



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Fourth reports of States parties due in 2008

Finland*, **

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* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

** Annexes can be consulted in the files of the Secretariat.

Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....		3
I. General measures for the implementation of the provisions of the Convention (articles 4, 42 and 44, paragraph 6).....	1–107	4
A. New legislation.....	1–31	4
B. New international contractual obligations.....	32–33	9
C. Previous recommendations of the Committee.....	34–51	9
D. Other recommendations of the Committee concerning general implementation measures.....	52–102	12
E. Making the report available (article 44, paragraph 6).....	103–107	22
II. Definition of the child (article 1).....	108	22
III. General principles (articles 2, 3, 6 and 12).....	109–166	23
A. Prohibition of discrimination (article 2).....	109–121	23
B. Principle of the best interests of the child (article 3).....	122–131	26
C. Right to life, survival and development (article 6).....	132–138	27
D. Views of the child (article 12).....	139–166	29
IV. Civil rights and freedoms (articles 7, 8, 13–17 and 37, paragraph (a)).....	167–180	33
V. Family environment and alternative care (articles 5, 18 (chapters 1–2), 9–11, 19–21, 25, 27 (chapter 4) and 39).....	181–257	36
VI. Basic health care and social welfare (articles 6, 18, paragraph 3, 23, 24, 26 and 27, paragraphs 1–3).....	258–315	51
VII. Education, leisure and cultural activities (articles 28, 29 and 31).....	316–372	62
A. Education.....	316–354	62
B. Leisure, recreation and cultural life (article 31).....	355–372	69
VIII. Special protection measures (articles 22, 38, 39, 40, 37 (subparagraphs b–d) and 32–36).....	373–470	72
A. Children in exceptional circumstances.....	373–421	72
B. Children and the criminal law.....	422–433	81
C. Children in situations of exploitation, and promotion of their physical and psychological recovery and social reintegration.....	434–451	84
D. Children belonging to a minority or an indigenous group (article 30).....	452–470	87
Annex		
English enclosures.....		92

Introduction

The United Nations Convention on the Rights of the Child was adopted in 1989. Finland has been a Party to the Convention since 1991 (*Treaty Series* 60/1991). The Convention sets the international standard for the rights of the child and its provisions are legally binding on the Contracting Parties. The national legislation of Finland concerning the child is consistent with the principles of the Convention. At the moment, the Convention is the most widely ratified human rights convention in the world.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted in 2000. The Protocol entered into force in Finland in 2002 (*Treaty Series* 31/2002). In 2004, the Government of Finland submitted its first periodic report on the implementation of the provisions of the Protocol.

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was adopted in 2002 and the ratification is under preparation in Finland.

The implementation of the Convention and the Optional Protocols is monitored by the UN Committee on the Rights of the Child, established by virtue of the Convention. The State Parties are under the obligation to submit periodic reports to the Committee concerning the legislative, judicial and administrative measures by which the rights recognised in the Convention and Protocol have been implemented. The periodic reports, submitted every five years, constitute a response to the recommendations of the Committee concerning the implementation of the Convention and the Protocols.

The Committee on the Rights of the Child considers the information provided in a periodic report within two years from the date of the submission of the report. In connection with the consideration of the report, the Committee hears representatives of the Government in a public oral hearing and, according to established practice, also non-governmental organisations. To conclude the consideration of the report, the Committee adopts State-specific conclusions and recommendations regarding the implementation of the Convention.

This is the fourth periodic report of the Government of Finland on the implementation of the Convention on the Rights of the Child. The Report covers the period of time July 2003–July 2008. The document also contains supplementary information submitted in conjunction with the implementation of the Convention on the implementation of the Protocol under Article 8, Paragraph 2 of the Convention of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Further information on human rights conventions and the periodic reporting related to the monitoring of their implementation may be requested at the Unit for Human Rights Courts and Conventions of the Legal Service of the Ministry for Foreign Affairs.

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I. General measures for the implementation of the provisions of the Convention (articles 4, 42 and 44, paragraph 6)

A. New legislation

1. A central legislative reform that has taken place after the submission of Finland's third periodic report concerns daycare services provided to children in need of special support, child welfare, and services provided to children with disability. The Primary Health Care Act (1972/66) was supplemented by an obligation to monitor the state of health of children and young people and to focus on preventive measures. Paternity leave was improved, allowances were increased and certain other benefits were improved by amendments described later in this Report. The safety of young workers was improved. The act on the restraining order (898/1998) was supplemented by a provision on the inside-the-family restraining order. A new Aliens Act (2004/301) took effect in May 2004. The Penal Code (1889/39) was supplemented in 2004–2006, for example, by provisions criminalising trafficking in human beings and child abduction.

2. After the submission of Finland's third periodic report, the provision on the freedom of movement of Section 9 of the Constitution was amended in 2007 (amendment 802/2007) concerning the extradition or transfer of Finnish citizens from Finland to another country against their will. According to the previous formulation of the provision, Finnish citizens could not be prevented from entering Finland, nor deported, extradited or transferred to another country against their will. The provision was amended in order to allow legislation on extradition or transfer of Finnish citizens. Extradition or transfer can take place as a result of an offence or for a trial or the enforcement of a decision concerning the custody or care of a child. In addition, according to law, a Finnish citizen may be extradited or transferred only to a country where his human rights and legal protection will be guaranteed. The amendment took effect from the beginning of October 2007.

3. *Child Welfare Act.* A new Child Welfare Act (2007/417) entered into force from the beginning of 2008. The purpose of the act was to improve the consideration of the rights and best interests of a child when implementing child welfare and to ensure the provision of supportive measures and services for a child and his family as early as possible. The act aims to promote cooperation among public authorities as regards the provision of regular services to improve the welfare of children and young people. In addition, it aims at improving the participation and legal protection of the child, his parents and legal guardians in decision making related to child protection in particular. The provisions of the Act are described in more detail in the relevant sections of this report.

4. *Child Daycare Act.* The Child Daycare Act (1973/36) was amended in 2006 (amendment 1255/2006). The amendment improved the position of children in need of special support in daycare by providing that municipalities should make available services of specialized day care professionals as needed. The act took effect from the beginning of 2007.

5. The Child Daycare Decree (239/1973) was amended in 2006 (amendment 1345/2006). The amendment aimed at ensuring that regulations concerning the staffing of daycare centers were complied with. The amendment took effect in August 2007.

6. *Act on the Ombudsman for Children.* The Act on the Ombudsman for Children (1221/2004) entered into force from the beginning of 2005. The Act defines the competencies and duties of the Ombudsman. A decree (274/2007) provides for the qualification requirements and nomination procedure.

7. *Amendments concerning child abductions.* Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 entered into force in August 2004, and it was applied as from the beginning of March 2005. The Regulation contains a provision on the returning of the child. The purpose of the provision is to deal more effectively with child abduction cases where the child has been wrongfully removed or in cases of non-return of the child from a Member state to another.
8. At the beginning of 2006, chapter 25 of The Penal Code (1889/39) was supplemented by Section 5a on child abduction (amendment 1161/2005). A person committed child abduction shall be sentenced to a fine or up to two years of imprisonment.
9. *Act on child allowance.* The Act on Child Allowance (796/1992) was amended (amendment 1226/2003) from the beginning of 2004 by increasing the amount of the child allowance payable for the first child of the family from 90 Euros to 100 Euros per calendar month. In the same context, the amount payable for each subsequent child was also revised. The single parent extra was increased from 33,60 Euros to 36,60 Euros per child per calendar month. From the beginning of 2008, the Act on Child Allowance (796/1992) was amended again from the beginning of 2008 (amendment 1071/2007) by increasing the single parent extra from 36,60 Euros to 46,60 Euros per child per calendar month.
10. *Act on Services for Persons with Disability.* The Act on the Services and Support Measures to be Provided Due to Disability (380/1987) was amended in 2006 (amendment 1267/2006) by improving the access to interpretation services for the severely hearing disabled, hearing and visually disabled and mute children and adults. A new Bill for amending the Act will be submitted to Parliament in autumn 2008. The Act will be supplemented by provisions on personal assistance to be provided for severely disabled persons and on the ways of organising assistance. Personal assistance could be organised either by reimbursing the expenses incurred by the disabled person for hiring an assistant or by providing such assistance as a municipal service or as a service by another service provider. The variety of ways to organise assistance also enhances the possibilities of providing personal assistance for severely disabled children and adolescents. The amendments are scheduled to enter into force from the beginning of 2009.
11. *Act on the Restraining Order.* The act on the restraining order (898/1998) was supplemented (amendment 711/2004) by making it possible to impose a restraining order also in cases where the person to be protected by the order and the person on whom it is imposed on live in the same household. Earlier, a restraining order could not be imposed if the parties lived together. New provisions on the inside-the-family restraining order are also applicable if the persons concerned share a household without being a couple. The act has relevance in incidents of domestic violence against a child or someone else in the family.
12. *Language Acts.* After the submission of Finland's third periodic report, a new Language Act (423/2003) and a new Sámi Language Act (1086/2003) entered into force in 2004. The contents of the Language Acts will be described in more detail in Section III. General Principles.
13. *Aliens Act.* The new Aliens Act (2004/301) entered into force in May 2004. The purpose of this Act is to implement and promote good governance and legal protection in matters concerning aliens. In addition the purpose of the Act is to promote managed immigration and provide international protection while respecting human rights and fundamental rights obligations. The Act defines the rights and obligations of aliens more in detail than previously. The general provisions of the Act were clarified. The contents of the provisions on the requirements for aliens' entry into the country remained principally unchanged. Certain amendments regarding the competencies of different authorities were made. Firstly, granting residence permits to aliens residing abroad was transferred from the

Finnish Foreign Service missions to the Finnish Immigration Service. Secondly, under the amended Aliens Act, a family member of a Finnish citizen can come to Finland in order to apply for a residence permit on the basis of family ties. Prior to the amendment, residence permits had to be applied for abroad, and the person concerned had to stay abroad while the decision was pending.

14. *The Primary Health Care Act.* The Primary Health Care Act (1972/66) enacted in 1972 was updated by amendments (928/2005, 1328/2006, 418/2007, 626/2007) made in 2005 and 2006. The Act was supplemented by the municipalities' obligation to monitor the state of health of the children and adolescents who are residents of the municipality concerned. The Act was also supplemented by a provision on the establishment of an Advisory Board for Children's and Adolescents' Health and Wellbeing.

15. A timeframe for access to non-emergency care and examination took effect in 2005. The objective of the amendment is to offer equal access for Finns living in different parts of the country to health care services. The so-called care guarantee ensures the patients a rapid access to operation without an unreasonably long waiting period. The care guarantee also applies to emergency care which has to be accessed immediately, and patients with severe conditions must be cared for without delay.

16. Section 14 of the Primary Health Care Act (1972/66) was supplemented by an authorisation to enact by a Government decree on child clinic activities, school and student health care by a Government decree. The authorisation permits giving instructions on the contents and quantity of health counselling and physical examinations included in the preventive health services targeted at children and adolescents by a decree. In June 2007, the Ministry of Social Affairs and Health set up a working group to prepare a decree in accordance with the authorisation. The purpose of the decree will be to improve the provision of uniform preventive services to children, adolescents and their families on an equal basis across the country and decrease regional inequality. The purpose of the decree will also be to intensify promotional and preventive work done for the benefit of public health and mitigate the inequalities of health between various groups of the population. The draft decree has been finalized in the summer 2008. It is estimated that the decree will enter into force in 2009, and it will be binding on the municipalities.

17. *Decree for an Advisory Board for Children's and Adolescents' Health and Wellbeing.* In 2007, the Government issued a decree establishing Advisory Board for Children's and Adolescents' Health and Wellbeing (734/2007). The Advisory Board works under the Ministry of Social Affairs and Health with the purpose of supporting and promoting the health and wellbeing of children under compulsory school age, children of school age, and children and adolescents at the age of studying. The task of the Advisory Board is to monitor and guide children's and adolescents' health and wellbeing and the development of related services, promote and coordinate work done by different authorities and actively issue proposals for the long term development of the promotion and safeguarding of children's and adolescents' health and wellbeing. The current term of office of the Advisory Board covers the period 1 December 2007 to 30 November 2010.

18. *Decree for an Advisory Board for Early Childhood Education.* In 2004, the Government issued a Decree establishing an Advisory Board for Early Childhood Education (524/2004). The Advisory Board works under the Ministry of Social Affairs and Health with the purpose of supporting and promoting the comprehensive development of early childhood education. The Advisory Board has been assigned the task of promoting, strengthening and coordinating cooperation between different administrative sectors, organisations, research and educational institutions, municipalities and other bodies, as well as monitoring and assessing national and international development taking place in early childhood education, making proposals for its long term development and acting as a body strengthening the position of early childhood education in society. Advisory Boards are set

for three year terms by the Government, and the current Board has been set up for a new term covering the period of 2008–2010.

19. *Youth Act.* The Youth Act (2006/72) took effect in March 2006. The purpose of the Act is to support adolescents' growing up and independence, to promote their active citizenship, their becoming part of society and improve their conditions of living and growing. By virtue of the Act, the Government is also to adopt a Youth Policy Development Programme every four years setting out the national youth policy goals and guidelines for the youth policy programs of provinces and municipalities. The Act provides for a possibility for the young to participate in the consideration of matters concerning local and regional youth work and policy and hearing the young people in matters related to them. In the Act, "young people" refers to people under 29 years of age.

20. *The Finnish Government's Development Programme for Child and Youth Policy.* By virtue of the Youth Act (2006/72), the Government adopted the first Development Programme for Child and Youth Policy for the years 2007–2011 in December 2007. During the period 2007–2011, the implementation of the Programme will be ensured and coordinated by a specific Government Policy Programme for the Well-being of Children, Youth and Families. The areas of focus of the Policy Programme reflect the matters requiring improvement, which have also been highlighted in the recommendations of the UN Committee on the Rights of the Child. These Policy Programmes are described more in detail in the relevant sections of this report.

21. *Young Workers' Act.* Section 15 of the Young Workers' Act (998/1993) was amended in 2004 (amendment 2004/405). The Section provides for an exemption order that can be granted to young people less than 14 years of age to work on a temporary basis as a performer or assistant at art or cultural performances or other corresponding events. According to the amendment, the office of occupational safety and health of one of the eight occupational safety inspectorates issue exemption orders.

22. By virtue of the Young Workers' Act, a Government Decree was enacted on Particularly Harmful and Dangerous Work Tasks for Young Workers (475/2006). The Decree entered into force in August 2006. The Decree provides for conditions under which a person under 18 years of age may perform dangerous work. The new provisions permit minors to perform particularly dangerous work, which they had not previously been allowed to do, such as caring for psychiatric patients and slaughtering, without an exemption order under the supervision of a teacher in activities connected to vocational training, learning-on-the-job and apprenticeship training. In other cases, an exemption order is still required of a young worker under 18.

23. *Act on Restructuring Local Government and Services.* In spring 2005, the Government launched a project entitled PARAS to restructure local government and services in municipals. A Framework Act guiding the implementation of the project, the Act on Restructuring Local Government and Services (2007/169) entered into force in February 2007 and will be effective until the end of 2012. The purpose of the Act is to create prerequisites for the restructuring of local government and services. The purpose of the reform is from the basis of municipal democracy to strengthen the municipal and service structure, to enhance the manner in which services are produced and organized, review local government financing and the system of central government transfers and review the division of tasks between the central and local government so that the organization and production of services which are the responsibility of municipalities are on a strong structural and financial basis. One of the aims of the Act is also to ensure equal access to high-quality services throughout the country. The restructuring of local government and services has relevance in the provision of services for children and families with children.

24. The Act on Child Home Allowance and Private Care Support (1128/1996) was amended from the beginning of April 2007 (1256/2006) so that the allowance paid for a family's second child under three years of age and each subsequent child was increased by 10 Euros a month.

25. Security of Child Maintenance Act (671/1998) was amended (amendment 949/2006) by making a 4.9% increase in the full amount of maintenance. In the same context, the sum was revised by a statutory index increase in the amount of 5%. The full child maintenance from the beginning of 2007 has therefore stood at 129,91 Euros per child per calendar month.

26. *Health Insurance Act.* According to the Health Insurance Act (2004/1224), from the beginning of 2005, the minimum amount of daily allowance was increased from 11,45 Euros to 15,20 Euros per day. Since the beginning of 2005, a parent studying full-time is no longer automatically entitled to receive only the minimum of parent's allowance; minimum allowance is paid only if the person in question benefits from a study grant as well. Since the beginning of 2005, the amount of the annual vacation expenses reimbursed to the employer for the parent's allowance period is bigger than before (multiplied by 1,55). From 1 October 2005, in case a person has a short-term employment contract the amount of the daily allowance may be determined based on the income of one month if the income can be considered continuous. In case a mother has more than one child, the amount of the parent's allowance may be determined by the income on which the previous parent's allowance was based, if the first child has not turned three before the date on which the next baby is due to be born.

27. From the beginning of 2007, the Health Insurance Act was supplemented by a new term, "a father's month". It refers to the period of 13 to 24 working days that the father, instead of the mother, can benefit from at least the 12 last working days of the parent's allowance period and combine them with the paternity leave prolonged by 1 to 12 working days. Earlier, a prolonged paternity leave had to be taken as one leave once the parental leave had ended. From the beginning of 2007, a father can take his father's month whenever he decides to, as long as it is taken before 180 days have elapsed from the end of the parent's allowance period immediately following the maternity allowance period. The prerequisite is that the mother or the father takes care of the child at home on a child's home care allowance.

28. Increases were made on parent's allowances concerning periods which started on 1 January 2007 or later. For the first 56 working days after birth, the amount of maternity allowance rose from 70% to 90% of the income. The parent's allowance paid to the mother rose, for the first 30 working days after birth, from 70% to 75% of the income and the parent's allowance paid to the father and the paternity allowance for the father's month increased, for the total of 30 working days, from 70% to 75% of the income. The increases apply if the family's annual income does not exceed 45 221 Euros; if it does, the increase for the exceeding part is 32,5%. If both parents benefit from parental leave, they are both entitled to the increased daily allowance.

29. From the beginning of 2007, adoptive parents' parent's allowance period was extended from 180 to 200 working days. Adoptive fathers, entitled to parent's allowance, gained the same rights to paternity allowance and father's month as biological fathers.

30. From the beginning of 2007, a party to a registered partnership who is not the child's biological parent, is entitled to parent's allowance in case the partnership was registered before the adoption or birth of the child. Parents living in a registered partnership are entitled to agree between themselves on how to divide the parent's allowance period.

31. From the beginning of 2007, the salaries paid by the employer for the annual vacation accumulated during the parental leave are reimbursed in a higher share than

before. The annual vacation reimbursement is determined on the basis of the employee's annual income and not on the basis of the allowance, and the reimbursement is calculated by multiplying the basis by 1, 26. Due to the increase in the maternity allowance, the employer also receives a higher reimbursement for the mother's salary for the time she spends on maternity allowance.

B. New international contractual obligations

32. Finland has acceded to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (Treaty Series 71/2006). The Protocol entered into force in Finland in October 2006. Acceding did not require any legislative amendments since the relevant criminalisation obligations had already been met.

33. Finland signed the *UN Convention on the Rights of Persons with Disabilities and its Optional Protocol on Individual Complaints* in March 2007. The Convention and the Optional Protocol entered into force internationally on 3 May 2008. The Ministry for Foreign Affairs has requested key national authorities and civic organisations to submit their views on the legislative amendments required for the ratification of the Convention. The national legislation already meets majority of the requirements of the Convention. The legislative amendments under preparation and the setting up of a national monitoring and coordination body for the implementation of the Convention are likely to require several years of preparation after which Finland will be able to ratify the Convention and its Optional Protocol.

C. Previous recommendations of the Committee

Recommendation 6. The Committee urges the State Parties 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.

34. The Committee on the Rights of the Child has, in its recommendations regarding the third periodic report of Finland, addressed the implementation of its previous recommendations. These recommendations concerned in particular the co-ordination of child policy, violence against children and the position of children belonging to minorities.

35. Violence against and sexual abuse of children and the children belonging to minorities will be addressed later in the relevant sections of this report (for violence, see Section V. Family community and substitute care, and for sexual abuse and minorities, see Section VIII. Special protection measures).

The recommendations concerning the co-ordination of national child policy

36. *Policy programmes of the Government.* Finland has taken the previous recommendations of the Committee into account by focusing on children in accordance with the Government Programme of Prime Minister Vanhanen's Second Cabinet. The majority of children and adolescents are doing well. According to the Report on Finnish Wellbeing 2008, the population is better than ever before. Services directed to children and adolescents including daycare, education and health care are of high-quality and accessible to all. People's state of health has improved in all socio-economic groups, and the standard of living has improved as well. The real income of those belonging to low income groups

has increased. Problems related to living, unemployment and the use of intoxicating substances by adolescents have decreased.

37. However, disparities in wellbeing are on the increase; the revenues and state of health of those belonging to low income groups have not improved in correspondence with those with higher income. Children, adolescents and families have more and more problems and they are not well, which translates as an increase in the need of child welfare measures, an increased use of intoxicants and mental health symptoms. Children's relative poverty has gone up in recent years. Family structures have changed and about one sixth of Finnish children live in single parent households.

38. A new kind of leadership and new types of policy programmes have been applied by Prime Minister Vanhanen's Second Cabinet for the promotion and monitoring of the Government Programmes. Prime Minister Vanhanen's Second Cabinet has launched three policy programmes that are governed and coordinated by the Ministers responsible for them. The Policy Programme for the Well-being of Children, Youth and Families and the Policy Programme for Health Promotion are the most relevant to child policy. Policy programmes are extensive, cross-administrative entities defined by the Government Programme with the purpose of attaining the central objectives set by the Government. Policy programmes consist of measures, projects and decision making related to appropriations in the various sectors of the Government. The objectives are set by measuring the impacts that the programmes are expected to have on the society. The Government has also issued a Resolution on the Government Strategy Document 2007. The Strategy Document enhances the means available to the Government for promoting, steering and monitoring the implementation of the Government Programme, especially in matters requiring intersectoral cooperation. The Strategy Document contains the intersectoral policy programmes agreed in the Government Programme. The Strategy Document puts emphasis on indicators used in monitoring the implementation of the Government Programme. Most indicators reflect the development of the relevant phenomena, while some indicators are process indicators that describe the progress of policy measures. The definition of indicators aims at a more thorough review and assessment of the realisation of the Government Programme that will be carried out at the midterm point of the Government at the latest. The measures defined in the Strategy Document are implemented within the State Budgets.

39. The objectives of the Policy Programme for the Well-being of Children Youth and Families reflect the development needs emphasised in the general observations of the UN Committee on the Rights of the Child, such as 1) a better follow-up of children's wellbeing, and development of statistics for monitoring it, 2) taking the best interests of the child better into account by developing the evaluation of decisions in terms of their implications for children and 3) disseminating information on the rights of the child. In addition, the Policy Programme has an objective of encouraging children to participate in social activities and exert influence on society. The Policy Programme for the Well-being of Children, Youth and Families aims at overcoming a fragmented approach to the rights of the child. The Programme is designed to develop the information base needed in monitoring of the wellbeing of children and youth, and promote the evaluation of decisions in terms of their implications for children as required by the UN Convention on the Rights on the Child.

40. The Policy Programme for the Well-Being of Children, Youth and Families is divided into three policy areas: a child-oriented society, the wellbeing of families with children and prevention of exclusion. Gender-based equality and the multicultural aspect of society are cross-cutting themes highlighted in each particular policy area. Preventive work and early intervention are emphasised in the Programme. The Programme aims at enforcing the child-orientation of the society, supporting the everyday wellbeing of children, youth

and families, combating exclusion, increasing the participation of children and young people, and increasing their opportunities to be heard and disseminating information on the rights of the child.

41. The objective of the Policy Programme for Health Promotion is to enhance preventive work and health in all policies.

42. *Development Programme for the Child and Youth Policy.* The co-ordination of child policy has, in fact, advanced considerably in Finland, not only within the framework of the Policy Programme for the Well-being of Children, Youth and Families and the Policy Programme for Health Promotion but also through the Youth Act (2006/72), which entered into force in 2006, and the Development Programme for Child and Youth Policy launched in 2007 by virtue of the Act.

43. The Youth Act (2006/72) entered into force in March 2006 and is an important Act on the rights of children and adolescents. The general goal of the Act is to promote the active citizen-ship and inclusion in society of young people. In addition, to these goals, the Government Development Programme for Child and Youth Policy required by Section 4 of the Youth Act and the requirement of hearing the views of children and young people provided for in Section 8 of the Act have become important tools.

44. In December 2007, the Government adopted the first Development Programme for Child and Youth Policy covering the period of time 2007–2011. The objective of the Programme is to improve cross-administrative cooperation and coordination in questions concerning children, young people and families. The Advisory Council for Youth Affairs operating under the Ministry of Education has the task of annually assessing the implementation of the Programme. In addition to Ministries, provinces and other government agencies, also municipalities, regional councils, non-governmental organisations, churches and the press and other media are essential contributors to the implementation of the Development Programme. The Government will submit a report on the implementation of the Development Programme for Child and Youth Policy to Parliament during the autumn semester 2011 at the latest.

45. *Child Welfare Act.* The new Child Welfare Act (2007/417), which entered into force at the beginning of 2008 promotes a consistent approach to child protection. It obligates municipalities to draw up a plan to promote the wellbeing of children and to organise and develop child welfare. The plans are to focus on the materialisation of the rights of the child. The Association of Finnish Local and Regional Authorities provides guidance and support to municipalities in drawing up these plans.

46. To assess decisions taken in the sphere of social life in terms of their implications for children in Finland, the National Research and Development Centre for Welfare and Health (STAKES) has prepared a guide entitled LAVAUS, published in November 2006. The guide is intended to facilitate the integration of the assessment of the implications for children into normal decision making routines of the public administration.

47. Project entitled LapsiArvi was launched by the Association of Finnish Local and Regional Authorities to evaluate child policy and child welfare measures. The purpose of the project is to support the steering and development of welfare work done among children and adolescents in municipalities. The project will be carried out in 2006–2008.

48. *The National Curriculum Guidelines on Early Childhood Education and Care.* The National Curriculum Guidelines on Early Childhood Education and Care were adopted in 2003 and revised in 2005. The objective of the curriculum is to promote the development of early childhood education in terms of its contents and implementation on an equal basis in all parts of the country. The early childhood curriculum is based on the UN Convention on the Rights of the Child, national legislation and other guiding documents. The Curriculum

provides guidance on all forms of activity in the early childhood education organised and monitored by society. Based on the Guidelines, almost all municipalities have renewed their early childhood education curriculum and drawn up plans for the organisation of day care.

49. *Ombudsman for Children.* The Office of the Ombudsman for Children established in 2005 also monitors the wellbeing of children and young people. By promoting the participation of children and young people in the society and by the various projects of the Ombudsman for Children, the opportunities of children having their voices heard in the decision making are increased.

50. The Ombudsman for Children has estimated that the co-ordination of child policy has advanced considerably in Finland since 2007. The Government Development Programme for Child and Youth Policy gathers together the plans of different administrative sectors concerning children and common objectives will be set for the Government term of office.

51. The Ombudsman considers important that the Government has by its decision committed itself to the implementation during the years 2007–2011 of the development measures contained also in the concluding observations of the UN Committee on the Rights of the Child. The commitment to the UN Convention on the Rights of the Child as a guiding document to the administration has also been strengthened. The Ombudsman for Children has concluded that she will also oversee that these promises are fulfilled and support the implementation of the Policy Programme for example through a joint information campaign on the rights of the child.

D. Other recommendations of the Committee concerning general implementation measures

Recommendation 8. The Committee recommends the State party to ensure that the National Plan of Action is clearly oriented towards the rights of the child as enshrined in the Convention:

- (a) Provide an adequate budget for its implementation;**
- (b) 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;**
- (c) Give the new Ombudsman for Children a mandate to monitor the National Plan of Action and evaluate the progress made.**

52. *The National Plan of Action and coordination.* By the National Plan of Action, the Committee refers to the proposal made by a national committee in 2005, A Finland Fit for Children. The National Plan of Action was based on the outcome document, A World Fit for Children adopted by the United Nations General Assembly in its Special Session on Children in May 2002. In the National Plan of Action the national committee emphasised issues of topical interest regarding the living conditions of children and families with children in Finland. The committee stressed that Finland needed a comprehensive and jointly agreed national child and family policy strategy for developing and monitoring the wellbeing of children and families with children. The committee also proposed developing the co-ordination of national child and family policy.

53. The drawing up of a national plan of action and coordination of child policy has progressed in a new form based on the Youth Act (2006/72), which entered into force in 2006 and the Development Programme for Child and Youth Policy adopted by virtue of the

Act. The Programme contains child and youth policy objectives for the improvement of the growth and living circumstances of the young aged under 29, as well as guidelines for the child and youth policy to be pursued by provinces and municipalities. The UN Convention on the Rights of the Child has served as a guiding document of the Programme.

54. The Policy Programme for the Well-being of Children, Youth and Families monitors and supports the implementation of the Development Programme for Child and Youth Policy during the term of office of the Government. In the Development Programme for Child and Youth Policy, the authorities responsible for the implementation of the described objectives and measures are defined. The Development Programme, the Policy Programme and the overall coordination of child policy carried out based on them are described in more detail in the previous paragraphs.

55. *Resources for the implementation of the National Plan of Action.* The Development Programme for Child and Youth Policy is implemented within the framework of the State budget by prioritizing and retargeting appropriations. The Government has allocated an annual sum of 30, 5 Million Euros for measures to prevent the exclusion of the young and to improve their employment prospects.

56. Funds which have been directed to the development of services to children, youth and families in the framework of projects designed by the social sector in 2004–2007, amount to a total of 30 Million Euros. As a part of a national development programme (KASTE) to be carried out by the Ministry of Social Affairs and Health in 2008–2011, the services provided to children and adolescents are being developed in a systematic and persistent way throughout the country. The living environments of the children and the services provided will be reformed in order for them to support the health and wellbeing of children and adolescents and prevent and solve potential problems and disturbances. The objective is that as few children and adolescents as possible would end up in institutional or substitute care outside their own family. The goal is to direct about 3 to 5 million Euros to improving services provided for children and adolescents.

57. *The responsibility of the Ombudsman for Children for monitoring the National Plan.* The Ombudsman for Children promotes the materialisation of the best interests and rights of the child at the general level of decision making and legislation. The Ombudsman acts in cooperation with other authorities, organisations, research and other bodies involved in issues related to children. The objective is also to enhance coordination among the various actors involved in the child policy. The Ombudsman is an independent authority situated in the Ministry of Social Affairs and Health. However, the Ombudsman does not have an official role in the monitoring of the Development Programme for Child and Youth Policy.

58. The Advisory Council for Youth Affairs of the Ministry of Education is in charge of the monitoring and annual reporting on the Development Programme to the Government. The Ombudsman cooperates with bodies responsible for the monitoring and implementation and utilises the information gathered within the framework of monitoring in her activities and in the annual reporting.

Recommendation 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.

59. *Independent monitoring by the Ombudsman for Children/complaints made by children.* The Ombudsman for Children promotes the materialisation of the best interests and rights of the child and the implementation of the Convention on the Rights of the Child in a number of different ways. By actively and in advance influencing the decision making in the society and increasing awareness among the authorities about the rights of children, such living circumstances can be created that the need to resort to the complaint mechanisms is reduced. The activities of the Ombudsman in attending to children's and young people's issues have been welcomed with appreciation. The Ombudsman receives a considerable numbers of complaints from the general public (a total of 1050 complaints in 2006–2007). The relevant information is compiled and processed for the purpose of effectively promoting the best interests of a child in the society.

60. However, the Ombudsman for Children does not solve or provide legal assistance in individual matters related to children or their families. The Ombudsman participates on the discussions at the general level on the materialisation of the best interests or rights of a child, based on information obtained from individual communications. The Ombudsman has, for example, emphasised the need to reduce alcohol consumption by parents and the negative effects it has on children as well as taking the child perspective into account in consumer policy programme. Initiatives concerning these themes and the relevant proposals for measures have been submitted to the Ministries in charge. The number of communications received from the general public indicates that in Finland, resources directed to legal counselling provided to children and families and to the reconciliation of family matters must be increased.

61. Ordinary complaints and extraordinary complaints regarding the activities of authorities may be submitted to the Chancellor of Justice, the Parliamentary Ombudsman and State Provincial Offices. These authorities consider also individual complaints made by children and young people. Municipal social and patient ombudsmen are municipal officials providing assistance in situations of conflict related to municipal services and assisting in submitting complaints.

62. The Parliamentary Ombudsman is a supreme overseer of legality. The ombudsman has the task of exercising oversight to ensure that authorities and officials observe the law and discharge their duties. The tasks of the Parliamentary Ombudsman are defined in the Constitution. The Ombudsman also oversees the implementation of fundamental and human rights. During the past ten years, the implementation of the rights of the children has been one of the areas of special emphasis of the Ombudsman. The Ombudsman oversees legality principle by examining complaints received and she can also intervene in perceived shortcomings on her own initiative. The Ombudsman also carries out inspections at offices and institutions, including child welfare institutions.

63. There is a clear distribution of tasks between the Parliamentary Ombudsman and the Ombudsman for Children. The Parliamentary Ombudsman oversees that the rights of children are implemented. The activities of the Ombudsman are largely based on afterwards assessment of individual cases, this is the case also relating to the implementation of the rights of the child. Additionally, The Office of the Parliamentary Ombudsman has often examined the implementation of children's rights in different circumstances, at the own initiative of the Ombudsman or one of his Deputies. The task of the Ombudsman for Children, on the other hand, is to oversee the implementation of children's best interests in advance. The Ombudsman for Children promotes the best interests of the entire child population by bringing up issues in social debate and contributing on decision making in advance.

64. During the years 2003–2008, the Parliamentary Ombudsman has examined how different municipalities facilitate supervised visits, make reconciliation and counselling services available for parents who find themselves in a situation of dispute, and how authorities carry out their duties related to the examination, settling and prevention of domestic violence against children. On the last mentioned subject the Ombudsman issued a special report to the Parliament entitled “Children, Domestic Violence and Responsibilities of the Authorities”. (K 1/2006).¹

65. Transfer of the task of overseeing the legality to the Ombudsman for Children could adversely decentralise the supervision of the principle of legality and raise difficult questions concerning the respective areas of competence of the authorities. This could also have a negative effect on the current important functions of the Ombudsman for Children, such as promoting the best interests of children and the improving the status of children by general socio-political measures.

66. The Ombudsman for Children considers that the expansion of her legal mandate, as proposed by the Committee, is not a topical matter. Setting up a new authority which would be assigned to examine and decide on individual cases in addition to the existing authorities would require very thorough consideration and assessment, and also require more considerable human resources than currently.

67. Instead, the Ombudsman for Children will strive in his future activities to raise awareness of children and young people concerning their rights to file extraordinary complaints and complaints to the existing supervisors of legality. The full realisation of the legal protection of children and the need to further improve it are also being examined in cooperation with the Ministry of Finance and State Provincial Offices. In 2008, a national day on the legal protection of the rights of the child is to be organised in Finland as well as regional days on the same theme in the provinces.

68. According to the Ombudsman for Children, good cooperation with the Parliamentary Ombudsman enhances the exchange of information concerning the implementation of children’s rights, improves the preconditions of operation of both of the authorities and facilitates the task of overseeing of the implementation of those rights.

69. *Resources allocated to the Ombudsman for Children.* The Office of the Ombudsman for Children employs (June 2008), in addition to the Ombudsman herself, a permanent lawyer, two senior officers and a secretary. Occasionally, the Office also employs fixed-term trainees.

70. According to the Ombudsman for Children, the human resources of the Office remain insufficient in relation to the tasks and duties laid down by law and also in comparison with other ombudsmen, as well as offices of Ombudsmen for Children in other countries. In particular, the task of processing and analysing complaints filed by the public would require more resources. The contacts of the general public are an important channel for the Office to receive topical information on current threats to the interests and wellbeing of children.

71. *Annual report of the Ombudsman for Children.* The Ombudsman for Children submits to the Government an annual report on her activities. The report describes the implementation of the rights of the child, the development of the wellbeing and living conditions of children as well as possible deficiencies in the relevant legislation.

¹ <http://www.oikeusasiamies.fi/dman/Document.phx/ea/suomi/erilliskertomukset/perhevakivalta-fi?cmd=download>, available only in Finnish, the English summary is annexed to this report.

72. The administrative system of the Parliament does not cover the activities of the Ombudsman for Children, or the other special ombudsmen in Finland, the Ombudsman for Equality and the Ombudsman for Minorities. Therefore, the annual report of the Ombudsman for Children is not discussed officially in Parliament. The Ombudsman, however, distributes the report and gives information on her activities to the members of the Parliament every year in the framework of the number of meetings and seminars arranged, and she also attends Parliamentary committee meetings as an expert in matters pertaining to legislation on children. A formal consideration of the annual report in the Parliament would require amending the Rules of Procedure of the Parliament. The report of the Ombudsman is also distributed to local authorities since they are on the practical level responsible for organising the services related to the wellbeing of children and families.

Recommendation 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.

73. *Development Programme for Child and Youth Policy.* One of the objectives of the Development Programme for Child and Youth Policy is to improve services provided for families with the objective of ensuring equal access to high-quality services for children and families, irrespective of the municipality in which they live. Moreover, the objective is to make sure that high-quality services targeted to families with children are organised at a sufficient level so that the needs of family training, care, upbringing and healthy development of children are attended to. Work in support of parenthood, with a view to anticipating and preventing problems, has already been launched at maternity and child clinics, early childhood education establishments and in schools.

74. *Assessment of basic services.* The regional assessment of basic services is one of the central duties of State Provincial Offices. The assessment addresses the availability and quality of basic services in the Provinces. The Assessment is conducted in support of the national development work, while it also complements assessments made by municipalities and therefore serves the purpose of developing the provision of basic services in the municipalities. The results are gathered in final reports and are analysed extensively with different cooperation bodies. The 2007 basic service assessment concerned services provided for children and adolescents. The national results were published in June 2008.² Among other objectives, the status of psycho-social services provided for children and adolescents was evaluated. In this connection for example equal access to services was one of the aspects considered.

75. *Role of the municipalities.* Municipalities are responsible, mainly independently, to provide and finance services. Municipalities have the right to collect taxes and they enjoy an extensive right of self-government guaranteed by the Constitution. As a result, some municipalities may have directed an insufficient amount of resources to services for children and adolescents, which has been considered as one of the shortcomings of the municipal self-government. On the other hand, the municipal self-government enables resources to be targeted in children's affairs according to local needs and circumstances. In most municipalities, the deterioration of the state of affairs as concerns children's wellbeing has made them increase allocations to enhancing welfare services directed to children and improving cooperation. Municipal strategies have been focused on the promotion of every aspect of children's and families' well-being and reducing circumstances which might lead to exposing some children to a risk of less favourable living conditions.

² Ministry of Finance publications 23/2008, available only in Finnish.

76. It is the duty of the State, among other things, to ensure by legislation to all citizens equal access to services of equal quality in all municipalities across the nation. The new Child Welfare Act (2007/417) is an instrument of key importance for the planning of local services. The Act provides for the drawing up of a municipal plan by one or several municipalities in cooperation for the promotion of the wellbeing of children and adolescents and the organisation and development of child welfare services. It shall be adopted by the council of each municipality in question and reviewed at least every four years. The plan shall cover the activities of the municipality's different administrative bodies and it shall be observed while drawing up a budget and budget proposal in accordance with the Municipalities Act (1995/365).

77. A decree is currently being prepared on child clinic activities, school and student health care by a working group set by the Ministry of Social Affairs and Health. The decree aims at increasing consistency and equality in the availability of preventive services provided for children, adolescents and their families across the country, while reducing regional disparities. Another objective is to strengthen preventive work done for the promotion of health and reduce health inequalities between the various population groups. The draft decree was completed in the summer 2008. The decree will take effect in 2009, and it will be binding on the municipalities.

78. So-called Child Indicators, a draft for instruments to be used in monitoring and assessing the plans for wellbeing of children drawn up by municipalities, are likely to be completed by the end of 2008. By means of the Child Indicators, it will be possible to analyse the adequacy of the level of resources provided for children, including equal access to services.

79. The aim of the project of restructuring local government and services is to ensure the availability of municipal welfare services to the residents of the municipality. The objective of the project is to develop local services, such as those related to basic education, daycare and other services used by children and families, for example maternity and child clinics, libraries, sports and leisure activities. By virtue of the Act on the Restructuring Local Government and Services (2007/169), municipalities must prepare an analysis on their cooperation prospects and draw up plans for the implementation of the restructuring of services by August 2008. To ensure the availability of welfare services also in smaller municipalities, it is necessary to create cooperation areas with a population base of at least 20,000 residents, where the local services can then be provided across the municipal borders. These joint structures or cooperation areas which reinforce the special characteristics of different regions, improve the possibilities to develop specialised services in social welfare such as arranging specialised services and specialised health care for children.

80. According to the Ombudsman for Children, the child welfare plans to be drawn up in accordance with the Child Welfare Act (2007/417) and the follow up related to these plans, are an important new tool for the guidance, managing and development of the statutory child welfare services, provided by the municipalities. It will increase persistency in the child policies of the municipalities and make the practices for monitoring child welfare services more uniform, provided that national indicators for the monitoring are agreed upon during the term of office of the Government. Using jointly agreed indicators will facilitate the comparisons between different municipalities. In the context of the preparation of the Child Welfare Act, the Ombudsman also emphasised the fact that high-quality child welfare may require that the maximum number of child welfare clients per social worker should be limited by a decree. It is essential to allocate sufficient human resources to child welfare in order to address children's problems.

Recommendation 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.

81. *Collection of data.* In Finland, national statistics authorities compile the official statistics. Also other authorities operating in the various administrative sectors, compile statistics on the data they have gathered for administrative purposes in their own sector. There is plenty of interaction between the statistics authorities and other public authorities. Often, data collected for administrative purposes is submitted to be used in official statistics, and vice versa, public authorities use the official statistics material of Statistics Finland in their own analyses.

82. All children residing permanently in the country are covered by the basic statistics kept by Statistics Finland, the national statistics authority, and no population group is left out. Statistics are based on Finland's population registry system. For most statistics on people, the premise is to cover all the people residing permanently in Finland, irrespective of age, language, sex, nationality, ethnic background, religion or place of residence. The basic sample group examined for statistics and studies consists principally of persons who reside permanently in Finland and live in ordinary households. The living circumstances of those living in institutions are monitored for administrative purposes by data systems covered by the administrative sectors under which they fall.

83. Children belonging to the most vulnerable groups may not be covered by statistics in all cases. Persons belonging to minorities are, however, included in statistics that describe general aspects concerning the whole population. By law in Finland, it is not possible to register information related to minority background of a person. However, a person's mother tongue, including children and adolescents, can be registered in the population registration system. Asylum seekers are not considered to be part of the Finnish population residing permanently in the country, until they have been granted a residence permit. The living conditions of asylum seekers are monitored by the administrative data systems of the Finnish Immigration Service.

84. To date, in Finland there is no general monitoring, which would cover the state of health of all the children, nor is there any comprehensive information on disabilities available. This is a deficiency, however, that is being remedied. Monitoring the state of health of children with disabilities and chronically ill children is being developed as a part of a more general LATE-project launched by the National Public Health Institute. The goal of the project is to develop a system where the most essential data on children's health could be collected directly in connection with physical examinations carried out by child clinics and school health care. The system will be tested during 2008.

85. The circumstances of the children belonging to the most vulnerable groups are monitored by the relevant administrative sectors. However, the definition of "the most vulnerable group" requires having recourse to data, which is defined as sensitive. Certain data is defined as sensitive under the Personal Data Act (1999/523), for example, information related to race or ethnic origin, the social, political or religious affiliation or trade-union membership of a person, the state of health, illness or handicap of a person or the treatment or other comparable measures directed at the person. As a main rule, the processing of this sensitive data sensitive is prohibited. However, there are certain derogations from this prohibition provided for by the Personal Data Act (1999/523). Processing sensitive data is allowed, for example, if the processing of data is based on the provisions of an Act or it is necessary for compliance with an obligation to which the controller is subject directly by virtue of an Act, or if the data is processed for purposes of historical, scientific or statistical research.

86. The so called Child Data Section operating under the Government Development Programme for Child and Youth Policy has been tasked with the improving of data

collection in the field of child and youth policy. Currently, the Section is studying the deficiencies in the current system of data collection as well as the means for improving, in particular, the data collection related to child welfare clients growing up in vulnerable conditions. The majority of information on children and young people is originated in the framework of different service functions carried on by municipalities. A tool entitled Child Indicators for Municipalities is one way of producing information on childhood and the well-functioning of services. Also, the development of electronic data systems on clients and patients provides municipalities with an opportunity to participate in the improvement of data collection in cooperation with the Child Data Section. These data systems provide basic information for monitoring children's wellbeing.

87. *SOTKANet*. Since 2005, Network service SOTKANet³ has functioned as a support service for planning, monitoring and decision making in the social and health care sector. This free and open information service compiles data from Finnish municipalities concerning the wellbeing and health of the population starting from 1990. SOTKANet, an indicator bank, compiles data based on statistics, registers and surveys on children and adolescents in terms of their health-related habits, their use of health services and medicine, child welfare measures and the health of families. The service has data on all municipalities, regions, provinces, health care districts and the whole country. The data available on SOTKANet is accessible in figures, graphic configurations and maps in Finnish, Swedish and English.

88. *The register of aliens*. The Finnish Immigration Service in charge of keeping the register of aliens publishes statistics for example on the numbers of unaccompanied minor asylum seekers, residence permits granted including their grounds and processing times. By means of the register of aliens, necessary statistical data is collected related to reflection periods accorded to victims of human trafficking and residence permits granted on grounds of human trafficking (see Section VIII. Special protection measures). Therefore, the statistical data obtained from the register of aliens also facilitates the monitoring of human trafficking as a phenomenon.

89. The Ombudsman for Children has also actively participated in the efforts of widening the scope of the information base related to children and has contributed to finding solutions to remedy the deficiencies. The Ombudsman has, among other things, conducted a survey on the available information originating in different administrative sectors of the government related to the wellbeing of children and encouraged cooperation between the different actors in order improve the provision of information.

90. The Ombudsman for Children considers the available basic information related to children as clients of child welfare and, as a broader context, their social exclusion, insufficient. According to the Ombudsman, specific research is necessary in order to get more information on wellbeing of and the services provided for children with disability, chronically ill children and those children in need of special support as well as on immigrant children. The statistical monitoring of the living conditions of these children belonging to the most vulnerable groups is not possible on the one hand because of the existing restrictions on collecting sensitive data on individuals and on the other hand because of the small number of persons belonging to these groups. Therefore the Ombudsman suggests that the living conditions of children belonging to these groups could be monitored by means of specific research conducted on a regular basis.

91. The Ombudsman for Children has made an initiative on establishing a research programme on children launched by the Academy of Finland. These efforts have proved

³ www.sotkanet.fi.

fruitful; the Academy of Finland will launch a cross-sectoral research programme entitled Children's wellbeing and health in 2009, which will eventually provide new and versatile information on children's wellbeing. The Ombudsman participates in the planning of the research programme. According to the Ombudsman, the basic information available related to children might improve significantly already during the current term of office of the Government.

92. In the special annual report submitted to Parliament in 2006, the Parliamentary Ombudsman considered, among other things, that there is a need to systematically compile data relating to the integrity and security of the child and record it as statistics so as to ensure that a more reliable picture of the position regarding the security of children is available.

93. The Family Federation has considered that even though the number of children and young people with an immigrant background, the so-called new ethnic minorities, has risen considerably during the past two decades, there is no consistent, regularly collected data available on their wellbeing and living conditions. According to the Family Federation, the problem in Finland is that children and young people with an immigrant background represent demographically such a small group that it is not possible to gain reliable information on them on the basis of samples. According to the Family Federation, this calls for developing other means of collecting data, both by research and for statistics.

Recommendation 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.

94. *Training/dissemination of the Convention.* Disseminating the Convention has been adopted as one of the objectives of the Government's Policy Programme for the Wellbeing of Children, Youth and Families. Currently, disseminating the Convention and training related to it, takes place largely through projects adopted by the Ombudsman for Children and other projects concerning social work and health.

95. The Government's Strategy Document reinforces the Government's means of promoting, guiding and monitoring the implementation of the Government Programme. As stated in the Strategy Document, the knowledge of the UN Convention on the Rights of the Child must be increased among people working with children and their parents. Responsibility for the dissemination of information has rested too much with organisations, although according to the Convention the States are responsible for disseminating information about the rights of the child. The Government's Strategy Document also notes that within state administration, responsibilities for domestic dissemination of information about human rights are not clearly defined between the various ministries.

96. To achieve the objectives set, the Government has committed itself to the following measures:

- Together with Ministries, organisations and the Ombudsman for Children, a national communications strategy will be produced for disseminating information about children's rights
- For further actions, the responsibilities of the different Ministries for disseminating information about rights of the child and for the funding of such dissemination must be defined
- Ensure that rights of the child are included in the basic and supplementary training of people who work with children

- An information campaign about the Convention on the Rights of the Child will be carried out in cooperation with the Ombudsman for Children and various civic organisations in 2009, the 20th anniversary year of the Convention

97. The UN Convention on the Rights of the Child is the foundation of the work of the Ombudsman for Children. Promoting the Convention has also been assigned as one of the duties of the Ombudsman for Children by virtue of the Act on the Ombudsman for Children (1221/2004). The Ombudsman makes the Convention known by issuing statements and proposals, by cooperating with authorities, training events and in the media.

98. The Ombudsman for Children has in her activities increased the possibilities of children to have their opinions heard as well as increased her efforts in the dissemination of the Convention to children and young people. The Ombudsman has opened a site for children as a part of her internet home page.⁴ It serves the purpose to disseminate information on the Convention on the Rights of the Child and topical information of interest to children. The Ombudsman has produced a brochure on the Convention that has been widely distributed to State and municipal authorities, to professionals working with children and to children and young people. In the spring 2008, the Ombudsman for Children also published a brochure on the Convention on the Rights of the child in North Sámi on her North Sámi-language web site launched in 2008. The Ombudsman will publish material on the Convention on the Rights of the Child in the Roma language as well. The Advisory Board for Children's Affairs working in support of the Ombudsman, has set up a working group with the goal of achieving a dissemination strategy for the Convention on the Rights of the Child.

99. These past years, the Convention on the Rights of the Child has provided for a theme for training events organised for the personnel working in early childhood education. The internet site *Varttua*, directed to people working in early childhood education⁵ provides information on the Convention and on the developing of early childhood education for the personnel and all other interested parties.

100. Judges have received training on legal matters related to children, as well as other issues related to children, such as dispute settlement on matters concerning custody and visiting rights. These training events also focus on the significance of the Convention on the Rights of the Child. In the Open University of University of Helsinki, an interdisciplinary course Rights of the Child has been launched in 2007, directed to students as well as professionals.

101. The Ombudsman for Children considers that the Convention will be best disseminated by taking advantage of a diversity of different forums. The central challenge attached to the realisation of the UN Convention on the Rights of the Child lies in the fact that the Convention and its monitoring process are inadequately known. The Convention and its monitoring mechanism are seldom themes of public discussion, and not widely known to professionals dealing with child matters or other citizens.

102. Non-governmental organisations consider that the State and the Ombudsman for Children have both, in cooperation with organisations, increased dissemination of the Convention in 2005 in compliance with the recommendations of the UN Committee on the Rights of the Child. So far, dissemination has been almost inclusively the responsibility of the NGOs. The NGOs also consider that disseminating the Convention is a challenge, because of the fact that its national implementation and monitoring are tasks assigned to a

⁴ <http://agl.cc.jyu.fi/lapsiasia/>.

⁵ <http://varttua.stakes.fi/EN/index.htm>.

number of authorities. In the absence of overall coordination, responsibilities have been dispersed and national programmes have not been reconciled with each other.

E. Making the report available (article 44, paragraph 6)

103. The fourth periodic report of the Government of Finland on the implementation of the UN Convention on the Rights of the Child has been drawn up at the Legal Service of the Ministry for Foreign Affairs in cooperation with the ministries and authorities that take responsibility for the various themes involved. The civil society has played a key role in the various phases of the process. The preparation of the Report started by a request of statements in writing from all competent authorities and non-governmental organisations that have an interest in the matter. A total of 40 written statements from various government authorities and NGOs were received.

104. The Convention on the Rights of the Child (*Treaty Series* 60/1991) and its Optional Protocol on the Involvement of Children in Armed Conflict (31/2002) have been published in the Treaty Series of the Statute Book in both Finnish and Swedish. The Convention has also been translated into North Sámi. The Statute Book including the Treaty Series is accessible in all major public libraries. In addition, the Convention and its Optional Protocol are accessible at <http://www.finlex.fi> (FINLEX, a data bank of laws, decrees and international treaties, maintained by the Ministry of Justice) and on the home page of the Ministry for Foreign Affairs at <http://formin.finland.fi>. In Finland, citizens can use the Internet free of charge in public libraries.

105. The Fourth Periodic Report of the Government of Finland on the Implementation of the Convention on the Rights of the Child will be published on the Ministry's website at <http://formin.finland.fi>. The Report will be sent for information to a large number of government authorities and NGOs.

106. In cooperation with the Central Union for Child Welfare, the Ministry for Foreign Affairs organises every year a seminar on the national implementation of the UN Convention on the Rights of the Child and the recommendations of the Committee on the Rights of the Child. The latest seminar was organised in February 2008. The theme of the seminar was "Violence against children".

107. Material related to the text of the Convention, statutes concerning its implementation and documents concerning monitoring of the implementation of the Convention can be obtained by request from the Unit for Human Rights Courts and Conventions (OIK-40) of the Ministry for Foreign Affairs, which also answers to enquiries concerning the rights and obligations set in the Convention. Please find the contact information at the end of the Introduction of this report.

II. Definition of the child (article 1)

108. In the Finnish legislation, a person who has not attained 18 years of age is a minor. In accordance with Child Welfare Act (2007/417), which took effect as from the beginning of 2008, a person under 18 years of age is considered a child and a person 18 to 20 years of age is regarded as a young person. The legislation contains, however, numerous provisions granting a minor, by means of derogation, a right to decide matters concerning him or her or a right to participate in the decision making.

III. General principles (articles 2, 3, 6 and 12)

A. Prohibition of discrimination (article 2)

Recommendation 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.

Recommendation 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).

109. *Non-Discrimination Act.* Since the submission of Finland's Third Periodic Report, a Non-Discrimination Act (2004/21) has entered into force in the beginning of 2004. The purpose of this Act is to foster and safeguard equality and enhance the protection provided by law to those who have been discriminated against in cases that fall under the scope of this Act. By the Non-Discrimination Act, Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation were implemented.

110. According to the Non-Discrimination Act (21/2004), discrimination on the basis of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics is prohibited. The Act applies to both public and private activities in the following contexts: 1) conditions for access to self-employment or means of livelihood, and support for business activities; 2) recruitment conditions, employment and working conditions, personnel training and promotion; 3) access to training, including advanced training and retraining, and vocational guidance; and 4) membership and involvement in an organization of workers or employers or other organizations whose members carry out a particular profession, including the benefits provided by such organizations. The Act also provides for sanctions for the violation of the prohibition to discriminate as well as supervising the observance of the law.

111. Ministry of Justice has in January 2007 appointed a committee to prepare a reform of the Finnish legislation on non-discrimination in its entirety. The goal is to achieve a better defined set of provisions, and to place those who have encountered discrimination, regardless of the grounds of discrimination, in a similar position as concerns counselling and expert services as well as access to legal protection. In the context of the reform, the position, duties and competencies of public officials dealing with discrimination are intended to be revised to an extent necessary. This would be done by taking into account the monitoring of the fundamental and human rights in Finland as a whole, including international standards for such monitoring. The Committee preparing the reform will submit its proposal by autumn 2009.

112. *Advisory Board for Early Childhood Education.* In the context of the Advisory Board for Early Childhood Education, a special section was assigned with the task of developing early childhood education of immigrant children. The section collected information, assessed the current situation and made proposals for the development of early childhood education of immigrant children. Early childhood education is an important part

of the integration of families and preventing the exclusion of children. In its report,⁶ the section described the situation of children with an immigrant background and their needs in terms of early childhood education. In addition, the report portrayed the kind of expertise and training needed in immigrant early childhood education, as well as information on the participation of persons with an immigrant background in training related to early childhood education. The section makes several proposals for action with a view to developing early childhood education and ensuring its provision for children with immigrant background. The Ministry of Social Affairs and Health will consider the proposals and their implementation within the timeframe determined by the budget.

113. *Grants of the Ministry of Education.* The Ministry of Education has in 2003–2008 continued to subsidise work against racism, in particular the activities of non-governmental organisations. The efforts carried out by youth and pre-youth organisations to combat ethnic intolerance and xenophobia have been supported by State grants.

114. In addition to regular appropriations targeted at youth work, the Ministry of Education has regularly granted State subsidies to activities against racism out of specific funds. Subsidies are granted to associations mainly for projects to combat racism, xenophobia and intolerance as well as those designed to promote good ethnic relations. Such projects have been carried out in a variety of forms: subsidies have been granted for example for the dissemination of information, school visits and activities carried out by clubs aiming at removing prejudices against other cultures and raising awareness of the dangers of racism and xenophobia. Subsidies may be granted also to municipals for pilot and development projects designed to combat racism. In decision-making related to these subsidies, projects aiming at directing the young away from groups that incite to racism have been prioritised.

115. *All Different — All Equal — youth campaign in Finland.* During 2006–2007, as a part of a campaign launched by the Council of the European Union, a national All different — All Equal — campaign for the young. In Finland, the activities were coordinated by the Finnish Youth Co-Operation – Allianssi. The themes of the campaign were versatility, human rights, and participation. The campaign was targeted at all young people. The objective was to invite the young to participate in the realisation of the campaign itself. Educational methods, material and exercises related to education for international understanding produced and used in the campaign have been compiled on the campaign internet site.⁷ The Ministry of Education acted as the national authority in charge.

116. *Municipalities.* At municipal level, the Helsinki City Social Services Department, for instance, has drafted an action plan for combating racism and ethnic discrimination. The Department's working group for the social integration of immigrants will consider, during 2008, the materialisation of non-discrimination in respect of immigrants as clients using services provided by the Social Services. The special needs of families belonging to minorities have been taken into consideration in the projects designed for early intervention included in the portfolio of services provided by the Department to families with children. Special projects have also been targeted at minority families aiming at preventing exclusion by reinforcing the social integration of the parents and the cultural dynamics within the families. The methods, which have proved to be well functioning during these projects, are scheduled to become part of the social services' basic functions during 2008.

⁶ Ministry of Social Affairs and Health publications 2007:62, the report is only in Finnish and Swedish, a summary in English can be found at <http://www.stm.fi/Resource.phx/publishing/documents/13540/index.htm>.

⁷ www.keks.fi.

117. *Report on Disability Policy*. In 2006, the Government submitted to the Parliament a Report on Disability Policy, the central principles of which were defined as follows: the right of people with disability to equal treatment, to participate and to have access to necessary services and support measures. On the basis of the Report and its background material, proposals on how to further develop the disability policy arose. These development measures are designed to ensure the realisation of human rights and non-discrimination in respect of people with disability, among other things, by implementing equal educational opportunities and ensuring a reasonable level of subsistence. A disability policy programme based on the Report, is currently under preparation, which will outline Finland's disability policy measures for the years to come.

118. According to the National Council on Disability, discrimination of persons with disability is general and wide-scale. Discrimination takes place for instance in working life. People with disability encounter difficulties in being employed, and those who have managed to be employed often experience discrimination. Mobility of people with disability is often hindered by obstacles in the physical environment and public transportation.

119. The Evangelical Lutheran Church of Finland considers the increasingly multicultural environment a challenge to the activities of the Church and to the cooperation between the Church and other bodies. Persons working with children and young people are increasingly expected to have the necessary sensitivity to encounter representatives of other cultures and to engage in a dialogue between the various religions as a part of educational partnership. In the study *Excluded Children*, conducted in springs 2006 and 2008 by the Church Council, for about 100 people holding posts in education and deacon, and in 2008 also family counselling, were interviewed. The majority of the respondents (68%) estimated that the exclusion of children had increased in the district of their parish during the past three years. In 2008, 52% estimated that children's exclusion had remained the same and 48% estimated that the exclusion had increased during the past three years. The respondents stated substance abuse by the parents as the most general reason having lead to the exclusion of children. Other reasons for children's exclusion included, for instance, parents' mental health problems, fragmentation of human relationships and families, incapability and irresponsibility of parents and the rush and the lack of time of the parents. According to the respondents, exclusion was the least caused by reasons related to the children themselves.

120. According to non-governmental organisations, more attention should be paid to structural discrimination. Structural discrimination may go unnoticed in various administrative procedures and services, especially if the specific premises and needs of a target group are not identified. According to the NGOs, more attention should be paid to the participation of the ethnic minorities instead of emphasising the cultural differences. Participation should be promoted also to increase interaction between the main population and the minorities. Concentrations of immigrants at risk of exclusion or already excluded to specific neighbourhoods is not to be encouraged. Creating and maintaining a favourable living environment for children requires urban planning which takes all relevant aspects into account. Stressing the importance of equality and participation is not in contrast with further developing of special services; equality will not be fully materialised without special measures.

121. The NGOs also consider that in addition to other children, the rights of children with disability are insufficiently materialised. Services provided for persons with disability vary considerably from one region to another, which places children with disability in an unequal position according to the municipality in which they live. From the perspective of mainstreaming gender-based equality, it is essential to have equality as a goal in all aspects of the society. In this context, children belonging to sexual and gender minorities is

mentioned as a group, which typically encounters sexual and gender-based harassment at school and outside it.

B. Principle of the best interests of the child (article 3)

Recommendation 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.

122. One of the premises and goals of the Policy Programme for the Wellbeing of Children, Youth and Families, is the respect of the general principle of the best interests of the child and taking the principle to account in legislative work as well as in other decision making.

123. In Finland, both fathers and mothers tend to have full time jobs. Therefore, finding good solutions for combining work and family life is crucial for the fulfillment of the best interests of the child. The Government promotes combining work and family life in all decision making and encourages men to take advantage of the family leaves to which they are entitled to. The development of the father-child relationship is often hampered for instance by the fact that fathers of small children tend to work overtime and do not take enough advantage of the family leaves. In connection with the Government Programme, a decision was made to prolong paternity leave by two weeks as from the beginning of 2010. Also, a reform of the family leave system is under consideration, where special attention will be paid to encourage fathers to take their part of family leaves.

124. *Child Welfare Act.* The new Child Welfare Act (2007/417) defines for the first time, the concept of the best interests of the child at legislative level. According to Section 4 of the Act, when assessing a child's need of child welfare measures and carrying out such measures, the best interests of the child should be regarded as the primary consideration. When assessing the best interests of a child, attention should be focused on how the various alternative measures and solutions would ensure the child a balanced development and wellbeing, safeguarding his close relationships and their continuity, give him understanding and affection as well as supervision and care according to his age and level of development, education according to his talents and wishes, a safe living environment, physical and psychological integrity, maturing towards independence and responsibility, chances to participate and have a say in matters concerning him/herself as well as the taking into account the child's background in terms of mother tongue, culture and religion.

125. The general principle of the best interests of the child also serves as a basis for the plans on the organisation of child welfare services to be drawn up by each municipality according to the Child Welfare Act (2007/417). A practical tool based on hands-on experiences is currently being developed, which will be of use in the systematic evaluation of the wide-range of municipal decisions in terms of the effects these decisions have on children.

126. *Migration Policy Programme.* In October 2006, the Finnish Government's Migration Policy Programme was published, with the general objective of defining values for migration policy based on the respect of human rights and fundamental freedoms, consolidate a culture of good governance and combat threats related to immigration. The Migration Policy Programme contains a total of 34 policy outlinings, one of them (no. 27) concerning the best interests of the child. In accordance with the guideline in question, the principle of the best interests of the child will be taken into account as a cross-sectoral principle in asylum and refugee policy. The key measures related to the realisation of the

best interests of the child (right to information, tracing and developing psycho-social evaluation of unaccompanied asylum-seeking children on their arrival) are described later in Section VII. The implementation of the Migration Policy Programme is being monitored by separate project launched by the Ministry of the Interior in autumn 2007.

127. The Parliamentary Ombudsman has repeatedly in his decisions emphasised that authorities must give precedence to the best interests of children.

128. The Deputy Parliamentary Ombudsman urged the police to pay attention to the best interests of a child in relation to a case, where the police had used coercive measures on a minor suspected of a drug offence (3326/4/05). On another occasion, the Deputy Ombudsman considered that the police had not taken into account the best interests of a child when, in conjunction of a home visit, an 11-year-old had been left in the care of an outsider, when his parent had been seriously hurt (3326/4/05).

129. A district enforcement official had heard the daughter of a debtor concerning an ownership of a boat and related allegations. The Deputy Parliamentary Ombudsman considered the best interests of the child and the right to property and concluded that the district enforcement official should not have questioned the child in relation to the child's property since, being a minor, she had no control over it. The Deputy Ombudsman also suggested that the Ministry of Justice should consider making a legislative proposal for an act providing more precisely for the conditions for a child to be heard in a recovery matter (2393/4/05).

130. The Ombudsman for Children considers positive that the Child Welfare Act defines the concept of the best interests of the child; this is the first time the principle has been defined in legal provisions. The Ombudsman has strived to enhance the assessment of decisions in terms of their impacts on children and made a proposal to make the decisions regarding the project of the restructuring of local government and services assessed in terms of their impacts on children.

131. Several non-governmental organisations also consider the definition of the best interests of the child by the provisions of the Child Welfare Act positive. They note, however, that the best interests of the child are still not adequately considered in all decision making. According to the NGOs, the assessment of decisions in terms of terms of their impacts on children is not required by law, nor is there any regularly used method to do so in a manner corresponding to the assessment of impacts of decisions on the environment or the gender. In this regard, the Guide on the evaluation the impacts of decisions on children prepared by the National Research and Development Centre for Welfare and Health (STAKES) is seen as a positive development.

C. Right to life, survival and development (article 6)

132. *Right to life.* The Constitution of Finland (1999/731) guarantees everyone the right to life. Based on the *travaux préparatoires* of the fundamental rights reform, everyone is entitled to enjoyment of the fundamental rights during his or her lifetime. Furthermore, the legal system also provides for different types of protection before birth as well. Such protection is provided partly via the fundamental legal safeguards of the mother. In accordance with the Constitution (1999/731), the non-violability of the human dignity of the individual is one of the basic values guaranteed by the Constitution. Therefore, any medical or scientific experimentation on the foetus or embryo, which violate human dignity, are against the Constitution.

133. *Artificial insemination.* The Second and Third Periodic Reports of Finland mentioned a legislative proposal under preparation on the use of germ cells and embryos in

medical fertility treatments and the amendment of the Paternity Act (1975/700) prepared by the Ministry of Justice.

134. The Government Bill (Government Bill 76/2002) for a new act on Medical Fertility Treatments was submitted to Parliament in summer 2002, but after an eventful period of discussion in the Parliament, it was withdrawn in 2003. However, the Government considered it necessary to continue the preparation of the Act. After a lengthy period of preparation, the Act on Medical Fertility Treatments (1237/2006) took finally effect in September 2007. The Act provides for the conditions for receiving treatment so that in addition to women living in a relationship, also single women are entitled to receive medical fertility treatment.

135. In the same connection, the Paternity Act (1975/700) was amended so that the father of a child is the man who, in a relationship has given his consent to the providing of medical fertility treatment. The paternity of the husband may not be annulled if the child has been born as a result of such fertility treatment given with his consent. As concerns a child born through medical fertility treatment outside marriage, the paternity can be acknowledged or confirmed by court of law. The same applies to the paternity of a man, who has consented to the use of spermatozoids donated by him for giving fertility treatment to a woman not living in a relationship with him, and to having his paternity confirmed.

136. The National Council on Disability pays attention to the Article 10 of the UN Convention on the Rights of Persons with Disabilities providing that every human being has the inherent right to life and that states shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others. The National Council on Disability considers it important that the preparative work for the legislative amendments enabling the entry into force of the Convention be carried out as soon as possible. In November 2007, the National Council on Disability and the National Advisory Board on Health Care Ethics organised a seminar on the theme "The rights of persons with disability in social and health care; Perspectives into resuscitation, medical fertility treatments and adoption". In the discussions it came up that a child with a disability may be denied ordinary health care measures on the basis of his or her disability. There have even been some cases, where without the knowledge of the parents, entries have been made in a child's medical records concerning prohibition of resuscitation measures. The Parliamentary Ombudsman has also brought this issue into the attention of the National Authority for Medicolegal Affairs.⁸

137. *Substance abuse by pregnant women.* The Programme of the Second Cabinet of Prime Minister Vanhanen focuses attention to the care and services provided for families with children as well as for pregnant women. Identifying substance abuse among pregnant women and intervening with it remains a challenge for the entire service system. The system of maternity and child clinics plays a crucial role in the matter. Out-patient services are needed throughout the country and distribution of tasks between basic and special services should be clarified. The Ministry of Social Affairs and Health has set up a working group to develop the care targeted at pregnant women with problems related to substance abuse. The working group has been assigned with the task of assessing the current state of affairs concerning services needed by substance abusing mothers and children with substance related problems, and come up with proposals to further develop the services. The working group also has the task of assessing the need of involuntary care for pregnant women abusing substances and making proposals for possible legislative amendments. The working group is to submit its final report by the end of 2008.

⁸ Dnro 2828/2/07, 8.10.2007.

138. According to non-governmental organisations, until now, the Government has not accorded sufficient attention to the right to development of children born to mothers with problems related to substance abuse. In child welfare, there is insufficiently qualified social workers attending to children's affairs as well as insufficient supply of foster families with adequate training and support for the care of children with special needs. Currently, the only way to see to the adequate care of these children prior to their birth, is to encourage substance-abusing mothers to admit themselves to voluntary treatment during their pregnancy.

D. Views of the child (article 12)

Recommendation 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.

139. *Child Welfare Act.* With the new Child Welfare Act (2007/417), provisions related to hearing the opinions and wishes of the child and allowing the child to express his or her own views were clarified. Provisions on the nomination of a trustee to the child were also added. The objective of these provisions is to ensure that every child has an opportunity to have influence on the decisions concerning him or her.

140. *Position of the child in child welfare matters.* According to the new Child Welfare Act (2007/417), when implementing measures of child welfare, the view of the child shall be ascertained and taken into account, in so far it is possible considering the age and level of his or her development. The opinion of the child shall be ascertained with discretion; this is not to bear an unnecessary burden on the relationship between the child and his or her parents or other people close to the child. According to the Administrative Procedure Act (423/2003), a child who has attained the age of 12 shall be reserved an opportunity to be heard in a child welfare matter concerning him or her. The opinion of the child may not be heard only in cases where the examination would endanger the child's health or development, or if it were manifestly unnecessary. In the context of ascertaining the child's opinion, he or she may not, however, be provided with information that would endanger his or her development or go against another significant personal interest.

141. According to the new Child Welfare Act (2007/417), a child who has attained 12 years of age is entitled to a say in addition to his or her guardian or some other legal representative in all child welfare matters. This means that the child may, if he or she so desires, demand independently, for instance, to be transferred to another substitute care placement, or a change in the conditions of communicating with people close to him or her or discontinuance of the taking into custody procedure by social welfare authorities. Thus, the child has full procedural rights, except for some matters, in respect of which the child does not have an independent right to appeal before the age of 15.

142. In child welfare matters, the child is always a party to the proceedings, irrespective of whether he or she is entitled to have a say independently or through a legal representative. The new Child Welfare Act (2007/417) contains special provisions on who is entitled to be heard on behalf of the child in the court. According to the Act, a trustee placing the legal guardian of the child must be nominated in a child welfare matter, if there is reason to assume that the legal guardian cannot supervise the child's best interests in an impartial manner or, if nominating a trustee is necessary in order to settle the matter or otherwise necessary for the purpose of safeguarding the best interests of the child.

143. Ascertaining the views of the child in a child welfare matter is a principle that can be deviated from only on special grounds, when this would endanger the health or development of the child or if it would be manifestly justified for some other reason. The latter situation could prevail, for instance, when an application or a claim under consideration is manifestly ill-founded. It is also possible that due to his or her psychological state, the child cannot be heard without upsetting him or her or place an unreasonable burden on the child. In such circumstances, the protection of the mental state of the child takes precedence over hearing his or her opinion.

144. In accordance with the Administrative Procedure Act (423/2003), the original documents, or copies of such documents subject of the hearing, must be made accessible to all parties or an opportunity must be provided for the parties to otherwise acquaint themselves with such documents. Therefore, when a child is heard, he or she must be provided with an opportunity to familiarise with all the documents in the disposal of the decision maker. If the documents contain, for instance information related to the parents of the child that could seriously harm his or her mental health and the relationship with his parents, unlimited delivery of information may be against the best interests of the child. The provision underlines that giving information must always be weighed, in particular, from the perspective of the child.

145. The Child Welfare Act (2007/417) improves the child's right to be heard in person or making his or her views known to the decision makers in judicial or administrative child welfare matters concerning him or her. It is underlined in the *travaux préparatoires* of the Act that the experiences of even a very young child on his or her immediate surroundings may be made known to decision makers when this is done by a child psychologist or an experienced child welfare professional. For example, the interaction between a baby and his parents may be observed, and conclusions can be documented and forwarded to decision makers.

146. *Hearing a child in a child welfare matter by a court of law.* The Child Welfare Act (2007/417) provides for hearing a child by a court in welfare matters affecting him or her. A child may be heard in person at an administrative court or the Supreme Administrative Court, if a child so requests or gives his or her consent to the hearing. A child under 12 years of age may be heard in person only if it is deemed necessary in order to settle the matter and if such a hearing is not deemed to cause significant damage to the child. The objectives are twofold. On the one hand, the objective is to provide the child with an opportunity to express his or her views in court of law according to his level of maturity and, on the other hand, to protect children from possible psychological trauma caused by the hearing. This is why the provision underlines that a child has the right to refuse to be heard and, on the other hand, alternative arrangements have been created by which the views of the child can be made known to the court.

147. Article 12 of the Convention on the Rights of the Child does not obligate States parties to have a child heard directly by a court in all cases. According to paragraph 2 of the Article, a child's right to express his or her views in matters affecting him or her may be realised either directly or through a representative or an appropriate body, in a manner consistent with the procedural law. Thus, the Article enables the use of different procedures. Hearing a child directly in court is not always the best way to ascertain the child's genuine and balanced opinion, made up free of pressure or other inappropriate exercise of influence.

148. Hearing a child in matters affecting him is crucial in particular from the perspective of his legal status. As a starting point, a child should have the right to be heard directly at a court of law in matters affecting him. However, if having a very young child heard at court proceedings against his or her own will would cause the child unreasonable distress and

turn against its very purpose, that is, ensuring the best interests of the child and settling the matter.

149. On the other hand, hearing a child directly has its advantages. Hearing a child directly enables the judge to form a picture of the matter on the basis of his own observations, and therefore supplement the information based on the report by the social authorities. In training events intended for judges on the rights of the child, the question of the best method to take account of the opinions of a child is continuously raised and considered.

150. Children having reached 12 years of age have been heard directly at oral hearings at most administrative courts even prior to the entrance into force of the new Child Welfare Act (2001/417). Almost all administrative courts have considered that a child, who has appealed a decision has the right to be present during the entire hearing. Other parties have also been considered to have the right to be present for the hearing of a child having reached 12 years of age, if they so request. Most administrative courts have considered that courts of law have not had the right to consider alternative manners of hearing. In practise, situations have emerged, in which the child opposes to being heard in court. In a situation of being compelled to be heard in presence of the other parties involved, the child may find himself in a situation of conflict of loyalties.

151. In order to avoid such situations, a Government Bill for a Child Welfare Act (Government Bill 252/2006) considered that the Act should be amended so that administrative courts' discretion in hearing a child directly would be increased. It was left up to the court to decide whether it considers the presence of a child having reached 12 years, essential enough to obligate him to attend an oral hearing or not. A child, party to the proceedings, may also be invited to attend an oral hearing if he or she so wishes.

152. If opinions of a child under 12 years of age are heard, this can also be done in various ways. A child may be heard by a panel of judges or by a smaller composition. Another way is to ascertain the opinions of a child in the natural environment of the child, where the child has been placed during the trial. It is not customary that the other parties involved or representatives of the social welfare authority are present when the child is heard. The hearing of the child is usually documented by saving it on an audio tape or taking it on video. The statement can also be written down in the records of the court.

153. The Child Welfare Act (2007/417) provides for a procedure for hearing a child with the objective of arriving at standardised procedures and safeguarding the best interests of the child. The fact of having an alternative ways of hearing to choose from makes it possible to take into account the special characteristics of each particular case.

154. *Custody and right of access trials.* The Child Custody and Right of Access Act (1983/361) provides that a child is not a party to a trial which concerns the consideration of a legal dispute over the custody of the child and right of access. The social welfare authorities of municipalities have been assigned with the task of participating in the oral hearing of the matter in a court of law, when they deem it necessary. In practise, this happens extremely seldom.

155. The best interests of a child are considered to be observed by the fact that when necessary, the courts are entitled to ask the social authorities of the child's home municipality to submit a so-called "report on the child's circumstances". In fact, it is normally in the framework of drawing up such a report that the child's opinion is ascertained and written down in the report by the social administration. If it so desires, the court may also invite a representative of the administration to be heard in an oral hearing.

156. The Child Custody and Right of Access Act (1983/361) provides courts with a discretionary opportunity to hear a child in person at an oral hearing. However, this is not a procedure established as a principal rule.

157. It must be noted that the majority of judicial arrangements concerning visiting rights and the custody of a child are realised by an agreement between parents and confirmed by the Social Board or Court of law. Such an agreement can be enforced as any other final legal decision. For this reason, only a small number, the most dispute-stricken fraction of children's custody and visiting rights arrangements, end up to be considered by courts.

158. The Supreme Court has also recently pronounced itself on agreeing on the terms of parent-child visits and the interpretation of the child's best interests in matters concerning custody and right of access. According to a decision issued by the Supreme Court in June 2008,⁹ a binding agreement between the parents must be concluded concerning the parent-child visits, even in cases where the children are opposed to strict timetables. The Court argued that responsibility for the visits must not be left to be born by the child alone, when possible situations of conflict emerge between the parents. The Supreme Court quashed the rulings of the District Court and the Court of Appeal, which had refused to confirm an agreement on visiting rights. The District Court and the Court of Appeal did not confirm an agreement concerning a 13 and a 16 year old, which set the minimum number of visits and their dates, on the grounds that it would be against the best interests of the children. The children were living with their father, and they had stated that they appreciated their right to meet their mother whenever they liked. However, the Supreme Court considered that it was not in the children's best interests to place them in a situation in which they should make a decision on their position if there was a falling out between the parents.

159. *Language Acts.* After the submission of Finland's Third Periodic Report, a new Language Act (423/2003) and a new Sámi Language Act (1086/2003) have entered into force from the beginning of 2004.

160. The purpose of the Language Act (423/2003) is to safeguard the right of everyone to use his or her own language, either one of Finland's official languages Finnish or Swedish, before courts of law and other authorities. Of the national languages, Swedish is the less used one, so in this sense it can be considered a minority language. The objective of the Language Act (423/2003) is that the right to a fair trial and good governance is guaranteed to everyone, irrespective of the spoken language and that the language rights of individuals are guaranteed without the need to invoke them. The Act ensures everyone, among other things, the right to speak Finnish or Swedish in government authorities and authorities of bilingual municipalities. The authorities are also obligated to arrange for the person to be heard in his own language, Finnish or Swedish. Everyone has, however, the right to speak and to be heard in one's own language in matters instigated by an initiative of the authorities, in matters affecting directly his or her fundamental rights or the rights of those cared for by him and in matters concerning an obligation imposed by the authorities.

161. The purpose of the Sámi Language Act (1086/2003) is to ensure the fulfilment the right of the Sámi people to maintain and develop their own language and culture as provided by the Constitution. The Act provides for the right of the Sámi to speak their own language in a court of law or in other authorities and the obligations of the government authorities to implement and promote the language rights of the Sámi, in particular in the traditional Sámi Homeland. The objective is to ensure the Sámi people right to a fair trial and good governance irrespective of the language spoken and to guarantee the fulfilment of the language rights of the Sámi without them having to invoke these rights. The Act

⁹ KKO 2008:69.

ensures, among other things, the right to speak the Sámi language in matters that affect them directly or in matters in which they are heard by the authorities. The authorities cannot restrict or refuse the full realisation of the language rights provided for by the Act on grounds that the Sámi person also speaks another language, Finnish or Swedish, for instance.

162. *The Youth Act.* The Youth Act (72/2006) provides for the participation and hearing of young people according to the Act, young people shall be given an opportunity to participate in the consideration of matters pertaining to local and regional youth work and policy. Young people must also be heard in matters affecting them. The purpose of the Act is to support their growth and development towards independence, promote their active citizenship and social skills and improve their growth and living conditions. A sense of community, shared responsibility, non-discrimination and equality, acceptance of multicultural background and willingness to interact with other nationalities, a healthy lifestyle and the respect of the environment and life are aspects on which the realisation of the objectives is premised. In the Act, the term young people refers to those people under 29 years of age.

163. The National Council on Disability underlines the special status of children with disability especially in situations calling for the application of Article 12 of the Convention. The rights of the speech-impaired, especially dysphasic persons are not realised in the manner required by the Act on the Status and Rights of Social Welfare Clients (812/2000).

164. The non-governmental organisations stress that in practise, the possibilities of the Courts to hear children directly remain insufficient due to insufficient training provided for judges and other staff on hearing children and to a lack of child-friendly premises provided for this purpose. In Finland there are still reservations toward hearing a child directly in a court of law, so hearing children in court of laws is very rare. The NGOs also state that in practice, the capacities of municipalities to observe legislation in this respect remain inadequate. Resources allocated to child welfare by most municipalities are insufficient.

165. According to the NGOs, hearing children in all matters affecting them should be an automatic practise. In addition, different kinds of mechanisms providing for children's possibilities to participate in the different stages of decision making should be strengthened. The participation mechanisms provided by municipalities have a key role in this.

166. The NGOs also pay attention to the fact that there is not enough information available on opportunities provided for hearing people belonging to groups, which are prone to encounter discrimination on multiple grounds. For example, the situation of mentally or physically disabled refugees and immigrants is difficult according to the organisations, and their right to be heard is not always realised. Moreover, sexual minorities within ethnic communities may encounter difficulties. They might not be accepted at all or the community may have a very negative attitude on them.

IV. Civil rights and freedoms (articles 7, 8, 13–17 and 37, paragraph (a))

Recommendation 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.

167. One of the objectives of the Development Programme for Child and Youth Policy is to enhance the safety of the media environment. Among other things, the Programme aims at improving children's own capacities to protect themselves from non-desired and harmful media contents, and improving the knowledge of parents and other educators on media education. The Programme also strives to encourage the different media operators to bear their responsibility and take a specifically critical stance to distributing entertainment based on violence and sexually colored contents. In addition, the Programme stresses that the needs of children and young people must be taken into account when selecting programmes to be distributed. The Development Programme proposes measures, such as increasing media and consumer education, reviewing legislation concerning the protection of minors and developing self-regulatory measures of media actors. Further, television companies are encouraged to focus on increasing the share of programmes targeted at children and young people and taking their needs into consideration.

168. *Act on Measures for Preventing the Distribution of Child Pornography.* In 2006, the Ministry of Transport and Communications prepared an Act on Measures for Preventing the Distribution of Child Pornography (1068/2006), the purpose of which is to promote, for the protection of children and their fundamental rights, measures for blocking access to child pornography sites maintained abroad. The Act took effect as from the beginning of 2007. The Act gives the Police the authority to provide data relative to child pornography sites to network operators who, in turn, block access to web sites containing child pornography.

169. The police have worked actively with other bodies to combat more effectively against child pornography; the increased use of the Internet and other information networks has given birth to a new type of criminality as well as opened up a new channel for crimes of the more traditional type. The distribution of criminal material, including child pornography, through the network is considerably faster and more risk free than before.

170. *Act on the Classification of Audiovisual Programmes.* The Act on the Classification of Audiovisual Programmes (775/2000), which took effect in 2001, provides for the reviewing and classification of audiovisual programmes and defines programmes harmful for children's development. In an evaluation made in 2003, it was considered that the Audiovisual Act has worked well. A few issues requiring reformation were also identified, which were realised in an amendment adopted in 2006. The age classification was revised by adding a new age limit of 13 years of age. Due to the rapid change taking place in the media environment, the Ministry of Education set up a working group at the beginning of 2008 to consider any existing needs for amending the current legislation on audiovisual programmes.

171. *General remarks on legislation, self-regulation and cooperation.* The possibilities to build a safe media and Internet environment for children and young people by legislation are rather limited. Legislation provides for the basic level of security that affords protection in the event of criminal cases and situations which are contractually or financially problematic. The most effective means of ensuring a safe media environment has been the developing the self-regulation measures of the media and improving cooperation and the exchange of information between actors. Self-regulation has long traditions in the Finnish mass media, and it has been considered to be suitable for monitoring the contents of the Internet and mobile phones as well.

172. *New national information society strategy 2007–2011 and media forum.* The objective of the Communications Policy Strategy of the Ministry of Transport and Communications is to respond to the new challenges that have emerged along with the

technological development and the changes that have taken place in the operational environment. The Strategy will provide a guideline for the Communication Policy of the Ministry for the years 2007–2011, and it consists of the Ministry's most essential policy areas of information society and communications policy. The Strategy complements the ongoing comprehensive development of information society within the framework of The Ubiquitous Information Society Advisory Board. The Strategy underlines the position of children and young people as users of information society services and, stresses the importance of improving the citizens' media literacy. The goal is to provide a safe electronic communications environment to all. In February 2008, in order to fulfil the goals of the Information Society Programme of the Government and the child and youth policy, the Ministry of Transport and Communications set up a media forum made up of experts to evaluate the role of the media and Internet in the everyday life of children and young people, to promote their capacities to operate in an electronic communications environment and to consider possible means of reducing the harms electronic communications cause them. The term of office of the media forum is scheduled to last until the end of 2010, and it will provide operators with an opportunity to present topical issues to discussion and an opportunity to consider solutions to emerging problems.

173. *Information Security Day.* One of the most important measures to achieve a safe Internet has been the implementation of a National Information Security Strategy. In particular, within the framework of the Information Security Day organised every year, public awareness has been raised in particular among children, young people and their educators. The Information Security Day stands for an example of a project providing a framework for authorities, organisations and companies to work together long-term for an important cause. The outcome of this year's Information Security Day was the updating of the internet site Tietoturvaopas.fi, (guide to information security), a network service of the Information Security Day, which provides information and material on information security for consumers in an easily accessible form. Tietoturvakoulu.fi (information security school) is a media education and information security education support site directed to pupils, teachers and parents participating in the project. At the Tietoturvakoulu.fi – web page, new Nettipelurit – game has been published. By playing the game, children and young people familiarise themselves in the rules of the Internet, protection of their own information, use of the services available on the net and respect of copyrights.

174. For years, the Ministry of Transport and Communications has provided funding for child welfare organisations' projects for safer media environment. One of the projects, Save the Children's Nettivihje educates children in the use of the Internet and maintains a tipline service aimed at reporting on unlawful content on the Internet. With the help of the TUNNE – project of the The Mannerheim League for Child Welfare, a network of national educators' has been set up and a manual on the use of media for parents and children has been published.

175. *Promotion of a safe media environment and media literacy.* Media contents and tools make up a significant part of everyday life in the 21st century also among the children. In their work, educators face new challenges: they must be aware of both the opportunities provided and the threats posed by the media. Media skills are skills required of all citizens in the digital era: everyone should be media literate, able to critically interpret messages provided by the media, express themselves by means of the media and understand the public nature of the media. Children have the right to be protected from contents that do not concern them on grounds of their age or level of maturity.

176. In 2003, the Ministry of Education launched a programme entitled Children and the Media designed to assess the different fields and the needs to development of the media environment of children. During 2005–2008, the Children and the Media has supported the objective of media literacy of children and adults working with them and their awareness of

safe media education by providing materials and education, intensifying the provision of information and research. For instance a project designed for young children, entitled Mediamuffinssi (Media Muffin), served to come up with a national policy definition for early childhood media education. Under the project, a study entitled the Effect of the Media on Children and Young People was conducted for the purpose of collecting research data from home and abroad regarding the effects of the media on the development of children and young people.

177. Crimes committed with the help of Internet and topics related to the restriction of the freedom of speech, covering, for instance ethnic agitation punishable by the Penal Code (1889/39) and the prohibition of discrimination provided for in the Non-Discrimination Act (2004/21), emerged as priorities in the activities of the Ombudsman for Minorities in 2006–2007. The Ombudsman cooperated, for instance, with Save the Children, the Finnish Youth Co-operation – Allianssi and the Finnish Red Cross on combating the so-called network racism. In spring 2007, the organisations launched a chat on the theme Different – But Equal on sites popular among the young people. In autumn 2007, the Ombudsman for Minorities organised, in cooperation with these organisations, a seminar with the theme “Young people and everyday racism – the Internet, a source of problems and a form of support”. The seminar provided an opportunity to discuss with service providers, for example maintainers of blogs, on how to provide support for young people who have encountered racism and whether the Internet could be a channel for providing support services of easy access and how to intervene with racism on the Internet. The Ombudsman for Minorities also participated in the training of Different – But Equal chat supervisors. Also in 2007, the Ombudsman cooperated with various authorities and organisations for the training of police agents conducting pre-trial investigations.

178. According to the Ombudsman for Children, in Finland, media skills education does not reach all children, young people and adults working with them on an equal basis. Media education relies too much on individual projects. The education of professionals in different sectors working with children and young people does not contain a sufficient amount of media education studies. The Ombudsman, however, considers that the Act on Measures for Preventing the Distribution of Child Pornography has promoted the implementation of the recommendations of the UN Committee on the Rights of the Child.

179. Non-governmental organisations also observe that more attention should be paid to improving children’s media skills. When it comes to harmful Internet contents, the parents and teachers of young children should be made more aware of the available prevention and filtering software for households.

180. The NGOs also consider that the resources allocated by the Finnish Communications Regulatory Authority to the monitoring of provisions on the protection of children in respect of television programmes are insufficient. Television broadcasting companies have improved their self-regulation measures, but the distribution, subject to self-regulation, of TV programmes that may be harmful for the development of children still takes place too early in the evenings. Another problem is that programmes, which may harm the development of children, are advertised on TV channels in children’s viewing time.

V. Family environment and alternative care (articles 5, 18 (chapters 1–2), 9–11, 19–21, 25, 27 (chapter 4) and 39)

181. *Child Welfare Act.* The purpose of the new Child Welfare Act (2007/417) is to safeguard the observance of the rights and best interests of the child in the implementation of child welfare measures and to ensure the availability of support measures and services

needed by the child and his or her family. The Act serves to enhance cooperation between authorities in the promotion of the wellbeing of children and young people and the implementation of family-oriented and individual child welfare. In addition, the purpose is to improve the legal protection of children, their parents or legal guardians, in particular in the decision making related to child welfare matters. The general provisions of the Act contain principles guiding all child welfare activities taking account of the fundamental and human rights central to child welfare.

182. The core principles of the Act were, however, kept principally the same. Preventive child welfare was defined as a new form of operation in child welfare. The Act provides for municipal obligations concerning the organisation of child welfare in more detail than previously. The duties related to the promotion of the wellbeing of children and young people and the organisation of family-oriented and individual child welfare shall be described, as provided for by the Act, in a child welfare plan to be drafted on the level of the entire municipality.

183. The Act also includes provisions on measures applicable in child welfare, which were earlier founded mainly on administrative practise. The Act provides for the circumstances under which a child becomes a client of child welfare and the obligation to draw up an assessment on the specific need for child protection measures within a prescribed period of time. A care plan for a child client of child welfare and his family shall be drafted together with the parties concerned, based on their need for support. This care plan will also be revised periodically.

184. The Act provides, as new means of ascertaining the child's need for support in situations where his legal guardian opposes it, for a possibility to apply to the Administrative Court for permission to examine the child. The Act also contains a new provision on assessing, who the people close to the child are. The provisions on taking a child into care, a child's urgent placement and the custody of a child taken into care, as well as substitute care and after care were made more precise. The maximum number of children cared for in a child welfare institution as well the number of staff required was updated.

185. The Act also revised the decision making system related to child welfare. The expertise and impartiality required for decision making are guaranteed, thus improving the legal protection of the child, his parents and legal guardians. Decisions concerning the taking a child into care against the will of his parents are made at first instance in the Administrative Court on the application of the director general in charge of social welfare in the municipality. A decision based on consent or on urgent measures is made at the level of officials in charge of social welfare matters in municipalities, after which, in matters particularly important from the point of view of legal protection, a decision may be directly appealed to the Administrative Court.

Recommendation 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.

186. *Disputes over the custody of a child and visiting rights.* The majority of judicial arrangements concerning visiting rights and a child's custody are realised by an agreement between the parents, confirmed the Social Board or Court of law. Such an agreement made with the assistance of social administration, is enforceable like any final legal decision.

187. For this reason, only a small number, the most dispute-stricken fraction, of children's custody and visiting rights arrangements end up to be considered by courts. For the same reason, cases that end up in court as disputes can continue to be unsolved for years. Disputes over the custody of a child should be resolved in an appropriate period of time. Currently, the state of affairs is not optimal. In case of a custody dispute, obtaining the so-called report of circumstances requested by the court of law from the municipal

social officers can take too long, especially in certain larger cities. The Ministry of Justice and the Ministry of Social Affairs and Health have cooperated in preparing legislation, which would facilitate the examination and make it more effective. In the same context, efforts have been made to improve possibilities to arrange visits under supervision by obligating municipalities to provide places where a child and his parents could meet supervised. These efforts have, however, not been successful due to the fact the funding of such a reform has remained unresolved.

188. *Enforcement conciliation.* A court of law resolves judicial disputes over the enforcement of a decision or confirmed agreement concerning the custody of an underage child and visiting rights in situations where they are not observed by one of the parents or a third party. In most cases, prior to holding a hearing, the District Court requests an enforcement conciliator, who is usually a representative of social affairs, to arrange a settlement.

189. Conciliation is provided for by the Marriage Act (1929/234). The purpose of conciliation is to promote cooperation between the parties concerned to ensure the realisation of the wellbeing of the child in the manner required by the decision or agreement to be enforced. Often, enforcement disputes are resolved in the short period of conciliation. The conciliator informs the court on the result. If the matter is not resolved, the conciliator writes a conciliation report to the court which often has a considerable bearing on the court's decision. In recent years, the process of enforcement conciliation has been enhanced, and new types of conciliation procedures have been introduced in many municipalities. The aim is to strengthen multiprofessional input in conciliation.

190. *Services directed to families.* Many types of professional support services are available for families with children. These forms of support include family counselling, conciliation, dialogue, settlement of domestic or relationship problems and therapy. Assistance is needed, for instance, in the event of divorce or incidences of domestic violence. In such cases, the municipality, parish, the health care district or non-governmental organisations may provide services for those in need of assistance.

191. Child guidance and family counselling centres examine and assist in matters concerning children, young people and their families. According to the Social Welfare Act (1982/710), child guidance and family counselling is a form of social service, the purpose of which is to support and promote the favourable development of children and families by organising guidance and counselling as well as other types of expert assistance in questions of human relations, family life and child upbringing and to provide examination and care in matters related to child upbringing and family life. Family counselling centres provides assistance in custody disputes as well.

192. Psychological, social and medical research, therapy, rehabilitation and counselling are forms of support provided when necessary. In addition, for instance, professional guidance, consultation and training are organised. Families have access to expert assistance provided by child psychiatrists, psychologists and social workers. The work concentrates on the wellbeing of the child in the family, addressing the matters in question by taking the entire family into consideration. The majority of the work consists of counselling which aims at preventing problems from escalating and becoming acute.

193. The Parliamentary Ombudsman considers that conflicts within a family should be primarily resolved by an agreement. This principle has also been included in Section 20 of the Marriage Act. According to the Ombudsman, alleviating conflicts between the parents also benefits the realisation of the best interests of the child in accordance with Article 3 of the Convention on the Rights of the Child.

194. Family conciliation and counselling services are organised in different ways by municipalities, due to which taking account of the differences between the available

alternatives, as well as evaluating and comparing them is inconvenient for parents. According to the Ombudsman, the manner in which the conciliation and counselling services have been organised, also seems to affect how confidentiality is determined in relation to the services provided considering all these facts, the Ombudsman considers the current practise as unnecessarily complicated for the parents. In addition, all municipalities may not at all be able to meet the needs of conciliation and counselling services, or the waiting period required for such services can be unreasonably long. This is a concern expressed by the Parliamentary Ombudsman from the perspective of the realisation of fundamental and human rights of children.

195. In several contexts, the Parliamentary Ombudsman has also paid attention to the lengthy hearings of custody disputes or other trials concerning children. The Ombudsman also pointed to the lengthy hearings relating to the taking into care of children at the Administrative Courts of Helsinki and Kouvola (2963/4/04 and 2326/4/04). The Parliamentary Ombudsman also pointed to the lengthy hearing of a child abduction matter at the Court of Appeal of Helsinki under the Convention on the Civil Aspects of International Child Abduction adopted in the Hague on 25 October 1980. The processing of the matter lasted for about six months which was not, according to the Ombudsman, in the best interests of the child, nor did it comply with his rights nor with the requirement of speedy process laid down in the Hague Convention (2882/2/5).

196. In 2005, at his own initiative, the Parliamentary Ombudsman took into consideration the unreasonably long preparation times of the circumstance reports in custody and right of access cases, which the courts in question had requested from the Bureau of Social Affairs of the City of Espoo. The consideration of the disputes had been suspended in the court for the duration of the preparation of the reports. In addition, two complaints were lodged regarding the lengthy preparation of circumstance reports in Espoo in cases where the preparation had taken about 1,5–2,5 years. In 2001–2004, the work load had increased in respect of some areas of Espoo. The Bureau of Social Affairs of Espoo referred to the insufficient resources and difficulties of finding qualified substitute workers. The Parliamentary Ombudsman pointed out that the municipality could not refer to the insufficient resources in relation to unlawful delays in duties of which the purpose was to ensure the fundamental rights of the residents of the municipality. According to the Constitution (1999/731), the public authorities must guarantee the observance of fundamental rights and liberties and human rights. Thereafter, the Bureau of Social Affairs was able to clear the backlog and reduce the preparation times of the reports, for instance by prioritising.

197. In his annual report 2005, the Ombudsman for Children brought up that custody disputes pose a serious problem for children's mental health. Every year, in the communications received by the Ombudsman, custody disputes have emerged among the four most common grounds for the contact. According to the Ombudsman, the service system is incapable of adequately meeting the needs for conciliation or considering the best interests of a child. Preparing the so-called circumstance reports at the Bureau of Social Affairs often takes too long, which calls for additional resources.

198. The Sámi Parliament points to the fact that Sámi families, in particular when faced with problems, may need help adapted to their language, culture and way of life. Divorces and the two-family lifestyle are matters which concern also the Sámi children and young people. In particular, when a bilingual and cultural family goes through a divorce, it is important to respect and support both of the child's languages and cultures on an equal basis. In the event of divorce, it must be ensured that the various actors involved (bureau of social affairs, family counselling centre and the district court) are competent in respect of the Sámi language, culture and lifestyle. Experience has shown that the linguistic and cultural background of Sámi parents has not always been respected on an equal basis in a

situation of divorce, the relevant authorities do not have an adequate level on knowledge about the special characteristics of a Sámi client's language and culture. Also in the context of a custody dispute, it must be ensured that the parent with the Sámi background is treated as an equal.

199. The non-governmental organisations are concerned that the resources of the municipalities for providing services directed to families are not sufficient. The Mannerheim League for Child Welfare considers that support provided for couples as a measure contributing to preventing divorces in families with children is insufficient both in the basic services provided by social welfare and health sector and in therapy services designed to support parenthood and the relationship. Central Union for Child Welfare considers that family conciliation training is not sufficiently available for professionals, which is in contradiction with the basic service nature of the conciliation services. The breaking up of families with a multicultural background, the increase in the number of divorces of families with children under 3 years of age, and the separation of same-sex couples are phenomena of growing importance. They tend to pose new challenges to professionals working with post-divorce parenthood. The Central Union for Child Welfare also considers that the cuts made in preventive and outpatient services during the recession years, continue to have repercussions as the need for child welfare measures and substitute care increases. The new Child Welfare Act provides in more detail than before for the binding obligations of municipalities to organise child welfare services, but the Act still does not determine in clear terms the minimum level of services to be provided, nor does it prescribe any sanctions to municipalities for failing to organise such services. The availability and quality of child welfare services will continue to vary by area and municipality. According to the NGOs, however, strengthening the preventive work in relationship and family counselling has been promoted by the Government Programme.

Recommendation 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.

200. The economic status and the wellbeing of families with children and the support measures concerning them are described in more detail in Section VI. Basic health care and social welfare.

201. As a measure to promote the wellbeing of families, a reform of the substitute care legislation was included in the Government Programme of the Second Cabinet of Prime Minister Vanhanen. The goal was to shift focus from care in institutions to foster care in families. Family work should be reinforced as part of the outpatient child welfare measures.

202. In accordance with the objective of the Development Programme for Child and Youth Policy, families should have access to the support they need as low-threshold family services. Municipalities should provide a sufficient level of high-quality services for families with children. The services should be accessible to all and support the wellbeing of children irrespective of their family's social or economic status or depending on the area where they live or any other societal circumstance.

203. *Preventive child welfare.* The new Child Welfare Act (2007/417) has defined child welfare as consisting of not only individual child welfare performed by child welfare authorities but also of preventive child welfare. Preventive child welfare is carried out, for instance, by means of special support provided in health care, daycare, schools and youth work in cases where the child is not a client of child welfare. Preventive child welfare aims at promoting and safeguarding the child's growth, development and wellbeing and supporting parenthood. The Act provides for municipalities being obligated to oversee that

by means of services targeted at children, young people and families with children, the needs for special support services are identified and that these needs are responded to.

204. Under the Child Welfare Act (2007/417), every municipality has the legal obligation, by itself or in cooperation with other municipalities, to draw up a plan for organising and developing child welfare. The plan shall be adopted by the Municipal Council and reviewed at least every four years. The plan must also be taken into account when making the municipality's annual budget and financial plan. The plan shall contain data on the living conditions of the children and young people in the municipality and their state of wellbeing, the activities and services promoting their wellbeing and preventing problems, the need for child welfare measures and resources to be allocated to child welfare, the service system available for performing the duties as provided in the Child Welfare Act, the organisation of cooperation between different authorities, and an implementation and monitoring plan.

205. Training and instructions related to child welfare legislation will be produced in cooperation between Ministries, central authorities and training units. This is to ensure that all municipal authorities obtain adequate information on their obligations laid down in the Act, and that the objectives set by the Child Welfare Act (2117/417) relating to the wide-ranging realisation of the preventive child welfare in various municipal activities will reduce the need for social work in the child welfare sector.

206. Even when there is need for child welfare authorities to take family-oriented and/or individual child welfare measures, the core principle of child welfare is to provide support for the child's parents or legal guardians in his upbringing. Non-institutional support measures always take precedence over substitute care and taking a child into care, provided that these measures are, in accordance with the Child Welfare Act (2007/417), appropriate, possible and adequate from the point of view of the best interests of the child. In the Act, non-institutional support measures refer to, for example, safeguarding subsistence and housing for the child and his family, care and therapy services supporting his rehabilitation, family work, peer activities as well as vacation and recreational activities.

207. *Child welfare substitute care units.* The new Child Welfare Act (2007/417) requires that substitute care is given primarily in small and family-like units, including foster care in families or professional family homes. This type of placement makes it possible to provide individual care. On the other hand, specialised institutional care in small groups can be provided for children with severe symptoms, which may, rather than family care, more adequately respond to their needs. If there is need to subject the child to restrictive measures against his or her will for care-related or educational reasons, placement in an institution has been prescribed as a requirement for carrying them out for reasons of legal protection.

208. In practice, the trend is that more children are placed in substitute care in child welfare institutions than in ordinary foster families. The trend is partly due to the fact that the average age of children entering substitute care has risen by several years and that children who need placement are those having increasingly severe problems. It is more difficult to find foster families corresponding to the needs of children with severe symptoms and undergoing puberty, than for smaller children with fewer symptoms. Active efforts are made to place an increasing ratio of children in foster families in the coming years by increasing training, provision of information and support targeted at the families.

209. The new Child Welfare Act (2007/417) provides for the maximum number of children allowed to live in a residence unit of child welfare institutions and the minimum number of staff working in the unit. In accordance with the Act, a smaller number of children will be permitted to live in a unit than before (decrease to seven from eight). Each residence unit shall have at least seven employees assigned to care or educational functions

(earlier five) or in institutions consisting of several residence units, each one shall have at least six employees. Institutions holding a licence on the date of entry into force of the Act shall be liable to observe the above specifications as from 2011 at the latest. State Provincial Offices will monitor the compliance with the Act.

210. *Family Centre.* The Government Resolution on Ensuring the Future of Social Services made in 2003 included an objective of developing family centre activities. PERHE project (FAMILY) is part of the social sector development project, linked to a corresponding project in health care. The project was carried out in 2005–2007. Families expecting a child and those with children under 18 were belonged to the framework of the project. The project aimed at reforming the structures of services targeted for children and families in cooperation with municipalities and sub-regions. The objective was to come up with structures enabling cross-professional forms of work in the provision of preventive and low-threshold services. The idea of family centres is based on partnership, close and committed cooperation between families, the basic service sector, organisations, voluntary actors, parishes and other actors. Family centres were set up in almost a hundred municipalities. The central principle was that basic family services could contribute to children's wellbeing by supporting parenthood.

211. Family centres provide maternity and child clinic services, early childhood education, daycare, school, local early support and family services. The activities provided for families with children by organisations and parishes are part of the family centre service network. The family centre work has created infrastructures and models for social well-being and early support for families in municipalities. The elements that have been developed most in the course of the project are the ways of operation of the clinic's extended family training, new forms of relationship enrichment work and the participation of fathers. More local meeting points for families were set up, and peer activities between parents became more active.

212. The continuation of the development of family centre activities has been taken into account also in the Government Programme of the Second Cabinet of Prime Minister Vanhanen, the Development Programme for Child and Youth Policy 2007–2011 and the Policy Programme for the Wellbeing of Children, Youth and Families.

213. *Services for the family of a child with disability.* Disabled children and their families are entitled to the same services and support measures as other children and families. In addition, they are provided with special services and support measures on grounds of their disability. From the very beginning, professionals of social services and health care provide the parents of a disabled child support and information on disability. In child clinics, the child's development is monitored on a regular basis, and efforts are made to discern developmental delays as early as possible. The municipalities, the Social Insurance Institution and many organisations organise adjustment training for disabled children and their parents. The improvement of the wellbeing of disabled children, young people and their families is one of the measures contained in the Development Programme for Child and Youth Policy.

214. The Ombudsman for Children considers that the constant increase in the demand for remedial services (child welfare, child psychiatry) illustrates that the problems of children and families are intervened in too late. Preventive services and early support measures should be strengthened and the families should be encouraged to address their affairs; this is also the objective of the new Child Welfare Act. Family counselling provided by maternity and child clinics should be strengthened and in the social services the family work and the availability of household help targeted at families with children should be increased. Social welfare services provided to students by schools should be accessible to all children on a more equal basis. Reducing the number of children in daycare groups and decreasing class sizes in schools would also contribute to children's wellbeing. According

to the Ombudsman, the new Child Welfare Act strengthens the cooperation and coordination of child policy at a municipal level. This gives good tools for better planning of preventive and remedial services as a whole and stressing the preventive work.

215. The Advisory Board for Romani Affairs brings up the fact that traditionally, the grandparents or other relatives of a Roma child have taken care of the child if his or her own parents have not been able to do so for one reason or another. This tradition is losing its significance, and the need for child welfare services in respect of Roma children has increased, as has the number of those having been taken into care. The taking into care itself, as such a very traumatic situation, is all the more difficult for a Roma child; transferring him or her to a different cultural environment is difficult, and it may not always be an easy task to find foster families for Roma children. Therefore, new kind of competence and expertise is required of the social services and the Roma alike. The Advisory Board for Romani Affairs considers it important to provide training to the staff so that they would possess the skills necessary to encounter a child with a different cultural background. The Advisory Board considers it necessary to direct the family work services as a special form of care for families in need of support.

216. In Finland, there is one organisation, Romano Mission, specialised in child welfare in respect of Roma children. Currently, it runs one children's home for Roma children as well as one family home for placed children.

217. In Utsjoki, one of the municipalities of the Sámi Homeland, there are more children in the framework of non-institutional child welfare support measures than in the other municipals of the Sámi Homeland on average. Since 2004, on a specific appropriation, a Sámi-speaking family worker has been working with Sámi families on problems calling for child welfare. Family work has been developed while taking into account the resources of the Sámi families themselves and by creating support networks. The Sámi Parliament considers that this form of work has suited well for Utsjoki in particular, periods of institutional and hospital care as well as placing the children in a different language and cultural environment have been avoided. In matters of child welfare, the Sámi child's right to maintain and practice his own language and culture must be properly guaranteed. The Sámi Parliament proposes that in order to be able to ensure measures of early support, resources should be allocated to the development of family-cantered services in the Sámi Homeland, which take into account the Sámi language and culture.

218. The non-governmental organisations emphasise the fact that in Finland information is still not collected at a national level on a regular basis on the reasons and factors behind the taking into care of children. The number of children in substitute care has not taken decreased, either. Addressing the root causes would require that relevant data is collected and analysed.

219. According to the NGOs, the monitoring practices of the substitute care services are varying across the country. The revisions made by the new Child Welfare Act in the number of groups of children and the staff in charge of caring for and educating them are welcomed, even if they remain very modest. It would be necessary also to revise the maximum number of children cared for in foster care. To increase the amount and share of foster care as a form of substitute care would require enhanced planning, the rationalization of the provision of information and recruitment and increasing the training and support provided to foster families. Currently, the availability and use of foster families vary considerably from region to region. According to the NGOs, the resources allocated to preventive services remain insufficient, which is a significant obstacle to the realisation of the objective of early support. In particular, the support measures directed to the families with disabled children are inadequate.

Recommendation 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.

220. *Placing a child in substitute care against his will.* Above, in section III. General principles taking account of a child's opinion in child welfare decisions relating to substitute care and the taking of the child into care are discussed in more detail. When a child, who has attained the age of 12 or his legal guardian, expresses his or her opposition to a placement in relation to taking the child into care, in accordance with the Child Welfare Act (2007/417), the Administrative Court is the first instance deciding the matter. Prior to 2008, first-instance decisions were made by a body consisting of municipal trustees, and such placement decisions had been implemented for a long period before the Administrative Court considered and resolved the matter as well as the possible complaint filed in the matter. It is to be expected that procedures concerning the taking into account of the child's opinion will become more uniform and that the grounds on which the views of the child is deviated from will be justified more clearly than before. According to the Child Welfare Act (2007/417), when making decisions concerning the placement of a child in substitute care or some other place to live, special attention must be paid, for example, to the reasons behind the taking the child into care or placing him, his or her personal needs, the preservation of his relationships with his siblings or other people close to him or her, the continuity of the care as well as the linguistic, cultural and religious background of the child.

221. *Contacts between the child and his biological parents during substitute care.* The Child Welfare Act (2007/417) emphasises the importance of the continuation of contacts between the child and his or her biological parents and the authorities' obligation to support this communication. Efforts must be made to agree on the communication between the child and the parents in a care plan drawn up at least once a year, as far as possible in cooperation with the child and his parents, paying attention to the opinion expressed by the child. However, the contacts must be maintained in a manner that does not harm the child or does not otherwise contradict the child's best interests.

222. If the parties cannot reach an understanding on the ways and frequency of the child-parent communication, social authorities must make a decision on restricting the communication, by which the right of a child in substitute care to have communication with his parents or other people close to him can be restricted. Prerequisite for such restriction is that it has not been possible to agree on the communication in the care plan or otherwise between the child and his/her parents or other people close to the child, and when:

- (1) The communication might endanger the purpose of the enforcement of the substitute care, and restricting it is necessary for the child's care and education; or
- (2) The communication might endanger the child's life, health, development or safety; or
- (3) Restricting the communication is necessary for the safety of the parents or other members of the family, other children or staff in the family home or institution; or
- (4) A child having attained 12 years of age opposes to having such communication; the same applies to a child not having attained 12 years of age if he/she is mature enough that his will can be taken into account.

223. A social worker responsible for the child is in charge of making the decision on restricting communication. Such a decision is always made for a fixed period of time, one year at a time at most. The decision can always be appealed to the Administrative Court and to the Supreme Administrative Court. In extreme situations it is possible to prohibit all

contacts for a fixed period of time, if required by the child's best interests, if he opposes to having communication, or when the child is mature enough that his or her will can be taken into account.

224. The Ombudsman for Children pays attention to the obligation contained in the new Child Welfare Act, according to which the views expressed by children of all ages must be taken into consideration when making arrangements for implementing child welfare measures and substitute care. The new Act places emphasis on the child's perspective and the obligation to confirm the state of health of the child, ensure education and health care services, and designate a competent social worker for the child with the duty to provide him or her with information and communicate with the child. The Act also defines, in more detail than before, the conditions under which it is possible to restrict contacts between a child and a parent. Problems related to restricting the communication have also emerged in the complaints received by the Ombudsman for Children.

225. The non-governmental organisations consider that the obligation to hear and take into account the opinions of a child is safeguarded by the legislation. However, this obligation is not fully realised in practice, since there are not enough qualified social workers in municipalities. According to the NGOs, the effective implementation of the Child Welfare Act is premised on the availability of qualified and experienced social workers.

Recommendation 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.**

Recommendation 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.

226. *The Penal Code.* The Third Periodic Report submitted by Finland did not contain information on penal or related measures, which have been resorted to in order to protect children from abuse or other mistreatment. Concerning such measures, the following should be mentioned.

227. Domestic violence against children, including corporal punishment, is punishable. The provisions on assault, aggravated assault and petty assault in Chapter 21 of the Penal Code (1889/39) (amendment 1995/578) are the primary provisions applicable to cases of domestic violence against children. Assault may cause, in particular, a small child severe

bodily injuries due to which the act must be considered aggravated. The offender shall be sentenced for aggravated assault to imprisonment for at least one year and ten years at most. However, punishing a child for instance by a minor act such as pulling his hair is considered a petty assault punishable by a fine. Besides the provisions on assault, for instance the provisions of Chapter 21 of the Penal Code (1889/39) on negligent bodily injury or grossly negligent bodily injury may be applicable.

228. *Act on the Restraining Order.* The Act on the Restraining Order (898/1998) was amended in 2004 by adding a provision on a restraining order in cases where the parties involved live together. The goal is to protect in advance a person likely to become a victim of domestic violence. The domestic restraining order serves to protect the partner of the person likely to commit an act of violence and the children living in the same household.

229. The means for combating domestic violence against children by means of the Penal Code is not sufficient as such. Such measures are resorted to only after a violent act has already been committed. It is important to address the root causes for domestic violence and the circumstances in which it takes place, for instance mental health problems, abuse of intoxicating substances and the living conditions of families with financial problems. Activities in this area, as well as child welfare measures, fall under of the social and health care authorities and require cooperation between them.

230. *Preventing domestic violence.* The decrease in domestic violence incidents and, in particular, violence against children and young people is an objective included in the Policy Programme for the Wellbeing of Children, Youth and Families. The Policy Programme focuses on the reduction of violence and the enhancement of security as a comprehensive, integral policy with focus on prevention. In this setup, the duties and roles of youth work, the school, child and maternity clinics and families emerge as key factors. The National Research and Development Centre for Welfare and Health is responsible for the national coordination of work done for the prevention of domestic violence.

231. The Health Action Programme to Prevent Intimate Partner and Domestic Violence for 2004–2007 of the Ministry of Social Affairs was aimed at developing the service system and preventive measures. The Action Programme focused particularly on the position of children growing up in violent families, and its goal was to enhance assistance provided to children and young people experiencing violence. Enhancing the professional expertise of the personnel working in the sector of social and health care was also one of the central goals of the Action Programme.

232. The child clinic guide published by the Ministry of Social Affairs and Health in 2004 provides clinic workers with instructions to be alert for mistreatment of children, in particular as regards the abusive shaking of infants. To combat abusive shaking, child clinics have distributed a brochure entitled “Fragile: to be handled with care” to all first-time parents. In the spring 2008, all clinics were given recommendations based on a systematic review for identifying the maltreatment of children and intervening with it. The child clinic guide also contains a form for screening out violence in close relationship against mothers. In 2008, the Ministry of Social Affairs and Health published recommendations for combating violence in close relationships and domestic violence for the purpose to guiding and leading local and regional anti-violence work.

233. The National Action Programme to Prevent Intimate Partner and Domestic Violence has had a considerable effect on the development of the preventive work against violence. Almost all municipalities have nominated an official to coordinate the prevention of intimate partner and domestic violence. In addition, more than 50% of the municipalities have set up more extensive working groups to plan the development of related services in their area. Further, regional action plans to combat intimate relationship and domestic violence have been drawn up in a number of municipalities. Common action models have

been elaborated for the assistance of victims of violence, children and perpetrators of violent acts. This cooperation has led to excellent results and innovations. For example, municipalities in Eastern Finland have cooperated successfully with non-governmental organisations to increase the provision of information on violence: events organised for discussion between client and patient organisations have created new opportunities for dealing with hidden or acute experiences of violence.

234. *Internal Security Programme.* One of the objectives of the Internal Security Programme adopted by the Government in May 2008 is the reduction of violence against children and young people. As one of the measures introduced in the Security Programme, with the objective of reducing violence, the so-called Children's house procedure is developed. The purpose of the procedure is to provide comprehensive assistance to children, who are victims of sexual abuse and physical violence, by ensuring that people who work with these children, have special expertise in criminal investigation, child-oriented procedural law and care and support measures. Efforts are made to reduce violence against children and young people by providing them, from early on, with personal security skills training which will prepare them, for example to protect themselves from efforts of network grooming (soliciting children for purposes of sexual abuse).

235. In 2005, the National Research and Development Centre for Welfare and Health published teaching material "Security skills for children". Based on the book, in daycare, schools and clubs, children are taught skills to prevent sexual abuse. The guidebook serves to help children strengthen their own skills to defend themselves and their personal boundaries in difficult situations. The Guidebook contains helpful security tips and mental training related to for instance bullying at school, abuse and sexual harassment. Children are taught to turn to trustworthy adults whenever they are troubled by something. The guide also includes information and tools for cross-professional cooperation and collaboration with families.

236. As concerns the reduction of violence as an objective at a more general level, in accordance with the Internal Security Programme, existing support services for victims are strengthened by providing shelters and victim support services available across the whole country and by setting up a 24/24 hours toll-free nationwide helpline accessible to all victims. Further, the Programme proposes that the solicitation of children for sexual purposes (grooming) be criminalised to the extent required by the Council of Europe Convention on the Protect of Children Against Sexual Exploitation and Sexual Abuse. The implementation of the legislation will be ensured by authorities and in cooperation between authorities. Also the exposure of incidences of abuse as well as attempted abuse will be reinforced. More resources will be allocated to the prevention of intimate partner and domestic violence, and the coordination will be enhanced.

237. To implement the measures introduced by the programme, a regularly organised information campaign for the reduction of corporal punishment of children has been proposed. Special attention should also be paid to the children growing up in institutions as well. Such campaigns should also include education, information and training as well as different types of support methods.

238. *Promotion of sexual health.* The working group for sexual and reproductive health drew up an Action Plan for the Promotion of Sexual and Reproduction Health for 2007–2010. Special focus is on adolescents. Combating sexual violence and treatment of victims and perpetrators of violence is one of the subject areas of the plan. The National Research and Development Centre for Welfare and Health organises training events to promote sexual health among adolescents: sexual violence, and identifying and encountering it are subject areas integrated in the training programmes. The Action plan also deals with health issues related to the sexual abuse of children and violence against children. The promotion

of sexual health of children requires multisectoral cooperation and coordination. Increasing information will help children and adolescents make healthy decisions on their own.

239. *Obligation to report on abuse.* In Finland, violence against children and sexual abuse of children are primarily dealt with as child welfare matters. The Child Welfare Act (2007/417) obligates anyone working in the sectors of social, health, education and youth to make a child protection notice to child welfare authorities in case they recognise that a child has experienced violence or sexual abuse in his living environment. The range of persons obligated to report was extended in comparison to the previous legislation. In turn, an obligation has been prescribed for the child welfare authorities to establish the child's need for child welfare measures and report to the police, if there is reason to suspect that an act of violence has been committed. Only when suspecting minor acts of violence, a social welfare authority has the right to assess whether it is in the best interests of the child that the case is reported to the police. The social welfare and health authorities and the police have been instructed on how to proceed in such cases a new cross-professional working group will be set up in 2008 to review and supplement these instructions.

240. Children and young people can discuss the matter, for instance, to the school nurse, school social worker or psychologist social workers or the police can also be contacted. Other bodies with the duty to help include child guidance and family counselling centres, child welfare, mental health offices, Victim Support Finland and the Rape Crisis Centre.

241. To assist in the identification and investigation of violence and sexual abuse against children The National Research and Development Centre for Welfare and Health has published in 2003 a guide "Examining sexual abuse and violence against children. *Recommendations of the Expert Group for the Professionals of Social welfare and Health care*".¹⁰ The guide has clarified the notification procedure, specified the distribution of responsibility between the authorities, and remarkably increased the number of notifications made to the police on incidents of sexual abuse.

242. *Police.* The expertise of the police in investigation measures in cases of sexual abuse of children is developed by organising related training events at the Police College of Finland. The objective of the training is to achieve good cooperation between authorities. Prosecutors and paediatricians participate in the training as well.

243. A programme for combating and reducing violence has been prepared for the Police. The publication "Measures for the Police Force to Prevent and Reduce Violence"¹¹ served as a practical tool also covering the reduction of violence against children. The implementation of the Programme started at the beginning of 2006. In the activities of the police, efforts have been made, in particular, to uncover hidden criminality, which has been materialised especially in the light of statistics as increased number of reported abuse cases.

244. The Police College launched a Child Victim Survey at the beginning of 2008. It is a national survey conducted in schools. The Child Victim Survey, part of the implementation of the Internal Security Programme, studies among other things, the prevalence of sexual abuse, violence, sexual harassment through the Internet and bullying. The Child Victim Survey is financed by the Ministry of the Interior and implemented by the Police College.

245. *Circumcision of boys for religious reasons.* Legislation concerning the circumcision of boys for non-medical reasons is still under preparation. In Finland, the situation has remained the same since 2003. In practise, circumcision is permitted, and the tradition has

¹⁰ Available only in Finnish, Lapsen seksuaalisen hyväksikäytön ja pahoinpitelyn selvittäminen, Asiantuntijaryhmän suositukset sosiaali- ja terveydenhuollon henkilöstölle, Taskinen Sirpa (toim.), Helsinki: Stakes 2003.

¹¹ Available only in Finnish and Swedish, Poliisin ylijohdon julkaisusarja 10/2005.

gone on without specific legislation. The exact number of procedures carried out is not known, but according to estimations, for about 100–200 procedures are performed every year.

246. In Finland, traditionally boys have been circumcised only among Jews and Muslim Tatars for reasons of religious and cultural tradition. In the 1990s, when the Muslim population in Finland grew, the matter emerged in public discussion. The practise is based on the instructions given to the health care districts by the Ministry of Social Affairs and Health in 1992 and 2003, which recommended the procedure to be performed by public health care to ensure an adequate level of expertise, hygiene and pain relief. Special legislation has been under a lengthy preparation at the Ministry of Social Affairs and Health, but so far, the matter has not progressed further than preparation of a report on the subject by a working group which was sent for a round of comments.

247. Circumcision has been advocated, for example by religious and cultural reasons and opposed, for example on the basis of ensuring the protection of the physical integrity of boys and by referring to the provisions prohibiting abuse. For instance, the Finnish Medical Association is opposed to the procedure. Several health care districts refuse to perform these operations, and in the private sector, the costs can be too high for many families.

248. In 2006, the District Court of Tampere considered that the circumcision of a baby boy fulfilled the essential elements constituting an assault. However, the District Court did not sentence the Muslim mother primarily because of the unsatisfactory legal and official practice. The Court of Appeal of Turku acquitted the mother basing its' decision on the grounds that the procedure had been performed by a doctor and it was done with expertise. The Court found the legislation concerning the procedure insufficient, also considering that public officials had not intervened with similar cases that had been brought to their attention earlier. The Supreme Court accepted a leave of appeal in the matter in June 2007.

249. The National Council on Disability pays attention to indications brought up by research that persons with disability encounter much more abuse and violence than the main population in general. Solicitation through the Internet (Grooming) is also mentioned as a new form of threat.

250. In 2006, the Parliamentary Ombudsman submitted a special report entitled "Children, Domestic Violence and the Responsibilities of the Authorities" on the problems he had identified in the performance of the functions of public officials in connection with the protection of children from domestic violence. The Parliamentary Ombudsman underlines the active role of public officials in intervening with instances of domestic violence and considers the cooperation between various authorities very important. According to the Ombudsman, filing a child welfare notice and reporting to the Police are difficult tasks, following from the fact that while reporting on such incidences, the officials have to consider questions that are not a part of their normal duties.

251. The Parliamentary Ombudsman also pays attention to the fact that it is often necessary to have a psychiatric examination performed to investigate cases of sexual abuse against children. Such an examination has to be performed as a matter of urgency in order to safeguard the rights and care of the child and his family. According to the information obtained by the Ombudsman, the time required for such examinations vary considerably from region to region. He also highlights that by 2006, the care guarantee in children's psychiatric care had not fully been realised in a manner required by law.

252. In her special report, the Parliamentary Ombudsman also pays attention to the fact that no statistics are compiled on child welfare notices, measures to which the notices have lead or any other information concerning the domestic violence that children encounter. The Ombudsman concludes that by collecting this data, information on the root causes and

extent of the problem could also be obtained. However, the problem of inadequate statistics has in part been remedied by the Child Welfare Act (2007/417).

253. In her annual report 2005, for instance, the Ombudsman for Children has estimated that to investigate the state of security of children, more extensive registers and statistics are required by authorities as well as regularly collected data on children's own experiences. The Ombudsman for Children has supported the implementation of the Child Victim Survey carried out in 2008, and the establishment of a practice whereby similar studies are carried out regularly. In practice, the expertise of those working with children and the cross-professional cooperation at local and regional levels have to be strengthened, and security skills training directed at children must be increased. According to the Ombudsman, regular campaigning with the objective of changing attitudes must be carried out in order to reduce the practice of corporal punishment of children.

254. Like the Ombudsman for Children, several non-governmental organisations consider the lack of extensive statistics on violence against children a considerable deficiency. Moreover, the organisations point to the need to train people working with children to identify and intervene with instances of violence, and the necessity of influencing the attitudes of the general public. Non-governmental organisations consider the Child Victim Survey launched by the Police College a positive step and agree that such a study should be carried out at regular intervals.

255. The Central Union for Child Welfare has studied the attitudes of the Finnish population towards the corporal punishment of a child. In 1981, 47% of Finland's adult population accepted physical punishment and 44% were opposed to it, but in the first decade of the 21st century the attitudes of both men and women have become more negative towards the use of violence in as a method of upbringing. The Central Union concludes that even if a significant change in attitudes seems to have taken place in the past 20 years, a considerable number of people still defend the right to resort to violence against children. The Central Union for Child Welfare also considers violence against children from the perspective of different cultures and the fact that the traditions of a minority may maintain or strive to maintain these violations of the rights of the child. Such situations are created also by forced marriages or marriages of children as well as circumcision of girls and boys. Legislation and official practices as concerns circumcision need to be clarified.

256. The NGOs also consider that children can also be exposed to violence outside their family as well. When speaking about violence against children, one must bear in mind children may experience violence even when it is not directed at them. Seeing a violent incident may be a traumatic experience to a child, as a result of which the child may need help of experts. In particular mental health related problems of the parents, and problems related to the abuse of intoxicating substances increase the child's risk of becoming a victim of violence in his or her own living environment. Parenthood and the parents' managing everyday life are supported effectively by home visits made by family social workers to which municipalities currently do not allocate sufficient resources.

257. The NGOs also pay attention to the fact that from the point of view of materialising the rights of children with an immigrant background, the problem might be that all immigrant parents are not aware of the fact that physical as well as other types of violence against children is illegal in Finland. Parents with an immigrant background might also need models for bringing up their children and other forms of special support. In particular, children and young people living between two cultures may be at risk of experiencing violence in its different forms, including the restriction of everyday activities, forcing and in extreme situations, also violence related to the defending of the honour of the family or extended family and the threat of genital mutilation or forced marriage.

VI. Basic health care and social welfare (articles 6, 18, paragraph 3, 23, 24, 26 and 27, paragraphs 1–3)

Recommendation 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.

258. The objective of the Policy Programme for Health Promotion of the Government is to improve the population's state of health and to reduce health inequalities. The social impact objectives of the policy programme are, for example, reinforcing the structures of health promotion, achieving lifestyle changes that contribute to the prevention of public health problems (reducing overweight among children, adolescents and the working-age population, reducing intoxicant use and smoking), and development of working and living conditions that promote healthy lifestyle choices.

259. In 2004–2007, the Ministry of Social Affairs and Health has guided the municipalities to focus on the enhancement of the health of children, adolescents and families including their healthy way of life. The child clinic guide published in 2004 steers the child clinic activities targeted at all children under school age and their families across the whole country. The guide pays attention to, for example parents' consumption of alcohol, smoking and other habits. The guide also contains instructions for monitoring children's health including periodic health checks.

260. A recommendation concerning the quality of school health care provides instructions for the development of school health care in all of the schools in the country including pupils' physical examinations and health counselling. The student healthcare guide contains guidelines for, among other things, monitoring alcohol consumption among adolescents as well as their mental health. The guide covers all educational branches after basic education. The Action Plan for the Promotion of Sexual and Reproductive Health 2007–2011 outlines work to be done for the promotion of sexual and reproductive health. It includes advice for families expecting children and provides guidelines for sexual counselling in schools and student health care. Important themes include the provision of contraceptive counselling, prevention of sexually transmissible diseases and sexual violence and measures of early intervention.

261. *The Department of Child and Adolescent Health.* The National Public Health Institute set up a Department of Child and Adolescent Health on 1 January 2007. The new Department of Child and Adolescent Health produces new information concerning the health of children and adolescents, makes research data available to municipalities, improves the health of children and adolescents through national guidance services, and supports especially the maternity and child health care system and school health care service.

262. *Alcohol policy.* Alcohol policy in Finland is based on the Government Resolution on Alcohol Policy Guidelines adopted in October 2003. The objectives of alcohol policy were divided into three parts: 1) A reduction in the harmful effects caused to the well-being of children and families, 2) A reduction in using alcohol beverages to a level below the risk level and the harmful effects that this causes and 3) creating a downward trend in the overall consumption. However, the final assessment report of the Alcohol Programme 2006

considered that the decision in 2003 to decrease the taxation of alcohol was one of the most evident obstacles to the full realisation of the goals of the Alcohol Programme.¹²

263. The Alcohol Programme will continue to be implemented during 2008–2011 with the objective of reducing the harmful effects of alcohol consumption. In this context, the guidelines included in the Government Programme on the harmful effects to children caused by their parents' consumption of alcohol will be taken into account. The Government supports the alcohol programme through the health promotion policy programme. The programme also has some elements in common with the policy programme concerning the wellbeing of children, young people and families.

264. According to the strategy of the National Public Health Institute, the increasing consumption of alcohol, the harmful effects it has on health and the abuse of drugs are the most central challenges threatening the national health. Therefore, producing information based on research on the effects of intoxicating substances on health is central to the preventive work performed in the field of national health. The National Public Health Institute is involved in several ongoing research and development projects in the field of the prevention of the consumption of alcohol and other intoxicating substances among children and adolescents. Half of the resources of the mental health and alcohol research department are allocated to alcohol and drug related research. Research is conducted on subject matters such as the impacts of alcohol on the central nervous system of persons who have started to drink alcohol at an early age, abuse of intoxicants at an early age, its effects on the person's mental health and factors leading to intoxicant problems. The unit produces, based on the results of the research, models of operation and guidelines for the prevention and treatment of problems related to substance abuse among adolescents.

265. *Programmes for the prevention of smoking.* The National Public Health Institute conducts comprehensive research and expert work related to smoking among the adolescents. The Institute has longstanding traditions in programmes aiming at the prevention of smoking among adolescents. The Institute has developed and assisted in the development of several school-based preventive programmes.

266. Smoking trends among the Finnish children and adolescents have developed into a positive direction. According to the Adolescents Health and Lifestyle Survey 2007, smoking is experimented in an increasingly older age and also regular smoking habits are adopted at an older age than before. The objective of the Health 2015 – Programme (to curb regular smoking among 16–18 year olds to 15%) is getting closer, but nevertheless still every fourth person under 18 years of age smokes cigarettes. In Finland, the trend in particular among the 7th to 9th graders is alarming; less than 10% of the 7th graders smoke, but two years later one third of them is likely to smoke regularly. Also the socio-economic differences in the smoking habits of adolescents are considerable. The positive trend, however, has been contributed by several factors, among other things the prohibition of smoking in restaurants, which serves as an important message in favour of non-smoking, in addition to which it reduces the exposure to cigarette smoke. The selling of tobacco to persons under 18 years of age is prohibited by law. In order to reinforce the prohibition, the Government submitted a Bill to Parliament in the summer 2008 proposing that selling tobacco products should be subject to a licence. The purpose of this proposal is to, in particular, prevent the adolescents from smoking.

267. *Lifestyle.* The majority of Finnish children and adolescents are doing well, but for example diseases related to musculoskeletal system due to a lack of physical exercise are diagnosed increasingly often among young children. Regular health surveys conducted in

¹² Available only in Finnish at: <http://info.stakes.fi/alkoholiohjelmaksi2004/index.htm>.

schools show, in an alarming manner, that more children and young people have developed overweight or slight overweight. In its next term of office, the Government will aim to enhance the eating habits of children and young people, among other things, as part of the policy programme on health promotion. The National Public Health Institute will also strengthen research and expert work in the field of physical exercise. Preventing children from becoming overweight is one of its focuses, and information on the reasons and consequences of overweight is provided to health care professionals and the children's parents through Internet. School health care and health education have an important impact on children's and young people's development in that they contribute to the reduction of overweight, smoking, abuse of alcohol and drugs and to the promotion of personal hygiene.

268. TEROKA is a cooperation project carried out between the National Public Health Institute, the National Research and Development Centre for Welfare and Health, and the Finnish Institution of Occupational Health, aimed at developing modes of operation and collecting a data base for reducing health inequalities referred to in the Health 2015 programme. Municipalities are also involved in the project. By influencing the formation of healthy habits among children and their parents, for example weight problems can be effectively prevented. The National Action Plan for Reducing Health Inequalities 2008–2011 outlines proposals for strategic policy definitions also to influence the habits of children and adolescents, for the development of social welfare and health services and for measures to reduce socioeconomic health inequalities in Finland.

269. *Dietary habits of children of school age.* Daily eating habits of children of school age are a key factor influencing the state of public health in the future; eating patterns adopted early on will have lifelong effects on health. The dietary habits of Finnish adolescents of school age have been analysed in cooperation between the Finnish Institution of Occupational Health, the Finnish Heart Association, the National Research and Development Centre for Welfare and Health, and the National Public Health Institute. The Report of the working group 2007 provides valuable information on Finnish adolescents' participation in the food services provided by schools, the quantity and quality of the food service, snacks taken in addition to the food service at school and their healthiness, as well as on the factors influencing participation of children in food services at schools and the quality of snacks provided. The National Nutrition Council gave adopted National Recommendations on Food Services in Schools in 2008. Their purpose is to strengthen the positive development in nutrition and health. Healthy nutrition and physical exercise for the benefit of health is also promoted in accordance with the Government's resolution adopted in June 2008.

270. *Promoting breastfeeding – setting up of a national expert group.* Breastfeeding of infants has a number of positive effects on many chronic diseases that are becoming more and more common in the Western countries. Finnish mothers breastfeed their infants for a longer period than before, up until the age of seven months on average, in addition to other forms of nutrition.

271. An international action programme has been prepared with the support of the Commission of the European Union to promote and support breastfeeding in EU countries. In accordance with the programme, a national plan must be prepared for the promotion of breastfeeding and a group of experts should be nominated to plan and coordinate the promotion of breastfeeding. In 2007, the National Public Health Institute set up a group of experts in Finland to fulfil this task. The breastfeeding promotion programmes under preparation in the WHO and the EU serve as guidelines for the preparation of the Finnish national programme.

272. *Guidelines and support for child clinic work – an Electronic guide for child clinics.* In order to respond to the challenges of child clinic work, the implementation of an Internet-based electronic child clinic guide will be launched in 2008 by the National Public

Health Institute. Reliable, uniform and updated health-related information and guidelines for child clinics will be collected in the guide, and the information will be accessible equally to all professionals working in child clinics. The objective is to promote comprehensively the health of children and young people, to develop health care services and to narrow inequalities in the state of health of the people at regional and individual levels, to disseminate the best practices of child clinics across the country and to standardise guidelines and health information. In the coming years, a similar electronic guide in the purpose of supporting the practical work will be prepared for maternity clinics, schools and student health care.

273. The Development and Research Centre for Maternity and Child Health Care, situated in the National Research and Development Centre for Welfare and Health, has the task of researching, developing and supporting the work of maternity and child clinics. The Centre develops new ways of working and disseminates information on these as well as other matters related to clinics. The purpose is to enhance the effective use of resources and to enhance the social impacts of the clinic work. The objective is to strengthen the resources of families expecting and raising children and to promote children's welfare. The Centre cooperates with the education and health care sector and the non-governmental organisations.

274. A number of municipalities, as well, have engaged in the developing of child clinics into wellbeing centres for the whole family, for example by developing parenthood training. The municipalities' health care infrastructures will increasingly be based on wider population bases which will facilitate specialisation, for example, in child clinics and school health care (the municipal and service reform, see Section I. General measures to implement contractual obligations. A. New legislation).

275. *Environmental health and children – a national action programme.* Finland has committed to elaborating and implementing a national environment and health action programme for children based on the Children's Environment and Health Action Plan for Europe, CEHAPE. In Finland, the compilation of the background report for the national programme was assigned to the environmental health department of the National Public Health Institute and it was published in 2007. The action programme lays emphasis on rather wide thematic issues, such as the healthiness of the living environments of daycare centres and schools, school health care and health education at schools, pollution, the climate change, a sense of insecurity and fighting segregation of residential areas; these are all issues that concern large groups of children, and, in addition, they were considered insufficiently addressed.

276. *Prevention of injuries of children and adolescents – topical projects.* The National Public Health Institute is engaged in a number of ways in the prevention of injuries of children and adolescents by means of identifying and compiling statistics on the risk factors and developing effective measures of prevention. The central objective is to strengthen expertise at the national level on how to prevent accidents. As concerns accidents that young people are typically prone to have, the Institute participates in a large-scale international project entitled AdRisk, the goal of which is to reduce injuries and violence of young people in Europe. Finland's contribution consists in producing a report on the occurrence of bodily injuries among 15–24 year olds (accidents, violence, suicide), the related risk factors and on-going programmes in Europe. Finland is also committed to compile a bibliographical review on best practices in the field of prevention of bodily injury.

277. The National Public Health Institute has also participated in a working group for a project entitled "For the Safety of a Child",¹³ coordinated by the Mannerheim League for Child Welfare, the objective of which is to reduce injuries of children. The Institute is preparing an action programme in 2008 for the prevention of injuries of children and young people.

278. *Special needs of the immigrant population.* Efforts have been made to pay more attention to the special needs of the immigrant population. A number of health problems are common among immigrant families and children, which are also likely to weaken their wellbeing and integration into the Finnish society. Different groups, however, vary considerably from each other as far as their state of health, lifestyle and living conditions are concerned. The National Public Health Institute has launched a study on the state of health of the immigrant population, especially concerning the children and adolescents of immigrant families. The objective of the study is to obtain information primarily about the most disadvantaged immigrant groups, their living conditions, lifestyle, general state of health, mental health, infectious diseases and vaccinations, functional and working capabilities, and their need of services and other measures. The study focuses on households, the head of which is not a Finnish national, has not been born in Finland, and does not speak Finnish or Swedish as his mother tongue.

279. According to the Ombudsman for Children, awareness on the problems related to intoxicating substance abuse by parents has risen, but not enough has been done to remedy it. The Ombudsman stresses the importance of providing measures to ensure good health for expecting mothers and unborn babies, strengthening support to children living in families with drug or alcohol problems and creating general measures to reduce the abuse of alcohol by parents. From the point of view of the well-being of children, the Ombudsman also considers that not only the regular abuse of large quantities of alcohol but also imprudent, sporadic alcohol abuse in families with children are aspects adding to children's sense of insecurity.

280. Roma children are covered by child clinic services, and the Roma also can take advantage of the full range of clinic services provided. The Advisory Board for Romani Affairs has, however, considered that there is not enough information on the state of health and wellbeing of Roma adolescents and children of school age. More resources should be allocated to school health care, and models like the programmes implemented in early childhood education should be created to support the health and wellbeing of Roma adolescents and children of school age. In the absence of information based on research, the general assumption is that in Finland, too, the life expectancy of the Roma is somewhat lower than that of the rest of the population. According to the Advisory Board, important means of increasing the life expectancy and the number of years in perfect health consist in the provision of education early on, for example on the importance of nutrition, physical exercise, family planning and the harmful effects of intoxicants, and, as concerns girls, the effects on health caused by the traditional Roma national costume.

281. The non-governmental organisations consider that insufficient resources are allocated to preventive health work, which has its repercussions not only on the work of maternity and child clinics but also in the sector of school health care in particular. Signs of weakening are discernible in Finland's high-quality maternity and child clinic system. There are considerable inequalities in the clinic activities depending on the municipality, which means that people living in different municipalities do not have access to services on an equal basis. The absence of normative guidance is a central reason for the weakened state of the health care and other welfare services provided in schools. According to the

¹³ http://www.mll.fi/projektit/lapsen_turvaksi/.

NGOs, one particular health problem in the children's growing environment, is the potential exposure of children to mould related harms in their daycare centres or at schools. Insufficient resources are spent on repairing such buildings, and only a small number of buildings with structural problems harmful to health get repaired.

282. The NGOs also pay attention to the fact that the total consumption of alcohol has increased in Finland owing to the decrease in the alcohol tax implemented in the country in 2004. The increase in alcohol consumption creates problems also for children and families with children. Parents' excessive use of alcohol is one of the key reasons for the neglect of children and for need of child welfare measures. Also the alcohol consumption among children and young people still remains a considerable problem in Finland.

283. Finnish National Organisation for Sexual Equality (Seksuaalinen tasavertaisuus-Setary) considers that in Finland, high-quality care is not sufficiently available for adolescents belonging to sexual minorities (in particular, gender dysphoric), because the care system for sexual minorities has been created for the needs of adults. Insufficient care exposes young people to mental health problems.

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

284. *Prevention of suicides.* In April 2007, the Ministry of Social Affairs and Health set up a working group with the task of producing procedural models for the organisation of mental health and alcohol and drug intervention services and related emergency services as a comprehensive regional package. The objective is to facilitate the preventive work in promoting the wellbeing of people and mental health and facilitate the cooperation between municipalities' basic and special services sectors, service providers and various professional groups. Among other things, the project aims also at preventing depression and suicide among children and young people.

285. In conjunction with the consideration of the budget, the Parliament has increased resources for child and youth psychiatry for the past 8 years. This increase of appropriations has also been aimed at the prevention of suicides.

286. The principle of care guarantee has been in force in the child and youth psychiatry since 2001. Recent results show that the necessary psychiatric treatment of children and adolescents can be expected to be initiated within the three month period as guaranteed by the principle across the country, except in the Helsinki and Uusimaa joint health care districts and the district of Varsinais-Suomi.

287. The Mental Health and Alcohol Research Department of the National Public Health Institute follows the mortality of young people caused by suicide, which has continued to decrease by about 35–40% from the early 1990s. All through the first decade of the 21st century, in the framework of health promotion projects, the Department has produced written material for health care professionals and the general public concerning depression, self-destructiveness, behavioural disorders, and substance abuse among the young, including its identification and treatment. The Adolescent Depression study, ADS, examines depression among the young, its course and treatment. The purpose is to produce information on factors predicting suicide and on destructive behaviour related to depression. Depression among children and adolescents has also been followed in school and student health care by means of a form developed based on the Beck depression survey. Also the national KASTE programme contributes to strengthening mental health services targeted at children and adolescents.

288. *Time-out.* Young men present themselves at conscription call-ups at the age of 17, and they enter military service at the age of 18. A significant number of 17 year olds are

exempted for mental health reasons. The joint Time-out project launched by the National Research and Development Centre for Welfare and Health, a number of municipalities, the Defence Forces and the Ministry of Employment and the Economy, has the objective of reaching these young men at risk of exclusion. Currently for about 50 municipalities participate in the project and it is expanding to several other municipalities. Experiences have so far been positive, and the project has been estimated to have influence on the prevention of suicides.

289. The Parliamentary Ombudsman considered in a decision made in 2004 (1205/4/04), concerning a child with learning and school difficulties, for whom an urgent placement for treatment was being sought in psychiatric hospital in autumn 2003 based on his self-destructive behaviour and other accumulating problems, that the long waiting period required to child psychiatric inpatient care was unlawful. By law, psychiatric care should have been available within a three-month period at most. In the same context, it became evident that the whole health care district had considerable problems in organising adolescent psychiatric inpatient care. The Parliamentary Ombudsman considered the situation unacceptable. The Ombudsman has also discovered by conducting inspections that there are problems in organising child and youth psychiatric inpatient care in other health care districts as well.

290. On the request of the Ombudsman for Children, a report on self-destructive behaviour of adolescents in Finland and its prevention¹⁴ has been prepared. The report also contains statistical data on the trends of self-destructive behaviour in Finland. The report has been published on the Internet, and it has been widely disseminated among those working with adolescents and the media. According to the study, self-destructive behaviour among both boys and girls in Finland is still at a high level by international standards even if self-destructive among boys has decreased during the past 20 years. The Ombudsman for Children underlines that in the field of services targeted to children and adolescents, expertise required in identifying depression and other symptoms of self-destructiveness, as well as enabling early interventions, have to be improved in a number of ways.

291. The non-governmental organisations consider that since carrying out the national suicide-prevention project in 1997, no other programmes or projects in the field of suicide prevention has been launched. Children and adolescents have not been taken into consideration within the general measures preventing suicide. According to the NGOs, the ensuring of early admission to care and continuation of the care are still insufficient. No attention has been so far paid to adolescents belonging to sexual and gender minorities, whose risk of committing suicide has been perceived higher than average by several international studies.

Recommendation 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.

292. In Finland, the methods of treatment of children's disorders, including ADHD and ADD, are well-guided in international comparison. The national recommendation for treatment concerning ADHD and ADD of children is based on a critical analysis of the evidence provided by international research. In Finland, the multisectoral aspect of treatment is underlined, and medication is only supplementary to other forms of treatment,

¹⁴ Available only in Finnish; Nuorten itsemurhat Suomessa, Uusitalo Tuula, Lapsiasiavaltuutetun toimiston selvityksiä 3:2007.

it is never the only treatment provided. In the case of children below the age of school-entry and those with lenient ADHD symptoms, no medication is used. In Finland, the treatment of patients has been divided between basic and special health care and the treatment is cross-professional. The appropriate provision of medicine is ensured in Finland by the principle of granting prescription rights only to specialised doctors. The medical and other research related to the ADHD and ADD is conducted in cooperation with other countries. Finland follows the development abroad including scientific literature and produces research in the field.

Recommendation 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.

293. Finland's National Report on Strategies for Social Protection and Social Inclusion¹⁵ presented the key objectives for 2006–2008 for the prevention of poverty and exclusion. The four main objectives of the Strategy included ensuring employment opportunities to as many people as possible, preventing the materialisation of social problems and risks, ensuring the continuity of measures available for the prevention of exclusion and poverty, maintaining the basic structures of the system and ensuring the availability of competent and skilled workforce. As far as the objectives related to the prevention of problems are concerned, special attention is paid on the principle of early intervention in the problems of children and families with children. The Report also notes that the risk of exclusion seems to have increased recently especially among children, adolescents and substance abusers. There has also been an alarming increase in the number of children and adolescents subject to child welfare measures.

294. *Wellbeing.* In Finland, consistent and regular collection of data on the wellbeing of children, adolescents and families in accordance with the Policy Programme for the Well-being of Children, Youth and Families, has been commenced. The knowledge base is continuously improved by regularly conducted studies. The objective is to create a system of information and indicators for monitoring the well-being of children and adolescents, by which the decision makers can follow the development of well-being of children, adolescents and families.

295. A research programme on children's wellbeing and the state of health is under preparation at the Academy of Finland. The objective is to produce new information on the reasons behind children's exclusion and on how the families can best support the growing up and development of children. In addition, the study aims to find out how other entities in a society such as schools, child clinics and the health care sector could join efforts to support children's growth and development.

296. *Financial standing of families with children.* The majority of children and adolescents are doing well. According to the National Research and Development Centre for Welfare and Health Report on Well-being in Finland 2008, the population is better than ever before. However, inequalities in wellbeing are increasing, as people on low incomes have not improved their incomes to the same extent as high-income groups. The increase of problems among children, adolescents and families is reflected in the increasing need for child welfare measures and an increase in substance abuse and mental health problems. The relative poverty of children has increased in recent years. Family structures have changed,

¹⁵ Ministry of Social Affairs and Health publications 2006:53; available in Finnish, summary in English at http://www.stm.fi/Resource.phx/publishing/documents/8584/summary_en.htx.

and about one sixth of children live in single-parent households. Poverty is also more common in families with several children and those with small children. The relative poverty is highest with the single-parent families, in which cases the poverty is also closely linked with lengthy periods of unemployment. Measures aimed at reducing long-term unemployment have a great impact on reducing poverty in families with children.

297. *Amendments to the Health Insurance Act.* In Finland, the minimum parental allowance was raised as from the beginning of 2005. In addition, parental allowances based on previous income were raised as from the beginning of 2007. The child home care allowance has been increased at the beginning of 2007; a 10 euro increase was made in the amount paid for a family's second under three-year old and each following child. The sum of the child allowance was increased at the beginning of 2004; the sum for the first child entitled to child allowance was increased from 90 to 100 Euros per calendar month. In the same context, the amount of the allowance for each following child was redefined. The single parent allowance increased from 33,60 to 36,60 Euros per child per calendar month. The Act on the Child Allowance was amended again in the beginning of 2008 by increasing the amount of single parent allowance from 36,60 Euros to 46,60 Euros per child per calendar month. Single parent means an unmarried person or a person living separated from his/her spouse. Single parent families represent about 20% of all families with children, and there are for about 160,000 children living in single parent households.

298. A family may be entitled to a partial parental allowance if a parent is working part-time in order to take care of a child. In 2004, the amount of partial parental allowance was raised from 63,07 Euros to 70 Euros a month and covers parents of children in first and second grades of elementary school.

299. The financial standing of families will be improved also in the future. The minimum level of parental allowances will be increased, in accordance with the Government Programme, to correspond to the amount of labour market allowance. These increases and others in planning stage are bound to improve the financial standing of families with children and therefore contribute to the trends of financial and social inequality.

300. *Maintenance.* Provisions on a child's maintenance are included in the Maintenance Act (704/1975). According to the Act, maintenance may be ordered to be paid by a mutual agreement between the parents, confirmed by the municipal social welfare board or a judgment issued by a court of law. In the majority of cases, maintenance is based on an agreement confirmed a social welfare board. The factors influencing the amount of maintenance are described in general terms by the Act. Therefore, it can be difficult to predict the precise amount of maintenance. Municipalities have had different practices related to the calculation of the amount of maintenance due to which the municipality of residence of the child has had a bearing on the amount. In 2007, the Ministry of Justice published guidelines for the calculation of the amount of the maintenance to be paid for a child (OM 2L2007). The purpose of the guidelines is to make the practice of municipal social workers consistent when guiding the parents in estimating the sufficient amount of maintenance and confirming the parents' agreements on maintenance. The instructions also serve to improve predictability of judgments concerning maintenance. The guidelines have been disseminated to all municipalities.

301. *Maintenance allowance.* If a parent fails to pay maintenance or paternity of the child has not been confirmed, the child is entitled, by virtue of the Act on Maintenance Security (671/1998) to receive maintenance allowance paid by the municipality. The child's legal guardian or trustee may apply for maintenance allowance for the child. As from the beginning of April 2009, the enforcement and collection of unpaid maintenance will be transferred from municipalities to the Social Insurance Institution. In the same context, the State will start to cover the expenses for maintenance allowance. The objective of this reform is to enhance the collection of maintenance and to clarify the procedure of applying

for and paying maintenance. The index-linking of maintenance and maintenance allowance will also be improved in the same context.

302. *Employment-related poverty.* The Child Welfare Act (417/2007) provides for the obligation of municipalities to ensure subsistence and housing for families and children. A family's right to subsistence and housing is a so-called subjective right, to which all children and families clients of child welfare are entitled. The nature of a subjective right entails that when necessary, social welfare clients are entitled to appeal a decision of an administrative body to an Administrative Court and further to the Supreme Administrative Court.

303. When the reasons behind child welfare measures are related to family's insufficient income or housing-related problems, such defects must be remedied immediately. The provision means in practice that a family's insufficient income or inadequate housing cannot be regarded as a sufficient reason for taking a child into care. The provision also means that social welfare authorities, as well as other municipal authorities, are obligated to promote the right of a child to a safe environment and close relationships. As a result of inadequate housing, a child cared for and raised by his parents cannot, for example, be forced to live apart from them or the child cannot be taken into care for that reason.

304. If the problems of a family derive essentially from insufficient income, the social welfare authorities have to provide for their subsistence by providing financial and other open welfare measures in support of the family's subsistence. In such cases, the decision makers are not bound by the provisions on the amount of social assistance of the Act on Social Assistance (1412/1997). Instead, the family must be provided with a sufficient amount of support and assistance.

305. *Child daycare.* The development of child daycare and early childhood care play an important role in the development of child wellbeing and the promotion of a consistent child policy. The subjective right contained in the Act on Child Daycare (1973/36) for municipal daycare ensures all children under school age, an equal right to participate in early childhood education organised in daycare, regardless of the socio-economic status or place of residence of the parents. One of the strengths of the Finnish early childhood education is that in daycare the care and education of children is carried out as a comprehensive entity. In Finland, principles, such as equal access to services, providing alternatives for families and the reasonable pricing of services are central to the development of the care and education system. Parents with low income are not charged for the daycare. Daycare makes it possible for both of the parents to participate in the working life, which promotes the realisation of the gender-based equality. Early childhood education also promotes a child's healthy growth, development and learning. High-quality early childhood education levels out the inequalities in children's living circumstances, thus providing all children with equal opportunities for development according to their own capacities. Early childhood education provided in daycare also serves to prevent the exclusion of children.

306. The Ombudsman for Children considers that children's poverty concentrates on single parents, families with children under 3 years of age and families with several children. The Ombudsman considers that there still would be need to enhance income transfers to these families and make it easier for single parents to work by organising care services also for children who above the daycare age.

307. According to the Ombudsman for Children, the negative effects of poverty relate, for example to the very few available recreational alternatives. Many activities require financial resources of the parents. Therefore, the Ombudsman suggests that in connection with schools, free of charge recreational activities should be made available.

308. The Sámi Parliament emphasises the possibilities available for Sámi people to earn their living by traditional livelihoods (reindeer herding, fishing, and hunting), related to which the Sámi people's equal opportunities in ensuring basic conditions of life and the maintaining of the Sámi culture should be promoted.

309. A number of non-governmental organisations consider that the relative poverty of families with children has increased considerably during the past 15 years. According to the NGOs, measures to improve the subsistence of families with children have been insufficient. The small increases made in family-policy based benefits in recent years have not sufficed to remedy the cuts made in the mid 1990s or the impact of inflation to the real value of the benefits. Poverty concerns, in particular, single parent households, which find it harder to reconcile with taking care of children and working life in comparison to two-parent families. The NGOs also consider that recreational activities often remain inaccessible for poor families.

310. *Children with disability.* Objectives of the disability policy are the equal treatment of disabled persons and strengthening their opportunities in life management, working abilities and capacities as well as independence. The focus of the activities is to remove obstacles to participation, and improve services and rehabilitation. The objective is to have sufficient public services which are suitable to the needs of all citizens. A secondary objective is to create special services related to, for instance, housing, equipments, transportation and interpretation.

311. A personal care plan is drawn up for disabled persons, including children, with an objective to assess, which services and support measures are needed. The plan is written by municipal authorities with the assistance of the disabled person or his or her legal guardian or other relatives. The purpose of the care plan is to improve the client's autonomy and possibilities to have influence. The plan is reviewed at regular intervals, and a person in charge is designated with the task of contacting all the relevant authorities and compiling a comprehensive service package.

312. Persons with severe hearing impairment, the deaf-blind and persons with speech impairment are entitled to free of charge interpretation services provided by the municipality. The services are provided in sign language or by other forms of communication using new technology. The Act on Services and Assistance for the Disabled (389/1987) was amended in 2006 (amendment 1267/2006) by adding a provision on interpretation services in it. People with severe hearing impairment and visually impaired persons are entitled to benefit from interpretation services of at least 360 hours and persons with other types of severe disability at least 180 hours of interpretation a year (the corresponding amounts used to be 240/120). The changes took effect from the beginning of 2007. Also children with severe disabilities can take advantage of these services, and improve their opportunities of participation.

313. In connection with the reform of local government and services, a decision was made to transfer responsibility for organising and funding interpretation services from the municipalities to the State. The practical preparations of transferring the services to the Social Insurance Institution have been commenced. The preparatory work, including the amending of relevant legislation, is estimated to be completed so that the transfer can take place from the beginning of 2010 at the earliest. The objective of the transfer is, among other things, to promote the equality of the service users.

314. In autumn 2007, the Supreme Administrative Court adopted a judgement¹⁶ in a case concerning the arrangement of service housing for a minor in his own home as provided for

¹⁶ KHO: 2007:79.

by the Services and Assistance for the Disabled Act (389/1987). The decision clarifies the inconsistent legal practise, concerning whether service housing can be organised for a child in his or her own home or whether this is to be arranged by the parents of a disabled child as a part of their normal parental obligations. In its decision, the Supreme Administrative Court considered that services and support measures provided according to the Act (380/1987) are meant for the benefit of children with severe disability also in cases where the special needs of the child, taking into account his age and level of maturity, require additional supervision and care in excess to that normally required of parents.

315. According to the non-governmental organisations, services provided for the disabled vary considerably according to the municipality of residence. The availability of personal assistants, interpretation and transportation services for disabled children are insufficient. These insufficiencies jeopardize disabled children's right to development and independence. The right of the families of disabled children to special services and to home help services has not been ensured to an adequate level by legislation. Substitute care is not sufficiently provided for children with severe disabilities, which might promote the well-being of their parents. The NGOs also consider that sufficient attention has not been paid to the special needs of disabled refugee and immigrant children.

VII. Education, leisure and cultural activities (articles 28, 29 and 31)

A. Education

Recommendation 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.

Recommendation 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.

316. According to the Constitution (1999/731), everyone has the right to basic education free of charge. Provisions on the duty to receive education are laid down by law. According to the Constitution (1999/731), public authorities shall, as provided in more detail by an Act, guarantee for everyone an equal opportunity to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship. Cultural and educational rights concern all those residing in Finland regardless of their age or nationality.

317. The Constitution (1999/731) provides for municipal self-government. Municipalities may be given tasks only by enactment of law. Under the Basic Education Act (1998/628), municipalities are obligated to provide basic education for children of statutory school age living in the municipal area, as well as pre-primary education the year before the compulsory schooling.

318. *National Core Curricula.* Teaching at all educational levels is based on the National Core Curricula confirmed by the National Board of Education. The curricula contains aspects to be included in teaching such as human rights education, respect and knowledge of different cultures, the multicultural world and promotion of tolerance.

319. All children are provided with the opportunity to participate in a year-long pre-primary education free of charge. A reform of pre-primary education, applicable gradually since August 2000, launched an overall reform of education and educational instruction documents turning education into a comprehensive entity supporting and promoting the child's wellbeing, growth and learning. The objective is to create a continuum for growth and learning.

320. The National Core Curriculum for pre-primary education was to be applied in August 2002 at the latest, and the corresponding curricula for basic education and general upper secondary education in 2006 and 2005 respectively. The value basis for the curricula was defined to be based on human rights, equality, democracy, bio-diversity, the preservation of the viability of the environment, and the acceptance of the multicultural aspects of society. Teaching was designed to support the construction of the pupil's own cultural identity.

321. The new core curricula has been drafted in more detail than before in order to better ensure a sufficient level of consistency across the country and to safeguard equality as far as education is concerned. In addition to the goals set for the different subject matters, cross-sectoral entities combining two or more of them have been determined at a national level. Also the models of operation supporting the healthy growth and development of pupils, such as student welfare, have been included in the curricula.

322. The new core curricula has taken into account the special aspects required for teaching pupils representing different linguistic and cultural groups. Aspects, such as special national and local features and national languages, the Sámi as indigenous people and the national minorities have to be taken into account in the teaching. The curricula underlines that schools have to take into account the fact that Finnish culture is becoming more diversified along with immigrants representing different cultures. The curricula stresses the fact that in addition to the subject contents, these themes should be visible in the overall operational culture of schools.

323. The National Core Curricula for vocational upper secondary qualification set as its general goals the respect and promotion of human rights, the promotion of democracy and equality, planning and making one's own choices and taking responsibility for them. According to the grounds for the core curricula, teaching has to aim at providing a student with capacities for lifelong learning, supporting the personal growth of the students as well as bearing responsibility for own well-being and the well-being of others. The goals also include the aim of learning to cooperate with others, learning civil rights and obligations, constructive interaction with others, learning to identify contradictions between declared values and the reality, considering critically the defects and opportunities existing in the Finnish society and international development, learning tolerance and international cooperation and growing into a responsible citizen willing to observe his obligations.

324. The objective of the reform of the core curricula was, among other things, to turn basic education into a more uniform entity, while stressing the importance of looking after the wellbeing of the students, preventing exclusion and taking their individual needs into account, creating a flexible system, covering also the teaching of students with special needs, enhance guidance and increase cooperation between the student's home and school.

325. The Government Programme underlines the importance of ensuring the admission of young people completing their basic education for further studies, ensuring adequate study counselling, provision of support measures and increasing the ratio of students passing vocational education. The Education and Research Development Plan 2007–2012 sets as the objectives for the coming years, the facilitation of the transition from one educational level to another, the reduction of drop outs, and promoting the completing one's schooling at all educational levels.

326. *Pre-primary education.* High-quality early childhood education, including pre-primary education, is designed to create conditions for a child's growth, balanced development and good lifelong learning. It is a basis for a child's or a young person's overall well-being and health. In Finland, the task of pre-primary education is to ensure all children equal opportunities to learn and to start school, and it sets out to level out any differences that may be identified in their readiness to start school, which will affect their learning and success in school later in life.

327. In 2004, the Ministry of Education prepared a report on Pre-Primary Education in Finland. Based on the report it could be concluded that pre-primary education had contributed in the promotion of children's growth, development and learning capacities equally across the country. At the end of pre-primary education, the children were well equipped for school start.

328. *Different Learners – Common School* was a project lead by the National Board of Education in 2004–2006. The themes included strengthening of learning capacities and the early identification of learning difficulties, including intervening with them by intensifying cooperation between different actors. The development work focused on the beginning of the growth and learning path – that is, daycare and pre-primary education. General and special needs education were covered by the project with the involvement of pupils' social welfare. The project stressed the importance of the cooperation between the parents and school and the support provided for parents. Ten municipalities across Finland participated in the project.

329. *Morning and afternoon activities.* Morning and afternoon activities in support of a child's comprehensive development are provided for 1st and 2nd graders and 3rd to 9th graders admitted in or transferred to special needs education. The legislation on morning and afternoon activities as well as the related guidelines took effect in August 2004. The objective is to provide support for the educational work of the parents and the school and to promote equality in society. The Government supports the municipalities in organising morning and afternoon activities on a wider scale than before by granting special appropriations.

330. In spring 2006, the Ministry of Education submitted a report on children's morning and afternoon activities to the Education and Culture Committee of the Parliament. According to the report, morning and afternoon activities have improved children's opportunities to participate in guided, recreational and safe activities in the mornings before school start and after school, which has prevented children from spending too much time alone without the presence of an adult and made it easier for parents to reconcile family life and work.

331. *Roma children.* The training unit for the Roma population of the National Board of Education develops all aspects of the education provided for Roma children. A special attention is paid on the participation of Roma children in early childhood education, their participation in school and further studies. The education of the Roma population aims at achieving educational equality in comparison with the main population. In the work done to develop Roma children's education, special attention is also paid to aspects such as their participation in early childhood education, the success of Roma youth in school and further studies, preventing their exclusion, benefiting effectively from general forms of support, making consistent instructions for governing decision making concerning admittance of pupils in special needs education and increasing student counselling. Efforts to develop and provide information on pre-primary and basic education aim at increasing the number of children participating in pre-primary education and decreasing the number of drop-outs in basic education. Relevant information has been provided both for parents and teachers. Information helps teachers in supporting Roma children's basic education and facilitates cooperation with their parents. Roma children's school attendance is supported while the

strengthening of their identity is facilitated. The professional skills and position of contact persons, Roma language teachers and other persons involved in Roma teaching are reinforced. In the framework of the Basic education project 2 launched in 2007, in the field of Roma education, training for contact persons has been organised and a Roma language summer school has been targeted at teachers and other school staff. New material has been produced in the framework of the project, for example a guidebook for the police, a guide entitled *A Roma Pupil at School* as well as a guide for cooperation between the parents and school.

332. According to a study conducted by the National Board of Education in 2004, amendments made in the 1990s to the legislation on education and other legislative reforms concerning the education of the Roma population, have had a positive effect on the position and development of the Roma language in education. The education of the Roma has development in the long run, and the Roma have adopted a more favourable attitude towards education.

333. *Gender-based equality.* Gender-based equality is an essential theme in human rights education. The Government Programme proposes that gender-based awareness be increased in schools of basic education and that teacher and kindergarten teacher training be supplemented by gender-based awareness education. It is also necessary to raise the awareness of professional teachers working in schools as concerns gender and equality matters, and teachers' continuing education will include contents on the theme. As part of the Government's Equality Programme 2008–2011, learning materials are also considered from the gender perspective. Learning materials should give an unprejudiced and open perception of what women and men can do; they should not enforce gender roles based on stereotypes through texts and pictures.

334. *Education for international understanding.* In 2007, the Ministry of Education published its Programme for Education for International Understanding 2010. According to the Programme, curricula, contents, methods, and material should be developed in order to make the education for international understanding a systematic perspective integrated into all teaching. The Programme also lays down objectives related to the continuing education for teachers and staff training in the sector of education. The Ministry of Education has also launched a project entitled *Growing into Global Responsibility*, the objective of which is continue the work initiated on the basis of the Programme for Education for International Understanding 2010. The purpose of the project is to concretise the recommendations given in the international evaluation made by the North-South Centre of the Council of Europe on the education for international understanding carried in Finland. The central goal of the project is to enhance the quality and effectiveness of global education.

335. *Participating Student – Co-active School.* By its operational culture, a school strives to affect the structures of the learning environment, pedagogical practices in particular. The interactive relationships between the adults and students in school make up an essential part of its operational culture. By participating in activities at his or her school, such as the work of the board of the student association, an adolescent's interest in common matters is demonstrated. The fact that social groups at school give young people an opportunity to reflect on their experiences together is a value in itself. This also tends to have an impact on what the atmosphere of the school and the class is and it is also bound to have a bearing on how helping others in society at a more general level will be perceived. The objective of the Participating Student – Co-active School project is to provide support in municipalities for the development of various kinds of systems through which children and young people can exert influence, to build operational and cooperation networks, enhance cooperation with authorities, promote the operational culture of the school as a community, develop student association activities, organise national and regional training and continuing education for the staff and produce support material.

336. *JOPO project.* The flexible basic education project (JOPO) was launched in January 2006, with the Ministry of Education allocating an appropriation to municipalities for developing activities aimed at the reactivation of students at risk of dropping out in basic education and at the transition point, in which students are supposed to apply for upper secondary education. The objective of the flexible basic education is to provide support for students who are at risk of not receiving a certificate for completion of the basic education syllabus. At the same time, efforts are made to prevent non-admission into upper secondary education or dropping out of it. Through the project, models of operation and teaching methods taking into account the students' individual, differing needs are being developed for basic education. Flexible basic education places focus on learning by doing, the use of different types of learning environments and learning on the job. In 2006, a total of 27 municipalities all over Finland took part in the project. In 2007 the activities were adopted in 54 municipalities in all. In 2008, there are a total of 72 flexible basic education groups with 700 students.

337. *Programme for Better Basic Education.* The Programme for Better Basic Education is a programme covering 2007–2011, the term of office of the Government, and it relates to the objectives of the Government to enhance the quality of education. The Government has decided to reallocate the resources released due to the decrease in the number of children to enhancing the quality of education. Resources are directed, in particular, to improve the quality of basic education. A total of 80 million Euros have been allocated to the implementation of the Programme, intended to be targeted at municipalities as State appropriations. The focus of the Programme for Better Basic Education is to develop the education and support measures targeted at students in need of intensified and special support, enhance student counselling, clubs at school, cooperation between parents and school, have smaller teaching groups, provide continuing training for the teaching staff, and other goals included in the Government Programme. In addition, criteria for assessing the quality of basic education is under preparation at a national level, with the purpose of ensuring high-quality teaching and versatile provision of courses, ensuring educational and cultural basic rights for children and young people irrespective of the municipality in which they live, their mother tongue or economic situation. Proposals for the basic education quality criteria will be completed in spring 2009. The Programme will be implemented step by step during 2008–2011.

338. *Special-needs Education.* The steering group set up by the Ministry of Education drew up a report for “Strategy for Special Needs Education”¹⁷ in 2007. The report stressed the importance of intensified early intervention before transferring a pupil to special needs education. A pupil should be provided with remedial training, part-time special needs education and student welfare support measures. A decision concerning transferral to special needs education should be made mainly for a fixed term and should provide in binding manner information concerning where the education is planned to be provided, the resources needed, assistants and other student welfare services. The central idea of the report is that the pupil should go to the school closest to his domicile and the realisation of the principle of inclusion. The basis for organising education is the pupil's right to study in the school closest to his or her home regardless of the special support needed. On the other hand, the right to education of those pupils who cannot attend school, including those with physical disability and those mentally disabled, is emphasized.

339. A number of non-governmental organisations consider that human rights education in schools is insufficient: independent reflection, independent skills, human rights, social

¹⁷ Working Group Reports by The Ministry of Education 2007:47; available only in Finnish.

awareness and a critical outlook on the media are not sufficiently covered in education; addressing them in school relies too much on individual teachers.

340. As for the participation of children, the NGOs consider the provision on student associations added to the Basic Education Act in 2007 a welcome reform. Even if the provision does not obligate schools to organise student association activities, according to the Act, the education provider has to, find another way of seeing to the students having an opportunity to express their views on matters of the school concerning them.

341. The NGOs also consider that human rights of girls and women must be written down in national and school-specific curricula as compulsory educational contents, emphasising violence against women as a human rights issue. In addition, violence against women and sexual harassment in all of its forms must be included in the sexual education syllabus. According to the organisation, addressing these matters must be established as part of the educational syllabus and contents in health education.

342. The non-governmental organisations for the disabled have made the following proposals for addressing the future challenges of disability policy: Efforts must be made to make it easier for the disabled to study; and support must be provided as much as possible. Having a school assistant should be made a subjective right. School assistants should be provided with more training, and their working conditions should be improved. More attention should be attached to enhancing cross-professional collaboration, that is, cooperation between the school, family and other specialists. Better opportunities should be offered to the disabled children of school age and students for experimenting and training on jobs in different sectors of education. Better possibilities should also be provided for them to visit different educational institutions.

Recommendation 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.

343. In 2003, the Basic Education Act (1998/628), the General Upper Secondary Schools Act (1998/629) and the Vocational Education and Training Act (1998/630) were supplemented with provision obligating the education provider to draw up, in connection with the core curriculum, a plan for the protection of students against violence, bullying and harassment, and to implement the plan, and monitor its implementation and realisation.

344. The task of a working group for wellbeing at schools set up by the Ministry of Education in 2005 was to come up with proposals for measures to be taken in order to create conditions and structure for making children and adolescents comfortable and satisfied with their school. Another objective was to improve the opportunities of children and adolescents to have a say in matters pertaining to everyday life at school. The working group limited its work to basic education. The everyday life of a school community involves factors that as such may increase or decrease children's wellbeing. The final report of the working group considered that schools were able to influence these factors by their own measures and by cooperation with parents and those involved in student welfare.

345. *Peer mediation.* One of the recommendations for measures proposed in the report of the working group for the wellbeing at school included an idea of targeting appropriations for continuing education to the expansion, development and assessment of the peer mediation activities created for elementary schools by a campaign in cooperation with the Finnish Red Cross and the Voice of the Young in Helsinki (Hesan Nuorten Ääni). The idea was that peer mediation activities would support the concrete measures taken by school communities to prevent and deal with incidences of bullying. The objective of the peer

mediation activities (VERSO) is to reduce and prevent disturbances in the activities of schools. VERSO is implemented by the Finnish Forum for Mediation, and the Ministry of Education funded the project in 2006–2007. In 2008–2009, the project is funded by the Finnish Slot Machine Association. Schools implementing VERSO aim at achieving a zero tolerance of violence and intoxicants, reducing bullying and thus creating a peaceful school environment. Peer mediation is a solution-oriented method, which offers an alternative way, based on the students' own free will, of settling conflicts taking place in the daily life of schools. The aim of the method is to reduce disturbances at schools by increasing the students' interaction skills.

346. As a method, peer mediation is simple, students older than the parties to the dispute, who are trained in dispute solving, help finding a solution to the conflict. The mediation provides the student with an opportunity to express their own views of the events, to express their feelings and reflect on possible solutions. By following the pattern of the mediation, the conciliators and the parties to the conflict proceed to an agreement, the implementation of which will be monitored.¹⁸

347. After the launching of the peer activities, studies were conducted on how the new participatory method was implemented in schools. The first study on peer mediation was made in 2003, and the second in 2005. Both studies were targeted at conciliator students and their instructors. In 2006, a third study was made, this time targeted at parties to the reconciliation. According to the results obtained, peer mediation has been successful in intervening, which in turn has created opportunities in changing students' behaviour. One of the essential strengths of peer mediation lies within the fact that the mediation is done through peers, in processing the conflict, the students speak the same language. The results of the studies are encouraging; both conciliators and students parties to conflicts expressed mainly positive opinions and were in support of the activities. According to the answers of the conciliators, all students found it very motivating to contribute to achieving more peaceful working conditions. The objective is to expand peer mediation to all schools across the country.¹⁹

348. *KiVa School Programme.* The KiVa School Programme is a portfolio of measures financed by the Ministry of Education for the purpose of reducing and preventing bullying at school. The Department of Psychology and the Centre for Learning Research of the University of Turku are in charge of developing the portfolio launched in September 2006. The programme can be gradually adopted across the country starting from autumn 2009. The KiVa School initiative portfolio includes different types of measures for preventing bullying and means of intervening effectively with incidences of bullying. As a part of the programme, material is produced for schools and homes. The measures included are targeted not only at individual students but classes and schools as well. All in all, during 2006–2009, a total of 24 000 children and adolescents across the country will participate in the development of the programme.

349. *Declaration of School Peace.* The police and the National Board of Education participate, in cooperation with non-governmental organisations, in School Peace, a project for creating safe and comfortable working conditions for schools as well as to emphasize that all members of the school community are entitled to a safe and equal learning environment. School Peace has been declared every autumn at school start ever since 1990. Through the programme, the best practices adopted by schools in different parts of Finland

¹⁸ <http://www.ssf-ffm.com/vertaisovittelu/>.

¹⁹ An article by Maija Gellin 2007, available only in Finnish: Vertaisovittelumenetelmä vertaisovittelijoina ja osapuolina olleiden oppilaiden kokemana - Artikkelel vertaisovittelutoiminnan seurantakyselyjen tuloksista, Maija Gellin 2007 Suomen sovittelufoorumi ry (www.ssf-ffm.com).

for the reduction of bullying and violence will be shared with others across the whole country. About 40% of Finnish schools participate in the programme.

350. The Parliamentary Ombudsman has been informed by representatives of minority groups that Roma children, in particular, still have considerable problems related to their school attendance and that they still encounter bullying. The same applies to immigrant children and representatives of other minorities as well, including children with disabilities and children and adolescents who are developing a differing sexual orientation. The Deputy Parliamentary Ombudsman in charge of the observance of legality of the school administration has resolved a couple of complaints per year concerning bullying. Regular school inspections have offered an opportunity to focus on the prevention of bullying and appropriate ways of addressing bullying.

351. The Ombudsman for Minorities receives a few complaints every year related to education and studies. Most often, they have concerned bullying at school, that is to say, harassment prohibited by the Non-Discrimination Act, or matters pertaining to student admittance to vocational education and training and insufficient language skills of a student. Also, for example bullying directed towards Russian speaking pupils, is still common according to the Ombudsman. Education authorities and schools should intervene to such cases clearly and systematically.

352. The Ombudsman for Children has insisted on the establishment of a regular child victim study on children's safety, in order to gather information on violence and bullying encountered by children at home or elsewhere within their living environment. At the moment, the Finnish Police College and the National Research Institute of Legal Policy are working on a joint Child Victim Study (see Section V. Family Community and Substitute Care for more information on victim studies). The Ombudsman stresses that any inappropriate or unprofessional behaviour towards children from the part of the teachers must also be focused on in such studies. The question is also addressed by the Child Victim Study.

353. The non-governmental organisations stress that sexual and gender-based harassment, which is often targeted at girls and female teachers, often takes place in schools and educational institutions. However, sexual harassment and unpleasant treatment related to sexuality and gender often go unnoticed at schools, and therefore it is not intervened with. As a special group, the bullying and discrimination against homo- or bisexual and trans- and intersexual (HLBTI) children and adolescents, is mentioned. The NGOs consider that authorities and organisations do not pay sufficient attention to the special position of HLBTI adolescents.

354. The NGOs consider it important that, in addition to violence and bullying at school, attention should also be paid to bullying on the Internet or by mobile phone. This is a relatively new phenomenon and so far, there is little information available about it.

B. Leisure, recreation and cultural life (article 31)

355. *Funding children's and adolescents' leisure activities.* The Ministry of Education provides funding for children's and adolescents' leisure activities. In 2002, Parliament adopted an Act on the Use of the Profits from Lotteries and Betting (1054/2001). Accordingly, certain percentages of the profits of Veikkaus – Finnish Lotteries are guaranteed to the beneficiary (science, arts, youth work and sports). The Act provides for a share of a minimum of 9% for youth work. In this connection, the Act also determined a timeframe within which the State appropriations for libraries were transferred to be funded by the general budget. This contributed to increasing the share allocated to the beneficiaries. The application of the Act as from the Government's term in office 2003–

2007 has led to an important increase in appropriations allocated to youth work and made it possible to increase allocations for a number of uses.

356. *State appropriations for municipal youth work.* The State subsidises municipal youth work according to an amount in Euros calculated according to the number of inhabitants in the municipality. In 2007, the State appropriations targeted at youth work stood at 13 Euros per inhabitant under 29 years of age (12,3 Euros in 2003). The Youth Act (2006/72) defines youth work as coming under the competency of the municipality, so the municipality may spend the State youth work appropriation on youth work in a manner it considers the best suited. In 2007, municipalities spent about 160 million Euros (140 million Euros in 2002) on youth work, the State appropriation having covered about 7 million Euros or 4,4%. Combined with other State subsidies for municipalities targeted at youth work (workshops, subsidies for facilities, information and counselling services, school children's afternoon activities, preventive substance abuse and drug work), the share of State funding for municipalities' youth work expenditure was about 12,5% (6% in 2002).

357. *Promotion of children's cultural activities.* The promotion of the cultural activities of children has been one of the focuses of the Ministry of Education since 2003. The Ministry of Education implemented in 2003–2007 a Culture Programme for Children which contained the principal objectives governing the sector of activities of the Ministry and wide-ranged and detailed measures to be implemented in different sectors of child culture.

358. Children's culture has been a focus and a development objective of the Ministry's Activity and Economic Plan for 2004–2007 as well. This has also been reflected by concrete actions. At the beginning of 2003, the first three year term of activities of the Magic Lamp (Taikalamppu), the network of children's culture centers was launched with an appropriation of 406 000 Euros. The network had six members. The Magic Lamp's second term of activity is ongoing, and there are ten members, and the amount of appropriations allocated is 970 000 Euros. The purpose of the network is to support and develop the activities of existing children's culture centers and promote the birth of activities to regions not yet covered. The activities involve the development of expertise in different domains of art and diversified expertise in the field of children's culture (expositions and presentation, art education, events, research). As a result of the network's activities, children's culture activities have increased and activated across Finland.

359. In 2008, the appropriations intended for the promotion of children's culture amounted to 510 000 Euros to be distributed as special subsidies and scholarships. Focus is on the interaction between the artist and the child in art education, art in the child's community and initiatives aimed at combating exclusion (art in child welfare institutions). The amount allocated has grown by about 219% since 1997.

360. Adolescent circus activities play an increasingly important role in the promotion of children's and adolescents' culture. The Ministry of Education has subsidised the Finnish Youth Circus Association with the goal of promoting the activities across the country as well as subsidised well functioning local circuses. Youth circus activities are part of diversified adolescents', cultural and physical education activities to which the Ministry of Education has attached special attention.

361. *Cinema for children.* Children's movies and the children's movie culture have been one of the focuses of the cultural policy since 2002. In 2002–2005, the Ministry of Education carried out a child cinema promotion programme, the recommendations of which covered extensively structural proposals related to the production, showing and distribution of children's movies.

362. *Children and the media.* Children and the media is an action programme that has been running since 2006. The initiatives included in it aim at promoting the media literacy of children and those responsible for their upbringing and education and the establishment

of media education. 2003 saw the revival of the school cinema, the goal of which is that every schoolchild in Finland at the basic education level gets a chance to go see a movie at least once a year.

363. Special measures have also been taken within the Children and the media activities in order to increase the number of Sámi language radio and television programmes for children and adolescents and other products of children's culture (for example magazines, literature, music, theatre, video, marionettes). The National Broadcasting Company YLE launched a Sámi language children's programme in autumn 2007.

364. The Sámi Parliament considers that the commencement of the broadcasting of a Sámi language children's programme has been an important initiative for the preservation and development of the language of Sámi children. It is also important that all Sámi people can watch the programme across Finland. The Sámi Parliament has considered that the production of Sámi language children's programmes should be subsidised more than today, and production should also take advantage of the existing common Nordic Sámi language children's programmes. More effort should also be made in subsidising and promoting children's magazines in Sámi, recreational and leisure activities, Sámi language children's literature, and the production of children's music and computer games in Sámi.

365. The Mannerheim League for Child Welfare considers that the number of children's and adolescents' programmes has not increased in proportion with the production of other programmes. According to the Mannerheim League for Child Welfare, there are still a very few programmes produced for children in comparison with those made for the rest of the population.

366. *Children, adolescents and sports.* The Ministry of Education has subsidised children's and adolescents' sports in a number of ways. The most central form of support is the result-based support of national sports federations through which the nominal amount of 8, 5 million Euros are channelled to children's and adolescents sports activities on the basis of results achieved. The physical exercise programme for children and adolescents is another important form of support through which local activities carried on during the school day or immediately after it have been subsidised. In addition, local clubs have allocated resources for the purpose of developing new activities for young people active in sports. In addition, sports associations have been encouraged to develop teaching and competition systems for children and adolescents in particular. Building sports facilities, especially in the proximity of schools is another significant form of support.

367. *Subsidising national sports organisations.* Supporting children's and adolescents' physical activities is given priority in the system of subsidies directed to national sports organisations. The categories applied to State appropriations since 2006 and the corresponding shares are as follows:

Children's and adolescents' sports activities	50%
Adult sports activities	25%
Competitive sports	25%

368. A results system developed in the 1990s has been applied as a basis for determining the shares of State appropriations directed to national sports organisations. This kind of results-based appreciation aims at steering the activities of the organisations in a direction inviting as many girls and boys as possible to participate in the activities of their member clubs. In order to reach this objective, the association must help the clubs to diversify their activities. The associations are responsible for developing the expertise of the teachers and coaches and must provide the leagues with means of making their activities more child-oriented. The associations must also be able to provide their member clubs with operational models for both competition and leisure sports. The leagues must offer a set of diversified

alternatives which enable competing at different level or doing sports without competing. The system should offer possibilities for many types of competition.

369. The results-based subsidy system has, in part, made national sports federations focus more on the development of children's and adolescents' sports. The fact that local clubs may not have the capacity required for signing up all those willing to participate has emerged as a considerable problem. In addition, the fact that children and adolescents tend to do concentrate on a few disciplines of sports has come up. For example, 25% of all 10 year old boys play football.

370. *Physical exercise programme for children and adolescents.* The Ministry of Education decided to continue the children's and adolescents' physical exercise programme set off in 1999 by launching its second phase in 2003. Increasing physical exercise during the school day and developing the activities of local sports clubs were the focus of the programme.

371. The physical exercise programme for children and adolescent emphasizes enhancing the activities of clubs, making sports accessible to an increasing number of youngsters, developing the quality of sports as a part of the afternoon activities, developing the activities of 3rd to 9th graders right after school, setting off local pilot projects, including disabled children in sports club activities following the example of the project Sports for Everyone and activating children and adolescents who do less sports.

372. Through the children's physical exercise and the school wellbeing action programme, the Ministry of Education has funded a project entitled "School children in action" carried out by Nuori Suomi (Young Finland Association), a children's and adolescents' sports association. The purpose of the initiative has been to encourage each and every school child to engage in at least one hour of physical exercise per day by means of various types of campaigns, sports clubs, competitions and events.

VIII. Special protection measures (articles 22, 38, 39, 40, 37 (subparagraphs b–d) and 32–36)

A. Children in exceptional circumstances

1. Refugee children

373. *Reform of the administration of immigration.* The Directorate of Immigration became the Finnish Immigration Service as from 1 January 2008. This change was related to more extensive reforms concerning the administration of immigration matters in accordance with the Government Programme of Prime Minister Vanhanen's Second Cabinet. A corresponding entity was compiled on immigration and integration affairs to the Ministry of the Interior. The Minister of Immigration and European Affairs is in charge of the entity. The duties of the Immigration Service remain the same as before, covering asylum, residence permit and nationality matters.

374. *Study on the best interest of the child.* A decision to examine how the principle of the best interests of the child is realised in decisions concerning children seekers of asylum and refugee children was included the Government Programme of the Second Cabinet of Prime Minister Vanhanen. The objective of the study is to address the position and treatment of children, in particular, those who have entered the country without a guardian. The report will be completed during 2008. The implementation of the developmental needs to be identified by the study, will be a central objective of the administration of immigration affairs in the coming years.

375. *Detention.* The Ministry of the Interior launched in March 2008 a project to examine the treatment of foreigners held in detention in accordance with the Aliens Act (2004/301), the running of the detention unit and the conditions and procedures related to ordering a person to be held in detention. The project will be carried out in two phases. In the first phase, the intention is to examine and assess the treatment of foreigners ordered to be held in detention at a detention unit set up in accordance the Act on the Treatment of Foreigners Ordered to be Held in Detention and the Detention Unit (116/2002). In this connection also the position of special groups, such as minors, will be considered from the perspective of preconditions for ordering minors to be held in detention and their treatment while in detention. A report on the matter is scheduled to be completed by the end of 2008.

376. *Right to receive information.* An amendment of the Aliens Act (301/2004) concerning the right to receive information entered into force in February 2007. In accordance with the Act, notwithstanding any secrecy provisions, the Finnish Immigration Service, the Police and the Border Guard have the right, upon request, to receive information from a reception centre on an unaccompanied minor asylum seeker's date of birth, family members and their whereabouts necessary for these authorities to establish the minor's identity, travel route or grounds for entry into the country or issuing a residence permit, or for the Finnish Immigration Service to endeavour to trace his other parents or some other person responsible for the actual guardianship of the unaccompanied minor asylum seeker. When requesting information, the best interest of the child must be a primary consideration for the authorities.

377. The purpose of the right to receive information is to fulfil the principle of the best interests of the child and to improve the position of a child by guaranteeing the consideration of the situation of the child as whole and basing decisions concerning him or her on all relevant facts available. An unaccompanied minor must be notified that information may, regardless of his or her consent, be distributed to the Finnish Immigration Service, the Police and the Border Guard. When providing information, account must be taken of the age and level of development of the child. The representative assigned to the minor must be notified in advance of the information to be provided. The child's representative may correct an erroneous piece of information and evaluate the significance of information. When considering a decision concerning an application for international protection and other related application in accordance with the provisions of Aliens Act (2004/301), the child's best interest must always be taken into account. So far, the Immigration Service has not made any information requests under the provision on the right to receive information of the Aliens Act (2004/301).

378. *Tracing.* The Aliens Act (2004/301) was supplemented in 2006 by a provision (amendment 1158/2006) on tracing, according to which the Finnish Immigration Service must, when possible, trace a parent or some other person responsible for the actual guardianship of an unaccompanied minor asylum seeker without delay.

379. The Immigration Service is obligated to trace the parents or some other person responsible for his actual guardianship of an unaccompanied minor asylum seeker. The objective of tracing is to establish the guardian's whereabouts and to re-establish the contact between the minor asylum seeker and his guardian. By means of tracing, the Immigration Service might also obtain information on the minor asylum seeker's family relations and living conditions, to which it can base its' decision on. Another purpose is to gain useful information for the eventual reuniting of the family either in Finland, the asylum seeker's country of origin or the country in which he resides. Tracing is resorted to if the asylum seeker has not had an actual guardian before arriving in Finland. Tracing does not affect the assessment of the child's need for international protection. It must not endanger the safety of the minor asylum seeker or his family.

380. The Immigration Service and the independent non-governmental organisation International Social Service (ISS) have concluded a cooperation agreement in April 2007 for the tracing of the actual guardians of unaccompanied underage asylum seekers. The ISS has a world-wide network for assisting individuals and families facing problems related to international migration, such as international adoptions and disputes of guardianship.

381. According to the cooperation agreement between the Immigration Service and the ISS, the ISS is to consider within two months (60 days) from the receiving of the tracing request whether it is possible to perform the tracing. The duration of the tracing was agreed to be five months (150 days). In individual cases it is possible to agree otherwise. In a performance agreement concluded between the Director General of the Immigration Service and the Asylum Unit in 2007, it was agreed that the processing time of the applications of minor asylum seekers having entered the country unaccompanied is 180 days in cases where the process involves tracing. Otherwise, the processing time is 90 days.

382. During the time period between 1 February to 31 December 2007, 50 minor asylum seekers entered the country unaccompanied. They were all interviewed by the Immigration Service by the end of 2007. The number of tracing requests submitted to the ISS during 2007 was 11. A final report on the tracing has been received only in the case of four children. Based on the experiences of 2007, it can be concluded that in practice tracing is a very challenging assignment. The asylum process requires a speedy tracing, but in practise tracing is time consuming. This is largely due to the situation in the most common countries of origin, where tracing is extremely difficult.

383. With the tracing procedure, the need of information by the Immigration Service has increased. For this reason, the Immigration Service has commenced a practice by which the relatives and friends of the children arrived in Finland unaccompanied are interviewed. The prerequisite for such an interview is that the person to be interviewed as well as the representative of the child both consent to it. The procedure may have contributed to the fact that so far, the Immigration Service has not send information requests to directors of reception centers in accordance with the provisions of the right to receive information.

384. *Unaccompanied asylum-seekers entering the country.* In 2005, 220 minor asylum seekers arrived in Finland unaccompanied. In 2006, the number was 108 and in 2007, 98. In 2006, the majority of them were nationals of Afghanistan (23), Somalia (20), Angola (17) and Iraq (15). In 2007, the majority of unaccompanied minor applicants were Iraqi (27) and Somali (24). In 2007, the applicants represented a total of 18 nationalities. The majority were boys over 15 years of age. For statistical purposes, the Immigration Service considers as minors also those applicants, who come of age during the asylum process. In the absence of documents, entering an applicant as a minor is based on his own declaration of age.

385. *Decisions by the Immigration Service regarding unaccompanied minors seeking asylum.* In 2006, 130 decisions were made concerning applications filed by minor asylum seekers who had entered the country unaccompanied. In substance, 100 applications were processed. Nine applications were dismissed and 21 applications were unprocessed since another EU member state, Norway or Iceland was in charge of examining the application of the asylum seeker in question (the so called Dublin procedure).

386. In 2007, 150 applications filed by unaccompanied minors seeking asylum were processed. Three applications were dismissed. The applications of 12 applicants were unprocessed since another EU member state, Norway or Iceland was responsible for its examination (Dublin procedure). Both in 2006 and 2007, a few applicants had turned 18 by the date of the decision.

387. *Reception of unaccompanied minors.* The reception of minors entering Finland unaccompanied is organised in the four designated group homes operating in connection of reception centres. The majority of unaccompanied minors are first placed in a group home

serving as a transit centre, situated in the metropolitan area. A representative is assigned by the District Court to an unaccompanied minor immediately after his or her arrival. The representation of children is provided for in the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999). Unaccompanied minors remain in the transit centre for about two to four months. During this period of time, the police examine the minor's identity, travel route and entry. The Immigration Service conducts the asylum interview, where the minor's representative, a social worker from the transit centre, an interpreter and, when deemed necessary by the representative, a legal assistant are present. Small children may also be accompanied by a relative. Minor asylum seeker's interviews are concentrated to a unit at the Immigration Service where the officials have an adequate expertise in matters pertaining to children. Specific guidelines have also been issued on interviewing children.

388. After the asylum interview, applicants are transferred to a group home to wait for the decision on their asylum and residence permit applications. In addition to attending to their basic needs including housing, meals and health care, the group home provides them with care and upbringing. Adolescent asylum seekers who have attained maturity are placed in a reception centre with the other asylum seekers.

389. Minors, who have obtained a residence permit are assigned to a municipality, after which the municipality will be responsible for the child's basic needs, care, upbringing and integration. The municipality usually places the minor in a family community home, of which there are five in different parts of Finland. Three of these are combinations of a group home and a family community home. A minor placed in such a group or family community home, does not have to transfer elsewhere after receiving the residence permit, the living arrangements can be continued. The objective is to ensure, for small children in particular, the continuity of the placement; the child does not have to be separated from the adults, who take care of him or her, and on whom the child has become attached to. Adolescents are transferred either to family community homes with other 15- to 17-year-olds living in them, or to supported housing situated with group or family community homes, intended for over 17-year-olds. The number of the staff in group and family community homes and supported housing and the size of child groups meet the requirements of the Child Welfare Act (2007/417). In the group homes and family community homes, minors are provided with, in addition to upbringing and care, social, health and interpretation services. Unaccompanied minors are provided with more extensive health services than adults, comparable to the services provided to those residing permanently in the country.

390. Some of the minors are placed with private families who announce themselves as the relatives of the child and willing to take the child in their care. Before placing children with private families, the family's capacity and resources to take care of the child are assessed. The social worker and family worker of the transit centre conduct the assessment. In addition, the social administration of the municipality in which the family resides, the child's representative and, to an extent possible, a child welfare worker also participate in assessing the situation. The examination involves visiting the home of the family on several occasions and interviewing the family members. If the decision is positive, the minor is placed with the family, and the municipality is given a notification of the placement of a minor as provided for by the Child Welfare Act. The situation of the child is followed by visiting the family. The family worker and the child's representative participate in these visits.

391. Children of school age, that is, children under 16 years of age must attend school. Most often, immigrant children start by learning Finnish. After this initial phase (500 hours), the children are placed in regular classes according to their age. Efforts are made to find minors over the school age opportunities to study in adult or evening high schools or

folk high schools. Minors, who have received their residence permit continue their schooling according to their age and capabilities in the educational system of the State. Preparatory education is also organised for adolescents. Minors and adults with residence permits have access to the same health care as the people residing permanently in the country.

392. *Development of a psychosocial assessment system for the reception of unaccompanied children seeking asylum.* In January 2008, a cooperation project was launched between non-governmental organisations All Our Children and the Federation of Special Welfare Organisations (EHJÄ) for developing a psychosocial assessment system for the reception of unaccompanied children entering the country. The Immigration Service participates in the work of a steering group set up to guide the project. Another task of the steering group is to assess the functioning of the models of operation created as a result of the project, integrating them into the reception system of unaccompanied minor asylum seekers. Reception of an unaccompanied minor seeking asylum is a very challenging task. The child's need for asylum and validity of the decision must be assessed in a most objective manner and from the point of view of the child. Making a decision that is in the best interests of the child requires the assessment of the psychosocial situation of the child and the assessment of the impact of the decision on the child's mental and physical health and his social well-being in the long run. The project is targeted primarily to unaccompanied minor asylum seekers entering Finland. Second, by way of training, the project targets the authorities, reception centers and municipal workers.

Recommendation 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.

393. In accordance with the Aliens Act (2004/301), an asylum application may be treated in an accelerated procedure if the applicant seeks asylum in Finland for a second time and his first application was turned down, if an applicant has arrived in Finland from a so-called safe country of origin or if the application is regarded as manifestly unfounded. The purpose of the accelerated procedure is to decrease the number and therefore enable an expedient treatment of asylum applications, which indicate that there are no justifications for providing the applicant with international protection in Finland. In the accelerated procedure, a pending appeal does not prevent the enforcement of a decision on the refusal of entry.

394. According to the statistics of the Immigration Service, in 2006 four asylum applications by unaccompanied minors were resolved in the so-called accelerated procedure as manifestly unfounded. In 2007, one application by an unaccompanied minor asylum seeker was resolved in the accelerated procedure.

395. The Ombudsman for minorities conducted in 2005, on the Government's request, a study on the guarantees of legal protection related to the accelerated asylum procedure. The assessment was based on the human rights standards set by international conventions and the provisions on legal protection and good governance contained in the Finnish Constitution (1999/713). It was concluded that even if legal protection is ensured by the procedure as a principal rule, in practice problems of interpretation have emerged. The conduct of public officials should be consistent and equal throughout the asylum procedure regardless of the applicant's country of origin and capacity.

396. The Ombudsman considered problematic the possibility that an asylum interview would not be held at all or that it would be transferred to be conducted by another agency in accordance with the Aliens' Act. Also, increasing attention should be paid on the asylum seeker's opportunities to have recourse to an assistant and to legal aid in order not to endanger the due process rights of the applicant.

397. As for the appeals procedure, the Ombudsman considered that the Administrative Court should be provided with a possibility to express its position before a decision on refusal of entry is enforced, which has not always been the case because of insufficient resources. The Ombudsman considered that this endangers the principle of legal protection and the efficiency of the right to appeal.

398. The Ministry of the Interior set up a project for the development of the administration of immigration and the activities of the Immigration Service. The term of the project was from the beginning of November 2007 to the end of April 2008. The objective of the project was to assess and create conditions for an active, comprehensive and consistent immigration policy which would fully take into account the need for workforce, the diversified backgrounds of immigrants as well as the obligations related to international protection and human rights. The focus of the project was the improvement of the services of the Immigration Service, development of the quality of its activities and structures. One of the objectives of the project was also conducting a study on the procedures of the Immigration Service and the courts of appeal, an objective which was also included in the Government Programme.

399. According to the report of the project, legislation concerning appeals and related procedures is, generally speaking, appropriate and client's legal protection is guaranteed. The appeals process and the consideration of the relevant facts lasts a certain amount of time with the resources at the disposal of the court of law. According to the recommendations included in the report, average processing times should be made shorter. In addition, attention should be focused on the fact that administrative courts should have adequate resources for the processing of matters related to the Aliens' Act.

Recommendation 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.

400. *Processing times of applications on grounds of family ties.* In 2007, the average processing time for applications of minors filed on grounds of family ties was 114 days. The figure includes applications, in which the sponsor has a residence permit on grounds of being a refugee or being in need of protection as well as third country nationals whose underage family members apply for family reunification. In 2006, the average processing time was 106 days.

401. The overall processing time depends, however, on several factors, on which the Immigrant Service has no influence on. In all, the processing time of an application from its receipt (competence of Finnish Diplomatic Missions and district police departments) to the notification of the decision (in Finland, mainly by a letter, or in exceptional cases by a summons; abroad often through the Finnish Diplomatic Mission) covers several different procedures by various public officials. In addition, it is worth noticing that the often lengthy processing time of the applications of foreigners with a refugee background is due to the requirement of hearing the applicants in person and acquiring different types of additional accounts by means of oral hearings as well. The existence of family ties can not necessarily be demonstrated by documents and, on the other hand, it may be justified to question the reliability of presented documents. It may also be necessary to provide for an opportunity to demonstrate the existence of biological family ties by means of a DNA test, and arranging for one may take time. Holding an oral hearing may be necessary also when the person concerned is illiterate. The holding of hearings may cause delays also since in many cases applicants live far away from the nearest Finnish Mission. Arranging interviews for the assessment of existing family ties is not always possible due the special circumstances of the country (for example conflicts, rain season).

402. The Immigration Service has also by its' own initiatives strived to pay attention of the other authorities involved in the family reunification process on giving these proceedings priority and making them more efficient. Further efforts are also being made to make the processing of applications even more effective by means of guidelines and training and by means of cooperation with police departments and Finnish Missions Abroad. At the moment, a project on setting up an electronic system for applications is under way, which will also have an effect on the processing times.

403. The Deputy Parliamentary Ombudsman has invited the Immigration Service to pay attention to the fact that the implementation of the principle best interests of the child requires that matters concerning minors are processed expediently. Authorities have a special responsibility for the realisation of the child's best interests since the means of children to defend their own rights are limited. The matter in question concerned the processing time of a residence permit, which was unreasonably long from the perspective of the child (2874/4/05).

404. Several non-governmental organisations consider that the best interests of a child are still not always fully realised in decisions concerning minor asylum seekers. The NGOs consider positive that the asylum process in the case of unaccompanied children seeking asylum has become considerably faster during the past few years. The NGOs regret however, that faster processing times have not materialised in cases of family reunification applications. The NGOs also consider the detention of minor asylum seekers problematic. No statistics are compiled on the detention of minors, so up-to-date information on the matter is not readily available. The NGOs are also concerned with the routine application of the Dublin Convention to asylum-seeking children.

405. The NGOs also consider that the amendments made to the Aliens Act (2004/301) regarding tracing and the reception of information have to be closely followed, in particular from the point of view of their possible implications on the position of children and family reunification.

406. *Marriages of minors and forced marriages.* The Immigration Service has knowledge of forced marriages relating to residence permit applications, in which a person residing abroad has applied for a residence permit in Finland on grounds of marriage. A suspicion of forced marriages may also emerge in the context of a residence permit application being considered by the Immigration Service for example in cases where a girl residing in Finland, who has been married very young, lives with her parents and goes to school. The Immigration Service has also knowledge with cases in which a girl residing in Finland has, without telling her family, revealed confidentially to the Service that she does not want her spouse applying for a residence permit in Finland to enter the country.

407. If the Immigration Service, when considering a residence permit application, has a reason to suspect the possibility of a forced marriage, direct and oral hearings are held in order to clarify the matter. The matter is thoroughly assessed in particular, when either one of the spouses is a minor and/or when the marriage in question is a so-called marriage by procuration, meaning that the parties were not personally present when the marriage was contracted.

408. The Supreme Administrative Court has delivered a judgment on the issue for an appeal lodged by the Immigration Service, in which it considered that immigrant girls have the right, regardless of their cultural background and religion, to choose a spouse as an expression of their full and free consent. In the case in question, the Supreme

Administrative Court considered that the granting of the residence permit would not have been in accordance with the principle of the best interests of the child.²⁰

2. *Children in armed conflicts; promoting their recovery and social rehabilitation – the Second Periodic Report of the Government of Finland on the implementation of the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*

409. The Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict entered into force in Finland in May 2002 (Treaty Series 31/2002). In Finnish legislation, the obligation to participate in national defense is laid down in the Constitution. When the ratification instrument of the Protocol was deposited, Finland submitted a declaration based on article 3, paragraph 2, of the Protocol according to which Finland requires that all persons recruited to serve in the national armed forces are at least 18 years of age and that the minimum age requirement applies to both men's compulsory military service and women's voluntary military service.

410. The new Conscription Act (1438/2007) entered into force as from the beginning of 2008. The purpose of the reform was to amend the Act to comply with the requirements of the Constitution (1999/731), updating it and making it more functional in all of its aspects. As for its contents, the new Act corresponds in most respects to the Act previously in force. According to the Act, all Finnish men are liable for military service as from the beginning of the year in which they attain the age of 18. In comparison to what was already brought up in the Third Periodic Report and the First Periodic Report on the Implementation of the Protocol, the only significant change brought about by the revision is that the legislation on conscription no longer contains provisions on entering military service voluntarily. The Conscription Act earlier in force provided for the possibility of men entering military service voluntarily at the age of 18. In practice, the significance of this provision was not considerable.

Recommendation 5. The Committee invites the State party to provide information in its next periodic report on refugee and migrant children within its jurisdiction who may have been involved in hostilities in their country of origin and on the assistance provided, if any, for their physical and psychological recovery and social reintegration. Furthermore, the State party is also invited to provide additional information on technical cooperation and financial assistance projects aimed at preventing the involvement of children in armed conflicts as well as assisting the recovery of child victims of armed conflict.

411. Statistics and procedures concerning the reception of minor refugee and asylum seeking children are described in more detail in the previous section on Refugee Children (VII. Special Protection Measures).

412. Development Policy Programme. In October 2007, the Government adopted a Development Policy Programme which will govern the Finnish development policy and development cooperation during the Government's term of office. According to the Programme, the most important objective of the Finnish development policy consists in the eradication of poverty in accordance with the Millennium Goals set in 2000. Eradicating poverty will be possible only on condition that development in both developing and industrialised countries is economically, socially and ecologically sustainable. In its cooperation with the developing countries, Finland observes the common goals and

²⁰ KKO 2005:87.

guidelines adopted by the UN and the EU. The Finnish Government will ensure that its development cooperation appropriations will take Finland towards the 0.7% of the gross national income. In development policy, Finland promotes a cross-cutting approach designed to further the rights of groups at risk of exclusion, including children, and to improve participation opportunities on an equal basis.

413. Finland provides funding to several projects the purpose of which is to prevent the participation of children in armed conflicts or/and help child victims recover from armed conflict. In 2007, Finland participated in the following projects:

Countries: Great Lakes Region (Republic of Congo, Central African Republic, Uganda, Rwanda, Burundi, Democratic Republic of Congo, Angola)

Project: Demobilization and reintegration of combatants in countries involved in, or affected by, conflict in the Great Lakes Region

Project Volume: 1 MEUR

Country: Sri Lanka

Project: Interim Safehouse for war affected children in Batticaloa District

Project Volume: Funds given so far: 132.120 EUR (30.000 in 2003; 25.000 in 2004; 30.850 and special Tsunami assistance of 20.000 in 2005; 26.270 in 2007)

Country: Nepal, Sri Lanka

Project: Project funding for Coalition to stop the use of Child Soldiers

Project Volume: 80.000 EUR in 2005–2006

Country: DRC

Project: Women and girls in post-conflict situation

Project Volume: 119.700 EUR in 2007

414. In addition, support has been provided to several projects that have not been classified as Children and Armed Conflict projects (CAAC) even if they have an actual impact on the rights of children as well. CAAC projects are also subsidised by funds channelled through UNICEF.

415. Finland provides funding for the activities of a Finnish expert working in the framework of the theme children and armed conflicts in the Congo EUPOL operation under “Expert EUPOL EUSEC Droits de L’Homme/Enfants dans les Conflits Armés” (a child protection and human rights expert).

416. The non-governmental organisations consider that therapy services should be provided for children and adolescents who have been involved in armed conflicts. It would be important to assess the background and experiences of the children asylum seekers entering the country, in particular those arriving unaccompanied. Additional resources are needed to train experts and further develop therapy services.

417. The NGOs also consider that Development Policy Programme 2007 has insufficiently clear objectives for its implementation. The absence of clear objectives makes it particularly difficult to monitor the impacts of the Programme from the point of view of benefiting children. In addition, the NGOs consider that children’s rights are not paid sufficient attention in the Development Policy Programme of 2007. According to the NGOs, it should be ensured that the rights of children are fulfilled also in practice in countries targets of Finnish development assistance.

Recommendation 6. The Committee recommends that the State party continue to develop ongoing and systematic education and training in all relevant languages on the provisions of the Optional Protocol for all relevant professional groups, in particular military personnel, and make them widely known to the public at large and, in particular, to children and parents in all relevant languages, through, *inter alia*, school curricula.

418. The rights of the child, the position of child soldiers and the rules of war are included in the curriculum for officers educated at the National Defence University.

419. The teaching of the rules of war is a part of both the programme for Bachelor's Degree and the programme for Master of Military Science Degree. The rules of war are also part of the education provided for general staff officers. The principal teaching language is Finnish, but also Swedish is spoken when needed during the teaching periods. Moreover, the National Defence University organises courses in the rules of war to people not degree students of the University. Also the peacekeeping syllabus includes a course on the rules of war. Courses can be partially taught also in English.

420. The rules of war are also included in the study programme provided to conscripts. Finnish and Swedish are the teaching languages. A soldier's manual in English is intended to be published for expatriate Finns doing their military services containing training in the rules of warfare.

Recommendation 7. In light of article 2, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State party and the concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate on and awareness of the Optional Protocol, its implementation and monitoring.

421. The publication of the First Periodic Report on the Implementation of the Optional Protocol including the recommendations are described in more detail in Section I. General Measures for the implementation of the provisions of the convention.

B. Children and the criminal law

Recommendation 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/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.

422. Chapter 6 of the Penal Code (1889/39) on sentencing (as amended by Act 2003/515) contains special provisions on punishments for offences committed by a person less than 18

years of age. A mitigation of the penal latitude is applied to a crime committed by person when under 18 years of age. According to it, the person may be sentenced to at most three fourths of the maximum sentence prescribed by law. Therefore, in practice, punishments imposed to persons belonging to this age group are more lenient than those imposed on adults. A person may not be sentenced to unconditional imprisonment for an offence which he committed when he was less than 18 years of age, unless there are weighty reasons for it. Due to this provision, there are exceptionally few prisoners in the Finnish prisons, having committed a crime under 18 years of age, and only occasional such prisoners at the same time. A life sentence may not be imposed for a crime committed by a person belonging to this age group. For example, the most severe punishment possible for murder is 12 years of imprisonment. Throughout the 21st century, homicides committed by under 18-year-olds have been occasional. In 2003, no homicides were committed by under 18-year-olds, however in 2006 there were four homicides committed by under 18-year-olds.

423. *Juvenile punishment.* As from the beginning of 2005, the juvenile punishment was established as a form of punishment covering the whole country (Act on amending Chapters 6 and 7 the Penal Code 1195/2004 and Act on the juvenile punishment 1196/2004). A person who has committed a crime under 18 years of age may be sentenced for a juvenile punishment, if a fine is deemed insufficient and there are no serious grounds for imposing imprisonment. In addition, imposing a juvenile punishment must be justified on the grounds that it would promote the offender's social survival and prevent him from committing additional crimes. Thus, in severity the juvenile punishment equals a sentence of conditional imprisonment.

424. A person may be sentenced to a juvenile punishment minimum of four months and maximum of one year. A sentenced person will remain under supervision for the duration of the punishment. The juvenile punishment involves supervisory meetings, tasks and programmes to be carried out while under supervision and support and guidance in connection with these. The juvenile punishment also includes work try-outs and getting accustomed to work unless these are deemed clearly unnecessary or particularly difficult to arrange.

425. After its establishment, the juvenile punishment has not become a widely applied form of punishment. Only a few dozens of juvenile punishments are imposed per year. In practice, it has not lead to the reduction of conditional imprisonment, which was one of the objectives of its establishment. It is difficult to point out a clear reason for its non-application. On the one hand, authorities might be reluctant to apply the punishment, and on the other, the scope of offences covered by the punishment is not very large-scale.

426. *Reform of acts on imprisonment.* A new Imprisonment Act (2005/767) and new Detention Act (2005/768) entered into force in October 2006. The Acts served to revise legislation concerning the enforcement of a prison sentence and the carrying out of pretrial detention. The Acts provide for restrictions made on the basic rights of prisoners and their rights and obligations in respect of requirements deriving from the Constitution and international human rights. The Acts contain provisions, for example, on entry into a prison, placing a prisoner in the prison, the contents of imprisonment and pretrial detention, contacts allowed outside, disciplinary measures, surveillance, protection measures, the use of coercive measures and the right to appeal and the relevant procedure.

427. The Acts contain provisions for keeping under 18-year-olds separated from other prisoners. The Imprisonment Act (2005/767) provides that a prisoner under 18 years of age must be kept separated from adult prisoners unless it goes against his best interests. According to the justifications of the Government Bill for the Act (HE 263/2004), the obligation also entails the duty of keeping a minor in a section separated from that of adult prisoners. The obligation could be deviated from if it were in the best interests of the child.

428. According to the reservations made by Finland with respect to article 10, paragraph 2 (b) and 3, of the International Covenant on Civil and Political Rights (Treaty Series 8/1976), Finland declared that although juvenile offenders are, as a rule, segregated from adults, it is not appropriate to adopt an absolute prohibition not allowing for more flexible arrangements. The reform of the Detention and Imprisonment Acts aimed at amending provisions on placing prisoners so that transferring a prisoner to a prison and placing him inside the prison facility are based on an individual plan drawn up for each prisoner for the duration of his prison term. The individual prison plan is aimed at increasing planning and predictability during the prison term, improving the treatment of prisoners as individuals, and enhancing the efficiency of activities. A system based on placing all prisoners under the age of 21 solely on grounds of their age group would be in conflict with the objectives of the reform. The strict segregation of adolescents from adults can not be considered in their best interests in all situations.

429. The segregation obligations laid down in the International Covenant on Civil and Political Rights (Treaty Series 8/1976) are considerably more absolute than the separation obligation contained in Article 37 (c) of the Convention on the Rights of the Child, which allows for deviating from the obligation when this is in the best interests of the child. An absolute obligation cannot be considered to be in the best interests of a child in all cases, for it would follow from it in practice, for example, that under 18-year-olds could not be placed in out-patient institutions. Since there are so few minor pretrial detainees in Finland, strictly observing the obligation could in practice lead to placing adolescent in complete isolation. For this reason, Finland continues to consider the removing of the reservations not possible.

430. The Imprisonment Act (2005/767) also contains provisions on allowing a prisoner's child to live in the detention facility. By virtue of the Act, a prisoner's young child can be allowed to live in the prison, when this is in his or her best interests and when the prisoner so desires. In such a case, caring for the child is organised in a manner that is in the best interests of the child. This means, for example that in daytime, a small child could also be in care outside the prison facilities, for instance in municipal daycare. The provision does not include a specific age limit concerning the child. The *travaux préparatoires* states that such an age limit might lead to unreasonable results in individual cases.

431. According to the Act on the Distribution of the Tasks of the Chancellor of Justice and the Parliamentary Ombudsman (1990/1224), the matters pertaining to the surveillance of legality in respect of prisons and other closed facilities and those pertaining to proceedings related to the surveillance of legality initiated by persons deprived of their liberty come under the competence of the Ombudsman only. The Parliamentary Ombudsman is currently examining, how the best interests of a child had been taken into account during the time the child was living in a prison with one of his parents. In September 2007, the Ombudsman requested the Criminal Sanctions Agency to examine, in particular, how the exchange of information and cooperation between sentenced women, enforcement authorities and municipal child welfare authorities is arranged (2758/2/07). The Agency has given the Ombudsman a report on the matter and the consideration of the case is still pending. At her own initiative, the Ombudsman also took on the examination of opportunities of mothers staying in prison with their child to participate in rehabilitation and recreation (27565/2/07). This matter is also currently pending.

432. In March 2008, the Deputy Ombudsman asked the Criminal Sanctions Agency to examine how the segregation of underage prisoners and the observance of the best interests of the child have been fulfilled in a detention facility as from the beginning of 2006 when the Imprisonment Act and the Detention Act entered into force (879/2/08). The report was to contain, for example, information on the number of underage prisoners and pretrial detainees and the implementation of the segregation obligation and the grounds for assessing the best interests of the child. The matter is still being considered by the Deputy

Ombudsman. Previously, the Deputy Ombudsman had considered a matter, which concerned the possibility of a prisoner with a child to be placed in an open institution. The Criminal Sanctions Agency had not placed these prisoners in an open institution because it considered that the safety of the child could not be adequately ensured. The Deputy Ombudsman agreed that placing a prisoner with a child in an open institution was not possible, when the child's safety could not be guaranteed. However, the Deputy Ombudsman observed that the prisoners with children are entitled to equal treatment with the other prisoners (1256/06).

433. The non-governmental organisations consider it positive that in Finland, there are only a few child prisoners and that children have committed fewer crimes both in terms of quantity and in proportion to the number of children in Finland. According to the NGOs, more attention should be paid to children who reside in prison with their mothers while the mother is serving her sentence. Very little is known and discussed on these children and their prison-time circumstances. No national statistics are kept on the number of children residing with their mothers in prisons and periods of time spent in prisons. The fulfilment of the principles of the best interests of the child, the right to protection and development should be ensured also in these cases. Enhancing documentation and statistics on children residing in prisons would create a basis for the assessment of the best interests of the child.

C. Children in situations of exploitation, and promotion of their physical and psychological recovery and social reintegration

Recommendation 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*.

Recommendation 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.

434. Finland is 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* (Treaty Series 71/2006). The Protocol entered into force in Finland in October 2006. Acceding to it did not require any legislative amendments, since the relevant criminalisation obligations had already been met.

435. Since the entering into force in 2003 of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* and later as well, Finland has considered acceding to the Convention unnecessary. Finland is a party to all the relevant human rights conventions and the individual complaint mechanisms provided for by them. Ensuring the same rights provided for by these conventions by a specific convention concerning a special group of people of a limited number has been not been considered topical.

436. Finland is currently preparing for the ratification of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention on Transnational Organized Crime*. The

ratification of the Protocol requires amending of the Penal Code (1889/39) in order for Finland's national legislation to meet the requirements of the Protocol. The objective is to ratify the Protocol as soon as possible once the required legislative measures have been finalised. The ratification will likely take place during the years 2009–2010.

437. In October 2007, Finland signed *the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*. It is an extensive convention which contains a great number of criminalisation obligations. Among other things, the Convention obligates States to make the so-called grooming a punishable act, which by the definition of Article 23 of the Convention means that an adult, by means of information or communication technology (e.g. Internet) solicits a child to meet him in order to assault him or her sexually. Bringing the Convention into force in Finland requires preparations by a working group, due to which the Government Bill concerning the matter is expected to be completed in 2009 at the earliest.

438. *National Plan of Action against Trafficking in Human Beings*. In August 2005, the Government adopted a National Plan of Action against Trafficking in Human Beings. In 2008, the Government adopted a resolution on a Revised Plan of Action against Trafficking in Human Beings based on a proposal by a national steering group. Like its predecessor, the Revised Plan is built on a human rights-based and victim-oriented approach, and aims to take the child and gender aspect more closely into account in the implementation of measures. The importance of cooperation and cross-discipline approach in action against human trafficking is further stressed. The Revised Plan pays particular attention to the identification of victims which has proven to be a challenging task. The aim is to keep the threshold of identification low so that all victims to a human trafficking offence can be provided with assistance.

439. The most essential aspect of the prevention human trafficking offences is to establish the related crimes provided for by the Penal Code and the interpretation of the Penal Code in pretrial investigation and the activities of prosecutors and tribunals as the number of cases related to human trafficking increases. In addition to crime prevention, the assessment work done related to victim protection must continue. In addition, support systems for witnesses must be created.

440. Action against human trafficking in the various administrative sectors will be implemented within the appropriations specified in the State budget. Generally, this action is included in the other activities of the authorities and is not allocated a separate appropriation. The authorities may also set up separate projects for combating human trafficking. Each relevant ministry and authority will direct resources to the provision of information on human trafficking in their own administrative sector. Adequate resources will be reserved for enhancing training on combating human trafficking. Resources are directed to human trafficking or related academic research as well as to studies and research conducted by different authorities and professional sectors. The funding of organisations involved in outreach work and counselling for victims of human trafficking will in the future be covered by the government grants as specified in the Government Programme.

441. *The Ombudsman for minorities to become a national rapporteur on human trafficking issues*. The National Action Plan against human trafficking designated the Ombudsman for minorities as a national rapporteur on human trafficking issues. This is a task well suited for the Ombudsman for Minorities, which is an independent authority with access to information on human trafficking, having a sufficiently robust status for functioning as an international liaison and an authority issuing national recommendations and instructions. The appointment means a new perspective in the Ombudsman's activities also as regards children and adolescents belonging to ethnic minorities. For instance, in 2006, based on reports made to the Police concerning offences of human trafficking and related offences, out of a total of 224 victims, five were minors. The absence of a national

rapporteur has been a significant factor restricting the independent monitoring and the functioning of international connections in the field of combating human trafficking.

442. *Amendments to the Penal Code.* Chapters 17, 20 and 25 of the Penal Code (1889/39) were amended by in August 2004 (amendment 650/2004) in order to implement the criminalisation obligations created by the activities of the United Nations and the European Union. Chapter 17 of the Penal Code was supplemented by a provision making the distribution of sexually obscene pictures of children a punishable act. The maximum imprisonment for the possession of sexually obscene pictures of children was increased from six months to one year. In the same context, Chapter 20 of the Penal Code (1889/39) was amended so that the maximum imprisonment for buying sexual services from a young person was increased from six months to one year. The Chapter was supplemented by a new provision on aggravated pandering. Pandering is deemed aggravated for example when it involves a child younger than 18 years of age.

443. Penal provisions on human trafficking took effect in August 2004. Human trafficking and aggravated human trafficking are prescribed as punishable by Chapter 25 of the Penal Code (1889/39). These penal provisions, in accordance with international obligations on which they are based on, contain special features which concern children. A person who takes control over a person younger than 18 years of age or recruits, transfers, transports, receives or harbours that person for human trafficking purposes is sentenced for human trafficking even if none of the specific means listed in the provision concerned (abuse of the child's dependency or mistake) has been resorted to. A person may be sentenced for aggravated human trafficking if the offence has been committed against a child younger than 18 years of age.

444. At the beginning of 2006, the statute of limitations contained in Chapter 8 of the Penal Code (1889/39) was amended (am. 1161/2005) providing that the right to institute criminal proceedings for the sexual abuse of a child and aggravated sexual abuse of a child shall not be limited until the complainant attains the age of 28. The same applies to cases in which a person younger than 18 years of age has been a victim of rape, aggravated rape or coercion into sexual intercourse. The amendment of Chapter 8 of the Penal Code (1889/39) prolonged the time for instituting proceedings. This is due to the fact that for several reasons, there is a risk that sexual offences against children are not revealed until much later.

445. *Aliens Act and human trafficking.* A provision on a residence permit granted to a victim of human trafficking was added to the Aliens Act (2004/301) in 2006 (amendment 619/2006). The application of the so-called residence permit for victim serves to enhance the protection of victims and to increase general awareness of the problem. The amendment makes it possible to allow a reflection period to the victim, which also contributes to improving the status of the victim. The reflection period allows the victim of human trafficking to decide whether she/he is willing to cooperate with the authorities in a way more closely defined by the Aliens Act. The Immigration Service has competence to grant the first permit. The residence permit targeted at victims of human trafficking does not prevent the granting of international protection for a victim of human trafficking seeking asylum.

446. According to the Government Bill for the amendment (HE32/2006), a particularly vulnerable person, who has become a victim of human trafficking, may be granted, instead of a temporary residence permit, a permanent residence permit which also entitles to family reunification. Granting a permanent residence permit would be possible after considering all aspects of the overall situation of the person in question. As an example, the Government Bill mentions children under 18 years of age as a group, concerning whom the cooperation obligation may be, regardless of the person's age and stage of maturity, unreasonable. In the case of a minor, it is also possible that the parents and other family

members have contributed to the child having become a victim, for example if they have sold or rented the child. In situations like this, the reunification of the family may even contribute for the child becoming a victim once again.

447. A system to help victims of human trafficking was integrated in the reception system of asylum seekers as a result of an amendment of the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999 as amended by 1269/2006), which entered into force at the beginning of 2007. As a part of the assistance system of victims of human trafficking, the Reception Center of Oulu is in charge of providing services and support measures to underage victims. Such services and support measures include legal and other counselling, crisis debriefing, social and health services, arranging temporary or more permanent housing, income support and other necessary care, and support for a safe return to the home country or country of origin. The special needs of the victim of human trafficking and the safety of the victim and the staff are taken into account when providing services and support measures. The need for services and way of providing them are assessed on an individual basis.

448. *Prosecutors and crimes against children.* In order to achieve an efficient and just realisation of criminal liability, the Office of the Prosecutor General has developed a special prosecutors' system in the area of crimes against children and women. As from the beginning of 2008, the Prosecutor General has nominated five prosecutors specialised in crimes against women and children. They have been appropriately placed in prosecutor's offices across Finland.

449. The task of the special prosecutors is to contribute to enhancing other prosecutors' professional competence in the field in question calling for special skills of prosecutors. This is fulfilled among other things by providing guidelines and advice and acting as a trainer in training events. Communication and cooperation with different authorities aim at the just and efficient realisation of criminal liability as concerns violent and sexual crime against children. Also crimes related to human trafficking are an area of specialisation of prosecutors. So far, cases of human trafficking have been rather scarce in Finland. Only one judgment has been issued in Finland in a case concerning human trafficking in which no children were involved. Another case before a court of law led to the dismissal of the charges.

450. The Office of the Prosecutor General has organised nationwide training for prosecutors in the area of crime against women and children, including trafficking in human beings and related crimes. A course on sexual crimes against children was last organised in autumn 2007. The course will be also held in the autumn of 2008. Trafficking in human beings related education was organised in autumn 2006 and spring 2008.

451. The non-governmental organisations consider it positive that underage victims of trafficking in human beings have been taken into account in the National Plan of Action against Trafficking in Human Beings as a cross-cutting theme and that within the reception system for victims of trafficking in human beings, there is a special unit for minors. However, so far there is not extensive experience on the practice of the system.

D. Children belonging to a minority or an indigenous group (article 30)

Recommendation 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.

452. *Roma children.* Pre-school education of Roma children has proved to prevent their social exclusion and discrimination and to improve their future prospects in, for example, the labour market. Improving the conditions of Roma children is also an important part of a comprehensive policy on children. Pre-school education projects conducted among Roma children in different parts of Finland have produced positive results. The number of Roma children attending pre-school increased close to the level measured among the rest of the population, daycare centres became more aware of the Roma culture, day-care centres employed persons of Roma origin, and there was more cooperation between Roma families and day-care centres.

453. The Ministry of Social Affairs and Health has contributed to the preparation of early childhood materials for Roma families via the Advisory Board on Roma Affairs. The following publications are available to date:

- Draba kentoha – *Lue lapsen kanssa*: Read with the child, a guidebook for Roma parents helping their children in linguistic development. Two editions are available in Finnish (2006) and one in English (2006).
- Barju Kentoha – *Kasva lapsen kanssa*: Grow with the child, a guidebook focusing on child development, growth and child health care services; 2007.

454. Both publications include sections in Romani to support the linguistic development of the child and family. They are distributed via child health care clinics. In the publication series concentrating on early childhood, two issues will be published later on, one on the child's dental care (2008) and one on food and physical exercise (2009).

455. According to the Ombudsman for Minorities, even though the level of education of the Roma has somewhat increased in Finland, it is still low compared with that of the main population. The Ombudsman for Minorities continues to call attention to the position of Roma children in daycare, pre-school and basic education. According to the Ombudsman, still relatively few Roma children attend day care and pre-school. Starting school may turn out to be difficult for a Roma child, who has not attended pre-school education.

456. Roma children belong to the sphere of compulsory education. According to the Ombudsman for Minorities, the problems relating to their school attendance are not addressed adequately even today. The main problems in basic education include a high rate of non-attendance, poor school achievement, a high number of children in special education classes, and a high drop-out rate. Several reasons play a role in this, such as cultural differences, teachers' poor knowledge of the Roma culture, inadequate support measures from the part of schools, and inadequate cooperation between schools and homes. It has also been noted that Roma children have insufficient command of language, which also makes school difficult right from the start.

457. In the past few years, projects funded by the EU, the Government or other sources have been conducted in different parts of Finland, which have promoted vocational training, employment prospects and pre-school attendance of the Roma. An example of such a project is the ROM-EQUAL project, implemented by means of financing from the European Social Fund and the Finnish Ministry of Education in 2004–2007, which developed a support model for Roma adults studying to become special needs assistants. The idea to start the project emerged from the difficulties encountered by Roma children in basic education and the fact that very few Roma youth apply for secondary level education. In the model developed during the project, special needs assistants of Roma origin support Roma children in their schoolwork and help strengthen their identity. During the project, twenty persons became qualified as special needs assistants in the metropolitan region and in some municipalities in eastern Finland. The project was a success as such, but finding employment for the qualified Roma special needs assistants has turned out to be challenging.

458. Finnish legislation grants certain prerequisites for the maintenance of Romani language and culture. The Act on Basic Education (628/1998) provides that schools can use also Sami, Romani or the sign language as the language of instruction. In accordance with the Act on Basic Education, schools can teach Romani as mother tongue, the sign language or any other language that is the pupil's mother tongue, based on the parent's or guardian's choice. According to the Ombudsman for Minorities, the teaching of Romani language and Roma culture is minimal. The reasons for this include at least the insufficient financing arrangements and insufficient availability of trained teachers of Romani. Overall, support for Roma children, their families and persons working with them, as well as the teaching of Romani and Roma culture, should be addressed in day-care, pre-school and basic education arrangements.

459. The Ombudsman for Minorities has observed that some Roma families' poor or non-established housing conditions and many other social problems also influence Roma children's opportunities to attend school. Since the entry into force of the Non-Discrimination Act (21/2004), the Office of the Ombudsman for Minorities has processed about 40 to 70 cases involving the housing of Roma people annually. The cases concern both ethnic discrimination and social exclusion. It seems that the multiple problems often aggravate when housing starts to play a role. In many cases, rapid solutions are not possible but the resolving takes time and for example municipalities may be advised to view the issues in a broader context and not only as a rental issue. In the most severe cases involving insufficient housing, Roma children may have been compelled to drop out of school or attend school only periodically for years.

460. The Ombudsman for Children also works towards preventing Roma children from becoming socially excluded. In 2008, the Ombudsman for Children is conducting an enquiry addressed to Roma children in cooperation with the Advisory Board for Roma Affairs, charting the children's own experiences of home, family, school, participation and leisure. The results of the enquiry will be used to improve Roma children's living conditions and to prevent social exclusion.

461. The Advisory Board for Roma Affairs is concerned with the polarisation of welfare among Roma children comparable to that among the rest of the population; Roma children and adolescents are divided into those who are successful and those who are not. Those who do not succeed, suffer from problems at home; substance abuse, mental health problems, broken families, poor financial situation. The phenomenon is a mixture of social exclusion and structural discrimination.

462. As a result of the changes in society, differentiation and inequality between population groups has increased and the gap between rich and poor has grown, showing also in the situation of Roma children. Much has been done in the framework of different projects, programmes, organisations and churches to improve the position of, for example, Roma children, and to prevent discrimination. However, the weaknesses of these projects are the short duration and locality. Moreover, only a small number of projects involving the Roma focus on the improvement of the welfare of children. The Advisory Board on Roma Affairs does not consider it acceptable that the equality of a particular group of children depends on such projects. The development of the living conditions of Roma children must be integrated into the overall national policy concerning children, and the Roma themselves should be involved in the development work.

463. Indicators are also needed to help recognize discrimination of Roma children in order to be able to intervene more effectively than currently. Children can encounter discrimination in a number of ways. It can be bullying at school, but also structural in that, for example, the right to school attendance does not materialise and children do not benefit from available services. The Advisory Board for Roma Affairs calls attention to cases reported in the city of Helsinki, involving at least ten Roma children in basic education,

who were not able to complete their compulsory training periods because they were not accepted for employment in the work places. Similar cases have been reported from different parts of Finland. The Advisory Board on Roma Affairs considers it important that the school supports the Roma pupil in such cases and also sees that the training periods can be arranged, for example, in the service of the city or other public sector employer.

464. The Advisory Board for Roma Affairs states that the ongoing early childhood projects try to contribute, for their part, to the development of services in a direction which would be easy to adopt by the Roma. Early childhood education and schools form an important part of the welfare of Roma children. However, what is required is a comprehensive general understanding of the child's life. Roma children have to be offered also leisure time services and opportunities to take an interest in different activities, which may be beyond their reach because of a poor income or for fear of discrimination. Social services for families must be developed to meet the needs of families from different cultural backgrounds.

465. In 2006, four Regional Boards for Roma Affairs operating under the administration of State Provincial Offices were established by allocating a Budget appropriation for the work and by setting up posts for four senior administrators. According to the Advisory Board for Roma Affairs, this allocation of resources has had a major impact on the concrete promotion of the situation of Roma people at local and regional levels.

466. *Sami children.* According to the Basic Education Act (628/1998), Sami pupils in the Sami Homeland are entitled to receive most of the statutory education in the Sami language. The Act on Upper Secondary Schools (629/1998) and the Act on Vocational Education (630/1998) provide for education in Sami. In the basic education, upper secondary education and vocational education, the Government reimburses the expenses arising from the employment of Sami-speaking teachers and teachers of Sami to the municipalities and education providers out of a separate appropriation.

467. Since 2002, a specific State subsidy has been allocated from the State budget for one budget year at a time to ensure the availability of social and health services in Sámi in the Sámi Homeland. In 2002 to 2003, the appropriation amounted to 200,000 Euros and, starting from 2004, it has been 600 000 Euros a year. About one half of the appropriation is spent on Sámi daycare.

468. According to the Ombudsman for Minorities, in order to maintain the linguistic and cultural identity of the Sami population, it is essential that the use of the Sami language is strengthened in day care, pre-school and basic education. In the years from 2005 to 2007, the Ombudsman for Minorities has also been reported on two cases involving insufficient services in Sami, based on citizens' experiences communicated to him. In these cases, the Ombudsman for Minorities has requested the National Discrimination Tribunal to investigate whether the municipalities in question have violated the provisions of the Non-Discrimination Act and the prohibition of discrimination laid down in special enactments. The Ombudsman has also asked the police to conduct an investigation on the cases.

469. According to the Sámi Parliament, the equal right to day care and basic education in one's own language do not materialise adequately in respect of Sami children speaking Sami as their mother tongue. The preservation and development of Sami requires from the society, based on the principle of equality, special actions and legislative measures. On the part of Inari Sami and Skolt Sami, this requires in particular improving the situation related to insufficient teaching materials. In practice, both structural and legislative changes in society would be needed to ensure that Sami-speaking children have equal opportunities compared to Finnish speaking children, to day care and education in their mother tongue, irrespective of where they live.

470. *Report by Nordic Ombudsmen for Children on the rights of Sámi children.* The materialisation of the rights of Sami children has been studied jointly by the Nordic Ombudsmen for Children. The views of Sami schoolchildren in Finland, Sweden and Norway on home, family, school, leisure time and participation were studied in the project. The report was finished in April 2008. The objective is to increase the use of measures, which would encourage children and youth in the Sami Homeland to take part in the development of their own living conditions. On the basis of the study conducted on the Sámi children, it can be concluded that the identity of Sámi children is strong and positive. The Sámi children appreciate the teaching they receive in the Sámi language as well as the teaching of the Sámi language. Existing inequalities in the teaching between various municipalities, insufficient continuity of teaching due to a shortage of teachers and deficiencies in learning materials raise concerns. However, on the basis of the material, very little bullying seems to take place on grounds of one belonging to the Sámi population group. The Ombudsmen recommended, among other things, closer cooperation between the Finnish, Swedish and Norwegian Governments. It was also brought up that Sámi children and adolescents should participate more intensively in the activities of the Sámi Parliament, the Sámi body of self-government, for example by setting up a youth council or a corresponding body.

Annex

English enclosures

Reports

Children, Domestic Violence and the Responsibilities of the Authorities – English summary of the special report to the Eduskunta by the Parliamentary Ombudsman

Programmes

Government Policy Programme for the Wellbeing of Children, Youth and Families

The Finnish Government's Child and Youth Policy Programme 2007–2011, Publications of the Ministry of Education 2008:21

Brochures

“Did You Know That Children Have Their Own Rights?” The Ombudsman for Children 2007 (in English, Finnish, Swedish and Sámi)
