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CCPR

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Distr.
GENERAL

CCPR/C/1/Add.32
23 August 1978

Original: ENGLISH

Human Rights Committee
Fifth session

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

Initial reports of States Parties due in 1977

Addendum

FINLAND */

[11 July 1978]

Information relating to Part I of the Covenant

The Constitution of Finland is based upon certain laws of fundamental character and to some extent upon customary law. The principal fundamental law is the Constitution Act, of 17 July 1919, the text of which in English translation has been forwarded to the Human Rights Committee earlier. This Act determines the basic democratic principles upon which the State of Finland is organized, the fundamental rights and freedoms of the citizens, and the competence and mutual relations of the principal organs of the State. The composition and the function of the representative assembly, Parliament, are laid down in the Parliament Act, of 13 January 1928, as amended later on. In addition, there are two acts of 25 November 1922, which have the sanctity of fundamental law. One concerns the right of Parliament to review the legality of official actions taken by Cabinet Ministers and by the Chancellor of Justice, and the other the composition and competence of the High Court of Impeachment. Furthermore, the Act of 28 December 1951 concerning the Self-Government of the Åland Islands falls into this category. The text of this Act, partly in a summarized form, appears in the United Nations Yearbook on Human Rights for 1951.

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*/ Additional information submitted by the Government of Finland in connexion with the initial report of Finland (CCPR/C/1/Add.10) which was considered by the Committee at its 30th meeting on 18 August 1977 (see CCPR/C/SR.30).

The following reference material submitted together with the present document, is available for consultation in the files of the Secretariat:

1. Constitution of Finland (in English and French).

2. Extract from the Yearbook on Human Rights for 1951 which deals with Act No. 670, Concerning the Autonomy of the Aland Islands.

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According to the Constitution Act, Finland is a sovereign Republic. The sovereign power rests with the people, represented by their delegates assembled in Parliament. Legislative power shall be exercised by Parliament in conjunction with the President of the Republic. The supreme executive power is vested in the President elected by the people of Finland for a term of six years at a time. In addition, there shall be for the general administration of the country a Council of State consisting of a Prime Minister and the necessary number of ministers. The Council of State shall enjoy the confidence of Parliament. The judicial power shall be exercised by independent tribunals. The members of the judiciary shall be appointed in accordance with the relevant provisions of the Constitution Act and other acts based on it.

The people of the Åland Islands have been granted a large autonomy based on the Act on the Self-Government of the Åland Islands mentioned above. For the purpose of local administration, Finland is divided into provinces and these again into urban and rural communes, each having its own government. Each commune has a representative council, the members of which are elected by the people of the respective commune by general suffrage.

Information relating to Part II of the Covenant

The Constitution Act, in its Chapter II, includes a list of classical fundamental rights and freedoms drawn up in the spirit of the universal liberal trend originated in various historically well-known bills of rights. Substantially they correspond to the civil and political rights mentioned in the Covenant although the wording and construction differ to some extent from those of the Covenant. This is, of course, due to the ancientness of the Constitution Act compared to the Covenant.

At the head of the list of fundamental rights and freedoms is the general provision that all citizens are equal before the law, which implies that law and justice protect every individual citizen or group of citizens equally regardless of their race, colour or national or ethnic origin. This provision is followed by a provision stating that every citizen shall be protected by law in his life, honour, personal liberty, and property and that the labour of the citizens shall be under the special protection of the State. The right to reside in the country by virtue of which no citizen can be exiled is also recognized. Citizens are entitled freely to choose their place of residence and to move from one place to another. Furthermore, the list includes provisions on freedom of religion, the right of public meeting, association and printing, the inviolability of the home, and the secrecy of communications by post, telegraph, and telephone. The right of every citizen to be tried by a regular court is also guaranteed, whereas the setting up of provisional tribunals is expressly prohibited. The Swedish-speaking minority has been granted special constitutional protection as regards their right to use their mother-tongue before the courts and administrative authorities and as regards their cultural and economic needs. In Chapter VIII of the Constitution Act there are provisions for educational facilities available equally to all citizens.

Although the fundamental rights and freedoms guaranteed by the Constitution Act literally concern only the citizens of Finland, they are also applied, in accordance with the general rules of international law recognized by Finland, to aliens lawfully residing or sojourning in the country. These rules were confirmed by Article 6 of the Peace Treaty of Paris of 1947, according to which Finland undertook to secure to all persons under Finnish jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.

In order to further facilitate the position of certain aliens, Finland has ratified the Convention relating to the Status of Refugees, of 28 July 1951, the Protocol relating to the Status of Refugees, of 16 December 1966, and the Convention relating to the Status of Stateless Persons, of 28 September 1954.

As regards such political rights as the right to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at periodic elections and to have access to public service of the country, it is natural that these rights are guaranteed to citizens only as is presupposed in Article 25 of the Covenant. The main provisions concerning these rights are incorporated in the Parliament Act as summarized in the subsequent text.

For the promotion of civil equality between men and women and the preparation of reforms aimed at the increase of such equality, a special organ, the Equality Council, was established by Decree No. 455 of 8 June 1972. The tasks of the Equality Council are:

(1) to function as a co-ordinative organ for the research work carried on in various fields concerning the civil equality between men and women;

(2) to prepare, in collaboration with the competent authorities, the institutes of the State and the urban and rural communes, labour-market organizations and other collective bodies, reforms aimed at the increase of equality;

(3) to follow and to promote the implementation of equality in community planning and to take initiatives and to make proposals in order to develop the research, education and information concerning equality;

(4) to take initiatives and to make proposals in order to develop the legislation and administration affecting equality;

(5) to follow the development abroad concerning the civil equality between men and women;

(6) to carry on research and planning especially ordered by the Office of the Council of State.

The Equality Council is consisted of a chairman, vice-chairman and at most elevent members appointed by the Council of State for at most three years at a time.

The competent authorities shall, upon request, give the Equality Council information and opinions concerning matters assigned to it.

Act No. 112 on the Capacity of Women for State Offices, of 23 April 1926, while recognizing women, in principle, as qualified for all State offices, made it possible to restrict this capacity by decree as regards certain offices which were considered to be unsuitable for women. The latest of such decrees was Decree No. 445 of 25 August 1961, containing a list of certain offices in the army, military courts, the police and the prison institute as well as of certain teachers' vacancies designed for gymnastics, sport and hygiene for boys. To these offices only men could be appointed. On the other hand, this Decree contained a list of State offices, to which only women could be appointed, such as certain offices at women prisons and certain teachers' vacancies designed for girls.

Both the Act and the Decree mentioned above were repealed by Act No. 1020 of 19 December 1975, thus abolishing all legal restrictions in this regard.

The higher sanctity which is characteristic of the fundamental laws is emphasized by the fact that special formalities are required for their enactment, amendment, and repeal. The normal procedure concerning bills affecting the Constitution requires first their passing by a bare majority of Parliament and, after a general election, their passing a second time by a two-thirds majority of the new Parliament. However, along with this rather tedious procedure there is a more expeditious one intended for urgent matters. If a bill is first declared urgent by a five-sixths majority of Parliament, it can then be passed by a two-thirds majority without any further delay. Also this procedure is a reliable guarantee against heedless changes of the Constitution. As particularly regards the international obligation assumed by Finland by the ratification of the Covenant, exceptions to this obligation would not be feasible even through the constitutional procedure without the consent of the other State Parties to the Covenant.

In order to ensure an effective remedy against violations of rights and freedoms recognized in the Covenant, all individuals within the territory of Finland and subject to its jurisdiction have equal access to, and full recourse before, all courts, tribunals and administrative authorities. A private person may initiate both civil and criminal proceedings. In practice, the proceedings are usually initiated by the public prosecutor. In such a case the victim of the offence is given the possibility to join the prosecution and to present his claim for damages.

The independence and high standard of the judiciary and the effective organization and internal control of the administrative machinery are, as such, guarantees against the violation of human rights. In Finland not only the decisions of the court and tribunals but also those of administrative authorities have to be motivated and sufficiently explained. From all decisions, also from those of administrative authorities, there is a possibility to appeal to a higher body, in the last instance to the Supreme Court and the Supreme Administrative Court.

In Finland there are two high authorities established by the Constitution who exercise supervision over the administration of justice and the observance of law, in general, and the respect for, and observance of, human rights in particular. These authorities are the Chancellor of Justice and the Parliamentary Ombudsman.

The Chancellor of Justice is appointed by the President of the Republic. He is responsible for ensuring that the various authorities, including the courts of law, comply with the law and perform their official duties so that no person shall suffer injury to his rights. He is the highest public prosecutor in the country and, in this capacity, can institute prosecutions either by himself or through lower prosecutors. He is entitled to attend the meetings of the Council of State and the sessions of all courts and tribunals. Whenever he finds that a law has been violated by some public authority, he shall immediately initiate an investigation and take action to remedy the situation.

While the Chancellor of Justice is exercising control on behalf of the Executive, the Ombudsman exercises supervision on behalf of Parliament and is completely independent of the executive branch of the Government. The Ombudsman who shall be a person of high standards and integrity is elected by Parliament for a term of four years. His duty is to ensure that the law is being observed by the courts, tribunals and administrative authorities. He has the same rights as the Chancellor of Justice to prosecute or institute prosecutions and to attend the meetings of the Council of State and the sessions of all courts and tribunals. The major types of cases handled by the Ombudsman originate in complaints and petitions received from private individuals or collective bodies, but he may take action also on his own initiative on the basis of his own observations made during inspection tours or otherwise. His functional possibilities are practically unlimited. The institution of Ombudsman has turned out to be a useful and practical solution of the question as to how to ensure the respect for, and observance of, human rights at the national level.

In Finland the situations of public emergency are governed by Act No. 303 on State of War, of 26 September 1930 and by Act No. 356 on the Application of the Provisions of the Act on State of War in Connexion with the Mobilization of Military Forces, of 28 November 1930.

According to these Acts, the President of the Republic may, in time of war or insurrection, declare the country or a certain part of it to be in a state of war when the defence of the country or the maintenance of legal order so requires. This is the case also when war or insurrection is just about to break out and military forces or a part of them have been ordered to be mobilized.

After a state of war has been declared, certain measures aimed at the maintenance of public order and security are authorized by the relevant provisions of the Act on State of War. These measures are in conformity with Article 4, paragraph 1, of the Covenant and do not derogate from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant. Nor do they violate Article 3 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

As particularly regards the prerequisites for arrest and detention, the following exceptional provisions are in force in time of state of war:

According to Article 5, paragraph 1, of the Act on State of War, a person may be arrested even in such a case when arrest otherwise would not be permitted if he for a valid reason is suspected of

(a) a crime which is to be tried by a military court and for which the maximum penalty prescribed by law is at least imprisonment for six years;

(b) incitement to mutiny or insurrection;

(c) robbing or stealing or in another criminal way acquiring weapons or ammunition or other war materials;

(d) a punishable attempt at, or a preparation of, or accomplice in, a crime mentioned above in sub-paragraphs (a)-(c).

According to Article 5, paragraph 2, of the same Act, the Council of State may, in time of state of war, expand the authority to issue warrants for arrest in connexion with the implementation of its orders concerning the export, import, transport, or keeping in stock, of certain goods, as well as orders concerning the prevention of unreasonable prices or the bringing about of an expedient distribution of goods.

According to Article 6 of the same Act, the court may order that a person who in time of state of war is arrested for a crime mentioned in Article 5, paragraph 1, shall be kept in detention during the time of war, even though he has not been sentenced for that crime, if the suspicions are considered to be based on plausible grounds, and his release is considered to be detrimental to the defence of the country or dangerous to public security.

The rules governing the respect for, and observance of, human rights concerning persons subjected to arrest, detention or imprisonment in situations of state of war are the same as those applied in normal situations. No exceptions are permitted. These rules are summarized later in connexion with Article 10 of the Covenant.

According to Article 33, paragraph 1, of the Constitution Act, treaties concluded with foreign powers must be approved by Parliament in so far as they contain stipulations falling within the domain of legislation. This was done in regard to the Covenant as was explained in the initial report of Finland to the Human Rights Committee. Accordingly, the provisions of the Covenant as far as they fall within the domain of legislation, were incorporated into Finnish law by Act No. 107, of 23 June 1975, as a prerequisite for the ratification of the Covenant. In connexion with the ratification process, the existing legislation of Finland was carefully scrutinized so as to ensure its harmony with the Covenant. Whenever there was a discrepancy which for some reason or other could not be immediately amended, a reservation was made. At least some of the reservations will be withdrawn in due course of time after the necessary legislative steps have been taken. After the incorporation of the legal provisions of the Covenant into Finnish law, the Covenant and the Optional Protocol to it, as a whole, were brought into force in Finland by Decree No. 108 of 30 January 1976.

Information relating to Part III of the Covenant

In order to render an analytical survey of the implementation of the substantive articles of Part III of the Covenant possible, the following information may be considered relevant.

Article 6

As for the right to life envisaged in Article 6 of the Covenant, a corresponding provision is embodied in Article 6 of the Constitution Act. The protection of the right to life is effectuated by the relevant provisions of the Penal Code and by the administrative machinery, including the police forces, aimed at the security of personal integrity.

Pursuant to this right, the death penalty was totally abolished from the Finnish penal system by Act No. 343, of 5 May 1972. Already before it, capital punishment was abolished in time of peace by Act No. 728, of 2 December 1949. In fact, no death penalty had been executed in Finland in peacetime since 1826.

The most essential provisions of the Penal Code relating to the protection of life may be quoted in the following.

Chapter 21, Article 1, reads as follows:

"Anyone who intentionally kills another person shall be sentenced for manslaughter to imprisonment for a fixed period, at least four years.

"An attempt is punishable."

Chapter 21, Article 2, reads as follows:

"If the homicide is committed with a firm deliberation or in self-interest or by displaying particular rudeness or cruelty, or if an authority is killed while, on behalf of his office, maintaining order or security, or because of his official act, and the homicide in these or other cases, taking into consideration the circumstances leading to the crime or revealed by it, as a whole, is to be deemed particularly atrocious, the offender shall be sentenced for murder to imprisonment for life.

"An attempt is punishable."

Chapter 21, Article 9, reads as follows:

"Anyone who by his negligence or incautiousness brings about the death of another person, shall be sentenced for causing a death to fine or imprisonment or if the offender has displayed a gross negligence or incautiousness, to imprisonment at most for four years."

For obvious reasons also such criminal acts as homicide at own request, infanticide, assault of various categories, battery, abandonment and rape are punishable by the Penal Code.

Article 7

The constitutionally guaranteed protection of life is extended to cover the personal integrity, as a whole. Consequently, it can be considered to protect the individuals together with the relevant provisions of the Penal Code, against any such treatment or punishment mentioned in Article 7 of the Covenant. In the penal system of Finland there is no cruel, inhuman or degrading treatment or punishment. By Act No. 613, of 19 July 1974, the penal system was even simplified to the effect that imprisonment with hard labour was abolished from the penal system. Thus, the remaining forms of penalties are ordinary imprisonment and fine.

Article 8

In connexion with Article 8 of the Covenant, it should be mentioned that the institutions of slavery, servitude and the slave trade in all their practices and manifestations are non-existing in Finland. Anyhow, Finland has ratified the Slavery Convention, of 25 September 1926, the Protocol amending the Slavery Convention, of 23 October 1953, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, of 30 April 1956. For the implementation of these instruments, the domestic legislation of Finland has been supplemented by inserting a provision to this effect into Article 1 of Chapter 25 of the Penal Code. The text of this Article reads as follows:

"Anyone who by force, threat or perfidy seizes another person in order to bring him/her into the military or naval service of another country or into slavery or serfdom or into another enforced state outside the country, or into disabled state in a place dangerous to life, shall be sentenced to imprisonment for at least four and at most twelve years.

"Anyone who has trafficked in or conveyed slaves, shall be sentenced in a similar way; and the ship used for this purpose shall be confiscated.

"An attempt at any of the offences mentioned in this Article is punishable."

Article 9

Article 6 of the Constitution Act provides also for the protection of liberty and security of person as required in Article 9 of the Covenant.

As regards the prerequisites for arrest or detention, detailed provisions are embodied in Act No. 39 on the Enforcement of the Penal Code, of 19 December 1889, as amended subsequently on several occasions. According to this Act, a person found committing, or suspected on reasonable grounds of having committed, an offence for which the penalty prescribed by law is imprisonment for one year or more, may be arrested, provided that the nature of the offence, the conduct or behaviour of the suspect, or other circumstances render it likely that he will escape or otherwise evade prosecution or, by destroying evidence or in other way, hamper the investigation of the case, or there is reason to fear that he will continue his criminal activities.

If the penalty for the offence is imprisonment at most for four years, and the suspect has a permanent place of residence in the country, the danger of escape shall not be presumed, unless he has made previous preparations for, or has attempted to, escape.

If the penalty for the offence in question is less than just mentioned but includes imprisonment, and the suspect has no permanent place of residence in the country, and there is reason to fear that he will escape, he may be arrested. If again the minimum penalty for the offence is imprisonment for two years, the suspect shall be arrested, unless there is obviously no reason for doing so.

A person suspected on reasonable grounds of an offence may be arrested irrespective of the nature of the offence if he is unknown and refuses to give his

name or address, or gives a name or address which may be presumed to be false, or if he has no permanent place of residence in the country and there is reason to fear that he will evade the prosecution by leaving the country.

When a person has been sentenced to imprisonment for one year or more, the court may order that he be arrested or kept in detention if the nature of the offence, the conduct or behaviour of the offender, or the circumstances render it likely that he will escape or otherwise evade the punishment, or by destroying evidence or in another way hamper the clearing up of the matter, or when there is reason to fear that he will continue his criminal activities. If the offender has been sentenced to imprisonment for two years or more, he shall be arrested or kept in detention, unless there is obviously no reason for doing so.

If the sentence is less than imprisonment for one year, the court may order the offender to be arrested or kept in detention if he has no permanent place of residence in the country and there is reason to fear that he will evade the punishment.

Finnish law does not recognize release on bail. The question of arrest or detention shall be decided solely on the grounds provided for by law laying down the prerequisite for such measures.

An arrested person shall be informed of the offence of which he is suspected. The household or next of kin of the arrested person shall be informed of the arrest as soon as it is possible without hampering the investigation. However, such an information shall not without a special reason be given against the wish of the arrested person.

The question of the lawfulness of an arrest or detention shall, at all stages of the proceedings, be examined by the court ex officio. As soon as the prerequisites for such measures no longer exist, the arrested or detained person shall be released. The accused who has been arrested or kept in detention by the decision of the court has the right to appeal, without any time limit, from that decision to the higher court as regards the justification of such a measure.

If a person has been arrested or kept in detention for an offence but subsequently released on the ground that no prosecution was brought before the court, or the case was dropped, or he was acquitted by the decision of the court, or there was no lawful prerequisites for the arrest or detention, he is entitled to indemnity from State funds for the injury and sufferings caused to him by the arrest or detention. A provision to this effect was first embodied in Act No. 142 on the Responsibility of the State for Injury Caused by Government Authorities, of 18 May 1927. This Act is now replaced by Act No. 422, of 31 May 1974, on the same subject, which was enacted in connexion with the codification of the law of indemnification, as a whole. The constitutional basis for this principle is laid down in Article 93 of the Constitution Act.

As regards the provision of Article 9, paragraph 3, of the Covenant, reference is made to what is said in the initial report of Finland.

Article 10

Proceeding now to Article 10 of the Covenant, it may be recalled that the deprivation of liberty may take place only in the form of arrest or detention at the pre-trial or trial stage, or as a penalty of imprisonment.

The execution of the penalty of imprisonment is regulated in detail by Decree No. 431, of 13 June 1975. According to this Decree, the penal institutions are classified into the categories of ordinary prisons, open penal institutions and juvenile prisons. The circumstances in all penal institutions shall be so organized that they correspond to the standards of life generally prevailing in the society. The execution of the penalty of imprisonment shall be so arranged that the loss of liberty is the sole punishment and that it does not unnecessarily hamper the social rehabilitation of prisoners but, on the contrary, promotes it. The inconveniences caused by the loss of liberty shall be prevented as much as possible.

Furthermore, prisoners shall be treated justly and with respect for their human dignity. No distinction shall be made on the basis of race, colour, sex, language, nationality, religious or political conviction, social position, wealth or any other such ground. In the execution of the imprisonment sentenced to juvenile offenders, special attention shall be paid to the particular needs caused by the age and the phase of development of the prisoners.

According to Act No. 615 on the Custody Pending Trial, of 19 July 1974, a person arrested for an offence shall be segregated from convicted persons and shall not, without his consent, be placed together with such persons in any circumstances. His liberty shall be restricted only to the extent necessary for the purpose of the arrest and for the maintenance of order. He shall be given a possibility to take care of his private affairs and necessary assistance for that purpose. He may wear his own clothes and acquire food from outside the prison. He is not obliged to participate in the work or education arranged in the prison. He is entitled to do his own work and keep the income earned by such work. Juvenile offenders shall be kept apart from other arrested persons as far as it is possible and is considered necessary. During transportation and in the waiting rooms of courts, juvenile offenders shall be kept apart, except from other prisoners, also from the public.

As regards the provisions of paragraph 2, sub-paragraph (b), and paragraph 3 of Article 10 of the Covenant, reference is made to what is said in the initial report of Finland.

The function of the police forces in Finland is regulated by Act No. 84 on Police, of 18 February 1966, as amended by Act No. 53, of 25 January 1975, and by Decree No. 119 on Police, of 14 February 1969, as amended by Decree No. 163, of 16 February 1973.

According to the Police Act, the police shall, in the first hand, endeavour to maintain public order and security by solicitation and orders. In all its functions, the police shall observe objectivity and impartiality and endeavour to further conciliatory disposition among private parties. The police must not intervene in the rights of private persons more than it necessary for the maintenance

of public order and security or for the fulfilment on an official duty. In the pre-trial proceedings carried out by the police, the human rights of persons suspected of crimes shall be respected. No torture or other cruel, inhuman or degrading treatment is permitted.

The prison and police authorities are functioning under the strict hierarchical supervision exercised by the Ministry of Justice and the Ministry of the Interior respectively. In addition, the Parliamentary Ombudsman takes regularly inspection tours to all prisons and reports to Parliament on his observations. He may also take an immediate action if need be.

Article 11

The system of imprisonment for debt or any other contractual obligation is non-existing in Finland.

Article 12

A corresponding provision to Article 12 of the Covenant is embodied in Article 7, paragraph 1, of the Constitution Act, according to which every Finnish citizen shall have the right of sojourn in his country, of freely choosing his place of residence and of travelling from one place to another, unless otherwise provided by law.

As mentioned above, the same applies to aliens lawfully within the Finnish territory. This is confirmed by Article 36 of Decree No. 187 on Aliens, of 25 April 1958, according to which aliens who in conformity with the provisions of this Decree are lawfully in Finland have the right freely to reside and travel all over the country, unless otherwise provided by law. When there are special reasons, the Aliens Bureau of the Ministry of the Interior may restrict the right of a foreigner to choose his place of residence or to travel in the country. Such reasons can be those mentioned in Article 12, paragraph 3, of the Covenant.

The restrictions by law concerning the right to reside and travel are limited to the zone along the boundary of the country as provided for by Act No. 403 on Boundary Zone, of 17 May 1947, and by Decree No. 404, of the same date.

The right to leave Finland and to return thereto is regulated by Decree No. 90 on Passports, of 4 February 1960.

For the purpose of travelling abroad, Finnish citizens, as well as aliens residing in Finland, are required to acquire a passport. In travelling to the other Nordic countries, Denmark, Iceland, Norway or Sweden, passport is not required. Everyone has an enforceable right to receive a passport except in certain cases mentioned in the Decree.

Thus a passport shall be denied to a person:

(1) who may be expected to carry on abroad activities prejudicial to the security of Finland or injurious to the interests of the country;

(2) who by taking advantage of his passport may on reasonable grounds be expected to carry out other criminal activities abroad;

(3) who, being suspected of a crime or not having served a sentence or paid to the State a fine levied by the court, is wanted by the police;

(4) who is under injunction not to leave the country or in respect of whom an application for such an injunction has been filed;

(5) who is under age and has not received the permission of his guardian;

(6) who has reached the age of seventeen but not thirty years and is liable to conscription for military service, unless he presents a certificate given by the military authorities to the effect that the conscription does not prevent the issuing of a passport.

Unless it is considered reasonable to decide otherwise, a passport may further be denied to a person:

(1) in respect of whom a reliable report of an offence has been made to the police or public prosecutor;

(2) who is prosecuted for an offence;

(3) who has been convicted of an offence but has not yet served his sentence;

(4) who has been conditionally released from a prison.

When there is good reason, passport may further be denied to a person under the age of eighteen years or a person who is a vagrant or an alcoholic, or who is mentally ill or has been put under guardianship.

In all these cases in which the grant of a passport depends on the discretion of the passport authority, consideration is to be given to the question whether a passport is necessary for the applicant to enable him to practise his profession and to the question whether there is reason to believe that the applicant intends to travel abroad for the purpose of avoiding a penalty or the execution of a sentence.

In addition to a passport, no exit visa is required. A Finnish citizen is always entitled to return to his country. No return visa is required.

Article 13

As regards the provision of Article 13 of the Covenant, reference is made to what is said in the initial report of Finland. A Government Bill rendering the reservation on this point unnecessary will be sent to Parliament in the near future.

Article 14

According to Article 5 of the Constitution Act, all Finnish citizens shall be equal before the law.

According to Article 13 of the Constitution Act, a Finnish citizen shall be tried by no other court than that which has jurisdiction over him by law.

As mentioned above, these provisions are applied to aliens as well. In the law of procedure, no distinction is made between citizens and aliens.

According to Article 2, paragraph 3, of the Constitution Act, the judicial power shall be exercised by independent tribunals and, in the final instance, by the Supreme Court and the Supreme Administrative Court.

According to Article 60, paragraph 2, of the Constitution Act, no irregular tribunal may be established.

According to Article 91, paragraph 1, of the Constitution Act, no judge shall be deprived of his office except by a lawful trial and judgment. Nor shall he, without his own consent, be transferred to another post, except in the case of a reorganization of the judiciary.

As regards the publicity of trials envisaged in Article 14, paragraph 1, of the Covenant, reference is made to what is said in the initial report of Finland.

According to Chapter 17, Article 1, paragraph 2, of the Code of Procedure, in a criminal case the plaintiff, whether the public prosecutor or the victim of the offence, has the burden of proof. The defendant or the accused does not have to prove his innocence which, thus, is presumed. Furthermore, the principle in dubio pro reo is recognized by the Finnish law of criminal procedure. Consequently, the accused shall be acquitted if, in the light of evidence, it has not become convincingly clear whether he has committed the offence in question or not.

Criminal proceedings in Finland are started either by arresting the person suspected of an offence or by summoning him, well in advance, to appear before the court on a certain day, as provided for by Chapter 11, Article 22, of the Code of Procedure. In either case, the accused shall be informed of the nature and cause of the charge against him.

An accused person shall have a fair opportunity to prepare his defence for the trial. According to Chapter 16, Article 4, of the Code of Procedure, the accused may, when necessary, request for an adjournment of the trial in order to have an additional time for preparing his defence or obtaining such counterevidence as he deems relevant.

It follows from what is said above, that the accused has the right to be tried in his presence and to defend himself in person. According to Chapter 15, Article 1, of the Code of Procedure, the accused has the right to be assisted by a counsel of his own choosing.

As regards the position of the public prosecutor in criminal proceedings, he is under obligation to present all evidence known to him even if it is in favour of the accused. This is due to the principle recognized by the Finnish law of criminal procedure that the public prosecutor shall co-operate with the court in finding out the material truth in each particular case.

In the case that a person, whether plaintiff or defendant, does not have sufficient means to pay for legal assistance, a free trial may be granted to him. The system of free trial was first established in Finland by Act No. 212 of 6 May 1955. Already before this Act was passed, certain allowances could be made for the benefit of parties without means.

In order to further develop the system of free trial and to extend its application also to military and other special courts, the Act just mentioned was

replaced by the Act No.87 on Free Trial, of 2 February 1973. As before, the prerequisite for the granting of free trial is that the person party to a law suit, taking into consideration his income and economic resources as well as his maintenance obligations and other circumstances, is not able, without difficulties, to pay the expenses of the trial. Free trial may also be granted, without the requirement of reciprocity, to foreign nationals and to stateless persons. Free trial may be granted both before the trial and at each stage of it. It may also be granted retroactively to cover steps already taken in the matter concerned.

If a person who has been granted free trial is not capable of attending to his interests in the trial by himself, a legal counsel of his own choosing shall be assigned to him by the court. If the trial has not yet started, the counsel may be assigned by the presiding judge in advance. The counsel's fee is fixed by the court at the end of the trial and paid from State funds.

Also Act No. 88 on Public Legal Aid, of 2 February 1973, is aiming at the possibility of rendering justice to all irrespective of the economic resources of the person involved in a case. According to this Act, public legal aid activity may be carried on by each urban and rural commune. Two or more communes may agree among themselves about carrying on this function together. Such an agreement shall be approved by the Ministry of Justice.

The purpose of this function is to give the necessary legal aid to persons who, taking into consideration their income and economic resources as well as their maintenance obligations and other circumstances affecting their economic position, are not able, without difficulties, to acquire for themselves expert aid in their legal affairs. Legal aid is given free of charge or against partial compensation depending on the economic position of the person. It may also be given to foreign nationals and stateless persons.

In each commune the public legal aid activity is directed by the Legal Aid Board, the members of which are elected by the Communal Council. The general supervision of this function is vested in the Ministry of Justice. The expenses caused by this activity to the communes are partly compensated by the State according to a classification of the communes as regards their economic strength and other circumstances.

According to the relevant articles of Chapter 17 of the Code of Procedure, there are no restrictions as to the right of the accused to obtain the attendance and examination of witnesses on his behalf. The court may also, at the request of the accused, charge the public prosecutor to acquire evidence in favour of the accused. In such a case, the expenses are paid from State funds irrespective of the fact whether the accused has been granted free trial or not. Furthermore, the court may, at its own initiative, acquire certain expert evidence or undertake an inspection whenever it considers it necessary in order to find out the material truth in the case. The witnesses are heard in the presence of the accused and he is entitled to examine and cross-examine them. The accused cannot testify in his own case, nor can he be compelled to confess guilt (Articles 8, 9, 18, 33, 44 and 45).

Everyone is entitled to use one of the two official languages of Finland, namely Finnish or Swedish, before the court and other authorities. If the suspected or accused person does not speak either one of these languages, interpretation shall be provided for him. The cost of interpretation is paid from State funds. The relevant provisions to this effect are embodied in Articles 3 and 4 of Language Act No. 148, of 1 June 1922.

In the case of juvenile persons, the procedure shall be conducted in accordance with Act No. 262, on Juvenile Offenders, of 31 May 1940, and Decree No. 1001 on the same subject, of 18 December 1942. Due attention shall be paid to the promotion of their rehabilitation.

All decisions in criminal cases are subject to appeal, the purpose of which is to have the case re-examined both in law and fact and the decision of the lower instance either revised or reversed. It may be mentioned that, according to Finnish law, the public prosecutor may appeal also in favour of the accused in a case of miscarriage of justice. The relevant provisions regulating appeal are embodied in Chapters 25 and 30 of the Code of Procedure.

According to Act No. 422 on the Indemnity to Be Paid from State Funds to a Person Arrested or Convicted Without Guilt, of 31 May 1974, a person who has been convicted of an offence to imprisonment and who has suffered the sentence wholly or in part, is entitled to indemnity from State funds, if the sentence is subsequently reversed or he is sentenced to a lesser penalty than that already suffered by him.

As regards the provisions of Article 14, paragraph 3, sub-paragraph (d), and paragraph 7, of the Covenant, reference is made to what is said in the initial report of Finland.

Article 15

The principles of the prohibition of retroactivity in criminal cases and of the application of a lighter penalty, in the case provision is made by law to this effect subsequent to the commission of the offence in question, are recognized by the Finnish criminal law. The relevant provision is embodied in Article 3 of Act No. 39 on the Enforcement of the Penal Code, of 19 December 1889.

Article 16

The provision of Article 5 of the Constitution Act, according to which all Finnish citizens shall be equal before the law and which provision is applied also to aliens, implies that everyone shall have the right to recognition everywhere as a person before the law.

Article 17

The privacy, family, home, correspondence, honour and reputation of a person are protected respectively by Articles 6, 11 and 12 of the Constitution Act together with the relevant provisions of the Penal Code and other acts. In this connexion, the following provisions of the Penal Code may be quoted.

Chapter 24, Article 1, paragraph 1, reads as follows:

> "Anyone who without a legal reason, against the will of the person concerned, enters the quarters of another person, be it a room, house, estate or vessel owned or lawfully occupied or rented by that person, or without a reason fails to obey the command to leave it, or who without a valid reason slips into such a place or hides there, shall be sentenced for trespass in home to fine or imprisonment for at most six months."

According to paragraph 3 of this Article, the maximum penalty for this offence committed in certain aggravating circumstances is imprisonment for two years.

Chapter 24, Article 3 b, reads as follows:

"Anyone who without permission, by a technical device, listens to, or records, what is happening in a place mentioned in Article 1, shall be sentenced for eavesdropping to fine or imprisonment for at most one year.

"Anyone who without permission, by a technical device, watches or photographs a person sojourning in a place mentioned in Article 1, shall be sentenced for secret watch to fine or imprisonment for at most one year.

"Anyone who, for the purpose mentioned in paragraphs 1 or 2, installs a device in a place mentioned in Article 1, shall be sentenced for the preparation of eavesdropping or secret watch to fine or imprisonment for at most six months."

Chapter 40, Article 14, reads as follows:

"A postal official who without permission opens, destroys, hides or conceals a letter or another dispatch entrusted to the post-office, or aids another person in such an offence, or intentionally allows another person to commit it, shall be sentenced to fine or imprisonment for at most two years. If the offence is considered to be of considerable significance, the official shall be dismissed."

Chapter 40, Article 15, contains a similar provision concerning a telegraph official.

Chapter 27, Article 1, reads as follows:

"Anyone who, contrary to his better knowledge, falsely tells that another person has committed a specified offence or a type of such an offence or another act which may bring him into disrepute or hamper his means of livelihood or success, or disseminates such a lie or a false rumour, shall be sentenced for libel to fine or imprisonment for at least one month and at most one year.

"If libel is committed publicly or through a printed matter, writing or pictorial presentation disseminated by the offender, the penalty shall be fine or imprisonment for at least two months and at most two years."

Chapter 27, Article 2, reads as follows:

"Anyone who, not however contrary to his better knowledge, tells that another person has committed a specified offence or a type of such an offence or another act which may bring him into disrepute or hamper his means of livelihood or success, or disseminates such a rumour, shall be sentenced, provided that he cannot present plausible grounds for his statement, to fine or imprisonment for at most six months.

"If such libel is committed publicly or through a printed matter, writing or pictorial presentation disseminated by the offender, the penalty shall be fine or imprisonment for at most one year."

Chapter 27, Article 3, reads as follows:

"Anyone who in another way insults another person by a defamatory statement, threat, or another derogatory act, shall be sentenced for slander to fine or imprisonment for at most three months.

"If slander is committed publicly or through a printed matter, writing or pictorial presentation disseminated by the offender, the penalty shall be fine or imprisonment for at most four months."

Chapter 27, Article 3 a, reads as follows:

"Anyone who unlawfully through mass media or in another such way publicly disseminates an information, intimation or picture concerning the private life of another person, which may cause him injury or distress, shall be sentenced for violation of privacy to fine or imprisonment for at most two years. A publication concerning the function of a person in a public office or task, business life, political activity or in another comparable capacity, which is necessary for dealing with a matter of significance for the community, shall not be considered as violation of privacy."

Act No. 219 on the Responsibility for Radio Broadcast, of 12 March 1971, regulates the way how a person who feels that his honour and reputation or another lawful interest has been encroached upon by a broadcasting programme can seek for a remedy.

The basic principle embodied in this Act is that, if a broadcasting programme contains something which, according to the Penal Code, constitutes a criminal act, the person who is to be regarded as the offender or an accessory to the act shall be responsible for it. In order to facilitate the enforcement of this principle, any broadcasting company is bound to designate a responsible programme editor for each programme to be broadcast. His duty is to supervise the programme and to prevent its broadcasting if the programme in its contents is criminal. No programme shall be broadcast against the will of the responsible programme editor.

If the programme editor himself cannot be regarded as the offender, he shall, nevertheless, be sentenced as guilty of neglect of his supervisory duty to fine or imprisonment for at most one year, unless he can prove having observed all the necessary caution to prevent the criminal act in question.

The broadcasting company, together with the perpetrator of the criminal act and the responsible programme editor who has neglected his supervisory duty, is liable to indemnify for the injury caused by the broadcasting of such a programme. Before a programme is broadcast, the name of the responsible programme editor shall be put on a list available to the public.

If a broadcasting company fails to designate a responsible programme editor or to put his name on the list mentioned above, the company itself or the person whose duty the designation had been on behalf of the company shall be regarded as responsible programme editor.

The conditions envisaged in Article 11, paragraph 2, of the Constitution Act, under which domiciliary search may be ordered and carried out, are determined by Act No. 260 on Seizure and Search in Criminal Cases, of 12 June 1959.

According to this Act, an object can be seized if there is reason to presume that it can be a piece of evidence in a criminal case, or that it has been taken away from someone by means of an offence, or that the court will pronounce it confiscated. However, a document the substance of which is such that the person having the document in his possession would not be allowed to testify of it may not be seized. Nor may a written message between the suspect and such a close relative of his as may, according to the rules of procedure, refuse to testify be seized, except in cases when the offence in question is punishable with imprisonment for six years or more.

If there is reason to suspect that an offence has been committed for which the penalty is more severe than imprisonment for six months, a domiciliary visit and search can be made in a house, a room, a closed place of storage, or in a vehicle, in order to find an object or otherwise to examine a circumstance which may be important for detecting the offence.

At the house of a person other than the suspect a visit and search may be made only when the offence has been committed or the suspect apprehended there or there are particularly valid reasons to presume that an object to be seized can be found or other evidence of the offence obtained by the means of visit and search.

In order to catch a person to be apprehended, arrested, detained or brought to investigation or before the court, a visit and search may be made at his house and even elsewhere if there are valid reasons to presume him to be there.

If there is reason to suspect that an offence has been committed for which the penalty is more severe than imprisonment for six months, a person may be submitted to personal inspection so that an object to be seized may be found or a circumstance which may be important for detecting the offence may be examined. Any person other than the suspect may be submitted to inspection only when there are particularly valid reasons to presume that an object to be seized may be found or evidence of the offence obtained by that means.

A warrant of seizure and search can be issued only by the authorities who are empowered by law to issue warrants of arrest. In addition, the Minister of the Interior and the Chancellor of Justice are authorized to entrust a person ordered by them to investigate certain criminal cases to make a visit and search.

All these coercive measures mentioned above shall be taken strictly in accordance with the detailed provisions laid down by this Act and to be duly recorded by the authority carrying them out. Any violation of these provisions would lead to a prosecution against the authority concerned.

Article 18

The rights and freedoms envisaged in Article 18 of the Covenant are guaranteed by Articles 8 and 9 of the Constitution Act supplemented by Act No. 267 on Freedom of Religion, of 10 November 1922.

According to the last mentioned Act, any religion may be practised in Finland in public or private, provided that law or good morals are not violated. As regards the membership of various religious communities, a person who has not reached the age of eighteen years is considered to belong to the same religious community as his parents. If the parents belong to no such community, this is the case also as regards their children. If the parents belong to different religious communities, their children follow the mother if not otherwise agreed upon by the parents either before or during the marriage. A child who has reached the age of fifteen years does not, without his consent, follow his parents when they leave or join a religious community. A person who has reached the age of eighteen years is entitled to leave or join any religious community according to his own wish subject only to the rules of the community he wishes to join. Instruction in religion in a State or communal school shall not, when so requested by the legal guardian, be given to a pupil who belongs to another religious denomination or to no such denomination.

The Act on Freedom of Religion provides further that when at least twenty persons wish to found a new religious community, they have to sign a notification to this effect to the Council of State. If the charter of the community is formally laid down in accordance with the requirement of this Act and the formula of faith and the forms of practice are not contrary to law or good morals, the community shall be enrolled in the Register of Religious Communities and given a certificate of it. Thereafter the community, as a juridical person, is capable of acquiring property, undertaking obligations and being a party to a law suit.

According to Act No. 173 on the Right of the Finnish Citizen to Be in the Service of the Country Regardless His Religious Faith, of 10 June 1921, the right of a person to be appointed or elected to service of the country is independent of the fact whether or not he belongs to any religious community.

Article 19

The rights and freedoms envisaged in Article 19 of the Covenant are guaranteed by Article 10 of the Constitution Act. Supplementary provisions concerning these rights and freedoms are incorporated in Act No. 1 on Freedom of Print, of 4 January 1919. According to this Act, every Finnish citizen shall have the right, without any previous obstacles by public authorities, to publish printed writings, pictorial presentations, maps and compositions with a text, as well as plays which are to be publicly performed even though they are not printed.

Furthermore, every Finnish citizen is entitled to carry on a printing shop. The author of a printed writing and its publisher are entitled, either by themselves or through others, to sell or otherwise disseminate it. Anyone is entitled to carry on a book shop observing only what is provided for on the carrying on of shops in general.

Article 20

As regards the provision of Article 20, paragraph 1, of the Covenant, reference is made to what is said in the initial report of Finland.

Concerning the provision of paragraph 2 of this Article it may be mentioned that in connexion with the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, two new provisions were inserted into the Penal Code in order to satisfy the requirements envisaged in Article 4 of the Convention.

These provisions which in connexion with a reorganization of certain chapters of the Penal Code were subsequently incorporated in its Chapter 13, Articles 5 and 6, read as follows:

"(Art. 5) Anyone disseminating to the public statements or information in which a group of the population is threatened, slandered or insulted on account of being a certain race, colour, national or ethnic origin or confession of

faith shall be sentenced for discrimination against the group of the population to fine or imprisonment for at most two years."

"(Art. 6) If a person engaged in industry or commerce or someone in his service carrying on the business or any other person engaged in like activity or a public functionary does not, while carrying out his work, serve a customer on the generally observed conditions on account of the said customer's race, colour, national or ethnic origin or confession of faith, that person or functionary shall be sentenced for discrimination to fine or imprisonment for at most six months.

"For discrimination shall likewise be sentenced an organizer of public entertainments or public meetings or the organizer's assistant, who on generally observed conditions refuses to permit a person to attend an entertainment or a public meeting on account of the person's race, colour, national or ethnic origin or confession of faith."

Article 21

The right of peaceful assembly envisaged in Article 21 of the Covenant is guaranteed by Article 10 of the Constitution Act supplemented by Act No. 6 on Public Meetings, of 20 February 1907, and by Act No. 492 on Public Entertainments of 9 August 1968.

According to the Act on Public Meetings, all people have a right to assemble in order to discuss general affairs or for any other lawful purpose. A public meeting can be arranged by any Finnish citizen who is not under guardianship and by any association.

If a public meeting is going to be arranged at a public place outdoors, a notification of it, either orally or in writing, shall be made to the police at least six hours before the meeting. Exceptionally, even a shorter notice may be accepted.

Before the debate is started or a decision made, a chairman shall be elected by the meeting. The chairman shall maintain order in the meeting and shall not allow the making of a speech or a decision which would involve a punishable offence or an incitement to it. If the ruling of the chairman is not observed, or if public order is disturbed and the chairman is not able to restore order, he shall dissolve the meeting.

The competent police chief or his deputy is entitled to attend a public meeting and to dissolve the meeting:

(a) if he is prevented from attending it;

(b) if in a meeting arranged at a public place outdoors the orders given by the police are not observed;

(c) if the chairman does not observe his duties mentioned above;

(d) if the meeting is arranged by someone who is not entitled to do it.

What is provided for public outdoor meetings apply also to parades and processions arranged by societies or associations or private persons. However, these provisions do not apply to

(a) meetings ordered or permitted directly by law or decree;

(b) meetings arranged by university authorities or under their supervision for a scientific or educational purpose;

(c) meetings arranged by religious communities for the purpose of worship;

(d) wedding ceremonies and funeral processions.

According to the Act on Public Entertainments, any person who is not under guardianship and any registered association or another society competent before the law are entitled, with the permission of the Provincial Government, to arrange a public entertainment. However, a permission is not required for the arrangement of theatre performances, concerts, various exhibitions, athletic tournaments and other similar events enumerated by Decree No. 687 on Public Entertainments, of 20 December 1968. In these cases, a notification to the police is sufficient.

The organizer of a public entertainment event is responsible for the maintenance of order and security at that event. When necessary, one or more persons may be assigned to keep order at such events. This task may also be entrusted to the police. If order or security is endangered the organizer is duty bound to interrupt or terminate the event. Those who have been assigned to keep order at the event are also empowered to terminate the event if law or good morals are violated.

Article 22

The right to freedom of association with others envisaged in Article 22 of the Covenant is guaranteed by Article 10 of the Constitution Act supplemented by Act No. 1 on Associations, of 4 January 1919.

For the realization of any purpose which is not contrary to law or good morals, there is a right to found an association. The formalities to this effect are regulated by the Act on Associations. This Act does not apply to co-operative or other collective bodies, the purpose of which is to acquire economic earning. Nor does it apply to religious communities.

If the purpose of the association will be to influence on political affairs, only Finnish citizens may join the association. If the purpose of the association will be to train its members for the use of firearms, a permission by the Council of State is required. A similar permission is required if more than one third of the membership of the association will be foreigners.

In order to attain the status of juridical person, an association shall be enrolled in the Register of Associations kept by the Ministry of Justice. For that purpose, at least three persons shall sign the charter of the association containing the required information.

If an association is violating law or good morals, the Ministry of the Interior is empowered to prohibit the function of the association for the present. The prohibition shall be submitted to the court in fourteen days thereafter. If the prohibition is not submitted to the court, or an action on the dissolution of the association has not been brought before the court in fourteen days after the court has confirmed the temporary prohibition by the Ministry, the prohibition will be withdrawn.

Article 23

The institution of marriage in Finland is governed by Act No. 234 on Marriage, of 13 June 1929. This Act is based on the principle of full equality between man and wife. Concerning the legal effects of marriage and the rights and obligations of the spouses, no distinction is made between man and wife.

The betrothal takes place between the intending spouses informally. The relevant provision is embodied in Article 6, paragraph 1, of the Marriage Act and reads as follows:

"A man and a woman who have agreed upon getting married to each other are betrothed."

Free consent is a prerequisite of a promise of marriage on the part of both the intending spouses. Both of them may withdraw from a promise of marriage, in which case they have to return the eventual engagement gifts.

As regards the marriageable age, the relevant provision is embodied in Article 2 of the Marriage Act, which reads as follows:

"Marriage may not be entered by a man before reaching the age of eighteen years and by a woman before reaching the age of seventeen years, unless the President of the Republic has granted a permission for it."

It may be mentioned in this connexion that Finland has ratified the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

Marriage creates a mutual maintenance obligation between the spouses and equal obligation of the parents to maintain their children according to their means and earnings. Guardianship and custody of children is vested jointly in both parents.

The relevant provisions of the Marriage Act may be quoted in the following:

"(Art.30) Having entered into marriage the husband and the wife shall work jointly for the family supporting each other."

"(Art.46, paragraph 1) The spouses shall participate in the maintenance of the family by means of money or work at home or otherwise according to their ability. To the maintenance of the family shall be included what, in view of the circumstances of the spouses, is needed for the common household, bringing up the children and the satisfaction of the special necessities of each spouse."

"(Art.51, paragraph 1) Even in the case that the spouses live apart because of broken relations, the spouse shall, in accordance with the grounds provided for in Article 46, participate in the maintenance of the other spouse and of those children who are in the latter's custody. However, when one of the spouses is principally guilty of the discontinuation of the married life, the other spouse shall not be under obligation to provide for his/her maintenance, unless particularly weighty reasons so require."

As regards the matrimonial property system established by the Marriage Act, each spouse retains ownership and the power to dispose of the property owned by the spouse at the entering into, and during the marriage. Similarly, each spouse is liable for his/her own debts. Only debts incurred by one of the spouses for the maintenance of the family, or loans taken jointly by both spouses are deemed joint debts.

The relevant provisions of the Marriage Act may be quoted in the following:

"(Art.34) The property owned by the spouse when entering into marriage still belongs to him/her alone. Likewise, the property which he/she acquires during the marriage belongs to him/her alone."

"(Art.36) Each spouse may administer his/her property with the restrictions envisaged in Articles 37-39."

"(Art.52) Each of the spouses is liable for the debt incurred by him/her before or during the marriage.

"For the debt incurred by either of the spouses for the maintenance of the family, both spouses are liable jointly and separately.

"What is provided for in the second paragraph, shall not be applied to a debt consisted of a liability to pay money incurred by one of the spouses, nor in the case when the creditor has known that the spouses live apart because of broken relations."

The restrictions referred to in Article 36 quoted above are purported to protect the interests of the other spouse as regards the securing of household chattels used by the spouses in common or by the other spouse as necessary tools or purported for the personal use by their children as well as the right of the other spouse to a so-called marital proportion to be realized at the potential dissolution of marriage.

As regards the authority of the parents to be the guardians of their children under age, the relevant provisions are embodied in Article 23, paragraphs 1 and 2, of the Guardianship Act, which reads as follows:

"Both parents in common shall be the statutory guardians of their children under age. If one of the parents dies or is separated from the guardianship, the other parent shall be guardian alone.

"If the parents live apart because of broken relations or if they have been granted a judicial separation or if their marriage has been dissolved, that of the parents to whom the court has entrusted the custody of the child shall be its guardian. If the parents agree upon it, the court shall decide according to their wish, provided that it is not contrary to the interest of the child; if they cannot agree, the court shall make its decision on it taking principally into consideration the interest of the child. If one of the parents is principally guilty of the breach of relations and they are equally suitable for having the custody of the child, the other parent shall be chosen in the first place."

In the case of dissolution of marriage, the rights and responsibilities of the spouses remain equal. In such a case orders are made by the court for the custody of the children and for the payment of alimony for them. If either spouse is in need of maintenance, the other spouse shall be ordered to pay alimony to him/her taking into consideration the financial position and earning capacity of the spouses. Proceedings for annulment, divorce or judicial separation may be instituted by the husband and by the wife on equal grounds. The procedure is the same for both.

The relevant provisions of the Marriage Act may be quoted in the following:

"(Art.79) When divorce is granted and one of the spouses is considered to be in need of alimony, the court may oblige the other spouse to give his/her such support as is considered reasonable in view of his/her ability and other circumstances. Alimony shall not be given to the spouse who principally is to be blamed for the divorce, unless there are particularly weighty reasons for it.

"When the financial conditions of the spouse obliged to support and other circumstances so require, alimony can be ordered to be paid once for all. If alimony has been ordered to be paid at stated intervals, and the spouse entitled to alimony remarries, the duty to pay alimony shall be dropped.

"(Art.80) When granting a judicial separation or dissolving a marriage, the court shall rule about the custody of the children. The court shall also, at the request of the spouse, give such a ruling when the spouses are living apart without a judicial separation.

"After the dissolution of marriage, the spouses are still under obligation to participate in the maintenance of their children on the same grounds as before it; and the court shall rule about, at the request of one of the spouses, how much the spouse who has not been granted the custody of the children has to pay for their maintenance. On the right of the children to receive maintenance, the confirmation of maintenance and the changes concerning an agreement or a judgment on maintenance, provisions are made in the Act on the Maintenance of Children.

"When the spouses have been granted a judicial separation, the court may oblige one of the spouses to pay alimony to the other spouse or to support the children as provided for in Article 51.

"On the effects of judicial separation and dissolution of marriage on house or room rent relations provisions are made separately."

"(Art.81) When a case concerning judicial separation or dissolution of marriage is tried by the court, and the spouses do not agree upon living together during the proceedings, the court shall consider, at the request of the spouse, whether there is sufficient reason for finishing the married life immediately and, when this is the case, rule about the custody of the children and the obligation of maintenance of the spouse and about the right of the spouse to use chattels belonging to the other spouse. If the spouses can agree upon which one of them may stay at their common home for the present, the court shall confirm the agreement. Otherwise, the court shall rule about it."

"(Art.85) When the spouse has died or the marriage has been dissolved by the decision of the court or the spouses have been granted a judicial separation, their property shall be divided, at the request of one of the spouses or of an heir of the deceased spouse, except when neither of the spouses had a right to a marital portion of the property of the other spouse. What is said about an heir, shall be applied also to the person who has been put in the position of an heir by will.

"The division of the property means the realization of the marital portion of each spouse. If the spouses owned common property, also this property shall be divided at the request of one of the parties."

In order to secure the maintenance of the members of the family, a particular family pension system has been established in Finland. Presently, the system is governed by Act No. 38 on Family Pension, of 17 January 1969. The provisions of this Act, which obviously fall within the scope of economic and social rights, are summarized in the United Nations Yearbook on Human Rights for 1969.

Article 24

The law on children has been recently revised in Finland in order to establish equality among children irrespective of their descent and, consequently, to abolish any kind of discrimination of children born out of wedlock. At the same time, the revision was aimed at the codification and development of provisions regulating the determination and establishment of paternity as well as the proceedings to be followed in this regard and of provisions concerning the maintenance, inheritance right and guardianship of children.

As a result, a number of new laws were enacted to effectuate these purposes. The first one of these laws to be mentioned is Act No. 700 on Paternity, of 5 September 1975. Its main objective is partly to codify legislation concerning the affiliation between father and child, partly to amend and supplement the previous legislation so as to satisfy the interests of the child and to establish a procedure by which the aims of the new legislation can be achieved.

The basic rule according to this Act is, as before, that the husband is the father of the child born in wedlock. If the marriage has been dissolved before the birth of the child, the husband is considered to be the father of the child when the child is born during such time after the dissolution of marriage that it could have been begotten during the marriage. However, if the mother has entered into a new marriage before the birth of the child, the new husband is considered to be the father of the child.

If it is proved that another man has had sexual intercourse with the mother during the period the child has been begotten and if, taking into consideration all other circumstances, it has to be deemed proved that the child has then been begotten or if, on the ground of hereditary characteristics or of another particular circumstance, it may be deemed proved that the husband is not the father of the child, the court shall confirm that fact.

If the child has been begotten before the marriage or during such time the spouses have lived apart because of broken relations, the court shall likewise confirm that the husband is not the father of the child, unless it is proved likely that the spouses have had sexual intercourse during the period the child has been begotten.

An action concerning the annulment of paternity may be brought by the husband, the mother or the child. The husband and the mother shall bring their action in five years after the birth of the child. A husband who has acknowledged the child as his own having been aware of the fact that another man has had sexual intercourse with the mother during the time when the child has been begotten, is no more entitled to bring an action concerning the annulment of his paternity. The right of the husband to bring an action on annulment is transmitted to his legal successors after his death, provided that the time limit has not yet expired. An action on the annulment of paternity may no more be brought if the child has died, nor in the case that both the husband and the mother have died.

When the child is born out of wedlock and the father wishes to acknowledge his paternity, he shall notify of it the Children's Welfare Officer, the Public Registrar or the Public Notary. If the child is already of major age, the acknowledgement shall be approved by him. The acknowledgement document shall be forwarded by the Children's Welfare Officer to the judge of the appropriate local court for approval. The judge has to approve the acknowledgement if it has taken place in the way provided by law and if there is no reason to presume that the man who has acknowledged his paternity is not the father of the child.

In the case that no acknowledgement has been made or an acknowledgement has not been approved by the judge, the paternity may be confirmed by the court after a due procedure. An action to this effect may be brought by the child or, if he is of minor age, by the Children's Welfare Officer as his representative and also by the man whose acknowledgement has not been approved. The mother of the child shall be given an opportunity to be heard. If the child is under fifteen years of age and in the custody of the mother, an action on paternity may not be brought by the Children's Welfare Officer against the will of the mother. The mother may also refuse to reveal who is the father of the child. This, however, does not prevent the father from acknowledging his paternity.

Because of the public interest involved, the court shall at its own initiative, order that all the evidence it considers necessary be acquired. From the judgement of the lower court there is a possibility to appeal to the court of appeal which then shall deal with the case in all its extensiveness concerning all the parties.

Act No. 702 on the Inquest Concerning Certain Blood and Other Hereditary Characteristics, of 5 September 1975, supplements the Paternity Act by making it possible to obtain necessary evidence in paternity cases. According to this Act, the court may, either at the request of a party to the case or even at its own initiative, order that an inquest be made concerning blood or other hereditary characteristics. The inquest shall then be made of the child, the mother and the man who is a party to the case.

If in the light of circumstances revealed during the proceedings, there is reason to presume that a man who is not a party to the case is the father of the child, a similar inquest may be ordered to be made of him. Before such an order is given, the person concerned shall be given a chance to be heard.

According to Act No. 703, of 5 September 1975, amending the Act on the Publicity of Judicial Proceedings the court may decide, at the request of a party, that the dealing with a case concerning the confirmation or annulment of paternity shall take place behind closed doors.

An essential part of the revision of the law on children is constituted by Act No. 704 on the Maintenance of Children of 5 September 1975. This Act affirms the general principle that the child has a right to sufficient maintenance which comprehends the satisfaction of the material and spiritual needs of the child as well as the expenses for care and education.

The parents of the child, whether married or not, are responsible for the maintenance of their child in accordance with their ability. Consideration shall then be given to their age, working capacity and their possibility to take a job, the amount of available resources and their other maintenance responsibilities based on law. When estimating the scope of the maintenance responsibility of the parents, due consideration shall also be taken of the ability and possibility of the child to take care of his own maintenance.

The right of the child to get his maintenance from his parents is in force until the child has reached the age of eighteen years. However, even after that age the parents are responsible for the expenses of the education of the child as far as it is considered reasonable. Into particular consideration shall then be taken the aptitudes of the child, the duration of the education, the amount of its expenses and the possibilities of the child to be responsible for those expenses after the end of the education.

The age limit when a person, according to law, reaches the age of majority has been lowered in relatively short intervals. Having originally been the age of twenty-one years the age of majority was first lowered to twenty years by Act No. 343, of 30 May 1969. By Act No. 457, of 3 June 1976, amending the Guardianship Act this age limit was further lowered to eighteen years.

Registration of births takes place, as already mentioned in the initial report of Finland, in accordance with Decree No. 824 of 23 December 1970. A child born in wedlock acquires by birth the surname of his father. A child born out of wedlock acquires by birth the surname of his mother. However, when paternity has been established, the surname of the child can be changed to that of his father.

According to Act No. 328 on Surname, of 23 December 1920 every Finnish citizen shall have a surname. According to Act No. 1265 on Given Names, of 20 December 1945, every Finnish citizen shall have at most three given names. Both Acts contain detailed provisions on the adoption, registration and change of names.

The main lines of the social protection and welfare of children are laid down in Act No. 52 on the Protection of Children, of 17 January 1936, and in Decree No. 203 on the same subject, of 8 May 1936. In addition, there are a number of acts and decrees falling mainly within the scope of economic and social rights, which regulate the measures to be taken for the protection of children in various situations. All these legal provisions are applied equally to all children without any discrimination.

According to the Act on the Protection of Children, a person is considered to be a child until he/she reaches the age of sixteen years. A person who has reached the age of sixteen but not of eighteen years is considered to be a juvenile.

The responsibilities for the social protection and welfare of children are vested, in the first place, in the competent communal authorities functioning under the supervision of the appropriate State authorities. Particular attention is paid to advisory services which are governed by Act No. 568 on Educational Advisory Bureaus, of 2 July 1971.

The task of these bureaus is to promote the sound psychical development of children and juveniles and for this purpose:

(a) by advice and guidance to help custodians, teachers and authorities concerned in questions relating to the education of children and juveniles;

(b) to examine behaviour problems and psychical disturbances relating to the education and development of children and juveniles and to take care of them by medical, psychological and social means;

(c) also otherwise to give advisory help in this field.

At each bureau, there shall be at least one physician, one psychologist, one social welfare worker and other personnel according to the needs. Such bureaus may be established and maintained by private persons and organizations or by urban and rural communes. All bureaus are functioning under the supervision of the Ministry for Social Affairs and Public Health.

Communes are also maintaining medical advisory bureaus for mothers before and after child-birth. Partly due to the effectiveness of these bureaus, the infant mortality rate in Finland, according to the statistics of 1975, is only 9.5 per mille.

The right to acquire a nationality in Finland is governed by Act No. 401 on Nationality, of 28 June 1968. This Act is based on the principle of jus sanguinis with certain modifications. Thus, Finnish citizenship is granted:

(a) to any child born in wedlock whose father is a Finnish citizen;

(b) to any child born in wedlock whose mother is a Finnish citizen, provided that the child at his birth does not get a foreign nationality;

(c) to any child born out of wedlock whose mother is a Finnish citizen;

(d) to any other child who is born in Finland, provided that the child at his birth does not get a foreign nationality.

A foundling who is found in Finland is considered to be a Finnish citizen as long as he is not verified to be a foreign national.

When a Finnish man enters into marriage with a foreign woman, and they possibly have a child born before the wedding the child will become a Finnish citizen, provided that he is still unmarried and has not yet reached the age of eighteen years.

Article 25

The right of the citizens to take part in Parliamentary elections is governed by the Parliamentary Act. The relevant articles, as amended subsequently, read as follows:

("Art.1) Parliament represents the people of Finland."

("Art.2) Parliament is unicameral and is composed of two hundred Members of Parliament."

("Art. 3 as amended in 1955) Elections to Parliament shall take place every four years and simultaneously throughout the country. The participation of Finnish citizens abroad in the parliamentary elections is determined by law.

"The Preisdent of the Republic has, if he judges it necessary, the right to order new elections before the expiration of the period of four years provided for in paragraph 1. In this case the following elections shall take place, if there is no new dissolution of Parliament, in the fourth year after the latest elections.

"The mandate of a Member of Parliament shall take effect as soon as he has been declared elected and shall continue until the new elections have been held."

("Art. 4) Members of Parliament are elected by direct and proportional suffrage; for these elections the country shall be divided into electoral districts numbering a minimum of twelve and a maximum of eighteen.

"When local circumstances necessitate an exception to the proportional procedure, one or several districts, besides the number indicated above, can be established for the purpose of electing a single Member of Parliament.

"At elections every elector shall have the same right to vote.

"The right to vote cannot be exercised by proxy.

"Detailed provisions relative to districts, to dates, and to the procedure of elections shall be given by special law."

("Art. 5) Whosoever shall seek to disturb the freedom of voting by persuasion or bribery shall be liable to a maximum of three months' imprisonment. If he has employed force or threats, he shall be liable to a prison term of from one month to a year; if he is an official, he shall in addition be removed from his office.

"An official who takes advantage of his public authority to influence the election of Members of Parliament shall be discharged.

"An employer who does not grant an elector in his employment the opportunity to use his right to vote shall be liable to fine."

"(Art. 6 as amended in 1972) Every Finnish citizen, man or woman, who has attained the age of eighteen before the year in which the election takes place shall be an elector.

"A person shall be deprived of the right to vote if he is convicted of having, at the time of the election of Members of Parliament, bought or sold votes or having attempted to do so, or has voted in more than one place, or has by force or threats disturbed the freedom of the vote, the right only being returned after the expiration of the sixth year counting from the year in which final judgment was rendered."

"(Art. 7 as amended in 1976) Every elector who is not under guardianship shall be eligible to become a Member of Parliament without regard to residence.

"as amended in 1971) Eligibility shall not, however, extend to those who are on active military service, not including conscripts."

("Art.11) Every Member of Parliament is obliged to act according to justice and truth in the exercise of his mandate. He should observe the Constitutional laws and is not bound by any other instructions."

("Art.12) Access to the sessions and the exercise of his mandate cannot be refused a Member of Parliament."

("Art.13 as amended in 1944) No Member of Parliament should be prosecuted or deprived of his liberty because of opinions expressed by him in Parliament or because of opinions expressed by him in Parliament or because of his attitude during the proceedings, unless Parliament has authorized it by a vote of at least five-sixths of the votes cast."

("Art.14) In the course of a session of Parliament no Member of Parliament should be arrested, without the consent of Parliament, for a criminal offence, unless a tribunal has ordered his arrest or he has been taken in the act of committing a criminal offence punishable by at least six months' imprisonment.

"A Member of Parliament who, while proceeding to a session, is arrested for a cause other than that provided for in paragraph 1 should be freed if Parliament decides upon it.

"The Speaker should be informed immediately of the arrest of a Member of Parliament."

According to Article 23 of the Constitution Act, in the election of the President of the Republic the regulations in force for elections to Parliament shall be observed in respect to suffrage and eligibility and, in so far as applicable, also to the mode of election, the procedure of voting and the designation of deputy electors.

Local elections shall take place in accordance with Act No. 361 on Communal Elections, of 12 May 1972. A wide measure of self-government by the population has always been characteristic of local administration in Finland. In the earliest

days self-government was practised by villages and towns. With the linking up of several villages into rural communes, a special communal administration has been gradually developed. Similar development has taken place in towns.

The latest phase in the development of local administration in Finland is the codification of legal provisions concerning the self-government of communes into Act No. 953 on Communes, of 10 December 1976. In the framework of this Act which applies to all communes, both urban and rural, the communes are authorized to administer local matters concerning public order and economy, social welfare etc., provided that they are not expressly reserved by law to State organs.

In the local administration the decision-making power is entrusted to the Communal Council, the Members of which are elected by the inhabitants of the respective communes by direct and proportional suffrage for a term of four years at a time.

In communal elections every Finnish citizen has the right to vote in his own commune. A similar right is granted by law to the citizens of Denmark, Iceland, Norway and Sweden, provided that they have been registered as inhabitants in Finland during two years preceding the election year. Eligible to become a Member of the Communal Council is every person:

(1) who has his residence in the commune concerned;

(2) who has the right to vote in communal elections in the year when the Members of the Communal Council are elected;

(3) who is not under guardianship.

However, eligibility does not extend to

(1) the Provincial Governor and certain other high officials of the Provincial Government;

(2) the Director and Vice-Director of the commune;

(3) another leading official functioning directly under the central communal administration.

The purpose of these restrictions is to keep the decision-making and executive powers apart.

In all elections, both at the State and local level, the political parties play an important role. Act No. 10 on Political Parties, of 10 January 1969, intends to regulate the establishment and legal status of the political parties in Finland. Previously, these matters were based on a praxis of long duration without any direct mention by laws concerning electoral rights of citizens.

According to this Act, a special Party Register shall be kept by the Ministry of Justice. Any association, the purpose of which is to influence upon political matters, can be registered as a political party, provided that it has at least five thousand supporters who are entitled to vote, that its statutes secure the observance of democratic principles in the decision making and function of the association, and that it has a general programme indicating its principles and goals.

If no one of the candidates of a party is elected at the two latest elections, the party shall be removed from the register. It can also be removed upon its own request.

In the framework of the State budget, political parties represented in Parliament may be granted a subsidy in order to support their public function as defined in their statutes and general programme. The subsidies shall be allotted in proportion to the number of their elected representatives at the latest election. The parties have to render an account of the use of their subsidies.

All political parties shall be treated equally by the State and its organs and institutions, and equal grounds shall be applied to them in all respects.

According to Article 86 of the Constitution Act, the general criteria upon which the appointment to public service of the State takes place shall be ability, competence and proven civic virtue. On these terms, every citizen has an equal access to public service. Other qualifications, such as university degrees and professional training, are determined by law or decree in each particular case.

Article 26

In connexion with Article 26 of the Covenant, reference is made to Article 5 of the Constitution Act, which guarantees the equality of all Finnish citizens before the law and to what is already said above relating to Part II of the Covenant. In addition, it may be mentioned that Finland has ratified the Convention on the Political Rights of Women of 20 December 1952.

Article 27

According to the latest census information, the total population of Finland amounts to 4.6 million people. Most of them have Finnish as their mother tongue. The most noteworthy linguisitic minority is constituted by those, circa 6.4 per cent of the total population, who have Swedish as their mother tongue.

For historical reasons, Swedish along with Finnish has the status of national language. The right of the Swedish speaking minority to use their mother tongue as well as the satisfaction of their cultural and economic needs on equal basis with the majority are guaranteed by Article 14 of the Constitution Act.

Circa 92.8 per cent of the population of Finland belongs to the Evangelical Lutheran Church which, consequently, has a special status as a national church. Circa 1.4 per cent of the population belongs to the Orthodox Church of Finland which, too, has the status of a national church. The rest of the population, except those circa 5 per cent who belong to no religious community, are divided among various other religious communities, each one of them having members less than one per cent of the population. The members of these religious communities enjoy the right to profess and practise their own religion as already indicated above in connexion with Article 18 of the Covenant.

As regards the ethnic minorities in Finland, there are over 5,000 Gipsies, circa 4,000 Lapps, of whom circa 1,900 have Lappish as their main language, over 1,200 Jews and circa 1,000 Tartars. It is to be noted that a person is considered to belong to a minority group only on the basis of his expressed will in connexion with an official census.

Increasing attention has been paid to the development of the Lappish language in recent years. Oral instruction in schools is given, as far as possible, to those pupils whose mother tongue is Lappish. Several text books in Lappish have already been published and several others are under preparation. Difficulties are caused by the fact that three different vernaculars are spoken in different regions and that the orthography used in Finland differs from that used in the neighbouring countries where, too, there is a Lapp population. At the initiative of the Nordic Council, the Lapp Institute was established in Kautokeino, Norway, to work on the development of the Lappish language and culture.

Considerable efforts have also been made in order to preserve and develop the Gipsy language. So far an abc-book and a vocabulary of 3,000 words have been prepared based on the orthography especially created for these purposes.

No person belonging to a linguistic minority is denied the right to use his own language. Free assistance of an interpreter before the court or other authorities is arranged if need be, as already indicated in connexion with Article 14 of the Covenant.

Detailed information concerning the ethnic, religious and linguistic minorities in Finland has been forwarded to the Sub-Commission on Prevention of Discrimination and Protection of Minorities in connexion with the Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities carried on by the Sub-Commission.

Further information on measures taken in Finland for the satisfaction of the economic, social and cultural needs of ethnic minorities has been forwarded to the Committee on the Elimination of Racial Discrimination.