



ngo group for the crc

STATE PARTY EXAMINATION OF FINLAND'S THIRD PERIODIC REPORT

40TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

12 - 30 SEPTEMBER 2005

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Finland ratified the Convention on the Rights of the Child (CRC) in 1991. On 22 September 2005, the Committee on the Rights of the Child (the Committee) examined Finland's Third Periodic Report and the Optional Protocol (OP) on the Involvement of Children in Armed Conflict.

Opening Comments

The head of delegation, Mr. Arto Kosonen, Director of the Ministry for Foreign Affairs, mentioned the National Plan of Action. It was prepared by a Children's Committee in Finland which focused on the best interest of the child in everyday life. In addition, Kosonen said that the government had, in accordance with the Committee's recommendations, established an Ombudsman for children. Mr Kosonen also mentioned that the Child Welfare Act had been reformed and that new prohibition on trafficking of humans and new legislation regarding child pornography was created. The status of asylum-seekers (children and families with children) had been improved through the Alien's Act, taking into consideration the best interest of the child. Kosonen also said that according to the Non-discrimination Act, the government had to include non-discrimination in all its activities. In terms of education, Kosonen said that young Fins ranked very high in math and reading, that teachers received high quality training, and that all children were entitled to the same level of education. However, he also acknowledged that according to a WHO report, Finnish children did not enjoy school as much as children in other countries and that the government was addressing this issue.

Mr Krappmann and Mr Pollar were the country rapporteurs. Krappmann said that Finland was a good example to other countries despite being located on the margin and lacking natural resources. He noted that the children did very well, with low mortality rates, and high school enrolment rates, and that the timeliness of the report was much appreciated and showed that the government took children's rights very seriously. However, Krappmann also noted that the Committee was curious as to whether children's rights were always considered when political decisions were made that might indirectly influence children, for example welfare politics. Krappmann also wanted more information about the Ombudsman, including her functions and responsibilities.

Mr Pollar noted that the establishment of an Ombudsman, the National Plan of Action, the National Plan against Trafficking and Child Pornography, and the ratification of various conventions were positive steps. However, Pollar expressed concern regarding the legislation and the role of the CRC. Pollar noted that measures had been taken to bring the national legislation into compliance with the CRC but he said that it was unclear what was the role was of the CRC in Finland. For example, he enquired about what happened if the CRC was in conflict with national legislation.

Child Participation and CRC Awareness

The Committee said that the children wanted the CRC to be more visible and that NGOs were very involved in raising awareness about it. However, the Committee wanted to know what the government was doing about it and how it made sure children participated. In addition, the Committee wanted to know if judges, the police and teachers received training regarding children's rights and if the latter were included in school teaching. The delegation replied that all children should have access to education and that human rights education was included in the national curriculum. However, it was up to each school and teacher how human rights education was implemented. This concerned the Committee because the outcome of the teaching might not be good, but the delegation responded that providing teachers with individual responsibility was a good method because it improved the quality of the teaching, especially since teachers received very high quality training. The Committee wanted to know how human rights education was included and if all schools taught it. The delegation said human rights education was included in ethics classes and that all children who did not take religion classes took ethics ones. The Committee remained concerned that children did not like ethics classes and about the government's lack of national reporting to check the quality of the teaching. The delegation repeated that it trusted the teachers and that a system of reporting did exist but that it was based on individual schools' reporting rather than governmental checks.

The Committee also said that the translation of the CRC into minority languages was poor. The delegation replied that it existed in Sami but that translating it into Roma was not necessary.

The Committee also wanted more information on children's rights to be heard, saying the report was confusing as to the age when children were heard in court. The delegation said that children under 15 were seldom heard in court and that children under 10 should not be heard in court, as they can be easily influenced and unable to distinguish between reality and imagination. From the age of 12 onwards, children could be heard by a social worker, not a judge.

Ombudsman

The Committee enquired about the functions of the Ombudsman. It asked whether the Ombudsman conducted investigations, filed complaints, and if she had enough financial resources to conduct investigations and be involved in the new legislation. The Committee also wanted to know if it was true that the Ombudsman could not deal with individual complaints, because a parliamentary Ombudsman addressed them. The delegation confirmed that this was the case, that the Ombudsman worked on prevention and that she had no power to deal with individual complaints. However, if there was a systematic violation of children's rights, the Ombudsman could bring up the issue. She could also take part in governmental committees and working groups on the rights of children. In

addition, she coordinated various activities and stayed in touch with children. To aid her work, the Ombudsman had experts from other fields to help her on specific projects.

Legislation

The Committee noted that the government had taken measures to bring national legislation in conformity with the CRC but was unclear about the role of the CRC if it was in conflict with national legislation. The delegation explained that the legislation conformed to the CRC, and the later was often not referred to because judges could use domestic legislation directly. However, the CRC was used when there was a discrepancy. Overall, all judges should apply a human rights friendly interpretation, thus if there was a conflict between the CRC and national law the judges should make sure all decisions and legislations were human rights friendly.

Corporal Punishment and Sexual Abuse

The Committee noted that corporal punishment was banned in 1983 but that the practice was still considered acceptable. The Committee wanted to know what training was available for people working with children and how corporal punishment was prevented. The Committee also wanted to know what the complaint procedure was for children and how the government dealt with perpetrators. It noted that this was especially problematic among foreigners with different customs. The delegation said that assaults against children, including domestic violence, were often discussed. However, it was a difficult issue to address since victims were often afraid to discuss their assault. People who worked with children were taught how to address this problem. Assault was punishable by a maximum of 10 years in prison. In early 2004, changes were made to the restraining orders making it possible to force family members suspected of assault to leave the family to protect the life, health and freedom of persons. In addition to prevention, social workers and health care were important elements to help children exposed to assault.

Sexual assault cases appeared to have increased but the delegation was unsure why. People working with children were better trained for dealing with this issue and the government had published a handbook on the issue. There was also a Sex Offender Treatment Program (STOP) that dealt with sexual offenders, including when they left prison. The Committee noted that children were very vulnerable to trafficking both in Finland and when trafficked through Finland and wanted to know what the government was doing to address the issue. The delegation acknowledged trafficking was a problem and that the new penal code was not yet in place. However, the government did have a National Plan against Trafficking and provided assistance to victims, especially through the help of NGOs.

Child Labour

The Committee noted that children about to turn 14 could work during their holidays, which was in accordance with the CRC as long as work did not interfere with school. However, the Committee was concerned that children could work 40 hours a week during the holiday and wondered if this was not hazardous for them. The Committee also wanted to know more about so-called emergency work for 15 year olds. The delegation said that an act from 1986 protected 13-14 year olds and 15-18 year olds through various age-specific legislations. Children under 14 could only perform work that did not damage their health and/or education. There were specific regulations in place, for example during school vacation children could only work during the day and a maximum of 35 hours a week. During school, children could work a maximum of 7 hours during the weekend, 2 hours during the day, but school and work together were not allowed to take up more than 8 hours a day. Finally, there was a maximum rest-period of 14 hours between working days.

Distribution of Funds

The Committee said that the budget appropriations at national level were unclear in the report and wanted to know what percentage of the GNP was assigned to implementing the CRC. The

delegation said there was no specific budget for implementing the CRC but the National Plan of Action was contributing to its implementation. The Committee wanted to know how the government was measuring the progress of the implementation and the delegation replied that it would try to implement methods for measuring progress.

Municipalities

The Committee noted that there seemed to be a difference between various municipalities in terms of grants from the government and the municipalities' ability to provide their citizens with services. It wanted to know if larger grants were given to municipalities that lacked funds. The delegation explained that municipalities had the right to determine their own taxation. In addition, state subsidiaries were calculated based on each municipality and also the number of children. If a municipality had problems, it could ask for more subsidies from the government.

International Development Assistance

The Committee was concerned that Finland's international assistance had dropped in the late 90s due to the recession and that, despite increased economic growth, it remained low, as well as being lower than neighbouring countries. The Committee wanted to know if the assistance would increase and how children could become more visible in Finland's international assistance. The delegation said it had no explanation for Finland's low assistance percentage and that the government was working on increasing its international aid by 2010. It also said that in 2004 a policy was passed to make children's issues part of all Finland's development policies. This included indigenous children, education for girls and special education for disabled children.

Asylum Seekers

The Committee pointed out that the laws were not in conformity with international standards when it came to asylum seekers. It also said that a lawyer or social worker should always be present when asylum-seeking children were interviewed. In addition, the Committee noted that the best interest of the child was always considered, and that asylum-seeking children were entitled to the same education and health services as Finnish children. However, the Committee wanted to know if this was the case from the moment they arrived in Finland. The delegation said that social services were always invited to participate but that they often provided a written statement. In addition, in all interviews, children should have a court appointed representative although this person was not always a lawyer. The delegation also said that reunification with children's families was considered on a case-by-case basis depending on how long the children had lived in Finland, at what age they had arrived, and so forth. In addition, they were entitled to the same rights as Finnish children from the moment they arrived. The Committee enquired what happened to children when they did not receive a resident's permit and if there was a specific rule regarding reunification and the granting of residence permits, such as age and time lived in Finland. The Committee also wanted to know if the interviews were taped to determine the quality. The delegation said that no specific age limit or time lived in Finland was considered; instead decisions were made on a case-by-case basis. The interviews were not taped and the delegation said that most children received resident's permits.

Racism and Child Pornography

The Committee wanted to know what was done to prevent racism and child pornography in the media, including the internet. This was a major issue as many children were often without supervision. It also wanted to know what was being done regarding discrimination against immigrant children and to change the attitudes of youth. The delegation said it was difficult to get the offenders, so the police's powers were increased. The government was also working to prevent distribution of violent material and child pornography by providing internet filters and through media education. The government was also attempting to provide before and after school activities for children who were home alone. Municipalities received funding for this, resulting in 91% of municipalities providing activities for children.

Health

Alcohol Intake

The Committee wanted more information on youth drinking habits and the government's stance on 'Alco pops'. The delegation said that 18 was the general drinking age limit, and 21 for hard liquor. It also said that young Finns did not drink often, but when they did they drank a lot.

Sami Children

The Committee noted that there was a lack of health services for children in Sami. The delegation replied that Sami speaking teachers and doctors were increasing, but the challenge was that Sami children were growing up in a multicultural society, making it difficult to maintain the Sami identity.

Disabilities

The Committee said that the support for families with disabled children was very complex, which made it difficult for parents to know their rights. The Committee also wanted to know what was done to address bullying in schools. The delegation said that special models were being tested, providing families with a case manager that estimated the needs of families and coordinated various services. The delegation said that disabled children were not specifically mentioned in various anti-bullying programmes as they included all children.

Breastfeeding

The Committee said Finland had not met its goals for breastfeeding and wanted to know what was being done about it. The delegation responded that the government was educating mothers.

Obesity

The Committee wanted more information on obesity. The delegation said that about 10% of children were obese and it was being addressed through physical education and nutritious meals in schools.

Circumcision of Boys

The Committee said that boys' circumcision was a problem in Jewish and Muslim communities who performed the procedure at home, placing the boys at risk. The delegation said this topic was widely discussed in Finland from an ethics and fundamental rights perspective. Although male circumcision provided no health benefits, it also did not provide any health risks assuming it was done in a professional medical setting. Thus, the procedure should be done in public medical settings to make sure families did not resort to non-licensed operations. However, the delegation also said doctors should be allowed to decline performing the operation.

Education

The Committee recognised that Finland had very few differences between urban, rural, rich and poor areas, but wanted to know what was being done to reduce the differences that existed. The delegation explained that each municipality addressed these issues and that even though no money was earmarked for education, some if it was meant to go to special aspects of education, such as preparatory education for immigrant children. As equal learning opportunities existed for everyone with very small regional and economic differences, there was no need to take special action. In addition, to make sure all children enjoyed school, teachers were educated on how to teach various groups. The Finnish Red Cross had also developed models to prevent and reduce violence, drugs and bullying in schools, where children were taught to solve problems. Two amendments were made to the basic Education Act. One was to safeguard children against violence, harassment and bullying, while the other was pupil welfare, which had led to discussions on human rights democracy and tolerance. Finally, the Pupils Act was in place to activate children and listen to them in order to detect and prevent problems as early as possible, such as potential dropout.

Roma Children

The Committee requested more information regarding Roma children and the delegation said they received mother tongue education. However, many of them did not enrol in school or were more likely to drop out than other children. The solution was to cooperate with Roma families and there was also a Roma unit involved in the national board of education.

Adoption

The Committee wanted to know why Finland had adopted a Strong Adoption Principle and the role of the government in adoptions. In addition, the Committee asked how the government ensured that no money was involved in inter-country adoptions and if adopted children from abroad were able to integrate into Finnish society. The delegation said that inter-country adoption was very rare and that although it was difficult for NGOs and the government to monitor all aspects of adoption, Kosonen said he was certain money was not involved. He also said that research was being carried out on the integration of adopted children into Finnish society.

Family Environment

Abduction of Children

The Committee noted that child abduction had increased and wanted to know what was being done to address this problem and to help victims. The delegation said the government was working on a draft proposal for a new provision on child abduction. The punishment of child abduction was a fine or 6 months in prison but heavier penalties demonstrated the seriousness of child abduction. The delegation said that a penalty was unnecessary if the child was returned voluntarily.

Standard of Living

The Committee said that 10% of the population was considered poor and wanted to know if there were special programmes in place to address the problem. The delegation explained that because all services in Finland include all children, there was no need for specific programmes.

Juvenile Justice

The Committee said that the minimum age for criminal liability was 15 and wanted to know if younger children (who could not be arrested) could still appear before a judge and be questioned by the police. The delegation said that young people that went before a judge could face a fine, imprisonment and probation. The delegation said that a fine was sometimes too lenient and that the punishment was aimed at reducing the child's involvement in criminal activities. However, there were very few children under 18 in prison and short sentences could be turned into community services. Children under 15 could be questioned by the police, as there was no age limit. However, as children under 10 seldom committed offences, they were rarely heard by the police.

Optional Protocol (OP) on the Sale of Children, Prostitution and Pornography

The Committee wanted more information on the OP and the delegation said that the government was currently working on changing the legislation to conform to the OP.

Optional Protocol on the Involvement of Children in Armed Conflict

The Committee acknowledged that Finland's new constitution, military act, and penal code all respected the OP, but wanted to know about the situation of armed groups and schools operated by military forces. The delegation replied that no such armed forces or schools existed. The Committee also wanted to know Finland's definition of direct participation in hostilities and the alternative to military service. The delegation said that because all participation, indirect or direct, in hostilities of children under 18 was prohibited, there was no need for a definition of participation. The alternative

to military service was 13 months civil service, whereas the army, which was more demanding, lasted between 6 and 12 months.

Concluding remarks

The Committee noted once again that the report was very well written, useful, contained precise information, and that children in Finland grew up in very good conditions. However, there were several remaining issues that needed to be discussed by various units, including NGOs.

The delegation said that the hearing had been very fruitful, friendly, and above all constructive. Kosonen also said that the delegation would take the Committee's recommendations back to the government where they would be considered.