



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fortieth session

### Summary record of the 1069th meeting

Held at the Palais Wilson, Geneva, on Thursday, 22 September 2005, at 3 p.m.

*Chairperson:* Mr. Doek

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** (agenda item 4) (*continued*)

*Third periodic report of Finland* (CRC/C/129/Add.5; core document (HRI/CORE/1/Add.59/Rev.2); list of issues (CRC/C/Q/FIN/3); written replies by the Finnish Government to the list of issues (CRC/C/RESP/95)) (*continued*)

*Initial report of Finland on implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (CRC/C/OPAC/FIN/1)

1. *At the invitation of the Chairperson, the delegation of Finland took places at the Committee table.*
2. **Mr. Kanerva** (Finland) said that there were 20 or so cases of children being abducted by one of their parents each year. International cooperation was now stronger in those cases, particularly extradition. The Ministry of Justice had drafted new rules whereby the public prosecution service would be able to decide not to prosecute, for example, if the perpetrator voluntarily gave up the child or if that was in the best interests of the child.
3. The Penal Code applied to foreigners committing a sexual offence on the person of a child if they came under Finnish jurisdiction, and dual criminality was not a requirement.
4. The number of homicides committed by minors had risen up to 2002 but then declined. Thorough research into the subject was needed, but it was known that serious mental disorders and alcohol and drug abuse were often at the root of such crimes.
5. The criminal penalties to which minors were subject ranged from fines to imprisonment, including suspended prison sentences with probation. They also included a special sanction for juvenile delinquents and community work. In the case of perpetrators aged under 21, the educators supervising them during the probation period could also help them find a job, housing, training, etc. The sanction for juvenile delinquents, which had been evaluated on an individual basis before being brought into general use in early 2005, used monitoring to prevent minors from reoffending and cognitive skill acquisition and vocational guidance programmes, among other things, to help them integrate into society. Fewer than ten minors were currently in prison, since the Penal Code allowed custodial sentences to be handed down to minors only in serious cases. Furthermore, prison terms of less than eight months could be commuted to community service.
6. There were no underage prostitutes in Finland, but the criminal law provisions against aggravated procuring also covered children under 18.
7. Efforts to combat human trafficking were ongoing, even though the new provisions of the Penal Code were not yet in force. The new law on human trafficking and aggravated trafficking, which had come into force in August 2004, was consistent with the international obligations of Finland in that area. The Minister of Justice was preparing for ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, while the Minister of Foreign Affairs was preparing for signing of the Council of Europe Convention on Action against Trafficking in Human Beings. The Ministry of the Interior had set up a working group charged with preparing for implementation of the European Union Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings. In August 2005, the Government had approved a national plan of action to combat human trafficking whose main planks were a census of victims and the provision of aid to them, in collaboration with non-governmental organizations (NGOs).

8. The age of criminal responsibility was set at 15, but minors aged under 15 were responsible for damage caused by them if that resulted from an act that would have been deemed an offence had it been committed by an older child. They could be questioned in the course of a police investigation, taken into care by the authorities and required to participate in mediation with the victim.

9. **Mr. Ilmonen** (Finland) said that the State had put a system of subsidies in place to help municipalities provide local people with high-quality services. The municipalities used their budgets as they saw fit, with about a third of their funding coming from State subsidies for health and social services, calculated by the number of children, elderly people, etc., served by them. About 8 per cent of total spending was billed to users, including parents whose children were given places in crèches and elsewhere. Municipalities that had major problems to deal with could apply for additional subsidies from the Ministry of the Interior each year.

10. **Ms. Biskop** (Finland) said that immigrant pupils benefited from the teaching of Finnish and Swedish as foreign languages and of their mother tongue. A proposed legal reform would require the number of pupils with foreign mother tongues to be taken into account in calculating the subsidies paid to municipalities so that they could better meet the needs of such children.

11. **Mr. Ilmonen** (Finland) said that a new system to provide children with disabilities or long-term illnesses and their families with personalized services was being gradually introduced at that time in the country's municipalities, local social services, care centres and health insurance offices. Hospitals, education services and civil society associations were also cooperating to improve the coordination and quality of the services provided.

12. Family benefits were paid to all families with children. There were health-care centres for mothers and their children that provided advice on breastfeeding and on infant care. Coordinating policy in the different administrations was a major challenge since children's policy was a matter for all sectors, but the creation of the Ombudsman's post should enable the difficulties to be surmounted.

13. Overmedicalization was an issue in the training of doctors, who ought to learn, for example, not to medicalize problems of a psychosocial nature. A child monitoring system had been set up at the municipal level, in collaboration with NGOs.

14. The national action plan had five main goals: to help ensure that children received love and care in the home; to nurture healthy, lasting relationships in an environment that enhanced their feeling of security; to provide and allocate revenue for the services children needed; to enable children to participate in daily life; to ensure that everyone was familiarized with children's rights. It was a tool available to the Ombudsman, who would liaise with the relevant departments to ensure it was implemented. It would also allow more specialized programmes to be developed, including family policies.

15. **The Chairperson** asked how the State party meant to measure progress with the dissemination of information about the Convention on the Rights of the Child, and in particular whether it had ascertained how many children were familiar with the Convention and whether it intended to monitor that situation over time.

16. **Mr. Kosonen** (Finland) said that the action plan was too recent to have yielded results as yet but that a questionnaire might perhaps be applied to measure familiarity with the Convention.

17. **Ms. Leikas** (Finland) said that a study on public awareness of the Convention carried out in 2004 had revealed that lack of coordination between the different actors was an obstacle to this. The creation of the Ombudsman's post was partly a response to that problem.

18. The law on young workers provided that children aged 14 or over could work for up to 7 hours a day, with a maximum of 34 hours a week, for half their school holidays. Night work was prohibited, and those hours had to fall between 8 a.m. and 8 p.m., although a 6 a.m. start was allowed in some cases, with a minimum rest period of 14 hours between two working days. During school term, children could work for no more than 7 hours a day for 7 days, falling on weekends, and for up to 2 hours a day during the week, with a maximum working time of 12 hours a week, provided that study and work together did not add up to a day of more than 8 hours.

19. The development aid policy adopted by the Finnish Government in February 2004 made children's rights an intersectoral issue and gave priority to health and education. It particularly emphasized education for girls, disabled children and indigenous children. Finland had contributed to the United Nations Study on Violence against Children.

20. To ensure that the development aid provided by Finland was actually used for its intended purposes, oversight was carried out not only by Finnish embassies abroad but also by different NGOs. No problems had been reported to date.

21. The Convention on the Rights of the Child had been translated into Sami but not into Romani, as the Advisory Board on Romani Affairs had advised that it was not necessary.

22. The matter of non-medical circumcision of boys, practised by the Jewish and Muslim communities, had been the subject of wide-ranging public debate and had been examined in 2003 by Parliament. As things stood at present, circumcision was essentially carried out at private clinics, which were too expensive for many families, or at home, which presented risks to the child. In March 2003, the Ministry of Social and Health Affairs and the Association of Finnish Local and Regional Authorities had sent out a letter to the hospital districts recommending that circumcision should also be carried out at public establishments to ensure the well-being of children and reduce any risks. Care staff were entitled to refuse to carry out the operation, however, if they considered it to be against their ethical principles. A working group had been set up in 2003 to examine the issue; in 2004 it had published a memorandum stating that religious and cultural practices ought to be respected, provided that the parents and child were properly informed of the implications of the operation and gave their agreement. That could obviously not apply in the Jewish community, where boys were circumcised a few days after birth.

23. Unaccompanied minors applying for asylum in Finland were always accompanied by a court-appointed representative during the various interviews conducted by the authorities. While their applications were being considered, they had access to the same education and health services as Finnish children.

24. **The Chairperson** noted that, as a rule, children were returned to their countries of origin for family reunification, but there were exceptions. He wished to know what criteria were applied.

25. He asked whether the representative accompanying the child to interviews had custody of that child and could take decisions on his or her behalf. Lastly, he wished to know whether interviews were filmed.

26. **Ms. Smith** wished to know whether minors were placed in detention while their asylum applications were being processed and what became of them if they did not obtain provisional leave to remain. She asked whether the fast-track procedure was used for minors. She suggested that Finland should learn from the example of other European countries, which on the whole received many more asylum-seeking minors, and, for example, should make recourse to legal assistance compulsory when asylum applications were presented and ensure that children were assisted by good lawyers.

27. **Ms. Khattab** noted that the telephone helpline for children's complaints did not operate around the clock and wished to know what options were available to children outside the hours in which the helpline operated. She asked whether calls were analysed so that the services provided could be adjusted to meet children's needs.

28. **Mr. Kosonen** (Finland) said that most minors seeking asylum were given leave to remain. Interviews were not filmed, but that was an interesting idea which would be worth considering.

29. On the subject of minors being held separately from adult prisoners, it could be in children's interest to be held with adults in some circumstances.

30. **The Chairperson** reminded those present that the Committee considered it preferable for minors to be separated from adult prisoners, including when they were held in the same establishment.

31. **Mr. Kosonen** (Finland) replied that Parliament had amended the juvenile justice legislation over the summer and the situation regarding separation of juveniles and adults in prisons should improve as a result.

32. **Ms. Biskop** (Finland) said that, according to the 2003 Programme for International Student Assessment (PISA) study, Finnish children obtained excellent results at school but did not like school as much as their European peers. A committee had been charged with formulating proposals for making children feel better at school. Its proposals had included restructuring the school day, providing personalized counselling services, enhancing cooperation between schools and parents, and listening more to pupils. One measure taken by the Ministry of Education in response to those recommendations had been to put in place a programme to encourage pupils to participate in school life. Likewise, education professionals were required to work with social services representatives and parents to deal as quickly as possible with any problems that might arise.

33. The PISA study had shown that there were very few differences in learning outcomes between the different regions and between urban and rural areas. What it did reveal, however, was that pupils' social background influenced their school results. The different measures taken by the Government — enhanced cooperation between schools and families, enhanced participation by pupils and measures to prevent them from dropping out of school — ought to remedy the problem. Starting in 2006, 20 special classes, each containing about ten pupils in grades 8 and 9, would be created to prevent children from dropping out. The pupils would be individually monitored, with some teaching being done at school and some in a vocational setting.

34. **The Chairperson** asked whether the fact that human rights teaching was provided as part of the optional courses entitled "Ethics" did not have a discouraging effect on pupils.

35. **Ms. Ouedraogo** asked whether the low proportion of pupils initiated into human rights might not also be due to the fact that ethics courses were only held at the request of schools, in the light of pupil numbers.

36. **Ms. Biskop** (Finland) explained that under the terms of the Basic Education Act (No. 628/1998), pupils and students not belonging to any religious community or enrolled on any religious education course attended ethics courses which, in accordance with the national curriculum, included a full human rights teaching module. Nonetheless, all teachers had a responsibility to familiarize pupils informally with human rights in general and children's rights in particular within their own subject areas. The National Education Council had also taken the step of having the United Nations Children's Fund (UNICEF) children's rights teaching resource distributed to all schools.

37. As part of the European Global Education Peer Review Process launched by the North-South Centre of the Council of Europe, in 2004 Finland had prepared a national report analysing the results obtained in that area and suggesting improvements. To follow up those recommendations, the Ministry of Education had set up a working group charged with designing a national strategy for the promotion of global citizenship, which should see the light of day by the end of 2005.

38. **Mr. Liwski** wished to be informed about the role and influence of pupils' and students' associations in discussions held about issues of concern to them within their schools.

39. **Ms. Biskop** (Finland) replied that pupils' and students' associations had been very active in Finland 20 years earlier but had since lost some of their dynamism. Measures had thus been taken to enhance children's participation within schools and raise teacher and pupil awareness of the issue, and guidance was being provided on ways for them to exercise influence.

40. **Ms. Lee** asked for details of the procedures used to evaluate the programmes and services made available to groups of vulnerable children in the absence of disaggregated data.

41. **Ms. Biskop** (Finland) explained that, by contrast with the situation in many European countries, there was now no general system of inspection in Finland. Instead, under current legislation, teachers, school heads and local governments were required to carry out self-assessment of their activities and send up that information to the national level. Conversely, the Ministry of Education drew up a five-year general education plan and the National Education Council designed the national curriculum, which the communes adapted to their local requirements. There was a central data collection system, then, and in addition the Ministry of Education carried out regular situation studies in specific areas.

42. **Mr. Krappmann** asked for information about the education of Roma children.

43. **Ms. Biskop** (Finland) said that education was compulsory for all children residing permanently in Finland and that local governments were required to take all steps necessary to put that principle into practice. The primary school attendance rate was close to 100 per cent and the education statistics produced by the Finnish statistical office did not provide information about the ethnic origin of pupils.

44. According to data collected by the National Education Council, 234 Roma children in nine communes had received instruction in their mother tongue in 2002. Over the course of 2001 and 2002, the National Education Council had carried out a study on elementary education for Roma children. The findings had shown that a great many Roma children did not have a good attendance record and struggled to complete their schooling. Nonetheless, their education level was tending to improve over the long term. Despite the new language policy put in place, Romani-language teaching material and qualified teachers were still in short supply.

45. In 2004, the National Education Council had launched a national project to develop educational support services, enhance cooperation between schools and families and ensure pupils' well-being. It now had a specialist unit which, in addition to its information role, was responsible for the production of suitable teaching material and for the ongoing training of teachers of Romani language and culture. A working group within the Council was also responsible for promoting education for Roma children, particularly through preschool education, specialist education, academic guidance and teacher training.

46. The National Education Council was currently working on an illustrated reading primer for young children and their parents. A Romani-Finnish-English dictionary had been published that year and an international project running up to 2007, called "Open Doors"

and part-financed by the European Union, had just been launched in the north of the country to prevent the exclusion of Roma, support and personalize education services for them and facilitate their access to the labour market.

47. Physical education, which was part of the national curriculum, was meant to further the development of pupils' cognitive, social, functional and ethical capabilities and their ability to manage their emotions while instilling a better understanding of the values associated with health and well-being. In addition, local governments were responsible for giving all basic education pupils the opportunity to eat a balanced, appetizing meal that met their particular needs each day in order to instil good eating habits in children and thus combat the problem of obesity in the young.

48. **Mr. Kotrane** expressed satisfaction at the array of measures available to the State party as alternatives to imprisonment, but wished to know the minimum age below which children could neither be questioned by the police or public prosecutor nor be subjected to any social welfare or mediation measures.

49. It would also be interesting to know whether the State party meant to extend the purview of its legislation to sexual offences and crimes committed abroad by Finnish residents or against Finnish victims.

50. **The Chairperson** asked for additional information on the age from which a child could be heard by a judge, as that seemed to vary between 12 and 15 depending on whether civil, administrative or criminal proceedings were involved. In particular, he wished to know whether it was entirely up to judges' discretion whether they gave a child a hearing or not or whether they were obliged to meet any child who had reached a given age.

51. **Mr. Kosonen** (Finland) said that, as a rule, children aged under 10 should not be heard by a judge, as there was the risk that they might be easily influenced and they did not always distinguish between imagination and reality. Conversely, children who had a grievance could obtain a hearing by applying to the Ombudsman for Children, the police or the medical service at their school and reporting the acts of which they had been the victims. Furthermore, Finnish legislation provided for the option of removing a violent parent from the family home to protect the child concerned. It was then up to the social welfare authorities to decide whether or not that parent should be reintegrated into the family.

52. **Mr. Kanerva** (Finland) said that, in theory, any minor who had committed an infraction could be heard by the police, irrespective of age, but in practice children under 10 did not commit infractions and were thus not subjected to police questioning. Furthermore, they could not be held in police custody for more than three hours.

53. **Ms. Biskop** (Finland) said that children were not asked to testify to the courts in divorce cases before the age of 12 but were spoken to by psychiatrists working for the social welfare authorities. Her experience on the ground had taught her, however, that those psychiatrists sometimes gave their opinion about children without even having met them in person.

54. **Mr. Siddiqui** asked how the Government ensured that no money changed hands in cases of international adoption, what role was played by Kela, the Finnish social insurance agency, which provided financial aid to parents wishing to adopt a child abroad, and whether a survey had been conducted on the issue of integrating children adopted abroad into Finnish society.

55. **Mr. Kosonen** said that international adoptions were rare but that when the situation arose two bodies, one of them public, ensured that legal procedures were followed. Finland would provide further written information presenting the findings of the survey carried out on the integration of children adopted abroad into Finnish society.

56. **Mr. Zermatten**, speaking of the arbitration that took place when a minor aged under 15 committed an infraction, the purpose of which was to bring about reconciliation and set the amount of any indemnity, asked what guarantees those minors had and what became of them if the parties did not reach agreement.

57. **Mr. Kanerva** (Finland) said that arbitration was optional and free of charge, and that if the procedure was unsuccessful there were no ill-effects for the child, who would benefit from protection measures in all events. Under no circumstances could children who had not reached the age of criminal responsibility, i.e., children aged under 15, be prosecuted or convicted in the criminal courts.

*The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

58. **Mr. Pollar** pointed out that after the Optional Protocol came into force in the State party on 10 May 2002, Finland had proceeded to amend its legislation to give effect to the rights enshrined in that instrument. It had modified its law on military service and its law on voluntary female military service, and its new Constitution was in compliance with the provisions of the Optional Protocol. Moreover, in conformity with paragraph 3 of the first article of chapter 11 (578/1995) of the Finnish Penal Code, anyone who by a warlike act breached the provisions of an international agreement binding Finland or the laws and customs of war as generally recognized and established by public international law could be convicted of war crimes.

59. The Committee desired to know whether court rulings had already been made in application of those new legislative provisions or of the Optional Protocol on the involvement of children in armed conflict, and if so, what they were.

60. It would appreciate knowing whether Finnish NGOs had been involved in preparing the initial report under consideration and in disseminating the Optional Protocol, and whether any schools in the State party were operated or overseen by the armed forces of the State or any armed groups other than the armed forces of the State.

61. **Mr. Krappmann** asked whether there were any schools of the Prytanée type in Finland.

62. **Mr. Zermatten** asked for further information on civilian service, and in particular its length.

63. **Mr. Kosonen** (Finland) replied that no schools in Finland were operated or overseen by the armed forces of the State or armed groups other than the armed forces of the State.

64. Civilian service lasted for 13 months, as against a period of between 6 and 12 months for military service, which was considered more demanding. It was a matter of amending the law on military service to reduce the length of civilian service.

65. NGOs would be involved in the preparation of the next periodic report of the State party under the Convention and Optional Protocol.

66. **Mr. Krappmann** expressed satisfaction with the quality of the dialogue that had taken place with the delegation, which had allowed him to form a more accurate idea of the children's rights situation in the State party. He explained that the concluding observations would summarize the main points of the discussion, highlighting both positive aspects and matters of concern, and invited the State party to publicize those concluding observations as widely as possible.

*The meeting rose at 5.35 p.m.*