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Summary record of the 2988th meeting

Held at the Palais Wilson, Geneva, on Friday, 12 July 2013, at 3 p.m.

Chairperson: Sir Nigel Rodley

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Sixth periodic report of Finland (continued) (CCPR/C/FIN/6; CCPR/C/FIN/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Finland took places at the Committee table.*
2. **Ms. Sutter** (Finland) said that the first national programme to promote the integration of immigrants focused chiefly on employment. Numerous steps had been taken at both the national and the local level to improve the situation in that respect, but the results were unsatisfactory owing to the general economic situation. The Government was, however, committed to guaranteeing young migrants either training or a job within three months of their registration as unemployed.
3. **Ms. Suikkari-Kleven** (Finland), replying to the question regarding rendition, said that various investigations, and information at the disposal of the Ministry of Foreign Affairs had shown that an aircraft, number N733MA, on a flight operated by Miami Air International, had taken off from Philadelphia and landed in Porto on 23 March 2006. It had left Porto for Helsinki on 25 March, but it had altered its scheduled destination while in flight and had finally landed in Palanga, Lithuania. The aircraft had never entered Finnish air space, and the Finnish Government had no information about its crew or passengers. The possibility of Finland being used for fictitious flight plans had been examined during the investigations, but no conclusive evidence of such an occurrence had been found. The Finnish authorities intended to forward to the Committee the findings of the very thorough inquiry conducted by the Ombudsman and any recommendations it might contain. The Parliamentary Ombudsman and the Chancellor of Justice exercised oversight of the Finnish authorities, including the security and intelligence services, both having extensive powers enabling them to receive information from all State organs, including classified information. Should the need to open a police inquiry or preliminary investigation or to initiate criminal proceedings, the authorities, guided by the principle of the rule of law, would act accordingly.
4. **Ms. Arrhenius** (Finland) said that the report on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) had been completed and had been published for consultation and comment. Once any comments had been taken into account, the bill on the ratification of the Istanbul Convention would be submitted to Parliament. The plan to reduce violence against women for the years 2010–2015 was being put into effect and a working group was monitoring its implementation.
5. **Ms. Huotarinen** (Finland) said that, since 2011, minor acts of conjugal violence had been actionable. Lack of consent as an essential element of the crime of rape had been examined at the time of the amendment of criminal law provisions on rape. The competent authorities had concluded that it was not necessarily a crucial element. The provisions of the Criminal Code dealing with rape already covered situations where violence or force had not been used, for example when the aggressor took advantage of the victim's fear or vulnerability. The fresh amendments to those provisions which were being drafted were designed to widen the scope of that crime. When the perpetrator of acts of violence was a relative of or a person close to the victim, the police or public prosecutor's office were the only authorities that could decide whether or not to undertake mediation. Mediation was ruled out if it had already been tried between the parties, if violence was recurrent, or if it

was feared that the perpetrator would not admit his or her guilt. Public prosecutors were trained to identify cases where mediation might be of some avail.

6. **Ms. Pietarinen** (Finland) said that, in 2012, the ministerial working group on internal security set up in 2011 had identified measures to prevent lethal conjugal and domestic violence. Since then the Ministry of the Interior had established two further working groups: one to devise methods of cooperation on risk assessment between Government departments; and the other to study information-sharing among various State entities. The ministerial working group on internal security was also looking into the advisability of courses for members of the relevant professions in the detection and prevention of honour-related violence.

7. The discrimination monitoring was intended to keep the authorities up to date on discrimination in Finland, so as to improve antidiscrimination policy and evaluate legislation in that area. Studies covering all forms and sources of discrimination in various spheres of life were conducted every year.

8. **Ms. Huotarinen** (Finland) said that the dearth of statistical data on the population's ethnic composition was due to the fact that the Personal Data Act was designed to safeguard privacy and prohibited the processing of sensitive data, including personal data on ethnic origin. It was, however, possible to compile statistics disaggregated by mother tongue, for example.

9. **Ms. Faurie** (Finland) said that Finnish law made sterility a precondition for the official recognition of the new sex of a person who had undergone a sex change. The Ministry of Social Affairs and Health was considering setting up a working group to consider whether it was necessary to amend the law concerning official recognition of the gender of transsexual persons. Under the Government's action plan on equality of the sexes, efforts needed to ensure that "rainbow" couples received parental leave on the same footing as other parents.

10. **The Chairperson** invited Committee members to put additional questions concerning points 11 to 22 on the list of issues.

11. **Ms. Majodina** asked if the law, in particular the law on the treatment of aliens in detention, contained any provisions granting asylum seekers the right to obtain legal aid and access to the courts. According to information from NGOs, Finland had adopted no measures to safeguard the right of suspects in a petty offence case to contact a lawyer as soon as they were arrested. She would like to know what steps were taken to give effect to the right of persons who had been deprived of their liberty to prepare their defence and not incriminate themselves.

12. She requested further information about current debates within the Government on the 17 proposals put forward by the working group set up by the Ministry of Justice to study pretrial detention, especially the proposal to restrict the length of police custody to 14 days after arrest, and wondered why some quarters were reluctant to reduce the length of post-arrest detention. She also wished to have some idea of the timetable for renovating police cells, and up-to-date information on the use of bucket lavatories in prisons, together with an indication of the number of detention centres still lacking proper sanitary facilities. Lastly, what steps had been taken to reduce the continued overcrowding in three prisons?

13. **Ms. Seibert-Fohr** asked what practical measures had been taken to protect young offenders from violence, especially sexual assaults, in places of detention. The length of civilian service, which had been reduced to 347 days at the beginning of 2013, was still very long in comparison with the 180 days of military service. She wished to know the reasons for that disparity. She enquired about the findings of the study commissioned by the Ministry of Defence to evaluate the various options for making the law exempting

Jehovah's Witnesses from military service consistent with the principle of equality, and what plans there were for following up that study. She also wished to know if the State party had contemplated non-punitive alternatives to military service for conscientious objectors.

14. She also asked what real improvements had been made on integration of Roma in the labour market and in the sphere of housing and education, in the wake of the measures adopted as part of the National Policy on the Roma. She noted that many Roma children attended special classes in schools, and would like to know what was being done to remedy the situation. Lastly, she would be interested to learn what action had been taken to follow up the findings of the study conducted by the Ministry of the Environment in spring 2012 into the housing situation of Roma. The delegation might also describe the good practices mentioned by the State party in paragraph 208 of its written replies.

15. **Mr. Kälin** said that, under the fast-track procedure for processing asylum applications, the decision whether or not to grant asylum was issued within seven days of an interview, and anyone whose application had been rejected had to leave the country within eight days of receiving notification of the decision. The procedure made provision for an appeal which did not have suspensive effect. Furthermore, while there was no official list of "safe countries of origin", it seemed to have been established practice in 2012 to deem countries such as Somalia, Sudan and Syria to be safe countries of origin. Use of the approach based on "safe country of origin" imposed on asylum seekers a heavier burden of proof than if they were asked for evidence of their persecution. He would welcome some clarification of that matter. How could the State party explain that, according to its own statistics, most negative decisions had been taken after the fast-track procedure? The fact that an appeal did not have suspensive effect could result in a person's return, in breach of the obligation of non-refoulement. He wondered whether, if having considered a communication from an individual, the Committee were to ask the State party to afford temporary protection to someone and to suspend his or her return to his or her country of origin, the State party would accede to that request. He was surprised to learn that the State party had sent Iraqis back to their country on the ground that the regions from which they hailed were deemed to be safe. Could the delegation specify the regions in question? According to some sources, refugees without a passport found it difficult to obtain a Finnish identity card, a situation which put them at a disadvantage in daily life when trying to open a bank account or find a job. He wished to know if that situation was the result of deliberate State policy and, if so, what the reasons were.

16. He would welcome details of the mechanism for supervising the expulsion of aliens by air, the setting up of which was planned in a bill still under examination. In the opinion of some NGOs, that duty would be assigned to the Office of the Parliamentary Ombudsman, although it did not have the requisite resources or powers. It would be helpful if the delegation were to comment on that matter. He also wished to know if measures had been taken to ensure that a medical examination was carried out prior to any forced expulsion, as had been recommended by the European Committee for the Prevention of Torture after several people had died during expulsion operations, owing to the use of constraint measures inappropriate to their state of health.

17. While it was certainly a good thing that the Aliens Act defined the best interests of the child as a criterion to be borne in mind in family reunification and expulsion proceedings, he wished to know whether that criterion played a key role in practice, for example whether an expulsion process had ever been abandoned. He was concerned about the repercussions that the practice of entering only the mother's name on the birth certificate issued by the hospital on children born of illegal aliens could have a lacuna that could prevent the parents from declaring the birth to the consular authorities of their country of origin, rendering the child stateless.

18. **Mr. Rodríguez-Rescia** asked what results had been obtained from the implementation of the National Action Plan to Reduce Corporal Punishment of Children, which had been launched in 2010 and whether, in addition to that plan which focused mainly on the family context, measures had been put in place to protect wards of State against such treatment. He also wished to know if the State party was contemplating ratification of the Optional Protocol to the Convention to the Rights of the Child on a communications procedure.

19. In his contribution to the universal periodic review of Finland, the Special Rapporteur on the rights of indigenous peoples had drawn attention to the Sámi Parliaments limited decision-making powers, which did not encompass issues related to rights to land, water and natural resources. It would be interesting to hear the delegation's comments on that matter. The International Labour Organization (ILO), Indigenous and Tribal Peoples Convention (No. 169) which the State party said it intended to ratify, stipulated that indigenous peoples had to be consulted and their free and informed consent obtained before any policies or programmes concerning them were implemented. He enquired as to the extent of Sámi participation in the drafting of the national action plan to secure the fundamental rights of the Sámi, which had been adopted in 2012 and asked if the Sámi were directly involved in its implementation.

20. **Mr. Vardzelashvili** asked whether, when psychiatrists collaborated with the police to combat crimes involving firearms, the psychiatrists divulged the identity of patients who they thought might constitute a risk to society, only at the request of the police, or if they did so as a matter of course. In either case, it was questionable whether such measures were compatible with the right to respect for privacy. The delegation could perhaps provide details of the applicable procedures and of safeguards in that sphere. He would also welcome an explanation of the scope of the preventive measures recommended after shoot-outs in schools, which included more police monitoring of exchanges on the Internet.

21. **The Chairperson** said the written replies stated that any suspect who had been arrested by the police had to be released or placed in detention within 96 hours and wondered if that meant that a suspect could be held in police custody for 96 hours before being brought before a judge and, if so, if that period of time was deemed compatible with the obligation under article 9, paragraph 3, of the Covenant to bring a suspect before a judge "promptly". He also wished to know what safeguards existed to protect defendants who, because of overcrowding in pretrial detention centres, were held in police cells after the order to place them in detention had been issued.

The meeting was suspended at 4.20 p.m. and resumed at 4.50 p.m.

22. **Ms. Sutter** (Finland) said that it was rare for asylum seekers to be placed in detention while their applications were being processed. Generally speaking, the only asylum seekers placed in detention were those whose applications had been rejected and who had been ordered to leave the country. The bill on the detention of asylum seekers prohibited the detention of unaccompanied minors and laid down that those whose applications had been rejected had to be placed in facilities suited to their needs, pending their expulsion. The Ministry of the Interior had submitted plans to increase the capacity of the detention unit at the reception centre at Metsälä and to set up special facilities for pregnant women and families, but no implementation timetable had been established, owing to current budgetary constraints. The Aliens Act governed the regime of alien detainees and guaranteed their right to be assisted by a lawyer and to be examined by an independent doctor. It also specified that any placement in detention had to be reviewed once a fortnight in order to ascertain whether the grounds on which it had been initially ordered were still valid.

23. **Ms. Pietarinen** (Finland) said that aliens held in temporary detention at police stations were covered by statutory safeguards regarding the treatment of persons in police custody. Detention was always a measure of last resort decided by a district court on a case-by-case basis, after an examination of all the evidence in the file. It was rarely ordered but, when it was, it was kept as short as possible. The Aliens Act prohibited the detention of minors under the age of 18 at police stations or border guards' posts, unless the parents, guardians or other adult members of the minor's family were also detained there. There were plans to renovate 28 police stations in order to improve detention conditions; work on 4 of them had been completed and was under way on 3, but even after they had been renovated, the police stations would not offer the same conditions as the detention unit at Metsälä.

24. The new Act on judicial inquiries guaranteed the right to a lawyer's assistance during pretrial detention. It stipulated that the suspect must be informed of that right in writing as soon as he or she was arrested and before being questioned. That right was also guaranteed when the suspect was subject to the simplified investigation procedure which applied in the event of petty offences punishable by a fine or no more than 6 months' imprisonment, although arrests were extremely rare in that context. The new Act also gave the suspect the right not to admit guilt and the right to remain silent and laid down that he or she had to be duly informed of those rights before questioning.

25. **Ms. Huotarinen** (Finland) said that the Government was eager to give detainees the best conditions possible. That was why, pending the allocation of the necessary funds to carry out the planned renovation work, measures had been taken to reduce prison overcrowding by relaxing the rules on the distribution of detainees among centres and by making more use of freedom subject to supervision. The renovation plans foresaw the installation of lavatories in all prison cells still lacking them – 198 in 2013. In prisons where not all cells had lavatories, the detainees had access to lavatories outside their cells. Imprisoned minors were rarely exposed to violence or sexual assault. Care was taken to separate them from adults, except when the court considered it contrary to the minor's best interests.

26. **Mr. Kosonen** (Finland) said that the rapporteur responsible for weighing up the various options for making the Act exempting Jehovah's Witnesses from military service compatible with the constitutional principle of equality had submitted his report only a few months earlier and his conclusions were still being studied.

27. **Ms. Arrhenius** (Finland) said that 10,000 Roma were currently resident in Finland. They were distributed among some 100 towns, where they were well integrated. A review of the policy on Roma would be conducted by the end of 2013 and would highlight good practices and areas where some efforts were still required. Considerable progress had been achieved in the field of education, through cooperation between schools and the Roma community and through educational support measures for Roma children, which were financed by the National Board of Education. The children were not placed in special classes, but were integrated in the general education system where, according to recent statistics, 70 per cent of them obtained excellent results. In the field of employment, special projects were being run for Roma to help them find jobs or set up in business. As far as housing was concerned, the Roma community faced the same difficulties as the rest of the population.

28. **Ms. Sutter** (Finland) explained that in official statistics for 2012–2013 the only countries to be classified as "safe countries of origin" were European Union countries and Australia. They also listed "safe countries of asylum", in other words countries to which asylum seekers could be transferred quite safely in order to request asylum there. The countries in question were mostly European Union countries and countries which had acceded to the same international instruments affording protection to refugees as Finland.

Some Somali and Syrian asylum seekers had been transferred to another safe country of asylum, but Sudan, Somalia and Syria were definitely not considered to be safe countries of origin. The information shown on the English website of the immigration services was wrong; in reality, a clear distinction was drawn between safe countries of origin and safe countries of asylum. She would ensure that the mistake was corrected in order to dispel any misunderstanding. The practice of transferring a person to another country of safe asylum explained why Finland considered that there was no reason to give suspensive effect to an appeal against an expulsion decision in that kind of case. However, there were plans to pass an Act making it obligatory to stay the execution of an expulsion order, pending the court's decision on an appeal against it. The problem with respect to the identity documents of refugees and other persons enjoying international protection was that the travel documents which Finland issued to them stated that their identity had not been definitively established because they had never possessed an identity document. That was why some banks and employers regarded those documents as inadequate. A solution was actively being sought and might consist in issuing a separate identity document which would meet the requirements of banks and employers.

29. **Mr. Kosonen** (Finland) said that if a treaty monitoring body asked for the adoption of temporary protective measures, Finland would grant that request.

30. **Ms. Arrhenius** (Finland) said that corporal punishment was prohibited in all circumstances in Finland. A survey conducted in 2012 by the Central Union for Child Welfare had revealed that, since 1981, there had been a change in attitude reflected in a rise of almost 30 per cent in the number of people who were against corporal punishment of children. In the autumn a new public survey would be launched to investigate the problem of violence against children as seen through their eyes.

31. **Ms. Oinonen** (Finland) said that her Government intended to strengthen the Sámi people's cultural autonomy still further and to ratify the Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organization. The decision had been taken to set up an interdepartmental working group to supply policy guidance, particularly with reference to the Nordic Sámi Convention which was currently being negotiated. Other measures had already been adopted to bolster the powers of the Sámi Parliament: a Ministry of Justice working group was considering the Act on the Sámi Parliament with a view to broadening the authorities' obligation to consult it; two new Acts of 2011 concerning mines and water had entrenched the authorities' obligation to negotiate with the Sámi Parliament in both areas; a working group of the Ministry of Agriculture and Forestry would look into the strengthening of Sámi rights to participate in decisions concerning the use of land and water resources, and in 2012 a Ministry of Education working group had formulated a proposal designed to revitalize the three Sámi languages. In Finland, Sámi culture was protected by the Constitution, and the traditional livelihoods of the Sámi, especially reindeer herding, were inherent in that culture.

32. **Ms. Pietarinen** (Finland) explained that a bill on monitoring forced expulsion had been drafted, and it had been proposed that the Ombudsman for Minorities should assume that oversight function. The bill had been sent for comment to various bodies and should be submitted to Parliament in the autumn of 2013. Although the police did not automatically arrange medical appointments for expellees, the instructions of the National Police Board regarding expulsion procedures stipulated that, if a person's state of health made it necessary, he or she must receive a medical examination before departure or must be accompanied by a doctor or nurse throughout the journey. The police respected the decisions of the medical profession, and no drugs were administered to facilitate expulsion.

33. **Ms. Sutter** (Finland), replying to the question concerning the consideration given to the best interests of the child in decisions on asylum applications, said that the rule was to keep families together and decisions entailing the expulsion of one family member residing

in Finland were examined with the utmost care. As far as birth registration was concerned, in Finland birth certificates mentioned only the mother's name. The problem arose because the authorities of some States refused to issue a passport to persons holding a birth certificate which did not show the father's name. Despite the efforts made, the problem was unresolved, but the countries concerned might also help in the search for a solution.

34. **Ms. Pietarinen** (Finland) said that the authorities had introduced numerous measures since the shoot-outs in schools. Monitoring of the Internet had been stepped up considerably. The police was cooperating more closely with Internet providers and had established a very easy system for users to report suspicious content. As for firearms, doctors had a duty to report to the police anyone they deemed to be unsuited to own a weapon for serious health or behavioural reasons. A working group was currently studying legislation on the carrying of weapons.

35. **Ms. Oinonen** (Finland) said that hers was one of the countries that had striven to secure the adoption of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. It was, however, regrettable that the complaint procedure was not better tailored to children's needs and that more importance was attached to civil and political than to economic, social and cultural rights. The adoption of that procedure was nevertheless a big step forward and Finland had therefore signed the Optional Protocol in 2012. A related bill would be submitted to Parliament in the near future.

36. **Mr. Kälén** said, with reference to identity documents, that even if the countries of origin were partly responsible for the problem, the duty of protection made it important to find a solution. While the Finnish tradition of treating everyone equally was certainly excellent protection against discrimination, treating everyone in the same way when there were great differences could give rise to indirect discrimination. For Sámi who wished to preserve their traditional way of life the main difficulties were encountered in the spheres of reindeer herding and fishing rights.

37. **Ms. Majodina** noted that the delegation had given assurances that the detention of unaccompanied minors was prohibited, whereas the Chairman of the Finnish section of Amnesty International had told the press that asylum seekers, especially children, were all too often detained in police stations. She would like an explanation in that connection, and clarification of the disparities in the detention conditions of asylum seekers in the reception centre at Metsälä and those held in police stations. It had been said that the right to be assisted by a lawyer had to be notified in writing to a person being held in pretrial detention. It would be useful to know how that notification was effected in practice and if any time elapsed between the beginning of detention and the notification. The delegation might also wish to explain the simplified investigation procedure applied to petty offenders and, if it was true that they had no access to a lawyer, why they were treated differently from other suspects.

38. **The Chairperson** said that it would be helpful to know exactly how the terms "apprehension", "arrest" and "detention" were defined in legislation. It would also be interesting to know what rights an individual had at each stage of the process, starting with the time he or she was taken to a police station, how long a person could be held at a police station, if his or her status could change, how much protection he or she had during that time and how long he or she could be kept on remand.

39. **Ms. Oinonen** (Finland) said that in Finland culture was broadly understood to encompass traditional livelihoods and land use. The Government was doing its utmost to increase Sámi cultural autonomy. The Reindeer Herding Act did not distinguish between modern and traditional methods of animal husbandry. Although, in Finland, reindeer herding was not the monopoly of the Sámi, as it was in Sweden or Norway, greater support was given to reindeer herding in the original territory of the Sámi than in other regions

where it was practised. Significant efforts were under way to clarify fishing rights in the most northerly part of Finland, and negotiations were taking place with Norway in order to renew the Teno River agreement.

40. **The Chairperson** thanked the delegation for its detailed replies, which had made for a very constructive dialogue with the Committee.

The meeting rose at 6.10 p.m.