



**International Covenant on  
Civil and Political Rights**

Distr.  
GENERAL

CCPR/C/SR.1659  
20 August 1998

ORIGINAL: ENGLISH

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HUMAN RIGHTS COMMITTEE

Sixty-second session

SUMMARY RECORD OF THE 1659th MEETING

Held at Headquarters, New York,  
on Wednesday, 1 April 1998, at 10 a.m.

Chairperson: Ms. CHANET

later: Mr. BHAGWATI (Vice-Chairperson)

later: Ms. CHANET

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The meeting was called to order at 10.15 a.m.

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

Fourth periodic report of Finland (CCPR/C/95/Add.6,  
HRI/CORE/1/Add.59/Rev.1)

1. At the invitation of the Chairperson, Mr. Hallberg, Mr. Veijalainen, Ms. Ertman, Mr. Viljanen, Ms. Pietarinen and Mr. Schalin (Finland) took places at the Committee table.

2. Mr. Hallberg (Finland) said that the inviolability of human dignity and the freedoms and rights of the individual had been made part of the Constitution by the reform of the fundamental rights provisions which had entered into force on 1 August 1995. The Constitution Act of Finland dated from 1919 and had originally guaranteed the protection of freedoms for Finnish citizens. The constitutional reform had extended that protection to cover all persons within the jurisdiction of Finland, had included the economic, social and cultural rights in the Constitution and had increased the direct applicability of fundamental rights. Section 16 (a) of the Constitution Act placed public authorities under a special obligation to protect fundamental rights and to take active measures for their implementation. It also gave the Chancellor of Justice and the Parliamentary Ombudsman the responsibility to supervise the implementation of fundamental and international human rights.

3. Finland had always sought to ensure that the national system of fundamental rights met international human rights obligations and strengthened the protection of international human rights at the international level. While the Covenant had been the most important model for the Constitution in respect of several fundamental rights, it had been just one factor among others in respect of other rights. The fundamental rights protected by the Constitution included the right to life and personal liberty, physical integrity and security of person, freedom of movement, the right to privacy, freedom of religion and conscience, freedom of expression, freedom of assembly and association, the right to one's own language and culture, the right of everyone to procure a living through the work, occupation or trade of their choice, the right to social security and the right to legal protection. Similarly the Constitution promoted the principles of equality, the rule of law, and responsibility for the environment. The provision in the Constitution restricting the possibility to derogate from those fundamental rights in accordance with article 4 of the Covenant stated that even under exceptional circumstances, derogations from fundamental rights must be temporary and deemed absolutely necessary as well as in conformity with human rights obligations under international law.

4. The recent discussion on fundamental rights had brought the Constitution closer to the individual in Finland. In the case law of the Supreme Administrative Court there had been several instances in which the Court had repealed decisions of the public authorities by referring to provisions of the Constitution. The Constitution was like a bridge between the national legal system and the international human rights system. International Conventions

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were incorporated into national legislation by an act or decree. The Covenant had become a part of the legislation in 1976 by an act of Parliament, which meant that it was directly applicable before the courts and other authorities and that individuals could invoke provisions of the Covenant directly.

Issue 1: Discrimination and advocacy of racial hatred (articles 2 (1) and 20 (2) of the Covenant)

5. The CHAIRPERSON read out the questions relating to Issue 1: the extent of discrimination against members of the Roma minority, immigrants and refugees, including the occurrence of racially motivated violence and the impact of the amendment of the Penal Code in that respect; steps that had been taken or were foreseen to criminalize any "advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility and violence", as provided for in article 20, paragraph 2 of the Covenant.

6. Ms. PIETARINEN (Finland), responding, said that the combined thirteenth and fourteenth periodic report submitted by Finland to the Committee on the Elimination of Racial Discrimination in November 1997 contained information on the legislation and other measures taken concerning such discrimination.

7. According to section 5 (2) of the Constitution Act and chapter 11, section 9 of the Penal Code, discrimination was prohibited. Following the amendment to the Penal Code, the general provision against discrimination had become uniformly applicable to employees on hourly or monthly pay and to state and municipal employees. The provision on discrimination at the workplace applied also to the advertisement of job, the recruitment of employees and situations where an employee had been placed without weighty, acceptable grounds in a disadvantaged position in an employment relationship. Chapter 11, section 9 prohibited discrimination on the grounds of race, national or ethnic origin, colour, language, a gender-related matter such as pregnancy, age, family relations, sexual orientation, health, religion, opinions, political or professional activities or on comparable grounds.

8. It was true that general attitudes towards immigrants had become more negative as their number had grown considerably since 1990. The Government had intensified its action against racism and intolerance and legislative measures had been supplemented by other actions to combat racism. Cases of assault stemming from xenophobia were relatively rare in Finland. Admittedly, prior to the last year, police records had not contained any information on the racial motive of an offence; however, the Ministry of Interior was now collecting data on all crimes against foreigners to find out how the police reporting on racist motives actually worked. A bill proposing to add racist motive to the list of aggravating factors that increased the severity of punishment would be submitted to the Parliament the following year. Chapter 11, section 8 of the new Penal Code criminalized any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility and violence and the old penal code had also included a similar provision.

Issue 2: Right to an effective remedy (article 2, paragraph 3, of the Covenant)

9. The CHAIRPERSON read out the questions relating to Issue 2: whether legal assistance was available to persons seeking domestic remedies in courts for alleged violations of rights protected by the Covenant; whether claimants were liable to costs if unsuccessful in their claim.

10. Mr. VILJANEN said that the right to a fair trial - which included the right to legal assistance - was guaranteed under section 16 of the Finnish Constitution Act. Legal assistance - which could be provided free of charge if necessary - was available when there had been an alleged violation of either national legislation or of international treaty provisions. In civil cases, a party who lost his case was, in principle, obliged to pay the trial costs. In administrative judicial proceedings, however, a private party could not be obliged to pay the trial costs of a public party unless the claim had been manifestly ill-founded. The Ministry of Justice was considering an amendment to the provisions concerning compensation of trial costs in civil cases which would make a private party's liability for trial costs equitable, especially when a case had been legally unclear and there had been reasonable grounds for trial or when full compensation of trial costs was obviously unreasonable.

Issue 3: Status of the Covenant (article 2 of the Covenant)

11. The CHAIRPERSON read out the question relating to Issue 3: with reference to paragraph 10 of the report, clarify the status of the Covenant in the Province of Åland.

12. Mr. VILJANEN said that Finland had ratified the Covenant without a reservation concerning the Åland Islands; thus the Covenant was in force in the whole territory of Finland, including the Province of Åland. The consent of the Province of Åland had not been requested when Parliament adopted the Act implementing the Covenant because it had been considered that the Covenant did not contain any provisions that would have required repealing, amending or derogating from the Act on the Autonomy of Åland.

Issue 4: Dissemination of information about the Covenant (article 2 of the Covenant)

13. The CHAIRPERSON read out the questions relating to Issue 4: steps taken to disseminate information about the rights recognized in the Covenant and on the Optional Protocol in the Finnish, Swedish and Lappish (Sami) languages; information provided to the public, including non-governmental organizations dealing with human rights, on the Committee's consideration of the State party's fourth periodic report; in view of paragraph 45 of document HRI/CORE/1/Add.59/Rev.1, whether the fourth periodic report had been published in Finland.

14. Ms. PIETARINEN (Finland) said that international conventions in force in Finland were published in both Finnish and Swedish and in at least one original language, usually English, in the treaty series of the Statutes of Finland. The Covenants and the Optional Protocol to the International Covenant on Civil and Political Rights had been published in the Statutes Book of Finland in the

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Finnish and Swedish languages. Texts of the six core United Nations rights conventions were included in the Publications Series of the Ministry of Foreign Affairs; they were widely distributed among the authorities and organizations and were also on sale in some book stores.

15. Under the Act on the Use of the Sami Language, which had entered into force in 1992, acts, decrees and other decisions affecting the Samis could be published in the Sami language. Three different Sami languages were spoken in Finland: Inari Sami, Skolt Sami and Northern Sami, which was the most prevalent. The International Covenant on Civil and Political Rights had already been translated into the Sami language in Norway. In 1997, the International Covenant on Economic, Social and Cultural Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities had been published in Northern Sami in Finland.

16. Public data banks, particularly the Internet, were widely used in Finland. The data bank known as "Finlex" included information on international treaties. The websites of the Ministry of Justice provided access to a digital statutes data bank and the texts of international treaties; the Ministry was contemplating the inclusion of information on the human rights instruments as well, in particular, the national reports submitted under them.

17. The fourth periodic report of Finland had been discussed in the Advisory Board of International Human Rights Issues of the Ministry of Foreign Affairs and served as a liaison between the Ministry and non-governmental organizations. Her Government welcomed the submission of information and comments to the Committee and to the delegation by non-governmental organizations. On its return to Finland, the delegation would inform the press of the Committee's consideration of the fourth period report. The Concluding Observations of the Committee would be widely distributed.

18. The core document (HRI/CORE/1/Add.59/Rev.1) had not been published, but paper copies of it were available. Particularly in the past two years, her Government had sought the input of non-governmental organizations, the Ombudsman and advisory boards in preparing its national reports. The Ministry of Foreign Affairs had organized a public hearing for civil society and the authorities before submitting its fourth periodic report to the Committee. National reports were published regularly in Finnish and/or English; their dissemination over the Internet was being contemplated.

Issue 5: Equality of the sexes (articles 2 and 3 of the Covenant)

19. The CHAIRPERSON read out the questions relating to Issue 5: information on positive measures taken in order to combat and prevent legal and de facto discrimination against women, including inequality in remuneration and access to jobs at the decision-making level in the private as well as public sectors.

20. Ms. ERTMAN (Finland) said that her Government had ratified the Convention on the Elimination of All Forms of Discrimination against Women without reservations in 1986 and had submitted three periodic reports under it. In August 1995, in connection with the preparations for the Fourth World Conference

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on Women, her Government had begun drafting a national programme for equality with the participation of several Ministries and authorities, non-governmental organizations and labour market organizations. The national programme, drafted by the Ministry of Social Affairs and Health and adopted in 1997, espoused the principles of the Beijing Platform for Action, including the empowerment and advancement of women, respect for the human rights of girls and women, and the promotion of equality of men and women in society. It focused on the workplace, education and training, the information society and men's role in promoting equality and the prevention of violence against women. A follow-up programme was currently under preparation.

21. The Equality Act prohibited discrimination in the workplace on the grounds of sex. The amended Penal Code characterized discrimination on the grounds of sex as a punishable act; references to those provisions of the Penal Code were contained in the Employment Contracts Act and the Merchant Shipping Act as well. The prohibition of discrimination in the workplace extended to State and municipal officials as well and applied to job advertisements, recruitment and instances where employees might be placed in a disadvantageous position (for example, vacations, promotion or lay-offs). The Equality Act required all establishments with 30 or more employees to draw up an annual plan for equality. The Equality Ombudsman had recently distributed a study of the equality plans of the largest state, municipal and private employers, which would be a useful model for others.

22. The Government's influence on the wage policy in the private sector was at best indirect, as collective agreements were negotiated principally at the trade-union level. About 90 per cent of the Finnish labour force was covered by those collective agreements. One major initiative aimed at equalizing the remuneration of women and men involved a re-evaluation of jobs in which the characteristics of jobs typically held by women would be given greater consideration. The State wage system had been reformed in 1992; a common wage system decided by the State and government bodies had been agreed upon in 1993. The new system stressed level of difficulty, personal performance and results achieved, and it promoted equal pay.

23. The Civil Service Act, which had entered into force in December 1994, prohibited authorities from deciding appointments on the grounds of, inter alia, gender. A working group established by the Ministry of Finance for the purpose of reforming the methods of selecting high-ranking government officials had recommended consideration of candidates on a case-by-case basis with particular emphasis on education and training, skills and aptitude. It had also proposed that women should be encouraged to improve their skills and to take advantage of any on-the-job training programmes for managerial and expert staff. In the past few years, women had been appointed to the posts of Governor of the Bank of Finland, Speaker and Deputy Speaker of Parliament. The Mayors of several cities, including Helsinki, were women. In addition, a provision of the Equality Act established that women must represent at least 40 per cent of the membership of government committees, advisory boards and other corresponding bodies.

Issue 6: Violence against women and children (articles 3, 7, 8 and 24 of the Covenant)

24. The CHAIRPERSON read out the questions relating to Issue 6: the extent of violence against women and children within and outside the family, child abuse and specific measures taken or contemplated to combat and prevent the occurrence of such acts; the extent of the problem of trafficking in women and the impact of the measures referred to in paragraph 33 of the report.

25. Ms. ERTMAN (Finland) referred to her country's third periodic report under the Convention on the Elimination of All Forms of Discrimination against Women and its second periodic report under the Convention on the Rights of the Child, which was to be submitted in July. The prevention of violence against women was a top priority in the Government's equality programme. Under the amended Penal Code, which had entered into force in September 1995, ordinary assault, even when committed in a private place, could be prosecuted. Harsher laws had been put in place with regard to violence in the home; the provisions of the Penal Code on rape had been updated and their scope had been expanded to include acts committed between spouses. The Ministry of Justice was also preparing draft legislation on restraining orders in order to prevent violent men from visiting their families. Mindful of the impact of domestic violence on child development, the Government had made an effort to prevent domestic violence through, inter alia, information, consultation, family planning and sex education. A division of the Council for Equality had set up an emergency service for crime victims, and health education grants were used to finance projects and seminars relating to domestic violence.

26. A number of provinces had launched projects to combat domestic violence. The prevention of violence, particularly against women, children and the elderly, and assistance to its victims were highlighted in the National Plan for the Organization of Social Welfare and Health Care Services for the period 1997-2000. The Federation of the Mother and Child Homes and Shelters maintained 30 to 40 homes and shelters. A national rape crisis centre called "Tukinainen" had been established by the League of Finnish Feminists (UNIONI). The Ministry of Social Affairs and Health had begun to gather statistics in cooperation with the police: according to a 1996 survey, criminal files had been opened in approximately 2,500 cases of domestic violence. Earlier in the year, the Ministry of Social Affairs and Health, in cooperation with the Ministry of Equality, had launched projects on the prevention of violence against women and the prevention of prostitution. Project objectives included drafting a national strategy on the prevention of violence against women in cooperation with regional and local authorities and non-governmental organizations; monitoring national and international development; gathering and disseminating information; developing research and data; and submitting proposals for new legislation. A number of projects had also been launched to help men refrain from the use of violence. In that connection, the Finnish Association for Mental Health had produced a model for the treatment of men prone to domestic violence (outlined in the annex to Finland's third periodic report to the Committee on the Elimination of Discrimination against Women).

27. Trafficking in women had been the subject of a broad debate in Finland, particularly within the framework of the European Union; in that connection, it had adopted the Hague Ministerial Declaration in 1997. The Ministry of the Interior had briefed Finnish police on preventing prostitution and trafficking and a working group had been established to coordinate action to that end with the European Union and the authorities of neighbouring countries. Prostitution as such was not characterized as a crime in the Penal Code, but procuration was. The provision of the Penal Code on abduction had not been widely implemented in connection with trafficking in women because trafficking was so difficult to prove, particularly when it was arranged outside national borders.

28. Mr. KLEIN expressed his appreciation to the delegation for its extremely comprehensive report, its answers to the questions contained in the list of issues and the material it had distributed to Committee members. Noting that Finland had already withdrawn several of the reservations it had entered on ratifying the Covenant, he asked whether it also planned to withdraw its three remaining reservations, namely, to article 10, paragraphs 2 (b) and 3; article 14, paragraph 7; and article 20, paragraph 1. Referring to paragraph 18 of the report, he noted that the duties of the Chancellor of Justice and the Parliamentary Ombudsman, as set forth in the Constitution Act, were comparable. He therefore wondered what happened in the event of a disagreement between them. In the context of article 7 of the Covenant, he wished to know whether Finland took measures to protect the mentally ill from medical and scientific experimentation.

29. Within the context of article 24, paragraph 3 of the Covenant, he inquired whether children of stateless persons born in Finland were guaranteed a nationality and whether they acquired the Finnish nationality. Referring to paragraph 91 of the report, he wondered whether the liability of corporations to pay tax to members of the Evangelic-Lutheran Church constituted discrimination against other churches or denominations.

30. While he welcomed Finland's determination to protect human rights by characterizing a number of human rights violations as criminal offences in the Penal Code (paras. 19, 101, 104, 105 and 113 of the report), he wondered whether such strong action was really necessary in a democratic society. Was there perhaps a tendency to overemphasize the role of the Penal Code in that respect?

31. Mr. Bhagwati (Vice-Chairperson) took the Chair.

32. Lord COLVILLE also welcomed the delegation's report and answers and, in particular, the fact that high-ranking members of all relevant Government departments were present to address the issues raised by the Committee. Noting the sizeable increase in the alien population of Finland in recent years, he expressed concern about the issue of discrimination in the broadest sense.

33. He, too, was concerned that discrimination had been dealt with primarily by criminalization. The experience of his own country, the United Kingdom, with its large minority population, had shown that that was not always the best approach. To begin with, it was always a policy decision as to which infringements would constitute crimes. Secondly, the criminal courts were the

worst place to try to determine compensation within the meaning of article 2, paragraph 3 (a) of the Covenant. And lastly, discrimination was very insidious. It crept into attitudes and outlooks as well as overt actions, and the victims were often the weakest and most inexperienced members of the community. He wondered if Finland had established mechanisms allowing such people to seek remedies under civil law in cases such as generally discriminatory housing policies, and had set up some kind of helpful body to institute civil proceedings on their behalf or assist them in the necessary legal procedures if a discriminatory pattern was detected.

34. Noting that the dissemination of racist propaganda had also been made a criminal offence, even though Finland had entered a reservation to article 20, paragraph 1, of the Covenant because of the possible conflict with freedom of expression, he asked what policy was followed by the Ministry of Justice in deciding the type of case that would be prosecuted, and how the dividing line between what was unacceptable and what must be allowed because of freedom of expression had been established. The problem, to be sure, was a general one, and it certainly came up under the European Convention in relation to the privacy issue.

35. Mr. YALDEN, referring to Issue 1, asked the delegation to provide more statistics on the occurrence of racial discrimination and incitement to racial hatred; and information on the immigration policy with regard to the Russian minority, which was the largest in the country and had apparently undergone the most rapid increase. It was also not clear if immigration usually led to acquisition of nationality. Regarding discrimination in employment, against women and other groups, he asked how many employers had actually been prosecuted, and about the ratio of women's wages to those of men in both the public and private sector. Details of how the Government was dealing with discrimination on the ground of disability would also be useful. On the question of minority languages, he would be interested in hearing about the contemporary practice with regard to the use of Swedish, now spoken by less than 6 per cent of the population, in government services, and the extent to which public services were available in Russian. Furthermore, it was not clear whether the special arrangements for regional citizenship in the Åland Islands limited the people's freedom of movement or their right to acquire property. Regarding aliens and deportations, figures should be provided on the number of applications for asylum and the number granted.

36. Finland had so many institutional remedies for human rights violations - the many different Ombudsmen, for instance, and the court system - that clarification would be helpful on how they related to each other, as would statistics on how many persons had availed themselves of the remedies.

37. Ms. EVATT, observing that it was always difficult to strike a balance between criminal sanctions, personal remedies and positive action in safeguarding human rights, welcomed the new provisions against racist propaganda in chapter 11 of the Criminal Code; although, as Lord Colville had noted, there was always the question of when to prosecute. She asked whether Finnish law provided for other kinds of interventions in race-related matters - for instance, whether there was an established mechanism to minimize racial hatred and to mediate between victim and aggressor in racially motivated incidents.

38. She detected an institutionalized discrimination against certain minority groups like the Roma people, for there seemed to be an entrenched attitude of exclusion with regard to housing and employment, and it was apparently considered necessary to keep a police register on the Roma. She would like the delegation to address that issue and discuss any positive measures the Government had taken that had had measurable effects on the situation of that minority.

39. The delegation's answer on Issue 2 had been encouraging, but it would be interesting to know if the Government intended to draft legislation to provide assistance to those unable to pay for the legal costs of pursuing human rights remedies through public agencies.

40. Ms. Chanet resumed the Chair.

41. Mr. EL SHAFEI observed that although Ms. Ertman's replies to the list of issues had filled some of the statistical lacunae in the report, more figures should be provided on gender equality and the like. The Concluding Observations of other treaty bodies like the Committee on Economic, Cultural and Social Rights, or the reports from non-governmental organizations, indicated that, in practice, women had not fully achieved equality, particularly with regard to equal pay and access to professional positions; and that there was no mechanism to monitor the decentralized and privatized social services for vulnerable groups such as children. There were also reports that a new negative attitude had developed in Finnish society towards aliens. That was a very disturbing European phenomenon, and he would be interested to know what steps other than legislation the delegation thought could be taken to counter it. On the issue of torture, he noted that there was no definition of torture in the criminal law or any prohibition on the use in judicial proceedings of statements obtained under coercion, and consideration should be given to filling those legal gaps, and also to modifying the unsatisfactory provisions in the Dangerous Recidivists Act.

42. Mr. LALLAH observed that human rights were a relative concept in many countries where the laws were good but violations nonetheless occurred, and that States must act to prevent such aberrations. He especially liked the exemplary way in which the Government had tried to give life to the provisions of the Covenant in the Constitution. He noted that section 5 of the Constitution allowed different treatment "on acceptable grounds", but it was not clear to whom the grounds should be acceptable. The Committee would say that different treatment was allowable only if it complied with objective, reasonable criteria.

43. The last provision in section 7 of the Constitution, stipulating that no alien might be expelled, extradited or returned if he risked the death penalty, torture or other degrading treatment, beautifully encompassed all forms of removal from a country, and was certainly in line with the Committee's jurisprudence. It would be interesting to know if there had been any recent cases and to what countries such persons had been removed. The treatment of article 13 in the periodic report, on the other hand, did not allow a clear impression to be formed of the actual situation in the country. Paragraph 56, for instance, cited quite a large number of deportations of aliens and refusals of entry carrying a prohibition to enter Finland for a stipulated period, but it

would have been helpful to be told the grounds of such restrictive orders. He would also like more information about the Iridiamant community of so-called lifestyle Indians who had been deported (report, para. 57). In the case both of the aliens deported and the particularly large numbers of aliens refused entry (report, para. 62), the report gave no comparative figures for aliens who had been admitted. Apparently aliens in Finland comprised 86 different nationalities, and it would have been interesting to know the reasons why so many had wanted to go to Finland.

44. He noted with satisfaction that section 9 of the Constitution expressly recognized the right to belong or not to belong to a religious community. The explanatory text, however, referred to that right as the "negative freedom of religion", which had a somewhat pejorative connotation; perhaps a more neutral formulation could be found.

45. While he partially shared the concern expressed by Lord Colville and Mr. Klein at the extent to which it was left to criminal law to deal with certain matters, he nonetheless believed that criminal law performed a useful function, in that State agents who came into contact with ordinary people knew that they could be subject to prosecution if they acted unlawfully.

46. He also agreed with Lord Colville that the measures designed to protect vulnerable groups in society, such as aliens, should be examined, and that States had an obligation to ensure that remedies for discrimination were available. It would be interesting to learn whether the educational system imparted such values as tolerance of minorities, and at what age.

47. Mr. ANDO commended the State party on the timely submission of its reports and for the succinct but pertinent information contained therein. As recently as 15 years ago, the term "Finlandization" still connoted a situation in which the human rights of the Finnish people had been restricted in various ways; it was to be hoped that such a situation would never recur.

48. Turning to paragraph 33 of the report, which referred to a proposal to amend the Penal Code to include the offence of "trafficking in persons under the age of 15", he failed to see the relevance of the age qualification, since persons of all ages should be protected against that crime.

49. With regard to paragraphs 93, 94, 111 and 112 of the report, which dealt with the elimination of restrictions on the right of aliens to publish printed matter, vote in local elections and enter public service, the reporting State should specify whether there were any restrictions on the publishing and broadcasting rights of non-citizens.

50. During the Committee's consideration of the third periodic report of Finland, some questions had been raised which had not been addressed in the fourth report. First, with regard to the regulation of human embryo research, the delegation had stated that consideration was being given to setting up a committee to decide whether a particular research project should be allowed; it would be useful to learn whether such a committee had been established. Secondly, the delegation had stated that the proposal to exempt Jehovah's Witnesses from national service in lieu of military service might constitute

discrimination vis-à-vis other religious minorities; he would be grateful for further details on the decision taken in that regard.

51. Another question related to the status of the Covenant in the domestic law of Finland. Paragraph 35 of document HRI/CORE/1/Add.59/Rev.1 stated that the European Convention for the Protection of Human Rights and Fundamental Freedoms had been approved by Parliament, while a number of other treaties had been incorporated through a governmental decree. Since the Covenant was not mentioned, however, it was unclear whether it could be invoked directly before the courts.

52. Lastly, he joined Mr. Klein, Lord Colville and Mr. Lallah in expressing doubt as to the desirability and effectiveness of using criminal sanctions to enforce a ban on discrimination. The criteria for defining discrimination, as spelt out in paragraph 19 of the report ("Discrimination consists of not serving a person without an acceptable reason, etc."), might be difficult to apply in a concrete instance.

53. Mr. POCAR noted with satisfaction that section 5 of the Constitution provided that children should be treated equally as individuals; that was in line with the Committee's general comment on article 24 of the Covenant. The report, however, did not deal with the issue, and merely referred to the previous report. It would have been interesting to learn how section 5 was applied in practice in relation to other Covenant rights. The third periodic report referred to certain age-related rights, some of which were cause for concern; it was unclear, for instance, why children should have a right to education beginning at the age of seven, or why the right to join or leave a religious community should begin at the age of 16. Moreover, section 9 of the Constitution, which dealt with freedom of religion, contained no age restrictions; it was unclear how such provisions, if they were embodied in laws, could be compatible with that section of the Constitution.

54. Mr. KRETZMER, referring to article 12, paragraph 4, of the Covenant, said that the Committee had taken the view that the provision "No one shall be arbitrarily deprived of the right to enter his own country" could apply to persons who did not have the citizenship or nationality of that country. With the growing number of aliens living in Finland, there could be a class of persons for whom Finland had become their "own country", even though they were regarded as non-citizens under Finnish law. It was therefore relevant to examine two questions: first, the conditions under which aliens residing lawfully in the country could obtain Finnish citizenship, since, having done so, they would be protected by section 7 of the Constitution and could not be expelled from the country or prevented from returning to it; second, the situation of aliens who had resided lawfully in Finland for a long period of time or who might meet other conditions which would make Finland their "own country" (for instance, stateless persons). Under section 7 of the Constitution, there appeared to be no barrier to such persons being expelled from the country or prevented from re-entering it once they had left. In that connection, paragraph 55 of the report stated that deportation was regulated by articles 40 to 43 of the Aliens Act and that the grounds for deportation were specified in article 40, the text of which was not before the members of the Committee. He would therefore appreciate further details on the grounds on which non-Finnish citizens who were lawfully in the country could be deported or denied re-entry.