



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Fifty-seventh session

30 May – 17 June 2011

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

#### Concluding Observations: Finland

1. The Committee considered the fourth periodic report of Finland (CRC/C/FIN/4) at its 1628<sup>th</sup> and 1629<sup>th</sup> meetings (see CRC/C/SR1628 and CRC/C/SR1629), held on 9 June 2011, and adopted at its 1639<sup>th</sup> meeting, held on 17 June 2011, the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the fourth periodic report as well as the written replies to its list of issues (CRC/C/FIN/Q/4/Add.1), but regrets that the State party has not submitted yet its periodic report under the Optional Protocol on Involvement of Children in Armed Conflict. The Committee notes as positive that the views of relevant stakeholders, such as the Parliamentary Ombudsman, the Ombudsman for Children and non-governmental organizations, were included in the State party report. The Committee appreciates the open and positive dialogue, which enabled a better understanding of the situation of children in the State party.

#### II. Follow-up measures and progress achieved by the State party

3. The Committee welcomes a number of positive developments in the reporting period, including the adoption of legislative measures taken with a view to implementing the Convention, such as:

- (a) The Child Welfare Act (2007/417) in 2008 and amendments thereto in 2010;
- (b) The Act on Measures for Preventing the Distribution of Child Pornography (1068/2006), in 2007;
- (c) The Youth Act (2006/72) in 2006 and amendments thereto in 2011;
- (d) The Act to bring into force the Council of Europe Convention on the Protection of children against Sexual Exploitation and Sexual Abuse in 2011;
- (e) The Health Care Act (1326/2010) in 2010;

- (f) The amendments to the Basic Education Act in 2010;
  - (g) The Decree on maternity and child health services, schools and student health care and preventive oral health care for children and young people (380/2009) in 2009 and amendments thereto (338/2011) in 2011;
4. The Committee also welcomes the ratification of /accession to international treaties, including:
- (a) The Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children in 2010.
  - (b) The 1961 Convention on the Reduction of Statelessness in 2008;
  - (c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2006;
  - (d) The Council of Europe Convention on Cybercrime in 2007.
5. The Committee also welcomes the adoption of policies and programmes, including:
- (a) The National Action Plan to reduce corporal punishment of children for the period of 2010-2015;
  - (b) The Development Programme for Child and Youth Policy 2007-2011;
  - (c) The National Development Programme for Social Welfare and Health Care for 2008-2011;
  - (d) The National Policy on Roma in 2009.

### III. Main areas of concern and recommendations

#### A. General measures of implementation (arts. 4, 42 and 44 (para. 6) of the Convention)

##### The Committee's previous recommendations

6. The Committee notes with concern that various concerns and recommendations made upon consideration of the State party's third periodic report (CRC/C/15/Add.272) of 2005 have been insufficiently addressed. The Committee notes that those concerns and recommendations are reiterated in the present concluding observations.

**7. The Committee urges the State party to take all necessary measures to address the recommendations contained in the concluding observations on the third periodic report that have not been sufficiently implemented, including those related to discrimination against children from ethnic minorities and immigrant children, respect for the views of the child, the rights of asylum seeking children, deinstitutionalisation of children and adolescent health.**

##### Legislation

8. The Committee notes the legislative actions undertaken by the State party aimed at strengthening the constitutional, legal and normative framework related to the implementation of the Convention, but it remains concerned at the lack of a consolidated legislative framework covering the full scope of the Convention and of its Optional Protocol on the Involvement of Children in Armed Conflict.

9. **The Committee recommends that the State party take all necessary measures to ensure that legislation and administrative regulations conform fully to the principles and provisions of the Convention and its Optional Protocol on the Involvement of Children in Armed Conflict and that it consider drafting a consolidated legislation encompassing all rights under the Convention.**

#### **Coordination**

10. While noting that the Ministry of Social Affairs and Health is responsible for the welfare of children, especially for the development of social and health services and income security for families with children, the Committee remains concerned given that the Ministry's responsibilities are limited only to certain areas of children's rights, it may not serve as a sufficient coordination mechanism responsible for the overall coordination of the Convention's implementation between all the relevant bodies and institutions at national, regional and municipal levels taking into account the abundance of programs and policies on children's rights.

11. **The Committee calls upon the State party, to ensure that it undertakes measures to establish an effective mechanism for coordinating the implementation of child rights policies between all the relevant bodies and institutions at all levels. In doing so, the State party is urged to ensure that it is provided with the necessary human, technical and financial resources to implement child rights policies that are comprehensive, coherent and consistent at national, regional and municipal levels.**

#### **National Plan of Action**

12. The Committee welcomes the Development Programme for Child and Youth Policy and the Policy Programme for the Well-being of Children, Youth and Families. However, it regrets that the State party has yet to adopt a comprehensive rights-based policy and a harmonized plan for the full and effective implementation of the Convention.

13. **The Committee recommends that the State party develop a comprehensive policy and plan of action for the full implementation of the Convention. In formulating such a policy and plan, appropriate attention should be paid to the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A world fit for children" and its mid-term review in 2007. It further recommends that the plan of action contain specific time-bound and measurable goals and targets to effectively implement and monitor progress in the enjoyment of all rights by all children. The plan of action should be linked to sectoral, national and municipal strategies and budgets to ensure appropriate allocation of the human, technical and financial resources required for its implementation.**

#### **Independent Monitoring**

14. The Committee notes the division of competencies between the Parliamentary Ombudsman and the Ombudsman for Children, by which the Parliamentary Ombudsman may receive complaints on violation of children's rights, including from children themselves, while the Ombudsman for Children is responsible for monitoring child policies. However, the Committee is concerned that children may not be aware of the complaints procedure of the Parliamentary Ombudsman or understand how it works. The Committee is also concerned at the insufficient resources provided to the Office of the Ombudsman for Children.

15. **The Committee recommends that the State party raise awareness among the general public, especially children, about the different complaints procedures within national mechanisms and enhance the cooperation between the Parliamentary**

**Ombudsman and the Ombudsman for Children. Drawing attention to its general comment No. 2 on the role of independent human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), the Committee also calls upon the State party to ensure that this national mechanism is provided with the necessary human, financial and technical resources to guarantee its independence, efficacy and accessibility.**

#### **Allocation of resources**

16. The Committee notes that municipalities enjoy extensive autonomy in providing and financing public services, and is concerned that this might lead to insufficient allocation of resources to services for children and adolescents by some municipalities resulting in regional and local disparities in resource allocation to children. In light of the State party's obligation under the Convention to fulfill the rights of children under its jurisdiction, the Committee regrets the lack of comprehensive national assessment, documentation and oversight which leads to a weak system of control at national level.

17. **The Committee recommends that the State party:**

- (a) Provide municipalities with sufficient resources allocated specifically for ensuring the implementation of rights of children taking into account resource available for each municipality;**
- (b) Establish an effective monitoring of budget allocations for the needs of children in each municipality separately, ensuring appropriate levels of allocation; and**
- (c) Introduce child budgeting (budget tracking from a child right's perspective) with a view to monitoring budget allocations for children and take into account the Committee's recommendations resulting from its 2007 Day of General Discussion on resources for the rights of the child - responsibility of States.**

#### **Data collection**

18. The Committee is concerned at the insufficient data available concerning the living conditions of children in vulnerable situations, including children affected by poverty, children with disabilities, minority/immigrant children and children in alternative care. It is also concerned at the limited statistics on abuse, neglect and violence against children and on services provided to them.

19. **The Committee urges the State party to strengthen the statistical system and analysis on the implementation of the Convention, and to ensure that data is collected and used to inform policies and programmes in relation to poverty, violence, children with disabilities, minority/immigrant children and children deprived of a family. It recommends that the State party continue to strengthen its capacity for the systematic collection and analysis of data disaggregated, inter alia, by age, sex and ethnic background on all persons under the age of 18 for all areas covered by the Convention throughout its territory.**

#### **Dissemination, awareness-raising and training**

20. The Committee welcomes the information about the dissemination of the Convention and related training, which have been adopted as one of the objectives of the Government's Policy Programme for the Wellbeing of Children, Youth and Families, and about the campaign to celebrate the 20<sup>th</sup> anniversary of the Convention. Nonetheless, it

remains concerned at the low level of awareness of the Convention among the general public, including parents and professionals working with children.

21. **The Committee recommends that the State party increase its efforts to strengthen the knowledge of the general public, including children, parents and professionals working with children, of the Convention and of national laws based on the Convention and other relevant international instruments. The Committee also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular, law enforcement officials, teachers, health workers, social workers and personnel working in all forms of alternative care.**

#### **International cooperation**

22. **The Committee notes that, in 2010, the State party devoted 0.56 per cent of its GNI to international assistance, and that it has committed itself to reaching the internationally agreed target of 0.7 per cent of GNI by 2015. The Committee encourages the State Party to meet and, if possible, surpass the internationally agreed target of 0.7 per cent of GNI by 2015. It also encourages the State party to ensure that the realization of child rights becomes a top priority of the international cooperation agreements established with developing countries. In doing so, the Committee suggests that the State party take into account the concluding observations of the Committee on the Rights of the Child for the recipient country in question.**

#### **Child rights and the business sector**

23. The Committee regrets that there is no prohibition of direct or indirect use of child labour by companies domiciled in Finland as well as no restrictions for businesses to import or sell goods produced using child labour. The Committee is also concerned that there are no legal regulations to restrict the marketing of unhealthy foods that impact child nutrition and contribute to childhood obesity and other negative health consequences.

24. **The Committee recommends that the State party provide a framework for prohibiting use of child labour by Finnish companies engaged with businesses abroad and multinational companies headquartered in Finland by establishing an effective monitoring system of their supply chains. The Committee also recommends that the State party establish restrictions on marketing of unhealthy food having negative effect on the children's health. The Committee recommends that the State party adopt and implement regulations to ensure that the business sector complies with international and domestic standards on corporate social responsibility, particularly with regard to child rights, in line, *inter alia*, with the UN Business and Human Rights Framework adopted unanimously in 2008 by the Human Rights Council and which outlines the duty of States to protect against human rights abuses by businesses, corporate responsibilities to respect human rights, and the need for more effective access to remedies when violations occur.**

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

25. The Committee notes the State party's efforts to reform the Non-discrimination Act, namely to expand the scope of its application, and its plans to establish the Office of the Ombudsman on equal treatment. However, the Committee remains concerned at the prevalence of discrimination against children with disabilities, immigrant and refugee children and children from ethnic minorities such as Roma children. It is also concerned at

the social exclusion and structural discrimination of the Roma population, which leads to increase in substance abuse, mental health problems and a poor standard of living for Roma children.

26. **The Committee urges the State party to strengthen efforts to combat all forms of discrimination, including discrimination against children with disabilities, immigrant and refugee children as well as children from ethnic minorities. It further recommends that the State party place high priority in the public agenda on preventing and eradicating discrimination, inter alia, through the media and education system. In particular, the State party should, in line with the National Policy on Roma, enhance the measures undertaken to combat ethnic discrimination and social exclusion of the Roma, and ensure an adequate standard of living for all Roma children. It recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

#### **Best interests of the child**

27. The Committee welcomes information that the Child Welfare Act (2007) includes the concept of the best interests of the child in the assessment of a child's need for welfare measures, but regrets that there is no comprehensive reference to the best interests of the child in the State party's other legislation, and that the principle is not adequately understood or taken into account in decisions affecting children.

28. **The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.**

#### **Respect for the views of the child**

29. The Committee welcomes the State party's participation as a pilot country in the Council of Europe policy review on the participation of children and adolescents. It also welcomes the right of the child to be heard irrespective of his/her age under the Child Welfare Act. However, the Committee is concerned that, according to the Administrative Procedure Act, only children above 15 years have the right to be heard individually in matters concerning them, that under the Aliens Act a child younger than 12 seems not to be heard as a general rule, and that children are insufficiently heard in custody cases. The Committee is also concerned that the right of children with disabilities to be heard is not properly realised. The Committee is further concerned at the insufficient use of alternative ways to hear children who have reached the age of 12 outside of the courtroom, and that they may be compelled to attend oral hearings.

30. **The Committee recommends that the State party abolish the age limitations established under the domestic laws and ensure that all children under the age of 18 are duly heard in judicial and administrative proceedings affecting them including in cases of custody in accordance with the maturity of the child. Children should be heard in a child-friendly manner, taking into account the principle of the best interests of the child. The views of the children, including children with disabilities,**

should be given due weight in accordance with the age and maturity of the child. This may include, *inter alia*, hearing a child under conditions of confidentiality and not in an open court room, and using video/audio devices. In this regard, the Committee draws the State party's attention to its general comment No. 12 (CRC/C/GC/12) on the right of the child to be heard.

**C. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

**Family environment**

31. The Committee is concerned at the high number of children who live with parents having problems relating to substance abuse and that professionals working with children do not pay sufficient attention in particular to these children, and often lack practical knowledge to respond to them. The Committee also reiterates its concern (CRC/C/15/Add.272, para 26) at the very long duration of custodial disputes.

32. **The Committee recommends that the State party:**

- a) **Increase resources and strengthen social services providing family counselling and parent education, and train all professionals working with children, including social workers and health care professionals;**
- b) **Strengthen preventive services and early support and intervention measures , particularly with respect to families with problems related to substance abuse; and**
- c) **Enhance family mediation services for parents contemplating divorce, and ensure that disputes over the custody of children are resolved within an appropriate time taking into account the best interests of the child.**

**Children deprived of family environment**

33. While welcoming that the Child Welfare Act provides more precise provisions, *inter alia*, for taking a child into care and urgent placement of children, and requires that alternative care is provided primarily in small and family-like units, the Committee is concerned that, in practice, the number of children placed in institutions, including successive placements, is increasing, that number of foster family care placements is insufficient and that there is no unified nationwide standards establishing criteria for placements in alternative care, care planning and regular review of placement decisions, and that there is insufficient supervision and monitoring of alternative care facilities. It is also concerned at the lack of effective complaints mechanisms for children without parental care, including children in institutions. The Committee is further concerned that children in institutions are not always integrated into mainstream education, and do not always receive the necessary mental health services. Furthermore, the Committee is concerned at the lack of support to biological families, while their children are in alternative care, with the purpose of reunification of these children with their biological families.

34. **The Committee recommends that the State party:**

- (a) **Increase its efforts to ensure that children in need of alternative care are placed in family-type and foster family care and not in institutions, and take measures to avoid successive placement of children in public care, *inter alia*, by increasing the resources for foster care and support of foster parents;**
- (b) **Provide training to all professionals working with children in alternative care settings, including foster parents and supervisors;**

- (c) Establish unified national standards for assessment and placement of children in alternative care, care planning and regular review of placements decisions and ensure adequate supervision and monitoring of the situation of children placed in foster homes or institutions;
- (d) Take necessary measures to ensure the provision of effective, well-known, independent and impartial complaints mechanisms for children without parental care;
- (e) Ensure that children in institutions are integrated into mainstream education, and that they have access to mental health services when required; and
- (f) Provide support to biological families with the purpose of subsequent reunification of children in alternative care with their biological families, when possible.

The Committee recommends the State party to take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.

#### **Corporal punishment**

35. The Committee welcomes the National Action Plan to eliminate corporal punishment of children for the period of 2010-2015. However it remains concerned that corporal punishment continues to be tolerated and used, particularly in the home.

36. **The Committee recommends that the State party ensure full implementation of the laws prohibiting corporal punishment in all settings, inter alia, through systematic awareness raising among adults and children, the promotion of appropriate positive, non-violent forms of discipline, continuous monitoring paying particular attention to parents of children requiring special support, parents having difficulties in their child rearing practices.**

#### **Child abuse and neglect**

37. The Committee regrets that no information has been provided by the State party on cases and government policies concerning child abuse and neglect.

38. **The Committee recommends that the State party conduct a study on incidence and prevalence of different forms of child abuse and neglect and state policies to prevent child abuse and neglect taking into account the Committee's general comment 13 (2011) on the right of the child to freedom from all forms of violence (CRC/C/GC/13) and provide more detailed information in this regard at its next periodic report.**

#### **Follow-up to the United Nations study on violence against children**

39. **The Committee encourages the State party to:**

- a) **Prioritize elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations Study on violence against children, paying particular attention to gender;**
- b) **Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report, particularly those highlighted by the Special Representative of the Secretary General on Violence against children, namely:**

- i. The development of a national comprehensive strategy to prevent and address all forms of violence against children;
- ii. The introduction of an explicit national legal ban on all forms of violence against children in all settings; and
- iii. The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

c) Cooperate with and seek technical assistance from the Special Representative of the Secretary General on violence against children, UNICEF, the Office of the High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

**D. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26 and 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

40. While welcoming the amendments to the Act on Services and Assistance for the Disabled in 2009, emphasizing assistance based on the individual needs of persons with disabilities and the Disability Policy Programme for 2010-2015, the Committee remains concerned about the insufficient supply of health care services for children with disabilities in some municipalities as well as the lack of financial commitment by the State party in this respect. The Committee is also concerned that children with disabilities face limited mobility due to obstacles in the physical environment and public transportation, and thus the level of segregation of students with disabilities is high. Furthermore, it is concerned that teachers are not sufficiently trained to work with children with disabilities and families with children with disabilities do not receive either sufficient, high quality and up to date support or educational guidance to support their children's rehabilitation.

41. **In light of art. 23 of the Convention, the Committee's general comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9), the Committee recommends that the State party:**

- (a) **Establish a holistic legal and policy framework to guarantee the equal right of children with disabilities to access quality health care services, public buildings and transportation and to obtain education in mainstream schools;**
- (b) **Ensure a sufficient number of personal assistants, interpretation and transportation services for children with disabilities;**
- (c) **Improve the capacity of teachers to teach children with disabilities and special needs;**
- (d) **Support families with children with disabilities by providing them with educational guidance; and**
- (e) **Accelerate the process of ratification of the Convention on the Rights of Persons with Disabilities.**

**Health and health services**

42. The Committee welcomes the adoption of the Health Care Act in 2010, which introduces health examination and health education for children and youth. The Committee is however concerned at the lack of medical personnel permanently based in schools, including staff to provide children with psychological counselling. The Committee is also

concerned that pregnant women with substance abuse problems have difficulties accessing medical treatment and that the State party does not provide sufficient attention to the development of children born to mothers abusing substances.

43. **The Committee recommends that the State party establish permanent presence of medical personnel in schools, including psychologists in order to provide children with psychological counselling. The Committee also recommends that the State party ensures that pregnant women with substance abuse problems receive timely and quality medical assistance and treatment and that children born to such mothers are provided with assistance and support.**

#### **Mental health**

44. The Committee is concerned at the high rate of depression and the number of suicides, including two school shootings in recent years, and at the insufficient mental health services for children. The Committee is also concerned that the prescription of psycho-stimulants to children diagnosed with Attention Deficit Hyperactivity Disorder and Attention Deficit Disorder has not decreased.

45. **The Committee recommends that the State party:**

(a) **Strengthen mental health services for children and guarantee access to examinations and treatment needed, as well as intensify suicide prevention measures;**

(b) **Monitor the prescription of psycho-stimulants to children and take initiatives to provide children diagnosed with Attention Deficit Hyperactivity Disorder and Attention Deficit Disorder, as well as their parents and teachers, with access to a wider range of psychological, educational and social measures and treatments; and**

(c) **Consider undertaking the collection and analysis of data disaggregated according to substance and age with a view to monitoring the potential abuse of psycho-stimulant drugs by children.**

#### **Breastfeeding**

46. The Committee welcomes the adoption of the Finnish National Programme of Action for Breastfeeding Promotion in 2009 and its monitoring by the Follow up Group for Breastfeeding Promotion. However, it remains concerned that the rates of breastfeeding in the State party have increased, but remain low. It is also concerned that currently the majority of breastfeeding information is available only online and mothers have no access to breastfeeding information through other means and there is a lack of awareness and education on the importance of breastfeeding.

47. **The Committee recommends that the State party strengthen its efforts to promote breastfeeding by providing access to materials, educating and raising awareness of the public on the importance of breastfeeding and risks of artificial feeding.**

#### **Adolescent health**

48. The Committee welcomes the Action Plan for the Promotion of Sexual and Reproductive Health 2007-2011, as well as the creation of a Department of Child and Adolescent Health within the National Public Health Institute, in 2007. It is however concerned at the high level of alcohol and tobacco abuse among adolescents.

49. **The Committee recommends that the State party strengthens its measures to divert adolescents from alcohol, tobacco and substance abuse by raising awareness on negative impacts of alcohol and tobacco and engage the mass media to ensure their contribution to healthy lifestyles and consumption patterns by children and adolescents.**

#### **Standard of living**

50. The Committee welcomes the amendments to the Act on Child Home Care Allowance and the Private Care Allowance in 2010 increasing the amount of home care allowance, extending the eligibility to self-employed persons and extending the length of paternity leave. However, the Committee remains concerned that the number of children and families with children, especially under the age of 3, living in poverty, has more than doubled in the last ten years and that the amount of child benefits and parental benefits has de facto been reduced.

51. **The Committee calls upon the State party to reinforce its efforts to provide support to economically disadvantaged families, including children of young families, single parents, and families with many children, and to guarantee the right of all children to an adequate standard of living. The Committee also recommends that the State party take the measures necessary for the comprehensive collection and analysis of data on child poverty in order for it to be effectively addressed.**

### **E. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

52. The Committee is concerned at the difficulties faced by different groups of children in vulnerable situations, including Roma children, in the education system, including the high rate of non-attendance, poor achievement, high number of children in special education classes, and the high drop out rate.

53. **The Committee recommends that the State party:**

- (a) **Enhance teachers' knowledge of different cultures, difficulties children face and employ more Roma professionals in schools, inter alia as special needs assistants, in order to provide better support to children and their families,**
- (b) **Include the rights of minorities in teachers' training and school curricula;**
- (c) **Encourage more parents whose children are not attending day care programs to enrol their children in early childhood development programs, in order to improve their command of the Finnish language, social skills and make the transition to school easier and prevent school failure and drop-out.**

54. While welcoming the establishment of a project to prevent bullying among children, it remains concerned at reports of widespread sexual and gender-based harassment against girls, as well as bullying, including on the Internet and by mobile phones. The Committee welcomes the amendments to the Basic Education Act in 2010, introducing enhanced or special support in learning, but it remains concerned that, despite the excellent academic achievements of children in the State party, a high number of children are not satisfied with their schools.

55. **The Committee recommends that the State party:**

- a) Enhance the measures undertaken to combat all forms of bullying and harassment, such as improving the capacity of teachers and all those working at schools and students to accept diversity at school and improve their conflict resolution skills;
- b) Pay more attention to children's well-being in schools, including their right to have their opinions taken into account and conduct a research on the cause of their dissatisfaction at schools; and
- c) Take into account the Committee's general comment No. 1 (2001) on the aims of education in the implementation of the above recommendations.

#### **Early childhood care and education**

56. The Committee is concerned at the shortcomings of early childhood education, such as lack of professionals, poor staff-child ratio and reported low quality of day care / pre-primary education due to the lack of minimum standards. While welcoming the provision of morning and afternoon activities for schoolchildren in first and second grade elementary school, the Committee is concerned that municipalities are not required to provide such activities, making it difficult for parents to balance work and family life.

57. The Committee recommends that the State party draft a new general act on early childhood care and education, bringing together all the provisions concerning early childhood, and strengthening the child rights perspective taking into account the Committee's general comment 7 (2005) on implementing child rights in early childhood (CRC/C/GC/7/Rev.1) and on the basis of the European Commission "Communication on Early Childhood Education and Care: Providing all our children with the best start for the world of tomorrow" (COM (2011 66)) of 17 February 2011. The Committee further recommends that the coverage and quality of early childhood education programs is improved by, *inter alia*, increasing the number of care staff and improving the staff-child ratio, so that the group sizes are limited and the continuity of care relationships are better secured.

#### **F. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

##### **Sexual exploitation**

58. The Committee welcomes the adoption of the Act to bring into force the Council of Europe Convention on the Protection of children against Sexual Exploitation and Sexual Abuse in 2011 and the Act on Measures to Restrict the Distribution of Child Pornography in 2007. The Committee, however, regrets the absence of a study into sexual abuse and sexual harassment of children in the digital media (Internet). It also regrets that the process of ratification of the Optional Protocol on sale of children, child prostitution and child pornography has been slow.

59. The Committee recommends that the State party study the extent of the sexual abuse and sexual harassment in the digital media, especially Internet and strengthen its modalities to detect, and punish perpetrators as well as adopt the necessary legal, administrative and policy measures to combat violence in the digital media. It also recommends that the State party allocate adequate resources and enhance government action and coordination in order to combat sexual exploitation of children, especially on internet, and ensure that programmes and policies for the prevention, recovery and reintegration of child victims are in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congress against

**Commercial Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro. It urges the State party to accelerate the ratification of the Optional Protocol on sale of children, child prostitution and child pornography.**

#### **Asylum-seeking and refugee children**

60. The Committee notes the 2006 Migration Policy Programme, in which the principle of the best interests of the child is taken into account in asylum and refugee policy, as well as the amendments to the Aliens Act in 2010, which provides for family reunification of unaccompanied children and by which the age determination procedure by means of medical examination is now regulated by law. However, the Committee remains concerned at the practice of detaining children who seek asylum in the State party. Furthermore, it is concerned that the asylum seekers aged 16 and above are accommodated in adult units of reception centres and that mental health services, therapy and psychiatric care for unaccompanied minors are insufficient.

61. **The Committee recommends that the State party:**

- (a) In light of the General Comment 6 (2005), when in doubt as to the age of an asylum seeker, give him/her the benefit of the doubt, treat him/her as a child, and introduce the possibility for asylum-seekers to appeal the outcome of the age determination;**
- (b) Avoid accommodating the asylum seekers aged 16 and above in adult units of reception centres and provide sufficient mental health services, therapy and psychiatric care for unaccompanied minors;**
- (c) Ensure that detention of asylum seeking children is carried out as a last resort, for the shortest time possible, when no alternative measures can be applied.**

#### **Helplines**

62. **The Committee recommends that the State party ensure permanent and sufficient funding for phone and Internet helplines for children, and implement the 116 000 European number in accordance with the EU Communication on the Rights of the Child. The Committee also recommends that the State party acknowledge the child helpline as a fundamental child protection tool, and a tool toward the prevention and detection of violence against children.**

#### **Children belonging to indigenous and minority groups**

63. The Committee is concerned that children who belong to the Roma minority and Sami indigenous groups do not receive health services, including mental health services, therapy or psychiatric care in Romani and Sami languages. It is also concerned at the insufficient level of educational services and recreational activities in Romani and Sami language and that such services and activities in Sami language are limited to their main areas of domicile.

64. **The Committee recommends that the State party:**

- (a) Monitor and evaluate the integration of Roma and Sami children's rights in national plans and programmes;**
- (b) Ensure that Roma and Sami children have the right to culturally sensitive education and health care services in their own language also for those Sami children who live outside the Sami homeland;**

- (c) Cooperate more closely with the Swedish and Norwegian governments, inter alia concerning school curricula, teacher training, producing teacher materials and providing media content for Sami children;
- (d) Take into account the Committee's general comment No. 11 (2009) on indigenous children and their rights under the Convention (CRC/C/GC/11); and
- (e) Ratify ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries.

## **G. Ratification of international human rights instruments**

65. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core United Nations human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the Optional Protocol to the Convention against Torture, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Covenant on Economic, Social and Cultural Rights.

## **H. Follow-up and dissemination**

### **Follow-up**

66. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, Supreme Court, Parliament, relevant ministries and municipal authorities for appropriate consideration and further action.

### **Dissemination**

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

## **I. Next report**

68. The Committee invites the State party to submit its next combined fifth and sixth periodic report by 19 July 2017 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines.

**The Committee reminds the State party that if it is unable to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.**

**69. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.**

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