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HUMAN RIGHTS COMMITTEE

Second Session

SUMMARY RECORD OF THE 30th MEETING

held at the Palais des Nations, Geneva,  
on Thursday, 18 August 1977 at 3.20 p.m.

Chairman: Mr. MAVROMMATIS

CONTENTS

Consideration of reports submitted by States parties under article 40 of the  
Covenant: initial reports of States parties due in 1977 (agenda item 3) (continued)

Report of Finland

Organization of future work

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE  
COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 (agenda item 3) (continued)

Report of Finland (CCPR/C/1/Add.10)

1. The CHAIRMAN said that the next report to be considered by the Committee was that of Finland (CCPR/C/1/Add.10). The Government of Finland had designated Mr. Saario, President of the Helsinki Court of Appeals, to represent it at the meeting. He invited Mr. Saario to take a place at the Committee table and informed him that he could, if he wished, supplement the information given in his country's report.

2. Mr. SAARIO (Finland) said that his Government had provided proof of the importance it attached to the Covenant by making the declaration called for in article 41 of the Covenant and ratifying the Optional Protocol. It was aware that Finland's existing legal and administrative structures were not fully in harmony with the requirements of the Covenant and would co-operate fully with the Committee with a view to achieving complete conformity.

3. It appeared that, owing to a misunderstanding, his country's report did not contain all the information the Committee would have wished. His Government had interpreted paragraph 1 of article 40 of the Covenant as meaning that country reports were to relate to measures taken in connexion with, and subsequent to, ratification of the Covenant; it had not realized that information was required on legislation that had existed prior to the entry into force of the Covenant. He apologized for the misunderstanding and said that, with a view to remedying the situation to some extent, he had arranged for copies of Finland's Constitution to be circulated to members.

4. The traditional human rights guaranteed under the Constitution were set forth in chapter II entitled "General Rights and Legal Protection of Finnish Citizens". It would be noted that the Constitution had been promulgated in 1919; that explained why the wording of the rights did not correspond fully to that in the Covenant. A Covenant Committee was at present revising the Constitution, and every effort would be made to bring the wording of the chapter on human rights fully into line with that of the Covenant.

5. Turning to his country's report (CCPR/C/1/Add.10), he drew attention to the first paragraph. As a result of the adoption of Act No. 107 of 23 June 1975, the provisions of the Covenant now formed an integral part of Finnish law; in the event of inconsistencies between domestic law and the provisions of the Covenant, the latter would prevail. All that remained to be done, therefore, was to ensure that the provisions of the Covenant were properly implemented.

6. The reasons why Finland had entered reservations to the Covenant were explained in the third paragraph of the report. Perhaps the number of reservations was excessive, because some of the discrepancies between Finnish legislation and the provisions of the Covenant were attributable more to structural differences between the Finnish legal system and that envisaged by the Covenant than to any

essential difference between the spirit of the two instruments. The first reservation - to article 9, paragraph 3 of the Covenant - and the fifth reservation - to article 14, paragraph 3 (d) of the Covenant - would be withdrawn as soon as the appropriate amendments to national legislation had been made. The third and fourth reservations, which related to the provisions of article 13 and article 14, paragraph 1, of the Covenant respectively, would also be withdrawn in the near future because Government action to bring national legislation fully into line with the provisions of the Covenant in those matters was under way.

7. Finland's second reservation related to the provisions of article 10, paragraph 2 (b), and paragraph 3 of the Covenant. In Finland, the usual practice was to segregate juvenile offenders from adults. In some parts of the country, however, separate institutions were not available and it was not possible to keep juveniles apart from adults. However, whenever it was felt that a juvenile offender would be harmed by being detained with adults he was placed in a separate institution. That was really a technical point and personally he did not feel that a reservation should have been entered.

8. Finland's sixth reservation related to the provisions of article 14, paragraph 7, of the Covenant. Obviously, if the final judgement of the court could only be reversed in favour of the accused there would have been no need for a reservation. In Finland, however, final judgements of courts could be reversed to the disadvantage of the accused if facts coming to light after the final judgement proved that it had been based on false or incomplete evidence. Members should bear in mind, in that connexion, that in Finland there was no jury system; it was the judges who decided on the law and the facts of cases and, according to the Finnish sense of justice, if their decisions were found to be based on wrong evidence they must be reversed, even to the disadvantage of the accused. It should be noted, however, that an application aiming at reversal of a judgement to the disadvantage of the accused had to be made within a year from the date on which the applicant learned of the new fact or evidence or, if the application was based on the criminal conduct of another person, from the date the judgement concerning such conduct attained legal force. On that point, the discrepancy between Finnish law and the provisions of the Covenant were attributable to the Finnish legal system; he felt, however, that the reservation should be maintained for the present.

9. The reasons which had prompted his Government to enter a reservation to article 20, paragraph 1 of the Covenant were set forth in his country's report.

10. In conclusion, he said that he would do his best to give the Committee any additional information it might require on measures taken to implement the Covenant.

11. The CHAIRMAN said that the Committee itself was partly to blame for the fact that country reports did not always contain the information it desired, for no proper guidelines had been issued.

12. Mr. GRAEFRATH suggested that some discussion of the reservations entered by Finland to the provisions of the Covenant was required. For example, it was clear from Finland's report and from its representative's statement that in Finland juvenile offenders were usually segregated from adults. In his opinion, article 10, paragraphs 2 and 3, of the Covenant set forth a general rule which could be departed from in exceptional cases so long as the interests of the juvenile were not harmed. In cases where, as in Finland, separate institutions were not available or where, for educational reasons, it was not in the interests of the juvenile to be in a separate institution, strict adherence to the letter of the rule seemed unnecessary. It appeared to him that Finland abided by the spirit of the rule and that it need not have entered a reservation to the provisions of the Covenant. That was a point on which the members of the Committee might exchange views.

13. He also wondered whether the Finnish reservation to article 14, paragraph 7, of the Covenant was necessary. The maxim non bis in idem was accepted in nearly all penal systems, but in practically all systems cases could be reopened if new evidence came to light or if it was found that there had been a grave miscarriage of justice. He suggested that most countries had not entered reservations to article 14, paragraph 7, of the Covenant because in their view the fact that, under their penal systems, cases could, for the reasons he had mentioned, be reopened did not conflict with the rule non bis in idem. Perhaps the reservation entered by Finland to article 14, paragraph 7, was also unnecessary.

14. Finland's reservation to article 20, paragraph 1, of the Covenant would have the effect of removing the need to implement an entire provision of the Covenant. He was not sure that that was acceptable. The substance of the Finnish argument was that it would be difficult to implement the provision. He agreed that it would be difficult to define exact limits for penal rules in the matter, but it was up to countries to find ways, within their constitutions and penal laws, of implementing the provisions of the Covenant.

15. Mr. KOULISHEV expressed satisfaction that, according to the report of Finland, the provisions of the Covenant had been incorporated into the body of Finnish law and that, in cases of conflict, the text of the Covenant prevailed. That point was not specified in the Finnish Constitution, and he asked what texts of a legal or constitutional nature were available on the subject. Generally speaking, when a treaty had the force of law, the principle of lex posteriori derogat priori prevailed, but the treaty did not have priority over later laws.

16. Before ratifying the Covenant, the Finnish authorities had carefully scrutinized existing legislation, and the misunderstanding created by the fact that the Government of Finland had concerned itself with reservations only was therefore regrettable. He agreed with the two previous speakers that certain of its reservations, especially the second and sixth, could have been avoided by a broader interpretation of the provisions of the Covenant.

17. Like Mr. Graefrath, he also regretted the seventh reservation to article 20, paragraph 1, of the Covenant which had the effect of completely eliminating a very important principle. He understood the difficulties involved but felt that they were not insurmountable, especially as propaganda for war had been condemned in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)) and the Final Act of the Helsinki Conference. He was pleased to note that the words "for the present" at the bottom of page 4 of the report suggested that the Government might find a way of surmounting those difficulties.

18. Mr. PRADO VALLEJO said that, like previous speakers, he welcomed the assurance that, in cases of conflict between a provision of the Covenant and domestic law, the former prevailed, and that laws were being promulgated in Finland to implement the Covenant.

19. Although he was aware of the fact that countries had the right to enter reservations and that the report stated that the spirit of the law of Finland was in accordance with the provisions of the Covenant, he wondered to what extent reservations could be accepted when they distorted the spirit of the Covenant or even nullified its effect. Surely Governments could find ways of overcoming the difficulties they encountered in implementing the provisions of the Covenant.

20. He requested information on the recourse available to citizens to ensure that those provisions of the Covenant to which no reservations had been entered were being fulfilled, as well as on the implication of the words "Where it is possible, ..." at the end of the third paragraph of the report, which suggested that there were other areas in which the Government was unable to apply the provisions of the Covenant.

21. Mr. ESPERSEN said he would be interested in hearing of the difficulties encountered by Finland in bringing its legal system into line with the Covenant. Moreover, to ensure uniformity in the reports of various countries, it would be useful to know how the various articles of the Covenant had been implemented in Finland.

22. The fact that Finland had entered a large number of reservations rather than run the risk of infringing the Covenant reflected a very serious approach; the reservation made to article 10 on the segregation of juvenile persons was obviously necessary - as the Covenant made it quite clear that no derogation was allowed - as was that to article 14, paragraph 7 on the principle of non bis in aedem. Once reservations had been made, it was up to the States which had ratified the Covenant to decide whether or not they were acceptable.

23. He agreed with Mr. Prado Vallejo that a limit must be established beyond which reservations were no longer admissible, as article 7, for example, allowed for no derogation even in the event of war.

24. During the preparation of the Covenant, a great deal of discussion had taken place on the question whether propaganda for war should be made illegal. It was admittedly difficult to draft a law prohibiting such propaganda, but he would appreciate information on the legal difficulties which Finland had experienced in tackling that problem.

25. In conclusion, he said he would like to know precisely what type of case was being referred to in the third sentence of the second paragraph on page 3 of the report.

26. Mr. OPSAHL said he welcomed the fact that Finland was now co-operating actively on human rights, and that it had not only ratified the Convention, but made the declaration provided for in article 41 and acceded to the Optional Protocol. Moreover, the reservations it had made indicated that it was making serious efforts to come to grips with the difficulties encountered.

27. He asked why Finland had found it necessary to enter a reservation to article 20, paragraph 1, which embodied an obligation imposed on States, and yet had made no reservation to paragraph 2 of that article, which imposed a similar obligation and was equally difficult to define and punish. He also wondered whether the provisions of the Covenant had been incorporated into domestic law subject to the reservations made in the report.

28. The Constitution of Finland contained a number of references to the question of its amendment, and he asked to what extent derogations could be made from the rights embodied in the Covenant in accordance with that procedure.

29. Mr. HANGA said that the procedure followed by the Finnish Government in carefully scrutinizing existing legislation and in making reservations from the provisions of the Covenant in the few cases in which discrepancies were found seemed to him to be the correct one, both from the point of view of legislative technique and juridical policy. He noted from the report that in respect of some reservations, for example, the fifth, concerning legal assistance, legislation was to be shortly introduced in line with the provisions of the Covenant. It would be interesting to know whether there were in Finland certain trends in legal thinking and in administrative action moving in the direction of the proposed changes. If there was evidence of such new thinking, it seemed to him that it might have a bearing on such reservations as that to the res judicata (article 14, paragraph 7, of the Covenant), and the important seventh reservation, concerning the prohibition of propaganda for war (article 20, paragraph 1, of the Covenant). It was the Committee's duty under article 40 to keep under scrutiny such changes in the dialectic of history.

30. Mr. TOMUSCHAT said that the process of ratifying the Covenant was an occasion for Governments to scrutinize their legislation carefully and to make changes that

might never have been introduced had it not been for the pressure of international law. Ratification was not a matter to be taken lightly, and it was gratifying to note that Finland had gone about the process so conscientiously.

31. Many constitutions framed in the nineteenth and early twentieth centuries had treated fundamental rights as a privilege of nationals although, in a number of countries, later legislation had extended them to aliens as well. He noted that several of the articles in chapter II of the Finnish Constitution, guaranteeing general rights and legal protection, referred specifically to Finnish citizens, and he wished to know whether their application had subsequently been extended.

32. The issue raised by Mr. Graefrath in relation to the reservation concerning the segregation of juvenile offenders (article 10, paragraph 2 (b)) seemed to be of crucial importance. The Covenant was no easy instrument to interpret, and a distinction had to be drawn between, on the one hand, provisions such as those of article 7 prohibiting torture and cruel, inhuman or degrading treatment, from which no departure whatsoever was permissible, and provisions which, by their nature, could only be fully implemented over a period of time. Mr. Graefrath had rightly pointed out that article 6 of the Covenant might be read to contain an obligation for States to take positive measures to improve living standards, for example, by reducing the incidence of mortality and raising life expectancy. Such measures could, however, be taken only progressively, as was clearly recognized in article 2 of the International Covenant on Economic, Social and Cultural Rights, whereas the obligation to respect human life laid down in article 6 was absolute. In the case of matters where implementation was necessarily progressive, it was clearly not sufficient to state that the relevant provisions of the Covenant had been incorporated in domestic law; specific information was required on the stage of implementation of each and every one of the provisions. He hoped that, in its future reports, Finland would provide more specific information on those lines.

33. Mr. TARNOPOLSKY said that Finland was to be complimented on the fact that so many of the fundamental rights proclaimed in the Covenant had already been guaranteed under its Constitution, adopted as long ago as 1919. The conscientious spirit in which the Finnish Government had approached the ratification of the Covenant was indicated by the very careful way in which it had scrutinized existing legislation before going on to make a number of reservations. It was also a matter for admiration that Finland had been prepared not only to claim that the Covenant had the force of law within its territory but to let the international community judge that claim by ratifying the Optional Protocol and making the declaration provided for in article 41 of the Covenant.

34. Like the preceding speaker, he had noticed that certain rights, such as those proclaimed in articles 5, 8, and 10 of the Finnish Constitution, applied specifically to Finnish citizens, whereas the Covenant appeared to establish them for everyone, whether a citizen or not. If that was indeed the effect of the Covenant, the question could arise to what extent the Covenant did in fact

apply in Finland. There also seemed to be a discrepancy between article 25 of the Covenant, on the one hand, and articles 23 and 36 of the Constitution, on the other. The Covenant established certain rights to participate in public affairs, to be elected and to have access to public service in respect of every citizen, whereas the Constitution restricted the right of election to the Presidency and to membership of the Council of State to natural born citizens of Finland. It should, however, be stated that the precise interpretation to be placed upon article 25 of the Covenant had not yet been determined.

35. As far as the Finnish reservations were concerned, he thought that some of them might be unnecessary, for example the reservation respecting article 14, paragraph 1, concerning publicity of trials, since Finnish legislation seemed to fall within the limits of discretion provided by the Covenant. Other reservations were perhaps necessary, such as that relating to article 10, paragraph 2, where it was a matter of whether the facilities required by the article could in fact be provided in remote districts. In tackling the very difficult problem of what kinds of reservation were permissible - and clearly none which were contrary to the spirit of the Covenant could be allowed - some guidance was to be found in article 4, paragraph 2, which stated that, even in time of public emergency, no derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 might be made. Since the Covenant did not permit derogations from those articles even in time of emergency, it seemed to him that, the Committee should a fortiori not be prepared to accept general reservations to them, and the reservations made by Finland did not, of course, fall into that category. As a general point, it could be stated that there seemed to be two extreme groups of provisions: those to which no reservation whatever could be permitted, and those to which reservations seemed almost superfluous; in between there was a less determinate area.

36. Turning to certain questions of the kind he had addressed to representatives of other States parties, he requested further information about the limitations and restrictions upon rights implied by such phrases as "unless otherwise provided by law" in articles 6, 7, 9, 10, 11, and 12 of the Finnish Constitution. It was very important for the Committee to be informed of the extent to which the freedoms established in the Constitution were implemented in practice. Article 14 of the Covenant provided a series of protections, and he would be grateful for details of their implementation in Finland, for example through provisions of the Code of Criminal Procedure or the like. In his personal opinion the effective protection against discrimination referred to in article 26 of the Covenant might require provisions against discrimination by private individuals against private individuals, and he wished to enquire whether Finnish law prohibited such discrimination and, if so, how it was enforced.

37. Mr. MOVCHAN recalled that the representative of Finland had explained that, in drawing up its report, his Government had interpreted article 40 of the Covenant to mean that attention should be concentrated on any difficulties affecting implementation. The copies of the Finnish Constitution circulated to members of the Committee had, however, made it possible to form a more general picture of the

relationship between the Covenant and Finnish law. It was natural that at such an early stage in the submission of reports by States parties there should be some uncertainty as to the precise procedure to be followed, and he thought it would be useful if guidelines could be agreed for the preparation of future reports.

38. He agreed with the Finnish representative that some of the reservations mentioned in the report were probably superfluous. Others, however, raised the general problem of the extent to which reservations were admissible. When reservations were made to parts of an article, it could be said that they related to difficulties of implementation whose occurrence was foreseen by paragraph 2 of article 40, but, when reservations were made to an entire article, which meant that none of its provisions were implemented, a more serious problem arose. He agreed with previous speakers that there were certain provisions which did not admit of any reservations at all, for example those referred to in paragraph 2 of article 4, from which, as Mr. Tarnopolsky had said, derogations could not be made even in time of public emergency. The question of reservation was one that might have to be decided by the States parties, but it was highly relevant to the activities of the Committee, in view of its responsibility to monitor implementation of the obligations assumed. For it was obvious that, if numerous reservations were permitted, the extent to which the Covenant was implemented would be severely restricted. The Vienna Convention on the Law of Treaties of 1969 made it quite clear that reservations incompatible with the object and purpose of the Treaty were not admissible, which raised the question of the extent to which reservations that nullified provisions of the Covenant were permissible. That was a question which the Committee would have to discuss, and which it might decide to refer back to the States parties.

39. Turning to paragraph 1 of article 20 of the Covenant, requiring that propaganda for war should be prohibited by law, he noted that while other reports had mentioned its non-implementation, the Finnish report indicated a specific reservation to it, supported by the arguments that it conflicted with article 19, paragraph 2 of the Covenant, concerning freedom of expression, and that it was, in any case, not feasible to prohibit such propaganda by law. Speaking as a jurist, he could accept neither of those arguments. The Finnish Constitution contained a number of limitations of rights - showing, incidentally, that recognition of the necessity for such limitations dated from at least as long ago as the period following the First World War - including in article 10, where it was stated that the exercise of the right of freedom of speech should be as prescribed by law. He would be glad if the Finnish representative could explain why, in that case, the law should not prohibit war propaganda.

40. He looked forward to receiving further reports from the Finnish Government giving detailed information on implementation of the provisions of the Convention, and in particular new legislation adopted to that end.

41. Mr. URIBE VARGAS said that Finland had acted in an exemplary manner in recognizing the competence of the Committee under article 41 of the Covenant to receive and consider claims that it was not fulfilling its obligations under the Covenant. For their part, the members of the Committee were placed under a corresponding obligation to see to it that the provisions of the Convention were implemented fully and completely by the States parties concerned.
42. Sir Vincent EVANS said that, in view of the fact that Finland would in due course be submitting a supplementary report giving more detailed information on measures taken to implement the individual provisions of the Covenant, he would confine his remarks to the question of reservations in general. The general rules of international law on reservations had been embodied in section 2 of the Vienna Convention which, as Mr. Movchan had pointed out, made it clear that, subject to any specific provisions in a treaty, reservations were admissible unless incompatible with the object and purpose of the treaty. Reservations might be regrettable but they were sometimes justifiable. He personally would much prefer to see a State accept the Convention subject to reservations rather than not accept it at all, and it was better that a State should accept with reservations than without when there might be substantial discrepancies between its domestic law and its obligations under an international treaty. Most of the reservations made by Finland seemed to him to be of a comparatively minor character and compatible with the object and purpose of the Convention. It had been suggested that a number of them might be unnecessary, but, in his view, Finland had been right not to assume that a particular interpretation would be placed by the Committee on the provisions in question. It was better to make reservations which subsequently proved unnecessary than not to make them and to be found to have violated a treaty because of the interpretation put upon it by the supervising organ.
43. The CHAIRMAN said that the Committee would have to consider very carefully whether pronouncements on the extent to which reservations were permissible fell within its competence.
44. Mr. SAARIO said that he would try to deal with the main points raised, but was afraid that he would be unable to give exhaustive answers to all the questions which had been put to him.
45. Firstly, with regard to Finland's reservations to the Covenants, they were mainly of a technical nature, and it was questionable whether they were necessary at all. In any case, they would be withdrawn as soon as Finnish national legislation had been brought into line with the provisions of the Covenants.
46. Those remarks did not, however, apply to article 20, paragraph 1 of the Covenant on Civil and Political Rights. In the United Nations General Assembly, along with many other countries, Finland had voted against the provision that any propaganda for war should be prohibited by law, although it had voted in favour of the International Covenant on Civil and Political Rights as a whole. Despite sincere efforts to include an article on propaganda for war in the Penal Code, it had not proved feasible to do so. Many books were devoted to the subject of war, which was dealt with daily by the newspapers, but the wording of article 20, paragraph 1 was far from specific. To what kind of war did it refer?

War was prohibited by the Charter of the United Nations, except in two cases - in self-defence or in favour of national liberation movements. The term "aggression" had now been defined by the United Nations and it was obvious that article 20, paragraph 1, must refer only to propaganda for aggressive war, which should be penalized. The Finnish Constitution made the whole idea absurd, since its article 33 stated that "Decisions of war and peace shall be taken by the President with the consent of Parliament"; it was a matter which concerned the State and it was impossible to have an article in the Penal Code concerning either the President or Parliament. Any provision in that Code had to be based on practical necessity, whereas any attempt to incite the President and the Parliament to start an aggressive war would be a futile attempt. However, as there were provisions in the law concerning freedom of the press and in the Penal Code on causing offence to States having friendly relations with Finland which could be applied, perhaps even that reservation was unnecessary. When he returned to Finland, he would recommend that the whole question of reservations should be reconsidered.

47. Turning to the question whether Finland could make derogations from the provisions of the Covenant by enacting legislation, he said that Finland, in ratifying the Covenant, had undertaken an international obligation, which could not be violated without denouncing the Covenant as a whole. Finland could not derogate from its obligations under the Covenant even by constitutional legislation. He further explained that constitutional legislation involved a very complicated and time-consuming procedure, or required a five-sixths majority in the case of urgent matters. The latter procedure had been used mainly to deal with cases of ownership of property.

48. He pointed out that the Finnish Constitution had been drawn up at a time when international exchanges were not nearly so frequent as they were at the present time. It was natural that it should be concerned mainly with the country's own citizens and that many political and civil rights were intended for them only. Exceptions were, however, made on a reciprocal basis with respect to citizens of other countries.

49. Citizens and aliens were however, completely equal before the law, and the latter were provided with an interpreter free of charge if they did not know the language. Individuals who had no means to pay fees did not have to pay either court expenses or the counsel's fee. At present, if an individual preferred to defend himself, he was not obliged to have a defence counsel. A bill was, however, currently under preparation which included provision for a public defender whom the defendant would have to accept should the Court deem it necessary. That was a small point but showed how carefully the provisions of the Covenant had been considered.

50. On the question of the publicity of Court procedures, he said that Finnish legislation was at present not absolutely in conformity with the provisions of the last sentence of article 14, paragraph 1, of the Covenant, but it would be brought into line.

51. He agreed that the constitutional provision that the President of the Republic and the members of the Council of State should be natural born citizens of Finland was discriminatory, but noted that such a provision existed in many other countries. It was a natural precaution to take just after a war.

52. He pointed out, in connexion with Finland's ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, that a provision had been included in the Penal Code on the subject. That was why Finland had been able to accept article 20, paragraph 2, of the Covenant on Civil and Political Rights. That provision of the Covenant was also partly covered by the Convention on the Prevention and Punishment of the Crime of Genocide, in connexion with the ratification of which Finland had included corresponding provisions in its Penal Code.

53. He would draw his Government's attention to the fact that a supplementary report concerning the implementation of each article of the Covenant would be required.

54. The CHAIRMAN thanked the representative of Finland for attending the meeting.

#### ORGANIZATION OF FUTURE WORK

55. Mr. TOMUSCHAT said that although the contributions made by the representatives of States to the Committee's deliberations had been most useful and had clarified many points, they had not always met all the points raised and in some cases had been too general. He thought it was essential to notify the Governments concerned of all the questions which had been put systematically (and not in chronological order) and to request them to provide written answers to them. The first step had been taken but it needed to be followed up.

56. Mr. LALLAH and Mr. MORA ROJAS asked that communications from individuals should be considered before a number of members of the Committee, and more particularly of the Working Group, had to leave.

57. Mr. OPSAHL said that, in his view, individual communications were more urgent than the reports, which called for a continuing dialogue.

58. He endorsed the views expressed by Mr. Tomuschat.

59. Sir Vincent EVANS said that the Committee had made very good progress in its consideration of the reports of States, and should now consider how the work accomplished should be followed up at the next session. It was also important to initiate satisfactory procedures for the consideration of individual communications; he hoped that sufficient time could be allocated to the consideration of such communications, even if the examination of some State reports had to be postponed in consequence.

60. Mr. ESPERSEN observed that it might be useful to send the relevant summary records of meetings devoted to the consideration of reports of States to the Governments concerned forthwith. He also felt it might be desirable to set up a small working group to consider various possible follow-up procedures and refer them to the Committee.

The meeting rose at 5.55 p.m.