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**Response of the Finnish Government
to the preliminary observations made by
the delegation of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
which visited Finland**

from 20 to 30 April 2008

The Finnish Government has requested the publication of this response. The preliminary observations made by of the CPT's delegation were published on 10 June 2008 and are set out in document CPT/Inf (2008) 19.

Strasbourg, 17 September 2008

Answers to the questions presented by the CPT.
The answers are based on statements that have been obtained
from the Ministry of Interior, the Ministry of Social Affairs and Health,
the Criminal Sanctions Agency and Helsinki Prison.

- 1. Detailed information about the legislative organisational steps (comprising precise deadlines and financial means allocated) envisaged to eliminate, in due course, the practice of holding persons on remand in police establishments.**

The decision of the placement of a remand prisoner is at the moment made by the court. The primary placement of a remand prisoner is a prison maintained by the Prison Service. According to Chapter 2, section 1 of the Act on Remand Prisoners, which entered into force in 2006, a person remanded due to an offence shall, without delay, be taken to a prison functioning as a remand prison closest to the court handling the charges or, for a special reason, to another prison operating as a remand prison.

The court deciding on the imprisonment may, on presentation of an official with the right to arrest a person, decide that a remand prisoner is placed in a detention facility for remand prisoners maintained by the police if this is necessary in order to segregate the remand prisoner or for safety reasons or if the solving of the crime so requires for a special reason. Even then, a remand prisoner may not be held in police detention facilities for a period longer than four weeks without a very weighty reason. If a remand prisoner is placed in a detention facility maintained by the police, the placement and the grounds therefor shall be considered by the court in connection with the reconsideration of remand imprisonment.

The new legislation, which entered into force in October 2006, aims at clarifying the regulations relating to the placement of remand prisoners as well as at decreasing their detention in police establishments.

The daily number of remand prisoners in the establishments of the police has, in the last few years, been about 100. In 2007, an average of 92 remand prisoners were in police establishments daily. The number of remand prisoners is presented in the following table:

Year	Remand prisoners in police establishments	%	Remand prisoners in prisons	%	Total
1995	57	16.5	289	83.5	346
1996	63	17.4	300	82.6	363
1997	75	20.3	295	79.7	370
1998	87	23.0	292	77.0	379
1999	108	23.4	354	76.6	462
2000	99	20.8	376	79.2	475
2001	114	20.0	457	80.0	571
2002	173	26.6	478	73.4	651
2003	187	27.5	492	72.5	679
2004	97	17.0	473	83.0	570
2005	110	17.5	519	82.5	629
2006	110	19.2	463	80.8	573
2007	92	15.4	506	84.6	598

The Table shows that the relative share and absolute number of remand prisoners in police establishments have been clearly decreasing from 2003 to 2007. The average number of persons detained in police establishments is increased by the fact that some prisoners have been kept in these establishments for quite long periods. These cases usually concern those suspected of aggravated and extensive drug offences, who have to be kept segregated from each other. Most of remand prisoners who are staying for long periods in police establishments are kept there on their own request because they are afraid of other remand prisoners.

The Police Department of the Ministry of the Interior is at present drafting a Government Decree and a Decree of the Ministry of the Interior as well as an internal regulation of the Police Administration on the treatment of persons detained by the police. The purpose is that the Decrees and the Regulation enter into force starting on 1 October 2008. In connection with the entry into force of the Decrees and the Regulation, the purpose is to give training to the staff.

According to the Ministry of the Interior, the administrative Regulation shall pay special attention to the implementation of the rights of persons in police detention as well as on the fact that the detention periods of persons kept in establishments administered by the Police would be significantly shortened. The administrative Regulation shall emphasise the fact that the Police may propose to the court that the detention facility of a remand prisoner shall be an establishment administered by the Police only when this is necessary to solve the crime or for the sake of the own safety of the person.

The administrative Regulation shall also take into account the supervision of police detention facilities. In the supervision, special attention shall be paid to the implementation of the rights of the detained and the prerequisites of the detention of remand prisoners as well as to the length of the detention periods in facilities administered by the Police. The detention periods of remand prisoners in establishments administered by the Police shall also, more closely than before, be monitored in the data system of police matters.

An extensive administrative reform is pending in the administrative field of the Ministry of the Interior. The purpose is that the first stage of the administrative reform enters into force starting on 1 January 2009. At that time, a reform of the local administration of the Police will be implemented, and the sizes of the police districts will increase considerably and their number will decrease from the present 94 units to 24 local units. In practice this will also mean that, in the police stations, the police officer belonging to the higher ranks and in charge of police detention facilities, will not, at the same time, act in charge of the pre-trial investigation, but the daily management of police prisons will be the responsibility of the chief warden. This means that the responsibility for the daily order of a remand prisoner will lie with another person than the one who is in charge of the pre-trial investigation of the crime.

Several prisons with facilities for remand prisoners are at present over-crowded, which hinders the arrangement of activities meant for remand prisoners. The situation is further worsened by the personnel-savings obligations in prisons due to the Productivity Programme of the Government. For these reasons it is not possible at the moment quickly to move remand prisoners kept in police establishments to prisons. What is also making the matter problematic is the fact that in all prisons it is not possible to keep remand prisoners accused of the same crime segregated from each other equally efficiently as in police establishments. Especially in extensive drug crimes the need for segregation is great.

It was agreed in the negotiations between the Ministry of the Interior, the Ministry of Justice and the Criminal Sanctions Agency (on 11 August 2008) that, during September, a Working Group consisting of members of the Ministries and the Criminal Sanctions Agency would be established with the task to define the relevant issues relating to the placement of remand prisoners and finding ways to decrease the number of remand prisoners in police establishment. The Working Group was also assigned the task of estimating the costs resulting from their moving to prisons. The deadline of the Working Group will most probably be 1 May 2009.

2. Information on steps taken to end the practice of "slopping out" at Helsinki Prison.

The CPT also asks in its letter why the basic renovation of the living quarters of the North and West cell buildings of Helsinki Prison are not included in the investment programme of 2011-2015 even though the living quarters still have "slopping-out" cells.

It is true that the basic renovation of the Northern cell block is not included in the new investment programme plan i.e., for the years 2011-2015. This is due to the fact that it has been estimated that the other closed places of Helsinki prison would be sufficient in the future so that these blocks could be used as activity premises of the prisoners.

The Prison Administration and Senaatti-kiinteistöt [Senaatti Real Estate] signed a framework agreement on 14 December 2000, which contained an appendix on the investment programme of prisons for 2001-2010. One of the aims of the investment programme was to renovate inter alia all prison wards using slopping-out cells. An exception of this programme is **the West wing** of Helsinki prison, the renovation of which was completed already in 1989-1993. However, in connection with the renovation, no cell-specific toilet facilities were constructed in the cells of eight living quarters in the four floors of the building, with the exception of two cells in four quarters. Therefore only eight prison places of the total of 81 in the western cell block include cell-specific toilets. The total number of slopping-out cells in this cell block is thus 73. However, the situation is facilitated by the fact that eight cell blocks have block-specific toilets in connections with the wash rooms, which means two toilets for 7-9 prisoners (used in the daytime). However, there is one ward with 12 places where the doors are open also at night-time. The basic renovation of the building was not included in the basic renovation of the prison, because the newest renovation was completed as late as in 1993. The plan was to place students as well as persons in alcohol and other rehabilitation in the living quarters of the building.

The renovation of the four living quarters on the three floors of **the Northern cell block** of Helsinki Prison was originally included in the basic renovation project of Helsinki Prison. Due to the insufficiency of total financing, some investments planned had to be postponed. This was also due to the structural reorganisation of the Prison Administration, in connection with which (in 2006) the basic renovations of certain prisons had to be prioritised before Helsinki Prison. These renovation projects included inter alia the prisons of Kuopio and Mikkeli. In the basic renovations of Kuopio and Mikkeli Prisons, cell-specific toilets will be constructed in these prisons.

At present there are cell-specific toilets in 18 places in the Northern cell block. This means that in one 12-place living block there is a toilet in connection with all cells. In addition, three other blocks of the Northern cell block have toilets in connection with two cells. The total number of prison places in Northern cell block is 78. Thus the remaining number of slopping-out cells totals 60.

The living quarters of the Northern cell block of Helsinki Prison have been subject to renovation during autumn 2007 and spring 2008. As mentioned above according to the present plan, the basic renovation of the Northern cell block is not included in the new investment programme plan. It has been estimated that the other closed places of Helsinki prison would be sufficient in the future so that these blocks could be used as activity premises of the prisoners and/or open living quarters. However, to establish totally open living quarters in a closed prison like Helsinki Prison is not unproblematic due to reasons of security. Also the future development of the total number of prisoners in Finland has to be taken into account. Discussions regarding this matter are still ongoing, and no final decisions have been made. However, in current economic situation it is not realistic to believe that basic renovations in Helsinki Prison could be carried out in the near future.

3. A detailed action plan (comprising precise deadlines and resources required) to reduce significantly resources to seclusion at Vanha Vaasa State Psychiatric Hospital.

In its preliminary report, CPT has brought up the number of secluded patients in Vanha Vaasa Hospital. According to the report, seclusion decisions would have been made in the hospital 85 times between 1 January and 12 March 2008 and that seclusion would have been used for over one-third of the patients in 2007.

According to information obtained from Vanha Vaasa Hospital, the number of seclusions between 1 January and 31 December 2007 was 76. Because some of the seclusions were more than once directed at the same persons, the number of patients secluded was 32. The number of seclusions varies patient-specifically due to the psychic health of the patients treated at Vanha Vaasa Hospital. The hospital treats not only judicially ordered psychiatric patients but also dangerous and difficult-to-treat psychiatric patients moved from municipal psychiatric hospitals.

The hospital aims at finding solutions to minimise the number of seclusions. However, it is not possible to undertake quantitative goals especially taking into account the fact that the hospital treats also other than judicially ordered psychiatric patients.

As part of the goal to reduce seclusion, Vanha Vaasa hospital has

- 1) started to develop a monitoring system of seclusion cases. The purpose is to monitor and evaluate better than at present the reasons resulting in seclusion as well as the implementation and length of the seclusion;
- 2) adopted a procedure in which all seclusions that have lasted more than a week are handled in the rounds of the physician in charge;
- 3) increased the time reserved for a discussion with the secluded patients, in addition to which the patients are, during the seclusion, offered reading, listening to the radio or other corresponding pastime; and
- 4) improved the preconditions to increase rehabilitating services and to make them more versatile. The new building being constructed at Vanha Vaasa Hospital will have facilities serving rehabilitating activities. As the premises are completed, the hospital will hire the necessary personnel for the operations.

The procedures relating to the clients of social and health care and the restrictions of the self-determination of the patients will be evaluated and the necessary legislative reforms will be launched during 2009. In this connection it will be evaluated whether the methods used in psychiatric units should be changed and the personnel be obligated continuously to monitor the state of a secluded patient.