



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-seventh session

### Summary record of the 1628th meeting

Held at the Palais Wilson, Geneva, on Thursday, 9 June 2011, at 10 a.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** *(continued)*

*Fourth periodic report of Finland on the implementation of the Convention on the Rights of the Child (CRC/C/FIN/4; CRC/C/FIN/Q/4; CRC/C/FIN/Q/4/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Finland took places at the Committee table.*
2. **Mr. Kosonen** (Finland) said that child and youth work and policy had gained increasing attention in Finnish social policy. The Development Programme for Child and Youth Policy and the Policy Programme for the Well-being of Children, Youth and Families had helped to strengthen cross-sectoral cooperation in the area of child and family protection.
3. In Finland, local youth councils composed of children aged 12 and above, school councils, national and local parliaments for children aged 7–12 and surveys carried out among children ensured that children were able to participate and to have their opinion taken into account.
4. A key goal for social welfare and health-care policies was prevention. Family benefits had been increased with a view to improving the economic situation of Finnish families. Decree No. 380/2009, amended in 2011, concerning maternal and child health care, student health care and preventive oral health care for children and young people had been adopted with the aim of ensuring uniform access to those services in every region of the country, reinforcing health promotion and preventing exclusion.
5. The new Health Care Act (Act No. 1326/2010), which had entered into force on 1 May 2011, strengthened basic health services, cooperation among the different actors, and promotion of health and well-being, and stressed the importance of early support. The KASTE national development programme for social welfare and health care for the period 2008–2011 provided for a total reform of services for children, young people and families, aimed, in particular, at bringing services closer to places where children grew up, such as homes, day-care centres, schools and recreational centres.
6. The national action plan on mental health and substance abuse defined the principles guiding the development of mental health until 2015. The plan took a holistic approach to support for young people's development, the promotion of mental health and the prevention and treatment of mental disorders.
7. As part of a two-year project, models for preventing bullying in day-care centres had been introduced. Key factors included teaching children social skills and reinforcing their capacity for empathy. Furthermore, there were plans to incorporate an anti-bullying programme into nursery schools.
8. There were currently only 10 detained minors in Finland. An individual placement procedure for minor prisoners, promoting contact with family and friends, was being developed. The legislation regulating the care and placement of children whose parents were serving a prison sentence had been amended. A family ward, under the auspices of the National Institute for Health and Welfare and including a small parent-and-baby unit, had been established in March 2010. Children under 2 could be placed there with one of their parents on the decision taken by the child welfare authorities and following consultations with the Criminal Sanctions Agency. Childcare professionals were available from morning until evening in the family ward.
9. Amendments to the Criminal Code aimed at imposing harsher penalties for sexual offences against children entered into force on 1 June 2011. Soliciting children for sexual

purposes and attending pornographic performances involving children were now criminalized. Moreover, all aspects of child pornography, from production and distribution to possession of pornographic material, had also been criminalized. Furthermore, persons working for the social, youth, education or health services now had a duty to report any suspected cases of violence against children to the police. All sexual offences committed against children were subject to public prosecution and were punishable even when they had been committed in a country where they were not criminalized.

10. The ratification process of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was under way. In March 2011, the inter-ministerial working group responsible for studying the Optional Protocol had submitted a report to the Ministry of Foreign Affairs, proposing that Finland ratify the Optional Protocol. The report had been submitted to the relevant ministries and NGOs for comments and had been published on the website of the Ministry of Foreign Affairs.

11. In an effort to improve the way in which relevant procedures took into account the best interests of the child, the Ministry of Justice had introduced a procedure based on the Norwegian *Follo* model in four district courts as a pilot scheme. The procedure was aimed at securing a friendly settlement of child custody disputes.

12. In 2010, the Ministry of Education and Culture had set up an inter-ministerial working group to assess the situation of the Sámi languages, namely North, Inari and Skolt Sámi, and to propose a long-term programme to revive them.

13. The first National Policy on Roma had been adopted in 2009 and was aimed at promoting the inclusion of Roma children and families by developing different forms of early childhood education and parenthood activities.

14. The Disability Policy Programme adopted in 2010 was to provide all necessary services to parents with disabilities and to the parents of children with disabilities. In June 2011, the Ministry for Foreign Affairs established a working group to prepare for the ratification of the Convention on the Rights of Persons with Disabilities. Paragraph 82 of the written replies to the list of issues stated that the Basic Education Act had been amended in 2010 in order to guarantee general, enhanced or special support to children with learning difficulties.

15. The amendment to the Youth Act, which had come into force on 1 January 2011, provided for multidisciplinary cooperation among the authorities throughout the country with a view to including in workshops and other structured activities young people in social difficulty, being looked after by social services. The Act on the Promotion of Integration, which would enter into force on 1 September 2011, was aimed at preventing the social exclusion of immigrant children and young people.

16. The Act on Reception of People Seeking International Protection concerning the Safeguarding of Subsistence and Care of an Asylum-Seeker, Beneficiaries of Temporary Protection and Victim of Trafficking, which would enter into force on 1 September 2011, stipulated that the opinion of the child must be taken into account in accordance with their age and level of development and that children aged 12 and over must be heard.

17. In an effort to help parents educate their children in Internet use and improve their online safety and well-being, online games were subject to age recommendations, and telephone hotlines would enable harmful content to be reported.

18. An independent Human Rights Centre established under the Office of the Parliamentary Ombudsman would start its work at the beginning of 2012. The purpose of the centre was to promote the dissemination of human rights information, education, training and research. It would also be tasked with preparing proposals, launching

initiatives and issuing opinions for the purpose of advancing human rights and monitoring the implementation of human rights conventions. It would include a Human Rights Board to promote coordination of human rights issues. The mandate of the Human Rights Centre and that of the Human Rights Board were based on the Paris Principles.

19. **Ms. Herczog** (Country Rapporteur) said that Finland was one of the countries that had thus far guaranteed the majority of their citizens the best quality of life possible through its strong political and social commitment and its egalitarian values. Given the difficulties it had experienced and managed to overcome, it could serve as an example to many countries.

20. She welcomed the fact that all the relevant stakeholders, including the Parliamentary Ombudsman, the Ombudsman for Children, NGOs and children themselves had actively participated in drafting the State party's fourth periodic report.

21. She commended the State party on having adopted a great many laws and programmes to strengthen implementation of the Convention since the consideration of its last report in 2005; on having ratified several international instruments concerning the rights of the child; on its intention to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and on its preparations for ratifying the Convention on the Rights of Persons with Disabilities. She also noted with satisfaction that the State party had incorporated education in human rights and the relevant conventions into its new school curricula.

22. However, she was concerned at the fact that child poverty had become an increasing problem. It would appear that close to 14 per cent of children — 150,000 — currently lived below the poverty line. Poverty, prejudice, xenophobia, discrimination and the exclusion of certain subgroups or new immigrants affected many children and were the cause of such phenomena as school dropout, mental health problems, substance abuse, violence and crime among children.

23. Despite the various laws adopted, there was still no consolidated legislation fully covering the Convention, its Optional Protocols and the relevant European conventions. She would like to know what action the State party planned to take to enact the new legislation in the near future and whether it planned to establish a coordinating body to harmonize child policies.

24. In default of a comprehensive rights-based policy or action plan for full implementation of the Convention, she would like to know what barriers prevented the State party from implementing such an action plan and how it intended to overcome them.

25. The establishment of the post of Ombudsman for Children and the fact that the Parliamentary Ombudsman could receive complaints from children were positive developments. However, she wished to know what further steps were planned to help children and their advocates to lodge more complaints.

26. The municipalities' independence in decision-making on service provision and allocation of resources could lead to big differences among the regions and settlements, including in terms of family support, prevention services and early childhood care. Furthermore, the large number of institutionalized children attested to the lack of effective prevention services. She would like to know what measures the State party planned in order to introduce minimum services and standards and how it measured the quality of services and their impact on children and their families.

27. Noting the lack of available data on children who lived in poverty, belonged to minority groups, were victims of violence or neglect, were migrants or had disabilities, which weakened the efforts to improve their quality of life and design appropriate policies, she wished to know whether there were plans to gather data on those children in the long term.

28. She highlighted the continued use of corporal punishment in the State party, notwithstanding the national action plan for 2010–2015 on the elimination of corporal punishment and the strict prohibition of all forms of violence against children, as well as the many cases of violence and bullying involving young people. She said that she would like to know how Finland intended to ensure the effective coordination of the programmes and efforts to raise public awareness of those problems, to change attitudes and to help parents, professionals and children to understand the root causes and consequences of violence and to find alternatives to violence. She would like to know what programmes, training and campaigns existed to tackle those issues and what steps had been taken to implement the results of the United Nations study on violence against children (A/61/299) and new general comment No. 13 on the right of the child to freedom from all forms of violence.

29. **Mr. Madi** (Country Rapporteur) noted with satisfaction that the dissemination of the Convention was one of the primary objectives of the Policy Programme for the Well-being of Children, Youth and Families and commended the Government, the Ombudsman for Children and NGOs on their work in that area. However, he expressed concern at the limited dissemination of the Convention among vulnerable children, children from minority backgrounds and professionals working with and on behalf of children.

30. He wondered what measures the Ministry of Justice had taken since the committee responsible for planning the reform of all Finnish legislation concerning the fight against discrimination had submitted its report in December 2009. He noted that migrant children, especially Roma, were often victims of discrimination and social exclusion. He would like to know which mechanism was responsible for coordinating the efforts of the various ombudsmen.

31. **Ms. Maurás Pérez** asked which body coordinated the implementation of programmes and policies at the national and local levels, what the difference was between The Development Programme for Child and Youth Policy and the Policy Programme for the Well-being of Children, Youth and Families and whether all programmes and policies were brought together under a single umbrella. She would also like to know the impact of company activities, and those of transnational companies in particular, on the exercise of children's rights and whether the activities of Finnish companies abroad was regulated in such a way so as to ensure protection of children's rights and prevent child labour, particularly in the context of sports equipment manufacturing. She wished to know whether the State party examined goods imported from countries where child labour was practised and imposed restrictions on those goods. Lastly, while she welcomed the advertising regulations for consumer goods for children, she wished to know whether similar advertising regulations existed for foods that were harmful to children's health.

32. **Mr. Kotrane** asked whether Finland intended to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Council of Europe Convention on Action against Trafficking in Human Beings, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the near future. He would also like to know what had been done since 2005 to involve young people in the fight against discrimination.

33. **Mr. Guráň** asked how Finland intended to guarantee equal access to both social services and education given the regional disparity and the uneven distribution of the country's population.

34. **Mr. Pollar** asked whether Finland intended to amend article 2 of the Paternity Act so as to allow, in certain cases, the annulment of paternity of the husband.

35. **Mr. Koompraphant** asked whether the Act included mechanisms to identify ill-treatment, particularly at school and at home, and whether the authorities could intervene in situations where parents were drug addicts or alcoholics.

36. **Ms. Sandberg**, noting with concern that children under 12 years of age were apparently deprived of the right to be heard, asked how children were heard in cases concerning them.

37. **Ms. Aidoo**, recalling that raising awareness of the Convention was an essential part of prevention, asked how that was done in the different regions, particularly among children belonging to sociocultural minorities. She would like to know which entity was in charge of coordinating the activities of the different bodies that disseminated the Convention and whether there was a mechanism in place to evaluate their efficiency. Lastly, she wished to know how the rights of the child and the provisions of the Convention were incorporated into the training of teachers, social workers and health professionals.

38. **Mr. Gastaud** enquired about the composition and mandate of the parliament for children and requested additional information on the extradition procedure.

39. **Ms. Al-Shehail** asked whether there was a follow-up mechanism for the municipal, regional and national budgetary allocations earmarked for children and whether the State party had collected statistics on child poverty, particularly on children of refugees and children from minority backgrounds, and on the extent of the violence and negligence to which they were victim, such information being crucial in determining budgetary allocations for the different sectors.

40. **Mr. Cardona Llorens** asked whether, under the Policy Programme for the Well-being of Children, Youth and Families, the administrative and judicial authorities were routinely required to take the best interests of the child into account in their decision-making and, if so, whether they enlisted the help of experts or interdisciplinary groups or whether they simply trusted the judgement of the person responsible for taking the decision. Lastly, he wished to know whether the main interested party could appeal the decision should they deem it not to be in their best interests.

*The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.*

41. **Mr. Cortés Téllez** (Finland) said that the national parliament for children was composed of the young people who sat on Finland's various parliaments and student councils. The idea of creating such institutions had originated in Tampere, Finland's second largest city, where the first national parliament for children had been established in 2001.

42. **Ms. Suurpää** (Finland) said that in 2009 the Government had submitted to Parliament a document outlining its human rights policy, which contained a chapter on the rights of the child. Parliament had subsequently requested it to draw up its first national human rights action plan, which was in progress.

43. The human rights centre, which was supposed to collaborate with the Parliamentary Ombudsman and start operating in 2012, would be responsible for ensuring that Finland honoured all its international human rights obligations.

44. The equality bill had been drafted by a committee under the Ministry of Justice and composed of representatives of NGOs active in the field of human rights, representatives of minorities, indigenous people and immigrants, and children's rights experts. The bill would be submitted to the new Government and then to Parliament in the near future. It expanded the scope of anti-discrimination legislation by defining age as a further ground for discrimination and planned to appoint an equal treatment ombudsman who would be authorized to receive individual complaints concerning discrimination on grounds other than ethnic origin.

45. The Ombudsman for Children would be responsible for raising awareness of children's rights, whereas the other ombudsmen must ensure that more child-friendly procedures were put in place. Those mechanisms worked in tandem and had the advantage of settling cases more swiftly than the courts and of being cost-free.
46. **Mr. Madi** expressed concern that the proliferation of entities responsible for ensuring respect for human rights, particularly the different ombudsmen and the human rights centre, would lead to duplication of activities.
47. **Ms. Sandberg** asked why the State party intended to give the Parliamentary Ombudsman competence to receive individual complaints from children, rather than the Ombudsman for Children.
48. **Ms. Wijemanne** enquired as to the nature of the complaints already lodged with the Parliamentary Ombudsman and whether that mechanism was easily accessible to children.
49. **Ms. Suurpää** (Finland) said that the different bodies responsible for ensuring respect for human rights coordinated with each other so as to avoid duplication of work and that, given the magnitude of the task at hand, such a number was justified. As things stood, the individual complaints mechanism of the Parliamentary Ombudsman was working effectively. However, that would not rule out future plans for empowering the other ombudsmen to perform that function.
50. **Mr. Kosonen** (Finland) said that the Constitution required the authorities, the Attorney-General and other members of parliamentary committees to respect human rights as a matter of course in discharging their functions.
51. **Mr. Cortés Téllez** (Finland) said that the 2005 and 2010 "youth barometer" surveys conducted by the Ministry of Education and Culture, various researchers and the Advisory Board for Children's Affairs had revealed that young people were less in favour of Finland receiving more immigrants in 2010 but more open to the idea of marrying a foreigner and not discriminating against foreigners in the workplace, should they become employers in the future. In any event, the Government would take steps to change young people's attitude to immigrants and minorities and to encourage multiculturalism. That was the particular objective of the discrimination awareness-raising programme "YES", financed by various ministries and the European Union.
52. **The Chairperson** asked whether the equality bill would remedy the structural inequality among the different regions, which in practice led to discrimination in access to services.
53. **Ms. Suurpää** (Finland) said that the equality bill aimed to produce new tools to combat structural discrimination, including a planning mechanism that would allow companies and public or education authorities to pre-empt any discrimination difficulties they might face.
54. **Ms. Kahiluoto** (Finland) said that the Government had adopted the Development Programme for Child and Youth Policy, which aimed to reduce poverty by indexing the amount of a number of benefits, including family benefits, single-parent benefits and childcare benefits, against the cost of living. Furthermore, the monthly amount paid out to compensate unpaid parental leave had been recently increased to €171.
55. In order to combat the social exclusion of children, the Government had pushed through a new law on mother-and-child health establishments and on health care in schools. It was also preparing an action plan to combat child poverty.
56. **The Chairperson**, noting the coexistence of the Youth Act and the Child Welfare Act and the many national and municipal action plans implemented, asked whether there was a body responsible for coordinating youth activities.

57. **Ms. Kahiluoto** (Finland) said that she recognized the need for the Government to ensure the effective coordination of its various programmes and policies for children and young people as mentioned in paragraphs 19 and 20 of the report under consideration, the implementation of which fell to either the national authorities or the municipalities.

58. **Mr. Kosonen** (Finland) said that Finland prepared its programmes in collaboration with numerous stakeholders, such as NGOs, academics and social workers, which ensured effective communication among decision makers, especially at the municipal level. Furthermore, the Youth Act would enable the authorities to exchange information, making it much easier to coordinate action.

59. **Ms. Pelkonen** (Finland) explained that, following the adoption of more restrictive laws, the Government had strengthened its relations with the municipalities and increased the monitoring and follow-up of local programmes. The National Institute for Health and Welfare had introduced a system to monitor and follow up health promotion measures in all municipalities, which could be consulted online and provided an overview of the results obtained in each municipality. The system also served to follow up any measures deriving from the decree on maternity and the health-care services provided in schools and universities, the implementation of which was coordinated by a national supervisory authority empowered to fine municipalities that did not obtain satisfactory results. Those monitoring and dissuasion measures were yielding positive results and would also be applied under the Youth Act.

60. **Ms. Herczog** commended the State party on the quality of its health-care system and welcomed the public authorities' monitoring and follow-up. She drew the delegation's attention to a problem raised by students, namely the lack of permanent health-care staff in schools, including psychologists, and wished to know how the Government planned to remedy the situation.

61. She pointed out that childcare benefits for children aged under 3 were often paid out to refugee or migrant families whose children would gain by being placed in a crèche with other children in order to help them to integrate. She would like to know whether there were plans to introduce conditional cash transfer programmes to encourage parents to place their children in childcare facilities, or to take measures to support parents themselves throughout the integration process. She also wished to know whether the State party intended to take into account the recommendations contained in the communication from the European Commission on "Early Childhood Education and Care", which laid down qualitative objectives on which Finland could draw.

62. She would also like to know whether the State party intended to take measures to broaden the range of extra-curricular activities available, in cooperation with the local authorities.

63. Noting that children without parental protection were often placed in an institution, that the number of places available in foster families had decreased and that children complained of their frequent changes of institution, she wondered whether the State party intended to introduce a needs assessment system. She also wished to know whether Finland had carried out studies to obtain an overview of the effectiveness of the system whereby children were placed in institutions and the provisions made for young people who had left that protection system.

64. **Mr. Madi** said that he welcomed Parliament's adoption of the law relating to the entry into force of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in March 2011, and of measures to restrict the dissemination of child pornography in 2007. However, he regretted that the State party had still not ratified the Optional Protocol to the Convention on the Rights of the Child on the

sale of children, child prostitution and child pornography and hoped that the new Government would submit the question to Parliament in the near future.

65. Was there a helpline for receiving complaints from child victims of sexual violence?

66. Given the fallibility of medical examinations to determine the age of a child asylum-seeker and their bearing on permission for the child to enter the country, the benefit of the doubt should be given to the interested party, and the authorities' decision should not depend on those methods alone. Nevertheless, he welcomed the State party's intention to adopt a new law on reception of asylum-seekers, providing for the introduction of a new system for paying benefits to asylum-seekers and for norms concerning the housing of unaccompanied minors, and encouraged the State party to adopt it in the near future. He regretted the lack of statistics on the number of minor asylum-seekers housed in reception centres; that minors aged over 16 were housed with adults; and the continued inadequacy of psychosocial support services. He would welcome the delegation's comments in that regard. The delegation might also confirm whether juvenile prisoners were almost systematically placed in the same quarters as adult prisoners. Lastly, could the delegation describe the measures taken to combat discrimination against Roma and Sámi children in schools?

67. **Ms. Lee** asked the delegation to indicate whether the State party had taken measures to remedy the numerous cases of depression and suicide recorded among girls. Noting that the breastfeeding rate was very low, she wondered whether it had been prudent, for the sake of ecology, to remove the component containing information on breastfeeding from the introductory packs distributed to young mothers in maternity centres.

68. **Ms. Varmah** asked whether the State party had considered introducing peer mentorship programmes in schools to prevent the bullying of children with disabilities and whether teachers were made aware of their problems. She would also like to know whether children with disabilities received sex education and had access to sexual health services. Lastly, she would like to know whether it would be feasible to recruit more Roma and Sámi teachers in order to gain a better understanding of the needs of students belonging to those cultures and to teach them in their own language.

69. **Mr. Cardona Llorens** enquired what was being done to assist the municipalities that lacked the means to give effect to the school integration principles provided for by law. It would also be interesting to learn whether there were services to inform the parents of disabled children of the benefits available to them. Lastly, he wished to know the extent to which the policies aimed at promoting recreational and cultural activities took into account the needs of children with disabilities.

*The meeting rose at 1 p.m.*