Introduction

The Constitution of Finland entered into force in 2000. One of the features of the new Constitution was the fundamental rights reform. The list of constitutional rights was moved unchanged into the new Constitution, chapter 2. The new Constitution includes a broad catalogue of rights combining liberty rights with provisions on economic, social, and cultural rights. International human rights treaties – especially the European Convention on Human Rights – served as a source of inspiration in formulating constitutional provisions.

In section 22 of the Constitution, there is a reference to international obligations. According to that section, it is a constitutional obligation of all public authorities to guarantee the observance of constitutional rights and international human rights. Thus, it is also a constitutional obligation to safeguard children the rights included in the UN Convention on the Rights of the Child (crc). There is a duty to choose the option which best promotes constitutional and human rights.

Constitutional rights define the legal position of an individual in relation to the public power, but those rights also have influence on the relations between

---

1 Suomen perustuslaki (731/1999).
2 Finland formally incorporates all major human rights treaties into its domestic law (Constitution, section 95). Most of the human rights treaties like the Convention on the Rights of the Child have been incorporated with the hierarchical rank of an Act of parliament (ordinary law).
3 See Statement of the Constitutional Law Committee. PeVL 2/1990 vp. Perustuslakivaliokunnan lausunto Hallituksen esityksestä no 22 ihmisoikeuksien ja perusvapauksien suojamiseksi tehdyn yleissopimuksen ja siihen liittyvien lisäpöytäkirjojen eräiden määrysten soveltamisesta, 3; Report of the Constitutional Law Committee PeVM 25/1994 vp. Perustuslakivaliokunnan mietintö hallituksen esityksestä perustuslakien perusvapauksiaannosten muuttamisesta (Report of the Constitutional Law Committee on the Government Bill on amending the Constitution), 7. See also Ilkka Saraviita, Perustuslaki (Talentum 2011) 294–295.
individuals. The relevance of the constitutional rights can be summarized as a duty of the state to respect, protect and provide these rights. The government proposal to change the constitutional rights refers to strengthening the constitutional level protection of individual and to increasing the implementation of constitutional rights in courts and in authorities.

The first objective of my paper is to examine if the legislator has implemented particular children’s constitutional rights in child-specific legislation. Second, I will investigate what kind of challenges is to be found concerning protecting these children’s constitutional rights on legislative level. Attention will be paid to specific provisions which strengthen the realization of the constitutional rights as well as to the possible limitations of children’s constitutional rights in legislation.

Legislation, preparatory works of the acts and some legal praxis will be examined paying attention especially to 1) right to equality, 2) right to life, personal liberty and integrity and 3) freedom of religion and conscience. The children-specific statutes examined are Act on Child Custody and Right of Access (361/1983; Custody Act), Basic Education Act (628/1998) Child Welfare Act (417/2007), and Early Childhood Education and Care Act (540/2018).
In this article, examples of case law are introduced to show what relevance if any these constitutional rights have had in court praxis concerning minors.\(^9\) In addition, some decisions from the Parliamentary Ombudsman are presented.\(^{10}\)

## Constitutional Rights of Children in Finland

### 2.1 Children in Constitution

The Government’s proposal for the Constitution does not mention the Convention on the Rights of the Child, but there are some references to the CRC in other documents of preparatory works concerning the proposal. In addition, the documents include few references to the protection of children, but for example, the best interests of the child principle was not discussed during the legislative process.

The right to enjoy the protection of constitutional rights is not linked to the age of the person apart from the right to vote.\(^{11}\) To highlight the fact that the constitutional rights also belong to minors, there is a provision (chapter 2, section 6, subsection 3), according to which children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their degree of development. The latter part of the provision concerning children’s participation was introduced to the subsection during the debate in the Parliament. The special subsection on children has been regarded as a basis of the possibility to prioritize children as vulnerable and in need of protection.\(^{12}\)

---

9. The most important court decisions as sources of law are those of the Supreme Court (KKO) and the Supreme Administrative Court (KHO). The decisions of these courts are not legally binding, but they have a great importance in practice because of the task of unifying and guiding court practice.

10. Both the Parliamentary Ombudsman (Eduskunnan oikeusasiamies) and the Chancellor of Justice (Oikeuskansleri) receive complaints from individuals. Both may issue a reprimand, propose legislative action and order criminal charges against any person for unlawful conduct in the exercise of public authority. One of the tasks of the Ombudsman is to supervise that authorities implement children’s rights in Finland.

11. HE 309/1993 vp (n 5) 23–24. Liisa Nieminen belongs to the pioneers of children’s rights research in Finland. Her book on the constitutional rights of children aimed to connect the challenges concerning children’s rights to the constitutional law doctrine. See Liisa Nieminen, *Lasten perusoikeudet* (Lakimiesliiton kustannus 1990).

12. During the legislative work concerning the Constitution, there was a brief discussion if it was necessary to include a special provision concerning children’s rights in the Constitution. The legislator chose not to impose a particular section on children, explaining it was better to deal with each right of a child in a best suitable section of the Constitution. HE 309/1993 vp (n 5) 45.
The specific references to children in the Constitution are all included in chapter 2. In addition to the above-mentioned provisions on equality and participation, section 12, subsection 1, allows limitations to the freedom of expression if it is necessary to protect children from pictorial programs. Section 19, subsection 3 states an obligation to the public authorities to support families and others responsible for providing for children so that they have the ability to ensure the wellbeing and personal development of the children. Section 16, subsection 1 does not mention children in particular but it guarantees the right to basic education free of charge and is usually mentioned in the context of child-specific rights.

The Finnish Constitution includes in some form three of the four general principles of the CRC. Both the right to non-discrimination and the right to participation can be found in above-mentioned section 6, subsection 3. That subsection combined with the section 7, subsection 1 (right to life, personal liberty and integrity) and the section 19, subsection 3 (right to social security) form together the basis for the special protection and care for children. It is only the CRC’s obligation to make the best interests of the child a primary consideration in all actions concerning children that is missing from the Constitution.13

2.2 Children as Rights-Holders

It follows from the Constitution (section 6, subsection 3) that a child is regarded as an independent holder of rights.14 The preparatory works of the Constitution stated that in practice, the question of the equal status of a child may, however, come back to the question of who speaks for the child in matters relating to fundamental rights.15 The full legal capacity of the person begins at the age of eighteen.

Family law legislation entitles guardians16 to exercise the right of decision on behalf of the child.17 This right should not be interpreted as absolute. The

---

13 Merike Helander: Barnombudsmannens berättelse till riksdagen 2018. Barnombudsmannens byrås publikationer 2018:2, 129–207.
14 See PeVM 25/1994 (n 3) 7, 12. In Supreme Court decision KKO 2008:93 on non-medical circumcision of 4-year-old boy for religious reasons the Supreme Court highlighted the obligation to treat children equally. The Supreme Court noted that a child is an independent subject of rights. Thus, it is not lawful to intervene his personal integrity without legal grounds.
15 HE 399/1993 vp (n 5) 44.
16 In this article, I use the concepts ‘guardian’ and ‘parent’ to refer to persons entrusted with the custody of a child.
17 One of the characteristics of child law is that it is the guardians of the child who are usually entitled to use the right on behalf of the child. See Jane Fortin, Children’s rights
guardians must use their discretion for realizing the rights of the child in best possible way following the guidelines set in the Child Custody Act. It could be said that they must act in the best interest of the child\textsuperscript{18} even though that is not very clearly stated in the Child Custody Act.\textsuperscript{19} According to section 4, subsection 2, guardians shall discuss with the child before making a decision concerning a child's personal matter, if this is possible in view of the age and stage of development of the child and the nature of the matter. Child's opinion and wishes must be given due consideration when making a decision.\textsuperscript{20} The right to be heard and to be taken seriously is a constitutional right and a human right belonging to a child and it should materialize also at child's home.

Because of the status of children as minors lacking full legal competence, special measures and activity can be expected from the state and everyone in position of public duty.\textsuperscript{21} The state must promote child's constitutional rights and ensure the realization of those rights in all areas of a child's life. The state must not violate the constitutional rights of the child and appropriate legal remedies must be in place in case of violation. The state must protect child's rights by not interfering without legal reason. The duty to protect child's constitutional right is especially vital because children can't by themselves usually react, or can't be expected to react, in case their rights are not respected or if their rights are violated. Thus, active and efficient measures can be expected also from the legislator. In some sectors of children's life their rights are especially sensitive and in greater risk of violation. Most of the child-related complaints received by the Parliamentary Ombudsman in 2000's have concerned the work of child protection services.

\begin{flushright}
\textit{and developing law} (3rd edn, Cambridge University Press 2009) 270. In Supreme Court decision KKO 2018:81 on dissemination of information violating personal privacy the Supreme Court noted that a minor is an independent holder of constitutional rights. According to the Supreme Court, guardians must pay attention to the limitations striving from constitutional rights of a child when using their rights as guardians.\textsuperscript{18} Henna Pajulammi, \textit{Lapsi, oikeus ja osallisuus} (Talentum 2014) 76–77.\textsuperscript{19} Suvianna Hakalehto, \textit{Lapsioikeuden perusteet} (Talentum 2018).\textsuperscript{20} Some minor changes are introduced to this section in the government proposal on amendments for the Child Custody Act to promote the participation rights of children. HE 88/2018 vp. Hallituksen esitys eduskunnalle laiksi lapsen huollosta ja tapaamisoikeudesta annetun lain muuttamisesta ja erääksi siihen liittyviksi laeiksi.\textsuperscript{21} The leading idea of constitutional rights is to protect an individual from excessive use of power in relation between public authority and individual. See Veli-Pekka Viljanen, \textit{Perusoikeuksien rajoitusedellytykset} (Sanoma Pro Oy 2001). This must be the leading point also concerning minors.\end{flushright}
In the case law of the Supreme Administrative Court in the 21st century, more than one third of the decisions concerning children considered immigration law and almost as many cases were on child welfare. In immigration issues, the Court refers more often to the human rights conventions than to the Constitution but in child welfare cases situation was vice versa. In the Supreme Court, children’s rights are examined mostly in family law context.

3 Constitutional Rights in Child-Related Government Proposals

3.1 Constitutional Rights in Legislative Work

In legislative work, constitutional rights have been often used to protect children even though the trend in recent years has been towards emphasizing the participation rights of children. In case of limiting children’s constitutional rights, the discussion seems to be more diverse during the drafting process compared to the legislation merely promoting children’s rights.

In Finland the tradition of legal interpretation strongly emphasizes the written law and preparatory works even though the importance of court practice has increased. If the law is unclear, the preparatory works of the law, government proposals being the most important source, will be used. The government proposal describes the general goals and the purpose of the new legislation. The detailed grounds for each new section constitute essential material for legal interpretation. The preparatory works are said to express the meaning of the legislator. Printed parliamentary documents include the government proposal, reports of the Parliamentary Committees that have processed the proposal, statements given and possible suggestions accepted during the plenary session of the Parliament.

Under the Finnish constitutional system, the politically arranged Constitutional Law Committee of the Parliament holds the main responsibility for reviewing the constitutionality of legislation in legislative phase. Also, the courts have the duty to interpret ordinary legislation in a manner which conforms with the fundamental rights of the constitution as well as with the domestically applicable international human rights norms. The Finnish Constitution provides for a specific provision about the primacy of the constitution. The court of law must give primacy to the provision in the Constitution if the application of an Act would be in a manifest conflict with the Constitution (Constitution, section 106).
Supreme Court cited an international human rights treaty provision for the first time in its case law in 1990. Since then the Finnish courts have referred more often to the human rights provisions as well as to the constitutional rights.23

3.2 Limiting Constitutional Rights

Constitutional rights may be limited but only in exceptional cases and when there are pressing grounds to do so. The Constitutional Law Committee of the Parliament has devised the general limitation criteria, which must be followed when limiting the constitutional rights. Limitations have to be based on an act enacted by Parliament. The contents of the limitation must be precise and defined sufficiently accurately. Limitation criteria must be acceptable in respect of the constitutional rights regime and necessitated by a pressing social need. Limitations must comply with the principle of proportionality and adequate arrangements for legal security must be taken. Limitations may not be in conflict with Finland’s international human rights obligations. Limitations extending to the core of a constitutional right cannot be enacted by an ordinary act.24

There is in principle no difference when limiting children’s constitutional rights compared to the limitations of the rights of adults. It is a task of the legislator to carefully examine proposals concerning limiting a constitutional right. In case of legislating the Child Welfare Act, a lot of attention was paid to ensure the bill would be in harmony with the Constitution. In the preparatory works there is a long chapter on the relevant constitutional rights. Also, the contents of the CRC was examined article by article. The aim of the new legislation was especially to safeguard the right to safe development, safe environment and special protection, but certain limitations of children’s rights were necessary to achieve the objectives.25

In the Child Custody Act parents are not given any legal right to restrict the rights of their child. It has been argued that the guardian’s relationship with the child enables the guardian to decide for example on the care and whereabouts. Taking care of the well-being of the child and supervising the child

23 See Juha Lavapuro, Tuomas Ojanen and Martin Scheinin, ‘Rights-Based Constitutionalism in Finland and the Development of Pluralist Constitutional Review’ (2011) 9 International Journal of Constitutional Law 505, 520.
24 PeVM 25/1994 (n 2) 5. See also Veli-Pekka Viljanen (n 21).
25 Government proposal HE 252/2006 vp. Hallituksen esitys eduskunnalle lastensuojelulaiksi ja eräiksi siihen liittyviksi laelksi, 30–43, 209–213.
may require limiting the child’s rights by for example confiscating dangerous objects or preventing the child to go out.26

3.3 Constitutional Rights in Government Proposals

In the preparatory works of the Custody Act of 1984 there was not much discussion on children’s rights, which is understandable given the time. The objective of the Act was to secure the status of the child in relation to his or her parents and to provide parents support and guidance in taking care of the child.27

More than three decades later, the government proposal on amendments to the Custody Act from 2018 highlights the rights of the child as the foundation of his or her legal status. The overall objective is to strengthen the child’s constitutional and human right to participate in decision-making processes affecting the child.28 In this context, there is a referral to the section 6 of the Constitution (children shall be allowed to influence matters pertaining to themselves). In general, the international human rights obligations in this proposal are given more space compared to the Constitution. The proposal introduces several articles of the CRC (art 3, 9, 12, 18 and 19) as well as the general comments 12 and 14 from the Committee on the Rights of the Child.29

The preparatory works of the Child Welfare Act represent a human-rights oriented approach to the legal status of a child.30 This is most probably because the legal relationship between a child and the child welfare service is based in administrative law while the child-parent relationship is about private law. The government proposal presents all relevant constitutional rights and human rights concerning children. The proposal mentions certain constitutional rights as especially important in child protection: Equality, autonomy of the child, right to life, personal liberty and integrity, freedom of movement, right to privacy, protection of property, educational rights and the right to social security.31

26 Sanna Koulu, *Lapsen huolto- ja tapaamissopimukset* (Lakimiesliiton kustannus 2014) 124–130.
27 Government proposal HE 224/1982 vp. Hallituksen esitys eduskunnalle laeiksi lapsen huollosta ja tapaamisoikeudesta ja holhouslain muuttamisesta sekä niihin liittyvien lakien muuttamisesta.
28 HE 88/2018 vp (n 21) 17.
29 HE 88/2018 vp (n 21) 6.
30 Children’s rights were examined already in the government proposal on the earlier child welfare act. Government Proposal HE 13/1983 vp. Hallituksen esitys eduskunnalle lastensuojelulakiasi. In the proposal, there is even a referral to the UN Declaration of Human Rights and the Declaration of Children’s Rights.
31 Government proposal HE 252/2006 vp (n 26). More on constitutional rights and human rights in child protection see Mirjam Araneva, *Lapsen suojelu. Toteuttaminen ja*
When the Basic Education Act was being prepared in late 1990s, the CRC had already been a part of the Finnish legal system for several years. It wasn’t yet time for rights- oriented approach to child-related legislation. There are no traces of the CRC to be found in the preparatory works of the act. Some constitutional rights (right to basic education free of charge, right to own language and culture, non-discrimination and freedom of speech) are mentioned in the government proposal but without any detailed examination. Instead of children's rights, the act highlights the duties of pupils.

In recent 15 years, some amendments have been made to the Basic Education Act. While the government proposals from 2002 and 2009 mention constitutional rights relevant to the legal changes, the more recent proposal from 2013 also lists relevant provisions of the CRC.

The Early Childhood Education and Care Act entered into force in September 2018. The constitutional and human rights are well established in the preparatory works of this act. Equality, social and educational rights, legal protection and safeguarding constitutional rights are referred to as well as the right to privacy, the right to one’s language and the right to adequate social services. This piece of legislation represents a new trend, which is largely a result of the human-rights oriented approach to children’s rights in recent child policy and the influence of NGOs (non-governmental organisations) working with well-being rights of children and families.

After Finland ratified the CRC in 1990, there was no attempt to harmonize the legislation according to its obligations. For example, no mapping of existing constitutional rights in the Basic Education Act was made to the CRC.

---

32 Government proposal HE 86/1997 vp. Hallituksen esitys eduskunnalle koulutusta kosk - vaksi lainsäädännöksi, 14. In the proposal, no attention was paid to children's rights even though the CRC is mentioned once when listing human rights treaties, see HE 86/1997 vp 13.

33 The Finnish Basic Education Act sets three duties for the pupils: the duty to attend classes, the duty to behave correctly and the duty to complete the tasks diligently (section 35). The same goes with The Act of General Secondary Education (629/1998; lukiolaki) and the Vocational Education and Training Act (531/2017; laki ammatillisesta koulutuksesta). The school has not traditionally been regarded as a place for highlighting rights. On rights and duties of children at school see Suvianna Hakalehto-Wainio, Oppilaan oikeudet opetustoimessa (Lakimiesliiton Kustannus 2012).

34 See HE 66/2013 Hallituksen esitys eduskunnalle laeiksi perusopetuslain, lukiolain, ammatillisesta koulutuksesta annetun lain, ammatillisesta aikuiskoulutuksesta annetun lain ja kunnan peruspalvelujen valtionsuudesta annetun lain 41 ja 45 §:n muuttamisesta.

35 Government proposal HE 40/2018 vp. Hallituksen esitys eduskunnalle varhaiskasvatus - laiksi ja siihen liittyviksi lainsäädännöksi. Articles 3, 12, 18, 23 and 28 of the CRC are noted in the proposal.
legislation was carried out to find if the relevant statutes were in conformity with the Convention. In the 2000s there has been a growing academic interest in the CRC which has been likely to have been reflected to the legislative work. The connection can be established between considering the constitutional and human rights in children in preparatory works and establishing the Children's Ombudsman – institution in Finland in 2005. The Ombudsman gives a written opinion on all legislative proposals having any connection to the legal status of children. This means that since 2005 children's rights have been present in the parliamentary committees with a different intensity than previously.

4 Right to Equality

4.1 Right to Equality in the Constitution

The right to equality and non-discrimination are fundamental human rights. Regarding children, it is not only the right to be equal in respect to other children but in respect to adults as well. Compared to adults, minors are at higher risk of being discriminated against. It follows that there is an obligation to pay special attention to the equal treatment of children both in legislation and in administrative practices.

Chapter 2, section 6 of Finnish Constitution provides everyone equality before the law:

Everyone is equal before the law.

No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

Children shall be treated equally as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act.

36 The CRC has been used as the basis of systematizing issues concerning children's rights in recent legal research. See Hakalehto-Wainio (n 33), Henna Pajulammi (n. 18), Virve-Maria Toivonen, Lapsen oikeudet ja oikeusturva (Alma Talent 2017).
It is to be noted that children's right to participate has been placed in the section titled 'Equality'. It seems that the legislator has perceived the right to participate as a precondition of a child's right to be treated equally. To be equal with adults there is a need for children to participate in matters concerning them according to their developing capacities.

It follows from the obligation of equality that legislation must not allow discrimination of any kind. In addition, it is a duty of the legislator also to actively promote equality. The recent legislation on same-sex marriage and the Maternity Act (253/2018) are examples of acts promoting equality between children.

In the CRC, there is a strong emphasis on protecting the rights of children belonging to the vulnerable groups. This should be the objective also in Finnish legislation and there are a few examples from recent years demonstrating adoption of a more systematic approach towards this aim. The Committee on the Rights of the Child has recommended Finland to pay more attention to children belonging to minorities (e.g. Sami children, Roma children and migrant children), disabled children, children in foster care and minors in prisons.\(^\text{37}\)

### 4.2 Equality and Non-Discrimination in Child-Specific Legislation

There is not much substantive legislation concerning equality except for the Non-discrimination Act (1325/2014), which doesn't include child-specific regulations. In issues concerning possible inequality, the question is often discussed on the level of constitutional and human rights partly because of the lack of provisions in the substantive law. Even though the right to equality is protected by the Constitution and several human rights conventions, the legislator has seldom established specific legal duties to intervene discrimination. However, to make equality reality for children there should be a requirement to take certain measures when discrimination is recognized for example at school or in health care.

#### 4.2.1 Health Care

The right to equality requires proactive measures to ensure effectively equal opportunities. Positive measures might be needed for example to redress a situation of inequality. Such measures have been taken in legislation concerning health care and education. In the Child Welfare Act the health services needed by children in connection with the investigation of suspected sexual abuse or assault must be provided urgently (section 15). In the

---

\(^{37}\) UN Committee on the Rights of the Child, *Concluding Observations: Finland* (20 June 2011) CRC/C/FIN/CO/4.
National Health Service Act (90/2010) persons under the age of 23 are provided the shorter set period of time concerning their access to mental health care (section 53).\(^{38}\)

One of the main challenges concerning equality of children in health care is the absence of access to health services for children staying in Finland without legal permission. According to the National Health Service Act, section 50, this group has only the right to emergency health care. In this respect the legislation can be considered to be discriminatory.

4.2.2 Education

According to the Constitution, section 16, everyone has the right to basic education free of charge. The Basic Education Act, section 2, subsection 3 sets the aims of education among which is the goal of securing adequate equity in education throughout the country.\(^{39}\) In Finland, the municipalities are in charge of arranging education. They have a wide discretion to decide on the details.\(^{40}\) In addition, principals of schools have a remarkable impact on the practical arrangements of education. This causes differences between the municipalities and schools. From the equality perspective, it is problematic that education can be of different quality in different parts of the country.\(^{41}\) There have been several complaints to the Parliamentary Ombudsman concerning the inequality of children at school. The Ombudsman has stated that in all decisions concerning arranging the teaching of an individual child the best interests of the child must be a primary consideration.\(^{42}\)

The Non-discrimination Act includes the duty to promote equality also in schools. When assessing if the requirements are met, attention can be paid for example to the grounds of choosing the students, the contents of the studying material and measures preventing bullying. The Government proposal states that promoting equality requires giving special attention to the needs

---

38 In general, the needs of minors are not prioritized in health care. Equality in health care requires that people get treatment based on their health-related needs and the urgency. On children’s rights in health care see Suvianna Hakalehto and Irma Pahlman (eds), *Lapsen oikeudet terveydenhuollossa* (Helsingin Kamari 2018).

39 Government proposal HE 86/1997 vp (n 33).

40 Pentti Arajärvi, *Sivistykselliset oikeudet ja velvollisuudet* (Joensuu 2006).

41 In some municipalities, many small schools have been closed causing pupils to travel longer distances to school. Also for example the way, how a municipality respond to the problems of indoor air or lack of competent personnel have impact on how the right to education is realized in practice.

42 See for example decision 1633/4/14 on the right of the child to get special support for learning.
of pupils in danger of being discriminated as well as preventing or recognizing discrimination.\textsuperscript{43}

Sections 16, 16a and 17 of the Basic Education Act provide a pupil having difficulties in learning special-need education and other support according to the pupil’s level of development and individual needs. The support is divided into general, intensified and special support.\textsuperscript{44} The free basic education includes the right of a disabled child or a child with special educational needs to get interpretation and assistance services he or she needs to participate in education (section 31). There have been several complaints concerning the right to a personal school assistant based on this regulation.\textsuperscript{45}

4.2.3 Early Childhood Education and Care
The legislator’s decision to limit the weekly time of early childhood education and care to 20 hours a week few years ago received lots of attention in public discussion. According to section 12, subsection 1 of the Early Childhood Education and Care Act all children under school-age have a right to early childhood education and care of 20 hours weekly. To have a right for the full-time education and care the parents of a child must be working or studying full-time (subsection 2).\textsuperscript{46} The child has a right to full-time care also if it is necessary for the development of the child, because of the circumstances of the family or for the best interests of the child (subsection 4).

Trade unions representing early childhood education and care personnel and several non-governmental child and family organizations have argued that the legislation discriminates against children in families where a parent is home taking care of a younger sibling or because of unemployment. They

\textsuperscript{43} HE 19/2014 vp. Hallituksen esitys eduskunnalle yhdenvertaisuuslaiksi ja eräiksi siihen liittyviä laeiksi, 62–63. The Non-Discrimination Ombudsman has recommended that in school the definition of discrimination would include cases where the school does not take action when a pupil or a student is being harassed. See \textit{Yhdenvertaisuusvaltuutetun kertomus eduskunnalle 2018}. K 6/2018 vp 56.

\textsuperscript{44} According to the Early Childhood Education and Care Act, section 23, the need for support and the means for support will be included in the individual early childhood education plan of the child. It has been criticized for example by the Children’s Ombudsman that the Act does not include a legal obligation to make a formal decision if the provider of education refuses to provide the child with the special needs support. Thus, the guardian of the child can’t complain about the lack of the support.

\textsuperscript{45} See for example Supreme Administrative Court decision KHO 2006:79.

\textsuperscript{46} The right to wider than 20 hours a week care is also provided for a child if it is necessary because of the temporary work of the parent or because of some other reason (subsec 3).
consider the threshold for full-time education and care to be stigmatizing for families\textsuperscript{47} and refer to the best interests of the child.

5 Right to Life, Personal Liberty and Integrity

Right in Constitution

For a minor, safety is one of the most important rights in everyday life.\textsuperscript{48} The child has a right to live in a safe environment both at home and outside the home for example at school and while taking part in different activities. It is a serious risk to a child’s development to live in conditions where either physical or mental health is in danger.

The Finnish Constitution includes a provision on right to security in chapter 2, section 7:

Everyone has the right to life, personal liberty, integrity and security.

No one shall be sentenced to death, tortured or otherwise treated in a manner violating human dignity.

The personal integrity of the individual shall not be violated, nor shall anyone be deprived of liberty arbitrarily or without a reason prescribed by an Act. A penalty involving deprivation of liberty may be imposed only by a court of law. The lawfulness of other cases of deprivation of liberty may be submitted for review by a court of law. The rights of individuals deprived of their liberty shall be guaranteed by an Act.

The \textbf{CRC} presents several obligations aiming at comprehensive protection of children from violence and harmful treatment. A systematic and holistic approach of protecting children from all kind of harm is not well enough recognized in Finnish legislation. The provider of education has a duty to take some preventive measures concerning the safety and well-being of children at school.

\textsuperscript{47} On the other hand, the early childhood education and care is, nevertheless considered an essential form of preventive child welfare. See Suvianna Hakalehto and Toomas Kotkas, ‘Subjektiivinen päivähoito-oikeus- sosiaalioikeutta, lapsioikeutta vai molempia?’ (2015) 7–8 Lakimies 1040–1063.

\textsuperscript{48} Security is not mentioned on the title of the section, but it is present in the text of the provision: ‘Everyone has the right to life, personal liberty, integrity and security’ (section 7, subsection 1).
5.2 **The Right in Child-Specific Legislation**

5.2.1 **Child Custody**

The Custody Act already includes a provision prohibiting domination, corporal punishment and abuse (section 1, subsection 3). The proposed amendments to the Custody Act present the duty of guardians to protect the child from all physical or mental violence, bad treatment and abuse. In preparatory works the new provision has been connected to the *CRC*, article 19. In the government’s proposal it is noted that the child must be protected also from violence between the parents.\(^{49}\)

It is a duty of the State to effectively protect the constitutional rights of children in legislation and to take care of the realization of these rights in everyday life of children. This is more challenging in the family context compared to the public sphere where there are several means of legal protection in use. When a parent has violated a child’s constitutional right, the child has to refer to the legal provisions where consequences of violating that right has been defined (for example criminal law or tort law).\(^{50}\) Because of the private and intimate nature of the family, most of the violence and other bad treatment never comes to the knowledge of authorities.

5.2.2 **Child Protection**

Both in school and in child protection it is possible to limit some constitutional rights of minors to secure their well-being and safety or the safety of people working with them. Regulation concerning restrictive measures in child protection was justified by the aim of strengthening the legal protection of children and personnel in child welfare. One reason behind the new rules was the need to harmonize legislation with constitutional and human rights obligations.\(^{51}\)

According to the Child Welfare Act restrictions in substitute care include restrictions on contact (section 62), confiscation of substances and objects (section 65), bodily search and physical examination (section 66), inspection of possessions and leaving deliveries unforwarded (section 67), restraining a child physically (section 68), restrictions on freedom of movement (section 69), isolation (section 70) and special care (section 71).

Restrictive measures may be used only during substitute care arranged in the form of institutional care. According to the Child Welfare Act, section 64

---

\(^{49}\) Government proposal HE 88/2018 (n 21).

\(^{50}\) See Nieminen (n 11) 103.

\(^{51}\) HE 225/2004 vp. Hallituksen esitys eduskunnalle laiksi lastensuojelulain muuttamisesta, 62. See also Liisa Nieminen, *Perus- ja ihmisoikeudet ja perhe* (Talentum 2013) 361–372.
restrictive measures may only be applied to a child to the extent that it is necessary for the purpose of the decision on taking child into care, the child's own or another person's health or safety or safeguarding some other interests laid down in the above mentioned provisions. Such measures must be implemented in the safest possible manner and respect the child's human dignity.

The Parliamentary Ombudsman has noted that the central aim of restrictive measures in substitute care is to secure the objective of taking a child into care and thus protecting the child from him- or herself or from another person. It must be ensured that restrictive measures are used only on the occasions defined in Child Welfare Act. The measures must not be used for a group of children or as a punishment.52

The Supreme Administrative Court has given judgements regarding restrictive methods. See for example decision KHO 15.6.2018 / 2902 concerning restriction of contact. In that case the decision of social service included restriction of contact concerning child's mother if the child didn't arrive back to the institution after holiday in home on the right day. The Supreme Administrative Court stated that it is forbidden to use restriction of contact as a sanction. The decision was limiting constitutional rights of the child and was annulled.

There are several decisions from the Parliamentary Ombudsman concerning restrictive methods in substitutive care. In many cases the methods used as an established practice of the institution have been regarded as illegal and violating the right to privacy and freedom of movement without being based in law. In one decision the practice of the institution when using special care included monitoring the child in his or her room 24 hours a day up to 30 days. The child was not allowed to move from the room freely.53

5.2.3 Education
School is not an environment where there would be a pressing social need to limit constitutional rights of pupils.54 Every limitation of constitutional rights must be justified.55 In the Basic Education Act regulations concerning

---

52 See decision AOA 1001/3/12.
53 AOA 4138/2/09. There seems to be a tension between the profession of social work and profession of jurisprudence concerning some of the issues in child protection. See Nieminen (n 50) 363–364.
54 See Hakalehto-Wainio (n 33) 277–278. On children's rights at school Suvianl Hakalehto (ed), Lapsen oikeudet koulussa (Kauppakamari 2015).
55 See Liisa Nieminen, ‘Koulu lasten perus- ja ihmisoikeuksien turvaajana – vai rajoittajana’ (2004) Oikeus 277–297.
restrictive methods were introduced in 2014. Restrictive methods were justi-

fied by the aim to improve the safety of a learning environment.56 Interestingly

enough in the government proposal it is noted that there have been no essen-
tial changes regarding the safety of a learning environment at school in the

last ten years.57 One of the main motivations seemed to be the emergence of

mobile phones in the classroom.

According to the Basic Education Act, section 36e, a teacher or a headmas-
ter has a right to inspect the possessions of a pupil.58 They have also a right to

confiscate a forbidden object or substance, or an object or substance used for
disturbing teaching or learning (section 36d). The requirements for using these
methods are stricter compared to the Child Welfare Act. Confiscation requires
that it is obvious that the pupil is holding the object or substance in question.
Before confiscation, a teacher or a headmaster must ask the pupil voluntarily
to give the things to him or her.

Bullying at school is one of the most severe risks for safety at school. Ac-
cording to the Finnish Basic Education Act, section 29, subsection 1, a pupil
participating in education shall be entitled to a safe learning environment.
The methods for creating a safe environment are to be found in the Pupil and
Student Welfare Act (1287/2013). According to the section 13, the education
provider is obliged to draw up a plan for education welfare. The plan shall in-
clude among other things a plan for protecting pupils from violence, bullying
and harassment. The Finnish National Agency of Education gives orders for
making the plan. In the level of legislation, the means of tackling bullying are
nevertheless missing which is problematic from the perspective of children’s
rights and legal protection.59

It can be argued that ensuring the safe learning environment and effi-
cient intervention in case of bullying has not been successfully imposed.
When the interest at stake is the safety of a minor who has a duty to attend
school, more specific obligations should be created in legislation. Now too
much has been left to depend on the municipalities, schools and people
working there.

56 HE 66/2013 vp (n 35) 31.
57 HE 66/2013 vp (n 35) 27.
58 The right includes searching for example contents of a bag or closet belonging to the
pupil and also touching the clothes the pupil is wearing.
59 See Niina Mäntylä, ‘Effective Legislation Regarding School Bullying? The Need for and
Possibility of Law Reform in Finland’ (2018) 18 Education Law Journal 186.
6 Right to Religion and Conscience

6.1 Right in the Constitution

A child's freedom of religion is an interesting phenomenon. The starting point is clear: children have freedom of religion equal to adults. This right is protected by many human rights treaties as well as in the Constitution of Finland, chapter 2, section 11:

Everyone has the freedom of religion and conscience.

Freedom of religion and conscience entails the right to profess and practice a religion, the right to express one's convictions and the right to be a member of or decline to be a member of a religious community. No one is under the obligation, against his or her conscience, to participate in the practice of a religion.

What makes this right different from others is how strongly it is actually in the hands of parents. Unlike any other human rights belonging to children, the Convention on the Rights of the Child even addresses this right in relation to the parents. According to the CRC, article 14, a child's freedom of religion includes a parent's right to 'provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child'.

The Finnish Constitution does not explicitly take a position on whether a child should follow his or her parents' conviction or culture. In relation to religious or ethical teaching, the Government proposal refers to the guardian's responsibility for the child's development. The guardian's right should in general be respected in teaching and education along with the rights of the child and the conviction of the individual. Protocol 1, article 2 of the European Convention on Human Rights provides the right for parents to

---

60 On the other hand, CRC article 14 allows limiting child's freedom of religion only when 'limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others'.

61 See HE 309/1993 vp (n 5) 56. There are some decisions from the Parliamentary Ombudsman concerning the freedom of religion in foster care. In decisions AOA 3050/4/14 and AOA 3119/4/14 the negative aspect of freedom of religion was highlighted. The Ombudsman noted that it is never the right of social service to decide on the religious upbringing of the child. In another decision, the Ombudsman stated that the conflicting views on religion between the guardians and the foster family can be a reason to reassess the choice of the foster care (AOA 4300/2017).
have their children educated in accordance with religious and other views of parents.62

6.2 A Child’s Religious Status

The right of a guardian to decide on the religious status of the child is included in the Act on Freedom of Religion (453/2003), where the premise is that the parents shall jointly decide on their child’s religious status (section 3).63 From the age of twelve, a status change requires the child’s consent in addition to the guardians’ expression of their will. The imposition of age limits was reasoned by arguing that the decision on religious status is deemed to require particularly great consideration and maturity from an individual.64 A child who has turned 15 may, however, on a written consent from his or her guardians join himself or herself a religious community or leave it. A twelve-year-old child can be incorporated into a religious community or reported as having left it only at his or her written consent.65

A young person cannot decide on his or her religious status independently until he or she reaches majority. This can be considered a violation of child’s freedom of religion. The CRC doesn’t support the approach that a child should follow the religion of his or her parents until reaching majority. Also the decisions concerning religion should be taken in way that the best interests of the child are given the primary consideration. The views of the child regarding religion has to be given due weight.66 After reaching sufficient stage of development a child should be given a right to decide if he or she wants to be a member of a religious community or not.67

---

62 In judgements concerning freedom of religion at school, European Court of Human Right has examined mainly the human rights of guardians and the possible violation of their – not child’s – rights. Protecting guardians’ freedom of religion is considered to protect freedom of religion of their children. See Fortin (n 17) 412–413.

63 In addition to the Act on Freedom of Religion, the membership of a religious community is governed by the rules of each community.

64 On discussion on the freedom of religion of a child in 1980’s see Nieminen (n 11) 73–77.

65 Government proposal HE 170/2002 vp. Hallituksen esitys eduskunnalle uskonnonvapauslaiksi ja eräiksi siihen liittyviksi laeiksi, 25. The Constitutional Law Committee of the Parliament considered appropriateness of the age limits in deciding on the Act on Freedom of Religion. It was estimated possible to lower the age limit to 16. Report of the Constitutional Law Committee. PeVM 10/2002 vp. Perustuslakivaliokunnan mietintö hallituksen esityksestä uskonnonvapauslaiksi ja eräiksi siihen liittyviksi laeiksi, 5.

66 See Hakalehto-Wainio (n 33) 296–297.

67 See Suvianna Hakalehto and Merike Helander, ’Poikien ei-lääketieteellinen ympärileikkaus lapsen oikeuksien näkökulmasta’ (2017) Defensor Legis, 942–961.
6.3 Child’s Religious Education
According to the Basic Education Act, section 13 the provider of basic education shall provide religious education in accordance with the religion of the majority of pupils. In this case, religious education is arranged in conformity with the religious community to which the majority of pupils belong. Pupils not belonging to any religious group can choose between religious education or ethics. On the other hand, the pupil belonging to the major religious community is not able to attend ethics classes even if he or she wishes to do so instead of studying religion.

In Finland 71% of the population are members of the Evangelical Lutheran Church. Non-confessional religious education is a compulsory subject both in comprehensive schools and in upper secondary schools. The Evangelical-Lutheran religious education is open to all pupils. Education in other religions is organized when there is a minimum of three pupils who belong to that specific denomination.68

The legislator’s decisions support the strong position of guardians in relation to the child’s religious education. The multicultural society and religious pluralism require updating of school curriculum regarding religious education. A developing trend is to arrange religious education as a common subject for all pupils regardless of their religion.69

The Parliamentary Ombudsman has delivered several decisions concerning freedom of religion in school. Often the claimants have been dissatisfied as to the practices in school concerning attending religious events like religious beginnings of the day or religious services. According to the Parliamentary Ombudsman the provider of education must take care of the freedom of religion. This means for example that a pupil has a right to stay out of this kind of event even if he or she is a member of a religious community.70 A school also has a duty to ensure that a pupil doesn't have to reveal his or her conviction. It is essential that the pupil and his or her guardian have a genuine freedom to choose if a pupil attends.71

In Finland, it is the membership in a religious community – not the conscience of the pupil – that is decisive when directing the duty to attend religious

68 Most pupils take part in Evangelical-Lutheran religious education. The second largest religious group at school is Islam and the third is Orthodox. 5% of pupil are studying secular ethics.

69 On freedom of religion in multicultural school see doctoral dissertation Pete Hokkanen, ’Uskononvapaus monikulttuuristuvassa koulussa’ (Acta Wasaensia 307, 2014).

70 For example, decisions AOA 2685/2017, AOA 3994/4/13 and AOA 2488/4/13.

71 Decision AOA 6540/2017.
education. The obligation to attend education because of the membership in religious education can be regarded as a violation of the constitutional right of freedom of religion.

6.4 **Supreme Court Cases on Non-Medical Male Circumcision**

The Constitution does not explicitly limit the practice of a religion or culture on statute level. However, under the constitutional doctrine, one significant limitation consists of the principle according to which the enjoyment of fundamental rights may not violate the fundamental rights of another person. In case of a conflict, the realization of the rights of both parties should be guaranteed as far as possible.\(^{72}\) This also applies to the relationship between a child and a parent.

In decision *KKO 2008:93*, the Supreme Court stated that the quality of a violation is essential in assessing if it is illegal. A serious violation of integrity is not acceptable (para. 23). The Supreme Court decided to consider circumcision of a boy as a ‘relatively minor violation’ of the child’s physical integrity, provided that the operation is performed in an appropriate manner in hygienic conditions and using pain relief required by the operation. The Court further noted that male circumcision is not associated with any aspects that would stigmatise the child or the adult into which he will develop and that the operation does not cause any health-related or other permanent harm (para 25).\(^{73}\)

In decision *KKO 2016:24* the Supreme Court noted that a child’s freedom of religion and parents’ right to raise a child according to their religion doesn’t justify a guardian’s right to decide on non-medical circumcision in cases where the boy is not able to present his view because of his young age (para 31). In this case, the circumcision was not deemed illegal because it was considered to be in the best interest of the child.\(^{74}\)

---

\(^{72}\) See Viljanen (n 21) 12. See also Constitutional Law Committee Report No. 25/1994, 5. Conflicts between fundamental rights need to be resolved both when laws are enacted and when they are applied to practice.

\(^{73}\) ‘Since the operation had been performed for reasons which were acceptable from B’s perspective and related to his and his guardian’s religion and since it had been performed in a medically appropriate manner without causing any unnecessary pain to B, it can be deemed that in this case the operation, when assessed as a whole, violated B’s physical integrity only to a minor extent and it must not be regarded as contrary to his interests. For these reasons, A’s conduct of arranging a circumcision for her son shall not be deemed illegal and consequently not punishable.’

\(^{74}\) On non-medical circumcision of boys from the perspective of children’s rights see Hakalehto and Helander (n 67).
The Relevance of the Constitution and the CRC in Promoting Children’s Rights

Legislation is a fundamental tool to ensure the realization of children’s rights in all decisions and actions concerning minors. There is not yet a tradition to apply constitutional rights and human rights without a support of clear legislation in the decision-making of public authorities in Finland. To ensure the enforcement of the constitutional rights in children’s everyday life, those rights should be clearly embedded in material legislation, which is implemented by decision-makers and professionals working with children. Children’s constitutional rights will only become real when parents, teachers, social workers, doctors and other people interacting with children respect them, actively promote them and intervene when the rights are at risk of being violated.

In Finland, the modern perspective on child law has emerged along with the increase of the relevance given to human rights in legislation, court praxis and legal discourse. The new approach to the legal status of a child has been based on constitutional and human rights. Many rights provided by the CRC fall also in the scope of the Finnish Constitution (for example freedom of religion, right to privacy, right to one’s own language). Nevertheless, the Finnish Constitution is not in all respects in harmony with the CRC.

Some of the most prominent rights in the CRC are not secured for children as constitutional rights in Finland. This applies firstly to the right of the child to have his or her best interests taken as a primary consideration in all actions and decisions concerning the child. The special provision on this central element of child law would highlight the importance of children’s rights and would create a profound duty to pay active attention to the best interests of the child in legislation, in courts and in authorities. Several researchers in Finland have proposed that the best interests of the child should be included in the Constitution.

---

75 UN Committee on the Rights of the Child, *General comment No. 5: General measures of implementation of the Convention on the Rights of the Child* (arts. 4, 42 and 44, para. 6) (27 November 2003) CRC/GC/2003/5 para 18–23.

76 Liisa Nieminen has noted that legislative bodies have often taken the rights of the marginal groups like children into account only after the international human rights treaties have made that an obligation. See Nieminen (n 11) 5.

77 Suvianna Hakalehto-Wainio, ‘Lapsen oikeudet ja lapsen etu lapsen oikeuksien sopimuksessa’ in Suvianna Hakalehto-Wainio and Liisa Nieminen (eds), *Lapsioikeus murrok sessa* (Lakimiesliiton kustannus 2013); Milka Sormunen, ‘“In All Actions Concerning Children”? Best Interests of the Child in the Case Law of the Supreme Administrative Court of Finland’ (2016) 24 International Journal of Children’s Rights 155–184. See also Merike Helander (n 13).
There is no special constitutional provision on special protection of children against all forms of violence and harmful treatment nor is there a provision highlighting the need to pay special attention to vulnerable groups of minors. Equivalents to these rights are above mentioned provisions concerning right to equality and right to life, personal liberty and integrity. These constitutional rules can be given a more child-centered interpretation using the CRC and the general comments of the Committee on the Rights of the Child. Human rights law principles are integrating the normative content of the law also concerning the legal status of children.78

Finnish legal scholars in constitutional law have been worried about the scarce use of the constitutional rights especially in Finnish court praxis but also in legislative work. This is considered to be the result of the dominance of human rights conventions on the legal field. This concerns also legal research.79 On the other hand it can be argued that the full potential of some human rights conventions like the CRC is not yet used. It is time to begin examining more closely the provisions of the CRC in the legislative work instead of brief references which don’t connect the whole contents of the provision to the topics of the legal proposal.

The future challenge in promoting children’s rights is to actively place the interests of a minor in the centre of legislative work. The special legal position of the child as the vulnerable rights-holder and at the same time as an active participant calls for interpreting the constitutional provisions in a human rights friendly way emphasizing the interests of the child. This could bring a more systematic rights-based approach in substantive legislation concerning children and hopefully in the end in the everyday life of children.

References

Aer J, Lastensuojelu- ja perhekohtaisen lastensuojelutyön oikeudelliset puustee (Sanoma Pro Oy 2012).
Arajärvi P, Sivistykselliset oikeudet ja velvollisuudet (Joensuu 2006).
Araneva M, Lapsen suojelu. Toteuttaminen ja päätöksenteko (TalentumPro 2016).
Fortin J, Children’s rights and developing law (3rd edn, Cambridge University Press 2009).

78 It has been noted that human rights are integrating the different spheres of the legal system influencing the legal culture and the deep structure of the law. See Kaarlo Tuori, Kriittinen oikeuspositivismi (WSLT 2000) 221–223.

79 Juha Lavapuro, Uusi perustuslakikontrolli (Suomalainen Lakimiesyhdistys 2010).
Hakalehto-Wainio S, *Oppilaan oikeudet opetustoimessa* (Lakimiesliiton Kustannus 2012).

Hakalehto-Wainio S, ‘Lapsen oikeudet ja lapsen etu lapsen oikeuksien sopimuksessa’ in Suvianna Hakalehto-Wainio and Liisa Nieminen (eds), *Lapsioikeus murroksessa* (Lakimiesliiton kustannus 2013).

Hakalehto S (ed), *Lapsen oikeudet koulussa* (Kauppakamari 2015).

Hakalehto S, *Lapsioikeuden perusteet* (Talentum 2018).

Hakalehto S and Helander M, ‘Poikien ei-lääketieteellinen ympäristöikä lapsen oikeuksien näkökulmasta’ (2017) Defensor Legis 942.

Hakalehto S and Kotkas T, ‘Subjektiivinen päivähoito-oikeus- sosiaalioikeutta, lapsioikeutta vai molempia?’ (2015) 7–8 Lakimies 1040.

Hakalehto S and Pahlman I (eds), *Lapsen oikeudet terveydenhuollossa* (Helsingin Kaupunki 2018).

HE 224/1982 vp. Hallituksen esitys eduskunnalle laeiksi lapsen huollosta ja tapaamisoikeudesta ja holhouslain muuttamisesta sekä niihin liittyvien lakien muuttamisesta.

HE 13/1983 vp. Hallituksen esitys eduskunnalle lastensuojelulaiksissa.

HE 309/1993 vp. Hallituksen esitys eduskunnalle perustuslakien perusoikeussäätöjen muuttamisesta.

HE 86/1997 vp. Hallituksen esitys eduskunnalle koulutusta koskevaksi lainsäädännöksi.

HE 170/2002 vp. Hallituksen esitys eduskunnalle uskonnonvapauslaiksi ja eräiksi siihen liittyviksi laeiksi.

HE 225/2004 vp. Hallituksen esitys eduskunnalle laiksi lastensuojelulain muuttamisesta.

HE 252/2006 vp. Hallituksen esitys eduskunnalle lastensuojelulaiksista ja eräiksi siihen liittyviksi laeiksi.

HE 66/2013 vp. Hallituksen esitys eduskunnalle laeiksi perusopetuslain, lukiolain, ammatillisesta koulutuksesta annetun lain, ammatillisestä aikuiskoulutuksesta annetun lain ja kunnan peruspalvelujen valtionosuudesta annetun lain 41 ja 45 §:n muuttamisesta.

HE 19/2014 vp. Hallituksen esitys eduskunnalle yhdenvertaisuuslaiksi ja eräiksi siihen liittyviksi laeiksi.

HE 40/2018 vp. Hallituksen esitys eduskunnalle varhaiskasvatustilaiksi ja siihen liittyväksi lainsäädännöksi.

HE 88/2018 vp. Hallituksen esitys eduskunnalle laiksi lapsen huollosta ja tapaamisoikeudesta annetun lain muuttamisesta ja eräiksi siihen liittyviksi laeiksi.

Helander M, *Barnombudsmannens berättelse till riksdagen* 2018. Barnombudsmannens byrås publikationer 2018:2.

Hokkanen P, ‘Uskonnonvapaus monikulttuuristuvassa koulussa’ (Acta Wasaensia 2014) 307.

Karapuu H and Ojanen T, ‘Perusoikeuksien käsite ja luokittelu’ in Pekka Hallberg and others (eds), *Perusoikeudet* (Werner Söderström lakitieto WSLT 2011).
Koulu S, *Lapsen huolto- ja tapaamissopimukset* (Lakimiesliiton kustannus 2014).
Lavapuro J, *Uusi perustuslakikontrolli* (Suomalainen Lakimiesyhdistys 2010).
Lavapuro J, Ojanen T and Scheinin M, ‘Rights-Based Constitutionalism in Finland and the Development of Pluralist Constitutional Review’ (2011) 9 International Journal of Constitutional Law 505.
Mäntylä N, ‘Effective Legislation Regarding School Bullying? The Need for and Possibility of Law Reform in Finland’ 18 Law Reform Journal (2018) 186.
Nieminen L, *Lasten perusoikeudet* (Lakimiesliiton kustannus 1990).
Nieminen L, ‘Lasten perus- ja ihmisoikeussuojan ajankohtaisia ongelmia’ (2004) 4 Lakimies 591.
Nieminen L, ‘Koulu lasten perus- ja ihmisoikeuksien turvaajana – vai rajoittajana’ (2004) Oikeus 277.
Nieminen L, *Perus- ja ihmisoikeudet ja perhe* (Talentum 2013).
Pajulammi H, *Lapsi, oikeus ja osallisuus* (Talentum 2014).
PeVL 2/1990 vp. Perustuslakivaliokunnan lausunto hallituksen esityksestä no 22 ihmisoikeuksien ja perusvapauksien suojaamiseksi tehdyyn yleissopimuksen ja siihen liittyvien lisäpöytäkirjojen eräiden määräysten soveltamisesta.
PeVM 25/1994 vp. Perustuslakivaliokunnan mietintö hallituksen esityksestä perustuslakien perusoikeussäännösten muuttamisesta.
PeVM 10/2002 vp. Perustuslakivaliokunnan mietintö hallituksen esityksestä uskonnonvapauslaiksi ja eräiksi siihen liittyviksi laeiksi.
Saraviita I, *Perustuslaki* (Talentum 2011).
Sormunen M, “In All Actions Concerning Children”? Best Interests of the Child in the Case Law of the Supreme Administrative Court of Finland’ (2016) 24 International Journal of Children’s Rights 155.
Toivonen VM, *Lapsen oikeudet ja oikeusturva* (Alma Talent 2017).
Tuori K, *Kriittinen oikeuspositivismi* (WSLT 2000).
Viljanen VP, *Perusoikeuksien rajoitusedellytykset* (Sanoma Pro Oy 2001).