



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.
GENERAL

CAT/C/CR/34/FIN
21 June 2005

Original: ENGLISH

COMMITTEE AGAINST TORTURE
Thirty-fourth session
2-20 May 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

FINLAND

1. The Committee considered the fourth periodic report of Finland (CAT/C/67/Add.1) at its 647th and 650th meetings (CAT/C/SR.647 and 650), held on 9 and 10 May 2005, and adopted, at its 661st meeting (CAT/C/SR.661), the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the fourth periodic report of Finland, which was prepared in accordance with the Committee's guidelines and submitted on time. The Committee appreciates the constructive dialogue with the delegation and commends the comprehensive written responses provided to the list of issues, as well as the detailed responses provided to the members' oral questions.

B. Positive aspects

3. Amongst the many positive developments, the Committee notes in particular:

(a) The inclusion of a prohibition of torture and other treatment violating human dignity in section 7 of the new Constitution of Finland;

(b) Oral assurances by the representatives of the State party that the Government would consider the issue of the inclusion of a definition of torture in accordance with article 1 of the Convention in the Penal Code bearing in mind the concerns of the Committee;

(c) The measures taken by the State party to implement the Committee's previous recommendations concerning:

- (i) Judicial supervision of the use of isolation in pre-trial detention;
- (ii) The prohibition of organizations that promote and incite racial discrimination; and
- (iii) The prohibition of the dissemination of ideas based on racial superiority or hatred;

(d) The Act on the Integration of Immigrants and Reception of Asylum-Seekers 2001, which seeks to enhance the integration, equality and freedom of choice of immigrants, and the amendment of the Act in 2002 to accommodate the needs of vulnerable people, including minors and victims of torture, rape, or other physical or sexual violence;

(e) The overall reform of the system for enforcement of sentences and detention, including changes to the system of parole;

(f) The amendment of the Mental Health Act, taking into account human rights conventions binding on Finland, in order to strengthen the rights of the patient and staff;

(g) The reassurance that strict provisions of law are in place to govern the use of force, including the use of sedatives and other medication, in the execution of deportation orders;

(h) The creation of a new Office of Minority Ombudsman in 2001 to replace the Ombudsman for Aliens, with wider powers under the Minority Ombudsman Act and Aliens Act, including the ability to act for asylum-seekers and deportees;

(i) The fact that there has been no reported case of torture in Finland during the reporting period;

(j) The publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Finland (CPT/Inf (2003) 38 and CPT/Inf (2004) 20), and the Government replies thereto, as well as the work being carried out by the State party to implement the recommendations made by the European Committee;

(k) The signature of the Optional Protocol to the Convention in September 2003 and the measures being undertaken to seek its ratification;

(l) The ratification of the Rome Statute of the International Criminal Court on 29 December 2000.

C. Subjects of concern

4. The Committee expresses concern that:

(a) The Committee's previous recommendations notwithstanding no specific definition of torture exists in criminal law covering all the constituent elements of article 1 of the Convention, although torture is prohibited by the new Constitution.

(b) The "accelerated procedure" under the Aliens Act allows an extremely limited time for applicants for asylum to have their cases considered thoroughly and to exhaust all lines of appeal if their application is rejected;

(c) Despite the safeguards in place, the Parliamentary Ombudsman reported on one recent case of an asylum-seeker whose application had been rejected and who was subsequently allegedly subjected to torture in his country of origin;

(d) Despite the programme of prison renovation currently under way, the practice of "slopping out", which continues in some prisons, will not be definitively halted until 2010.

D. Recommendations

5. The Committee recommends that the State party:

(a) Enact specific legislation criminalizing torture in all its forms, as defined in article 1 of the Convention;

(b) Review the application of the "accelerated procedure" for consideration of asylum requests to ensure that applicants have sufficient time to use all available appeal procedures before irreversible action is taken by the authorities;

(c) Strengthen the legal safeguards for asylum-seekers to ensure that all asylum procedures conform to article 3 of the Convention and other international obligations in this field;

(d) Complete the process of implementing the suggestions made by the working group established to look at the situation of Roma in Finnish prisons and all other necessary measures to improve the situation and welfare of Roma prisoners;

(e) Consider means of accelerating the prison renovation programme and, in the interests of improved hygienic conditions, explore additional alternative interim solutions to the practice of "slopping out";

(f) Continue to contribute to the United Nations Voluntary Fund for the Victims of Torture, as it has done regularly since 1984.

6. The Committee recommends that the State party disseminate widely the Committee's conclusions and recommendations, in all appropriate languages, through official web sites, the media and non-governmental organizations.

7. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 5 (c), (d) and (e) above.

8. The State party is invited to submit its next periodic report, which will be considered as the combined fifth and sixth reports, by 28 September 2010, the due date of the sixth periodic report.
