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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

Seventh periodic reports of States parties due in 2015

Finland**, ***, ****

[Date received: 6 July 2015]

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** The fifth and sixth periodic reports of Finland are contained in document CAT/C/FIN/5-6; they were considered by the Committee at its 996th and 999th meetings, held on 18 and 19 May 2011 (CAT/C/SR.996 and 999). For their consideration, see the Committee's concluding observations (CAT/C/FIN/CO/5-6).

*** The present document is being issued without formal editing.

**** The annexes may be consulted in the files of the secretariat.

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Contents

Introduction

1. This report constitutes the seventh periodic report of Finland to the Committee against Torture on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It covers years 2010-2014.

2. The combined fifth and sixth periodic reports were submitted to the Committee in September 2010 (CAT/C/FIN/5-6) and they covered years 2002-2009. The report was discussed in the Committee on 18-19 May 2011. The Committee requested information on the implementation of its recommendations contained in paragraphs 8, 15, 17 and 20 of the concluding observations to be submitted within one year. The Government's reply (CAT/C/FIN/5-6/Add.1) was delivered in June 2012.

3. In accordance with the new guidelines, the Committee has adopted a list of issues (CAT/C/FIN/QPR/7) prior to the submission of the seventh periodic report of Finland. The list of issues was adopted by the Committee at its fiftieth session on 15 July 2013 according to the new optional procedure established by the Committee at its thirty-eighth session (A/62/44), which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

4. This report was prepared by the Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs in cooperation with various ministries and other authorities. In addition, some advisory boards and non-governmental organizations were requested to present their views on issues they wished to be addressed in the report. Furthermore, in June 2015, representatives of the relevant authorities, advisory boards and non-governmental organizations were invited to attend a public hearing for the purpose of presenting their views on the draft report.

5. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a visit to Finland from 22 September to 2 October 2014. Its Report is expected to be published in August 2015.

Articles 1 and 4

Reply to the issues raised in paragraph 1 of the list of issues prior to reporting (CAT/C/FIN/QPR/7)

6. The Government is not aware of such cases in national courts.

Reply to the issues raised in paragraph 2 of the list of issues prior to reporting

7. Chapter 8 of the Criminal Code of Finland (CC) contains statutes of limitations for offences. Its provisions are based on the internationally adopted principle according to which the time-barring of the right to bring charges is linked to the gravity of the crime. The gravity of the crime is indicated by the severest punishment it carries.

8. Torture is punishable pursuant to Chapter 11, Section 9 (a) of the CC. The maximum penalty for torture is twelve years of imprisonment. Pursuant to Chapter 8, Section 1(2)1 of the CC, this means that the right to bring charges for torture is time-barred if charges have not been brought within twenty years from the day the crime was committed. When Chapter 11, Section 9 (a) of CC was enacted, no national circumstances emerged to justify time-barring of the right to bring charges for torture different from the provisions of Chapter 8 of CC.

9. The length of the time-bar period for torture corresponds to the time-bar period for offences of equal gravity.

10. In the most severe cases where the offence is committed as part of a war crime or a crime against humanity, the right to bring charges is not time-barred. The maximum punishment for these crimes is life imprisonment, whereupon the right to bring charges does not become time-barred.

11. The legislation on time-barring regarding torture has not been amended since the last periodic report of Finland.

Article 23

Reply to the issues raised in paragraph 3 of the list of issues prior to reporting

12. On 10 March 2015, the Parliament approved Government Bill 348/2014 on the Amendment of the Act on the Treatment of Persons Detained by the Police. References to the Remand Imprisonment Act were added to the Act. The references concern provisions on termination of remand imprisonment, placement of a remand prisoner, placement and short-term transfer of a remand prisoner, correspondence of a remand prisoner, external telephone calls, meetings and contacts of a remand prisoner. In addition, provisions were added to the Act on powers to issue regulations and on decision-making powers and right to appeal of a remand prisoner. The objective of the proposal was to harmonise legislation on the treatment of remand prisoners held by the police with the amendments made to the Act on Remand Imprisonment Act insofar they concern the rights and duties of remand prisoners.

13. In addition, the National Police Board has prepared a bulletin to be given to persons deprived of their liberty. The document was updated in 2014 to meet the requirement in Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. The document has been translated into 15 different languages.

14. The Border Guard does not hold persons deprived of their liberty in its own facilities. Persons deprived of their liberty through a decision by an official of the Border Guard have access to the instructions issued by the police. The use of an independent counsel is secured both in criminal proceedings and in investigation pursuant to Section 27 of the Border Guard Act (578/2005).

15. Finnish Customs holds persons deprived of their liberty only for short times in their own facilities, primarily in conjunction with preliminary investigation hearings. Detention proper is carried out in police jails, whereupon those detained receive an instruction prepared by the police. The Director General of Finnish Customs has issued a Regulation on Crime Prevention in Customs, pursuant to which police regulations may be taken into account as accepted practice. In this regard, the bulletin of the National Police Board may also be utilized within Customs.

Reply to the issues raised in paragraph 4 of the list of issues prior to reporting

16. See also question 13.

17. In the case of the police, audio and video recording of all hearings during criminal investigations has not been deemed absolutely necessary. The audio and video recording devices of certain police departments have been renewed, especially devices used for the hearing of children.

18. Especially in criminal investigation of serious crimes, hearings are audio and video recorded at the discretion of the lead investigator.

19. Sections 3-5 of Chapter 9 of the Criminal Investigation Act (805/2011) contain provisions on audio and video recording and on inspection of such recordings, see annex 1.

20. For the Border Guard, the Criminal Investigation Act allows audio and video recording of hearings. According to the law, a protocol must also always be drafted of the questioning. Therefore, only a protocol is drafted of the questioning in the simplest cases. However, audio and video recordings are used e.g. in demanding cases and when questioning young persons (15-18 years).

21. Finnish Customs is a criminal investigation authority pursuant to Section 1(2) of the Criminal Investigation Act. Consequently, Chapter 9, Sections 3-5 are also applicable to criminal investigation at Customs. Audio and video recordings are used primarily in demanding cases.

Reply to the issues raised in paragraph 5 of the list of issues prior to reporting

General measures to reduce violence against women

22. Measures to reduce violence against women have been coordinated through the National Action Plan to Reduce Violence against Women, prepared within the Government for the period 2010-2015.[1] In future, these measures will be coordinated through an Action Plan, which will be drafted for the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

23. The National Action Plan was drafted in cooperation with the Ministry of the Interior, the Ministry of Justice, the Ministry of Social Affairs and Health and the Ministry for Foreign Affairs, and it was coordinated by the National Institute for Health and Welfare (THL) in 2010-2014. The starting point was to assess the current situation regarding violence against women and to pay attention to blind spots observed in previous similar Action Plans. The international obligations of Finland were taken into account in the drafting of the Plan. The objective of the Plan is to preventively address violence against women by influencing attitudes and behaviour, preventing recurrence of violence, improve the situation of victims of sexual violence and the crisis support and assistance for them, develop means to identify and intervene in violence experienced by persons in vulnerable situations and to increase knowledge among authorities and professionals on prevention of violence against women and on helping victims. Low-threshold services for victims of sexual crimes are also developed, as well as models for making them available and for their provision.

24. The Cross-Sectoral Working Group for the Prevention of Partner and Domestic Violence acts as the steering group of the Action Plan, and reports to the Extended Ministerial Group for Internal Security.

25. By the end of 2014, 28 out of the 59 measures of the Action Plan had been carried out and 19 had been initiated, and as for five measures there were plans for their implementation. Seven measures had not been launched; most of them research projects that needed separate financing or services for victims of sexual violence. Some measures

[1] In English: http://www.stm.fi/c/document_library/get_file?folderId=2765155&name=DLFE-14813.pdf.

had been affected by the ongoing comprehensive reform of social and health care services. The Action Plan has been criticized for not being allocated separate financing.

26. Combating violence against women has been an area of focus of the Gender Equality Programmes of Governments in 2003-2015, and it was incorporated into the Government's first Report to the Parliament on Gender Equality.

27. During the reporting period, THL has carried out the project "Support and Services for Victims of Sexual Violence", aiming at securing comprehensive and high-quality low-threshold services for victims of sexual violence against women nationwide. The project aims at developing know-how of professionals within health and social care and education. The purpose is to prepare the inclusion of these services into the functions of social and health care.

28. The term of the Multi-Professional Risk Assessment Meeting (MARAK), described in the previous periodic report, was extended during the reporting period. MARAK is a working method which endeavours to help adults having faced serious partner violence by assessing the client's risk of falling victim for partner violence. The assessment is complemented by an Action Plan prepared by the MARAK working group. The functionality of the method has been assessed on the basis of risk assessment forms, police statistics and victim interviews, showing that for 73% (~175) of MARAK clients it was possible to stop the violence. In 2012, the method comprised 101 clients and eight working groups. In 2014, there were 193 clients and 17 working groups. At present, there are 20 working groups, some of which are regional. Six new MARAK working groups are initiating their activities in the spring of 2015, and by the end of this year the aim is to increase the number of working groups to 36. Based on the survey of the working groups in March 2015, the activities are seen as important methods for the development of work to combat partner violence and to improve the safety of victims of serious partner violence regionally.

Ratification of the Istanbul Convention

29. In May 2011, Finland signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The Parliament approved Government Bill 155/2014 on the ratification of the Convention on 25 February 2015. The Convention was ratified on 17 April 2015, and it enters into force on 1 August 2015.

30. For national implementation, the Ministry of Social Affairs and Health is preparing a proposal for a coordination body to be appointed by the Government consisting of actors relevant for the implementation of the Convention.

31. The Ministry will evaluate the realization of the above-mentioned National Action Plan to Reduce Violence against Women during 2015. The evaluation will be utilized as a basis for the planning of the implementation of the Istanbul Convention.

General measures to reduce domestic violence

32. The new Social Welfare Act (1301/2014) entered into force on 1 April 2015. The Act stresses the importance of timely support, strengthens basic services and reduces the need for corrective measures. The Act affirms the right of families with children to obtain home services to secure the welfare of children and the right to use family work, support-persons and support-families as well as peer group activities without being a client of child welfare services.

33. The new Act obligates the authority responsible for social welfare to report to the person responsible for the activities without delay, if he/she notices in his/her duties or is

made aware of a shortcoming or a threat of an apparent shortcoming in the realization of the social welfare of a client. In addition, the authority must provide official assistance on social problems and growth environment of children and youth to other authorities, inhabitants and communities of the municipality.

34. Also the Child Welfare Act has been amended (1302/2014). As of 1 April 2015, professionals with a duty to make child welfare notifications have a duty, notwithstanding confidentiality provisions, to notify the police when they have reason to suspect a crime against the life or health of a child.

35. The provisions on decisions to secure care of children and the obligation of the personnel to report enters into force on 1 January 2016.

36. THL has commissioned a study[2] on familicides and child homicides, according to which child homicides have decreased dramatically in Finland during the last 50 years. In Finland, during 2000-2009 six children per one million children have been killed. According to the study, there was a total of 35 children under the age of 15 years killed by a parent in 2003-2012. A total of 55 persons were killed, out of which 7 were spouses and 48 children of the perpetrators. The amendments described above also endeavour to prevent homicides against children.

37. The Ministry of Social Affairs and Health nominated a working group to study the state of child welfare for a term from 10 September 2012 to 14 June 2013. The objective of the group was to find means to improve services for children and families with a view to prevent acts of violence in families. In its final report, the working group presented 54 measures on the basis of which an Action Plan[3] has been drafted containing measures for the period 2014-2019.

38. The first child welfare quality recommendation was issued in May 2014 together with the Association of Finnish Local and Regional Authorities.[4] The quality recommendation consists of 27 recommendations, emphasising cross-sectoral cooperation.

39. THL continues to maintain a Child Welfare Handbook with information on the application of the Child Welfare Act. The Handbook describes the phases of the child welfare process, from preventive child welfare to after-care. To support this work, checklists have been drawn up on work phases, methods and good practices. The Child Welfare Handbook is an open website intended primarily for professionals, but is also used as a tool in workplace orientation.

40. In 2013-2016, THL coordinates and monitors the Children's House pilot project aiming at providing comprehensive assistance to children and youth who have fallen victim of sexual and physical violence.

41. In 2012, THL published a Guidebook on security measures for young persons (Turvataitoja nuorille). The Guidebook is intended for professionals working with young persons and its objective is to prevent dating violence, sexual violence and sexual harassment by means of education and information.

42. Information on the national program for 2010-2015 on reduction of disciplinary violence against children was provided in the previous periodic report.

[2] Study on the backgrounds of family and child killings 2003-2012. Publications of the Ministry of the Interior 35/2012.

[3] Reports and Memorandums of the Ministry of Social Affairs and Health 2014:19.

[4] Publications of the Ministry of Social Affairs and Health 2014:4.

Shelters

43. The Act on State Compensation to Producers of Shelter Services (1354/2014) entered into force on 1 January 2015. According to the Act, the State shall compensate emergency crisis care within shelter services for it to be free of charge for those needing the service. THL coordinates and develops shelters nationwide aiming at increasing the number of places for families, in order to respond to the needs of the population. A decree on requirements for producers of shelter services entered into force on 1 June 2015, containing provisions on qualifications, training and responsibilities of the personnel of service producers.

44. In 2013, THL published national quality recommendations for shelter services. The objective of the recommendations was to harmonize and develop shelter services such that the services would be available for all victims of intimate partner violence and domestic violence, regardless of domicile and income level. The recommendations define the content of shelter services, the methods of client work, the objectives and the quality criteria. The quality recommendations contain guidelines for the size of personnel and its education level as well as for the size of facilities.

45. The Ministry of Social Affairs and Health and the Ministry of Justice study the possibility to start a 24/7 helpline during 2016.

Statistics on violence against women and men as well as on domestic violence

46. The report "Partner violence experienced by Finns 2012"[5] presents data based on the national crime victim study on the prevalence of threats and physical violence in 2012. 10% of women and 6% of men in intimate relationships reported having sometimes during their life experienced physical violence from their current intimate partner. This year, 5% of women and 2% of men have experienced physical intimate partner violence. Experiences of intimate partner violence, or threats thereof, were clearly more frequent among younger age groups than older. Few cases have been reported to the police. 10% of violence cases against women and 3% against men were known by the police.

47. According to national victim surveys made in 1980-2009, the prevalence of physical violence faced by men and women has been stable since the 1980s. However, changes in the prevalence of different forms of violence could be observed. During the 2000s, especially workplace violence against women increased, whereas violence on the streets diminished both for men and women. Last year, the level of violence in intimate relationships stayed quite stable for both men and women. In surveys among women, conducted in 1997 and 2005, the violence experienced in intimate relationships was observed to have remained on the same level.

48. According to a survey published by the European Union Agency for Fundamental Rights in 2014, 30% of participating women told that they had experienced domestic violence in their lifetime, and 47% told they had experienced violence at some point in their life.[6]

49. Annex 2 to the report contains statistics on homicides, assaults and other violent crime. On 28 May 2015, also crime and coercive measures statistics for 2014 were

[5] Petri Danielsson and Venla Salmi: Intimate Partner Violence Experienced by Finns 2012 — Results of the National Crime Victim Survey (In Finnish) Online Reviews 34/2013 The National Research Institute of Legal Policy. http://www.optula.om.fi/material/attachments/optula/julkaisut/verkkokatsauksia-sarja/EQaFYce0V/34_parisuhdevakivalta.pdf.

[6] See http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf.

published.[7] According to them, the victim was a woman in 80% of cases of violence between current or former spouses or common-law partners. Approximately 25% of domestic violence and violence in close relationships targeted children.

Reply to the issues raised in paragraph 6 of the list of issues prior to reporting

General considerations

50. The Ministry of the Interior nominated a working group on 20 March 2013 to draft a proposal for organizing, in the Government, cross-sectoral monitoring and coordination of the work to combat human trafficking. The Working Group submitted its proposals on 20 June 2013.[8]

51. In accordance with the above-mentioned proposal, a coordinator for activities to combat human trafficking started his mandate at the Ministry of the Interior on 1 June 2014. The coordinator is placed in the Police Department of the Ministry.

52. The new coordination structure of efforts to combat human trafficking consists of a ministerial group steering the activities (the Ministerial Group for Internal Security, or equivalent Ministerial Group addressing issues on combating human trafficking), the Permanent Secretary meeting and a coordination secretariat led by the trafficking coordinator, appointed by the Ministry of the Interior for a term from 1 June 2015 to 31 May 2017, as well as networking cooperation. In addition to representatives of authorities working to combat trafficking also, *inter alia*, representatives of NGOs, trade unions and the Association of Finnish Local and Regional Authorities will be involved, and the expertise of the National Rapporteur on Trafficking in Human Beings and the Ombudsman for Children will be utilized in the work.

53. The National Rapporteur on Trafficking in Human Beings has issued her latest report to the Parliament in September 2014 (K19/2014).[9] According to the Rapporteur, activities to combat human trafficking and the realization of the rights of victims of human trafficking have advanced in Finland during the last four years. However, there are still shortcomings regarding for example the legislation, resources, know-how and identification. The rapporteur has in her report presented 20 separate proposals for correcting faults that have appeared. In its memorandum 16/2014 on the report, the Employment and Equality Committee of the Parliament obligated the Government to take steps with regard to issues pointed out in the memorandum, regarding financing for NGO activities to combat trafficking, on legislation on a human trafficking coordinator, directing victims to the assistance system and on securing that the National Rapporteur has a possibility to monitor human trafficking related court proceedings also when they take place behind closed doors.

54. Since the beginning of 2012, a Working Group on the Development of Legislation under the Ministry of the Interior, related to the System of Assistance for Victims of Human Trafficking, has been in place. A Government Bill on the amendment of the Act on the Reception of Persons Seeking International Protection and of the Aliens Act was introduced in the spring of 2015. The amendments will enter into force on 1 July 2015.

55. The amendments remove ambiguities and increas transparency of the current Assistance System. The provisions on, *inter alia*, the practical purpose of the assistance

[7] See, http://tilastokeskus.fi/til/rpk/2014/rpk_2014_2015-05-28_tie_001_en.html.
[8] Publications of the Ministry of the Interior 15/2013.
[9] See www.ofm.fi/download/55532_Ihmiskaupparaportti_2014_ENG_WEB.pdf?4689fd63d09ad188.

measures and the prerequisites for initiating and ending assistance are clarified. The amendments also ensure equal treatment of victims and clarify the division of responsibilities between authorities. The Act is clarified as to the current ambiguity regarding admissibility to the Assistance System of such victims of human trafficking that have a municipality of residence in Finland.

56. A reflection period of 1 to 3 months will be added to the Act. During this time, criminal investigation authorities or prosecutors will not contact victims for the investigation of human trafficking offences. However, assistance will begin immediately, even though the victim would be unprepared to participate in the investigation of the offence.

Protection of victims of human trafficking

57. Victims of human trafficking who are in Finland may be granted a temporary residence permit pursuant to conditions listed in Section 52 a (619/2006) of the Aliens Act (301/2004, in the following Aliens Act). The Finnish Immigration Service has collected information in unofficial statistics on all cases it has processed where the person either him/herself has told that he/she has fallen victim of human trafficking or the Immigration Service has obtained such information from other sources, in general from other authorities. Statistics on cases suggesting human trafficking are found in Annex 3.

58. The responsibility for the legislation on assistance to victims of human trafficking is in general divided between the Ministry of the Interior, the Ministry of Social Affairs and Health and the Ministry of Employment and the Economy according to whether the victim has a home municipality or not, and to what kind of needs the services and support measures should respond to. The responsibility for assistance to victims of human trafficking without a municipality of residence lies with the State.

59. Amendments regarding assistance to victims have been made to the Act on the Reception of Persons Seeking International Protection (746/2011). The amendments will enter into force on 1 July 2015, and the full name of the Act is then "Act on the Reception of Persons Seeking International Protection and on the Identification of and Assistance to Victims of Human Trafficking". Also in future, the Immigration Service will be responsible for the steering of the implementation of assistance to victims of human trafficking. The assistance is coordinated by the Assistance System for Victims of Human Trafficking. Its activities were centralized to the Joutseno Reception Centre at the end of 2012, when earlier also the Oulu Reception Centre participated. The Assistance System in Joutseno is responsible for assisting both adult and minor victims of human trafficking by organizing guidance, services and support for them. Statistics on the number of persons who may have fallen victim of sexual exploitation related human trafficking and for whom requests to be admitted into the Assistance System were made between 1 September 2010 and 31 December 2014 are contained in Annex 4.

60. According to the Situation Report of 2014 of the Assistance System (Annex 5), reception centres have been the most active in identifying possible victims and in requesting their admission into the Assistance System. In the situation report, also the activity of the police is deemed to be commendable with respect to directing victims of human trafficking to the Assistance System. The small number of requests from the Border Guard and organizations is seen as alarming in the Situation Report. At the Border Guard, training has been provided on how to identify and address victims of human trafficking.

61. In 2012, the National Police Board issued an instruction to the Police on intervention in human trafficking and related offences and on assistance to victims of human trafficking. The instruction was updated in the beginning of 2014 (2020/2013/5080). It contains instructions e.g. on identifying trafficking offences and on criminal investigation as well as

on cooperation between authorities. It also covers assistance to victims of human trafficking and the functioning of the Assistance System, the procedure for granting time for reflection and on how suspicions on human trafficking affect asylum procedures and enforcement of decisions on removal from the country. The police shall direct victims of human trafficking to the Assistance System with a very low threshold.

62. The Boarder Guard also implements the instruction, when applicable. Typically, the Border Guard directs persons to the Assistance System in situations where it investigates human trafficking offences. Pursuant to Section 42 of the Border Guard Act, the Border Guard only investigates such human trafficking offences that relate to organized illegal immigration. In 2014, only one case was investigated, which explains the scarcity of requests from the Border Guard in 2014. Cases of human trafficking that are observed in other situations are often the responsibility of other authorities (e.g. asylum seekers).

63. The police also participates in the multi-professional assistance group under the System of Assistance for Victims of Human Trafficking, performing security assessments of trafficking victims.

64. In the beginning of 2014, a police expert network was launched, led by the National Police Board, to combat human trafficking offences. The network comprises one leading police officer and the aliens' affairs trainer from each police unit.

65. The Office of the Prosecutor General organizes regular training in human trafficking for prosecutors. One of the central themes of the training is to acknowledge the perspective of the victim in criminal investigations and proceedings as well as the psychological consequences of victimization. Prosecutors specialized in such cases are also offered training on sensitive interaction with victims in criminal proceedings.

Statistics

Statistics on police initiated criminal investigations of trafficking offences

	2010	*2011*	*2012*	*2013*	*2014*
Trafficking in persons	11	17	18	15	16
Aggravated trafficking in persons	1	4	4	1	3
Total	**12**	**21**	**22**	**16**	**19**

Trafficking offences investigated by the Border Guard during the reporting period

	2010	*2011*	*2012*	*2013*	*2014*
Human trafficking	0	8	3	4	0
Aggravated trafficking in persons	1	4	0	6	1
Total	**1**	**12**	**3**	**10**	**1**

66. Prosecution Service statistics do not differentiate between trafficking for sexual exploitation or trafficking for workforce exploitation under the offences "trafficking in persons" and "aggravated trafficking in persons". During the period between fall 2010 and winter 2015, approximately ten sexual exploitation related human trafficking cases reached prosecution and courts. Injured parties in these cases are female young adults from Estonia, Romania, Czech Republic and Finland. One case where the injured party is a Finnish citizen, has advanced to the Supreme Court (KKO:2014:80).

Reply to the issues raised in paragraph 7 of the list of issues prior to reporting

67. In August 2012, the Ministry of Social Affairs and Health published an Action Plan for the Prevention of Circumcision (FGM) of Girls and Women 2012-2016.[10]

68. The main objective of the Action Plan is to prevent circumcision of girls in Finland and to increase the well-being and quality of life of circumcised women. The Action Plan seeks to create permanent national and regional structures for the prevention of circumcision of girls and women. The Action Plan thus aims at ensuring that existing know-how is preserved and at developing preventive work. The aim is also to intensify cooperation, clarify division of work and to improve coordination between different authorities and other actors.

69. THL coordinates the training envisaged in the Action Plan, the measures related to professional know-how, the production of materials as well as research. THL has made an interim evaluation of the implementation of the Action Plan in 2014. The final evaluation is due in 2016, at which time a seminar will be organized.

70. Key persons of NGOs and immigration and religious communities are also important for the work to influence attitudes within communities. Especially the Finnish League for Human Rights has been lobbying consistently and it has initiated a study on honour-related violence funded by several Ministries and the Finnish Cultural Foundation. The objective of the study is to produce information on honour-related violence in support of planning of counter-measures.

71. The Asylum Unit of the Finnish Immigration Service is currently drafting instructions on how possible FGM issues are looked into in the asylum interview. The instructions are based, *inter alia*, on the "Guidance Note on Refugee Claims Relating to Female Genital Mutilation" by UNHCR. Asylum seekers will also get a handout with general information on FGM, stating that they must mention this issue in the asylum interview, it they consider it to be necessary in the processing of their case. The authorities do not ask about FMG on their own initiative, unless, in an individual case, details emerge which the interviewer deems grounds for asking.

72. In general, FGM is seldom used as grounds for asylum. In an individual case, impending FGM may be deemed sufficient grounds for granting asylum, if it is clear that the applicant would not get protection from the authorities in the home country. If, in an individual case, the conditions for international protection are not met, but a negative decision on a residence permit would be manifestly unreasonable with regard to the health of the applicant, ties developed in Finland, or on other individual compassionate grounds, the applicant may be issued a residence permit on compassionate grounds pursuant to Section 52 of the Aliens Act. In reception centres for asylum seekers, the issue is taken into account in personnel training, in the work of nurses and when health services are arranged. Asylum seekers are given information on this issue. FGM is looked into during the initial check by a nurse and any care needed is provided as part of the health care services at registration.

73. The police has received training especially with regard to violence and threat thereof against women belonging to ethnic minorities. The police has participated in the preparation of online training for authorities and in the prevention and awareness-raising on honour-related violence in various networks. Cooperation with NGOs and other actors providing support and assistance to victims has been continued.

[10] Publications of the Ministry of Social Affairs and Health 2012:8.

Article 3

Reply to the issues raised in paragraph 8 of the list of issues prior to reporting

74. According to the Aliens Act and the Government Bill proposing the Aliens Act, the consequences of non-refoulement must be taken into account in the enforcement of the Act. Pursuant to Section 147 of the Aliens Act (1214/2013), no one may be refused entry and sent back or deported to an area where he/she could be subject to the death penalty, torture, persecution or other treatment violating human dignity, or from where he/she could be sent to such an area. The provision in Section 147 agrees with Section 9(4) of the Constitution of Finland and also fulfils the international obligations binding Finland.

75. Non-refoulement shall be taken into account at all stages of removals from the country. According to Section 200(3) of the Aliens Act (195/2011), a final or enforceable decision shall not be enforced, if there are reasons to suspect that the return of an alien to the country of origin or to another country may put him/her in danger as described in Section 147. A provision on the adherence to non-refoulement also when persons are returned as a result of refused entry was added to Section 147 of the Aliens Act on 1 January 2014. Non-refoulement is intended to cover all situations where an alien is transferred by Finnish authorities to another state.

76. Pursuant to Section 152 b (1341/2014) of the Aliens Act, the Non-Discrimination Ombudsman shall monitor enforcement of removals from the country at all its stages.

77. The Finnish Immigration Service under the Ministry of the Interior issues first residence permits, examines asylum applications, steers activities of reception centres and decides on refusals of entry and deportations and is responsible for processing nationality applications and for issuing alien's passports.

78. In its decisions, the Immigration Service does not refer directly to article 3 of the Convention, but the article is observed in decision-making through the provisions of the Aliens Act on non-refoulement and international protection. An asylum seeker who has not been granted international protection, and who will be refused entry, may appeal the decision to the Administrative Court and at the same time apply for an enforcement ban on the decision on refusal of entry. The Administrative Court examines and adjudicates the application regarding the enforcement ban.

79. Pursuant to Section 98 of the Aliens Act, applications for international protection are processed in a normal or accelerated procedure. Applications are handled in an accelerated procedure only in cases under Section 103(2) of the Aliens Act. Pursuant to Section 201(1) of the Aliens Act, a decision of the Finnish Immigration Service on refusal of entry concerning an alien who has applied for a residence permit on the basis of international or temporary protection may not be enforced until a final decision has been issued on the matter. Pursuant to Section 201(2) (432/2009) of the Aliens Act, If a decision on refusal of entry has been issued under Section 95b, 103(1)(2) or 103(2)(3), the decision may be enforced.

80. Pursuant to Section 103(1)(2) of the Aliens Act, an application may be dismissed if the applicant may be sent to another state which, under the Council Regulation (EU) No. 604/2013 on determining the state responsible for examining an asylum application, is responsible for processing the asylum application, i.e. the application can be examined in the Dublin procedure. Pursuant to Section 103(2)(3) of the Aliens Act, an application may be dismissed, if the applicant's subsequent application does not contain grounds for staying in the country that would affect the decision in the matter. In the Dublin procedure, The Finnish Immigration Service examines if the applicant has applied for asylum in another Dublin II country (EU countries, Norway, Iceland and Switzerland), whether his/her family members are refugees in those countries, whether he/she has a visa/residence permit issued

by those countries, or whether he/she has entered Finland illegally through any of those countries. If any of the Dublin requirements are fulfilled, the other state is responsible for handling the application. The Finnish Immigration Service may then decide not to examine the application and refuse entry and send the applicant to the competent country.

81. Bans on enforcement of removals from the country are clarified in the amendment to the Aliens Act that will enter into force on 1 July 2015 (Government Bill 218/2014). Henceforth, the applicant must file the request to ban the enforcement of the decision on refusal of entry with the Administrative Court within a week from obtaining the decision, if it has been made pursuant to Sections 95 b, 103 or 104 of the Aliens Act (cancellation of application for international protection, dismissing applications and applying an accelerated procedure). The Administrative Court shall decide in the matter within a week from receiving the request. The obligation of the Police to wait for the decision of the Administrative Court before enforcing a removal from the country will be laid down in the Act, whereas the issue is currently regulated in Police instructions. This amendment both clarifies current praxis and strengthens legal security. Short deadlines ensure effective proceedings. Overall, the proposed amendments improve the transparency of asylum proceedings by regularizing current practices and by bringing the norms governing them into the legislation.

82. Also Police Instructions (Enforcement of decisions on refusal of entry and deportation, 2020/2013/4518) contain a reference to the non-refoulement principle.

83. The Aliens Act was also amended by the addition of a new Section 200a, which enters into force on 1 July 2015 (Bill 170/2014), whereby enforcement of deportations was alleviated in situations where the alien has obtained a temporary residence permit due to obstacles to leaving the country, and the temporary obstacle ceases to exist. In such cases, the deportation decision may be enforced at the earliest on the eighth day after the decision was served on the applicant, unless the Administrative Court decides otherwise. The term must comprise at least five working days.

84. The Border Guard heeds the non-refoulement principle in its overall consideration according to the Aliens Act. If factors influencing the implementation of the non-refoulement principle emerge in conjunction with the establishment of fulfilment of the requirements for entry, or when preparing removal from the country, they will be taken into account as part of the obligation to perform an overall consideration, and the return will not be carried out.

Reply to the issues raised in paragraph 9 of the list of issues prior to reporting

85. (a) Detention is a last resort interim measure which is only used when other measures are deemed to be insufficient. Provisions on alternatives to detention as an interim measure are contained in Sections 118-120 of the Aliens Act. These are obligation to report, handing over travel documents to the authorities (Police, Border Guard), giving address where applicant can be reached, or giving a security. These interim measures are primary to detention. Instead of detention, especially in enforcement of removals from the country, very often the obligation to report according to Section 118 of the Aliens Act is used when the person is not escorted from the country.

86. Sections 121-129 of the Aliens Act contains detailed provisions on detention of aliens, requirements, procedures and deadlines.

87. A temporary administrative decision is made on the detention of aliens, enforceable only if detention is necessary either for clarification of requirements of entry or for enforcement of decisions to remove from the country. Detention is not used as punishment. Prior to detention the possibility to use alternative measures must be clarified. Alternative measures to detention are especially used if the person concerned is in a vulnerable

situation. Decisions are made on an individual basis and the authorities endeavour to avoid detention of minors. In cases of detention of children, social welfare authorities must also be heard.[11]

88. Provisions on detention units and on their conditions are contained in the Act on the Treatment of Aliens Placed in Detention and on Detention Units (116/2002).

89. Until autumn 2014, there was only one detention unit for aliens in Finland, Metsälä in Helsinki, with 40 places. In 2013, a total of 444 detained aliens spent an average of 32.7 days in Metsälä, the median length of stay being 18 days. Approximately 1% of them were asylum seekers. The number of detained persons at Metsälä was more or less stable during 2011-2014. Metsälä reception centre is part of the social and health care organization of the City of Helsinki.

90. In autumn 2014, a new detention unit was opened at the Joutseno Reception Centre, which has contributed to solving capacity issues. Joutseno Detention Unit has considerably reduced the need to place detained persons in police facilities. The detention of persons in a vulnerable situation will be centralized to Joutseno, whereas the Metsälä unit will specialize in accommodation of higher risk alien detainees. The Finnish Immigration Service is responsible for the overall steering, planning and monitoring of the Joutseno Detention Unit.

91. No comprehensive statistics are available on the number of aliens placed in detention in police facilities.

92. The Border Guard does not have facilities for long-term detention of persons deprived of their liberty. The Border Guard has waiting rooms and locked detention facilities, where persons deprived of their liberty wait for a short time for transfer elsewhere.

93. The Parliament approved Government Bill 172/2014 on amendments to the Aliens Act and the Act on the Treatment of Aliens Placed in Detention and on Detention Units on 14 March 2015. The new provisions limit detention by requiring simultaneous fulfilment of both general and specific requirements, stressing detention as a last resort compared to other interim measures and by requiring individual assessments. The reform stresses the primary nature of alternatives to detention, and provides possibilities to fulfil the obligation to report also at the reception centres, in addition at Police and Border Guard facilities.

94. The Aliens Act was amended to prohibit detention of unaccompanied minor asylum applicants under the age of 15, and also other clarifications were introduced in the legislation on detention of children. Unaccompanied minors under 15 years of age shall not be held in detention even after an enforceable decision on his/her removal from the country has been given. Holding unaccompanied minors older than 15 years in detention to secure removal from the country shall be limited and the legislation on detention of children shall also otherwise be amplified. Detention of unaccompanied minors seeking international protection is completely prohibited and also the detention of other unaccompanied minors is limited to very short durations. With regard to all children, the possibilities for social welfare authorities to issue statements will be improved.

95. A new Section 125a was added to the Act. The Section requires that the social welfare authority mentioned in Section 122(1)(3) of the Aliens Act issue a written statement for the examination of matters related to detention of children. The statement

[11] See also the study of the University of Helsinki on the practical application of the Finnish law regulating the grounds and conditions of detention of aliens. See www.helsinki.fi/law-and-other/publications/detention-monitoring-report.pdf.

shall be available at the latest when the district court initiates proceedings pursuant to Section 124(2). This procedure endeavours to strengthen the hearing of social welfare authorities when decisions on the detention of children are made. It is not always possible for social welfare authorities to give a reasoned written statement before the decision on detention is made, without delaying the procedure to the detriment of the interests of the child. The new legislation endeavours to ensure in practice that a reasoned statement of social welfare authorities is requested for all unaccompanied minors detained for more than 24 hours, and all minors detained with their families for more than four days. The social welfare authority may, when possible, give the statement already before the decision on detention of a child, but the statement must be issued at the latest before the first hearing at the district court.

96. The provisions on detention requirements, information to the person held in detention and placement of such persons will be amplified upon enforcement of the Reception Conditions Directive (2013/33/EU). In addition, the obligation to report will be amended to become a more functional alternative to detention.

97. In the instructions of the National Police Board on the treatment of detained persons (2020/2013/5490) instructions are also given on the treatment of persons held in detention pursuant to the Aliens Act.

98. The Police has continued to provide training in alien affairs both on the national level and as on-the-job training. The National Police Board has prepared and utilized an online course on alien affairs, which all police officers have to complete by summer 2015. The online course is divided into six parts, one of which covers interim measures pursuant to the Aliens Act and their utilization. The purpose of the online course is to increase police know-how in handling tasks of the police pursuant to the Aliens Act (including grounds for detention and the possibilities to use other interim measures).

99. The National Police Board commissioned a study in 2013 on detentions made by the police. Based on the conclusions, it was found that, in general, detentions had been made on appropriate grounds. The results of the study have been analysed for training purposes in the trainer network for illegal immigration. The objective has thus been to ensure that information on issues to be developed regarding use of interim measures is transferred to police departments through the trainers of the network.

100. (b) Unaccompanied minor asylum-seekers are placed in specially designed group homes (for ages 0-18 years) and in supported housing units (for ages 16-18 years). Minors are offered mental health services of same quality as are inhabitants of municipalities. Mental health services are generally produced utilizing services of the private sector. In 2013-2014, the personnel of reception centres received training in providing psycho-social support.

101. (c) Pursuant to Section 8 of the Aliens Act, the person concerned may use a counsel when an administrative matter is filed and handled. When an administrative matter is filed and handled, the person concerned may also use an attorney when it is not necessary to hear him or her in person or if his/her appearance in person is not necessary for investigating the matter or establishing his/her identity. In practice, asylum seekers indeed have a real possibility to use a counsel and interpreter, if they so wish. Pursuant to Section 9 of the Aliens Act, provisions on aliens ’right to legal aid are laid down in the Legal Aid Act (257/2002). The counsel is free of charge for the asylum seeker, if he/she is without funds. The reception centre informs the asylum seeker of available legal aid services.

102. Pursuant to Section 10 of the Aliens Act, Aliens have the right to use an interpreter when an administrative matter or an appeal under the Act is being handled. In addition, the authorities shall provide interpretation pursuant to Section 203 of the Aliens Act. Aliens may also use an interpreter or translator at their own expense in an administrative matter or

an appeal. An interpreter or translator procured by authorities may not be a person whose connection with the person or matter concerned may jeopardize his/her reliability or the safety of the person concerned. Pursuant to Section 203 of the Aliens Act, the person concerned has the right to be notified of a decision concerning him or her in his/her mother tongue or in a language which, on reasonable grounds, he/she can be expected to understand. A decision is notified through interpretation or translation.

103. (d) The provisions of the Administrative Judicial Procedure Act (586/1996) shall be observed in appeal matters referred to in the Aliens Act, unless otherwise provided by the law. Pursuant to Section 190 of the Aliens Act (516/2008), a decision of the Finnish Immigration Service may be appealed to an administrative court as provided in the Administrative Judicial Procedure Act. Section 191 of the Aliens Act (1218/2013) contains provisions on appeal prohibition. Pursuant to Section 193 of the Aliens Act (323/2009), a decision of the Finnish Immigration Service in a case concerning international protection is appealed to the Administrative Court of Helsinki.

Articles 5 and 7

Reply to the issues raised in paragraph 10 of the list of issues prior to reporting

104. There have been no cases related to matters mentioned in the question, where Finland would have denied surrender of persons suspected for torture offences, after which the person would have had to be charged in Finland.

Article 10

Reply to the issues raised in paragraph 11 of the list of issues prior to reporting

105. The Finnish Education Evaluation Centre (FINEEC) is responsible for the evaluation of education provided by universities and universities of applied sciences in Finland. It audits the "higher education institutions" (HEI's) quality assurance (QA) systems. Auditing assesses the comprehensiveness, performance and effectiveness of the QA system and focuses on two levels: the HEIs 'QA system as a whole and the quality assurance related to the HEIs 'basic mission (education, research/R&D, interaction with and impact on society and regional development).

106. The Police University College under the Ministry of the Interior is responsible for the provision of basic and further education in police studies. Treatment of detained persons and general respect for human rights form part of the basic education of the police. The renewed legislation on the police that entered into force on 1 January 2014, (Police Act 872/2011, Criminal Investigation Act and Coercive Measures Act (806/2011)) is included in the new curriculum and updated study materials have been prepared (online materials and three textbooks). The new legislation takes into account both the judicial practice of the European Court on Human Rights and the precedents of the Finnish Supreme Court having relevance for the police. Issues related to interaction with and surveillance of aliens form part of the basic training of the police. Also special issues on crimes related to and perpetrated against aliens are covered, including human trafficking and honour-related violence.

107. The Parliamentary Ombudsman has regarded the uneven educational level of the personnel of police jails as problematic, and drawn attention to the need to develop personnel training.

108. For evaluation of the training, cf. question 12. Cf. also question 23 subquestions (c) and (d), with more detailed description of relevant instructions and regulations.

109. Fundamental and human rights, including prohibition of torture and inhuman treatment, form an important part also of the training system of the Border Guard. In basic and further training at the Border and Coast Guard Academy, attention is given to fundamental and human rights in accordance with the training standards of the EU border control agency Frontex.

110. The Border and Coast Guard Academy is not comprehensively evaluated by any external parties. The National Defence University regularly evaluates the officer training of the Border and Coast Guard Academy. The instruction at the National Defence University, of which the Border and Coast Guard Academy is a part, is evaluated by the Finnish Higher Education Evaluation Board. Other evaluation and control of the instruction is performed internally.

111. The personnel of the two detention units for aliens has been given training in human rights and in identification of persons in a vulnerable situation, in provision of psycho-social support as well as in training related to security of personnel and clients.

112. At Finnish Customs, training is provided by the Customs School, and no external party evaluates its activities. Fundamental and human rights constitute an important part also of the crime prevention training at Customs. The training at Customs especially focuses on issues related to aspects of fundamental rights in connection with criminal investigation and use of coercive measures, on the European Convention on Human Rights and the European Court of Human Rights and its decisions, and on how to take them into account in Customs crime prevention activities.

113. In 2014, the Human Rights Centre published a study on human rights training in Finland.[12] The recommendation of the study was to strengthen curricula at State universities and learning institutions with regard to human rights. In connection with the study, a recommendation by the Human Rights Delegation on development of human rights education and training was also published.

114. During the reporting period, the Istanbul Protocol was translated into Finnish and efforts are made to advance its utilization in training and in identification of torture victims. In April 2015, the Ministry for Foreign Affairs and Amnesty International Finland organized a jubilee seminar on the 30th anniversary of the Convention under the heading State Responsibility in Treatment of Torture Victims. The Istanbul Protocol was also addressed.

Reply to the issues raised in paragraph 12 of the list of issues prior to reporting

115. The Criminal Sanctions Training Centre provides degree programmes related to the Criminal Sanctions sector. Its Board is appointed for a four-year term by the Director General of the Criminal Sanctions Agency. The Board shall steer, oversee and develop the activities of the Training Centre and decide on rectification claims and other matters within its mandate. The Board consists of a chairperson and nine other members. The members represent areas of education, criminal sanctions and other expertise of importance for the Training Centre. The Board approves and authorizes the curriculum of the Degree Programme, which defines the areas of expertise of the degree.

116. Legality and application of ethical principles form the basis of the whole criminal sanctions area. Important principles of civil liberties and rights, laid down in international human rights conventions binding for Finland and in the Constitution of Finland are applied

[12] See https://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/f62cae7ba80805e05c49fd43b0c332ce/1433763124/application/pdf/1312219/HR%20education%20in%20FIN_en.pdf_.pdf.

in security and surveillance operations as well as in rehabilitation and guidance. The objective of the legislation and the conventions is to ensure the integrity of human rights and rights of individuals. The activities of the officials of the criminal sanctions area are regulated by several acts, regulations and recommendations with provisions on their powers, rights and duties. The starting point for a guard is to be familiar with fundamental and human rights, to accept them, and to comply with them. A broad understanding of the legality principle and knowledge of the ethical norms behind the legislation is a central part of the professional skills of a guard.

117. In the basic training, attention is even henceforth paid to the realization of the basic rights of prisoners and to proportionality of derogations of rights.

118. Until now, no complaints have been filed in Finland related to flaws in expertise or training produced by basic training of supervisory personnel. The Parliamentary Ombudsman has in very few published cases reprimanded an individual guard's actions. However, the Parliamentary Ombudsman has recommended that his comments be heeded in training, or that the Criminal Sanctions Agency prepare procedural instructions for each issue at hand.

119. All personnel at the Health Care Unit of the Criminal Sanctions Agency have received appropriate health care training and they are registered in the Terhikki register of the National Supervisory Authority for Welfare and Health, Valvira, as irreproachable. Persons with a medical education have received some training related to identification of torture and related treatment and they are introduced to these matters in practice at work.

120. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Finland in the autumn of 2014. According to the oral report issued at the end of the visit, CPT did not hear allegations on physical mistreatment of prisoners. The Committee stated that prison personnel in general are well trained and that their attitude toward prisoners is professional. In 2013 and 2014, public servants were not sentenced or given other sanctions for ill-treatment of prisoners.

121. Health care of inmates is being transferred to THL under the Ministry of Social Affairs and Health. Simultaneously, the responsibility to organize health care for prisoners is given to Valvira and the Regional State Administrative Agencies. The transfer is planned for the beginning of 2016.

122. The National Police Board and the Police University College regularly agree on objectives for instruction, research and development of the University and on their monitoring. The Police University College decides the curricula of the degrees. Pursuant to the regulations of the Police University College, the adoption of curricula is the designated task of the Board of the College. The Chair of the Board of The Police University College is the Rector and it comprises 12 members: 4 from the personnel, 4 advanced students and 4 internal security authorities and institutions in the field. The National Police Board appoints the Members of the Board and their substitutes for a set term. The term of the Board is three years.

123. The comprehensiveness, functionality and effectiveness of the quality assurance system of the University was evaluated in an audit realized by the Higher Education Evaluation Board in the autumn of 2011. The audit focused on the quality assurance system as a whole and on the quality assurance of the basic tasks of the University (education,

research and development, interaction with the society, effectiveness and regional development). The audit is valid for six years until February 2018.[13]

124. Two studies have been published, in 2011 and 2013, on the effectiveness on the basic diploma training of the Police University College.

125. The surveys of the next impact assessment have already been completed and the report will be published in 2015.

126. Cf. also question 23 subquestions (c) and (d), with more detailed description of relevant instructions and regulations.

127. The feedback and development mechanism of the Border and Coast Guard Academy also pays attention to the effectiveness of the training. There is no separate monitoring of torture cases, but the impact assessment of training is performed as part of the general monitoring of operative activities.

Article 11

Reply to the issues raised in paragraph 13 of the list of issues prior to reporting

128. The Act on Military Discipline and Crime Prevention within the Armed Forces (255/2014, henceforth "the Military Discipline Act") entered into force on 1 May 2014. The new Criminal Investigation Act (805/2011) and the Coercive Measures Act (806/2011) entered into force on 1 January 2014.

129. The provisions on interrogations and coercive measures related to liberty did not change considerably, but they are now more detailed and precise.

130. The National Police Board has updated its instructions to correspond to the requirements of the Acts that entered into force on 1 January 2014.

131. The Border Guard applies the same instructions as the police.

132. The Prison Act and the Remand Imprisonment Act contain detailed provisions on disciplinary infractions the (remand) prisoner may make him/herself guilty of, on the procedure for imposing disciplinary punishments and on the disciplinary punishments to be imposed for them. In June 2014, the Criminal Sanctions Agency issued an amplified instruction on imposing disciplinary punishments. The instruction contains guidance for prisons on how to apply the Act with regard to the imposition of disciplinary punishments.

133. No particular attention was given the prevention of torture during criminal investigation in the preparation of the new Criminal Investigation Act. The issue is not seen as problematic in Finland, because no judgements have been given on torture in Finland, and no cases involving such behaviour are known. The main provision protecting persons against torture is contained in Chapter 7, Section 5 of the Criminal Investigation Act (see annex 1). The provision is almost identical to Section 24 in the preceding Act.

134. The Military Discipline Act contains provisions on crime prevention within the Armed Forces, comprising crime detection and prevention and solving of crimes within the scope of military discipline procedure. The Act also contains provisions on procedure in military discipline cases, on punishments and on initiating military court proceedings. The Military Discipline Act is a special act in relation to the Criminal Investigation Act and the Coercive Measures Act. The provisions of the Police Act (872/2011), the Criminal

[13] See the report "Audit of the quality assurance system of the Police College of Finland", abstract in English on p. 82, in annex 9.

Investigation Act and the Coercive Measures Act, as well as the provisions of other Acts on crime detection, prevention and solving, are applied on crime prevention in the Armed Forces, unless something else follows from the provisions of the Military Discipline Act.

135. The Act on Crime Prevention within Finnish Customs entered into force on 1 June 2015. The new Act contains more exact and more comprehensive provisions on the powers of Customs in crime prevention, with more attention given to legislation on protection of fundamental and human rights. The new Act forms part of the above-mentioned reform of the Criminal Investigation Act, the Coercive Measures Act and the Police Act. Through the Act, the legislation on crime prevention within Customs is updated to correspond to the amendments made to these acts.

136. The above-mentioned Acts do not contain provisions criminalizing or preventing torture.

137. Provisions on punishments for torture are contained in Chapter 11, Section 9a of the CC. In addition, torture is mentioned as one of the offences constituting a crime against humanity pursuant to Chapter 11, Section 3 of the CC and a war crime pursuant to Chapter 11, Section 5. Offences pursuant to Chapter 11 of the CC do not constitute military offences pursuant to Section 2(2) of the Military Court Procedure Act (MCPA, 326/1983), therefore a police authority is responsible for the preliminary investigation.

138. Provisions on coercive measures applicable to offences pursuant to the MCPA and on authorities authorized to use them are contained in the Coercive Measures Act and Chapter 4 of the Military Discipline Act.

139. Pursuant to Chapter 4, Section 10 of the Criminal Investigation Act, a party has the right to retain counsel of his/her own choice in a criminal investigation. This also applies for suspects in military crime cases. The suspect must be informed of this right. Criminal investigation authorities must also otherwise ascertain — while taking into account facts related to the offence and the offender — that the right of the person concerned to use a counsel is realized when he/she so wishes or when ensuring a fair trial requires it.

140. On the new Criminal Investigation Act, cf. also question 4.

Reply to the issues raised in paragraph 14 of the list of issues prior to reporting

141. Finland signed the Optional Protocol to the Convention on 23 September 2003 and ratified it on 8 October 2014. On 7 November 2014 the Parliamentary Ombudsman became the National Preventive Mechanism (NPM).[14] New Chapter 1a (495/2013) of the Act on the Parliamentary Ombudsman contains provisions on this.

142. When the Ombudsman acts as the NPM, he/she inspects facilities where persons deprived of their liberty are or may be held either based on an order or request from authorities or with their permission or contribution.

143. For the realization of inspections, the Parliamentary Ombudsman and an employee he/she decides has the right to gain access to all facilities and information systems of the object of the inspection, and the right to discuss confidentially with persons deprived of their liberty and with the personnel and other persons who may provide information relevant to the inspection.

[14] See also Section in the Report of the Parliamentary Ombudsman, 2013 "The Parliamentary Ombudsman is to become a national preventive mechanism for the prevention of torture". The text was published on the website of the Parliamentary Ombudsman (www.oikeusasiamies.fi) also in English (Summary of the Annual Report 2013).

144. When performing duties of the NPM, the Parliamentary Ombudsman has, notwithstanding secrecy provisions, the right to receive, from authorities and persons who run facilities, information he/she deems necessary on persons deprived of their liberty and held in the facilities.

145. In addition to what is laid down in the Act on the Openness of Government Activities (621/1999), the Parliamentary Ombudsman may notwithstanding confidentiality provisions give information on persons deprived of their liberty, their treatment and conditions to the SPT. The Parliamentary Ombudsman may while fulfilling the duties as the National Preventative Mechanism give those monitored recommendations with a view to improve treatment and conditions of persons deprived of their liberty.

146. In Government Bill 182/2012 on the ratification of OPCAT, it was stated that effective fulfilment of the obligations pursuant to the Protocol favours an increase of human resources of the Office of the Parliamentary Ombudsman. The Parliamentary Ombudsman suggested in the draft budget for 2014 that funds be granted for one new post with monitoring duties at the Office, but it was not granted. For economic reasons, the Parliamentary Ombudsman refrained from suggesting a new post in the draft budget for 2015. However, in the draft budget for 2016, there will be a proposal to get financing for the establishment of one post as a referendary to take care of the tasks of the NPM. The Parliamentary Ombudsman has assigned two officials of the Office to temporary coordinate the tasks of the NPM (January to December 2015) alongside their regular duties.

147. Through the creation of the Human Rights Centre (1 January 2012), the number of permanent posts at the Office of the Parliamentary Ombudsman increased by three (director and two experts). In February 2013, one post was terminated (notary), whereupon the number of regular staff was 59.The annual budget of the Office is just under 6 million euro, including the expenses of the Human Rights Centre.

148. In 2012, the Office of the Parliamentary Ombudsman carried out 147 inspections and, in 2013, 89. A third of these visits were made to places where persons deprived of their liberty may be held. Most of them were unannounced. In 2014, there were 107 inspections, half of which were made to places where persons deprived of their liberty may be held and a third of these were unannounced.

149. In 2014, the Deputy-Ombudsman made two inspections at the Defence Forces, at the Administrative Units, the Jaeger Brigade and the Kainuu Brigade. During the inspection of the Kainuu Brigade, the Deputy-Ombudsman also visited the guard facilities, where persons deprived of their liberty are or may be held. Finnish Crisis Management troops in Lebanon were inspected in November 2014.

150. Eleven police jails were inspected by the Office of the Parliamentary Ombudsman in 2014. In addition, The National Police Board inspected the detention facilities of all main police departments in 2014. Due notes were made in the inspection reports on the police departments.

151. In 2014 and 2015, Customs reviewed its detention facilities and prepared rules and regulations for their use.

Articles 12 and 13

Reply to the issues raised in paragraph 15 of the list of issues prior to reporting

152. Prosecutors have not received torture cases for prosecution pursuant to Chapter 11, Section 9a of the CC and they have not pressed charges on this offence.

153. Other types of suspected cases involving mistreatment committed by authorities would probably be registered in the statistics of the Prosecution Service under offences pursuant to Chapter 40 of the CC ((aggravated) abuse of public office, (negligent) violation of official duty). However, it is not possible to differentiate, based on these offences, if they refer to mistreatment referred to in this question or not.

154. Persons employed by the Defence Forces were not sentenced for torture crimes during the reporting period.

155. A relevant case is the Western Uusimaa District Court judgement of 20 November 2013, 13/126869, case SO 13/1404, where the prosecutor demanded punishment for a person in a superior position, *inter alia*, for a service offence pursuant to Chapter 45, Section 1 of the CC. In the case, subordinates had used interrogation methods comparable to torture in an interrogation forming part of an exercise. The charges were not proven, and were dropped on this item. However, the persons who participated in the interrogation and who used interrogation techniques comparable to torture were sentenced for assault and service offences. Helsinki Court of Appeal affirmed the decision of the District Court on 15 September 2014. The judgement 14/137415 of the Court of Appeal in the case SO 14/306 is partially classified.

156. Abuse of superior position is punishable pursuant to Chapter 15 (military offences), Sections 16 and 17 of the CC.

157. According to Defence Forces nationwide military crime and punishment statistics, there were 16 cases of abuse of superior position in 2014, 11 in 2013, 10 in 2012 and 40 in 2011. One of these cases was committed by paid personnel in 2014, and in 2013 and 2012 five respectively. The rest of the cases of abuse of superior position have been offences committed by conscripts.

158. According to statistics of the Legal Department of the Defence Command, 15 persons were held in detention in 2012, 27 in 2013 and 15 in 2014. Nobody was incarcerated.

159. The Finnish legislation provides for two separate and independent proceedings for incorrect or illegal acts of the police. Firstly, police actions may be investigated in criminal proceedings, if there are reasons to suspect that the police officer has committed an offence while on duty. In these cases the criminal investigation of the case is usually always led by a prosecutor.

160. Incorrect actions of the police may also be investigated in administrative complaints proceedings. The National Police Board has issued an instruction on "Internal legality oversight within the police" (2020/2012/318), according to which police departments may conduct administrative investigations of the activities of their own personnel in administrative appeal procedures, whereas the National Police Board examines complaints referring to the management of police departments and matters of significance in principle. The result of an administrative appeal procedure may be administrative guidance, e.g. by attaching attention to better practices. If it is observed during administrative appeal proceedings that the conduct of a police officer may fulfil the definitional elements of an offence, the matter must be transferred to a criminal procedure.

161. The police does not maintain statistics where the requested data would show unequivocally. No separate statistics are compiled on the age or gender of complainants, and statistics based on ethnic background is not possible according to the law.

162. The complaints on the conduct of the police made in 2014 and the measures taken are listed in annex 6. Also the Chancellor of Justice of the Government and the Parliamentary Ombudsman examine complaints made on police actions. E.g. in 2014 the number of such complaints was 692.

163. During the reporting period, there were no criminal cases where an official of the Border Guard was suspected of an offence on the grounds mentioned in the question.

164. Also with regard to Customs officials there are no known suspected offences on these grounds. As with regard to the police, purported incorrect conduct by a Customs official may be examined in a complaints procedure. In addition, the Oversight Division of the Customs performs internal legality oversight also otherwise than in connection with complaints. In aforementioned complaints and oversight procedures, no cases have been detected relevant to the present report.

Reply to the issues raised in paragraph 16 of the list of issues prior to reporting

165. The police has provided training and the National Police Board has issued and updated several police instructions and regulations on alien affairs. In addition to the previously mentioned instruction on human trafficking and the instruction on the treatment of persons held in detention by the police, the following instructions have been issued:

- Implementation of enforcement bans by the European Court on Human Rights (PohaDno/2010/2449);
- Implementation of decisions on refusal of entry and deportation (updated 2020/2013/4518);
- Regulation on the division of responsibility for the enforcement of decisions on removal of aliens from the country (updated POL-2014-9355);
- Use of force when enforcing decisions on removal from country (updated 2020/2013/5331);
- Linguistic analysis services used by the Police (2020/2013/3348);
- Asylum Instruction (2020/2013/3643);
- Instruction on surveillance of aliens (2020/2013/5427).

166. Statistics on police and Border Guard initiated criminal investigations of trafficking offences:

Police

	2010	*2011*	*2012*	*2013*	*2014*
Trafficking in persons	11	17	18	15	16
Aggravated trafficking in persons	1	4	4	1	3
Total	**12**	**21**	**22**	**16**	**19**

Border Guard

	2010	*2011*	*2012*	*2013*	*2014*
Human trafficking	0	8	3	4	0
Aggravated trafficking in persons	1	4	0	6	1
Total	**1**	**12**	**3**	**10**	**1**

Article 14

Reply to the issues raised in paragraph 17 of the list of issues prior to reporting

167. Suffering caused by torture and inhumane treatment is compensated pursuant to Chapter 5, Section 6 of the Tort Liability Act (412/1974). According to it, the following persons have the right to compensation for suffering caused by a violation:

(1) Persons whose freedom, peace, honour and privacy has been violated by a punishable act;

(2) Persons discriminated against by a punishable act;

(3) Persons whose personal integrity has been seriously violated deliberately or through gross negligence;

(4) Persons whose dignity has been seriously violated deliberately or through gross negligence in other ways comparable to items 1-3.

168. Damages are awarded on the basis of the suffering that the violation tends to cause, especially taking into account the nature of the violation, the status of the violated person, the relationship between the violator and the violated person and the publicity of the violation.

169. Section 68 of the Military Discipline Act contains provisions on compensation to be paid when an enforced disciplinary punishment is later revoked or withdrawn, or after remission. There have been five decisions on such compensation after the entry into force of the new Military Discipline Act in 2014.

170. Provisions on the amount of the compensation are contained in the Decree on registers, notifications and compensations related to military disciplinary punishments (285/2014). The compensation does not constitute indemnity, and no claims need to be presented - it is paid regardless of a claim.

171. During interrogation, the police must inform of assistance for crime victims and on possible compensation from State funds. The police officer enters in the hearing form that this information has been given to the interviewee.

172. Reception centres received training in 2012-2014 on identification and assistance of victims of human trafficking and other persons in a vulnerable situation. When needed, special services from the International Rehabilitation Council for Torture Victims (IRCT) have been procured, as available.

173. Currently, three rehabilitation centres treat refugees residing in Finland who are psychologically traumatized by torture. Rehabilitation for torture victims is provided by rehabilitation centres at Oulu and Helsinki Deaconess Institute and by City of Tampere psychiatric clinic[15] for immigrants, where the need for care of gravely traumatized refugees (torture and war trauma) is assessed.[16] Also City of Turku Immigrant Services treats torture victims who are refugees and asylum seekers having obtained a positive decision.

174. The operations of the Rehabilitation of torture victims is funded by Finland’s Slot Machine Association RAY.

[15] See www.tampere.fi/english/healthservices/mentalhealth/immigrants.html.

[16] The website of the Clinic contains information in different languages on mental health issues: www.tampere.fi/english/healthservices/mentalhealth/immigrants/brochures.html.

175. A cultural psychology clinic has been established at Helsinki University Hospital (HUS) providing examination periods and consultation services to outpatient units when the linguistic or cultural background of patients affects realization of psychiatric care. The overall responsibility for the care remains with the referring unit.

176. The web service Mental Hub contains collected information on maintenance of mental health and on changes caused by immigration for private persons and professionals in Finnish, Arabic, English, Kurdish (Sorani), Somali and Russian.[17]

177. In the Current Care Guideline for PTSD,[18] issued in December 2014, the rehabilitation of victims of torture is also addressed. The Current Care Guidelines are independent, evidence-based clinical practice guidelines. The guidelines have been developed by the Finnish Medical Society Duodecim with various medical specialist societies and they are intended as a basis for treatment decisions, and can be used by physicians, healthcare professionals and citizens.

178. The Ministry of Social Affairs and Health has commissioned a draft for legislation on health care services for persons residing in Finland without a permit. The draft suggests that the municipality should organize more health care services for such persons. Government Bill 343/2014 on the obligation of municipalities to organize certain health care services for certain foreigners, and on the amendment of the Act on Cross-Border Health Care was introduced to the Parliament on 18 December 2014. The previous Parliament did not have time to read the Bill, and it expired.

Reply to the issues raised in paragraph 18 of the list of issues prior to reporting

179. During the reporting period, no sentences have been passed for torture.

180. The aforementioned Rehabilitation Centres for torture victims offer training and consultation services for professionals, authorities and NGO's in the whole country. The rehabilitation services are not affiliated to religious or political organizations and they are supported by RAY funds.

181. The Centre for Torture Survivors of Helsinki Deaconess Institute develops support education for children and youth who directly or indirectly have experienced torture in a project realized from January 2014 to June 2015.[19]

Article 15

Reply to the issues raised in paragraph 19 of the list of issues prior to reporting

182. Government Bill 46/2014 on the amendment of the Code of Judicial Procedure proposes inclusion of explicit provisions on the prohibition of utilization of evidence obtained under torture. Pursuant to the proposed provision in Chapter 17, Section 25(1) of the Code of Judicial Procedure, a court shall not utilize evidence obtained under torture. The provision is absolute and concerns all cases regardless of the nature of the case or the torturer. The Parliament has approved the Act in February 2015 (Reply 274/2014) and it enters into force on 1 January 2016.

[17] See www.mielenterveystalo.fi/aikuiset/itsehoito-ja-oppaat/oppaat/maahanmuuttajat/Pages/default.aspx.

[18] See www.kaypahoito.fi/web/english/guidelineabstracts/guideline?id=ccs00060.

[19] See www.hdl.fi/en/services/development-services/1590-refugee-and-asylum-children.

Article 16

Reply to the issues raised in paragraph 20 of the list of issues prior to reporting

183. In 2015, closed prisons of the Criminal Sanctions Agency had a total of 180 cells with no toilet. Out of these, 73 are in the Helsinki Prison and 107 in the Hämeenlinna Prison. According to the vision for the facilities of the prisons of the Criminal Sanctions Agency (2015-2018), toilets will be built during renovations of northern and western cell units of Helsinki prison. The renovated facilities will be in use in 2017. There are plans to build at the Hämeenlinna prison a new building and to discontinue the use of the old building, whereupon all cells would have toilets.

184. The Central Administration Unit of the Criminal Sanctions Agency has instructed prisons to allow the use of ward toilets at any time during the day in prisons without cell toilets.

185. On 1 January 2015, there were slightly more prison places than prisoners. There are places for 1,964 male and 168 female prisoners in closed prisons. At the same time there were 1,959 male and 143 female registered prisoners. In open prisons there are facilities for 865 male and 86 female prisoners and there were 796 male and 76 female registered prisoners. The total number of prison places was thus 3,083 and the number of registered prisoners was 2,974.

186. When the number of prisoners living outside the prison, i.e. prisoners under monitored parole and prisoners placed in external institutions (172 prisoners), there was a total of 2,802 prisoners in prisons. In addition, there were 88 psychiatric and somatic prison places not included in above calculations, but which contribute to lower the utilization rate of prisons.

187. In the light of above numbers, it can be stated that there is no overcrowding in Finnish prisons. The utilization rate of prisons is 91%. However, there are differences between prisons with regard to the utilization rate, and some closed prisons are slightly overcrowded. Efforts are constantly made to even out the situation between the prisons and the three Criminal Sanctions Districts. Possible overcrowding is channelled to the newest and best equipped prisons, where possible disadvantages of overcrowding cause the least inconvenience for the prisoners.

188. An important goal of the Strategy of the Criminal Sanctions Agency for the period 2011-2020 is to increase the share of community sanctions and to decrease the share of punishments served in prisons.

189. This has also been done. In November 2011, a new sanction to be served in liberty was introduced: an electronically monitored monitoring sentence which to its severity is between community service and closed prison. A monitoring sentence may be adjudicated instead of a prison sentence of at most six months, when a community service sentence is not possible. The person serving a monitoring sentence in general lives at home and is monitored electronically. The person may attend work and participate in external activities as defined in the authorized enforcement plan.

190. The introduction of monitoring sentences has been slower than anticipated, and there have been regional differences in adjudications. In 2014, on average 45 convicts served a monitoring sentence, in 2013 on average 29. In 2014, 272 monitoring sentences were adjudicated and 229 convicts started serving a monitoring sentence. 201 prisoners completed a monitoring sentence. The average length of the sentence was 106 days.

191. The Criminal Sanctions Agency also endeavours to increase the use of monitored parole. Monitored parole is a period at the end of a prison sentence which is served in liberty and which a prisoner may be granted at the earliest six months before regular parole.

The legislation on monitored parole has been renewed and the new Act on Monitored Parole (629/2013) entered into force on 1 January 2014. The impact of monitored parole on the number of prisoners is significant, and in 2014 there was on average 168 prisoners on monitored parole (2013: 150 and 2012: 113).

192. In 2014, the use of monitoring sentences and monitored parole reduced the number of prisoners by 210 prisoners daily, which corresponds to one large prison or two smaller prisons.

193. After the opening of the new detention unit for aliens in Joutseno, there has no longer been overcrowding in detention facilities for aliens according to statistics (accommodation statistics as of January 2015 in annexes 7 a to c).

194. In 2014, during inspections of police detention facilities carried out by the Legality Supervision Unit of the National Police Board, overcrowding or sanitary equipment problems were not found. The Parliamentary Ombudsman has, however, attached attention to the lack of protection of the privacy of persons deprived of their liberty in some police jails, because the use of toilets may be monitored by camera. Renovations will continue in Finnish police jails during the next two years, further improving sanitation facilities.

195. In some police departments renovations have been made in detention facilities. The total renovation of the police jail in Pasila was finished in November 2014. Renovation plans are ready for the following Police Departments: Vantaa, Turku, Rovaniemi, Kemi and Oulu. Works will start in 2015. The following police jails will be renovated when the whole Police Department undergoes renovations:

- Joensuu (planning started); to be finished by 1 May 2017;
- Kotka (planning started); to be finished in November 2016;
- Lappeenranta (planning starting); to be finished end of 2017;
- Lahti (planning starting); to be finished end of 2017.

Reply to the issues raised in paragraph 21 of the list of issues prior to reporting

196. In February 2014, the Minister of Justice established a new working group mandated to, *inter alia*:

- Study different alternatives of remand imprisonment and assess possibilities to take them into use. In addition, possibilities will be studied to intensify surveillance of travel bans by the use of electronic travel-ban surveillance.
- Study possibilities to also transfer responsibility for remand prisoners held at police facilities to the administrative branch of the Justice Ministry by assessing, *inter alia*, possible resource transfers and needs for further funding. In addition, the consequences on detention circumstances of the transfer of the responsibility for detentions of remand prisoners must be assessed.

197. The Working Group shall also make proposals for necessary functional, organizational and legislative changes and on a timetable for their realization. The memorandum is to be written in the form of a Government Bill.

198. The Working Group held eight meetings by the end of February 2015. The Working Group studied alternatives to remand imprisonment in other countries and clarified possibilities to implement them in Finland. In particular, the Working Group has analysed the possibilities to use electronically supervised travel bans and bail. The Working Group has also mapped the condition of police detention facilities and their circumstances as well as their possibilities to provide activities for remand prisoners. The deadline of the working group is 31 December 2015.

199. The number of remand prisoners held in police facilities peaked in in the early 2000s, but has diminished since then. Correspondingly, numbers of remand prisoners held in prisons has increased markedly.

200. In 2014, there was an average of 619 remand prisoners in prisons daily. The number at police facilities was 80. The average daily number of remand prisoners in police facilities has decreased by approximately 15 remand prisoners since 2010. See the statistics in the 2000s in annex 9.

201. In 2014, remand prisoners spent on average 3.8 months in prison, whereas e.g. in 1993 remand imprisonment lasted approximately 2.1 months. The reasons for this development can be found in the changes that have occurred in criminality, e.g. increased drug crime and organized crime and internationalization of crime. The number of foreign prisoners and also foreign remand prisoners has increased in the 2000s. Legislative changes may also have contributed to the increased number of remand prisoners, e.g. the reform of criminal procedure in 1998 and broadening of the conditions for imprisonment in 1995. Also information collection methods, such as coercive measures affecting telecommunications, have developed. This has contributed to longer and larger investigation of crimes. One reason for the increased average number of remand prisoners is the longer duration of criminal proceedings.

202. Slightly over 2000 remand prisoners are placed in police jails yearly. Their average detention time is a little less than two weeks.

203. In some cases, the detainee has spent more than the four weeks in police facilities. Those cases are exceptions and are usually based on well-grounded reasons related to the detainee.

Reply to the issues raised in paragraph 22 of the list of issues prior to reporting

204. Provisions on the procedure for involuntary psychiatric hospitalization are contained in Chapter 2 of the Mental Health Act (1116/1990). Four different physicians participate in the decision on involuntary psychiatric hospitalization pursuant to the Mental Health Act: the physician (not affiliated with the hospital) drawing up the referral for observation, hospital physician deciding on admission for observation, hospital physician drafting the statement on the observation and the chief physician in charge of psychiatric care who decides on the involuntary hospitalization.

205. Pursuant to the Mental Health Act, a person may be admitted to hospital for observation to determine whether or not the conditions for ordering involuntary hospitalization are met. Before a patient can be sent to hospital for observation, a physician must examine the patient. In connection with the examination, it must be clarified whether the municipality of residence of the patient has other suitable and adequate services available for the patient. If the physician considers it likely that the conditions are met, he/she draws up a referral for observation. The referring physician is always a physician not affiliated with the hospital, most often a health centre physician under legal responsibility of an official employee.

206. The patient can be sent to hospital for observation on the basis of a referral for observation based on an examination undertaken no more than three days earlier. Admission for observation is decided by a hospital physician, who has to ascertain that the conditions for involuntary hospitalization are probably met.

207. The physician in charge of the observation shall produce a written statement on observation concerning the patient no later than four days after the admission of the patient. The statement shall include a well-founded opinion on whether or not the conditions for ordering the patient to involuntary treatment are met. If it appears during the observation

period that the conditions for ordering the patient to treatment are not met, the observation shall be discontinued immediately and the patient shall be discharged if he/she so wishes.

208. The decision on ordering a person under observation to treatment against his/her will is made by the chief physician in charge of psychiatric care or, if that physician is disqualified or prevented, by another physician appointed to the task, preferably one specializing in psychiatry.

209. The above-mentioned chain of four physicians may be considered to sufficiently guarantee the legal security of the patient to be sent to involuntary psychiatric care together with applicable provisions on appeal. The referral for observation is always made by an independent physician not from the hospital. The length of the involuntary treatment is at most three months. A new observation statement must be given when the treatment is continued.

210. In addition, pursuant to the amendment (438/2014) of the Mental Health Act that entered into force on 1 August 2014, the hospital must organize a possibility for patients in involuntary treatment, on their request, to obtain an independent physician's assessment and statement on the need for treatment, before a decision on continued treatment is made. The independent physician must be a psychiatrist with a public post or other certificated physician with psychiatric training. The patient must also be given a possibility to ask for an assessment on the need for involuntary treatment, at his/her own expense, from a physician he/she chooses before a decision on continued treatment is made. Assessments made by external physicians are not binding for those who redact the observation statement, nor for the physician who decides on continued treatment, but the views expressed therein must be taken into account in the decision-making. As with regard to ordering a person for involuntary treatment, the decision on continued involuntary treatment is made by the chief physician in charge of psychiatric care or, if that physician is disqualified or prevented, by another physician appointed to the task, preferably one specializing in psychiatry.

211. If the committed person is a minor, the decision on ordering involuntary treatment must immediately be submitted to the Administrative Court for authorization. The decision to continue involuntary treatment must always be authorized by the Administrative Court. An appeal may be lodged with the Administrative Court against the decision of a hospital physician to order a person to involuntary treatment or to continue treatment.

212. Pursuant to the Mental Health Act, the Administrative Courts shall handle submissions and appeals relating to involuntary treatment urgently.

213. A brochure on the rights of patients ordered to involuntary treatment has been produced.

214. There are plans to renew the Mental Health Act. The need to renew the provisions on involuntary treatment and restrictive measures will then be assessed.

215. Several independent authorities oversee hospitals providing involuntary psychiatric treatment in Finland. The Regional State Administrative Agency regularly inspect hospitals providing psychiatric care and, *inter alia*, handle complaints regarding involuntary treatment. The National Supervisory Authority for Welfare and Health, Valvira, steers the activities of the Regional State Administrative Agencies in their task to guide and oversee hospitals providing psychiatric care, and may also themselves inspect hospitals and examine complaints. Also the Parliamentary Ombudsman are entitled to inspect institutions providing psychiatric care. He/she may discuss with the patients privately and to receive complaints. The decisions the Parliamentary Ombudsman are an important source as interpretation practice.

Reply to the issues raised in paragraph 23 (a) of the list of issues prior to reporting

216. Provisions on alternatives to detention as an interim measure are contained in Sections 118-120 of the Aliens Act. These are obligation to report, handing over travel documents and tickets to the Police or Border Guard, giving address where applicant can be reached to the police or Border Guard, and giving a security. The most frequent alternative to detention is the obligation to report. Before the detention of an alien, the possibility to use other interim measures pursuant to the Aliens Act are always first examined. Section 5 of the Aliens Act contains provisions on respect of aliens' rights. Their rights are not to be restricted more than what is necessary. The principle of proportionality encourages the use of interim measures that are lighter than detention. In practice, alternative interim measures are always used when they are deemed sufficient for the handling of the case at hand.

217. The Ministry of the Interior initiated a project on 23 February 2015 for the establishment of certain interim measures as alternatives to detention. The objective of the project is to reduce detention of especially minors, persons in vulnerable situations and aliens with families. The project studies the possibility to introduce new alternative interim measures related to domicile, electronic supervision and child welfare measures. The term of the project continues until the end of 2015.

218. See also question 9.

Reply to the issues raised in paragraph 23 (b) of the list of issues prior to reporting

219. Annex 8 contains statistics for Metsälä Detention Unit. In addition, the average accommodation time at the Joutseno unit has since its opening in October 2014 been as follows:

Detention days, average

All	16.68
Men	18.13
Women	9.40

220. According to police statistics, detention protocols pursuant to the Aliens Act have been made for aliens in different age groups as follows:

Age	*2010*	*2011*	*2012*	*2013*	*2014*
< = 14	12	6	16	3	9
15-17	30	22	12	23	16
18-20	134	107	93	108	101
> = 21	1203	1143	1289	1410	1200
Unknown	16	3	10	9	17
	1395	1281	1420	1553	1343

221. Data in tables corresponds to number of detention protocols, not detained persons. There may be several protocols for one person, especially when the person has been transferred during detention from one centre to another (e.g. from police facilities in one municipality to Metsälä Detention Unit in Helsinki. Registration instructions were amplified in 2014 to avoid overlapping registrations.

222. These numbers cover all persons detained pursuant to the Aliens Act, not only asylum seekers. Seeking asylum does not constitute detention grounds in Finland, therefore no statistics are available.

223. In 2012 and 2013, the majority of those detained pursuant to the Aliens Act have at least for a short time been placed in police detention facilities before transfer to Metsälä or removal from the country. The reason for this is that the Metsälä Detention Unit has been full most of the year. The new detention unit in Joutseno diminishes the need for placing persons detained pursuant to the Aliens Act in police facilities. See also the replies to questions 20 and 9.

Reply to the issues raised in paragraph 23 (c) of the list of issues prior to reporting

224. On the new detention unit, please see question 9. See also the replies to questions 20 and 9.

225. The Office of the Parliamentary Ombudsman has inspected Metsälä almost every year. Detainees have had a possibility to discuss confidentially with inspectors during inspections. Simultaneously, they have the opportunity to get information on how to file complaints about their circumstances and treatment. In December 2014, during the most recent inspection, confusion emerged regarding procedural safeguards for detained aliens to be kept separately. The issue was analysed at the Ombudsman's own initiative.

Reply to the issues raised in paragraph 23 (d) of the list of issues prior to reporting

226. Since 2009, an expert network on combating illegal immigration and human trafficking led by the National Police Board and consisting of police officers in a leading position nominated by police departments has been in place. The function of the network is, *inter alia*, to uphold alien affairs training at police units. The network meets 1-2 times a year to address topical issues and update their knowledge. In addition, training is provided in enforcement of decisions on removals from the country in specialized training organized every second year.

227. As to the training in aliens' affairs, see also question 9 (a).

228. For instructions and regulations related to alien's affairs concerning the police, see question 16.

Reply to the issues raised in paragraph 24 of the list of issues prior to reporting

229. In Finland, both police and prison guards receive a comprehensive training. In the training, clear instructions are given when use of force is allowed while carrying out official duties. Cases of police violence have been reported, but they seldom lead to criminal investigation and even more seldom to charges or convictions.

230. All Customs officials working in crime prevention or supervision receive training in use of force, in the same way as the police. In addition, the provisions on the use of force and weapons of the Customs Act have recently been amplified and complemented in connection with the Act on Crime Prevention within Customs.

Other issues

Reply to the issues raised in paragraph 25 of the list of issues prior to reporting

State's response to any threats of terrorism

231. An updated version of Finland's counter-terrorism strategy was adopted in March 2014. The main objective of the new counter-terrorism strategy is to prevent terrorist activities within Finland or reaching beyond the national borders, and to prepare for threats that Finns might be exposed to abroad. The main emphasis is on preventive work. The strategy contains a number of policy definitions that are set out in 22 strategic actions. Their implementation has begun in 2014. Counter-terrorism activities in Finland are based on a close, continuous and systematic cooperation between not only all the security authorities but also other authorities and, in a broader context, different players of Finnish society. The Executive Directorate of the UN Counter-Terrorism Committee performed a country evaluation in Finland and concluded that the extensive, well-functioning cooperation network that exists between the Finnish authorities — particularly the Police, Customs and the Border Guard — is a prime example of an effective, national best practice.

232. According to the national counter-terrorism strategy, one of the priorities in counter-terrorism is to prevent terrorism by eliminating the root causes and motivations of terrorism as well as factors relating to the spread of terrorism, which can lead to violent radicalisation and terrorist recruitment. Exchange of information and cooperation between international and national authorities contribute to identifying threats and risks and enabling effective intervention while ensuring the legal protection of individuals. The authorities have access to all information needed to detect violent radicalisation and prevent terrorism-related phenomena from becoming more serious. Civil society and the education system play major roles in promoting the integration of immigrants and preventing social exclusion. Large cities have collaboration networks for the prevention of violent extremism. Participants of the network comprise officials from different sectors of the cities, the police as well as representatives of NGOs and religious communities.

233. The FSIS (FSIS) is a member of the counter-terrorism working group of the European security services, called Counter Terrorism Group (CTG), and a member of the counter-terrorism working group of the European police units responsible for combating terrorism, called Police Working Group on terrorism (PWGT). In addition, the FSIS cooperates with the EU law enforcement agency Europol, the role of which is to support national law enforcement authorities of the EU member states in their fight against serious international crime and terrorism.

234. In addition, Finland is a member of the Financial Action Task Force (FATF). In June 2013, the FATF recognised that Finland had made significant progress in further improving its AML and CFT framework, and consequently removed Finland from its regular follow-up process.

235. The obligation to freeze terrorist assets imposed by the UN Security Council has been implemented in the EU by decisions and regulations adopted by the Council. In Finland, the Sanctions Act (Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union, Act No. 659/1967) and Criminal Code provide for sanctions and forfeitures to be imposed for violations EU Council regulations on restrictive measures, including those implementing UN Security Council sanctions resolutions. According to Chapter 46 of the Criminal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation shall be sentenced for a regulation offence to a fine or to imprisonment for no more than four years.

236. The legislation concerning a freezing system on the basis of the Government Bill 61/2012 has been in force since 1 June 2013. The Act provides for the freezing of funds of persons and entities involved in terrorist act. The Act also criminalizes making funds available to a natural or a legal person whose assets and funds have been frozen, thus supplementing the existing regime of criminalizing financing of terrorism. The Act lays down in detail the process to be followed in the designation of person and entities.

237. The new Coercive Measures Act offers some new forms of covert coercive measures for the use of criminal investigation authorities, also in terrorist offences investigations. Those include, *inter alia*, planned surveillance, covert acquisition of information and surveillance of technical device. The most essential change is the transfer of decision making powers from the police to the court because of the increased emphasis on fundamental rights.

238. The new legislation related to terrorist offence provisions of the Criminal Code have entered into force on 1 January 2015.The scope of the criminalisation of financing of terrorism was expanded and receiving training for terrorism is now criminalised. The punishment for receiving training for terrorism ranges from fines to imprisonment for at most three years.

239. Challenges related to foreign terrorist fighters are also of a national concern. It is assessed that individuals who permanently reside in Finland have travelled to conflict areas either to participate in terrorist activities or to acquire terrorist training. The national legal framework is considered to correspond to international obligations quite well also taking into account fundamental and human rights. On 29 April 2015, the Ministry of Justice published an evaluation memorandum, where the effect on criminal law of resolution 1624(2005) and of the additional protocol to the Council of Europe Convention on the Prevention of Terrorism, finalized in the spring of 2015, was evaluated. The memorandum, *inter alia*, recommends that travelling with the intent of committing a terrorist crime be criminalized.

240. National Action Plan for Preventing Violent Extremism was published in 2012.[20]

241. The preconditions for an alien's entry into Finland include, among other things, that the person is not deemed to jeopardise public order and safety. Furthermore, the Aliens Act lays down specific grounds for refusal of entry and deportation. Terrorist activities, the support of terrorist activities, or membership in a terrorist organization, including suspicion thereof, are grounds for deeming that an alien is likely to jeopardise public order and safety. In such cases no residence permit for Finland is granted or extended. Finnish nationality is refused if there is reason to suspect that granting nationality might endanger public order or the security of the State.

Training to law enforcement officers

242. On police training in general, see question 11.

243. Issues related to terrorism prevention are addressed in general terms in the basic training of the police, but these issues are contained in personnel training at police units, and the contents are defined according to the tasks. In Finland, the main operative responsibility for terrorism prevention lies with the FSIS and the National Bureau of Investigation. These Police units also realize the training needed by their personnel.

244. The police officers at the FSIS and the National Bureau of Investigation have received their basic and further education at the Police University College or at its

[20] See www.intermin.fi/download/36330_332012.pdf?b3828f2f1c05d188.

predecessor, the Police Academy. In addition, part of the police officers have a university degree on top of the police training. The terrorism prevention unit of the FSIS is responsible for investigation and intelligence collection related to terrorism. Upon employment, each new co-worker of the FSIS attends an introductory course where, *inter alia*, the values of the Intelligence Service are addressed. On-the-job training comprises methods which underscore a culture of absolute legality. In the basic training of the police, the realization and securing of human and fundamental rights are given extra attention and the legislation is studied with this in mind. In practice, this means, *inter alia*, that legislation is interpreted in a manner favourable to human and fundamental rights when measures, such as coercive measures, are carried out and rights are interfered with. The FSIS is subject to legality supervision of many different parties, and no remarks have been made in these matters.

245. The Border Guard Act was complemented in October 2014 by new Sections (77 a and b) on official assistance by the Border Guard to the Police at sea. According to these provisions, the police has the right to obtain from the Border Guard on Finnish territorial waters and the economic zone official assistance requiring military use of force to prevent terrorist crimes, if it is necessary to prevent a danger threatening the life and health of a large number of persons, and the danger cannot be prevented with lesser means. The Border Guard has the right to use military force, under the leadership of the police, when the Border Guard assists the police in preventing and stopping a terrorist offence. The use of force must be justifiable in relation to the importance and urgency of the task, the dangerous nature of the resistance, available resources and other factors that affect the overall assessment of the situation. Particular attention must be attached to the rights and security of bystanders.

246. The Border Guard addresses terrorism prevention on a general level in the Border and Coast Guard Academy as part of instruction of border inspections and crime prevention.

Number and types of persons convicted

247. Finland's first terrorism case was tried in Helsinki District Court in December 2014. According to the charges, the accused transferred a total of just about USD 4,000 to Somalia to support the terrorist organization Al-Shabaab. The main accused was also sentenced for preparation of an offence committed with terrorist intent and recruitment for the commission of a terrorist with offence. Three of the accused were sentenced to five-month suspended sentences for financing terrorism, while the main suspect received a suspended prison sentence of one year and four months. The sentences are not final. All suspects have appealed against the verdicts early in 2015 and court proceedings will continue in the Court of Appeal.

Legal safeguards and remedies

248. Regular legal remedies are also available for persons sentenced for terrorism. In addition, the persons may file a complaint to the Parliamentary Ombudsman, the Chancellor of Justice of the Government or as internal complaint to the police.

249. National Police Board is not aware of complaints of non-observance of international standards in the connection of anti-terrorism measures.

Reply to the issues raised in paragraph 26 of the list of issues prior to reporting

250. At the end of 2012, the Parliamentary Ombudsman initiated an investigation into Finland's possible complicity in rendition flights or the use of Finnish territory to that end in years 2001-2006.

251. According to his decision of 29 April 2014, no Finnish authorities had been involved in the US secret prisoner flight programme. Nor was there any reason to suspect that Finnish territory had been used for prisoner flights knowingly to the Finnish authorities. Furthermore, the Ombudsman had no grounds for criticizing the Finnish authorities for not having tried to investigate the existence of prisoner flights adequately on the basis of the information available to them at the time.

252. The investigation could not, however, guarantee that none of the flights investigated had been a prisoner flight. On the other hand, it could not be ruled out that Finnish airspace or airports could have been used for rendition flights without the knowledge of the Finnish authorities.

253. The Ombudsman has the right to obtain from the authorities all the information he needs to make a judicial review, including confidential information. He sent requests for clarification to all Finnish authorities who could possess information related to their mandate on the issue. In addition, those authorities who could have direct airport observations, such as the Border Guard and Customs, were asked to hear their personnel. The question was also investigated by inspecting the Area Control Centre Finland and by reviewing secret information obtained by the FSIS through international exchange of intelligence data.

254. The Ombudsman stated that a substantial part of the specific information concerning the individual flights was no longer available because of lapse of time and changes in data systems. Thus, the details of the flights could not be investigated any further. He noted that it was also possible that even though the flight plans for aircraft used for rendition flights may have indicated Finland as a stopover place, the flights never landed in Finland in reality.[21]

255. The Ombudsman proposed that the authorities heard in the matter should consider how they, by means available in their respective branches of administration, including international cooperation, could improve the capacity to identify possible rendition flights and to intervene in them. Relevant authorities, including the FSIS, have provided their comments to the Ombudsman on this issue.

256. The FSIS informs on a regular basis the Constitutional Law Committee, the Foreign Affairs Committee and the Administration Committee of the Parliament, about its activities and the security situation. Parliamentary oversight is currently realized through this procedure, as foreseen by Section 47 of the Constitution (parliamentary right to receive information).

257. In addition, both the Parliamentary Ombudsman and the Chancellor of Justice exercise oversight over Finnish authorities, including the FSIS, and have wide powers to receive information from all Finnish authorities, including classified information. The activities of the FSIS, which is part of the Finnish police, are also subject to the regular legality control in Finland.

[21] A brief English summary of the Ombudsman's findings: www.oikeusasiamies.fi/Resource.phx/pubman/templates/5.htx?id=1046.

General information on other measures and developments relating to the implementation of the Convention in the State party

Reply to the issues raised in paragraph 27 of the list of issues prior to reporting

258. Since the previous periodic report, legislation on enforcement of sentences has entered into force in Finland as follows:

259. The Act on Monitoring Sentences (330/2011) and Government Decree on Monitoring Sentences (1080/2011) entered into force on 1 November, 2011, the Act on Amendments to the Community Service Act (641/2010) entered into force on 1 January 2012 and the Act on Supervised Parole (629/2013) entered into force on 1 January 2014.

260. The comprehensive reform of the Prison Act and the Remand Imprisonment Act (Bill 45/2014) entered into force on 1 May 2015. The aim of the amendments was to amplify the legislation on imprisonment of 2006, based on need for changes observed in the application of the legislation in practice. A large portion of the amendments are based on the Parliamentary Ombudsman's decisions. The amendments specify the rights of prisoners and improves their legal security. The changes concerned especially provisions on meetings with prisoners, electronic communications and appeals.

261. According to the new provisions, prisoners in closed prisons may, for important reasons, be given permission to send and receive e-mails. A precondition for granting such permission is that the use of e-mail does not endanger the order or security of the prison. Prisoners may also be given permission to use the internet, unless such use would endanger prison order or security. A precondition for granting a permission in a closed prison is that access to websites not covered by the permission can be prevented.

262. The provisions on meetings with prisoners and supervision of meetings are completely reformed. Conditions for meetings between prisoners and children under the age of 15 are improved. The prisoners' possibilities to maintain contacts with close persons who live far from the prison are improved such that prisoners may use a video connection.

263. The maximum length of solitary confinement is reduced from 14 days to 10 days. Also the possibilities of remand prisoners to go outside of the prison to take care of necessary and urgent errands are improved.

264. The new provisions on the right for prisoners and remand prisoners to file appeals clarify and improve the legal security of prisoners.

265. Simultaneously, a new Act on Enforcement of Community Sanctions enters into force.

266. The number of prisoners continues to diminish in Finland. Since 2011, the average number of prisoners has diminished with 165 prisoners. In 2014, there was on average 3097 prisoners, 239 of them women. The corresponding figures for 2013 are 3175 (242), in 2012: 3236 (239) and in 2011: 3262 (234).

267. At the beginning of 2014, the new Criminal Investigation Act (905/2011) and the new Coercive Measures Act (905/2011) entered into force. Important objectives of the new legislation included a comprehensive and exact regulation of the powers of different authorities. This rests on Section 2(3) of the Constitution of Finland, which stresses the legality of the exercise of public power, and on the fact that the powers of the authorities interfere with protected rights. On the whole, the background of the new legislation was to highlight the perspective of fundamental and human rights, especially personal freedom and integrity, the right to a fair trial, protection of confidential correspondence and protection of privacy. The central feature of the legislation is to find a balance between securing fundamental and human rights and between securing effective crime prevention.

268. An important measure directing the immigration and integration policies of the Government was in addition to the Government Programme, its decision in principle of 2013 on an immigration strategy for Finland: The Future of Immigration 2020. The purpose of the strategy was to formulate long-term policies and at the same time serve as a roadmap for a more active and proactive immigration policy. An Action Plan, published in spring 2014, was also drawn up to support the Strategy. About 170 different measures are listed in the Action Plan and it provides a comprehensive picture of concrete plans, financing, responsibility sharing and monitoring within immigration administration in the coming years.

269. Amendments to the provisions on international protection of the Aliens Act have been prepared upon the approval of EU legislation on the second phase of the creation of the Common European Asylum System. Even though the basic features of the Finnish asylum procedure already corresponded to the recast Qualification Directive (2011/95/EU) and the Asylum Procedures Directive (2013/32/EU), several amendments were proposed to the legislation. The amendments to the legislation pursuant to the Qualification Directive came into force in February 2014. They amplify current practice on persecution grounds, provision of protection, internal refugees, suspension of refugee and subsidiary protection status, and codifies the practice into law. The objective of the amendment was to strengthen efforts to re-establish contacts between unaccompanied minors in Finland with their parents abroad. A Government Bill on the Asylum Procedures Directive (Bill 218/2014) was introduced to the Parliament in late 2014, and the Parliament approved of it, with amendments, in the spring of 2015. The amendments will enter into force on 1 July 2015. Also these amendments concern transforming current praxis into law. The most important amendments relate to giving better consideration to applicants in a vulnerable situation and to clarifying the procedure for new applications and for Bans on enforcement of removals from the country.

270. In September 2013, the Ministry of Social Affairs and Health established a Working Group to reform the Act on the Confirmation of Gender of a Transsexual Person (563/2002). Pursuant to the current Act, a person is confirmed to belong to the opposite gender than the one in which he or she is registered in the population information system, if he or she, *inter alia*, provides a medical statement on the fact that he or she is sterilised or for other reasons unable to reproduce. The Working Group that ended its term in December 2014 proposed in its final report that possibilities be studied to amend the legislation to the effect that the person may notify or apply for confirmation of gender to the population information system without the requirement to provide a medical statement.