



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN
ARMED CONFLICT**

Initial reports of States parties due in 2004

FINLAND

[1 June 2004]

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION	1 - 2	3
II. INFORMATION RELATING TO ARTICLES 1-7 OF THE OPTIONAL PROTOCOL	3 - 23	3
Article 1	3 - 6	3
Article 2	7 - 8	4
Article 3	9 - 10	4
Article 4	11 - 14	4
Article 5	15	5
Article 6	16 - 17	5
Article 7	18 - 23	5

I. INTRODUCTION

1. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict took effect in Finland on 10 May 2002 (*Finnish Treaty Series* 31/2002). In this report, Finland submits to the Committee on the Rights of the Child the information on the implementation of the provisions of the Protocol referred to in article 8 of the Protocol.

2. Finland ratified International Labour Organization (ILO) Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour on 17 January 2000. Finland submitted its first periodic report on the implementation of the Convention in 2002.

II. INFORMATION RELATING TO ARTICLES 1-7 OF THE OPTIONAL PROTOCOL

Article 1

Legislative measures to prohibit the involvement of children in direct hostilities

3. In Finnish legislation, the obligation to participate in national defence is laid down in the Constitution. According to section 127 of the Constitution of Finland (731/1999), every Finnish citizen is obligated to participate or assist in national defence, as provided by a legislative act. Chapter 7 (a) of the Military Service Act (1728/1991) lays down provisions on non-armed service, and a separate Civilian Service Act (1723/1991) has been issued concerning civilian service.

4. By virtue of section 1 of the Military Service Act, all Finnish men are liable for military service to defend their native country and the legal social order. The Act on Women's Voluntary Military Service (194/1995) lays down provisions concerning the requirements that have to be met by women who want to do voluntary military service that corresponds to conscription. The minimum age of conscripts, stated in the Military Service Act, was amended by an Act (364/2000), according to which voluntary military service can also start when the person has attained 18 years of age (sect. 31). A similar amendment was made to section 1 of the Act on Voluntary Military Service for Women (365/2000).

5. Since a person must have attained 18 years of age before he/she can start conscript service or service on a voluntary basis, the Finnish Defence Forces do not have members aged under 18 years, as specified in article 1 of the Protocol. The full age of conscripts is ensured by a system, based on personal data obtained directly from the population register, according to which persons of a certain age group are called up. In the call-up, the person's identity is checked either from an official identity card or by asking certain identifying questions, based on the information in the population register. A person's identity is also verified at the start of military service.

6. In accordance with chapter 11, section 1, paragraph 3 (578/1995) of the Finnish Penal Code, a person who in an act of war violates the provisions of an international agreement binding on Finland or the generally acknowledged and established rules and customs of war

under public international law, shall be sentenced for a war crime. By virtue of the Finnish Penal Code, recruitment of a person under the age of 18 years during hostilities would be deemed a war crime.

Article 2

Compulsory recruitment

7. Finnish legislation does not allow, even in a state of emergency, the recruitment of persons under 18 years of age into the armed forces, as referred to in this article.

8. In Finland, the provisions concerning offence against a person's liberty, issued in chapter 25 (578/1995) of the Penal Code, can be applied to possible cases of compulsory recruitment.

Article 3

Minimum age for voluntary recruitment

9. In connection with the submission of the instruments of ratification, Finland deposited a declaration according to which it requires that all persons recruited in to the national armed forces must have reached at least 18 years of age and that the minimum age applies to both men's compulsory military service and women's voluntary military service.

10. The Finnish Defence Forces do not operate or have under their control the type of schools referred to in paragraph 5 of this article.

Article 4

Armed groups and legislative provisions

11. Finnish legislation restricts the recruitment of armed persons. Penal provisions to this effect include provisions concerning the preparation of high treason (chap. 13, sect. 3 of the Penal Code), unlawful military operations (chap. 13, sect. 4), and the preparation of an armed breach of public order (chap. 17, sect. 5 of the Penal Code, 563/1998).

12. If the restriction on recruitment did not satisfy the objectives referred to in the aforementioned sections of the Penal Code, the provisions of the Associations Act (503/1989) concerning prohibited associations (sect. 3), terminating of associations (sect. 43) and penal provisions related to unlawful association activity (sect. 62) could apply at least to an armed organization functioning like an association. According to section 3 of the Associations Act, associations which are fully or partly organized militarily due to the obedience required of members or to the division into units or groups, or because the members are equipped with arms, shall be prohibited. An association which operates in essential ways against the law and good manners, can be discontinued (sect. 43). A person who maintains an unlawful association shall pay a fine (sect. 62).

13. One non-governmental organization, the Peace Union of Finland-Association for the United Nations, wants to point out that it is concerned about the non-compliance of national

defence organizations and reserve organizations with the obligations set out in this article. The focus on its concern lies in the organizations' recruitment policy and campaigns. However, the principal target of criticism, the National Defence Training Association, is not an armed group but an umbrella organization arranging training for different voluntary organizations. It organizes, for example, security training, preparedness training, supplementary military training and training for leaders and instructors. Some of the training entities concentrate on the improvement of civic skills and provide training related for personal security and skills concerning security at home and first aid, and some are also designed to develop military skills. Moreover, the underlying principle of the training is that only conscripts are to attend the so-called military components (Government Bill 242/2001). Gun and firearms training using military arms and other arms over 22-calibre is not given to persons who are younger than 18 years of age.

14. The planned local defence forces belong to the wartime organization of the defence forces. In the future, staff for these forces will be recruited from among local volunteers when they are released from their first wartime tasks, for example, in the Rapid Deployment Force, and assigned to other units. This means that these persons would at least be 35 years of age.

Article 5

Other international instruments and international humanitarian law

15. The Government does not have any comments concerning this article.

Article 6

Paragraphs 1 and 2

Implementation and enforcement of the Optional Protocol

16. This article concerns measures within the jurisdiction of the State party and therefore has not required amendment of chapter I (626/1996) of the Penal Code concerning the scope of application of the criminal law of Finland or the Decree on the application of chapter 1, section 7 of the Penal Code (627/1996).

17. Peacekeepers are given, among other things, humanitarian law training and information about international agreements that are binding on Finland. Persons employed by the Defence Forces can obtain information about the Convention on the Rights of the Child and about provisions concerning the minimum age requirement, binding on the call-up authorities, for example, by accessing the electronic statute book that is available to all.

Article 7

Technical cooperation and financial assistance

18. The Government of Finland's report on human rights policy, released in March 2004, states that children in the midst of international conflicts and civil wars require special protection. Child soldiers, like other children affected by war, are victims.

19. The Government supports all United Nations activities through which boys and girls who have become victims of armed conflict are taken into account (so-called mainstreaming). It gives its full support to the United Nations mechanisms and organizations that strive to improve the position of all child victims of armed conflict and help their post-conflict recovery. It supports a comprehensive approach when child victims of armed conflict are helped. Children should be our special concern even before any conflict erupts and, during conflict, their rehabilitation and mental recovery should also be taken care of after the end of hostilities.

20. The European Union (EU) Council Working Party on Human Rights (COHOM) prepared a report on the promotion of the EU's present policy on human rights and democracy in autumn 2002. The report suggests, for example, that opportunities were studied concerning a strategy or guidelines on children in armed conflict. The Government regarded the initiative as excellent and strongly supported its implementation. The EU General Affairs and External Relations Council adopted the EU Guidelines on Children and Armed Conflict on 8 December 2003.

21. The Government considers it important that the guidelines be implemented soon and in their entirety. It regards the idea of an EU Special Representative to take care of the EU strategy on children in armed conflict as worth exploring. The implementation of the guidelines also calls for the arrangement of training for national actors, EU staff and persons participating in peacekeeping and crisis-management operations. Close cooperation with NGOs is also important. Organizations that are active in the actual conflict areas function as essential channels of information and providers of field reports.

22. The Government of Finland report on human rights policy of March 2004 states that both the Convention on the Rights of the Child and the final document of the twenty-seventh special session of the General Assembly on children of 2000, "A world fit for children", challenge the Finnish development cooperation programmes that it supports and to evaluate the development cooperation budget from the point of view of the promotion of the rights of the child. The Government considers that all development cooperation projects should be grounded on a justice-based approach. This creates additional challenges for both the bilateral and NGO-led development cooperation.

23. Finland's most important channel of support for children is the United Nations Children's Fund, UNICEF. Finland has also supported IPEC (the International Programme on the Elimination of Child Labour) of ILO. A greater amount of support has been earmarked for the education and basic health-care sectors in many of the long-term partner countries. The Government also supports several projects carried out by Finnish, international and developing countries' own NGOs, which focus on the improvement of the position of the child. Indirect support for the promotion of the position of the child has increased, which hopefully also improves children's position during armed conflicts.
