



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fortieth session

SUMMARY RECORD OF THE 1068th MEETING*

Held at the Palais Wilson, Geneva,
on Thursday, 22 September 2005, at 10 a.m.

Chairperson: Mr. DOEK

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* No summary record(s) was (were) issued for the 1066th and 1067th meetings.

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Third periodic report of Finland (CRC/C/129/Add.5; CRC/C/OPAC/FIN/1; CRC/C/Q/FIN/3; CRC/C/RESP/95; HRI/CORE/1/Add.59/Rev.2)

1. At the invitation of the Chairperson, Ms. Biskop, Mr. Ilmonen, Mr. Kanerva, Mr. Keisalo, Mr. Kosonen, Ms. Leikas, Ms. Manninen and Ms. Thors (Finland) took places at the Committee table.
2. Mr. KOSONEN (Finland) said that a number of legislative and administrative measures had been taken to implement the Convention. A national plan of action for children had been published in March 2005. The Office of the Ombudsman for Children had recently been established with a view to ensuring that the rights and best interests of the child would be taken into account in policy formulation, enhancing the participation of children in everyday life and strengthening cooperation among the competent authorities. Discrimination was prohibited under the Penal Code and under a new non-discrimination law that had entered into force in February 2005. All children were guaranteed equal access to basic education regardless of their social and ethnic background, age or sex. A special committee had been established with a view to making school more enjoyable for pupils and fostering their participation in various school activities.
3. In 2004, a new provision prohibiting trafficking in persons had entered into force, and provisions concerning child pornography had been amended. Corporate liability had been extended to all forms of trafficking in persons and child pornography. Under an extradition law that had entered into force at the end of 2004, individuals guilty of trafficking in persons, sexual abuse of children or child pornography could be extradited regardless of the dual criminality requirement.
4. Under the new Aliens Act, which had entered into force in 2004, matters involving children were to be dealt on a priority basis. The Act focused on protecting the family, and included substantive and procedural rules on family reunification. Entry requirements for parents whose children had been granted a residence permit on compassionate grounds had been eased. Under the amended Act on the Integration of Immigrants and Reception of Asylum-Seekers, which had entered into force in June 2005, the legal status of child asylum-seekers had been improved, and particular attention was given to their individual needs and interests. Although the number of unaccompanied children seeking asylum in Finland had been steadily rising, it remained relatively low. In 2005, some 150 unaccompanied children had sought asylum in Finland. Most juvenile asylum-seekers were issued a residence permit. Refugee status was rarely granted because it required the asylum-seeker to be under threat of persecution.
5. Under a new law on the legal and genetic establishment of paternity, which would enter into force in October 2005, the judge was authorized to request the child, the child's mother and the alleged father to undergo legal and genetic examinations.

6. Finland provided financial assistance to several international governmental and non-governmental organizations for the implementation of various projects, including intercultural education programmes in Bolivia, Ecuador and Peru, teacher training programmes in Ethiopia and Eastern Europe, and reproductive health projects in Nicaragua and Afghanistan.
7. Mr. KRAPPMANN asked whether the rights and interests of children were taken into account when the Government drafted policies that could affect children's lives. The delegation should provide further information on the work of the Ombudsman for Children. In particular, it would be useful to know whether the Office of the Ombudsman could initiate investigations on its own and whether it participated in drafting legislation. He wished to know whether the Office of the Ombudsman consulted children, whether it had sufficient human and financial resources, and whether individual complaints remained under the purview of the Parliamentary Ombudsman. He requested information on the membership of the Advisory Board. He asked whether municipal ombudsmen for children had been appointed in cities other than Tampere.
8. According to the report, the Ministry of Social Affairs and Health had set up a committee for child issues. He requested information on the composition of the committee, on the coordination of its activities at the national, regional and local levels, and on its cooperation with non-governmental organizations (NGOs). Information on municipal programmes for children should also be provided. He was concerned that, owing to financial difficulties, the level of basic services had deteriorated in some municipalities. In that regard, he enquired what steps the Government was taking to ensure adequate living conditions for all children.
9. The delegation should provide information on the funding and deadlines for the implementation of Finland's national plan of action for children. Lastly, he wished to know whether earlier measures and programmes had been integrated into the plan of action and whether the whole range of children's rights had been taken into account.
10. Mr. POLLAR, Country Rapporteur, said that, since the entry into force of the new Constitution in 1999 and the subsequent review of other domestic legislation, the Government had taken a number of commendable legal measures, including the establishment of the Ombudsman for Children, the ratification of various conventions and the formulation of numerous national plans of action. The delegation should indicate whether the Constitution recognized the Convention, whether the provisions of the Convention could be invoked in Finnish courts, and whether the Constitution or the Convention would prevail in the event of a conflict between domestic and international law. The delegation should specify whether any provisions of Finland's national legislation were considered to be more conducive to the realization of the rights of the child than those of the Convention. He wished to know why the third periodic report did not contain any information on judicial decisions in which the principles of the Convention had been applied or on the remedies available in the event of a violation of the rights recognized by the Convention. He was concerned that the Government did not have a coherent set of regulations concerning the use of force and means of restraint during the deportation of foreign nationals.
11. Although Finland had banned corporal punishment, apparently that practice was still considered an acceptable means of educating and disciplining children. He asked whether any cases had been reported and what remedies were available to victims. He enquired whether any

awareness campaigns or educational programmes for the prevention of corporal punishment had been organized, and whether any measures had been adopted to prevent the impunity of offenders.

12. Mr. LIWSKI wished to know what percentage of Finland's gross domestic product (GDP) was allocated for activities related to the implementation of the Convention. The delegation should indicate the criteria used by the Government to determine the size of the grants that it made to municipalities. He requested additional information on activities to ensure young people's freedom of association.

13. Ms. VUCKOVIC-SAHOVIC, asked whether the Government would increase its international development assistance before 2010 and whether it could provide a breakdown of the amounts of assistance that had been allocated to children's programmes. She enquired whether there were plans to offer training courses in children's rights for law enforcement officers, judges, prosecutors and social workers, and whether children's rights had been included in the curricula of teacher training institutes. She wished to know what types of programmes existed to inform parents about children's rights.

14. Ms. OUEDRAOGO wished to know why the Government had not translated the Convention into Romany. She asked what progress had been made by the Ministry of Social Affairs and Health in disseminating the Convention and whether it had formulated a plan of action for its activities. She wished to know whether a study had been conducted to determine the reasons for the ineffectiveness of measures to protect children from harmful material in the media, particularly the Internet.

15. Ms. HATTAB asked what steps the Government had taken to deal with the fact that some municipalities lacked qualified social workers, particularly in the area of child welfare. She wished to know what measures had been taken to enforce anti-discrimination legislation at the level of the community and in schools, and to change the discriminatory attitudes of young people towards immigrants and minority groups. She enquired whether software filters to prevent access by children to pornographic material on the Internet were also used for sites that promoted discrimination against certain ethnic groups. The delegation should indicate what measures existed to assist parents in protecting children from harmful material in the media.

16. Ms. LEE said that the delegation should explain the reasons for the relatively high number of pregnancies and abortions for girls between the ages of 15 and 17. She wished to know why the suicide rate for boys was higher than that for girls. She requested additional information on teenagers who admitted to being seriously intoxicated at least once a month. She was concerned that, owing to a lack of resources, there were not enough before-school and after-school programmes to care for children while their parents were at work. More information was needed concerning health services for Sami children and the lack of sufficient numbers of Sami-speaking staff in municipalities in the Sami homeland.

17. Ms. SMITH wished to know why Finnish legislation did not grant children under the age of 12 the right to have their opinions heard; it would be more appropriate to extend that right to children beginning at age 7. Similarly, children who were deprived of a family environment should be granted the right to be heard at an earlier age than 12 on issues concerning their

placement. She wished to know at what age children had the right to be heard concerning medical issues. Children should be allowed to choose their religion before reaching the age of majority.

18. Mr. SIDDIQUI requested for clarification regarding the so-called strong adoption principle on which Finland's adoption policy was based, and wondered what implications it had for children. He wished to know whether the Government took measures to ensure that, in cases of intercountry adoption, no illegal transfers of money took place. He asked what role the Finnish Social Insurance Institution KELA played in providing support to prospective parents in intercountry adoption. He enquired whether any studies had been conducted concerning the integration into Finnish society of children adopted from other countries. He would appreciate information on the reform of data collection procedures for children's statistics that was being carried out by the Ministry of Social Affairs and Health. He wondered how the Government reconciled the need to deal with the problems of specific population groups and the fact that legislation prohibited the recording of data relating to race or ethnicity.

19. Mr. ZERMATTEN said that clarification was needed regarding the various ages starting at which children in Finland were granted the right to be heard. In particular, he would welcome information on children's right to be heard regarding school matters.

The meeting was suspended at 11.10 and resumed at 11.35 a.m.

20. Mr. KOSONEN (Finland) said that the primary function of the Ombudsman for Children was to maintain contact with children and to engage in prevention efforts. The Ombudsman for Children did not have the power to receive and investigate individual complaints. The Advisory Board to assist the Ombudsman would consist of various members of civil society who dealt with children's affairs; experts from other fields would work with her temporarily on projects lasting one or more years. It was possible that the office of the municipal ombudsman for children that had been established in the city of Tampere would be replicated in other cities.

21. The 1999 Constitution confirmed that the Convention was directly applicable in Finnish courts. The provisions of the Convention had been taken into account in the drafting of the Constitution, which was in total conformity with the Convention. In the case of any discrepancy, a human-rights-friendly interpretation was used. Generous remedies were available for victims of human rights abuses and had often been used in cases involving children.

22. Mr. KANERVA (Finland) said that anecdotal evidence had shown a significant increase in corporal punishment, assaults and domestic violence against children. Education, health-care and social welfare staff had been issued a handbook published by the National Research and Development Centre for Welfare and Health; the handbook provided detailed guidelines for detecting and dealing with cases of child abuse. Child abuse was punishable under the Penal Code by a maximum prison sentence of 10 years. The Act on the Restraining Order had been amended to include family members living in the same home; that allowed for restraining orders to be placed on abusive parents. The Government recognized the need to improve measures to prevent child abuse.

23. Mr. FILALI asked what measures had been taken to raise awareness among the immigrant population of the seriousness of child abuse and its impact on children's development.

24. Mr. KANERVA (Finland) said that legislation amended in August 2004 had harmonized the provisions of domestic legislation on child pornography with those of Finland's international obligations, such as the Optional Protocol on the sale of children, child prostitution and child pornography. Provisions had been introduced to include the crime of aggravated distribution of obscene pictures of children, and the maximum punishment for possession of such material had been raised from six months to a year. Since it was increasingly difficult to apprehend such criminals as Internet use grew, police powers had been extended in 2005 to allow for undercover investigations on the Internet. The Ministry of Transport and Communications was currently cooperating with telecommunications operators to prevent access to foreign child pornography sites on the Internet.

25. Ms. BISKOP (Finland) said that the Ministry of Education had drawn up an Action Plan to combat violent entertainment targeted at children. Media education was an important element of the Plan, since it taught children to take a critical stance to the material with which they were presented. Media skills and communication had been included in the school core curriculum in 2004 and would be taught nationwide from 2006.

26. Legislation introduced in 2004 guaranteed municipal authorities sufficient funds for after-school activities, at least for all children aged 7 and 8. That had enabled a further 6,000 children to participate in such activities, which were currently organized in about 91 per cent of municipalities.

27. The basic principles of human rights education underpinned the 2003-2008 education development plan. To some extent, the provision of human rights education depended on the interest of individual teachers. A pilot project developed by the Finnish Red Cross had taught children in about 100 schools in southern Finland to use peer mediation and conflict resolution.

28. Ms. KHATTAB asked how the State party guaranteed that all children had equal access to human rights education.

29. Ms. BISKOP (Finland) said that all teachers were trained at university level, and were encouraged to be autonomous in their work. In 2006, human rights education would be included in in-service teacher training. According to the education development plan, human rights education and multiculturalism would become key components of all teacher training.

30. Mr. ILMONEN (Finland) said that municipal social and health services were important in the prevention of child abuse. The nationwide network of maternity and child welfare clinics provided guidance to families. Child welfare was a priority in schools, and many NGOs were active in that field. The media had also been instrumental in disseminating information on child development and the prevention of child abuse.

31. Ms. MANNINEN (Finland) said that the general minimum age for alcohol consumption was 18; for the consumption of hard liquor, the minimum age was 21. While the number of young people who did not drink alcohol had risen, those who drank heavily had been consuming greater quantities. Studies had shown that, while young people in Nordic countries seldom drank alcoholic beverages, they became highly intoxicated when they did.

32. Mr. ZERMATTEN asked whether the State party had introduced specific legislation on the consumption of so-called “alcopops” by young people.
33. Ms. MANNINEN (Finland) said that, while Finland’s contribution to international development assistance currently stood at 0.4 per cent of its GDP, the Government hoped to reach the target of 0.7 per cent by 2010.
34. The CHAIRPERSON asked whether the Government had a specific policy to promote children’s rights in developing countries.
35. Ms. BISKOP (Finland) said that recent legislative amendments guaranteed that all education providers made child welfare services available whenever they were needed. All education establishments were obliged to draw up and implement a child welfare plan in accordance with the guidelines issued by the National Board of Education.
36. Ms. BISKOP (Finland) said that children entered compulsory education at the age of 7 for a period of nine years. Most students began higher education at the age of 17. Approximately 500 children received education in Sami dialects. In 1999, the Ministry of Education had launched a programme to train Sami language teachers, which had received significant funding and had resulted in a notable improvement in the situation of Sami language education. The Government paid particular attention to providing support for Sami children in order to enable them to maintain their cultural identity while growing up in a multicultural society.
37. Mr. KOSONEN (Finland) said that, in the event of a conflict between the provisions of domestic legislation and international law to which Finland was party, the provisions of international law would take precedence.
38. Mr. KANERVA (Finland) said that, although the number of reported cases of sexual abuse and aggravated sexual abuse of children had doubled over the past 10 years, there had not necessarily been an increase in the number of offences committed. The increase in the number of reported cases could be a result of improvements in training for persons working with children. In 2003, the National Research and Development Centre for Welfare and Health had published a handbook for social welfare and health-care staff and law enforcement officials in order to enable them to recognize signs of sexual abuse in children. The timely detection of sexual abuse was difficult, since children often showed no signs of bodily harm and were afraid of reporting abuse. In some cases, sexual abuse was detected so late that the perpetrators could no longer be prosecuted, owing to the statute of limitations established by chapter 8 of the Criminal Code. In order to rectify that problem, the Ministry of Justice was drafting special legislation on sexual abuse, aggravated sexual abuse, rape, aggravated rape and sexual intercourse with minors under the age of 18. Under the new legislation, the perpetrators of sexual abuse could be prosecuted before the victim reached the age of 28. The draft legislation would be submitted to Parliament in October 2005.
39. A working group had been appointed by the Ministry of Social Affairs and Health to investigate treatment and rehabilitation for sex offenders. The “Stop” programme had been established to review rehabilitation for sex offenders in detention institutions and to assess methods of preventing them from reoffending when they were released. New detention

legislation would make it possible to order the continuation of rehabilitation after an offender had been released. A working group established under the Ministry of Justice was considering ways of improving the “Stop” programme, in cooperation with the relevant authorities.

40. The CHAIRPERSON asked how the Government ensured that the Convention was implemented at the municipal level.

41. Mr. POLLAR asked whether mechanisms existed for receiving and investigating complaints from or on behalf of children who were victims or witnesses of domestic violence. He requested information on intervention by the authorities to protect children from domestic violence. He wished to know what types of alternative care existed, and under whose authority and what circumstances children could be removed from their families. He asked whether any telephone helplines had been established to enable children to report domestic violence. He requested information on programmes for the psychological and physical support and rehabilitation of child victims and witnesses of domestic violence.

42. Ms. AL-THANI asked what measures were being taken to speed up the process of diagnosing multiple disabilities in children in order to ensure that they received the maximum possible care and support. She wished to know how the parents of disabled children were informed of their rights and the support available to them. She wondered whether education plans contained specific provisions to ensure that disabled children were not bullied or harassed. She wished to know what measures had been taken to prevent domestic violence against children with disabilities.

43. She asked how the Government planned to increase breastfeeding with a view to meeting the objectives set by the World Health Organization (WHO). She asked what measures were being taken to address the problem of increasing obesity among children. She wished to know the outcome of the discussions on non-medical circumcision in the home, and how the Government ensured that such practices did not lead to medical complications and that the best interests of the child were taken into account. She wondered what measures were being taken to prevent the overdiagnosis of attention deficit disorder and attention deficit hyperactivity disorder and the resulting overprescription of psychostimulant drugs. She enquired how paediatricians and health service staff were being educated on that issue. She wished to know how families were being encouraged to take responsibility for drug abuse among children.

44. Mr. KRAPPMANN asked whether the Government was taking any special measures to prevent the negative effects of poverty and unemployment on children’s well-being and development, such as providing day care and lowering teacher-student ratios in schools with high numbers of poor children. He wished to know whether national policies on poverty and social exclusion contained specific provisions for children. He asked what measures had been taken to protect poor families against inequalities in the provision of basic services by municipalities.

45. He wondered what measures were being taken to address the differences in academic performance between children of different social classes. He enquired how the Government ensured that adequate funding was granted to all municipalities for the establishment of education institutions. He asked whether human rights education was included in the curricula

of all schools, and whether it was a compulsory subject for all pupils. He asked whether schools carried out human rights projects to give children a practical knowledge of the subject, and asked how children were made aware of the provisions of the Convention.

46. Ms. KHATTAB asked when the proposed legislative amendments on abduction would be adopted. She wondered how the Government raised public awareness about abductions, and how it prevented abductions by parents in the event of the failure of mixed marriages.

47. Ms. SMITH asked whether the presence of lawyers and social service representatives was mandatory during the consideration of asylum applications from minors. She wondered whether child asylum-seekers enjoyed the same rights as Finnish children as soon as they arrived in Finland, and how the Government ensured that such children had equal access to social services, health care and education during the asylum application procedure. She enquired how their rights were protected in the event that asylum was granted.

48. Mr. KOTRANE requested information on how the Government dealt with cases of sexual exploitation committed by foreigners residing in Finland. The Committee had been informed that children could be employed in Finland during the school holidays from the age of 13, and could work for a maximum of 8 hours a day, and 40 hours a week. He asked whether that could pose a risk to those children's health. The delegation should explain what was meant by "emergency work".

49. Mr. FILALI asked why the number of homicides committed by minors had increased, what types of homicide had been committed, and by whom. He wondered whether juvenile offences motivated by ethnicity were increasing. He enquired whether the Government intended to withdraw its reservations to article 10, paragraphs 2 (b) and 3, of the International Covenant on Civil and Political Rights, since they affected the implementation of article 37 (c) of the Convention on the Rights of the Child. He requested information on the experimental system of voluntary arbitration for juvenile offenders, and asked what the results of the evaluation of that system had been.

50. Ms. OUEDRAOGO asked whether the Government planned to adopt legislation to protect children from trafficking to and through Finland. She enquired when the Government would ratify the Optional Protocol on the sale of children, child prostitution and child pornography.

51. Mr. KOTRANE asked whether a child under the age of 15 could be tried before a judge. He wondered whether minors being held in detention were separated by age group.

52. The CHAIRPERSON expressed concern that family reunification took place in the country where the child's parents were resident, and that children could be placed in the care of other custodians in their country of origin. He asked who those "other custodians" were. He enquired how long a child had to reside in Finland in order for family reunification to take place there.

The meeting rose at 1 p.m.