

Legal background – Inclusion of children and young people

UN Convention on the Rights of the Child

Article 12. The child has the right to express his or her views in all matters affecting him or her. The views of the child shall be given due weight in accordance with his or her age and maturity.

Article 13. The child shall have the right to seek, receive and impart information and ideas in order to freely express himself or herself, provided this does not violate the rights of others.

By expressing their views, children can bring important perspectives and experiences to the discussion of issues, and for this reasons their opinions should be taken into account in decision-making and policy planning and when drafting and evaluating laws and/or measures.

The child shall have the opportunity but not the obligation to express his or her view.

The UN Convention on the Rights of the Child obligates signatories to evaluate how the rights of children are being guaranteed.

UN Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child, which concerns all children under the age of 18, has been transposed into Finnish law. Taking the views of children into account is one of the central principles of the Convention. The right of every child to be heard and to be taken seriously is one of the intrinsic values of the Convention.

Constitution of Finland

The right of children to have a say is guaranteed under section 6 of the Constitution of Finland. 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 level of development.

Youth Act

Section 24 of the Act states the following:

Section 26 of the Local Government Act (410/2015) lays down provisions on the opportunity for young people to participate in and exert an influence in a youth council or similar group representing young people's views.

In addition to the provisions laid down in this Act or elsewhere in law, the municipality and the State authority shall provide young people with the opportunity to participate in and exert an influence on the consideration of matters concerning local, regional and national youth work and policy, or they shall be consulted in the abovementioned issues by other means. Moreover, young people shall be consulted in matters pertaining to themselves.

According to section 3 of the Youth Act

youth work means supporting the growth, independence and involvement of young people in society

youth policy means improving the growth and living conditions of young people and enhancing interaction between generations.

Provisions on consulting children and young people and on their rights to have a say are mostly included in legislation relating specifically to children and young people (such as the Youth Act, the Child Welfare Act, the Basic Education Act and the Early Childhood Education Act) but, e.g., the Administrative Procedure Act (section 41) also provides for a right to have a say that belongs to everyone, including children, even where this is not expressly mentioned.

Inclusion

- does not from the perspective of the UN Convention on the Rights of the Child and the Constitution of Finland simply mean asking children and young people for their views and recording them.
- It also means taking their views into account in decision-making and
- recording that such views have been taken into account in the grounds for the decision in question, for example, so that children and young people can see how their views have affected the decision – or why it has not been possible to act on their views.