



STATE PARTY EXAMINATION OF FINLAND'S FOURTH PERIODIC REPORT

57TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
30 MAY – 17 JUNE 2011

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Finland ratified the Convention on the Rights of the Child (CRC) on 20 June 1991. On 9 June 2011, the Committee on the Rights of the Child (the Committee) examined the fourth periodic report of Finland. It was last examined on 22 September 2005.

Opening Comments

The delegation of Finland was led by Mr. Arto Kosonen, Director of the Ministry of Foreign Affairs. He was supported by a delegation consisting of representatives of the Ministry of Justice, Ministry of Social Affairs and Health, Ministry of the Interior, Ministry of Education and Culture, Ministry of Foreign Affairs, and the Permanent Mission in Geneva.

Mr. Kosonen explained that since the last examination of the State there had been legislative amendments and administrative changes in policies related to child and youth. Mr. Kosonen said the previous concluding observations had increased awareness on the rights of the child and that the State had adopted the first development programme for children and youth for 2007-2011, which was aimed at enhancing cross-sectoral cooperation within the government structure to improve the well-being of children. The programme would be extended from 2012 to 2015. Mr. Kosonen added that there were local youth councils, school councils, national and civil parliaments and surveys implemented to encourage children's participation.

Mr. Kosonen noted that the Health Care Act aimed to reinforce basic health services and cooperation between different actors. There was a focus on providing maternal and child healthcare, mental healthcare and tackling substance abuse. Mr. Kosonen added that the starting point for mental healthcare was promotion, prevention and treatment of mental disorders. The focus of health service provisions for young people was prevention. Mr. Kosonen added that services and experts on healthcare available in homes, day-care facilities and recreational activities.

Mr. Kosonen stated that there was a project to prevent bullying that had been rolled out through day-care centres, municipalities, churches and club activities. The project studied

bullying from a child's perspective and included adult views, but focused mainly on teaching children positive interaction and social skills, and reinforcing empathy. Mr. Kosonen noted that the State had only ten juvenile prisoners and that an independent placement procedure for minors was under preparation as it was important for juveniles to maintain contact with friends and families. The law regulating children with parents in prison had been renewed and a 'Family Watch' service had been established in 2010 which included a baby unit for children below the age of two. Social welfare and healthcare were available throughout the day.

Mr. Kosonen stated that punishment for sexual offenses against children had been increased. The scope of criminal liability had been extended to include grooming, use of pornography and gratification of children, production of pornography and distribution of pornography. Any staff working in healthcare services, education and youth services were obligated to report cases of sexual assault on children. Mr. Kosonen added that the State was in the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The Ministry of Education and Culture established an inter-ministerial committee to improve language acquisition of Sami children. There were also measures proposed to increase the wellbeing of Roma children and their families. Students also had access to remedial teaching and special needs education.

Mr. Kosonen noted that the disability program underlined the rights of the parents of children with disabilities. Services were to be provided on an equal basis to meet the needs of children with disabilities. Mr. Kosonen added that the amendment to the Youth Act provided guidelines for youth work. The Act on the Promotion of Integration and Immigrants' Participation in Society provided obligations for the best interest of the child and planned for all unaccompanied minors to receive a residency permit. Finally, Mr Kosonen added that there was self-regulation of media contacts to guide and educate children on safe internet use. The co-Rapporteur, Ms. Maria Herczog, welcomed the delegation and stated that the report reflected the active involvement of children, NGOs, service providers and the ombudsman's offices and welcomed progress made based on previous concluding observations. Ms. Herczog stated that Finland was one of the most successful countries with a high quality of life and good standards of living.

General Measures of Implementation

Legislation

The Committee commended the adoption of the Child Welfare Act and its amendments, the adoption of the Plan to Reduce Corporal Punishment, the adoption of the Youth Act and its amendments, the National Policy on Roma Children and the Basic Education Act. The Committee was concerned at the lack of consolidated legislation covering the CRC and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The Committee asked whether there were any plans to ensure this. The Committee asked what the barriers were regarding the lack of implementation of a comprehensive rights-based policy plan for children. The Committee asked for clarification on the difference between the Development Programme for Child and Youth Policy and the Policy Programme for the Wellbeing of Children, Youth and Families.

Coordination and monitoring

The Committee noted the lack of coordination on the implementation of child-related policies and asked whether the State intended to establish a coordinating body and introduce child rights mainstreaming and monitoring. The Committee welcomed the establishment of the Office of the Ombudsman for Children as well as that of the Deputy Parliamentary Ombudsman and inquired how these offices dealt with complaints submitted by children in a harmonised manner. The Committee was concerned that the decentralised system of independent municipalities may result in substantial differences and discrimination amongst regions based on access to, and provision of, services. The Committee stated that this would result in problems of early childhood care, out-of-school education and the institutionalisation of children. The Committee asked whether there were plans by the State to coordinate and provide national standards of minimum services and to measure the quality, outcomes and impact on families to strengthen the right of equal access for all children amongst the different regions.

The delegation responded that the first comprehensive reports on Finnish human rights instruments were provided by the State in 2009. This led to a National Plan of Action on Human Rights. The delegation added that a Human Rights Centre, which would be operational from the beginning of 2012, would be mandated with human rights education and cooperation and coordination amongst the various actors working on human rights. The delegation added that the Ministry of Education and Culture currently coordinated the different programmes and policies concerning children and youth, adding that NGOs working on children's rights and youth policies had an active role in the preparation of the programmes.

The Committee asked whether the Child Welfare Act and the Youth Act were linked and whether this legislation was also linked to the plans implemented by the State. The Committee also asked which government entity or national committee was responsible for coordination. The delegation stated that coordination was a challenge the State was working to improve. In accordance with the Child Welfare Act, the local municipalities had developed a plan arranging child welfare services which would be taken into account in the local government budget. The delegation stated that one mechanism of coordination was involving relevant authorities, researchers and NGOs in the preparation of programmes. At the municipal level coordination involved social workers, educational authorities, youth workers, etc. The delegation also said there were legislative measures to monitor the personnel working with children. Services provided at the municipal level were monitored and a follow-up survey was conducted every two years, the results of which were published on the internet.

Data Collection

The Committee noted the limited data available on children in vulnerable situations and in particular on unaccompanied minors and disabled children. The Committee stated that this may weaken efforts to improve the quality of life for all children. The Committee asked whether there were long-term plans to gather refined data which took into consideration the different groups of children needing specific support. The Committee asked whether there was any data collected at the regional level on child poverty, minority children, abused children and the neglect of refugee children.

The delegation responded that data collection, particularly for ethnic minorities, had been widely discussed. The State complied with data collection legislation and protected sensitive information. The delegation added that the Statistics Centre collected data on the basis of language and citizenship but it had encountered problems as all minority groups spoke

Finnish.

Children's ombudsman

The Committee asked the State to explain the roles of the different ombudsmen such as the Parliamentary Ombudsman and the Children's Ombudsman. The Committee asked whether there were advantages to this model and whether the model could be proposed for other countries.

The delegation responded that there would be another ombudsman to work on discrimination and promote equality, which would ensure a holistic approach shared among the current mechanisms in place. The delegation added that the current model added new elements as it concentrated on promotion and awareness raising in the area of children's rights. The delegation added that the different ombudsmen were independent as this was an important factor in human rights. The children's ombudsman was working to make the process more child friendly. The delegation also said the model had a low cost threshold. Victims could contact the ombudsmen free of charge and the ombudsmen could respond quickly. The delegation said the ombudsmen model was beneficial for victims.

The Committee asked whether the children's ombudsman and the Human Rights Centre would work together or separately and was concerned about duplication of roles. The Committee asked why complaints from children were transmitted to the Parliamentary Ombudsman. The Committee suggested that the State establish a department in the Children's Ombudsman office to receive complaints. The Committee asked for statistics regarding the complaints received from children.

The delegation responded that the Human Rights Centre would be established based on the Paris Principles. The Human Rights Centre would focus on human rights and the Children's Ombudsman would focus on particularly on children's rights. The delegation added that there would be a forum for cooperation and coordination of activities to avoid duplication. The delegation stated that complaints were not dealt with by the Children's Ombudsman, but rather the children's ombudsman focused on promoting awareness.

Dissemination and training

The Committee welcomed that dissemination of the CRC had been adopted as a government policy programme. The Committee was concerned that the level of awareness of the CRC among children and vulnerable groups was low and welcomed the fact that an independent Human Rights Centre would have the mandate of training officials on the CRC starting in 2012. The Committee emphasised that dissemination and training activities were in accordance with article 42 of the CRC and that it was important for strategies, social policies and programmes to focus on prevention. The Committee stated that it was important to know how the CRC was being implemented and how awareness among children and families, including minorities and different socio-cultural groups from different regions, was being sustained. The Committee asked whether there was any coordination mechanism evaluating dissemination and awareness activities. The Committee asked how training of children's rights under the CRC was being implemented for teachers and social workers.

The delegation responded that a 2010 National Strategy for the Promotion of Awareness on the Rights of the Child had been drafted to study how well the CRC was known. The study indicated that knowledge on the CRC had increased from 54 per cent in October 2008 to 72 per cent in January 2010. In addition, a study was commissioned by educational institutions to

survey the training of key professionals on the rights of the child, which indicated that teaching professionals knew about the CRC and its content; however it had not been included in the education curriculum. Social welfare and health officials, military police and theologians were aware of the CRC. Military personnel training on humanitarian and human rights law included provisions of the CRC.

Budget

The Committee asked whether there was a contingency mechanism that prioritised conditions of funding. The Committee also asked whether there was a system to monitor budget allocations, with particular emphasis on budgets for children.

Reservations

The Committee noted that Finland was party to the 1961 Convention on the Reduction of Statelessness; the Council of Europe Convention on Cyber Crimes; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Committee noted the preparations made to ratify the Convention on the Rights of Persons with Disabilities and commended the State for the joint efforts to raise awareness on children's rights on the 20th anniversary of the CRC. The Committee asked whether upon the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography, the State intended to ratify other regional and European instruments that targeted sexual exploitation of children such as the Council of Europe Convention on Action against Trafficking in Human Beings and the International Convention on the Rights of Migrant Workers and their Families.

The delegation stated that the rights of migrant workers were covered by national legislation, European legislation and international human rights instruments. Consultation would occur before the International Convention on the Rights of Migrant Workers and their Families was ratified. There was a working group on the Council of Europe Convention on Action against Trafficking in Human Beings which would present a report to parliament, as well as a working group on the Convention on the Rights of Persons with Disabilities, which would examine the rights of disabled persons in the State. The State was actively lobbying for the adoption of the third Optional Protocol to the CRC that would establish a communications procedure.

General Principles

Non-discrimination

The Committee asked for more information on the decision of the Ministry of Justice to reform Finnish legislation on non-discrimination. The Committee was concerned about reports of discrimination against migrant children and Roma Children and asked what measures were being taken to counter discriminatory attitudes conveyed by youth towards Roma people and migrant workers.

The delegation responded that the Ministry of Justice had a committee - which included human rights NGOs, representatives of minorities and indigenous people - that was preparing a draft law to tackle discrimination and guarantee equal treatment. Through the Youth Barometer the Ministry of Education and Culture had conducted a series of studies which indicated the change in attitudes of youth towards immigrants and other marginalised groups in Finland. The delegation added that youth attitudes were increasingly positive in this regard and the State was working to encourage positive attitudes, for example through a

multi-year programme called the ‘Yes Programme’, which was being rolled out by several ministries and was aimed at promoting awareness about discrimination.

The Committee asked for more information regarding policy changes by the new government to tackle discrimination. The Committee also noted that discrimination in services or budgets amongst different regions led to structural inequalities. The delegation responded that there was very little information available regarding the new government’s policy programmes. The delegation hoped the State would employ strong tools to combat discrimination and added that the proposed draft law by the Ministry of Justice had provisions for a reporting and planning mechanism to have an overview of the situation of discrimination in the State.

Best interest of the child

The Committee noted the attempt by the Child Welfare Act to define the ‘best interest of the child’. The Committee was concerned that the State maintained reservations on the International Covenant on Civil and Political Rights in terms of separation of minors and prisoners. The Committee asked whether the best interest of the child would be included in all decisions adopted by authority figures concerning children. The Committee also asked whether it was possible to appeal a decision on the basis that it was not in the best interest of the child.

Civil Rights and Freedoms

Respect for the views of the child

The Committee noted that in certain situations, the State provided for the consideration of the views of the child for children over the age of 12. Children over the age of 12 were capable of demanding transfer to substitute care or other facilities. The Committee inquired what provisions were in place for the views of children under the age of 12 and emphasised that the current policy was not in accordance with article 12 of the CRC. The Committee asked how the views of children were collected, particularly outside of the courtroom. The Committee asked for more information regarding who had the responsibility of collecting the views of children such as judges, experts, etc. The Committee was concerned that children’s views were brought to the court during custody cases at a rate of only 55 per cent. The Committee emphasised that as set out in the Committee’s General Comment, the CRC did not place any restrictions on the right of the child to be heard.

The delegation responded that the Child Welfare Act had provisions on hearing the views of the child and the age of 12 was determined to protect younger children from harmful material but the principal was that all children were heard. Different methods such as games, cards and surveys were used to help children of different ages express their views. The Committee inquired whether the opinions of children above the age of 12 were given more weight. The delegation said the opinions of younger children were heard and taken into account but the maturity of the child would affect the weight of their opinion. Social workers worked with children to assess the best way to support the child. The delegation added that there was a substantial research project by the Academy of Finland concerning child welfare measures.

Child abuse

The Committee inquired whether there was a mechanism to detect violence against children. The Committee asked whether legislation allowed for individuals other than the police officers, public prosecutors and officials of the Court of Law, to provide remedy for acts of

violence against children. The Committee inquired how the State maintained communication between victims of child abuse and their families when the child was under State custody.

Corporal Punishment

The Committee was concerned about the acceptance and use of corporal punishment. The Committee welcomed the objectives of the plan to eliminate corporal punishment and strengthen the child's human dignity, respect and appearance. The Committee appreciated the legal ban of all forms of violence against children, but noted that a considerable number of people in Finland defended the right to resort to violence against children.

The delegation responded that corporal punishment had been illegal in the State since the mid-1980s.

Bullying

The Committee noted that prevention programmes of bullying started at the kindergarten level. The Committee was interested in the philosophy and the emotional stimulation and support provided to children. The Committee asked about efforts to combine the various anti-bullying programmes into a holistic programme. The Committee inquired whether teachers were trained to combat bullying. The Committee asked the opinion of the State regarding the introduction of peer-tutoring and the infusion of values of peace education. The Committee was concerned that Roma and Sami children were disproportionately subject to bullying. The Committee requested information on diversity and awareness programmes in schools.

The delegation responded that the State was aware of the bullying problem in schools. A programme called Kiva Koulu (which translated into 'nice school') had been undertaken by the University of Turku against bullying in schools. The results of the programme were encouraging and universal measures to target all students through lessons, computer games, a parents' guide, posters, and online forums had been implemented. The delegation said statistics would be provided to the Committee on the impact of the Kiva Koulu programme.

The Committee asked whether the Kiva Koulu programme addressed issues of lack of resources, lack of social workers and health staff, children's unhappiness in schools and the inability of children to confide in teachers. The delegation stated the programme assisted in cases where children felt unable to communicate with their teachers. The Committee noted that the anti-bullying programme was holistic and needed lots of resources and training for teachers, school staff, community members and parents to be involved. The delegation stated that the intention of the State was to mainstream the Kiva Koulu programme throughout Finland.

Child participation

The Committee asked how members of the Children's Parliament were elected and what the competencies of this parliament were.

The delegation responded that the Children's Parliament elections were based on grassroots action by children and respective adults assisting them. The municipalities that had a local Children's Parliament or People's Council could appoint members to the National Council. The delegation added that the initiative came from the city of Tampere which developed the first local Children's Parliament from 2001 to 2003.

Family Environment and Alternative Care

Custody

The Committee noted that family problems involving children were resolved by social councils and courts. The delegation inquired whether there were measures taken to minimise the length of the process it took to determine custody.

Right to know the parent

The Committee noted that the Paternity Act provided for the presumption of paternity. Presumed paternity could be annulled by acknowledgement of paternity through an action by the biological or the non-biological father. The Committee emphasised that the child had a right to know his or her biological father.

The delegation responded that the new government would address the reform concerning the Paternity Act. The delegation added that different options would be analysed to disregard situations which may be contrary to the best interest of the child.

Alternative care and waiting lists

The Committee was concerned that the number of children in foster care was decreasing as this meant that children were placed in institutional care. The Committee voiced complaints from children that their placements frequently changed. The Committee asked whether there was a systemised national assessment process or any efforts to plan a network to measure the effectiveness of institutional care and follow up on children outside of the alternative care system. The Committee also noted the lack of social workers and assistance provided to parents with children in the institutional care system. The Committee stated that children were suffering from lack of contact with their parents. The Committee inquired whether there was a standardised national set of criteria for placing children in alternative care.

The delegation responded that the administrative court managed placement decisions of children in alternative care facilities. The Committee asked whether the administrative court had a set of criteria established for placement of children and inquired why the Administrative Court had this responsibility. The delegation responded that there were no criteria established for the placement of children. The Municipal officer made the primary placement decision and if parents appealed the decision, the Administrative Court, in accordance with the Child Welfare Act, would determine placement. The delegation added that regional state supervision offices supervised the municipalities.

The Committee inquired whether the views of the child were considered in decisions on a child's placement in alternative care and whether these decisions could be appealed by the parents of the child. The delegation said the parents could appeal to the administrative court.

Basic Health and Welfare

Children with disabilities

The Committee noted a lack of data indicating how many children with disabilities attended mainstream schools. The Committee asked what measures were in place to realise the principles of inclusive societies and breaking down stereotypes against persons with disabilities. The Committee inquired whether there was support for children with disabilities and educating their parents on which services were available that the children with disabilities were entitled to. The Committee inquired how the rights of children with disabilities had been

incorporated into policies and education programmes, including leisure programmes, sexual and reproductive health and assistance with age and maturity.

The delegation stated that children with disabilities were integrated into classes 'normally'. A long, detailed process covered all measures before deciding on special education for children with disabilities. The delegation added that persons with disabilities also participated in organisations that served to mainstream their rights with other organisations.

The Committee noted the lack of data regarding children with disabilities and those that were not integrated in schools. The Committee asked whether there were distinctions between physically disabled individuals and persons with mental disabilities. The Committee asked whether there were specialists to provide sign language. The delegation responded that statistics regarding children with disabilities would be provided shortly after the meeting.

Obesity

The Committee acknowledged the laws regulating the marketing and advertising of goods targeting children. The Committee asked whether the advertising of unhealthy foods resulting in obesity was regulated.

Health services

The Committee acknowledged the high quality health services and efforts of prevention implemented by the State. The Committee was concerned at the absence of a permanent presence of health officials in schools. School nurses, psychologists and social workers were employed on a part-time basis. The Committee asked whether there were measures to resolve this that would require health professionals to focus on substance abuse, bullying and suicides in schools. The Committee was concerned that children were medicated for behavioural and attention span disorders which could alternatively be treated with behavioural therapy. The Committee noted that in legislation for persons with disabilities, there was no differentiation between age and the type of disability and asked whether this was an influencing factor in medicating children.

The delegation stated that there were physicians with the responsibility of assessing children that were referred to them because of behavioural or attention span disorders. The delegation added that the level of medication provided for children was moderate. Children under the school age did not receive any medication. The delegation noted that while there was a good surveillance system for mental health problems in children, a good surveillance system was needed for children with behavioural or attention span disorders. The delegation noted that the number of school nurses had decreased after the recession. The State had attempted to increase the number of school nurses by offering related subsidies to municipalities. The delegation added that there were plans to increase the number of psychologists and social workers in comprehensive schools.

Breastfeeding

The Committee was concerned that only one per cent of exclusive breastfeeding was done up to six months of age. Maternity packages handed out to mothers did not have information on exclusive breastfeeding and the Committee noted that only four hospitals were certified as baby-friendly. The Committee stated that Finland had adopted the International Code of Marketing of Breast-milk Substitutes but expressed concern that the formula manufacturing company Findear had initiated research on the advantages of using baby formula. The

Committee acknowledged the Declaration of Helsinki and the Oviedo Convention for the protection of Human Rights and dignity of the human being with regard to the application of biology and medicine: Convention on Human Rights and Biomedicine.

The delegation responded that the 2005 National Promotion of Breastfeeding Programme included several measures to support mothers and promote breastfeeding. Almost 14 per cent of babies were exclusively breastfed up to the age of six months. The awareness of health personnel concerning codes of breast milk substitutes had increased.

The Committee asked whether mothers from poor backgrounds found breastmilk substitute formula more accessible. The delegation responded that 100 per cent of mothers delivered babies in maternity clinics and received information and support on breastfeeding. The Committee asked about training programmes on the importance of exclusive breastfeeding and distribution of information. The delegation responded that there was a webpage which provided valid information on breastfeeding but agreed that information distributed in maternity health clinics was important.

Drug and alcohol issues

The Committee asked whether there was legislation allowing competent officers to intervene in families where there was substance abuse by the parents. The Committee was concerned that the attitude of the State regarding substance abuse was fatalistic and tolerant. The Committee felt there was limited awareness among those who sold alcohol and alcohol advertising should be banned to discourage drinking.

The delegation responded that the State had not been successful in discouraging drinking through marketing and advertising. Furthermore, it was added that public authorities supported families and children involved in substance abuse. Municipality budgets included social welfare, healthcare and special services for children found to be endangering their lives in this way. The delegation added that children abusing substances were placed in residential care and contact between the children and the parents were seen as paramount to their rehabilitation. The delegation added that binge drinking had decreased in comprehensive schools and increased in upper secondary schools and vocational schools. The delegation added that the level of drinking had increased in 2003 and in 2009 it had doubled. The State was preparing early intervention programmes and identifying at-risk consumers of alcohol. Attention was also being given to adults as they served as role models for children.

Suicide

The Committee referenced the Committee on the Elimination of Discrimination against Women's recommendation concerning high rate of depression and suicide among girls and inquired how the State intended to address this. The delegation responded that services to counter suicide had been improved and that suicide detection tools were utilised in health examinations to identify potential victims.

Education, Leisure and Cultural Activities Education

Leisure

The Committee asked whether there were guarantees that all children and families received access to services provided for in the Child Welfare Act. The Committee inquired whether there were services on reproductive health, psychological services and cultural links for

children. The Committee also asked whether there were programmes such as sports, camping and music to divert children from drinking and abusing substances.

Education

The Committee emphasised the importance of guaranteeing the same quality of education for all children. The Committee asked whether there were plans for mobile education units or for targeting regions with small populations of children such as using the internet to target Sami children and children in remote areas. The Committee was concerned that the culture of Roma and Sami children was not incorporated in teacher training and the education curriculum. The Committee inquired about measures to infuse peace education and improve special education scales of all teachers. The Committee also noted the shortage of out-of-school programmes for children. The Committee was concerned that children were not happy in schools and at the lack of studies on this issue. There was also a lack of cooperation and communication between parents, schools and children.

The delegation responded that the Ministry of Justice had a committee preparing a draft law to tackle discrimination which also covered equal access to education. The delegation was unaware why Finnish children were not happy in school, stating that immigrant children tended to be happier in schools than non-immigrant children. The delegation responded that minority groups could receive State funding and municipal funding for education. The delegation added that from the year 2009, 47,000 pupils - approximately 8.5 per cent of all children with special educational needs enrolled in basic education - participated in special needs education due to late development, learning difficulties and mobility issues.

Early childhood education

The Committee was concerned about the lack of access by children from low-income and other vulnerable families to early childhood education programmes, for example children under the age of three of migrant or refugee mothers, or of mothers who are unemployed or have substance abuse problems. The Committee inquired whether the State implemented cash transfer programmes to encourage parents to enrol children in early childhood education. The Committee also asked whether there were programmes to improve language skills of migrant and refugee parents with children in day care facilities and strengthen parental responsibility.

The delegation stated that there was a new plan that would promote the integration of migrant children which covered access to health, social services, education, etc. The delegation added that there was an integration plan which had a holistic view of the family to assist migrant mothers to integrate. The objective of the plan was to encourage migrant children to participate in early childhood care. The integration plans also focused on language acquisition of the parents. The Committee inquired whether children could have tailored programmes that favoured the best interest of a particular child. The delegation responded that when there were special needs, children had individual plans to address those needs appropriately.

Language acquisition

The Committee asked whether there were education programmes and television programmes in Sami languages. . The delegation responded that Sami and Roma languages were taught but the problem was the availability of qualified teachers. The delegation said there were television and radio programmes broadcast in the Sami language by the Sami people, which were useful for language acquisition of the approximately 70 per cent of Sami children who grew up outside of the Sami region. Television programmes were also available in Roma languages.

Special Protection Measures

Asylum seekers

The Committee was concerned by the amendment to the Aliens Act which allowed age determination through medical examination. The Committee emphasised that when the age of an asylum seeker was uncertain, children should benefit from the presumption of innocence and avoid medical examinations. The Committee encouraged the State to adopt a law on asylum seekers introducing a system of payment, standards of accommodation and care for unaccompanied minors. The Committee was concerned at the lack of statistics regarding detained children seeking asylum and that asylum seekers between the ages of 16 and 18 were detained with adults. The Committee asked whether there was international technical cooperation concerning refugees and migrants and any measures to strengthen family reunification. The Committee added that the State should guarantee services for unaccompanied minors under the Welfare Act not the Aliens Act.

The delegation responded that age assessment was carried out by a specialised unit in Helsinki which consisted of two independent doctors. The doctors made use of teeth and bone evaluations to estimate the person's age. The delegation added that this information was used by the migration service as a basis for the decision in the asylum procedure but emphasis was placed on the interview. The delegation stated that age assessment was carried out with the informed consent of the minor and the minor's representative. The delegation noted that refusal of age assessment did not result in a negative impact on the asylum decision but the person in question would be treated as an adult.

The Committee requested more information on the qualifications and the role of the minor's representative. The delegation responded that the new Reception Act would have more provisions on the role of the minor's representative. The representative would have to present his or her criminal record and the new Act would provide for the representative to govern the procedure with the consent of the child. The delegation stated that if the report or summary of the doctors regarding age assessment was inconclusive, the best interest of the child would be utilised and the child would not be treated as an adult.

Extradition

The Committee noted that Finnish law authorised extradition of nationals for the perpetration of crimes committed outside of Finland and asked what the specifications and procedures were concerning extradition.

The delegation was not aware of cases of extradition related to sexual exploitation. There was a previous attempt to extradite a sexual offender but the perpetrator was not found. The delegation added that there was a programme for sexual reproductive health which provided rehabilitation services for victims of sexual abuse. Hotlines funded by the State and administered by NGOs were also available.

Child labour

The Committee was concerned about the impact of Finnish transnational corporations operating outside of Finland. The Committee inquired whether there were regulations by the Executive Branch of Finnish Companies to monitor overseas subcontracting, which increased the risk of promotion or support of child labour. The Committee asked whether the State had extra-territorial jurisdiction over companies operating abroad that had a negative impact on

the rights of the child. The Committee asked whether the State restricted importation of goods from countries where child labour was practiced.

The delegation responded that the Ministry of Foreign Affairs commissioned a study in 2009 on human rights and child labour. The delegation added that many transnational corporations had developed studies and codes of conduct but more work needed to be done in this area.

Child poverty

The Committee noted that child poverty was an increasing problem polarising the society. Relative poverty of families was increasing and approximately 150,000 children, particularly under the age of three, were living below the poverty line. The Committee noted that there was also trans-generational poverty and feelings of xenophobia, exclusion from certain subgroups, drop-out rates, substance abuse and crimes related to the increase in child poverty. The Committee urged the State to maintain the strong egalitarian values and asked whether the State provided healthcare, education, safety programmes and other services to families living in poverty

The delegation responded that the Policy Programme for the Wellbeing of Children, Youth and Families was aimed at reducing poverty. The State had developed child benefits and electoral care allowances which were index-bound and increased each year. The State also increased the minimum rate of paternal and maternal allowances, child allowances for single parents, home care allowances and private day care allowances. The State was committed to the EU20/20 strategy to combat poverty.

Children in armed conflict

On international cooperation around issues concerning children in armed conflict, the delegation added that there was technical cooperation and financial assistance in programmes on disarmament, demobilisation and reintegration programmes for children involved in armed conflict in the Great Lakes Region and Nepal. The delegation added that children underwent medical examinations to determine needs for psychological counselling, as well as healthcare and social services.

Juvenile justice

The Committee was concerned that juvenile prisoners were detained with adults. The Committee was concerned at the lack of information on a statute which protected and provided compensation to child victims or witnesses. The Committee asked for clarification on whether the maximum sentence children received was 12 years or 12 months. The Committee also asked for information regarding the functioning of specialised juvenile courts and the level of training of the judges involved. The Committee wanted to know if detained children were obliged to engage in work. The Committee asked what measures were taken to ensure recourse to conditional sentencing of children and avoiding preventive detention. The Committee asked whether the law on preventive detention had deadline dates that restricted the duration of detention of children.

The delegation responded that a small number of children were detained – four in 2010, fifteen in 2009 and two children had been detained between January and May 2011. The delegation added that children were detained when it was not possible to determine their identity or when there were problems in the asylum procedure. The delegation added that the basic rule was that children were not detained with adults but placed in homes designated for

minors. If a minor was placed in a detention centre with a family member, the family was provided a family unit to preserve their rights. The Child Welfare Act stipulated the number of children that could be placed in a group home. The delegation added that the care and upbringing of the children would be catered for and the unaccompanied minors would receive the same level of healthcare as Finnish nationals. The average detention time frame for unaccompanied minors was nine days. The delegation clarified that 12 years was the maximum for a fixed term prison sentence and 12 months was the maximum for a special juvenile sentence. No girls were currently detained.

Sexual Exploitation

The Committee noted that reporting obligations to second periodic report of the Optional Protocols should be included in the next (fifth) periodic report of the CRC. The Committee welcomed the Act to bring into force the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Committee stated that there was an important need for a study on intersexual abuse and intersexual harassment and establish a system for preventing, detecting and punishing perpetrators. The Committee inquired whether there were rehabilitation measures for victims of sexual abuse.

Concluding Remarks

The co-Rapporteur, Mr. Gehad Madi, thanked the delegation for the constructive dialogue. He stated that Finland could be a role model in many fields of children's rights and hoped that Finland shared its experience with other countries. Mr. Madi stated that areas such as immigration, asylum seeking children, refugee children, children of Roma and Sami minorities, substance abuse and child exploitation needed more work. He also added there was a need for a comprehensive approach to monitor all stakeholders in children's rights. Mr. Madi concluded by stating that the age limit of 12 years to consider the views of the child needed to be reconsidered.

The Head of Delegation, Mr. Arto Kosonen, thanked the Committee and emphasised that the State would continue its work in children's rights. With good cooperation with the civil society, the State would consider the recommendations and concluding observations from the Committee.