



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-second session

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

Concluding observations of the Human Rights Committee

FINLAND

1. The Human Rights Committee considered the fifth periodic report of Finland (CCPR/C/FIN/2003/5) at its 2226th and 2227th meetings (CCPR/C/SR.2226 and 2227), held on 18 and 19 October 2004, and adopted the following concluding observations at its 2239th meeting (CCPR/C/SR.2239), held on 27 October 2004.

A. Introduction

2. The Committee welcomes the timely submission of the report by the State party in accordance with the guidelines. It notes with appreciation that the report contains useful information on developments in the rights guaranteed by the Covenant in Finland since the consideration of the fourth periodic report. It appreciates the dialogue with the delegation.

B. Positive aspects

3. The Committee notes with satisfaction the adoption of:

(a) A new law against discrimination which entered into force in February 2004, banning all direct or indirect discrimination based on age, ethnic or national origin, nationality, language, religion, beliefs, opinions, health, disability and sexual orientation and placing the burden of proof before the courts on the defendant;

(b) New language in the Penal Code punishing trafficking in human beings under chapter 25 of the Code and infringements of personal liberty, and allowing any citizen of the State party who is guilty of trafficking in persons abroad to be prosecuted under Finnish law pursuant to chapter 1, section 7, of the Code, and for international offences, whatever law may apply where the offence was committed;

(c) Steps that have increased the number of women in senior posts within the administration, including the directors of several ministries. These steps should be followed up in order to allow qualified women greater opportunities to occupy decision-making posts.

4. The Committee is pleased to observe the State party's concern to integrate human rights into action to combat terrorism, in part by maintaining an outright ban on extradition, refoulement or expulsion to a country where the individual concerned might be exposed to the death penalty and violations of articles 6 and 7 of the Covenant.

5. The Committee emphasizes the positive role played internationally by Finland in the establishment of a European Forum for the Roma.

6. The Committee welcomes the use of the treaty bodies' concluding observations as criteria by which to evaluate human rights in Finland in reports submitted by the Ministry of Foreign Affairs to Parliament.

C. Principal subjects of concern and recommendations

7. The Committee regrets that Finland has maintained its reservations to article 10, paragraphs 2 (b) and 3, article 14, paragraph 7, and article 20, paragraph 1, of the Covenant.

The State party should consider withdrawing its reservations.

8. The Committee regrets that the State party has only partly followed up on its observations regarding communication No. 779/1997 (*Anni Aärelä and Jouni Näkkäläjärvi v. Finland*).

The State party is urged to give full effect to the Committee's observations. It should consider introducing appropriate procedures to give effect to the observations adopted by the Committee under the Optional Protocol.

9. While aware of the efforts made by the State party to guarantee equality between men and women, the Committee observes that there are still sex-related differences in rates of pay.

The State party should continue its policy of educating society and ensuring that its plans for equality and other forthcoming actions, including the imposition of constraints on employers, are effective, so that women are paid an equal wage for work of equal value thereby satisfying its obligations under articles 3 and 26 of the Covenant.

10. The Committee is concerned at the situation of persons held in pre-trial detention at police stations and notes the lack of clarity as regards detainees' right to a lawyer while in custody and the involvement and role of a doctor during that period.

The State party is invited to provide the necessary clarifications to assure the Committee that legislation and practice in this area are compatible with articles 7 and 9 of the Covenant.

11. While noting that there is a bill on pre-trial detention which calls for suspects to be kept separate from convicts except in exceptional circumstances which must, in any event, be clearly defined and consistent with the Covenant, the Committee feels that some of the practical difficulties cited by the delegation, such as a shortage of staff and space, are no justification for any infringement of article 10, paragraph 2 (a), of the Covenant.

The State party should ensure that the bill on pre-trial detention is compatible with article 10, paragraph 2 (a), of the Covenant, and should take such administrative and budgetary steps as are appropriate to remedy the practical difficulties mentioned by the delegation.

12. The Committee notes the lack of clarity as to the implications and consequences of the amendment to the Aliens Act of July 2000 providing for accelerated procedures in the case of asylum-seekers with manifestly ill-founded claims and applications by aliens from a “safe” country, as regards both the suspensive effect of an appeal and the legal protection available to asylum-seekers.

The State party should ensure that legislation and practice in this area are compatible with articles 2, 6, 7 and 13 of the Covenant and, in particular, that appeals have a suspensive effect.

13. The Committee notes with concern the overt attacks made by political authorities (members of the Government and Parliament) on the competence of the judiciary with a view to interfering in certain judicial decisions.

The State party should take action at the highest level to uphold the independence of the judiciary and maintain public trust in the independence of the courts (arts. 2 and 14 of the Covenant).

14. The Committee regrets that the right to conscientious objection is acknowledged only in peacetime, and that the civilian alternative to military service is punitively long. It reiterates its concern at the fact that the preferential treatment accorded to Jehovah’s Witnesses has not been extended to other groups of conscientious objectors.

The State party should fully acknowledge the right to conscientious objection and, accordingly, guarantee it both in wartime and in peacetime; it should also end the discrimination inherent in the duration of alternative civilian service and the categories that can benefit from it (arts. 18 and 26 of the Covenant).

15. While acknowledging the State party’s efforts to enable the Roma minority to preserve its language and culture and to integrate fully into society, the Committee again notes with concern that Roma still face discrimination in housing, education, employment and access to public places.

The State party should step up its efforts to combat social exclusion and discrimination, and allocate the requisite resources to put into effect all plans to do away with obstacles to the Roma's practical exercise of the rights they enjoy under the Covenant (arts. 26 and 27).

16. The Committee is concerned that negative attitudes and de facto discrimination against immigrants are still to be found in certain strata of the Finnish population.

The State party should step up its efforts to promote tolerance and combat prejudice, particularly through public awareness campaigns.

17. The Committee regrets that it has not received a clear answer concerning the rights of the Sami as an indigenous people (Constitution, sect. 17, subsect. 3), in the light of article 1 of the Covenant. It reiterates its concern over the failure to settle the question of Sami rights to land ownership and the various public and private uses of land that affect the Sami's traditional means of subsistence - in particular reindeer breeding - thus endangering their traditional culture and way of life, and hence their identity.

The State party should, in conjunction with the Sami people, swiftly take decisive action to arrive at an appropriate solution to the land dispute with due regard for the need to preserve the Sami identity in accordance with article 27 of the Covenant. Meanwhile it is requested to refrain from any action that might adversely prejudice settlement of the issue of Sami land rights.

18. The State party should disseminate widely the text of its fifth periodic report and the present concluding observations.

19. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide within one year information on the implementation of the Committee's recommendations in paragraphs 8, 12 and 17 above. The Committee requests the State party to provide in its next report, which it is scheduled to submit by 1 November 2009, information on the other recommendations made and on the implementation of the Covenant as a whole.
