



UN Committee on the Rights of the Child  
electronically via Child Right Connect  
-online system

IOK/23/2023

15 April 2023

**Additional submission from the Finnish Human Rights Centre/NHRI -  
Consideration of the combined fifth and sixth periodic report and the report  
on OPSC – 93<sup>rd</sup> session of the Committee on the Rights of the Child**

This document contains observations by the Finnish Human Rights Centre (HRC<sup>1</sup>, NHRI) to the replies of Finland to the list of issues for the consideration of the combined fifth and sixth periodic report and the report on the optional protocol (OPSC) during the 93<sup>rd</sup> session of the Committee on the Rights of the Child.

The HRC brings attention to the submission that we provided on 30 June 2022 and during the pre-sessional working group. This document is complimentary to all previous submissions.

Sirpa Rautio  
Director

Nitin Sood  
Expert

---

<sup>1</sup> The HRC forms the National Human Rights Institution (NHRI), alongside with its pluralistic 39-member Human Rights Delegation and the Parliamentary Ombudsman. The HRC represents the NHRI in international NHRI cooperation and other international and European cooperation in human rights.

## **Submission from the Finnish Human Rights Centre/NHRI regarding the replies of Finland to the list of issues in relation to its combined fifth and sixth periodic reports – 93rd session of the Committee on the Rights of the Child**

### **Index**

I.	Impact assessments – Reply to paragraph 2 (b) of the list of issues .....	2
II.	Data collection – Reply to paragraph 2 (c) of the list of issues.....	3
III.	Act on Services to Persons with Disabilities – Reply to paragraph 3 (b) of the list of issues .....	3
IV.	Violence against children – Reply to paragraph 5 (a-c).....	4
V.	Female genital mutation – Reply to paragraph 5 (d) .....	4
VI.	Children in foster care – Reply to paragraph 6 (c).....	5
VII.	Children with disabilities and education – Reply to paragraph 7 (a).....	5
VIII.	Children of undocumented migrants – Reply to paragraph 8 (b).....	6
IX.	Mental health – Reply to paragraph 8 (e) of the list of issues .....	7
X.	Optional Protocol to the Convention on the Rights of the Child on sale of children etc.	7

### **I. Impact assessments – Reply to paragraph 2 (b) of the list of issues**

1. The Human Rights Centre (HRC) constantly takes up in its comments, reports, and observations the insufficiently done impact assessments. The lack of assessments regarding children is no exception.
2. Government reports that new guidelines for impact assessments in the law drafting were published in November 2022. The guidelines also include information on human rights impact assessments and child assessments. Additionally, a separate human rights impact assessment guidance was published.
3. While acknowledging the importance of guidelines in the law drafting process, the HRC highlights that their effectiveness is limited if civil servants lack sufficient understanding of the potential impact of proposed legislation on human rights and fail to identify vulnerable groups who may be affected by it. Also the time and resources allocated to the law drafting process affects the use of the guidelines.
4. The Finnish Council of Regulatory Impact Analysis notes in its most recent annual review that that the impact assessments in draft government

proposals usually do not address the proposal's concrete impacts on fundamental and human rights.<sup>2</sup> In other words, the draft proposals do not adequately explain how the proposals will improve, weaken, or secure fundamental and human rights. With regards to children, the Council states that in some draft proposals, the content of legislation on the rights of child is merely described and provided as an impact assessment. Rather in conducting the impact assessment, it is imperative to evaluate how the proposal will impact the rights of children.

5. *The HRC urges the government to ensure that civil servants have adequate human rights knowledge to monitor the implementation of the guidelines systematically. The HRC notes that the implementation of the guidelines can be improved by mandatory human rights training to the civil servants.*
6. *The HRC recommends that the Government implement mandatory human rights training for civil servants to ensure that human rights impact assessments, including those pertaining to children's rights, are integrated into the law drafting process.*

## **II. Data collection – Reply to paragraph 2 (c) of the list of issues**

7. The HRC agrees with the Government that sensitive personal data is covered by special protection under data protection provisions and collecting data on protected characteristics must involve careful consideration. However, this should not prevent from building a comprehensive data-collection system that collects disaggregated data. Without this information it is difficult to evaluate the realisation of children's rights and formulate policies to address the gaps.
8. The Government refers to the project on human rights-based approach to data is under preparation at the Ministry of Justice. It is not immediately clear how the project will integrate children's rights. The project's primary research question is what legal and ethical considerations must be taken into account when collecting sensitive personal data. It is paramount to ensure that the project proposes concrete solutions to how to overcome these challenges.
9. *The HRC recommends that the Government makes concrete measures to develop further disaggregated national statistics.*

## **III. Act on Services to Persons with Disabilities – Reply to paragraph 3 (b) of the list of issues**

10. The Government makes a reference to the new Act on Services to Persons with Disabilities that was adopted in February 2023. The proposal was substantially changed in the Parliamentary process after the Constitutional Committee demanded that the Proposal should be modified for it to comply with the Finnish constitution. The changes were made quickly because the Government term was ending. This meant that no ordinary written

---

<sup>2</sup> <https://julkaisut.valtioneuvosto.fi/handle/10024/164765>

preliminary work was done on the changes hence no background material (including various assessments) exists to be used as a guidance in the future when applying those modified provisions. Hence, the HRC has concerns about how the law will be applied.

11. *The HRC recommends that the Government closely monitors the implementation and impact of the law on the rights of children with disabilities and takes necessary corrective measures, if required.*

#### **IV. Violence against children – Reply to paragraph 5 (a-c)**

12. A recent study on frequency of domestic violence experienced by persons with disabilities and availability of services concludes that persons with disabilities experience more domestic violence than the rest of the population.<sup>3</sup> Women and girls with disabilities experience more sexual violence than men with disabilities. Also, the study states, albeit not conclusively, that among four-year-old children, boys with disabilities are more frequently subjected to bullying by other children of the same age at home, in care or during leisure time. This suggests that inequality related to abuse and violence starts to develop at a very young age for persons with disabilities.

13. The HRC notes that the Government refers multiple times to the Barnahus project that has been imperative in combating violence against children. However, the HRC notes that the funding of the Barnahus is not permanent.

14. Seri Support Centres treat and help those who have experienced sexual violence. Seri Support Centres are open to anyone aged 16 and over, regardless of gender. There is currently a pilot that enables a Barnahus employee to work at the Turku Seri Support Centre, expanding their services to anyone aged 13 and over and making them more accessible to children.

15. *The HRC calls for the Government to secure permanent funding for Barnahus to ensure its institutionalisation and sustainability.*

16. *The HRC urges the Government to extend the pilot program in Turku Seri Support Centre to all Seri Support Centres by adding a Barnahus employee to provide services to victims of sexual violence aged 13 to 16.*

#### **V. Female genital mutation – Reply to paragraph 5 (d)**

17. The HRC notes that the Government claims in its reply that a legislative proposal related to FGM is aimed to be submitted to Parliament at a later stage.

18. However, the working group on female genital mutilation (FGM) published its report in February 2023 without proposing any amendments to the

---

<sup>3</sup> <https://julkaisut.valtioneuvosto.fi/handle/10024/163918>

provisions of the Criminal Code.<sup>4</sup> The Working Group concluded that criminalising the practice of FGM presents challenges, one of which is the potential discrimination, as such legislation would only apply to girls and would still allow the continuation of circumcision of boys. The conclusion of the working group was not unanimous.

19. *The HRC recommends that the Government explicitly criminalises FGM.*

## **VI. Children in foster care – Reply to paragraph 6 (c)**

20. According to a survey conducted by the national child welfare development organisation Pesäpuu ry reveals that children who have gone missing from foster care are subject to serious violations of their rights.<sup>5</sup> Children become victims of crimes or committing crimes themselves and experience threats and exploitation. The issue affects children aged 13-17, but the survey does not provide disaggregated information. The findings suggest that long-standing structural issues in child protection, combined with a lack of cooperation, place vulnerable children in harm's way.

21. The Social and Health Affairs Ministry plans comprehensive reforms of the Child Welfare Act. However, the HRC expresses its concern that without adequate allocation of financial resources and personnel, any reforms aimed at fulfilling the state's obligation to realise children's rights may fall short

22. *The HRC recommends that the Government provides more funding to the child welfare services and other relevant actors, in particular to address the needs of children who have gone missing from foster care.*

23. *The HRC recommends that the Government ensures that throughout the reform process of the Child Welfare Act the Convention on the Rights of the Child is given utmost attention and consideration and that sufficient resources are secured for the effective implementation of the necessary reforms.*

## **VII. Children with disabilities and education – Reply to paragraph 7 (a)**

24. The HRC regrets that Finland in its replies does not provide a substantive account about the inclusion of children with disabilities in the educational setting. The Working Group referred by the Government proposed among other things conducting a thorough investigation into the implementation of inclusive early childhood education and teaching in municipalities, as stipulated by current legislation. It also suggested assessing the Basic Education Act from the perspective of the obligations set for the state parties in the United Nations Conventions on the Rights of the Child and the Rights of Persons with Disabilities.

---

<sup>4</sup> <https://julkaisut.valtioneuvosto.fi/handle/10024/164633>

<sup>5</sup> <https://pesapuu.fi/2023/03/hatkassa-suomessa-kohti-kansallista-tilannekuvaaja-lastensuojelun-sijaishuollosta-kadonneista-lapsista-raportti-on-julkaistu/>

25. Experiences of parents of children with disabilities and functional limitations regarding the implementation of learning and schooling support were examined in the survey. A significant number of the respondents expressed dissatisfaction with the organisation and timely provision of support. Many of the respondents also felt that they had a significant responsibility in arranging support for their child.
26. There is an ongoing public debate on the inclusive education in Finland. In some schools the inclusion is functional but in most cases the teachers are left alone with insufficient amount of support and resources which results in unfavourable learning environment or results for all children. The blame is often put on inclusion as a concept or on the children with disabilities, when in effect it is the result of bad decision making and lack of funding.
27. The Human Rights Delegation, which is part of the Finnish NHRI and whose members broadly represent the Finnish human rights actors, emphasised already in 2021 that inclusive education is a human right. It called for the Government and the Ministry of Education and Culture to strengthen the knowledge of teachers and education personnel on inclusion and its implementation, allocate sufficient resources to schools to enable them to implement adequate support measures for inclusive education and to raise awareness of the UN Convention on the Rights of Persons with Disabilities and its binding nature.
28. *The HRC recommends strengthening the competence of teachers and educational staff in inclusive education and its implementation, including needs of children in autism spectrum.*
29. *The HRC urges the Government to provide schools with sufficient resources so that they can take adequate support measures to organise inclusive education, and that there is as little turnover as possible.*
30. *The HRC recommends the Government to ensure support for children with disabilities also outside classroom, so that they have the opportunity to form friendships and be included in the society.*

## **VIII. Children of undocumented migrants – Reply to paragraph 8 (b)**

31. The HRC emphasises that the right to education for children of undocumented migrants should be strengthened and protected, just like the right to healthcare and social services. Study on *Social rights of undocumented migrants in Finland* finds that undocumented children often remain outside of early childhood education.<sup>6</sup>

---

<sup>6</sup> <https://julkaisut.valtioneuvosto.fi/handle/10024/164606>

32. During the interviews conducted for the research, it was discovered that undocumented children often miss out on early childhood education. In many cases, access to childcare for undocumented children depended on the activity of the social services and third sector organisations. In some cases, access to early childhood education for undocumented children requires an assessment of their need for child protection and that childcare is considered an essential support measure in open care.
33. *The HRC recommends that the Government ensures the right of undocumented children to early childhood education throughout the country.*

## **IX. Mental health – Reply to paragraph 8 (e) of the list of issues**

34. The HRC notes that in a decision of 2023 the Deputy Chancellor of Justice has requested the Ministry of Social and Health Affairs to provide information on ongoing or planned measures within the ministry's administrative area aimed at ensuring the availability and implementation of mental health and psychiatric services for children and young people. According to his decision there is an increasing demand for the services but significant problems in organising and providing the needed services exist. He emphasised that the persistent inadequacy of such services constitutes a fundamental human rights issue. The Deputy Chancellor also noted that with the available information regarding the access to adequate psychiatric and mental health services, it is hard to draw a holistic overview of the current situation and that there was a need for researched information on the matter.
35. *The HRC recommends that the Government provides researched information on the availability of psychiatric and mental health services in general and for children in specific and ensures the availability of those services for all children.*

## **X. Optional Protocol to the Convention on the Rights of the Child on sale of children etc.**

36. With regard to the Government reply to the LOI, paragraph 4 the HRC would like to bring to the attention of the Committee the recent first Country Overview of Finland on the implementation of the Lanzarote Convention prepared by The Council of Europe and ECPAT International.<sup>7</sup>
37. The report notes that despite Finland's above-average standards for protecting children against violence and guaranteeing their well-being, some gaps still prevail.
38. The report identifies several challenges such as limited data and research, issues regarding terminology, sexual abuse and exploitation of children facilitated by technology, sexual abuse and exploitation of particularly

---

<sup>7</sup> [https://um.fi/documents/35732/0/JointOverview\\_FINLAND\\_4April2023.pdf/04919abb-bcb7-98fd-bdba-64b520475f75?t=1681369135653](https://um.fi/documents/35732/0/JointOverview_FINLAND_4April2023.pdf/04919abb-bcb7-98fd-bdba-64b520475f75?t=1681369135653)

vulnerable children, lack of comprehensive understanding of how sexual abuse and sexual exploitation affects boys, lack of research on the Internet usage by children with disabilities and lack of separate funding allocated for the enactment of the Lanzarote Implementation Plan.

39. The report outlines several recommendations to improve the implementation of Lanzarote Convention and promote children's rights that the HRC shares.

40. *The HRC recommends that the Government implements the recommendations given in the Country Overview on Lanzarote Convention and especially those concerning the continuously increasing online sexual abuse and exploitation of children.*

\*\*\*