



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/15/Add.272
20 October 2005

Original: ENGLISH

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

1. The Committee considered the third periodic report of Finland (CRC/C/129/Add.5) at its 1068th and 1069th meetings (see CRC/C/SR.1068 and 1069), held on 22 September 2005, and adopted, at its 1080th meeting (see CRC/C/SR.1080), held on 30 September 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report, as well as the written replies to the list of issues (CRC/C/Q/FIN/3), which enabled the Committee to have a clear understanding of the situation of children in Finland. The Committee appreciated the presence of a cross-sectoral delegation which provided additional information.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee notes with appreciation:

- (a) The adoption of Guidelines for Interviewing Minors in March 2002;
- (b) The establishment of the post of Ombudsman for Children as of September 2005;
- (c) The adoption of the National Plan of Action "Finland Fit for Children" in 2005;
- (d) The completion of the Plan of Action against Trafficking in Human Beings on 31 March 2005.

4. The Committee also welcomes the ratification of:

(a) The Optional Protocol to the Convention on the Rights of the Child on children in armed conflict on 10 May 2002;

(b) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 17 January 2000;

(c) The Rome Statute of the International Criminal Court, on 29 December 2000.

C. Main subjects of concern and recommendations

1. General measures of implementation

Committee's previous recommendations

5. The Committee notes with satisfaction that various concerns and recommendations (see CRC/C/15/Add.132) made upon the consideration of the State party's second periodic report (CRC/C/70/Add.3) have been addressed through legislative, administrative and other measures. However, it regrets that some of its concerns and recommendations have been insufficiently or only partly addressed regarding, inter alia, coordinated policy relating to children, violence against children, including sexual abuse, and children belonging to ethnic minorities.

6. The Committee urges the State party to take all necessary measures to address those recommendations contained in the concluding observations of the second periodic report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the third periodic report.

Coordination/National Plan of Action

7. The Committee takes note of several programmes that strive to achieve fuller implementation of children's rights and welcomes the comprehensive National Plan of Action "A Finland Fit for Children", based on the final document "A world fit for children" adopted by the General Assembly at its special session on children in May 2002, but is concerned that these plans are not well coordinated.

8. The Committee recommends that the State party:

(a) Ensure that the National Plan of Action is clearly oriented towards the rights of the child as enshrined in the Convention;

(b) Provide an adequate budget for its implementation;

(c) Place all other action plans and programmes under the coordination of the National Plan of Action in order to overcome a fragmented approach to the implementation of child rights;

(d) Give the new Ombudsman for Children a mandate to monitor the National Plan of Action and evaluate the progress made.

Independent monitoring

9. The Committee welcomes the establishment of the post of Ombudsman for Children as of September 2005 and the fact that - in support of the Ombudsman's work - an advisory committee representing a wide range of expertise, in which NGOs will be represented, has been set up. However, the Committee also notes that the Ombudsman's mandate is focused mainly on promotional work on the Convention and advisory services, and that it does not deal with individual cases, the investigation of which will remain under the competence of the Parliamentary Ombudsman.

10. **The Committee recommends that:**

(a) **The mandate of the Ombudsman for Children be expanded, in line with general comment No. 2 (2002) on the role of independent human rights institutions, to include the ability to receive and investigate complaints from children;**

(b) **The State party support with sufficient human and financial resources the Office of the Ombudsman for Children in order to enable it effectively to monitor the implementation of the Convention throughout the country;**

(c) **The annual report of the Ombudsman for Children be presented to, and discussed by, Parliament, together with information about measures the Government intends to take to implement its recommendations.**

Resources for children

11. The Committee shares the State party's concerns that, owing to the fact that local authorities have extensive powers of self-governance and autonomy, changes are needed to ensure the equality of resources for children and the availability of services throughout the country.

12. **The Committee recommends that the State party undertake a study to assess and analyse the resources provided for children and continue to take, where necessary, effective measures to ensure equal access to and availability of services for all children, irrespective of the municipality in which they live.**

Data collection

13. The Committee notes with concern that the compilation of statistics on children lacks coordination and regularity, in particular with regard to the most vulnerable groups of children such as disabled children, asylum-seeking children, children in conflict with the law and children belonging to minority groups, among others.

14. **The Committee recommends that the State party continue its efforts to develop a system for the comprehensive collection of data on children, in particular children belonging to the most vulnerable groups, in order to allow detailed analysis of their living conditions and the implementation of their rights.**

Training/dissemination of the Convention

15. The Committee notes that the dissemination of information concerning the Convention remains largely the responsibility of the civil society and is concerned that the Convention is not readily available in languages used by minorities and immigrants. Furthermore, the Committee is concerned that training on the Convention for professionals working with and for children remains insufficient.

16. The Committee encourages the State party to further disseminate the Convention, including through school curricula, with special attention to its dissemination among vulnerable groups such as immigrants and indigenous, ethnic or linguistic minorities, and to continue its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children.

2. General principles

Non-discrimination

17. While welcoming the entry into force of the Non-Discrimination Act in February 2005, the Committee is concerned that discriminatory and xenophobic attitudes as well as de facto discrimination in daily life remain with respect to immigrants and other minority groups, especially Roma, and are increasing among young people.

18. In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its efforts to prevent and eliminate all forms of discrimination against children, including Roma and foreign children, and pay special attention to the education of young people with respect to discriminatory attitudes.

19. The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 (1999) on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

20. While the Committee notes that the principle of the best interests of the child is often taken into account in legislation, including, for instance, through an explicit recognition of the special situation of children in section 6 of the new Aliens Act, it is concerned that this principle is not adequately respected and implemented in practice in all domains of policy affecting children.

21. The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions, and in projects, programmes and services that have direct and indirect impact on children.

Respect for the views of the child

22. The Committee notes the information on the rules for hearing children in legal procedures, for example in custody or child protection measures, but it is concerned at the fact that only children aged 15 and older have the right to be heard directly by the judge/court. Below that age, it is left to the discretion of the judge whether to hear the child directly. When this is not done and the views of children are submitted to the court via a third party, sometimes this is done without the child being heard by that third party.

23. **The Committee recommends that the State party take legislative and other measures to ensure that article 12 of the Convention is fully implemented, in particular that the child has the right to express his/her views directly to the judge when decisions in judicial and/or administrative proceedings affecting the child have to be taken.**

3. Civil rights and freedoms

Access to appropriate information

24. While the Committee welcomes the State party's efforts in this respect, including the Act on the Exercise of Freedom of Expression in Mass Media (460/2003), it expresses concern about the exposure of children to violence, racism and pornography, especially through the Internet.

25. **The Committee recommends that the State party strengthen its measures to effectively protect children from being exposed to violence, racism and pornography through mobile technology, video movies and games and other technologies, including the Internet. The Committee further suggests that the State party develop programmes and strategies to use mobile technology, media advertisements and the Internet as means of raising awareness among both children and parents about information and material injurious to the well-being of children. The State party is encouraged to develop agreements and projects with journalists and the media with a view to protecting children from being exposed to harmful information in the media and improving the quality of information addressed to them.**

4. Family environment and alternative care

Parental responsibilities

26. The Committee notes the very long duration of custodial disputes in Finland, which may have a negative impact on children.

27. **The Committee recommends that disputes over the custody of children be resolved within an appropriate time and that support services by trained professionals be included in the activities in support of divorced families.**

Alternative care

28. The Committee notes that children are often placed in alternative care without their views being adequately taken into account, and it is concerned that the authorities do not always

adequately support the maintenance of fundamental parent-child links. Furthermore, while noting the new Development Programme on Child Welfare, the Committee reiterates its previous concern at the increasing number of children placed in alternative care.

29. The Committee recommends that the State party address the root causes of the increase in the number of children placed in alternative care, including through adequate support to parents. The State party should also ensure that children, if they are raised in institutions, live in small groups and are individually cared for.

30. The Committee also recommends that the State party sufficiently take into account children's views in any decision regarding their placement in alternative care. Furthermore, it recommends that the parent-child relationship not be negatively affected by placement in alternative care.

Violence, abuse and neglect

31. While the Committee commends the 1997-2002 campaign to prevent violence, as well as its second phase foreseen for the years 2004-2007, it shares the concern of the Parliamentary Ombudsman of Finland that violence against children and sexual abuse within families is one of the most serious obstacles to the full implementation of child rights in Finland.

32. In light of article 19 of the Convention, the Committee recommends that the State party:

(a) Strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat all forms of child abuse;

(b) Increase its support to and collaboration with the toll-free national helpline "Child and Youth Phone";

(c) Strengthen measures to encourage reporting of instances of child abuse, including by giving opportunities to this end to children in alternative care, and to prosecute the perpetrators of these acts;

(d) Continue to provide care, full physical and psychological recovery and reintegration for child victims of violence.

33. In the context of the Secretary-General's ongoing in-depth study on the question of violence against children and the related questionnaire sent to the Government, the Committee acknowledges with appreciation the State party's written replies to this questionnaire and its participation in the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005. The Committee recommends that the State party use the outcome of the regional consultation as a tool for taking action, in partnership with the civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence, and for generating momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

5. Basic health and welfare

Health and access to health-care services

34. The Committee expresses concern at the increase in alcohol consumption among children and at the increasing number of overweight and obese children.

35. **The Committee, in light of its general comment No. 4 (2003) on adolescent health, recommends that the State party strengthen measures to address the issue of child and adolescent health, especially alcohol consumption among children, and work further on its health programmes, which should target, inter alia, promotion of a healthy lifestyle among adolescents.**

36. While acknowledging the State party's efforts in this regard, the Committee is still concerned at the high suicide rate among adolescents.

37. **The Committee recommends that the State party intensify its measures to prevent suicide among adolescents and strengthen its mental health-care services.**

38. The Committee is also concerned at the information that Attention Deficit Hyperactivity Disorder (ADHD) and Attention Deficit Disorder (ADD) are being misdiagnosed and that psycho-stimulant drugs are therefore being overprescribed, despite the growing evidence of the harmful effects of these drugs.

39. **The Committee recommends that further research be undertaken on the diagnosis and treatment of ADHD and ADD, including the possible negative effects of psycho-stimulants on the physical and psychological well-being of children, and that other forms of management and treatment be used as much as possible to address these behavioural disorders.**

Standard of living

40. While welcoming the National Action Plan against Poverty and Social Exclusion 2003-2005, the Committee is concerned at the growing number of families with children living in poverty and that financial assistance and support has not always kept pace with economic growth.

41. **The Committee recommends that the State party effectively implement its National Action Plan against Poverty and Social Exclusion and strengthen its support for families living in economic hardship in order to ensure that poverty is reduced and children are protected against the negative impact of economic hardship on their development by providing financial and non-financial assistance.**

6. Education, leisure and cultural activities

42. While noting the State party's efforts in this regard, the Committee expresses concern at the high drop-out rate from school among Roma children and at their difficulties in accessing

education, which negatively impact their development and future access to employment. In addition, the Committee also notes with concern the lack of teachers and pre-school teaching material in the Roma language.

43. The Committee recommends that the State party take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented for all children throughout the country, including children belonging to the most vulnerable groups such as Roma children.

44. The Committee welcomes the integration of human rights education into the National Curriculum for primary and secondary schools, but is concerned that not all children may receive human rights education, including on the rights of the child, because the inclusion of this subject still depends ultimately on the teacher's decision.

45. The Committee recommends that the State party examine the extent to which human rights education is available in schools and ensure that all children are not only taught human rights, but are also involved in projects where human rights standards and values are implemented in practice, whether at home, in school, or within the community.

46. The Committee welcomes the measures taken by the State party to tackle violence and bullying in schools, including the requirement that every school has to develop an action plan against bullying and violence, but is concerned that these behaviours are still quite common, especially towards children with disabilities and children with disabled parents.

47. The Committee recommends that the State party continue to take appropriate measures to combat the phenomenon of bullying and violence in schools with the full involvement of children, including by carrying out periodic surveys among students, staff and parents about the quality of peer relations being fostered by the school. There should be special focus on bullying and violence towards children with disabilities and children with disabled parents.

7. Special protection measures

Children asylum-seekers

48. The Committee notes that an amendment to the Act on the Integration of Immigrants and Reception of Asylum-Seekers incorporating Council Directive 2003/9/EC was adopted in June 2005 to improve the legal status of asylum-seeking children and to ensure that more attention is paid to their needs. However, the Committee is concerned that the so-called "accelerated procedure", which applies to certain categories of asylum applications under the existing Aliens Act may have a negative impact on children.

49. While the Committee welcomes the considerable reduction in the time required for processing the applications of unaccompanied children, it is still concerned that the time needed for family reunification remains too long.

50. The Committee recommends that the State party ensure that the so-called "accelerated procedure" respects the due process and legal safeguards for asylum-seekers.

51. **The Committee also recommends that the State party deal with applications for the purpose of family reunification in a positive, humane and expeditious manner, in conformity with article 10 of the Convention.**

Sexual exploitation and trafficking

52. While welcoming the recent amendments to the Penal Code introducing the crime of trafficking into Finnish legislation, as well as the National Plan of Action Combating the Commercial Sexual Exploitation of Children of 2000 and the National Plan of Action against Trafficking in Human Beings of 2005, the Committee is concerned at the information that persons, including children, continue to be trafficked to and through the country.

53. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes. Furthermore the Committee recommends that the State party:**

(a) **Consider becoming a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention on Transnational Organized Crime;**

(b) **Consider becoming a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Administration of juvenile justice

54. The Committee is concerned that:

(a) Children may be sentenced to “unconditional imprisonment” in particularly serious circumstances;

(b) The State party has maintained its reservation to article 10, paragraphs 2 (b) and 3, of the International Covenant on Civil and Political Rights, which can hamper the full implementation of article 37 (c) of the Convention.

55. **The Committee recommends that the State party bring the system of juvenile justice fully into line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends in particular that the State party:**

(a) **Continue to take all necessary measures to ensure that persons below 18 are only deprived of liberty as a last resort and for the shortest period of time, and when in custody are separated from adults;**

(b) Consider withdrawing its reservation to article 10, paragraphs 2 (b) and 3, of the International Covenant on Civil and Political Rights in order to ensure full implementation of the Convention.

Children belonging to minority groups

56. The Committee expresses concern at the continuing disparities between Finnish and Roma children, which seriously affect the full enjoyment by Roma children of their rights, in particular to housing and education.

57. **The Committee recommends that the State party continue to take measures towards social inclusion and combat marginalization and stigmatization of Roma children. Furthermore, additional measures are needed to ensure the full enjoyment of the rights enshrined in the Convention by Roma children, in particular concerning access to education and an adequate standard of living.**

8. Optional Protocol to the Convention on the Rights of the Child

58. The Committee welcomes the assurances given by the State party during the dialogue about the forthcoming ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

59. **The Committee recommends that the State party become a party to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography at the earliest possible time.**

9. Follow-up and dissemination

Follow-up

60. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to the members of Government, the Parliament, and to municipal governments and parliaments, when applicable, for appropriate consideration and further action.**

Dissemination

61. **The Committee further recommends that the third periodic report and written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

10. Next report

62. **The Committee appreciates the State party's regular and timely reporting and invites the State party to submit its fourth periodic report, which should not exceed 120 pages (see CRC/C/118), by 19 July 2008.**
