



GEN7M0004-11

VERBAL NOTE

The Permanent Mission of Finland to the United Nations and other international organizations in Geneva presents its compliments to the Secretariat of the United Nations (Office of the United Nations High Commissioner for Human Rights) and has the honour to provide the following Submission by the Government of Finland on the draft Joint General Comment on the rights of the child in the context of migration:

The Government of Finland appreciates the constructive dialogue with the UN Treaty Bodies, including consultations during the elaboration of new General Comments. The Government considers the General Comments as useful additional tools for developing the implementation of human rights treaties and contributing to the understanding of international human rights law. The Government encourages the Treaty Bodies to prepare jointly thematic General Comments and to harmonize their style and structure and welcomes this opportunity to contribute to the drafting of a Joint General Comment on the rights of the child in the context of migration.

The Government of Finland would like to provide the following comments:

Considering the extent and diversity of human rights violations and abuses that increasingly impact children in the context of migration, the proposed themes addressed in the draft General Comment are all very important, such as equality and non-discrimination, the right to health and education, due process guarantees and access to justice.

It should be emphasized in the draft General Comment that the migrant status of the child or his/her parent(s) shall have no derogative impact on the State party's obligations to respect and protect the rights of the child. In the contrary, it should be notified that special attention and measures is required from the State party to address the particular challenges the migration causes to the fulfillment of the rights of the child. All laws and policies, including those related to migration, must be developed and enforced in conformity with the rights of the child by giving the priority to the best interests of the child.

The Committees are invited to consider whether the scope of the draft General Comment should be clarified so that it would cover **all children who are refugees and seeking asylum**, regardless of whether they migrate with their parents or are unaccompanied. The draft General Comment does not make any explicit reference to children who are refugees, leaving the scope of the draft General Comment somewhat unclear with this respect.

The draft General Comment should explicitly cover all the root causes for large movements of migrants, also the reasons of forced displacement, such as conflicts, natural disasters, climate change and human rights violations. Countries in Europe and elsewhere are currently challenged by conflict based migration and refugee influx. The amount of children among asylum seekers seems to be growing, and especially unaccompanied minors are in a very vulnerable position. As states struggle to deal with the situation in the absence of adequate child-sensitive legislation, policies and practices, this should also be addressed in the General Comment. It is of utmost importance that due regard is given to the rights and best interests of the child in refugee related policies and laws concerning processes of asylum, family reunification, assistance and protection, integration as well as return and reintegration. To leave refugees out of the draft General Comment on the rights of the child in the context of migration would be incomprehensive and artificial, as the reasons of migration are often inter-connected and situations vary and are not clear-cut.

The draft would benefit if **the causes and situations that lead children to end up in the hands of human traffickers in the context of migration** were addressed. The Committees are encouraged to map out the current challenges in the detective work of child victims, victim identification and referrals to assistance and protection, and to develop further guidance to address these challenges in the draft General Comment. Also the minors that are children of the adult victims of human trafficking should be included.

The Committees are encouraged to consider in detail **how immigrants could be better integrated to their new societies** so that they can feel of being full members of the new communities they live in. Social inclusion plays a pivotal role in strengthening democracy.

The equal right to education and professional training are essential in the integration process. Children with migrant background should receive special support and additional training to get access to equal opportunities. A recent study commissioned by the Ministry of Education and Culture maps out further actions to be taken in Finland in this regard. These include, among others, provision of more language courses, education on local societies and working life, better access to education, education that is more flexible and tailored to individual needs, training of teaching and health personnel to identify and take care of the children who have suffered from trauma, recruitment of migrant teachers, provision of more multicultural studies in the teacher education, promoting immigrants to bring their children to early childhood education and care, training of migrant children for the vocational primary education.

The Government of Finland considers it also important that the immigrants have the **right to maintain their own language and culture**. Immigrant children should get education on their mother tongue and religion as part of the primary education. Some migrants should also receive **special protection from harmful traditional practices**, including early and forced marriage. It would be valuable that these themes too would be further assessed in the draft General Comment.

The Permanent Mission of Finland to the United Nations and other international organizations avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the United Nations High Commissioner for Human Rights) the assurance of its highest consideration.

8 March 2016



Secretariat of the United Nations
Office of the United Nations High Commissioner for Human Rights