youth in Åland; to promote and safeguard the rights of patients (healthcare) and the rights of clients (social services). The mandate also includes providing advice on consumer rights.

The work is carried out mainly through consultation and advice to individuals, official authorities, and organisations. The Åland Ombudsman Authority also engages in information and advocacy work through dialogue with various stakeholders, written statements and reports with analysis and recommendations, and comments on draft legislation. On matters regarding the rights of the child according to the CRC the mandate does not include intervening in individual cases, the role is more on a societal level. In Finland and Åland individual cases can be brought to the Parliamentary Ombudsman. The Åland Ombudsman Authority furthermore helps persons that experience that they have been discriminated against by assessing their case, and in some instances launching an investigation with the aim of ending discriminatory practices, however, the Authority does not have any judicial powers. It is also tasked with overseeing that public authorities fulfil their obligations stated in the Åland Non-Discrimination Act and the Act on Promoting Gender Equality and can issue statements and recommendations to said authorities if there is a need. If the authorities do not change their practices the Ombudsman Authority has the possibility to issue them with a fine.

The authority is small, 2.6 full-time staff and a budget of 259,000 Euro (2023). The mandate is regulated by the Åland act [landskapslag \(2014:33\) om Ålands ombudsmannamyndighet](#), which states that the Åland Ombudsman Authority is an independent authority, which administratively falls under the Åland Government.

The above-mentioned act is the first legal basis on Åland for the tasks that are attributable to the role of an Ombudsman for Children. Despite this, there have been appointed ombudsmen for children on Åland since the mid-1990s but without a legal basis securing an independent status for the role.

Reflections from the Ombudsman Authority on the right to education for children on Åland

Education system for children

- Early childhood education and care as well as primary education (compulsory school classes 1-9) is generally good on Åland with high quality education, trained staff, small classes and in most cases good facilities. New legislation on education including day care and early childhood education is in force since 2021, and new curricula for both stages have been finalised. Both the legislation process and the processes to formulate the curricula have involved hearing children.
- Secondary education is also perceived to be of good quality but more limited in choice compared to other places. In Finland it was recently (2021) legislated to increase the age for compulsory education until you turn 18 years old or graduate from your secondary education, whereas the Åland Government has chosen a different path. This is an area that the Åland Ombudsman Authority is following with interest. It is of special importance to ensure that there are no economic obstacles to secondary education, that children with disabilities and children with a migrant background can access and get appropriate support to complete secondary education.

The Child Rights Committee has recommended that secondary education be made compulsory.

Children with disabilities

- There are some challenges to achieving inclusive education for children with certain disabilities, e.g. Neuropsychiatric Disabilities. It seems that capabilities and possibilities to cater for children's specific needs vary between schools. Some of the families perceive a lack of knowledge and/or understanding by some of the professionals. This is an area that has been identified and investigated and solutions are being developed/discussed. There have also been several initiatives to increase awareness and knowledge among professionals. However, among the persons concerned there is still frustration over the perceived slow pace of improvement.
- There is also an expressed need from caregivers and parents to children with disabilities for increased support. They bear witness of a constant struggle with authorities on matters relating to the support that their child needs and has the right to in order to successfully conclude their education.
- Students with a disability needing support experience frustration over the lack of choice and support regarding secondary education in Åland.

Homeschooled children

- In Åland and Finland it is not compulsory to attend school if you can prove that you are learning according to the curriculum (*läroplikt*). In Sweden on the other hand, it is compulsory to attend school (*skolplikt*). In recent years Åland has therefore seen an influx of families moving from Sweden wishing to homeschool their children. It is of high importance to ensure that the rights

of these children are being met and the Åland government as well as authorities on municipal level is following the matter closely and are developing measures to monitor the homeschooled children and to support the parents.

This is an area that the Åland Ombudsman Authority is following with interest.

Non-attendance in school

- The number of children who stay at home and do not attend school is growing and a matter of concern also within the Åland education system and beyond. Young people not in employment, education, or training (NEET) is a development that is not unique to Åland, and it is an issue that preoccupies education professionals and special projects such as the Youth centre BOOST a project aimed at supporting young persons aged 16-29 to finding their way to education, work and employment.
- Among the challenges in Åland are the many levels of administration concerning a young person's life and needs, such as primary education, social services, health care and secondary education. There is a risk that a child or young person falls under the radar and hence diminishing the possibilities of providing support needed.
There is a shared understanding and ambition within the Åland society to enable closer cooperation between the various administrations and the Åland Government is currently running an ambitious and comprehensive project that is mapping structural obstacles between the administrations (education, social services, health care) with the aim of developing and implementing solutions and models of working to increase the health and wellbeing of children on Åland. This is an area that the Åland Ombudsman Authority is following with interest.

Increasing number of children with migrant background

- According to official statistics 14 % of the children in elementary school (classes 1-9) do not have Swedish as their first language.¹ Åland is a place with many immigrants and the education system has been adopted with the new Education Act including for example introducing Swedish as a second language on the curriculum. Again, the possibilities to support children from migrant background may vary between schools, since larger schools tend to have more possibilities to have designated teachers and classes for language support.
- An area of concern are the possibilities for teenage children arriving to Åland at a late stage of their schooling or even having graduated from Elementary school in their home country. Lack of possibilities to prepare for secondary school with language classes and other training to prepare for secondary school has been identified as a need.
- For the first time a branch of the national refugee reception centres was established in Åland in 2022 following the arrival of many Ukrainian refugees in Åland. The refugee reception centre falls under Finnish national legislation, but the children are integrated into the Åland educational

¹ www.asub.ax/sv/statistik/grundskolan-hosten-2023 (accessed 27.11.2023)

system. The Ombudsman Authority understands that many of the children also follow their Ukrainian education through digital means after the Åland school day has finished.

Bullying and harassment in schools

- Early childhood education and care and schools are obligated by law to promote equal treatment and non-discrimination in a systematic manner. These are also principles that are included in the curricula. Despite anti-bullying programmes being in place, bullying is still a matter of concern in the Åland schools, which of course affects the children's possibility to learn and their right to a safe learning environment in a negative way. More work is needed to prevent bullying at schools. This is, however, a matter of importance and relevance at a broader societal level and not an issue that can be tackled by the education system alone.

Overseeing education

- Prior to the new Act on Education, the Ombudsman Authority experienced that some parents and caretakers were frustrated over the perceived lack of oversight and control into the education system and primary schools. There was no place where one could launch formal complaints for an independent inspection. This has, however, changed following the new education legislation and the Åland government has reported that more requests for inspections have been filed recently and the government is working on developing this area of responsibility. Åland ombudsman authority welcomes this development.

Concluding remarks

The education system in Åland is of high quality and accessible to most children. However, as noted above there are some areas of concern. The Ombudsman Authority assesses that the Åland government is aware of and working with these to find solutions that will work in the Åland context. A general challenge is to what extent it is viable or even possible to build systems that work in a setting that can comprise such a small population or to opt for tailor-made solutions when a need occurs. However, it is important to do everything possible to strengthen the right to education among the groups of children where there is a need.

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