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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1989

Addendum

FINLAND */

[28 August 1989]

*/ For the initial report submitted by the Government of Finland, see CCPR/C/1/Add.10; for its consideration by the Committee, see CCPR/C/SR.30 and the Official Records of the General Assembly, Thirty-second session, Supplement No. 44 (A/32/44), paragraphs 123-126. For the supplementary report submitted in reply to questions put by the Committee during consideration of the initial report, see CCPR/C/1/Add.32; for the consideration of this report, see CCPR/C/SR.170-SR.172 and the Official Records of the General Assembly, Thirty-fourth session, Supplement No. 40 (A/34/40), paragraphs 390-437. For the second periodic report of the Government of Finland, see CCPR/C/32/Add.7; for its consideration by the Committee, see CCPR/C/SR.643-SR.646 and the Official Records of the General Assembly, Forty-first session, Supplement No. 40 (A/41/40), paragraphs 164-225. Pursuant to the Committee's consideration by Finland's second periodic report, supplementary information was submitted by Finland (document CCPR/C/32/Add.11).

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PART I. GENERAL

1. As this is the third periodic report by Finland to the Human Rights Committee, the Committee has already received much information on the implementation of the Covenant under the Finnish legal system. In drafting the present report it has therefore not been thought advisable to reiterate information already previously given. The report has been outlined so that, at the beginning of the text under each article, reference has been made to the text of the previous reports concerning the implementation of the respective article. To make the references easily accessible, the previous reports have been referred to as the First Report, Second Report, etc., without mentioning the document numbers. The appropriate reports can be found under the following document symbols:

CCPR/C/1/Add.10 - The First Periodic (Initial) Report of 1977

CCPR/C/1/Add.32 - The Additional Report in 1978 to the Initial Report

CCPR/C/32/Add.7 - The Second Periodic Report of 1985

CCPR/C/32/Add.11 - The Additional Report of 1986 to the Second Periodic Report.

2. In drafting the Report, attention has also been paid to the Committee's general comments so that each article would reflect the concerns expressed by the Committee as to the kind of information regarded as desirable. Various statistics have been included precisely to this effect.

3. In reading the Report, attention should be paid to the fact that Finland has now signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and that extensive governmental inquiries have been instituted to examine the conformity of present Finnish laws and administrative practices with that instrument in order to proceed for ratification as soon as practicable. The present situation in Finland is therefore likely to be somewhat modified as a result of those Governmental enquiries.

4. Finally, it should be noted that, on 8 December 1988, the Government set up a Committee on International Human Rights Issues to assist the Ministry for Foreign Affairs in dealing with such matters. The Committee is an advisory body composed of government parties and the opposition, as well as persons recommended by Amnesty International (Finland) and the Finnish Red Cross. These include Members of Parliament, officials and activists of NGOs, human rights scholars and the Deputy Parliamentary Ombudsman. The task of the Committee is to monitor developments relating to the international dimensions of human rights and to give opinions thereof to the Ministry for Foreign Affairs. It shall also act as a co-operative body between public authorities and the various private organizations which deal with human rights issues. It shall hold seminars, disseminate information and organize research on international human rights. As an example, one of its first tasks has been to give an opinion on the content of the present report. The establishment of the Committee reflects the desire to increase the participation of different sectors of Finnish public life in the discussion on the development and implementation of international human rights standards.

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PART II. INFORMATION IN RELATION TO EACH OF THE ARTICLES
IN PARTS I, II AND III OF THE COVENANT

Article 1

5. Reference is made to the additional report of 1977, page 1, where the right of self-determination of minorities in Finland is discussed in general terms, and to United Nations Press Release HR/1795, page 4. See also the Report of the Human Rights Committee (A/34/40) paragraph. 421.

6. As regards the development of political rights in Finland, reference is made to article 25 where the revision of the Constitution Act (570/87) is discussed.

7. In connection with Finland's Second Periodic Report, the status of the self-governing province of the Åland Islands was given as an example of how self-determination of a distinct population group can be realized within a larger community. The Islands, whose population is mainly of Swedish origin, have an extensive autonomy, and also a limited international capacity in so far as they are entitled to a representation of their own in the Nordic Council, as a part of the Finnish delegation.

8. The present Self-Government Act dates back to 1951. It is likely to be replaced by a new Act for which a Bill has been prepared by a Committee appointed by the Government (Committee Report No. 1987:31). The intention is to increase the autonomous status of the Province so as to make it correspond as closely as possible to the original goal of the autonomy, i.e., to place as few restrictions as is possible on a province which does not constitute a separate state. To that effect, the competence of the provincial authorities will be increased in the administrative and economic fields according to the Draft Act prepared by the Committee.

9. Both the Provincial Parliament and the Provincial Government were represented in the above-mentioned Committee, which approved its report unanimously. Moreover, according to the present law, the planned new Act cannot be promulgated without the consent of the Provincial Parliament.

10. The Samis constitute an indigenous population, living mainly in the northern Province of Lapland. The institutional and other measures taken to enhance their language and culture are described under article 27.

11. The present article also establishes an obligation for States to promote the self-determination of peoples living beyond their territories. Therefore Finnish initiatives for the promotion of the independence of Namibia is briefly touched upon in this context.

12. Some decisions by the United Nations on Namibia are based on Finnish initiatives. For example, the United Nations General Assembly established a Namibia Fund in 1970 at the initiative of Finland which has remained one of the main donors. The advisory opinion expressed by the International Court of Justice in 1971 that South Africa's presence in Namibia was illegal, and that it should withdraw from the area, was based on Finland's proposal in the

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Security Council to request an advisory opinion by the ICJ. Moreover, Finland has continuously been in the Senate of the Namibia Institute, established in Zambia in 1976, and the only Nordic representative among the thirty-one members of the Namibia Council since its foundation in 1967.

13. The Namibia nationhood programme was launched at Finland's initiative. The thirty-first United Nations General Assembly (1976) unanimously adopted the proposal to co-ordinate all aid for Namibia into a single country programme.

14. As a part of a joint Nordic programme, Finland passed Act No. 1104/85 in 1985 on measures against South Africa. The export of goods from Finland to the Republic of South Africa or Namibia, and the import of goods into Finland from either country were prohibited by an amendment No. 599/87 in 1987. The granting of any kind of credit to South Africa or Namibia, or the giving of securities for loans is moreover prohibited.

15. Finland has also granted development assistance to Namibia and provided troops for the United Nations operation to supervise the process of independence for Namibia.

Article 2

16. Reference is made to the Additional Report of 1978, pages 2 to 3, where the question of the fundamental rights and freedoms guaranteed by the Constitution Act are dealt with, and to the Second Periodic Report in 1985, page 3, paragraphs 6-9 where the question of incorporation of international conventions ratified by Finland into Finnish legislation is discussed. Reference is also made to the Report of the Human Rights Committee (A/34/40), paragraphs 422-424 and to United Nations Press Release HR/1795, p. 2.

17. With respect to the obligation to guarantee the enjoyment of civil and political rights without discrimination of any kind, there have been noteworthy developments towards the abolition of some existing remnants of inequality between citizens and aliens. Reference can be made to the 1989 Associations Act, discussed in connection with article 22. As explained therein, the most important feature of the Act is the abolition of the restrictions on the right of aliens to set up associations and be active in them.

18. Publicity of official documents, regulated by the 1951 Act (Act No. 83/51) is in Finland an important element of the right to "seek, receive and impart" information in accordance with article 19 of the Covenant. An amendment made to the above-mentioned Act in 1988 (Act No. 739/88) extended the main rule of publicity of such documents to apply also to aliens.

19. In recent years, important developments have also taken place regarding the direct application of the Covenant by Finnish courts and authorities. Although the Covenant was incorporated into Finnish law as early as 1976, it played for many years only a limited role in the practice of courts and other authorities. In 1988, the Covenant was, however, for the first time applied

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by one of the two highest judicial organs of the country, the Supreme Administrative Court (case No. KHO 10.6.1988 T 2491). In addition, the Parliamentary Ombudsman has taken recourse to the said instrument in several decisions he has rendered in recent years. These developments have strengthened the status of the Covenant as a part of the law of the country.

20. In 1989, the Provincial Administrative Courts were detached from the respective Provincial Administrative Boards and established as separate, independent courts which deal with all administrative appeals (Act No. 242/89). Their general jurisdiction now extends, for example, to questions relating to all rights the guaranteeing of which has been entrusted to local and provincial authorities.

Article 3

21. Reference is made to the Additional Report of 1986, page 4, paragraphs 9-12 and to the Second Periodic Report of 1985, page 3, paragraph 10, where the equality between men and women in Finland is discussed generally. Reference is also made to the Report of the Human Rights Committee (A/34/40), paragraph 425 and to United Nations Press Release HR/1795, page 2.

22. Finland ratified the 1979 Convention on the Elimination of All Forms of Discrimination Against Women on 4 September 1986. The Government of Finland submitted its Initial report on the implementation of this Convention to the Committee on Elimination of Discrimination Against Women (CEDAW) in 1988. Reference is made to this report which is enclosed and which was published as a CEDAW document (CEDAW/C/5/Add.56) on 25 February 1988. The report was introduced at the CEDAW meeting in February 1989.

Article 4

23. Public Emergency is governed by Act No. 303 (State of War) of 26 September 1930, and by Act No. 356 (Application of the Provisions of the Act on State of War) of 28 November 1930. There is, moreover, the Act on Securing the Subsistence of the Population and the Economic Life of the Country (No. 407 of 17 June 1970), which gives the Government certain economic and financial powers in case of an obvious threat to the subsistence of the population, the economic life of the country or the economic defence capabilities of the country caused by wars, threats of war or other similar special situations abroad.

24. Reference is made in this context to the Additional Report of 1978, page 5. Reference is also made to the Report of the Human Rights Committee (A/34/40), paragraph 426, and to United Nations Press Release HR/1795, page 3.

25. In 1987, a Working Group of the Ministry of Justice published a proposal for new legislation on securing the functions of society in exceptional circumstances (Ministry of Justice, Law Department publication 6/1987).

26. The proposed Act is intended to incorporate the above-mentioned Act No. 407 of 1970 and to provide for certain additional powers. As the proposed Act would apply also in situations of economic crisis, which would not necessarily fall under article 4 of the Covenant, the proposal does not

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contain powers which would comprise derogations from the full Covenant. The proposal also lists those provisions of Chapter II of the Constitution Act on the fundamental rights of citizens which cannot be derogated from unless Finland becomes the object of armed attack or war.

27. In January 1989, a Government Committee on legislation concerning the state of war submitted a proposal (1988:40) for a new Act on State of War ("State of Defence Act"), which would replace Act No. 303 of 1930. The requirements of article 4 of the Covenant have been taken account of in the Draft Act, which would incorporate not only the principles of proportionality and non-discrimination but also the requirement for notification, through the United Nations Secretary-General as the intermediary, to the other States parties. The proposal would enhance the role of Parliament and the rights of individuals in the application of the Act, as compared to the existing Act of 1930.

28. Government bills based on the two proposals for new emergency legislation are expected to be presented to Parliament in 1989-1990.

29. In this context, the firm position of the freedom of the press in Finland deserves particular attention. The Bill for a new Act on the State of War has been drafted so that even in times of war article 4 could not be used to justify derogation from the freedom of the press, and that possible restrictions would be based on the provisions of article 19 even in that situation.

Article 6

30. As stated in the Additional Report of 1978, page 7, capital punishment was abolished in peacetime by Act No. 728 of 2 December 1949. The death penalty was totally abolished under the Finnish penal system by Act No. 343 of 5 May 1972.

31. Finland signed on 5 May 1989 the Sixth Protocol to the European Convention on Human Rights concerning the Abolition of the Death Penalty.

32. A draft for the legislation on the techniques of artificial human procreation was prepared by a working group at the Ministry of Justice in 1988 (Ministry of Justice, Law Department publication 12/1988). This new legislation proposes to regulate different techniques of artificial procreation and the use, storage and donation of human gametes and embryos. The storage of gametes and embryos by freezing or any other method would be subject to license, and human embryo research would be subject to permission by the National Board of Health. Research on human embryos after 14 days of life would be prohibited without exception. In addition, a proposal for new penal provisions concerning the protection of human embryos, fetuses and the genetic integrity of human beings has been prepared at the Ministry of Justice by the Task Force for the Penal Code Reform in 1989.

33. In modern society, an important aspect of securing the right to life is constituted by efforts to reduce infant mortality. Life expectancy is also enhanced through the general improvement of social and health conditions.

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34. The following supplementary information concerns infant mortality and life expectancy in Finland:

Infant mortality

	1985		1986		1987	
	Number	%	Number	%	Number	%
Under 1 year	395	63	356	59	369	61

Life expectancy

Age	0	15	30	45	60
	years expected				
1911-1920					
- men	43.4	41.1	32.5	22.6	13.4
- women	49.1	47.3	37.0	26.0	15.1
1986					
- men	70.5	56.2	42.1	28.5	16.7
- women	78.7	64.2	49.6	35.2	21.6

Article 7

35. Reference is made to the Additional Report of 1978, page 7, and to the Second Periodic Report of 1985, page 4, paragraphs 11-13, where the constitutionally guaranteed protection of life is discussed. Reference is also made to the Report of the Human Rights Committee (A/34/40), paragraph 428, and to the United Nations Press Release HR/1795, page 5.

36. Finland signed the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 4 February 1985. Finland ratified this Convention in spring 1989.

37. There is no separate special legislation on medical research on human beings. This research is regulated by the guidelines issued by the National Board of Health.

38. General Directive No. 1930 of the National Board of Health gives more detailed regulations and guidelines governing clinical drug tests on human beings. These regulations emphasize the need to keep the patient fully informed and obtain his/her consent, and they guarantee that the patient has the right to withdraw from the tests at any time. All research activity must take into consideration the recommendations and guidelines in the General Directive.

39. In addition, the National Board of Health has issued guidelines (OK 7/1986) for the organization of research and development projects and experimentation carried out at health centres and hospitals.

40. Information regarding patients in mental hospitals is included under article 9.

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Article 8

41. Reference is made to the Additional Report of 1978, page 8, where the relevant provisions of the Penal Code concerning the abolition of slavery and servitude are dealt with, and to the Report of the Human Rights Committee (A/34/40), paragraph 429.

42. It is the understanding of the Finnish Government that Finnish law and practice are in conformity with article 8. Thus the work normally required from a prisoner does not exceed the limits of paragraph 3 (c), considering that such work is performed only during regular working hours, does not contain any elements of hard labour, and is also remunerated (Decree on the Enforcement of Sentences, No. 39/1889, Ch. 3).

43. The provisions in the Fire Services and Rescue Services Act (No. 559/75) oblige, as a rule, everyone to aid in rescue operations, for example, at the request of a person responsible for such operations. Although an element of compulsion may be involved, this is justified on the basis of "emergency or calamity" referred to in paragraph 3 (c) (iii) of article 8, or as a part of everyone's "normal civil obligations" mentioned in subparagraph 3 (c) (iv) of the same article.

44. The Conscription Act (No. 1169/88) was amended in 1988. The term of army service has been staggered into eight, nine and a half, and eleven months respectively, the minimum term being 240 days. The term of those conscripts who will be trained for specialized duties is 285 days, while the training of officers, non-commissioned officers and for other demanding special tasks will take 330 days.

45. As to civilian service and conscientious objectors, reference is made to article 18 of this Report, where these questions are dealt with.

Article 9

46. Reference is made to the Additional Report of 1986, page 5, paragraphs 15-17, concerning deprivations of liberty, and to the Additional Report of 1978, page 8, where the condition for arrest or detention are discussed. Reference is also made to the Report of the Human Rights Committee (A/34/40), paragraph 430, and to the United Nations Press Release HR/1795, page 5.

47. There has been extensive public discussion on the conformity of certain Finnish practices of administrative detention with the requirement set down in article 9 (4). This matter has also been discussed at length in the Reply by the Government of Finland, dated 25 February 1989, regarding Communication No. 265/1987. Therein it was noted that the Finnish translation of the terms "arrest and detention" was perhaps too narrow in that it excludes certain forms of administrative detention from the application of the said article.

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48. In Communication No. 265/1987 submitted to the Human Rights Committee by a conscript sanctioned with military confinement, the Committee was of the view that the communication disclosed a violation of article 9, paragraph 4, of the Covenant, since the author had been unable to challenge his detention before a court.

49. Preparations are under way in order to guarantee that even persons who have been deprived of liberty in an administrative process and who have not previously had the opportunity to have their detention examined by a court, shall have that right after the new law has entered into force. A Government bill with a view to amending the Law on Military Disciplinary Procedure (331/83) and the relevant Ordinance (939/83) will be submitted to Parliament in 1989. According to the bill, a conscript may have a decision on military confinement examined by a court.

50. As regards the treatment of aliens, and, in particular, the detention of aliens under the Aliens Act (400/83), it should be noted that this question is presently under the Committee's consideration (Communication No. 291/1988). Under the Aliens Act (Art. 23) an alien who has sought asylum and who has been refused entry or deported, or regarding whom such a decision is pending, may be taken into custody. The maximum duration of custody is seven days. The Ministry of the Interior may extend this period by seven days at a time if there is a special reason for so doing. Under article 32 of the said Act, an alien taken into custody may submit the decision taken by the police or the passport control officer for a review by the Ministry of the Interior. The decision concerning the prolongation of custody by the Ministry of Interior may be appealed to the Supreme Administrative Court under article 33 of the Aliens Act. A committee has, however, been set up to reform the Aliens Act. Its report was published in February 1989. The Committee has proposed that a decision concerning the taking into custody of an alien could be appealed to the Provincial Administrative Court and that a decision to prolong custody could be appealed to the Supreme Administrative Court.

51. As regards the conditions for arrest and detention in general, it should be noted that a new Coercive Criminal Investigation Means Act (450/1987) entered into force on 1 January 1989. A copy of the unofficial English translation of chapter 1 of the Act is annexed to this report.

52. One of the principal changes introduced in this Act concerns the procedure for remand for trial. In accordance with section 9 of the said Act, it is now the court which has the jurisdiction over the charges that shall decide on remanding a person for trial. Relevant time limits are set out in section 13 of the Act. The existing time limits are still under revision.

53. Some differences in the time spent in remand imprisonment before and after the new Act entered into force can be noted in the following statistics:

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The length of remand imprisonment from the beginning of 1988

1.7.1988	Decision by Court of first instance	Decision by superior court or by the Supreme Court	Total
1 - 10 days	62	8	70
11 - 20 days	130	7	137
21 - 30 days	165	6	171
31 - 40 days	92	5	97
41 - 50 days	68	4	72
51 - 60 days	28	3	31
61 - 90 days	30	11	41
91 - 120 days	5	27	32
121 - 150 days	7	38	45
151 - 180 days	9	20	29
over 180 days	22	69	91
Total	618	198	816

Remand prisoners 1.7.1988 399.

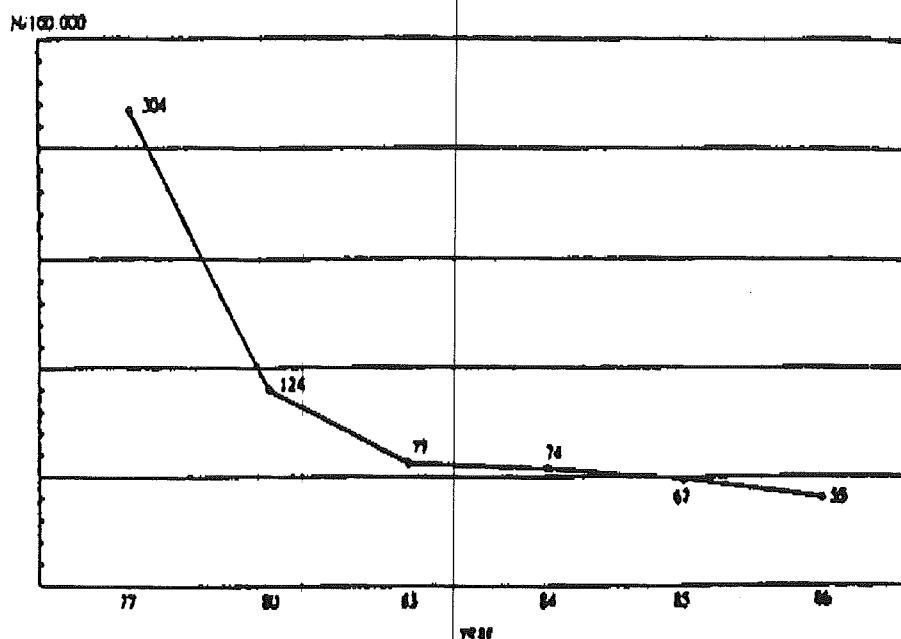
1.7.1989	Decision by Court of first instance	Decision by superior court or by the Supreme Court	Total
1 - 10 days	59	5	64
11 - 20 days	132	9	141
21 - 30 days	110	1	111
31 - 40 days	58	5	63
41 - 50 days	23	0	23
51 - 60 days	30	1	31
61 - 90 days	26	12	38
91 - 120 days	6	30	36
121 - 150 days	5	34	39
151 - 180 days	6	26	32
over 180 days	34	72	106
Total	489	195	684

Remand prisoners 1.7.1989 319.

54. The provisions concerning compulsory detention to mental hospitals are found in the Mental Illness Act 187/1952, amended 521/1977. A revision of this Act is currently under way.

55. The use of compulsory detention in hospital has decreased since the adoption of the 1977 Act. Before the 1977 Act, the rate of patients treated involuntarily was as high as 304 per 100,000 inhabitants in a one-day census. By 1986, the number has diminished by 82 per cent. In 1980, the rate was 124, in 1983 77, in 1984 74, in 1985 67, and in 1986 55 per 100,000 inhabitants.

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page 11Involuntary treatment in a one-day census 1977-1986
rate per 100,000

56. Already during the 1970s, the principle had been accepted in Finnish law and practice that the rights of a person deprived of his/her liberty may be curtailed only to the extent necessary for the fulfilment of the purpose of the said detention.

57. The legal security of compulsorily detained patients is being improved by defining the criteria for involuntary placement more exactly, by defining a maximum period of nine months for placement and by increasing court control of the decisions. Force may be employed against a person admitted involuntarily to a mental hospital only to the extent that it is necessary for the treatment of his/her illness or for necessary protection of his/her own security or that of other persons (Mental Illness Act 187/1952, Section 37, amended 521/1988). The Act on the Special Care of the Mentally Retarded (519/77) contains a similar provision in Section 42.

58. The number of cases where a mental patient has been isolated in a single room is as follows:

<u>1985</u>	<u>1986</u>	<u>1987</u>
80	84	64

59. The total amount of patients in mental hospitals is as follows:

<u>1985</u>	<u>1986</u>	<u>1987</u>
14,530	13,641	13,009

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60. In connection with the reform of the Provincial Administrative Courts in 1989, the Provincial Administrative Courts were separated from the respective Provincial Administrative Boards and established as separate independent courts to deal with all questions related to administrative appeals (Act No. 242/89). The court's jurisdiction in dealing with cases concerning involuntary placements of mentally ill or retarded persons is improved by appointing expert members to the courts for these cases, as well as for other cases concerning involuntary placements (Act No. 242/89). The provisions concerning appeal against a decision concerning involuntary placement in the Act on the Special Care of the Mentally Retarded are also amended. The appeals are to be examined by the Provincial Administrative Courts (Act No. 259/89).

61. The conditions for compulsory treatment have been specified in the Welfare for Intoxicant Abusers Act (41/86) which came into force on 1 January 1987. In accordance with section 10 of the Act, a person can be subjected to treatment against his/her will only on grounds of a health hazard or violence. The new Narcotics Act (395/87) contains basic provisions for clinical drug trials.

62. On the grounds of being a health hazard, a person may be subjected to treatment against his/her will for a maximum of five days. The order may be given by the responsible medical officer of a health centre or the senior medical officer of a hospital on grounds of a medical report given by another physician.

63. On the grounds of violence, the municipal social welfare director or secretary may place a person in short-term treatment regardless of his/her will for a maximum period of five days. The decision must immediately be submitted for the approval of the Provincial Administrative Court.

64. On the proposal of the municipal social welfare board, the Provincial Administrative Court may decide to subject a person to treatment against his/her will, on grounds of violence, for a maximum period of 30 days. Before the decision is made, the person concerned must be heard, and the need for treatment must be established as required by the Act. It is possible to appeal the decision to the Provincial Administrative Court, with further appeal to the Supreme Administrative Court.

65. With regard to children taken in custody, reference is made to article 24 where some statistics on this matter are presented.

Article 10

66. As regards the provisions of paragraph 2, subparagraph (b), and paragraph 3 of the Covenant, reference is made to in the Initial Report (the Finnish reservation). Reference is also made to the Additional Report of 1978, page 10, where the prison authorities and police authorities are discussed as well as to the Second Periodic Report, page 4, paragraphs 14-18, where the Finnish penitentiary system is discussed. Reference is also made to United Nations Press Release HR/1795, page 5.

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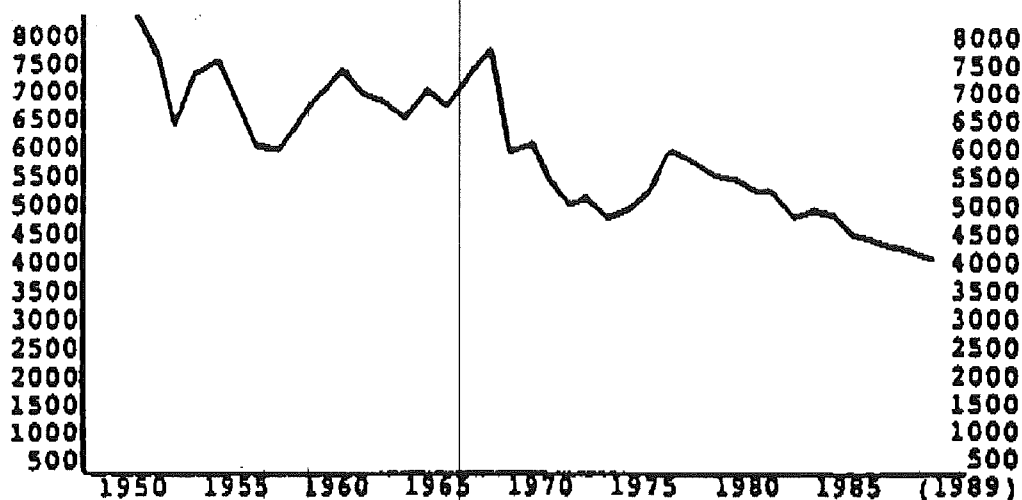
67. The conditions for solitary confinement were regulated in detail by an amendment of the Enforcement of Sentences Act in 1987 (chapter 3, section 9).

68. According to the Military Disciplinary Procedure Act (331/83) a conscript may be kept in military confinement (close arrest) during a disciplinary procedure. This is the most severe type of disciplinary punishment and the maximum length of arrest is 15 days and nights. As to the right to appeal such a decision, reference is made to details under article 9 in this Report.

69. There are plans to develop the penitentiary system and penal sanctions in general. The level of imprisonment has traditionally been relatively high in Finland, but during recent years the prison population has been declining (now there are about 80 prisoners per 100,000 citizens). New means of reducing the rate of imprisonment are actively being sought. In 1989, the Government has submitted to Parliament a Bill for partial reform of the Young Offenders Act under which a juvenile delinquent (= an accused who was under the age of 18 years when committing the offence) may not be sentenced to imprisonment unless there are exceptionally well-founded reasons for this. The Task Force for the Reform of the Penal Code is currently considering the possibility of adopting new alternatives to imprisonment and ways to reduce the average length of prison sentences. The oldest prisons will be replaced or modernized, and considerable improvements in the after care of prisoners will be introduced.

70. With regard to the penitentiary system of Finland, reference is made to the general introduction "The Criminal Justice System of Finland", attached to this report. This introduction also includes statistics on the prison population in Finland.

Total prison population in Finland on 1 January 1950-1989



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71. As to young offenders sentenced to imprisonment 1983-1988, the following statistics may be given:

Year	Age group	
	15-17	18-20
1983	53	328
1984	22	311
1985	58	284
1986	51	255
1987	39	250
1988	46	183

72. According to the Dangerous Recidivists Act (303/1971), persons guilty of repeated violent offences such as murder, aggravated assault, robbery or rape with aggravated violence may be sentenced to incarceration for an indeterminate period. If the offender continues to present an evident and serious danger to the life or health of other persons, the Prison Board can determine that the offender will stay in preventive detention. The Prison Board reviews the case at least once every six months. At the beginning of 1989, 13 prisoners were being held in preventive detention.

Article 12

73. Reference is made to the Additional Report of 1978, page 11, and to the Report of the Human Rights Committee (A/34/40), paragraph 431, and to United Nations Press Release HR/1796, page 2.

74. The new Passport Act (642/86) and Passport Decree (643/86) entered into force on 1 October 1987. They are based on the principle that a citizen's right to travel abroad is a basic right and its exercise can be restricted only for very serious reasons. These reasons are set down in section 9 of the Act which provides:

"A passport may be denied a person:

1. Who has been denounced with cause to the police or to a prosecutor for an offence subject to imprisonment for over one year, or who is wanted as a suspect or is on trial as a defendant for such an offence;
2. Who has been sentenced to unconditional imprisonment or to a fine exceeding an amount in day-fines specified by Decree and who has not served his sentence;
3. Whose name has been entered in a claims register referred to in section 20 (a) of the Enforcement of Fines Act for unpaid fines exceeding an amount in marks specified by Decree;

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4. Who can be suspected with cause of committing an offence using the passport;
5. Who has been found incapable of caring for himself;
6. Who is liable for military service and is 17 but not 30 years of age, unless he shows that his liability for military service does not constitute a bar to the issue of a passport.

A passport will not be issued to a person:

1. If the issue of a passport to him has been prohibited under section 34, paragraph 1 or 2, of the Child Maintenance Security Act (122/77); or
 2. Who is subject to the travel ban referred to in chapter 7, section 10 of the Execution Act."
75. Even when any such reason might exist, consideration must always be given to whether, instead of issuing the passport, the passport could be given for a limited period.
76. A Finnish citizen cannot be deported and always has the right to return to Finland.
77. The new Contagious Diseases Act (583/86) contains provisions concerning compulsory health measures. For instance, if a contagious disease dangerous to public health appears, the health authorities may as a last resort order a person to be isolated for treatment in a health care institution. The maximum period for isolation is five months. The decision concerning isolation can be appealed to the Provincial Administrative Court.
78. In Finland, HIV infection or AIDS has not been classified as a contagious disease dangerous to public health which would authorize coercive measures.

Article 13

79. Reference is made to the Second Periodic Report of 1985, page 5, paragraphs 19-20, and to the Additional Report of 1986, page 6, paragraph 19, where the grounds for expulsion of aliens under the Aliens Act (400/1983) are mentioned. Reference is also made to United Nations Press Release HR/1796, page 2.
80. The Finnish reservation to article 13, concerning an alien's right to be heard when dealing with his/her expulsion and the right to appeal against such a decision was withdrawn on 29 March 1985 because the new Aliens Act (No. 400/83) grants aliens these rights.

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Article 14

81. This article has been generally discussed in the Additional Report of 1978, page 12, where the criminal proceedings in Finland are discussed, and to the Second Periodic Report of 1985, page 5, paragraphs 21-24 where the Publicity of Court Proceedings Act of 21 December 1984 is discussed. Reference is also made to the Report of the Human Rights Committee (A/34/40), paragraphs 432 and 433.

82. The Finnish reservation to article 14, paragraphs 1 and 3, concerning public trial, was withdrawn on 29 March 1985 because the relevant provisions of Finnish legislation have been amended as to correspond fully to article 14 (1) of the Covenant through the new Publicity of Court Proceedings Act (No. 945 of 21 December 1984) which came into force on 1 April 1985.

83. When ratifying the Covenant, Finland made a reservation to article 14 (3) (d) in so far as it concerns the right to have free legal assistance. Finnish law did not guarantee such a right at the stage of pre-trial investigations which, in the understanding of the Finnish Government, are to some extent covered by article 14.

84. A new Pre-Trial Investigations Act (Act No. 499/87) entered into force on 1 January 1989. It contains the main rule about the right to legal counsel in connection with pre-trial investigations. Recent amendments (Act No. 268/89) made to the Cost Free Proceedings Act (Act No. 87/73), moreover, extended the possibility to get free legal aid (provided the suspect does not have sufficient means to pay for his assistance), to apply also to the pre-trial investigation stage, while formerly cost free trials could only be granted for the main trial. These amendments made the reservation in question unnecessary.

85. The possibility of withdrawing the Finnish reservation to article 14 (7) without amending Finnish legislation has also been discussed.

Article 17

86. Reference is made to the additional report in 1978, page 15-19 and to the second periodic report in 1985, page 6, paragraphs 25-28 where the relevant legislation concerning protection of privacy is dealt with. Reference is also made to the Report of the Human Rights Committee (A/34/40), paragraph 434, and to United Nations Press Release HR/1796, page 3.

87. There has recently been extensive public discussion in Finland about the conditions for keeping personal data files (registers) that might violate the right of privacy. As a result, new legislation on personal data files entered into force on 1 January 1988. The purpose of the new legislation is:

- (a) To protect the privacy, and the interests and rights of citizens;
- (b) To ensure the security of the State;

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(c) To establish uniform data file practices in accordance with good data file practice;

(d) To ensure a certain openness in the use of such files.

88. The scope of the Personal Data File Act (471/87) is extensive. The Act includes provisions for the collection and recording of personal data, for the use of personal data files and for the delivery of personal data from such files. The Act covers both computerized files and manual registers, maintained by independent entrepreneurs or the authorities. The Act sets various obligations for controllers of files and, for example, for businesses engaged in computer services. Persons working for controllers of data files are under an obligation of secrecy, and revealing data is subject to punishment. The Act determines who has the right to collect and register personal data, what kind of data can be registered, what purposes they can be used for, when personal data files can be combined, and when personal data can be delivered. The controller of a file shall protect personal data files. The Act criminalizes unauthorized access to personal data files (hacking).

89. Under the Act, the subject of a data file has the right to:

(a) Prohibit the use of personal data regarding himself for the purposes of direct marketing, directory assistance, and opinion and market research;

(b) Have recorded data which is erroneous, unnecessary, defective or outdated rectified. The new Data Protection Ombudsman shall work at the Office of the Data Protection Ombudsman, established for implementing and supervising the relevant legislation. The Data Protection Board shall have the authority to decide on data protection matters.

90. As a consequence of the new legislation on personal data files, the legal basis for some of the national health registers kept by the National Board of Health became inadequate. A new National Health Registers Act entered into force on 1 September 1989 (556/89).

91. In certain exceptional circumstances the communication of individuals may be interfered with. The conditions of interference are strictly limited and regulated by law. There are no restrictions in the Mental Illness Act or the Mental Health Act draft concerning the patient's rights to communicate with any appropriate authorities and a lawyer. The patient also has the right to send any letter unopened. Letters and packages addressed to a person placed as an involuntary patient may, however, in exceptional cases be checked and withheld if it is absolutely necessary for reasons of order or security, or if there is an evident reason to suspect that they contain alcohol or drugs.

92. Under the Remand Imprisonment Act (455/1987), section 13 (a)-(b), a remand prisoner may, with certain restrictions, contact people outside the prison by telephone in order to attend to important matters which cannot be settled by mail or in appointments. According to the law, such telephone conversations may be tapped, provided that the inmate and his contact will be notified in advance.

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93. The Telecommunications Act was revised in 1987 (186/187), paragraph 29, deals with the secrecy obligation of a person who is or has been employed by a telecommunications operating agency. According to this paragraph, such a person is not allowed to reveal illicitly what he has learned on duty of the contents of a message transmitted in telecommunications. The secrecy obligation also concerns the identity of parties to telecommunications and the information enabling identification of the parties.

94. The police have no right to tap telephone conversations in Finland. The Government Committee's proposal (1988:40) for a new Act on State of War, neither suggests tapping during state of war, nor explicitly objects to it.

95. The Task Force for the Penal Code Reform has, in 1989, prepared a proposal for new penal provisions against unlawful interference with a person's privacy. These provisions would be included in a chapter regulating data protection and offences against free communication.

Article 18

96. Reference is made to the Additional Report of 1978, page 19, where the Freedom of Religion Act (267/1922) is dealt with, and to the Report of the Human Rights Committee (A/34/40), paragraph 435, and to United Nations Press Release HR/1796, page 3.

97. New legislation on the status of conscientious objectors to Finland's obligatory military service was passed in 1985 (647/1985). It entered into force at the beginning of 1987 for a trial period of five years. Giving a person the option of either serving in the military or becoming a conscientious objector, the law abolishes the Investigative Board which previously decided whether or not to confer the status of conscientious objector. The personal convictions of persons who apply for civilian (alternative) service are no longer examined before the Board. Instead, conscripts may be admitted directly to alternative service upon their own declaration. The new law also lengthens alternative civilian service for a conscientious objector to 16 months, twice the minimum length of military service. As an argument for the difference between civilian service and military service, reference has been made to the fact that civilian service is the less strenuous alternative. At present, civilian service includes relevant training and work, and therefore it can be said to be useful to the future profession of the candidate. Reference in this context is also made to Communication No. 295/1988, submitted to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, concerning the length of the civilian service under the temporary Law on Unarmed Service and Civilian Service (647/1987). Those who do not accept unarmed military service, according to the law presently in force, can be sent to prison where they will serve a sentence of approximately one year. Jehovah's Witnesses are exempted from military service altogether under the new law.

98. The Freedom of Religion Act (No. 267 of 10 November 1922) was revised in 1985 (1049/85). Section 9 was revised to give a person belonging to a religious group the option either to swear an oath or to give a corresponding solemn affirmation (for example in courts) on one's honour and conscience.

99. In 1978, a Finnish citizen submitted a Communication (No. R.9/40) to the Human Rights Committee concerning the teaching of religion in schools. The author of the communication claimed that the School System Act of 26 July 1968, section 6, violates article 18 (4) of the Covenant inasmuch as it stipulates compulsory attendance of children whose parents are atheists at classes on the History of Religion and Ethics.

100. The Committee, however, did not consider (see CCPR/C/DR/R.9/49) the relevant provisions of Finnish legislation (that classes in History of Religion and Ethics should be given instead of religious instruction to school children whose parents or legal guardians object to religious instruction) incompatible with article 18 (4), if such alternative instruction is given in a neutral and objective way and respects the conviction of parents and guardians who do not adhere to any religion. The Committee also believed that appropriate action would be taken by the relevant authorities to resolve the difficulties in giving effect to the relevant provisions of the School System Act.

101. At present, school legislation, notably the Comprehensive School Act and the Upper Secondary School Act, both passed in 1983, do not recognize a discipline by the name "History of Religion and Ethics".

102. Today Finnish school children who do not belong to any religious community receive instruction in a discipline called "Philosophy of Life". When setting the aims and preparing the nation-wide curriculum, attention was paid to the criticism levelled at the former "History of Religion and Ethics" by the Finnish Union of Free Thinkers. The new subject, Philosophy of Life, is not meant to counterbalance the teaching of religion, nor should it be seen as having a religious connection. The new subject has been devised to provide basic information on the philosophy of life and to inspire and help those school children who do not belong to any religious community, and who have consequently been exempted from the regular religion classes, to form their own view of life, without leading them to adopt any given way of thinking.

Article 19

103. Reference is made to the Additional Report of 1978, page 20, and to the Second Periodic Report of 1985, page 7, paragraphs 29-40, where the relevant legislation on freedom of expression is discussed. Reference is also made to the Report of the Human Rights Committee (A/34/40), paragraph 436, and to United Nations Press Release HR/1796, page 4.

104. Article 49 of the new Pre-Trial Investigation Act (449/87), provides that information on pre-trial investigation must be so distributed that nobody becomes suspected of an offence without adequate reasons and that no unnecessary harm is caused. According to section 48, the official in charge of the investigation may prohibit anyone from divulging information on investigations at which he or she was present under certain conditions if divulging such information might hamper the investigations or cause harm to those concerned. Such prohibition is valid for a maximum period of three months at a time.

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105. The Act on the Censorship of Video Programmes and other Pictorial Programmes of 1987 (Act No. 697/87) makes the distribution of video cassettes and other similar films subject to approval by a public authority. The approval may be denied where the programme is obviously in breach of law or where it, considering its context, violates morals, makes the viewer susceptible to brutal tendencies or is harmful to mental health. In the view of the Finnish Government all these limitations on the freedom of expression are necessary for the protection of public order, or for the protection of public health or morals in accordance with article 19 (3).

106. In 1988, the State Office of Film Censorship examined video programmes (over 60 min) as follows:

Age limit	Number of programmes	%	Duration (min)	%
Totally prohibited	16	1.67	1 449	1.56
Prohibited under 18	55	5.74	5 052	5.42
Prohibited under 16	468	48.80	44 883	48.17
Permitted	420	42.80	41 790	44.85
Total	959	100.00	93 174	100.00
Prohibited under 18; deletions	4		19 sec	
Prohibited under 16; deletions	37		36 min 2 sec	
Permitted; deletions	7		3 min 2 sec	
The total number of deletions	48	5.01	39 min 23 sec	

107. These statistics show that video programmes have been censored only to a very small extent.

Article 20

108. As regards the provision of article 20, paragraph 1 of the Covenant, and the reservation made by Finland, reference is made to in the Initial Report of 1977, page 4. Reference is also made to Additional Report of 1978, page 20, and to United Nations Press Release HR/1796, page 4.

109. The Finnish reservation to paragraph 1 dealing with the prohibition of propaganda for war, is made on the grounds that this might endanger the freedom of expression referred to in article 19 of the Covenant.

110. The Task Force for the Penal Code Reform has in its 1989 report refrained from proposing a general prohibition against any propaganda for war. However, the proposal for new provisions on treason includes a restricted prohibition against incitement to war.

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page 21Article 22

111. The right to freedom of association envisaged in article 22 of the Covenant is guaranteed by article 10 of the Constitution Act, supplemented by the Associations Act (Act No. 1/1919 of 4 January 1919). Reference is made to the Additional Report of 1978, page 22, where this question is generally treated, and to the Report of the Human Rights Committee (A/34/40), paragraph 437.

112. Reference can be made to the new Associations Act passed by Parliament in 1989 (Act No. 503/1989), in which the founding of an association where the majority of members (or even all of them) are aliens is not dependent on specific governmental approval, as was the case according to the previous law (under which such approval was needed if more than one third of the members were aliens).

113. The new Act also allows an alien to be a member of the Board of an association without restrictions. With certain exceptions concerning citizens of other Nordic countries, this Act restricts the membership of political parties to Finnish citizens. According to the Constitutional Committee of the Parliament, this has been considered to be in accordance with the Covenant in view of article 25, the underlying idea of which is that participation in the political decision-making process can be reserved for citizens.

Article 23

114. The Marriage Act was revised substantially in 1987 (Act No. 411/87). The right of men and women of marriageable age to marry and to establish a family has been enhanced in so far as the number of legal impediments to marriage has been reduced. Thus, unlike under the former law, affinity and mental illness do not constitute such impediments any longer.

115. The revised Act purports to regulate the question of divorce in a way which neither unnecessarily strains relations between the spouses nor promotes divorces not based on careful consideration. The most important change, as a matter of principle, was the abolition of a system in which the decision on divorce is based on the "guilt" of one of the spouses.

116. Although the former law was essentially based on the principle of equality between the spouses, this principle has been strengthened in the revised Marriage Act. While under the old law, the principle of equality was expressed in the form of a main rule in part II of the Act (Legal Relations Between the Spouses), in the revision it was worded in an unconditional manner and moved to chapter I of part I where certain fundamental rules and principles are put forward. The age of marriage for women used to be 17 years and for men 18 years; the corresponding age in the revised Act has been set for both sexes at 18 years. This was in part due to Finland's commitments under the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Finland in 1986.

117. The Surname Act was revised by Act No. 694, of 9 August 1985, which makes it possible for either spouse, when entering into marriage, to choose the other's surname. (See also the information given under article 3 and annexed to the present report.)

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Article 24

118. The question of acquisition of nationality is dealt with in the Second Periodic Report of 1985, page 10, where the relevant provisions of the Nationality Act of 28 June 1968 was amended by Act No. 584 of 10 August 1984 are found.

119. According to Finnish legislation, a person becomes of age at 18 and subsequently has the right to make independent decisions concerning his own affairs. Younger children are also entitled to certain rights. Age-related rights are listed below:

<u>Age</u>	<u>Rights</u>
0 year	Right to Finnish citizenship. Right to name, care, security, upbringing and physical integrity.
7 years	Right to education.
15 years	Right to make contracts for employment and apprenticeship. Right to control one's own property gained from work and the right to bring an action and defend one's case before a tribunal concerning such property. Right to apply for a firearm certificate with the consent of the guardian. Right to ride a moped.
16 years	Right to unemployment benefits, sickness insurance and general pension benefits. Right to join or leave a religious community. Right to purchase tobacco and to see films not permitted to children.
18 years	Most political rights. Right to driver's licence.
20 years	Right to work as a teacher. Right to purchase spirits.
25 years	Right to carry out duties in the judiciary, as foster parent, as a guardian, as a member of a guardianship board, as a real estate broker.

120. The Child Welfare Act was revised by Act No. 683 of 5 August 1983. According to section 3 of this Act, a person is considered to be a child until he/she reaches the age of 18 years. A person who has reached the age of 18 years, but not 21 years, is considered to be a juvenile. The responsibility for the social protection and welfare of children belongs, in the first place, to their parents.

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121. The number of children taken in custody as a social welfare measure in 1986-1987 is as follows:

	<u>1986</u>	<u>1987</u>
Under 1 year of age	205	114
Ages 1 to 10	2 640	2 359
Ages 11 to 18	4 199	4 002

122. The Guardianship Act was revised by Act No. 368 of 9 August 1983. According to section 23 of the Guardianship Act, the guardians of minors are the persons having the care and custody of them (normally the parents). When a person is placed under guardianship, the court has to designate a guardian for him.

Article 25

123. Reference is made to the Additional Report of 1978, where the relevant provisions of the Parliamentary Act concerning the right of citizens to take part in parliamentary elections are mentioned.

124. In 1987 (Act No. 570/87) chapter III (a) was added to the Constitution Act, providing for the possibility of holding consultative referendum. Such referenda can be held by virtue of a special Act of Parliament. The procedure to be followed is set down in Act No. 571 of 1987. So far, no referendum has been held on the basis of these new provisions. A similar system is also being devised at the municipal level.

125. Article 25 guarantees only to citizens the right to direct political participation and the right to enter public service. Going beyond the minimum obligations imposed by that provision, Finnish law has moved towards providing for more equality between citizens and aliens as regards the rights covered by article 25.

126. The right to vote in municipal elections applies also to citizens of other Nordic countries after a minimum period of residence of two years, as was explained in Finland's Initial Report. It can be seen as a logical consequence of this that, in the new Associations Act (see articles 2 and 19 above) citizens of Denmark, Iceland, Norway and Sweden who have municipal voting rights, have also been given the right to become members of political parties.

127. Until recently, article 84 of the Finnish Constitution Act set forth the principle that, with certain exceptions, only Finnish citizens may be appointed to civil service. By virtue of other legislation and judicial precedents, the same rule applied also to the municipal public service. Article 84 is, however, being modified by a constitutional amendment (Government Bill 6/89) so that, after this amendment has entered into force, everyone will have the right to enter public service. However, certain high State offices such as President of the Republic and Government Ministers, the Chancellor of Justice and the Parliamentary Ombudsman, will remain barred to all but Finnish citizens.

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Article 26

128. Reference is made to the Additional Report of 1978, page 34, and to United Nations Press Release HR/1796, page 2.

129. In 1987, the Finnish Government submitted its Ninth Periodic Report on the International Convention on the Elimination of All Forms of Racial Discrimination. The report focuses on new developments in relation to the said Convention with special emphasis on measures aimed at improving the social, economic, educational and cultural conditions of the two ethnic minorities in Finland, namely, the Sami and Romany population. Information on these minorities is given under article 27.

130. The revised Civil Servants Act (755/86) contains a provision (section 17) according to which civil servants should be treated equally in service without discrimination as to religion, sex, age, political opinion, etc. Section 13, paragraph 3 of this Act prohibits discrimination when appointing civil servants.

131. Likewise, the revised Contracts of Employment Act (935/87) contains a provision (section 17) extending the prohibition of discrimination to the appointment procedure.

132. In 1989, the Task Force for the Penal Code Reform prepared a proposal for a new penal provision on discrimination. This provision would expand the scope of criminal discrimination.

Article 27

133. Reference is made to the Additional Report of 1978, pages 34-35, and to the Second Periodic Report of Finland of 1985, page 11, where the ethnic minorities in Finland are discussed.

134. The Government Bill for an Act on Specialist Health Care (No. 94/88) contains a provision which gives the patient the right to receive health care in his own language, Finnish or Swedish, in bilingual districts.

135. The Samis constitute an indigenous population, living mainly in the northern province of Lapland. At the present, there are 5,700 Samis in Finland. In 1973 (Statutory Decree 824/1973), a permanent Sami Delegation ("Sami Parlament") was established, composed of 20 representatives of the Sami population. The members are appointed by the Government on the basis of elections held every four years. Persons who speak Sami as their first language have the right to vote and to be elected. In the latest elections, held in 1987, 4,059 persons had the right to vote. The turn-out was 55.3 per cent.

136. The purpose of the Delegation is to pursue the rights of the Samis, to enhance their economic, social and cultural situation and to put forward initiatives and proposals and give its opinion on various matters, such as environmental questions, reindeer husbandry and education. The Delegation has no authority to take binding decisions.

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137. In addition, there is an Advisory Board for Sami Affairs, appointed by the Government and composed of five representatives of different Ministries and five persons maintained by the Sami Delegation (Statutory Decree No. 367/1987). The Governor of the Province of Lapland acts as the chairman. The Advisory Board may put forward initiatives and proposals and give its opinion to the Government authorities concerned. It also takes part in the preparation of inter-Nordic matters relating to Sami affairs.

138. Since 1986, there has also been an Advisory Council for Sami Educational Affairs, which advises the Ministry of Education on the development of Sami education and is attached administratively to the Provincial Government of Lapland. The Advisory Council is appointed by the Government. The chairman is a civil servant of the provincial Government. Of the 10 members, 6 are nominated by the Sami Delegation (Statutory Decree No. 321/1986). The Council shall, in particular, pay attention to the preservation and development of the Sami language and culture, and advance the teaching of and in the Sami language.

139. In the legislation for primary and secondary schools enacted in the 1980s (Act No. 476/1983 and Act No. 477/1983, Statutory Decrees No. 718/1984 and No. 719/1984), it is provided that the teaching language in the Sami areas may be Sami (instead of Finnish or Swedish). There is a similar provision in the legislation on child care (Act No. 875/1981). There is also a Vocational Training Centre for the Sami areas, the task of which is to promote traditional Sami culture (Act No. 994/1977). The legislation on a Finnish Research Centre for Domestic Languages (Act No. 48/1976, Statutory Order No. 187/1976) defines Finnish, Swedish and Sami as the domestic languages. Also in an Act concerning local government cultural activities (No. 1045/1980), the Sami population is given a similar status as the Finnish-speaking and Swedish-speaking populations. In 1987, the Sami Delegation put forward a proposal for a special Sami Language Act, presently under consideration. The intention is to guarantee the Samis the same right to use their mother tongue in courts of justice and with the authorities in general as Finnish citizens with Finnish or Swedish as mother tongue. The right would apply to all State, municipal and church authorities, as well as to a few central authorities.

140. There is elaborate legislation on reindeer breeding, reindeer farms and the primary occupations in the northern parts of the country (Acts Nos. 444/1948, 590/1969, 610/1984). According to the 1984 Act, primary occupations such as farming, fishing, hunting, reindeer breeding and the picking of berries and mushrooms may receive special support in the form of land, special rights, loans and subsidies. The application of this legislation is not formally restricted to the Sami population which enjoys no monopoly on reindeer breeding or hunting and fishing. In addition, there is a special Scolt Act (No. 611/1984), providing special protections to the Scolts, who in 1944 emigrated from the Petsamo area (since then under Soviet jurisdiction) to the Finnish municipality of Inari.

141. A government study of the legal status and rights of the Sami population is under way. There is also Nordic co-operation in this field, involving, for instance, a Joint Nordic Committee for Sami Culture and Reindeer Husbandry (consisting of Government representatives), the Nordic Sami Institute in Kautokeino, Norway (subordinated to the Nordic Council of Ministers), and the Nordic Sami Council (appointed by the Nordic Sami Conference).

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142. The Finnish Romanies speak Finnish as their mother tongue even though Romany is spoken to some extent. In 1967 the Romanies organized themselves as the Finnish Gypsy Association. The work of this association resulted in new laws such as the Act Prohibiting Discrimination on the Basis of Racial or Ethnic Origin (1970) and a law aimed at improving the Romany housing conditions (1975). The National Board of General Education is making efforts to produce teaching material which would meet the needs of the Romany population.

143. The provisions concerning the official languages, Finnish and Swedish, are contained in article 14 of the 1919 Constitution Act and in the Language Act and the Knowledge of Languages Required of Civil Servants Act of 1922.

144. The need for more comprehensive legislation on the use of the official languages in the field of health and social welfare is recognized. Thus the Child Day Care Act (No. 36/73) (section 11 as amended in 1981 (No. 875/81)) states that municipalities should arrange for children's day care in their mother tongue, in Finnish, Swedish or Sami.

145. The Social Welfare Act (No. 710/82), section 39, states that the client's language has to be taken into consideration in organizing social services.

146. The Government Bill on Specialist Health Care (No. 94/88) contains a provision which gives the patient the right to health care in his own language, meaning Finnish or Swedish in bilingual districts.

147. The Ministry of Social Affairs and Health is also preparing amendments in the basic social and health legislation to provide a legal basis for arrangements agreed upon in the Nordic Language Convention (Decrees Nos. 193/87 and 643/87). The aim of the Convention is to enable citizens in the Nordic countries to use their own language when dealing with public authorities or public institutions in another Nordic country.
