

**CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT**

EIGHTH PERIODIC REPORT OF FINLAND

November 2020

I. INTRODUCTION

1. This report is submitted pursuant to Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified by the Government of Finland (Treaty Series 59 and 60/1989). The report covers the review period of November 2016 – November 2020. Statements for the report were requested from various authorities, the supreme overseers of legality, the special ombudsmen, the Government of Åland, boards and committees, the churches and civil society organisations (CSOs).
2. On 16 March 2020, the Government, in cooperation with the President of the Republic, declared the emergency conditions referred to in section 3, subsections 3 and 5 of the Emergency Powers Act (1552/2011) to prevail in Finland due to the Covid-19 pandemic. The situation could not be controlled using the ordinary powers of the authorities. Consequently, the Government was empowered to exercise the special powers under the Emergency Powers Act. The purpose of the Emergency Powers Act is to secure the livelihood of the population and the national economy, to maintain legal order and constitutional and human rights, and to safeguard the territorial integrity and independence of Finland in emergency conditions.
3. The provisions on fundamental rights and the duty to safeguard these are laid down in chapter 2 of the Constitution of Finland. Section 23 of the Constitution contains the provisions on the conditions for derogation from fundamental rights in emergency conditions and the manners of such derogation. Under the said section, such provisional exceptions to basic rights and liberties that are deemed necessary in the case of an armed attack against Finland or in the event of other situations of emergency, as provided by an Act, which pose a serious threat to the nation may be provided by an Act or by a Government Decree to be issued on the basis of authorisation given in an Act for a special reason and subject to a precisely circumscribed scope of application.
4. The grounds for provisional exceptions shall be laid down by an Act. Emergency conditions and the derogations from basic rights and liberties necessary under emergency conditions are currently governed by the State of Defence Act (1083/1991) and the Emergency Powers Act (1552/2011) which make up the general legislation for emergency conditions. Section 23 of the Constitution *per se* allows the enactment of also other temporary emergency conditions legislation when the requirements laid down in the section are met.
5. The emergency conditions regulation under section 23 of the Constitution permits interference with fundamental rights beyond the restrictions of basic rights and liberties. Section 23 of the Constitution allows derogation from basic rights and liberties with the procedure for ordinary enactment, whereas under normal conditions such derogation requires the procedure for constitutional enactment. The exceptions to basic rights and liberties referred to in section 23 of the Constitution must be necessary to the achievement of an acceptable goal and they may only remain in force for the duration of the emergency conditions.
6. However, it is essential to take into account that even emergency conditions cannot justify derogation from international treaty obligations that are binding on Finland. Instead, section 23 of the Constitution specifically states that any exceptions provided pursuant to it must be compatible with Finland's international human rights obligations. This means that in the event of emergency conditions or a state of emergency, derogation from the rights enumerated in international human rights treaties is only possible to the extent and in the manners provided in the relevant treaty.
7. The use of powers laid down in the Emergency Powers Act during the COVID-19 pandemic has been based on the assessment that these powers are necessary to protect the population from the consequences of a highly widespread infectious disease and to safeguard fundamental rights and human rights under exceptional circumstances. In particular, the aim has been to ensure the adequacy

of healthcare and social welfare services and to safeguard the carrying capacity of intensive care during the crisis.

8. The coronavirus pandemic has been managed largely through the Communicable Diseases Act, by means of restrictive recommendations issued by the Government and by amending a number of laws, regulations and decisions. However, it has also been necessary to resort to the powers provided for in the Emergency Powers Act.

9. The use of powers under the Emergency Powers Act has ended. The state of emergency was lifted on 16 June 2020.

II. ANSWERS TO QUESTIONS

Question 1

10. The measures relating to the implementation of the previous recommendations are addressed below in the context of the answers to the other Questions (2–25) of the Committee.

Articles 1 and 4

Question 2

11. No action has been taken to eliminate the statute of limitations on the crime of torture. In the view of the Government, the wording of the Convention against Torture does not require the said crime to be subject to no statute of limitations. This applies e.g. to Articles 1, 2 and 4, to which reference is made in this respect in the 2017 periodic report.

12. Chapter 11, section 7 (212/2008) of the Criminal Code of Finland (39/1889) provides that if the war crime, considering the consequence caused or the other relevant circumstances, is petty when assessed as a whole, the offender shall be sentenced for a petty war crime. The drafting history of the provision (government proposal HE 55/2007) states the relevance of the petty war crime provision to lie in that the aim is not to penalise as war crimes minor breaches of international conventions on war, armed conflict and occupation or of generally recognised and established laws or customs consistent with international law. International conventions also include obligations of nearly an indicative nature, the breach of which does not give rise to major consequences. In assessing the pettiness of the offence, regard shall be had above all to its consequences. An act that causes suffering, for example, cannot be considered petty.

Article 2

Questions 3 (a), (b) and (c)

13. The Act on the Treatment of Detained Aliens and on Detention Units (116/2002) has not been amended in this respect since 2016.

14. In 2017, the National Police Board issued a directional letter to police officers on matters to be taken into account in connection with taking into detention (POL-2017-41566, 24.11.2017). Item 7 of the guideline states the following with regard to access to healthcare personnel:

“In accordance with the guidelines of the Parliamentary Ombudsman, the police should strive to ensure that all ‘persons held in detention for more than 24 hours have access to healthcare personnel’. Discretion on a case by case basis is possible also in the future, as the requirement is not laid down by law.”

15. However, item 8 of the directional letter states the following:

“Upon their arrival, all apprehended persons shall be informed of their right to seek advice from healthcare personnel or a psychologist, to get help and treatment from healthcare personnel and to obtain any medicines prescribed by a doctor, at their own expense.”

16. The directional letter mentioned in the above paragraphs 12–13 applies to all detention units, including those of Espoo, Kuopio, Lahti and Vantaa. The detention unit in Imatra is no longer in use.

17. By law, the organisational supervision and guidance of prisoner healthcare was made the duty of the National Supervisory Authority for Welfare and Health Valvira and the Regional State Administrative Agency of Northern Finland effective 1 January 2016. In 2016–2018, the Regional State Administrative Agency of Northern Finland made the guidance and assessment visits based on the systematic supervision of prisoner healthcare to 30 prison facilities. Eight of these visits took place in cooperation with Valvira. The report on the guidance and assessment visits finds, among other things, that prisoner healthcare has been well arranged and that the quality of care and patient safety may be seen to be being brought into line with other healthcare.

Question 3(d)

18. The National Police Board has issued a guideline to the police concerning minors in police operations and criminal investigation (POL-2019-34669, 23.12.2019) which requires police departments to ensure that there are proper facilities equipped with video recording capability for interviews conducted with minors. Interviews are also often video recorded in cases of sexual crimes, trafficking in human beings and domestic violence. The police always assess the victim’s special need for protection during the criminal investigation. The handbook on the assessment process instructs the police when to video record interviews. The National Police Board has also developed a workplace facilities and work environment concept that is taken in consideration when building new or renovating old police stations. The concept sets standards for video recording facilities.

19. Through this guidance, the National Police Board requires police departments to ensure that there are appropriate video recording facilities available. In case there are smaller police stations without proper recording facilities, it is the police department’s obligation to ensure that the police operations and criminal investigations are organised so that recording facilities at other stations may be used when needed.

20. The Finnish Border Guard follows the guidelines given by the National Police Board on recording. The Border Guard has some suitable audio and video recording equipment and it has reviewed the consistency of its procedures. The Border Guard has tested the applicability of sets of equipment making use of new technologies. A needs-based investigation resulted in a decision to acquire new equipment that is easy to use and requires little by the way of user training. The use of audio and video recording equipment is included in the Border Guard’s training programme.

Question 4(a)

21. The Remand Imprisonment Act (768/2005) was amended on 1 January 2019 as laid out in government proposal (HE 252/2016). Under chapter 2, section 1, subsection 3 of the Act, the court deciding on the remand may, upon proposal of the prosecutor or a public official with the power of arrest referred to in chapter 2, section 9 of the Coercive Measures Act, decide that a remand prisoner is placed in a custody facility for remand prisoners maintained by the police, if this is necessary in order to keep the remand prisoner separate, for safety reasons, or to investigate the offence. Even then, the remand prisoner may not be kept in a police custody facility for more than seven days, unless there are very serious reasons for this that relate to the safety of the remand prisoner or the criminal investigation of the offence, or that arise from a risk referred to in chapter 2, section 5, subsection 1, paragraph 2b of the Coercive Measures Act and require that the person be kept separate.

22. Implementation of the Act has gone smoothly, although initially there was some lack of clarity as to the point in time when the seven-day period was to start running. The rulings of the Courts of Appeal of Eastern Finland and Turku (I-SHO 2019:4, 30.7.2019 and THO 2019:10, 16.7.2019, respectively) provided clarity to the matter and the time period now starts to run from the court decision on remand and not from the time of apprehension.

Question 4(b)

23. The Remand Imprisonment Act amendment that entered into force at the start of 2019 reduced the maximum duration for keeping remand prisoners in police detention facilities to seven days (see answer to question 4(a)). The reasoning of the government proposal on the amendment estimated that the daily number of remand prisoners would increase by 25–30.

24. Statistics indicate that the number of remand prisoners held in police detention facilities has decreased in the past year by an average of thirty per day, which may be deemed to reflect the increase in the number of remand prisoners at facilities of the Criminal Sanctions Agency. Remand prisoners are placed in the current remand prisons, where the conditions are appropriate *per se*. However, according to statistics the number of remand prisoners has increased in the past year by an average of one hundred prisoners per day, not only because of the legislative amendment but also for other reasons. The rise in the number of prisoners has resulted in constant overcrowding at certain remand prisons. Overcrowding inevitably impacts on prisoner conditions, and this problem can only be addressed by building new facilities. The considerable future increase in the number of remand prisoners will also bring about the need for additional personnel resources.

Question 4(c)

25. The proposals included in government proposal (HE 252/2016) for alternatives to remand imprisonment – the intensified travel ban (before and during court proceedings) and house arrest (after the judgment of a court of first instance but before the final judgment) – were introduced on 1 January 2019. The travel ban is also an alternative to remand imprisonment. The most recent statistics indicate that in 2019, a total of 565 travel bans were imposed. In 2019, the intensified travel ban was imposed on 95 persons and in 2020, until the end of October, on 87 persons. No orders of house arrest have yet been issued.

Question 4(d)

26. The police remain responsible for the treatment of remand prisoners held in police detention facilities. This responsibility has not been transferred to the administrative branch of the Ministry of Justice. A project to reform the Act on the Treatment of Persons in Police Custody (841/2006) is underway in the Ministry of the Interior. The project aims to specify, at the level of law, that the police officers responsible for the investigation of crimes shall not take part in custodial duties involving remand prisoners or other persons deprived of their liberty. Responsibility for custodial duties would reside more clearly with the supervisory personnel at detention facilities and specifically assigned police officers.

27. In January 2020, the Ministry of Justice appointed a steering group to support the placement of remand prisoners in prisons. However, at the same time the opportunities of the criminal investigation authorities to carry out the criminal investigation effectively must be safeguarded, and it must be ensured that the restrictions on contact to which remand prisoners are subject can be supervised. The aim is that in 2025, remand prisoners would no longer be held in police detention facilities after their remand hearing but rather in prisons. The steering group has been appointed for a term extending until the end of 2023.

Question 4(e)

28. The police apply the Act on the Treatment of Persons in Police Custody (841/2006) to remand prisoners held in their facilities. Chapter 13 of the Act specifically caters for remand prisoners. Under the chapter, remand prisoners shall to the extent possible be reserved the opportunity to follow TV and radio programmes and read newspapers, and to obtain magazines and books at their own expense. In addition, under chapter 13 of the Act, the provisions of the Remand Imprisonment Act (768/2005) shall apply to remand prisoners held in police facilities.

Question 4(f)

29. The police apply the Act on the Treatment of Persons in Police Custody (841/2006). In addition, the National Police Board has issued a guideline on the treatment of persons detained by the police (POHA 2020/2013/5490). A person arrested and detained in police facilities for more than 24 hours has the right to at least one daily hour of outdoor exercise or other exercise outside their cell. For special security reasons, this right may be refused by the head of the detention facility, and such refusal must be recorded in the information system.

30. In Åland, detainees may take outdoor exercise for one hour daily. The length and frequency of outdoor stays for detainees depends on the number of other detainees and on other resource-intensive circumstances. The main rule is that a detainee is given yard access as often as feasible and for as long as feasible.

Question 4(g)

31. All personnel at detention units and rehabilitation units are in the employ of the police. Most do not have police training. However, the Police University College arranges courses for the guards appointed to these units. Since no formal qualification requirements apply to the appointment of guards and the guards come from varying educational backgrounds, the National Police Board is now assessing the current training and appointment procedure with an eye to its improvement and

harmonisation. The work performance of guards is closely monitored and evaluated. The possibility of transferring responsibility for detoxification units to the municipalities has been raised as part of the discussion on social and health services reform.

32. In Åland, intoxicated persons are transported to the local police ‘drunk tank’ to sober up. They are kept under the supervision of police personnel and guards.

Question 5(a)

33. The entry into force of the guideline of the Criminal Sanctions Agency concerning juvenile prisoners (record no. 1/004/2017) has introduced more clarity and efficiency into the procedure for sentence planning, placement, consultation and cooperation with guardians and child welfare services in respect of sentenced prisoners under the age of 18.

34. Responsible persons tasked with dealing with issues relating to juvenile prisoners have been appointed in assessment centres, prisons and community sanctions offices. The responsible person’s duties include preparing a sanctions report on the juvenile and the prisoner’s sentence plan. They are also responsible for consultation and the prisoner’s employment during service of the sentence.

35. The assessment centre official meets with all prisoners under the age of 18 and a sentence plan based on a risk and needs assessment is prepared for each one. The sentence plan based on the risk and needs assessment is also prepared for prisoners serving short sentences. The minor’s guardian or other lawful representative is consulted in the preparation of the sentence plan. Close cooperation is also pursued with the minor’s guardians and the child welfare services of the minor’s home municipality. Release and any post-release support measures required are given special attention in preparing the sentence plan.

36. The guideline additionally emphasises the right of the minor to close personal relationships, education, activities, language, culture and religion. It also mentions the option, available to the assessment centres in the criminal sanctions regions, of placing juveniles in an external child welfare facility or a social and healthcare services unit to serve their sentence. However, this is subject to the consent of the juvenile prisoner, the prison, the placement location, the guardians or other legal representative and child welfare services, and the option is only available for sentences of no more than six months’ duration.

Question 5(b)

37. In the years 2011–2018, an average of 29 juveniles were sentenced to unconditional imprisonment annually.¹ However, only an average of 1.2 juveniles annually arrived from liberty to serve their sentence of unconditional imprisonment².

38. Turku Prison has prepared a process description for the arrival of a sentenced juvenile at the prison. The process description caters for the entire term of the sentence from arrival to release as well as the duties of the various personnel groups in working with the juvenile prisoner. The requirement of separating juvenile prisoners from adults was taken into account in designing the new Hämeenlinna women’s prison.

¹ Statistics Finland. Punishments by gender, age and type of crime, nationwide, 2011–2018. Number of sentences of unconditional imprisonment.

² Criminal Sanctions Agency Statistical Yearbook 2011–2018, calculated from Table 4. (<https://www.rikosseuraamus.fi/en/index/topical/publications/statisticalyearbook.html>).

39. The new alternatives to remand imprisonment, the intensified travel ban and house arrest, were introduced on 1 January 2019 (see answer to Question 4(c)). Intensified travel ban was imposed on a total of 13 juvenile suspects in the first year since the alternative became available and in 2020, the number was 6 by the end of October. No orders of house arrest have yet been issued.

Question 5(c)

40. 40. In 2019, the Ministry of Social Affairs and Health appointed an interdisciplinary working group to reform child welfare legislation to make the contents and structure of substitute care more responsive to the needs of children and young people in need of intensive special support. The working group's term was from March 2019 till June 2020. The working group noted the challenging situation with minor remand and sentenced prisoners and their placement as well as the questions of cooperation with child welfare. The duties and tasks of the appointment decision of working group did not cover the preparation of new proposals regarding placement of minor prisoners. However, working group recognized the necessity to continue further the consideration of situation of minor prisoners.

41. 41. The Criminal Sanctions Agency has sent out a questionnaire to the other Nordic countries regarding the placement of offenders below the age of 18 with the aim of gaining models and comparative knowledge to the question. The aim is to find out what sort of solutions have been found in the other Nordic countries as to minors, who have reached the age of criminal responsibility and who have committed such offences that could, in the case of adults, lead to unconditional imprisonment. A summary of the replies will be compiled in 2021.

Question 6

42. Establishing the national preventive mechanism as a separate entity under the Parliamentary Ombudsman has not been considered because in the view of the Parliamentary Ombudsman, a separate entity would not be the most appropriate and efficient approach in Finland's circumstances and the current situation thus best suits Finland.

Article 3

Question 7(a)

43. The Finnish Immigration Service is responsible for the practical operation, guidance, planning and supervision of the reception of asylum seekers, aliens detention units and the National Assistance System for Victims of Human Trafficking.

44. Since 2016, the Finnish Immigration Service has been working to improve its decision-making on asylum applications. The decision-making officials in the Service's Asylum Unit have been provided with internal training and the training modules of the European Asylum Support Office (EASO) as well as the Swedish-led Asylrättens kärnä project launched in 2018 which focuses on country information, interviews and risk assessments in more depth than the EASO modules. In their first year of service, the senior officers who take part in asylum investigations in the Asylum Unit complete the EASO modules of Inclusion, Interview Techniques and Evidence Assessment. The orientation programme for new senior officers takes around three weeks and also includes comprehensive training on the asylum process.

45. The guidance to the Asylum Unit has been improved and considerable more guidance and training is provided in respect of certain applicant profiles in particular, such as gender-based violence and gender and sexual minorities. In addition, the Asylum Unit has enhanced its legality and quality assurance in 2017–2018 by means of the LAAVA quality assurance project funded by the EU Asylum, Migration and Integration Fund (AMIF). The project concerned a systematic method for assessing and preparing statistics on the quality of asylum decision-making. Since the project, senior officers in the unit have engaged in legality assurance duties on an ongoing basis. Attention has also been paid to the quality of interpretation. The Service employs quality assurance interpreters who review recordings of interpreted interviews and improve quality assurance in interpretation.

46. The Finnish Immigration Service engages in ongoing cooperation with the UN High Commissioner for Refugees (UNHCR), which carries out annual quality assurance on the Service's asylum decisions and also provides training for the unit. The Asylum Unit monitors decisions returned to the Service by the administrative court. Among these decisions, the number of errors of procedure and interpretation of law has declined significantly since 2017.

47. The Constitutional Law Committee of Parliament has drawn attention, from the perspective of section 21 of the Constitution and law-based exercise of public authority, to the fact that the requirements of good governance and a person's protection under the law may not be jeopardised even in automated decision-making in activities on a mass scale (Committee reports PeVL 49/2017, p. 5, PeVL 35/2002 vp, 2/I). Section 1 of the Administrative Procedure Act specifying the objectives of the Act also emphasises the priority of good governance and protection under the law over the performance of administrative services. In the view of the Committee, automated decision-making is therefore unsuited to the kind of administrative decision-making that requires the decision-maker to exercise wide discretion.

Question 7(b)

48. Decisions issued pursuant to the Aliens Act (301/2004) may be appealed as provided in the Act on Judicial Procedure in Administrative Matters (808/2019). Under section 201, subsection 1 (473/2019) of the Aliens Act, a decision on denial of admittance or stay may be enforced regardless of appeal, unless otherwise ordered by an administrative court. Where leave to appeal is needed from the Supreme Administrative Court, the appeal does not prevent enforcement unless otherwise ordered by the Supreme Administrative Court (Aliens Act, section 200, subsection 3). A decision on denial of admittance or stay may not be enforced within the time limit set out for voluntary return (Aliens Act, section 201, subsection 2; 437/2019). A decision may, however, be enforced if there is a risk of absconding or the person is considered a danger to public order or security (Aliens Act, section 147a (194/2015)).

49. If an alien has applied for a residence permit on the basis of international protection, a decision on denial of admittance or stay which may be appealed may not be enforced until a final decision has been issued on the matter, unless otherwise provided in section 201. Where leave to appeal is needed from the Supreme Administrative Court, the appeal does not prevent enforcement unless otherwise ordered by the Supreme Administrative Court (Aliens Act, section 201, subsection 3).

50. If a decision on denial of admittance or stay has been made in a matter concerning withdrawal of an application for international protection or the application has been considered inadmissible, the decision may be enforced after the decision has been served on the applicant, unless otherwise ordered by an administrative court. However, the decision may not be enforced before a decision has been issued on the petition against the prohibition or suspension of enforcement (Aliens Act, section 201, subsection 4).

51. A decision on denial of admittance or stay concerning an alien who has arrived from a safe country of asylum, or a decision in which the application for international protection is considered manifestly unfounded, may be enforced no earlier than the eighth day after the decision has been served on the applicant, unless otherwise ordered by an administrative court. Before the enforcement, it shall be ensured that the time limit includes at least five weekdays. However, the decision may not be enforced before a decision has been issued on the petition against the prohibition or suspension of enforcement (Aliens Act, section 201, subsection 5).

52. The submission of a second subsequent application does not prevent the enforcement of the final decision to deny admittance or stay issued on the earlier subsequent application unless the decision to deny admittance or stay has been made in a matter concerning withdrawal of an application for international protection. If the applicant withdraws their appeal in a matter concerning international protection, a subsequent application does not prevent the enforcement of the final decision to deny admittance or stay issued on the earlier application (Aliens Act, section 201, subsection 7).

53. A first subsequent application which does not meet the conditions for admissibility does not prevent the enforcement of a final decision on denial of admittance or stay made on the basis of the previous application, if the purpose of the subsequent application is only to delay or frustrate the immediate enforcement of this decision (Aliens Act, section 201, subsection 9).

Question 7(c)

54. Under section 147 (1214/2013) of the Aliens Act, no one may be denied admittance or stay and sent back, deported or, as a result of refusal of entry, returned to an area where he or she could be subject to the death penalty, torture, persecution or other treatment violating human dignity or from where he or she could be sent to such an area.

55. The National Police Board has issued a guideline on the enforcement of decisions on removing from the country and deportation (POL-2019-27213, 4.7.2019) which underscores the non-refoulement principle as laid down in section 147 of the Aliens Act (301/2004).

56. The Asylum Unit of the Finnish Immigration Service introduced in 2018 an on-call system in which a representative of the Unit is on call during return flights undertaken by the police and assesses whether the return should be suspended if the person being returned submits a new application for international protection in cases where the law does not require the return to be automatically suspended.

57. In respect of gender-based violence, the guidelines and approaches of the Finnish Immigration Service have undergone considerable evolution. Themes of gender-based violence fall within the ambit of a special senior officer appointed in the Unit. The Service's internal guideline on taking genital mutilation into account was updated in January 2018, a guideline on forced marriage was prepared in July 2018 and a guideline on taking intimate partner violence into account in the asylum process was issued in April 2019. The Unit's interview staff and decision-makers have also received training on these themes. The risk of mutilation for minor applicants is now investigated *ex officio*. Additional national instructors in the EASO's Gender module have been trained and the module has been completed by some of the Unit's senior officers. The module addresses themes including gender-based violence. Three training groups will be organised in 2020, with a total of approximately 30 participants.

Question 7(d)

58. In 2016–2018, the PALOMA project (Developing National Mental Health Policies for Refugees) identified gaps in mental health work among refugees and developed a national model for mental health work with refugees and individuals from comparable backgrounds. The PALOMA project was implemented by the Finnish Institute for Health and Welfare (THL), Kuopio University Hospital, the Finnish Association for Mental Health, Helsinki University Hospital Department of Psychiatry, and the City of Hämeenlinna. The project aimed to launch a national centre of excellence focused on refugees as part of the service structure and to put the centre on an established footing. Accordingly, a regional knowledge hub was to be set up in each of the five university hospitals to spread knowhow across sectoral boundaries, for instance through consultation, training provision and service development, and to create well-functioning regional networks. A PALOMA2 expert is based in each of the project partner organisations for the duration of the project.

59. The project was funded by the European Union from the Asylum, Migration and Integration Fund (AMIF). The PALOMA handbook was prepared on the basis of the findings of the project. The handbook contains recommendations directed at the various sectors as well as tools for decision-makers, supervisors and professionals in mental health promotion and problem prevention, identification and treatment. One of the key recommendations of the handbook is the establishment of a national support structure. The PALOMA work continues through the knowledge hubs to be established at the five university hospitals. Together, they make up the national centre of excellence covering all of Finland. Best practices will also be piloted as a part of the work.

60. Since 2016, activities taking place at reception centres have been improved through training provision, guidelines and new approaches. The following guidelines have been issued:

- Guideline for customer plan preparation at reception centres – adults and families;
- Guideline for customer plan preparation at reception centres – and organising social services/ unaccompanied minors (guideline currently being updated);
- Guideline on urgent and essential care for asylum seekers and detained aliens (2019);
- Guideline on asylum seekers' mental health promotion and treatment of their mental health problems for registered and practical nurses at reception centres and units for minors.

61. The Finnish Immigration Service is carrying out the PSYYKE project funded by AMIF to enhance the expertise of reception system personnel in mental health work. Running since 2019, the project will prepare a set of guidelines for mental health work at reception centres and organise tutorials for reception centre personnel.

62. A special tutorial on the theme of torture was organised in October 2018 for social and healthcare services employees at reception centres.

Question 7(e)

63. The Aliens Act (301/2004) and the Act on the Treatment of Detained Aliens and on Detention Units (116/2002) were amended in 2015. The amendments to the latter improved the standing and legal protection of detained aliens and sought to curb the human and fundamental rights problems as well as practical problems associated with detention. The EU Reception Conditions Directive (Directive 2013/33/EU of the European Parliament and of the Council 26 June 2013 laying down standards for the reception of applications for international protection) was also nationally

implemented with these amendments. The aim of the amendments was to restrict the detention of minors.

64. It is exceptional in Finland for an unaccompanied minor to be taken into detention. Unaccompanied minors under the age of 15 may never be taken into detention. However, the possibility of detaining a minor under the age of 15 has been considered justified e.g. in circumstances where the minor has committed repeated criminal offences in Finland and preparations are underway to remove the minor from the country. Detention is always a measure of last resort.

65. Instead of banning the detention of minors, the aim was to reduce it by providing for a new alternative to detention. In 2017, a new precautionary measure, the residence obligation, was introduced into the Aliens Act (49/2017). The measure applies to unaccompanied minor asylum seekers who have been issued with an enforceable removal decision. This has been held to have a positive impact on the standing of the child and the realisation of the child's best interests. A residence obligation may be imposed instead of detention on an unaccompanied child aged 15 years or more issued with a negative asylum decision and a removal decision that has become enforceable, provided that the conditions for detaining a child are met (Aliens Act, section 120b). The child's residence obligation is fulfilled not in a detention unit but in a group home or supported housing unit or another housing facility for children.

66. The procedures laid down on decision-making and court proceedings concerning detention apply to imposition of a child's residence obligation. The residence obligation is a more moderate alternative to detention; the child is not held locked up but may freely move about the grounds of the detention centre, for example. The Act states that the child shall be released after one week from the start of the residence obligation at the latest. The child's residence obligation can be extended by no more than one week if this is necessary to ensure enforcement of the removal from the country (Aliens Act, section 120, subsection 3).

67. The best interests of the child shall be taken into account in detention procedure. The specific needs of the child under detention conditions shall be catered for. Some of the counsellors at detention units have been trained in child welfare issues and also have previous work experience in the field. Families with children are always provided with care and the focus is on activities consistent with the age and development level of the child. Every effort is made to identify and cater for, inasmuch as possible, the specific needs of a minor during a brief detention.

68. According to the Programme of the Government of Prime Minister Sanna Marin (10 December 2019 –), an assessment will be made in the Government term of alternatives to the detention of children over 15 years of age. The authorities which impose precautionary measures continue to consider detention a necessary measure of last resort in order to safeguard the aims under the Aliens Act, in particular the enforcement of a removal decision.

69. As outlined in the Government Programme, steps will be taken to amend the Aliens Act so as to lay down provisions on the technical monitoring of persons whose residence permit applications have been refused. This will be an alternative to detention and the residence obligation, constituting a less restrictive and more appropriate precautionary measure from the point of view of society. An assessment will be made of alternatives to the detention of children over 15 years of age.

70. In addition to the Finnish Immigration Service and the national and international overseers of legality, also other authorities may, within their competence, conduct supervision of detention units. The Finnish Red Cross moreover engages in informal detention centre monitoring as agreed in 2019.

71. The Finnish Immigration Service completed a programme for monitoring detention activities in May 2020. The monitoring covers the activities of the detention units on a broad scale. The purpose of the monitoring is to ensure that the units' activities are lawful and that the aliens placed in detention

are treated appropriately in the units. Another purpose of the monitoring is to support the units in performing their core function and to guarantee the necessary general operational and structural framework for the units. The monitoring incorporates both predictive and retrospective operating models. The Finnish Immigration Service monitors the practical detention activities, the appropriate treatment of detained aliens, the security of detention, the costs arising from the activities, and the physical facilities of the units. The monitoring is based on a proactive, interactive approach with an emphasis on guidance and development. The goal is to build a straightforward and cooperative relationship between the Finnish Immigration Service and the detention units.

72. The decisions on detention are made by the police and the Finnish Border Guard. The detention units under the Finnish Immigration Service cannot compile such statistics because not all detained persons enter these units (see answer to Question 7(f)).

Question 7(f)

73. A partial system for compiling statistics on detainees is already in place. The police results information system POLSTAT contains data in chart form on the gender, age and nationality of persons taken into detention by decision of the Border Guard. Data on the ethnicity of the persons is available from other documents when necessary. The police have made detention decisions as follows: 1,234 in 2017; 1,287 in 2018; and 1,080 in 2019.

74. The police only use precautionary measures and detention under the Aliens Act as measures of last resort. Children are very seldom taken into detention. The residence obligation is also quite seldom applied, as the persons so obligated may abscond. The reporting obligation is commonly used as a precautionary measure.

Articles 5–9

Question 8

75. The provisions on the application of the Criminal Code of Finland (39/1889) and the related territorial jurisdiction are laid down in its chapter 1. Under the provisions of the Criminal Code, torture is not an international offence. In the view of the Government, Article 5 of the Convention does not require that. The Criminal Code covers cases where the offence of torture has been committed in Finland (section 1) or on a Finnish vessel or aircraft (section 2) or where the alleged offender (section 6) or the victim (section 5) is a Finnish citizen. Persons who are permanently resident in Finland and citizens of Denmark, Iceland, Norway or Sweden apprehended in Finland are deemed equivalent to a Finnish citizen.

76. The criminal investigation authority must conduct a criminal investigation when there is reason to suspect that an offence has been committed (Criminal Investigation Act (805/2011), chapter 3, section 3, subsection 1). When an offence falls within Finland's territorial jurisdiction, it may, under chapter 3, section 8, subsection 1 of the Criminal Investigation Act, be investigated in Finland even if it has been committed abroad. Under chapter 1, section 6 of the Criminal Procedure Act (689/1997), the prosecutor shall bring a charge for a suspected offence if he or she deems that probable grounds exist to support the guilt of the suspect. While there are certain exceptions to the obligation to investigate an offence and bring charges for it, these do not apply to serious offences such as torture.

77. Where Finland lacks territorial jurisdiction or the criminal proceedings should justifiably take place in another state that also has territorial jurisdiction, the provisions on extradition provide wide

scope to surrender an alleged offender who is in Finland. These provisions are laid down in the Extradition Act (456/1970), the Act on Extradition on the basis of an Offence Between Finland and Other Member States of the European Union (1286/2003) and the Act on Extradition between Finland and Other Nordic Countries (1383/2007). Where criminal proceedings against the suspect are not instigated in Finland, the suspect is surrendered as long as the impetus to initiate such a procedure is present on the basis of an extradition request or an international search warrant.

Question 9

78. Finland has not concluded any extradition agreements in the review period.

Question 10

79. In the review period, Finland has not entered into any treaties referred to in the Question.

Article 10

Question 11(a)

80. At the Police University College, fundamental and human rights issues are comprehensively covered in both bachelor's and master's degree studies. The study on human rights education and training in Finland conducted by the Human Rights Centre confirmed that the human rights training provided to the police is considered to be of high standard.

81. The Finnish Border Guard organises regular fundamental and human rights training for border guards and other members of staff. The Convention against Torture is also addressed in this training.

Question 11(b)

82. The majority of staff at police detention facilities are not trained police officers. However, the Police University College organises courses also for the guards assigned to these duties. Since no formal qualification requirements apply to the appointment of guards and the guards come from varying educational backgrounds, the National Police Board is now assessing the current training and appointment procedure to improve and harmonise it.

Question 11(c)

83. The principles of the Istanbul Protocol (Manual on the effective investigation and documentation on torture and other cruel, inhuman or degrading treatment or punishment) are taken into account in legislation, guidance and training on criminal investigations but the Manual itself is not used in the provision of training at reception centres or within the police or the Border Guard. The Istanbul Protocol is available in Finnish.

84. Please see the answer to Question 18(b).

Question 11(d)

85. The police, as a state employer, are obligated to keep a personal register for each employee on their employment details, such as employment history and educational background. Each employee's job performance is closely monitored and assessed by their immediate supervisor. Each employee also attends an annual performance appraisal where the employee's performance and training needs are assessed. These official sessions examine in detail job performance of the past year, assess training needs and set goals for the coming year. A memorandum is prepared on the appraisal and signed by both parties. One component of salary is tied to the performance assessed in this process. Several factors are taken into account when setting the goals for the coming year: both personal job description and employer's job description, personal wishes and training needs. The process is designed to guarantee high job performance based on adequate training and knowledge.

86. The Border Guard officials also interact with detainees. What is reported above concerning the police thus also applies to Border Guard officials. In respect of the Border Guard, training information is monitored to keep track of completion of training or courses. Feedback collected on all training provided by the Border and Coast Guard Academy is used to improve the curriculum. However, information on training is not separately collected specifically for persons who work with persons deprived of their liberty, nor are there any specific methodologies in place to assess the effectiveness of training to this end. The description of the supervisor oversight and performance appraisal process in the police provided above also applies to the relevant personnel of the Border Guard.

Article 11

Question 12

87. All prison facilities are equipped with appropriate sanitary facilities, toilets included. Hämeenlinna Prison was closed in autumn 2018. The last remaining 45 cells without toilets are thus no longer in use. The cells at the new Hämeenlinna prison, which was taken into use in November 2020, feature modern sanitary facilities.

88. The only police station in Åland is located in Mariehamn. Its building is undergoing major modernisation and extension and the police therefore currently operate on temporary premises. The cells are located at ground level in prefabricated temporary buildings. They are equipped with windows and toilet seats, and meet all requirements in other respects as well. Camera surveillance is set up to exclude the part of the cell where the toilet seat is located. Consequently, the privacy of the persons held in the cells is better protected than at the old police station. The detention cells have no camera surveillance.

Question 13

89. Persons deprived of their liberty are transferred by the police, the Border Guard, the Criminal Sanctions Agency and the Customs.

90. The provisions on the physical restraint of apprehended persons held by the police and of remanded persons are laid down in chapter 11, section 2 of the Act on the Treatment of Persons in Police Custody (841/2006) and in chapter 13, section 2 of the Remand Act (768/2005).

91. There have been no changes in the legislation or the National Police Board guidelines regarding the use of handcuffs when transferring persons deprived of their liberty. Under chapter 2, section 20 of the Police Act (872/2011), a person may be handcuffed when necessary in order to prevent the person from fleeing, to control violent behaviour or to avert imminent violence. Restriction on freedom to move or act shall not continue for longer than is necessary, and it must not place the person in any danger or cause unnecessary pain.

92. Police training and guidelines emphasise the importance of ensuring that restriction is not continued for any longer than necessary and that no danger or unnecessary pain is caused. The necessity principle is underscored in all situations.

93. Under section 35d of the Border Guard Act (578/2005), the freedom to move and freedom to act of those at whom official duties are directed may be restricted by applying handcuffs, using plastic ties or in some other similar way if, in connection with performing official duties, restriction is necessary to prevent them from fleeing, to control violent behaviour or to avert imminent violence. Restriction on freedom to move or act shall not continue for longer than is necessary. Restriction shall not place those subject to restriction in any danger or cause unnecessary pain. Provisions on the physical restraint of apprehended persons held by the Border Guard are laid down in chapter 11, section 2 of the Act on the Treatment of Persons in Police Custody (841/2006).

94. The regulation concerning physical restraint is substantively the same in respect of the Border Guard and the police. The Border Guard have not been instructed to restrict the freedom to move of transferred persons at all times or as a rule and instead, any restriction on the freedom to act is considered on a case by case basis based on the relevant regulation. Discretion as to restraint during transfer is moreover guided by the principle of proportionality under section 7 of the Border Guard Act and the principle of minimum intervention under its section 7a, which apply to all Border Guard activities. Additionally, the training provided in the Border Guard places an ongoing emphasis on the necessity that is a requirement for restricting the freedom to move as well as on the time constraints of restriction.

95. A sentenced or remand prisoner will only be restrained in transfer when the requirements under chapter 18, section 2 of the Imprisonment Act (767/2005) or chapter 13, section 2 of the Remand Imprisonment Act (768/2005) are met. Restraint shall cease immediately when it is no longer necessary. The reason for and duration of the use of restraint shall be recorded in the client information system. The practice of restraining the hands of all prisoners during transfer has been abandoned, as prisons have acquired new prisoner transfer vehicles that are suited in particular to the transfer of remand prisoners.

96. Restraint beds have been taken out of use at all police stations at all police stations, the last one at Espoo police prison. Their use will be banned by amending the Act on the Treatment of Persons in Police Custody (841/2006).

97. Mariehamn police station is only used for brief periods of detention. At Åland police station apprehended persons are held only for a short time. No handcuffs are used in transfer unless the situation must be secured. After the amendment of the applicable Act, detainees have been allowed to be held in the cells at Mariehamn police station for no more than one week. After this time, they must be transferred to remand imprisonment at the Southwest Finland Prison in Turku. The transfer to Turku takes place by sea (ferry). During transfer, the person is placed in the onboard cell block without handcuffs. The Åland police are responsible for the transfer and the person transferred is accompanied by their police personnel. The use of handcuffs is recorded in the arrest record.

Question 14(a)

98. The National Police Board has issued a guideline on taser training, use and follow-up of use (POL-2017-13421, 15.12.2017). Under the guideline, a taser should never be used on children, the elderly or pregnant women. The guideline furthermore states that using direct contact on impaired persons does not necessarily work as expected and should be avoided in the event of any unexpected consequences.

99. When monitoring the use of tasers, the user must report each instance of use in accordance with the instructions on reporting use of force (National Police Board letter 18.1.2016, ID-1562576306). The serial number (ID number) of the taser must be given in each report on use. The supervision and follow-up of taser use is the responsibility of a commanding officer at each police unit.

Question 14(b)

100. There have been no modifications to the regulations concerning the use of the FN303 model of compressed air riot weapon.

Question 14(c)

101. Since the said death occurred on police premises, the case is being handled as a police offence with the Office of the Prosecutor General in charge of the investigation. No decision in the case has been given to date. The Parliamentary Ombudsman has issued a decision concerning the prevention of deaths in police custody (EOAK/4103/2016, 31 July 2019) which raised sixteen points requiring action on the part of the National Police Board. The Ombudsman also voiced the need to define the concept of 'death in police custody' and the related investigation in more detail.

102. The National Police Board is currently updating its guideline on the reports to be filed in consequence of the death of a person deprived of their liberty and the investigation and statistical recording of such deaths (POL-2018-53680, 21 December 2018) on the basis of the observations of the Parliamentary Ombudsman.

Question 15

103. The identification of new prisoners at risk of suicide is accomplished in prison healthcare by meeting with all prisoners within 24–72 hours of their arrival at the prison and conducting a health evaluation by means of a structured examination and interview. All prisoners are asked to undress, providing they consent to this, and all external signs of violence are recorded.

104. The identification of prisoners who have been tortured is accomplished by asking prisoners at their arrival interview if they have been abused or subjected to torture at any time. The replies are recorded in the patient records.

Articles 12–13

Question 16 (a–c)

105. The drafting of the provisions on the right of self-determination has been ongoing for quite some time. The government proposal submitted to Parliament in 2014 lapsed at the end of the government term. A working group appointed by the Ministry of Social Affairs and Health has since, in 2018, submitted a new proposal for legislation designed to strengthen the right of self-determination in social and healthcare services. The new Act was intended to include also provisions on involuntary psychiatric care and involuntary substance abuse care.

106. The proposal of the working group was sent out for comments in June 2018. A workshop and other consultation events concerning the proposal were also organised. The objective was to submit the government proposal to Parliament in autumn 2018, and the new legislation was scheduled to enter into force mainly in 2020. However, due to time constraints, the government proposal could not be submitted to Parliament before the end of the government term.

107. According to the Programme of the Government of Prime Minister Sanna Marin, the right to self-determination for users of healthcare and social welfare services will be strengthened by legislation.

108. The Ministry of Social Affairs and Health is in the process of appointing a new working group to continue the drafting of the self-determination legislation, which is envisioned to include provisions on strengthening the right to self-determination of persons under involuntary care and elderly persons as well as on the use of restrictive measures. In its work and in the drafting of the new proposal, the working group will have regard to international human rights treaties, the requirements under the Constitution of Finland (731/1999) and the studies and reports prepared in the Ministry of Social Affairs and Health on restrictions to the right to self-determination and on substance abuse and mental health legislation and the legislative proposals based on these, as well as to the initiatives submitted to the Ministry and the conclusions of the working seminar.

109. The Act of Åland on amending the Act of Åland on applying the Act on Special Care for the Mentally Handicapped (ÅFS 2017:144) entered into force on 1 January 2018. The amendments warranted by the new chapter 3a added to the national Special Care Act (strengthening of right to self-determination) were made within the framework of Åland's legislative competence.

Article 15

Question 17

110. The use of evidence obtained through torture is absolutely prohibited (Code of Judicial Procedure, chapter 17, section 25, subsection 1). As a rule, upon interpretation of the prohibition, torture is construed in a manner corresponding to the penal provision on torture in chapter 11, section 9a of the Criminal Code, and regard is had to the case law of the European Court of Human Rights and international criminal courts when determining what constitutes torture. If the conduct does not fulfil the constituent elements of torture but may otherwise be characterised as inhuman or degrading, the matter, in the case of evidence in violation of the right not to self-incriminate, is assessed on the basis of the first sentence in chapter 17, section 25, subsection 2 of the Code of Judicial Procedure. Otherwise the use of evidence obtained through ill-treatment that does not rise to the level of torture is assessed on the basis of the general provision in subsection 3 of the above section.

111. The drafting history of the Act states that the general provision on the prohibition on using unlawfully obtained evidence is consistent with the requirements of Article 6 of the European

Convention on Human Rights and the case law of the European Court of Human Rights. The provision is also applied in accordance with the case law of the European Court of Human Rights. The closer the inhuman or degrading treatment rises to the level of torture, the more compelling the grounds for prohibiting the use of such evidence is under the general provision.

112. The provisions on prohibiting the use of evidence obtained through ill-treatment enshrined in chapter 17, section 25 of the Code of Judicial Procedure are thus consistent with the case law of the European Court of Human Rights, and consequently no amendment of these is warranted.

Article 16

Question 18(a)

113. The Istanbul Convention Action Plan 2018–2021 was drawn up by the Committee for Combating Violence against Women and Domestic Violence (NAPE), which is the coordinating body required under Article 10 of the Istanbul Convention (please also see the answer to Question 11(c) above). NAPE was established in 2017.

114. The Action Plan comprises 46 measures in the various administrative branches. The Action Plan was drawn up for a four-year period and NAPE submits annual reports on its activities and the implementation of the Action Plan to the ministerial working group. The mid-term review of the Action Plan, falling in 2020, allows new measures to be added when necessary. In summary, concerning the accomplishment of the measures in 2020 it can be found that implementation is quite well under way and the majority of the measures have already been implemented.

115. The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the independent expert body responsible for monitoring the implementation of the Istanbul Convention, issued on 2 September 2019 its first report assessing the implementation of the Convention in Finland. GREVIO recognises Finland for the many measures already undertaken and currently ongoing. Approval of the Istanbul Convention Action Plan (2018–2021) is viewed by GREVIO as a sign of the political will to implement the Convention. GREVIO also draws attention to the establishment of the Committee for Combating Violence against Women and Domestic Violence and the nationwide 24/7 free-of-charge national helpline Nollalinja. GREVIO welcomes the overall progress that has been made in increasing the provision of victim services and notes positive developments with regard to crucial reforms, such as the reform of the Criminal Code of Finland in the area of sex offences.

116. At the same time, GREVIO raises several issues that still require further improvement, in particular ones relating to the training of professionals in the criminal justice system. According to GREVIO, training-related issues also have to do with difficulties in adequately responding to all forms of violence against women and with the imposition of restraining orders. GREVIO draws particular attention also to the status of children and to issues relating to the grant of residence permits. Further key issues where improvement is still needed include enhancing the application of a gendered perspective, compliance with the principle and placing the rights of the victim at the centre of the implementation of the Istanbul Convention. GREVIO furthermore finds that Finland needs to safeguard adequate resources to preventing and combating violence against women, support organisations in their efforts, and take action to collect data and ensure that victims receive the requisite support.

117. The findings and recommendations of the GREVIO report will be taken into account when updating the Action Plan for Istanbul Convention. In its report, GREVIO strongly encourages the Finnish authorities to assign the role of coordinating body to fully institutionalised entities, to equip

these with clear mandates, powers and competences and to allocate the necessary human and financial resources to these entities in order to guarantee the effective independent evaluation of national policies to prevent and combat violence against women. Based on the recommendation of GREVIO, Parliament decided in autumn 2019 to fund NAPE in order to strengthen its human and financial resources in the coming two years. The aim is for this funding to be put on a permanent footing. The funding has enabled e.g. hiring the Secretary-General for NAPE for two years.

118. The Government Programme of Prime Minister Sanna Marin includes several measures to combat violence against women with focus on the implementation of the Istanbul Convention in particular. One of the goals is to draw up an action plan for combating violence against women, within which framework the GREVIO recommendations can also be implemented. A working group was appointed to prepare the action plan and a plan for its implementation. The action plan will seek to increase awareness of and prevent violence against women. The action plan was drawn up in close cooperation with relevant authorities, civil society organisations (CSOs) and researchers. The action plan was published in October 2020 and a yearly appropriation of EUR 400,000 has been made for its implementation. The Government Programme also contains a plan of establishing a post for an independent rapporteur on violence against women. The Government approved one-off funding to the Ministry of Social Affairs and Health for the coordinating body and a permanent funding to the Ministry of Justice for combating intimate partner violence, both to be applied towards combating violence against women. The GREVIO report and the recommendations of the Committee have been topical also in respect of the reform of the Criminal Code provisions concerning sexual offences, which allows the GREVIO proposals to be taken into account.

119. Finland has introduced, updated or expanded national action plans to eradicate violence against girls and women, such as the action plan for the prevention of female genital mutilation (FGM), which was updated and published in February 2019.

120. With regard to the helpline, SERI sexual violence support centres and the network of MARAC risk assessment conferences, please see the answer to Questions 18(c).

121. In 2019, the Government of Åland adopted an intimate partner violence zero-tolerance strategy for 2020–2030.

122. The first study of the extent of intimate partner violence in Åland was conducted in 2017. The study served as the basis for further elaboration on the work to combat intimate partner violence. The priorities in the intimate partner violence zero-tolerance strategy are:

- to boost and enhance the prevention of intimate partner violence;
- to enhance the identification of violence and to strengthen the protection of women and children who are victims of violence;
- to enhance crime prevention relating to intimate partner violence and violence against women inflicted by men;
- to gain more knowledge on violence against women inflicted by men and to develop methods to combat it, especially in a preventative sense, with a focus in particular on the link between masculinity and violence.

123. The strategy covers all forms of expression of physical, psychological and sexual violence against women and threats of such violence. In addition, the strategy addresses ‘honour-related’ violence and subjugation as well as prostitution and human trafficking for sexual purposes. The strategy also applies to children who live or have lived in a family environment tainted by violence in its various forms, as well as boys and men as victims of violence and their physical inviolability.

An action plan outlining the short-term sub-objectives and actions is prepared annually in order to implement the strategy.

124. The priorities in the action plans include:

- to strengthen the framework for cooperation between the authorities;
- to enhance the prevention of online violations;
- to educate people on norms and values relating to violence linked to masculinity and other power structures, also from an intersectional perspective;
- to draw attention on violence and make it visible, with an emphasis on vulnerable groups in particular;
- to comply with a skills-based approach to ensure care, housing and social contacts for the victims of violence;
- to strengthen the protection of children who have experienced or been exposed to violence;
- to gain more knowledge for identifying victims of violence and the perpetrators of violence;
- to develop methods for identifying persons whose scope of life is restricted because of ‘honour-related’ violence, and to help them. Providing information and raising awareness of ‘honour-related’ violence and subjugation raised to a central position in activities with children and young people.

Question 18(b)

125. The Programme of the Government of Prime Minister Sanna Marin outlines the establishment of a post for an independent rapporteur on violence against women. The duties of the rapporteur and the appropriate placement of the post are being examined.

126. There are differences in the identification of and intervention in cases of ‘honour-related’ violence and in progress of cases ending in the pre-trial investigation depending on the competence of individual authorities and the location where the offence takes place. The National Police Board started collecting data on cases of ‘honour-related’ violence across Finland from the end of 2019. Since the start of 2019, the Helsinki Police have compiled statistics on investigated cases of ‘honour-related’ violence, which in 2019 numbered 34. The figures suggest that the police become aware of a majority of the cases. The National Police Board has issued 5.6.2020 the guidelines “Police Action in Connection with Domestic Violence and Violence in Close Relationship and Against Women” (POL-2020-28566) that gives guidance in dealing with honour-related violence.

127. Based on the experiences of Victim Support Finland, victims are afraid to report the offences to the police because they do not know what this will lead to, either in the official process or within the community. Victims do not believe that the authorities can resolve the situation or provide them with adequate protection and support in starting a new life.

128. The Strategy on Preventive Police Work defines what preventive action means and sets out its objectives and targets as well as strategic policies for 2019–2023. One of the priorities under the strategy is to prevent domestic and intimate partner violence. Accordingly, the work of the police entails preventing domestic violence and intimate partner violence as well as violence against women. The police take part in the multi-professional MARAC risk assessment scheme, which is a key instrument in preventing these types of violence and assessing the risk of repeated violence. The

National Police Board has issued on 5 June 2020 the guidelines “Police Action in Connection with Domestic Violence and Violence in Close Relationship and Against Women” (POL-2020-28566) that gives guidance in dealing with honour-related violence.

129. The National Police Board follows and monitors the durations of criminal investigations by type of crime on an ongoing basis and strives to shorten these by reorganising and making the investigation process more efficient. The National Police Board has drafted a guideline on harmonising and enhancing the efficiency of preliminary proceedings in order to allocate more resources to the criminal investigation and thus to expedite the process.

130. In Åland, any suspected offences of intimate partner violence have been thoroughly investigated in the pre-trial investigation by the time the cases are transferred to the prosecution service for consideration of charges. While the Åland police have in place effective pre-trial investigation routines, there remains further work to be done in respect of the duration of investigations. Victim Support activities in Åland have proven highly valuable. The staff of Victim Support assist in interviews and provide the victim with support and advice. Victim Support services are provided free of charge.

Question 18(c)

131. The Ministry of Justice appointed a working group on 4 March 2020 to assess ways to enhance the effectiveness of restraining orders. The working group is tasked with broadly assessing the range of ways available to improve the effectiveness of restraining orders, reduce the incidence of violations of restraining orders and improve the safety of victims of intimate partner violence in particular. The appointment of the working group is based on the Government Programme entry stating that the legislation concerning a restraining order will be reformed to better protect the rights of the victim. Underlying the decision to appoint the working group are also the recommendations of GREVIO, which encourage the Finnish authorities to step up efforts to increase the use of restraining orders by promoting their usefulness and ensuring their vigilant enforcement. The term of the working group extends until 30 June 2021.

132. The number of restraining order applications and approved applications has been in decline in recent years. A particular challenge arises from the high number of breaches of restraining orders, however. Roughly one in ten restraining orders is breached.

133. With its decision of 21 December 2017, the Ministry of Justice imposed on Victim Support Finland a ten-year (2018–2027) public service obligation to produce and provide the general victim support services under the Victims’ Rights Directive. The services are provided free of charge and on a confidential basis in accordance with the needs of the victim. Services must be available to victims before and during criminal proceedings and also for the time needed thereafter. The family members of victims are also eligible for the services.

134. A nationwide 24/7 free-of-charge helpline for all victims of intimate partner violence and violence against women (Nollalinja, <https://www.nollalinja.fi/>) was launched in December 2016. (See answer to Question 18(a)). While the languages of the helpline were initially limited to Finnish, Swedish and English, as of 2020 services are provided in the eight languages most commonly spoken in Finland. The helpline is staffed by trained social and healthcare professionals who provide support to callers and referrals to specialised services.

135. The Sexual Assault Support Centre (SERI), a sexual violence referral centre as required under the Istanbul Convention, opened at Helsinki University Hospital in May 2017. Additional SERI centres were set up in Tampere, Kuopio and Turku in 2019. The February 2020 launch of a SERI

centre at Oulu University Hospital expanded the centres' coverage to the entire country. Each of Finland's five university hospital districts is now equipped with a SERI centre. A national operational framework for SERI centres was published in 2018 on the basis of the practices of the centre in Helsinki (available in Finnish only, <https://www.julkari.fi/handle/10024/137274>).

136. A national guideline on assistance to victims of sexual violence was issued in spring 2016. District hospitals have been instructed on creating local chains of care to help victims of rape and other forms of sexual violence. The purpose of the chain of care is to create an unbroken continuum of care for victims of rape and to enhance the cohesion and consistency of services nationwide. The chain of care comprises the medical examination of the rape victim, physical and psychological therapy, and support services. The legal standing of victims will moreover be improved by ensuring their access to legal aid. The instructions have been communicated to all 20 hospital districts, which have been provided with training in the initiation of local chains of care.

137. As a result of the National Action Plan to Combat Violence Against Women, Finland has established a permanent network of MARACs, which are multi-agency risk-assessment conferences for helping victims of serious intimate partner violence. Finland now has 37 MARACs active in more than 100 municipalities. Studies indicate that the MARACs have been successful in improving the safety of victims (see answer to Question 18(a)).

138. The 24/7 counselling available in Åland is provided by professionals in cooperation with the Swedish National Centre for Knowledge on Men's Violence against Women (NCK) based in Uppsala. In cooperation with the Norwegian foundation Alternative to Violence, Åland has introduced a programme of the same name intended to perpetrators of violence. No fee is charged for participation in the programme.

139. In spring 2019, Deputy Chancellor of Justice Mikko Puumalainen on his own initiative took under review the guidelines issued by the National Police Board concerning restraining orders, referrals of victims of crime and mediation in criminal cases. The guidelines entered into force at the start of 2019. The review focused on how well the specific characteristics of domestic violence and intimate partner violence in particular were taken into account in the guidelines, and whether the guidelines fulfilled the obligations on the activities of the police authorities imposed in the Istanbul Convention. Particular attention was paid to the information provided to victims of violence, their referral to support services, assessment of victims' need for protection, police cooperation with other authorities, the requirements of the Child Welfare Act (417/2007), the imposition of temporary restraining orders, and mediation. The National Police Board was asked to submit a statement in the matter.

140. According to the Deputy Chancellor, as soon as the authorities become aware of a crime they should, on their own initiative, inform the victim of support services and also ask the victim for permission to forward the victim's contact information to support services. In this respect, the Deputy Chancellor found the guidelines of the National Police Board deficient. The Deputy Chancellor also held that a victim's need for protection had to be assessed already at the early stages of a case. The guidelines failed to cover this aspect as well with adequate emphasis. When assessing the need for protection of a victim of violence, regard should also be had to the repeated nature and gradual escalation of violence that are typical of intimate partner violence, as well as to other risk factors associated with intimate partner violence that underscore the victim's need for protection. In order to guarantee the safety of the victim, the police should be provided with more comprehensive guidance regarding cooperation with social services and other authorities. The guidance should also better cater for the vulnerable position of persons with disabilities and other specific groups as well as the requirements of the Child Welfare Act.

141. The Deputy Chancellor considered the guidelines on restraining orders to be deficient, too. One reason for this was that they failed to mention intimate partner violence as a type of crime. The

guidelines should also point out, in keeping with the GREVIO Baseline Evaluation Report Finland, that mediation is prohibited in cases of repeated intimate partner violence.

142. The Deputy Chancellor observed that the importance of the National Police Board's guidelines is emphasised in circumstances where most police officers lack specific training on the topic of intimate partner violence. They guide the work of the police effectively and thus also have a powerful educational significance. One aim of the guidelines is to harmonise practices, as the lack of consistency in practices across the nation is problematic also in terms of equal treatment.

143. The Deputy Chancellor underscored that in cases of intimate partner violence, police work should result in the referral of the parties to the requisite support services, the appropriate assessment of the injured party's need for protection and the simultaneous assessment of the possible need for a temporary restraining order, all as an outcome of the parties' initial contact with the police. Accomplishing this would require further elaboration to the guidelines of the National Police Board and their adequate communication within the police organisation.

144. The Deputy Chancellor asked the National Police Board to report by 31 May 2020 on the measures taken in consequence of the decision. Action to combat domestic violence and the elements of such action – intimate partner violence prevention, victim support and the ability of the police and judicial authorities as well as other authorities to identify victims and to refer them to services – is thus subject to particular monitoring as part of the oversight of legality by the Chancellor of Justice. Attention will be paid in particular to the structural framework for realising victims' rights, such as the provision of training, instructions and other guidance to the authorities. The Chancellor of Justice has also reported to Parliament on combating intimate partner violence and on the implementation of the Istanbul Convention in the Chancellor's annual report to the Parliament and the Government on activities and observations on how the law has been obeyed and addressed the topic in the proceedings in the said report (Annual Report of the Chancellor of Justice 2018, K2/2019, and expert statement to the Constitutional Law Committee of Parliament on 25 February 2020). As an outcome the National Police Board issued on 5 June 2020 the guidelines "Police Action in Connection with Domestic Violence and Violence in Close Relationship and Against Women" (POL-2020-28566). Furthermore the guidelines "The Referral of Victims of Crime and Mediation" (POL-2018-41886) has been updated. These have been implemented in all police trainings.

Question 18(d)

145. The District Court charges a court fee of EUR 260 to restraining order applicants whose application is rejected. No fee is charged when the application is approved. Applicants who are eligible for free legal aid on the basis of their financial circumstances are also exempted from the fee. Where it would be manifestly unreasonable to charge the fee, the authority or official which imposes the fee may waive it on a case by case basis. The working group assessing the efficiency of restraining orders will also assess needs to amend legislation with regard to the restraining order application fee.

Question 18(e)

146. Mediation is based on the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005) and it is the responsibility of the Finnish Institute of Health and Welfare operating under the Ministry of Social Affairs and Health. Under the Act, the initiative for mediation in cases of intimate partner violence can only come from the police. The National Police Board has issued a guideline on referring victims of crime to mediation (POL-2018-41886). According to the guideline, particular judgment must be exercised in respect of intimate partner violence mediation, which is not a suitable option for

all cases. However, mediation may resolve the overall family situation and refer the parties to further assistance. The police do not consider mediation to be an automatic substitute for criminal investigation.

147. In Åland, mediation is available in cases of intimate partner violence. However, mediation does not constitute a decision of preliminary investigation. Despite mediation, a case may be forwarded to the prosecution service for consideration of charges. In cases of intimate partner violence, mediation mainly seeks to give both opportunities a chance to speak their piece and move forward, irrespective of the subsequent outcome of the criminal investigation. Mediation is entered voluntarily and no charge is made.

Question 18(f)

148. In accordance with the Government Programme, a comprehensive reform of legislation governing sexual offences will be carried out based on the principle of physical integrity and the right to sexual self-determination. The aim is to amend the definition of rape in the Criminal Code so that it will be based on the absence of consent while simultaneously ensuring appropriate legal safeguards. The proposal of the working group preparing the reform has been circulated for public consultation and the legislative work is currently ongoing. It is estimated that the Government can submit its legislative proposal to Parliament in 2021.

Question 18(g)

149. The Act on State Compensation to Providers of Shelter Services (1354/2014) entered into force on 1 January 2015. Under the Act, the State is responsible for funding shelter services.

150. The new Act seeks to secure comprehensive shelter services of high standard across the country. It also lays down competence requirements for shelter staff. Shelters offer immediate crisis help, round-the-clock secured housing and psychosocial support, advice and counselling related to acute situations to every person in need and free of charge. In 2019, a total of EUR 19.5 million was allocated to 28 shelters that all told had 202 family rooms. Shelter funding increased by 45% in 2017–2019. In 2020, shelter funding is 22.55 million, with 29 shelters and 211 family places.

151. The Ministry of Social Affairs and Health is responsible for the general management and guidance of shelter operations. The Finnish Institute of Health and Welfare is responsible for the management, evaluation, development and national coordination of shelter operations. The National Supervisory Authority for Welfare and Health as well as the Regional State administrative Agencies in their areas are responsible for supervising shelter activities. As the number of shelter beds increases in future in step with higher State funding, the Finnish Institute for Health and Welfare will monitor and oversee the expansion process and the standard of services.

152. The shelters are open to everyone – women, men and children of all ages – who have experienced intimate partner violence or the threat of such violence. Children are usually accompanied by a parent at shelters. Shelters were earlier mainly open to adults with children, but the new Act gave access to shelters also to adults without children.

153. The shelters cover geographically different parts of Finland and include places for the Swedish-speaking minority as well as migrant women and children. The majority of the shelters are also accessible for persons with disabilities. In 2016, the Finnish Institute for Health and Welfare piloted a so-called remote shelter project for sparsely populated areas which involved establishing a 24/7 remote shelter in connection with a social and health care unit. Psychosocial support for shelter

customers was provided from a central shelter via remote access. Since 2017, the remote shelter has been on an established footing in the pilot region with funding from the State. The aim is to set up similar remote shelters in other sparsely populated areas as well.

154. Shelters served a record number of victims of intimate partner violence in 2019, more than 5,300 clients of whom 2,770 were adults and 2,450 children. In previous years, women have accounted for more than 90% of adult clients at shelters. Violence against women – like intimate partner violence in the broader sense – also affects children and young people. The National Action Plan for Safety Promotion among Children and Youth coordinated by the Finnish Institute for Health and Welfare includes measures to implement the Istanbul Convention especially in respect of violence experienced and witnessed by children and young people.

155. SERI sexual assault support centres were launched in Tampere, Kuopio and Turku in 2019. The February 2020 launch of a SERI centre at Oulu University Hospital expanded the centres' coverage to the entire nation. Each of Finland's five university hospital districts now features a SERI centre (see also answer to Question 18(a)).

156. Under the Act of Åland on shelters (ÅFS 2015:117), shelters are funded by Åland in a manner that ensures shelter access to all Åland residents on equal terms. No charge is made for shelter stays. Additionally, the services and activities of shelters are regulated for quality assurance purposes by the Decree of Åland on shelter staff (ÅFS 2015:118).

Question 18(h)

157. Forcing a person into marriage is punishable in Finland as the offence of trafficking in human beings, aggravated trafficking in human beings, or coercion (Criminal Code of Finland, chapter 25, sections 3, 3a and 8, respectively). The Ministry of Justice is reviewing the need to clarify regulation concerning the criminalisation of forced marriage and the possible need to introduce forced marriage as a distinct criminal offence in the Criminal Code. The needs for legislative amendments relating to the annulment of forced marriages is also under review.

Question 19(a)

158. The Programme of the Government of Prime Minister Sanna Marin includes a number of measures aiming to improve human trafficking victim assistance and protection as well as the enforcement of criminal liability. The Government has decided to draft a new Act to enhance victim assistance. The goal of the new Act will be to guarantee that the right of victims of trafficking to assistance is exercised equally, regardless of the victim's place of residence or whether the victim has a domicile or not. In addition, the act aims to weaken the link between victims' assistance and the criminal process so that victims' access to assistance should not be linked to criminal proceedings, but that assistance should be provided regardless of whether criminal proceedings are pending or not. The Ministry of Social Affairs and Health has appointed a working group tasked with drafting the new Act on trafficking victim assistance. The term of the working group extends until the end of 2022. The provision of safe and supported housing for victims of trafficking in human beings will be regulated and maintained as required by EU law.

159. The National Police Board has set up a nationwide anti-trafficking network to ensure that effective measures are in use at all police departments. A new anti-trafficking unit will start working as of 1.1.2021.

160. The Government has appointed an Anti-Trafficking Coordinator, assigned to the Ministry of Justice, to coordinate anti-trafficking measures undertaken by the Government. The Government has also agreed to develop a new anti-trafficking action plan. The action plan will be completed at the beginning of 2021

Question 19(b)

161. Finland is committed to providing international protection to those in need. The basis for this comes from the 1951 Convention Relating to the Status of Refugees (SopS 77/1968) and other international human rights treaties as well as EU legislation. The provisions on the grounds and procedures for granting international protection are laid down in the Aliens Act. Section 147 (301/2004) of the Act provides for non-refoulement. The premise in respect of victims of human trafficking as well is to identify applicants in need of international protection and to comply with the principle of non-refoulement under all circumstances.

162. Persons may seek international protection in Finland by submitting an application for asylum within the territory of Finland. The Finnish Immigration Service then investigates whether they have the right to be granted asylum. If the requirements for asylum are not met, the applicant's possible eligibility for subsidiary protection in Finland is investigated.

163. The Asylum Unit of the Finnish Immigration Service is responsible for identifying victims of human trafficking and referring them to the National Assistance System for Victims of Human Trafficking. In the asylum interview of a possible victim, the theme of trafficking is discussed and the asylum seeker's status as a victim of trafficking is taken into consideration. In the interview, questions about exploitation and possible future threats to the victim are asked with sensitivity.

164. The Asylum Unit has taken steps to ensure that all victims of human trafficking would be identified in the process. The issue of trafficking is taken into consideration in the decision made in an asylum case of a victim of trafficking. This involves assessment of whether the asylum seeker is in fact a victim of trafficking and whether this would put the person at risk in future in their country of origin. Victims of human trafficking may be entitled to international protection (Aliens Act, section 87 or 88). If there are substantial grounds to believe that a victim of human trafficking is at risk of being subjected to torture in their country of origin, they may indeed be entitled to international protection, in which case they will not be returned to their country of origin. If the requirements for international protection are not met, a victim of trafficking may be given a residence permit as a victim of human trafficking pursuant to section 52a of the Aliens Act or in consideration of their vulnerable position pursuant to section 52 of the Aliens Act. In addition to international protection, also these grounds for residence permits are considered when making a decision in the asylum case of a victim of trafficking.

165. The National Police Board has issued a guideline on the enforcement of decisions on removing from the country and deportation (POL-2019-27213 of 4 July 2019) which highlights the non-refoulement principle as it laid down in section 147 of the Aliens Act. The guideline includes special instructions on the removal from the country and deportation of victims of human trafficking. The police have a duty to ensure that the victim will be provided with support in the destination country. This is accomplished in close cooperation with the National Assistance System for Victims of Human Trafficking.

Question 19(c)

166. Please see the answer to Question 19(a).

167. The National Assistance System for Victims of Human Trafficking is the coordinator of the IHME project (project for proving the operational preconditions for anti-human trafficking work in Finland). Implemented in 2017–2019, the project received EU funding from the Internal Security Fund. The IHME project sought to strengthen anti-human trafficking action in Finland, to enhance expertise in identifying and helping the victims of human trafficking and in the pre-trial investigation of human trafficking cases, and to promote equal treatment of the victims of human trafficking by public authorities. The training developed and provided within the project was attended by nearly 1,200 police officers and border guards. This training has also been continued in the police and the Border Guard and the training modules developed within the project have become an established component of training provision to pre-trial investigation authorities.

168. After the end of the project, cooperation continues with the Border and Coast Guard Academy and the Police University College in organising training on the topic of human trafficking at various levels. The National Assistance System for Victims of Human Trafficking has also been able to hire more staff and now has nine employees.

169. Finland has prepared a study on the trafficking situation in Finland of children and young people.³ The study was conducted as a part of the IHME project of the National Assistance System for Victims of Human Trafficking in 2017–2019.

170. The number of potential new victims of human trafficking referred to the Assistance System increased in 2019. The overall number of Assistance System clients also increased by more than 50% year on year and a total of 229 new clients were referred to the system. Referrals to the Assistance System have come in particular from reception centres for asylum seekers (30.69% of referrals), the Finnish Immigration Service (21.12%), lawyers and attorneys (13.2%), victims themselves (12.87%) and Victim Support Finland (7.92%).

171. The Assistance System is financed from the budget of the Finnish Immigration Service, which in turn is financed from the State budget. In 2019, the Assistance System spent EUR 917,210 on assistance to victims of human trafficking and protection alone, when in 2018 the equivalent figure was EUR 597,283. The Assistance System had a total budget of around EUR 1.6 million in 2019. The system is responsible for the provision of free legal aid as well as medical and psychological assistance to victims of trafficking.

172. The Association of Finnish Municipalities has convened a municipal network to combat human trafficking. Convened for two meetings in 2019, the network consists of representatives of Finland's largest municipalities. The aim of the network is to facilitate information-sharing on best practices, disseminate new information and provide peer support. The network also conveys information to the relevant ministries.

173. The Association of Finnish Municipalities has also dispatched a circular to municipalities on assisting victims of human trafficking. The guideline on first-stage identification and referral to services of victims of human trafficking issued in January 2018 helps social and healthcare professionals to identify victims of human trafficking.

³ Elina Kervinen and Natalia Ollus: Trafficking in Children and Young Persons in Finland. European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI). Publication Series No. 89b. https://www.heuni.fi/material/attachments/heuni/reports/WIGtlojiB/Trafficking_in_Children_and_Young_Persons_in_Finland_WEB_17102019.pdf

174. The Finnish Immigration Service is responsible for the practical operation, guidance, planning and supervision of the reception of asylum seekers, aliens detention units and the National Assistance System for Victims of Human Trafficking.

175. In 2017–2019, all officials of the Service’s Asylum Unit who conduct interviews and make decisions were provided with training and guidance on human trafficking. The same training is also provided to all new officials recruited to the Service. Some of the Asylum Unit’s staff have also completed the EASO module on human trafficking. Training has additionally been provided on specific human trafficking themes such as forced marriage.

176. The Finnish Immigration Service has improved its human trafficking guidance as well as decision-making and application practices in the asylum process. It has e.g. issued guidelines (in 2020) concerning the consideration of matters of potential victims of human trafficking. The aim is to provide guidelines for the uniform application of the law in situations where the Finnish Immigration Service is dealing with the asylum or residence permit matter of a potential victim of trafficking in human beings and is considering granting a residence permit to the victim. The guidelines deal with taking indications of human trafficking into consideration in the asylum and residence permit process, international obligations, referral of human trafficking victims to the assistance system, the reflection period granted to victims of human trafficking, and the actual identification of victims. The guidelines also include a section concerning residence permits issued to persons who have resided and worked in the country illegally. Furthermore, since the Supreme Administrative Court’s issue of two yearbook decisions (KHO 2017:42 and 43), the Service has reviewed its decision practices in respect of residence permits granted to victims of human trafficking. Among other things, the said Supreme Administrative Court decisions assessed the risk of a victim of trafficking to become re-victimised, and also the vulnerable position of victims of human trafficking.

177. The National Assistance System for Victims of Human Trafficking under the administration of the Finnish Immigration Service has engaged in important cooperation with other authorities and CSOs on the topic of human trafficking. Among other things, the Assistance System plays a major role in providing training to other actors and raising awareness of human trafficking. Cooperation with municipalities has involved provision of training to local government employees on human trafficking as a phenomenon, the identification of victims of human trafficking, the rights of victims of human trafficking, and human trafficking legislation. The Finnish Immigration Service has provided training on a regular basis also to border guards and other Border Guard staff on identifying victims of human trafficking. Cooperation with municipalities has progressed in recent years. In 2019, training in identifying and helping victims of human trafficking was provided to social workers in local government and in 2017–2019 to social and health care professionals in various municipalities and joint municipal authorities. The Assistance System has also provided training on human trafficking issues to attorneys at law and other lawyers in cooperation with Victim Support Finland.

178. Fighting trafficking in human beings is one of the primary goals of the police. Together with the National Assistance System for Victims of Human Trafficking, the National Police Board has developed and implemented national training to police officers on the topic. Around 10% of the total police force have completed this training. In addition, an online training module intended for all police officers and prepared by an expert on human trafficking has been introduced in the Moodle learning environment of the Police University College. This training is included in the curricula of the bachelor’s and master’s studies in Police Services. The National Police Board has set up a nationwide anti-trafficking network to ensure that effective measures are in use at all police departments. A new anti-trafficking unit will start working as of 1.1.2021.

Question 19(d)

179. The Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (746/2011) defines the assistance measures to which victims of human trafficking are entitled: advice and guidance, secure housing, reception allowance or social assistance, social and healthcare services, translation and interpretation, the legal aid referred to in the Criminal Procedure Act (689/1997) and the Legal Aid Act (257/2002) as well as legal counselling, tracing of the parent or primary caregiver of an unaccompanied minor victim of trafficking, and support for a safe return. The services are provided free of charge.

180. In May 2019, the Ministry of Social Affairs and Health sent all municipalities a Kuntainfo circular with the following objectives: to clarify the rights of victims of human trafficking to social and healthcare services; to increase awareness of the Reception Act (746/2011) in the social and healthcare services of municipalities so as to ensure the special status of victims of human trafficking as service recipients in municipalities; and to boost knowledge of the National Assistance System for Victims of Human Trafficking and of referrals within the System.

181. Under section 43 of the Act of Åland on healthcare and medical care (ÅFS 2011:114), emergency care inclusive of psychiatric care, substance abuse care and psychosocial support shall be provided to patients regardless of their home municipality. For victims of human trafficking, all such care is provided free of charge.

Question 20

182. In 2015, section 13 of the Act on the Status and Rights of Patients (785/1992) was amended through incorporation of a new subsection 4, under which secrecy obligations notwithstanding, healthcare professionals and other persons working in or on behalf of a healthcare unit may report to the police the information necessary to assess and prevent a threat against the life or health of a person or an act threatening these when the reporting person, in the performance of duties under the said Act, learns of circumstances, based on which the person has reason to suspect that another person may become the victim of violence. Section 13 applies to situations including cases of sexual harassment or threat thereof in a healthcare facility.

183. Moreover, the Ministry of Social Affairs and Health issued on 3 March 2020 a guideline for the exchange of information between healthcare and the police. The purpose of the guideline is to provide instruction on the right and obligation of a healthcare professional to disclose confidential information about a patient to the police. The guideline was prepared in cooperation with the Ministry of Social Affairs and Health, the Ministry of the Interior, the National Police Board, state mental hospitals, the Finnish Psychiatric Association and the Finnish Medical Association.

184. The Government of Åland will in 2020 issue a guideline on the exchange of information between social and healthcare professionals and the police. Healthcare and medical professionals are also subject to a statutory obligation to report to the police any knowledge of a person planning to commit e.g. one of the following offences: aggravated sexual abuse of a child, rape, murder, manslaughter, killing, assault, robbery, aggravated endangerment of health or aggravated narcotics offence. This obligation applies notwithstanding general secrecy obligations.

Question 21

185. In the School Health Promotion survey 2019, around 11% of respondents in years 8 and 9 of comprehensive school reported having been subjected to physical violence by their custodial parent and the same number of respondents reported having been exposed to violence between the adults in the family. The National Action Plan for Safety Promotion among Children and Youth, coordinated by the Finnish Institute for Health and Welfare, emphasised in autumn 2019 topics including the importance of violence identification and attention to risk factors and underscored the equally accessible provision of competent multi-professional services to families.

186. The Ministry of Social Affairs and Health has published the Action Plan for the Prevention of Violence against Children 2020–2025⁴. The objective of the plan is to prevent violence against children aged 0–17 in different growth and operating environments. The action plan deals with the rights of the child, inclusion, factors that protect against violence as well as risk factors and their consequences. The aim is to improve the position of the child victim in the current service, care and criminal justice systems, also taking into account those children who are at risk of resorting to violence or have already done so. The action plan was drafted by a broad group of experts from various organisations, ministries and CSOs. A steering group nominated by the Finnish Institute for Health and Welfare is responsible for monitoring and directing the objectives and measures. In 2022, a mid-term review will be carried out concerning the implementation of the action plan's objectives and measures.

187. Åland applies the Finnish Child Welfare Act (417/2007) pursuant to the Act of Åland on the application of the Child Welfare Act in Åland (2008:97). Under the Child Welfare Act, municipalities must ensure that preventive child welfare and child-specific and family-specific child welfare are arranged to the extent necessary at the times of day when they are needed. Care and therapy services to support a child's rehabilitation may be arranged as a supportive measure in open care.

188. As of 2008, Åland has had in place, during business hours, a specific child welfare hotline that the authorities may contact in order to assess the need for possible action e.g. in cases where a child has had to witness violence in the home. Children receiving urgent care in Åland's healthcare and medical services may be given an appointment with child and juvenile psychiatric services as early as the day of the contact or the following day. Healthcare and medical services maintain both psychiatric and paediatric emergency services 24 hours a day.

Question 22

189. Please see the answer to Question 16.

190. Under section 48 of the Act of Åland on social welfare (ÅFS 2020:12), social welfare personnel must immediately notify the person in charge of the activities if in the performance of their duties they observe or learn of an existing flaw in the provision of social services to a client or an apparent risk of such a flaw arising. The person who receives such a report must forward the matter to the senior local government officer in social services. The report may be made notwithstanding secrecy provisions. Under section 49 of the Act of Åland on social welfare (ÅFS 2020:12), the person who receives the report on a flaw shall take steps to remedy the flaw or prevent the apparent risk of the flaw. Notwithstanding secrecy provisions, the person shall notify the Åland Environmental and Health Protection Authority (ÅMHM) when steps are not taken without delay in consequence of a flaw or apparent risk thereof. In respect of the elements within Åland's legislative competence, the ÅMHM may order the flaw to be eliminated and decide on further action in the matter.

⁴ <https://julkaisut.valtioneuvosto.fi/handle/10024/161899>.

III. OTHER ISSUES

Question 23

191. Finland's efforts to counter terrorism were recently evaluated by the UN Counter-Terrorism Committee Executive Directorate (CTED). Finland agreed to distribute the evaluation report and recommendations adopted by the UN Security Council in November 2019 among UN bodies and Member States.

192. Finland's National Counter-Terrorism Strategy was updated in 2018 in broad-based cooperation between the authorities. The updated strategy comprises numerous policies and strategic actions. The leading principle in this strategy, as in the earlier ones, is respect for human rights, fundamental freedoms and the rule of law in all counter-terrorism activities.

193. The first National Action Plan for the Prevention of Violent Radicalisation and Extremism was published in 2012. It was updated in 2016 to account for changes in the operating environment. The new Action Plan was drawn up as a result of cooperation between the authorities, CSOs and communities and it was approved by the ministerial working group on internal security in April 2016. In spring 2019, the actions under the Action Plan were subject to an independent effectiveness assessment.⁵ The third Action Plan adopted by the Government in December 2019 again accounted for changes in the operating environment and also the recommendations arising in the assessment. The Action Plan targets groups and individuals at risk of radicalisation. It seeks to ensure that government has in place all across Finland the capabilities and permanent structures to prevent violent radicalisation and extremism. All expertise and best practices must be readily available. A particular aim of the Action Plan is to strengthen the ability of children and young people to identify and guard against messages and propaganda that incite violence.

194. An national implementation plan has been prepared on the basis of the third Action Plan for the Prevention of Violent Radicalisation and Extremism. Local cooperation groups to prevent violent extremism have been established in Finland's major cities (Helsinki, Turku, Tampere and Oulu). These groups draw from a broad base of officials from the cities' different sectors along with the police and representatives of CSOs and religious communities. Special efforts are made to engage young people into the activities.

195. The Proposal for Arranging Cross-sectoral Cooperation on Managing Returnees from Conflict Zones was approved in April 2017.⁶ The objective is to reduce the possible risk of violence and radicalisation posed by the returnees by means that include promoting their integration into Finnish society. The model is based on cooperation between authorities. CSOs are also involved in measures to integrate returnees.

196. International law is the guiding principle of national counter-terrorism measures in Finland. All of the aforementioned instruments are therefore in full compliance with human rights, fundamental freedoms and international law.

197. In August 2017, a series of stabbings perpetrated by a foreign national in Turku resulted in the death of two persons and injuries to eight others. The perpetrator, who at the time of the attack was

⁵ Kinnunen, Samuli & Partanen, Elli (KPMG Oy Ab), Assessment of the National Action Plan for the Prevention of Violent Radicalisation and Extremism by the Ministry of the Interior, 26.4.2019, (<http://julkaisut.valtioneuvosto.fi/handle/10024/161565>).

⁶ Proposal for Arranging Cross-sectoral Cooperation on Managing Returnees from Conflict Zones including a proposal for combining NGOs' services with the action of the authorities, 7 April 2017, (<https://julkaisut.valtioneuvosto.fi/handle/10024/79561>).

in the process of appealing against the rejection of his asylum application, was reported to have been inspired by ISIL propaganda. He was sentenced to life imprisonment in June 2018. Individual actors with direct or indirect links to terrorist networks continued to pose the greatest threat. At the time, Finland had identified 390 ‘counter-terrorism target persons’ (i.e., persons believed to possess a ‘terrorist intent’ manifested in links to terrorist organisations or efforts to spread terrorist propaganda).

Question 24

198. Terrorism-related offences are punishable under chapter 34(a) of the Criminal Code of Finland. Section 1 of this chapter lists the types of conduct which, if committed “with terrorist intent and in a manner that is conducive to causing serious harm to a State or an international organization,” are classified as offences committed with terrorist intent. They include for example: making an unlawful threat, aggravated invasion of government buildings; explosive offences; public incitement of an offence; aggravated theft; aggravated firearms offence; acts relating to chemical or biological weapons; aggravated assault, hostage-taking or hijacking; and killing.

199. “Terrorist intent”, in turn, is defined in section 6 of the same chapter as being present where the offender intends to: cause serious fear among the population; unlawfully force the government of a state or another authority or an international organisation to perform, allow or abstain from performing any act; unlawfully overturn or amend the constitution of a state or seriously destabilise the legal order of a state or cause particularly harm to the state economy or the fundamental social structures of the state; or cause particularly extensive harm to the finances or other fundamental structures of an international organisation. The Criminal Code does not require any particular religious, political or ideological motivation on the part of the offender.

200. Other sections of the same chapter 34(a) criminalise various modes to facilitate the commission of offences committed with terrorist intent, including preparation of an offence committed with terrorist intent (section 2) and directing of a terrorist group (section 3) and promoting the activity of such group (section 4). The chapter also criminalises the provision of training for the commission of a terrorist offence (section 4a), recruitment for the commission of a terrorist offence (section 4c) and financing of terrorism (section 5). The general provisions of chapter 5 of the Criminal Code proscribe attempt, complicity, instigation, and abetting with respect to any offence.

201. Since 1 January 2015, chapter 34(a) of the Criminal Code has included the offences of receiving training for the commission of a terrorist offence (section 4b) and financing of a terrorist group (section 5a). In order to criminalise foreign terrorist fighter (FTF) offences, in December 2016 Finland also criminalised the act of travelling for the purpose of committing any of the terrorist offences criminalised in chapter 34a (section 5b).

202. Further terrorism-related amendments to the Criminal Code were made in 2018 pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council on Combatting Terrorism. Some forms of cybercrime offences (including aggravated interference with an information system) were included in chapter 34(a), section 1 of the Criminal Code; an offence committed with terrorist intent regarding a radiological weapon was criminalised as a distinct terrorist act (section 1a of the same chapter); the provision on receiving training for the commission of a terrorist offence was widened to include self-study; the offence of travelling for the purpose of committing a terrorist act was amended to cover all travel for such purposes, regardless of the nationality of the individual or the destination; and facilitation of such travel was criminalised (section 5c).

203. The new Anchor Manual on Multi-Professional Anchor Work was published in March 2019.⁷ Anchor work refers to multi-professional cooperation targeted at children and adolescents to promote their wellbeing and prevent crime. The related activities are based on the professional skills of the police, social workers, psychiatric nurses and youth workers and on cooperation between these actors. Early intervention and the chance to talk things over with another person decrease the risk of violence and recidivism. The Anchor Manual on Multi-Professional Anchor Work aims to support the implementation, development and assessment of Anchor work in Finland. The manual is forward-looking and describes the Anchor model, which is based on research knowledge and good practices. The aim is to steer, support, and standardise Anchor work so as to give young people nationwide access to services on as equal as basis as possible.

204. In May 2019, the Government published a report on observations and recommendations for local cooperation on the referral mechanism regarding persons of concern in local multi-stakeholder collaboration on preventing violent radicalisation. The aim of the report was to clarify the processes, assess the current state of cooperation and identify development needs. Following the report, the police have further assessed the situation and issued further instructions to be implemented at the operational level.

205. In addition, the aforementioned third Action Plan for Preventing and Countering Violent Extremism and Radicalisation includes measures to support its implementation as part of the cooperation between local police, multi-professional Anchor teams, community services, CSOs and religious communities.

IV. GENERAL INFORMATION ON THE OTHER MEASURES AND DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE CONVENTION IN THE STATE PARTY

Question 25

206. The sustainability of the asylum system rests on an effective system of returns. A person who is not entitled to international protection or the right of residence on other grounds must leave the country. Voluntary return is always the primary alternative. Persons who refuse to return voluntarily should also be removed to their home countries by the authorities. Under current legislation, an alien cannot be granted a residence permit if their return is not being accomplished because they do not agree to return to their home country or country of permanent residence or they hinder the arrangements for this return. In such a case, the person remains in Finland without having a legal right to reside here.

207. Following the judgment of the European Court of Human Rights (*N.A. v. Finland*, 25244/18), issued in November 2019, the Finnish Immigration Service launched a review of its asylum decisions in order to ensure that any similar cases had been identified. The Court was not convinced of quality of the assessment conducted by the domestic authorities. In its judgment, the Court also raised the issue of whether voluntary return was truly a free choice when the person had been issued a negative decision on their asylum application. A total of 319 final asylum decisions issued by the Finnish Immigration Service were reviewed. Most of these had been issued in 2016–2018. The decisions reviewed concerned persons of several nationalities, the most common countries of departure being Iraq, Afghanistan and Somalia. In practice, the review involved investigating whether any earlier rights infringements and the cumulation of grounds for asylum had been appropriately taken into account in the decision of the Finnish Immigration Service when assessing future threat. Where the

⁷ Anchor Manual on Multi-Professional Anchor Work, 27 March 2019 (http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161740/SM_24_19_Anchor_manual.pdf).

review concluded that a decision had not been processed in the manner required by the ECtHR judgment, or if any other significant quality issues were detected in the decision, the Finnish Immigration Service sent the applicant a request to submit a subsequent application at the nearest police station. Issues of application processing quality came to light in ten (3%) of the decisions reviewed. The Finnish Immigration Service has initiated development measures based on the findings of its review. In respect of these, the Government refers to its answer to Question 16.

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