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

COMBINED FIFTH AND SIXTH PERIODIC REPORTS OF FINLAND

30 September 2010

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Introduction

1. This report constitutes the combined fifth and sixth periodic reports of Finland to the United Nations Committee against Torture on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. The fourth periodic report was submitted to the Committee in October 2002 (CAT/C/67/Add.1) and it covered the years 1998-2002. The report was discussed in the Committee on 9-10 May 2005. Finland's response to the conclusions and recommendations of the Committee against Torture concerning the fourth periodic report (CAT/C/CO/34/FIN) was delivered in May 2006. These conclusions and recommendations as well as the Committee´s additional questions required more explanations with regard to their implementation. Finland was requested by the Committee to give specific additional information concerning the implementation of recommendations 5 (c) on safeguards for asylum-seekers, 5 (d) on the situation of Roma in Finnish prisons and 5 (e) on the acceleration of the prison renovation programme. The answers to the additional questions were submitted to the Committee in November 2008.

3. In accordance with the new guidelines, the Committee has adopted a list of issues (CAT/C/FIN/Q/5-6) prior to the submission of the combined fifth and sixth periodic reports of Finland (CAT/C/FIN/5-6). The list of issues was adopted by the Committee at its forty-second session on 3 June 2009 according to the new optional procedure established by the Committee at its thirty-eighth session (HRI/GEN/2/Rev.6), which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention. The list of issues is incorporated in the table of contents of this report.

4. The combined fifth and sixth periodic report is presented in three parts.
   Part I explains specific information on the implementation of articles 1 to 16 of the Convention,

including with regard to the Committee previous recommendations as requested in the aforementioned list of issues. Part II gives information on other issues and Part III general information on the national human rights situation, including new measures and developments relating to the implementation of the Convention.

5. The Government wishes to draw attention to Part I of the combined fifth and sixth periodic report in which account is given of the measures taken to implement the conclusions and recommendations adopted by the Committee on the fourth periodic report.

6. This report was prepared by the Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs in cooperation with various ministries and other authorities. In addition, for the preparation of the report, some advisory boards and non-governmental organizations were requested to present their views on issues which, in their opinion, should be addressed in the report. Furthermore, in September 2010, representatives of the relevant authorities, advisory boards and non-governmental organizations were invited to attend a public hearing for the purpose of presenting their views on the draft report.

7. Measures to combat ethnic discrimination and to promote tolerance as well as the Finnish legislation on aliens have been discussed in detail in the nineteenth periodic report of Finland on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, submitted to the Committee on the Elimination of Racial Discrimination (CERD/C/FIN/CO/19). The Committee adopted its recommendations on 5 March 2009 and the Government submitted its reply on 5 March 2010. Finland gave its sixth report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2007 and the CEDAW Committee adopted its recommendations 18 July 2008 (CEDAW/C/FIN/CO/6). The Government replied to the additional questions of the Committee on 18 July 2010 (CEDAW/C/FIN/CO/6/Add.1). A copy of the reply is annexed to this report in response to the Committee`s prior list of issues (Annex No. 1).

8. Fourth periodic report of the Government of Finland on the implementation of the UN Convention on the Rights of the Child was delivered in July 2008. The Committee`s list of issues touches upon several concerns expressed by the Committee on the Rights of the Child.

9. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued its Report (CPT/Inf (2009) 5) on 20 January 2009 to the Finnish Government on the visit to Finland carried out by the CPT from 20 to 30 April 2008.

The response of the Finnish Government (CPT/Inf (2009) 19) to the report of the CPT on its visit to Finland from 20 to 30 April 2008 was issued on 17 June 2009. The Committee`s list of issues touches upon several concerns expressed by the CPT.

Part I

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee previous recommendations

Articles 1 and 4

1. Please indicate the measures that have been taken following the oral assurances given by the State party during the consideration of the fourth periodic report according to which "the Government would consider the issue of the inclusion of a definition of torture in accordance with article 1 of the Convention in the Penal Code bearing in mind the concerns of the Committee".

(See the answer under question 2)

2. With reference to the previous conclusions and recommendations of the Committee, please provide detailed information on the measures taken to enact specific legislation criminalizing torture in all its forms, as defined in article 1 of the Convention, with appropriate penalties which take into account the grave nature of these acts.

The Criminal Code[1] has been amended by adding a new provision criminalising torture. The explicit provision aims at strengthening the absolute prohibition of torture within the meaning of the Constitution of Finland and international law, expressing the particularly serious nature of this type of offence and underlining the fact that Finland supports an absolute prohibition of torture under all circumstances. The new provision is included in Chapter 11 concerning war crimes and crimes against humanity, as a new section 9a. The provision reads as follows:

"Chapter 11
War crimes and crimes against humanity

Section 9a
Torture

[1] New translation of the title of the act. Previous translation read "the Penal Code".

[1] An official who inflicts severe pain or suffering, whether physical or mental, on a person
1) for the purpose of obtaining from him or her or a third person a confession or information;
2) for the purpose of punishing him or her for an act he or she or a third person has committed or is suspected of having committed;
3) for the purpose of intimidating or coercing him or her or a third person; or
4) for any reason based on his or her race, national or ethnic origin, colour, language, sex, age, family ties, sexual preference, genetic origin, disability, state of health, religion, political opinion, political or industrial activity or another comparable circumstance, shall be sentenced for *torture* to imprisonment for at least two years and at most twelve years as well as to dismissal.
[2] An official with whose consent or acquiescence an act referred to in subsection 1 is committed by a subordinate or by a person who is factually under the command or control of that official, shall also be sentenced for torture.
[3] An attempt is punishable.

[4] The provisions of this section apply also to a person elected to a public office, to a person exercising public authority and, with the exception of dismissal, to an employee of a public corporation and a foreign public official."

Chapter 11, section 9a of the Criminal Code contains provisions on torture and the minimum punishment imposable for torture is 2 years and the maximum punishment 12 years of imprisonment.

Section 9a entered into force on 1 January 2010 (Act No 990/2009, Government Bill No HE 76/2009 vp). The definition of torture is based on the Convention.

The provisions of Chapter 11 of the Criminal Code concerning war crimes and crimes against humanity have been amended (Act No 212/2008) so that they would reflect more closely the provisions of the Rome Statute on the International Criminal Court (ICC). Torture is now mentioned as a specific crime against humanity and as an element of a war crime.

Article 2

3. In the light of the previous concluding observations of the Committee on the Rights of the Child, please provide the Committee with information on what measures are planned or in place to separate juveniles from adults in all situations of detention.

Apprehended or arrested persons and remand prisoners are held either in police custody or in prison, in accordance with the Act on the treatment of persons held in police custody (841/2006) and the Act on Remand Imprisonment (768/2005). On Border Guard premises such persons are only held to the extent it is necessary, usually not more than for a few hours.

Cases concerning offences committed by juveniles less than 15 years of age are not dealt with by the police insofar as measures regarding the offender are concerned. Such cases are taken care of by social services. Thus, children will not be detained or taken into police custody in any circumstances. Juveniles aged between 15 and 17 years can be detained only in cases of serious crime if it is strictly necessary. Furthermore, special attention must be paid to detained persons under the age of 21, taking into account their needs deriving from their age and stage of development.

However, where it is necessary to hold juveniles in police custody, they are held separate from adults, e.g. in different floor. Juveniles are never placed in the same cell with an adult.

There have been very few prisoners under the age of 18 held in Finnish prisons. On 1 January 2010, there were ten such prisoners, of whom four were remand prisoners and six were serving a sentence. On 16 February 2010, the total number of minors held in prisons was eight. Of all prisoners, the share of minors has varied from 0.1 % to 0.3 %.

Table No. 1.: Numbers of 15 to 17 years old remand prisoners and prisoners serving a sentence in Finnish prisons and their share of all prisoners

	Remand prisoners	Prisoners serving a sentence	Total number of 15 to 17 years old prisoners	%	Total number of prisoners
1.1.2008	-	3	3	0,09	3 370
1.1.2009	3	2	5	0,14	3 457
1.1.2010	4	6	10	0,31	3 231

Under the Finnish law, prisoners under the age of 18 years must be held separate from other prisoners, unless it is in the best interests of the minor to derogate from this requirement (Chapter 5, section 2 of the Act on Imprisonment (767/2005) and Chapter 3, section 1 of the Act on Detention. The provision corresponds to Article 37, paragraph c, of the Convention on the Rights of the Child. Due to the small number of minors, there are no separate compartments in prisons for them, but they are most often placed in a certain prison on the basis of their municipality of residence. In prisons, minors are normally placed in the same closed compartment with other young prisoners. For example in the Kerava Prison, minors are placed in the juvenile compartment in which most other prisoners are also young. In Vantaa, minors are placed in separate cells from young prisoners over the age of 18 years. Also because of the small number of minors in prisons, they are provided with activities jointly with prisoners over the age of 18, in order to have big enough groups. All such activities are supervised and the prisoners are not left by themselves.

It would be possible to separate minors entirely from other prisoners by placing them in a closed compartment or transfer cell, but this is not considered to be in the best interests of the minors because participation in the activities organised in the prisons would in such a case be limited. Such a separation would be detrimental to the minor particularly where he or she suffers from a mental crisis after criminal investigations or judgment. Nor is it found to be in the best interests of the minors to place them in one institution as it would make it more difficult for them to maintain contact with their families.

The aim is to plan and implement the placement of minors and their activities on the basis of their individual needs. All minors are provided with an individual sentence plan for the whole duration of their imprisonment, taking into account their needs. As far as possible, minors are placed in an open

institution or in another institution that is suitable for them. In prisons, both living arrangements and activities are tried to be organised so that they are as suitable for the minor as possible.

The best interests of the child are taken into account in all circumstances and in connection with criminal proceedings, coercive means restricting the liberty of person are only used in exceptional cases. If the deprivation of liberty of a minor is necessary, he or she is held separately from adults. If, however, the parents of a minor are suspected of an offence, the aim is not to break the family. In such situations, other protective measures are sought to be used.

Detention is also possible under the Aliens Act (301/2004) in situations set out in section 121 of the Act. According to section 123(2) of the Aliens Act, a detained alien must, as soon as possible, be placed in a detention unit referred to in the Act on the Treatment of Aliens Placed in Detention and on Detention Units (116/2002). At present, there is only one such unit available, in Metsälä (Helsinki). Under sections 123(3) and 123(4) of the Aliens Act, a detained alien may exceptionally be placed in police detention facilities or in Border Guard detention facilities, but according to section 123(5), a person under 18 years of age may be placed in police or Border Guard detention facilities only if his or her parent or guardian or other adult member of his or her family is also held in detention in police or border guard detention facilities.

According to section 122 of the Aliens Act, before a person under 18 years of age is placed in detention, the representative of social welfare authorities shall be heard. If a representative has been ordered for an unaccompanied minor as provided in the Act on the Integration of Immigrants and Reception of Asylum Seekers, the minor’s representative must also be provided with an opportunity to be heard.

In practice, unaccompanied minors who are held in detention are close to 18 years of age. There are only a few of them each year. In the detention unit, unaccompanied minors are usually given a single room. In case it is considered, however, that it is not in the best interests of the child to be alone, the child may share a room with an adult who is considered safe and appropriate. The detention unit has a separate compartment for women, in which boys under the age of 18 years may be placed, if appropriate, provided that there is room.

If a whole family is held in detention, the family members are provided with a possibility to share accommodation (section 11 of the Act on the Treatment of Aliens Placed in Detention and on Detention Units). In practice, the best interests of the child may be taken into account in respect of asylum seekers so that only one family member is held in detention, whereas the others are placed in an open reception centre. There is also an open reception centre operating in the building of the Metsälä detention unit.

4. Please comment on the lack of significant progress on the situation of remand prisoners held on police premises and provide details about the steps taken by the State party to improve such situation.

The police premises, where remand prisoners are held, are constantly under process of improvement. Their improvement is carried out gradually and in the framework of available resources. It is clear that it is not possible to arrange recreational activities for remand prisoners on police premises during all hours of the day. That is one of the reasons for placing remand prisoners in normal prisons as from the outset of the detention or as soon as possible, if there are no important investigative reasons for not doing so. Accordin to Chapter 2, section 1 of Act on Remand Imprisonment a person remanded due to an offence shall, without delay, be taken to a prison functioning as a remand prison closest to the court hearing the charges or to another prison operating as the remand prison of the regional prison. This is the main principle set out in the law. The court deciding on the imprisonment may, on presentation of an official referred to in chapter 1, section 6 of the Coercive Measures Act authorised to make an arrest or of the prosecutor, decide that a remand prisoner be placed in a detention facility for remand prisoners maintained by the police if this is necessary in order to segregate the remand prisoner or for safety reasons or if the clearing of the crime so requires for a special reason. In respect of detention on police premises, the maximum time is four weeks unless there are serious grounds for extending this period of time. Such grounds could include e.g. the security of the suspect, the suspect's isolation, or requirements of the ongoing investigation. The grounds for extending the detention on police premises are examined by a court at the same time with the existence of grounds for continuing detention.

On 11 February 2009, the Ministry of Justice set up a working group to examine the different questions relating to the placement of remand prisoners. The working group is responsible, in particular, for:

1) finding means to reduce the number of remand prisoners in police custody;

2) finding means to improve the conditions of remand prisoners in police custody, such as the possibility to participate in different activities (e.g. outdoor activities) and to use health care services;

3) submitting proposals for the necessary organisational and legislative changes.

The working group's proposals must include an assessment of their impact on costs and personnel. The Ministry of Justice, the Ministry of the Interior, the Criminal Sanctions Agency, the District Courts, the prosecution service, the police and the prisons are represented in the working group.

The number of prisoners in police custody has become smaller in the past few years. In 2008, the total number of such prisoners was 2 263. The total number of days of detention on police premises (all

remand prisoners) amounted to 29 099 days, the average duration of detention being 12.9 days. Most remand prisoners were only held in police custody for a few days. Of all remand prisoners, 43 % were held for less than a week in 2008, 22 % for 7 to 14 days, and 12 % for 14 to 21 days. Only 10 % of the remand prisoners were held in police custody for more than a month. On 16 February 2010, the number of remand prisoners in police custody was 109, and the total number of remand prisoners in prisons was 582.

On the basis of the proposals of the aforementioned working group, the Government intends to take the necessary measures to reduce the number of remand prisoners in police custody and to improve their conditions. The working group is to complete its work by 29 October 2010.

5. Please provide information on the measures taken to ensure that all persons detained by the police are afforded both in law and in practice fundamental legal safeguards and in particular the right to access to a lawyer, an independent doctor, if possible of their choice, and to contact a relative as from the outset of their detention.

All persons detained by the police are afforded fundamental rights and legal safeguards in accordance with the Pre-Trial Investigations Act (449/1987), the Constitution of Finland and applicable international human rights conventions. The police act under strict official responsibility also in terms of duty behaviour. The suspects who have been arrested or detained (detainees) also have the right under section 10 of the Pre-Trial Investigations Act to consult with a lawyer, in principle of his/her own choice, and to contact a relative from the outset of their detention. The police inform the detainee without delay of this right. Communication between the detainee and his/her relative is normally monitored by the police in order to secure the pre-trial investigation.

The detainees are also entitled to consult with an independent doctor for medical examination. The public health care centres are available free of charge for them in the same way as for other people. If they are willing and able to pay for services of private doctors, they will be given a list of official medical practitioners to choose from.

6. Please comment on the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment's (CPT) recommendations in relation to the right of access to a lawyer from the outset of detention by foreign nationals detained pursuant to the Aliens Act as well as to providing foreign nationals apprehended by the police or the Border Guard with a form setting out, in a straightforward manner, all their rights as soon as they are brought into police custody.

Insofar as the access of foreign nationals to legal advice and legal aid is concerned, the applicable provisions of law are included in the Act on the Treatment of Aliens Placed in Detention and on Detention Units (116/2002), instead of the Aliens Act.
The Government refers to the applicable provisions of the Act on the Treatment of Aliens Placed in Detention and on Detention Units:

> "Chapter 2
> Treatment of aliens placed in detention
> Section 4
> Treatment
> Aliens placed in detention shall be treated justly, with due respect for their human rights. Their rights must not be restricted under the provisions of this Act more than is necessary to achieve the purpose and safety of detention and maintain order and security.
> Section 5
> Information on the rights and duties of detainees
> Aliens shall be informed of the detention arrangements and of their rights and duties without delay. This information shall, if possible, be given in writing in a language that the person concerned understands.
> Section 6
> Right to stay in contact
> An alien has the right to stay in contact with the host or a close relative or close friend in Finland, a diplomatic or consular mission representing his or her home country, the authority monitoring the function of the detention unit, the Ombudsman for Minorities, a legal counsel, an advocate or other person with a Master of Laws degree acting as his or her agent, bodies monitoring human rights compliance and the United Nations High Commissioner for Refugees or a representative of this, and a non-profit organisation providing asylum seekers, refugees and other foreign nationals with professional legal advice and assistance.
> Staying in contact referred to in subsection 1 must not be monitored or restricted under the provisions of Chapter 4. Undergoing a security check may be set as a condition for allowing the host or a close relative or other private person to visit the alien in the detention unit."

Accordingly, aliens placed in detention are provided with access to a lawyer. In some cases where the client would prefer to meet his/her counsel already before the court proceedings, legal counsels may be reluctant to have such meetings or find them unnecessary for the purposes of the protection of the client's interests. This should not be considered a defect in the conduct and procedures of authorities.

In those situations, the detained persons are usually given a form stating all their rights from the outset of the detention. Such forms are available in Finnish, English and Russian. Sometimes, on a case by case basis, the rights are explained orally to the detained person, also in those rare situations where a form is temporarily not available. In all cases the detainee signs an official form in which he/she confirms being informed about his/her legal rights.

It has been found, however, that it is convenient to have more language versions of the aforementioned form, and therefore the Government has undertaken to have it translated into other languages as necessary.

7. *Please provide information on the mandate and activities of the Parliamentary Ombudsperson of Finland with respect to the areas covered by the Convention and in particular to its role with regard to monitoring and visiting prisons.*

The Constitution of Finland provides for the appointment, duties, access to information and right to prosecute of the Parliamentary Ombudsman. More detailed provisions are included in the Act on Parliamentary Ombudsman (197/2002).

The Parliament appoints the Parliamentary Ombudsman and two Deputy Parliamentary Ombudsmen for a mandate of four years. They exercise their duties impartially and are independent from Parliament. The Deputy Parliamentary Ombudsmen have the same powers as the Parliamentary Ombudsman and make their decisions independently. The Parliamentary Ombudsman decides, in consultation with the Deputy Parliamentary Ombudsmen, on the distribution of duties among themselves. Each is responsible for certain sectors of administration or issues, and in addition the Parliamentary Ombudsman decides certain issues of fundamental importance.

The Parliamentary Ombudsman is responsible for seeing that courts, authorities and public officials as well as other persons exercising public powers act in compliance with the law and perform their duties. When carrying out this task, the Parliamentary Ombudsman also controls respect for fundamental rights and human rights.

In cases falling within the competence of the Parliamentary Ombudsman, a complaint may be filed by any person who considers that the person subject to the complaint has acted against the law or failed to perform his or her duties, in connection with the performance of official duties. The Parliamentary Ombudsman may also act on his own initiative.

The Parliamentary Ombudsman examines the complaint in case it falls within his competence and there is reason to believe that the person subject to the complaint has acted against the law or failed to perform his or her duties. The Parliamentary Ombudsman has the right to obtain the necessary evidence. The complaint is not examined if the alleged act or failure has taken place more than five years ago, unless there is particular reason to examine it according to section 3 of the Act on Parliamentary Ombudsman.

The Parliamentary Ombudsman carries out inspections on governmental agencies and institutions, particularly on prisons, army bases and closed institutions, for the purpose of monitoring the treatment of prisoners, persons undergoing military service and persons kept in closed institutions.

He/she has access to information held by authorities and other persons exercising public powers, which is necessary for the performance of his/her duties. This means both the right to documentary evidence and access to the premises and data systems in connection with visits to the agency or institution in question, as well as the right to confidential discussions with the staff of the agency or institution and with persons serving or placed therein.

The Parliamentary Ombudsman may order prosecution in cases falling within his/her competence. If the Parliamentary Ombudsman finds that the person concerned has acted against the law or failed to perform his/her duties, but does not consider prosecution or disciplinary measures necessary, he/she may issue a warning.

He/she may inform the person concerned of what in his/her view constitutes a lawful procedure or draw the attention of the person concerned to the requirements of good administration or human rights and fundamental rights.

In a case falling within his/her competence, the Parliamentary Ombudsman may propose to the competent authority that a mistake be corrected or a defect be removed. In the performance of his/her duties, the Parliamentary Ombudsman may also draw the attention of the Government or a body responsible for the preparation of legislation to the problems found in legislative or administrative provisions, and submit proposals for their improvement and for the removal of problems.

The Parliamentary Ombudsman cannot order damages or other form of compensation. Under the Finnish legal system, the possibilities to get compensation for non-pecuniary damage caused by a human rights violation are limited. In some cases, however, the Parliamentary Ombudsman has proposed to the authorities that compensation be paid for the person whose rights have been violated, although the authorities have no obligation under the law to do so.

The Parliamentary Ombudsman submits a yearly report to Parliament on his/her activities, covering an assessment of administration of law, administrative practices and exercise of public powers as well as defects found in legislation, drawing particular attention to respect for human rights and fundamental rights. The Parliamentary Ombudsman may also submit to Parliament separate reports on such matters as are found important. The annual reports of the Parliamentary Ombudsman are disseminated widely among the authorities whose activities fall within his/her supervisory powers.

The English summaries of the annual reports 2002-2008 of the Parliamentary Ombudsman are attached to the present report as annexes (No. 2-8) (www.ombudsman.fi/english). The summaries provide, among others, statistics over received and decided complaints in the years 2002-2008, cases examined and decided on the initiative of the Parliamentary Ombudsman, as well as on the percentage share of those cases where measures have been taken (prosecution, warning, opinion, proposal). The summaries also include information on the number of inspections that have been carried out as well as on the agencies and institutions that have been subject to inspections.

Inspection of prisons

The exercise of legality control over prisons, as well as over other sectors falling within the competence of the Parliamentary Ombudsman, is mainly based on complaints. In 2009, of all the complaints received, 354 were registered as complaints concerning prison administration. The number of such complaints has varied from 240 to 374 in the years 2002 to 2009.

Of all the decisions of the Parliamentary Ombudsman concerning prison administration, the share of those whereby measures have been taken has varied from 18 to 33.2 per cent. Those measures have included warnings, opinions and proposals. In no case has prosecution been ordered.

The Parliamentary Ombudsman may carry out inspections on prisons either with or without a prior notice. The practice of carrying out inspections without giving a prior notice was started in 2008. In 2002 to 2009, the yearly number of inspections has varied from 4 to 15. The aim is to inspect closed prisons every 2 or 3 years. The inspections on open prisons are less frequent.

The extent and focus of the inspections vary. In the case of an extensive inspection of which a prior notice has been given, the prison is requested to provide documentary evidence on e.g. decisions concerning prisoners including disciplinary measures and various protective measures such as the separation of a prisoner or the placement of a prisoner under observation, bodily checks, and the use of chains. The inspections may also focus on individual compartments of prisons, such as closed compartments. The Parliamentary Ombudsman personally attends some of the inspections, whereas some of them are carried out by his staff who report on the inspection to the Parliamentary Ombudsman.

In connection with the inspections, prisoners usually have a possibility to confidential discussions with the inspecting officials. The prisoners may either reserve themselves an appointment, having been informed of the inspection beforehand, or the inspecting officials may choose during the inspection some prisoners with whom they wish to discuss e.g. from among minors, or prisoners placed in a closed compartment. In order to assess for example the general atmosphere in the prison, the inspecting officials may also have confidential discussions with prison staff. The observations made during prison inspections may give reason to further investigations to be carried out by the Parliamentary Ombudsman on his/her own initiative.

The summaries of the annual reports provide more detailed information on the inspections on prisons. In the summary concerning the year 2008 (page 60; Annex No. 8), the cases of investigations to be carried out by the Parliamentary Ombudsman on his/her own initiative are mentioned. More complete information on such investigations and decisions made thereon are included in the annual reports available on the Internet in Finnish, Swedish and English; http://www.ombudsman.fi/english.

The Parliamentary Ombudsman and the Deputy Parliamentary Ombudsmen prepare yearly statements of existing problems, which are published in the annual report to Parliament. The purpose of those statements is to draw the attention of Parliament and society to existing problems relating to respect for human rights and fundamental rights. During the period covered by this Report, the Deputy Parliamentary Ombudsmen have discussed problems concerning prison administration in 2002, 2006 and 2008. The statements concerning the years 2006 and 2008 are included in the English summaries of the annual reports.

The figures concerning the exercise of control over prison administration do not cover police premises, but only those of prison authorities.

The police premises used for the purpose of detention are controlled and inspected in the same way as prisons. The Parliamentary Ombudsman has aimed at increasing inspections carried out on police premises and at improving the scope of such inspections as from 2008, in view of the fact that the Parliamentary Ombudsman is likely to be designated as the national preventive mechanism required by the Optional Protocol to the Convention. The Parliamentary Ombudsman also has already now the right to visit detention facilities of the Defence Forces.

The Government wishes to provide the following examples of cases examined by the Parliamentary Ombudsman during the period 2002-2009 as well as at the beginning of 2010:

Prisons

In connection with an inspection made on a prison, several prisoners criticised the practices applied to searches on person carried out by the prison staff. For example, the prisoners had to go down on their feet and show the intimate parts of their body. According to the Deputy Parliamentary Ombudsman, such searches constituted a serious interference with the personal integrity protected by the Constitution and the European Convention on Human Rights. Prisoners could experience them as humiliating or degrading. The Deputy Parliamentary Ombudsman found that such interference with the right to personal integrity must be based on provisions of law that are precise and clearly limited in scope. The Deputy Parliamentary Ombudsman examined ex officio whether the measures taken by the prison staff could be considered *frisk* within the meaning of the provisions of law under which they had been taken, or whether they constituted *bodily search* requiring stronger justification under the law. The Deputy Parliamentary Ombudsman found that the measures taken had gone further than allowed by the law. (Decision No 3646/2/07 of 20 March 2009) The prisons have changed their practices since the decision.

One of the cases examined by the Parliamentary Ombudsman concerned the right to marriage. Prisoners placed in different prisons were not able to enter into marriage because one of the prisons refused to arrange transport for the prisoner to the other prison or to receive the other one on its own premises. According to the prisoner who submitted the complaint to the Parliamentary Ombudsman, he and his fiancée were not able to enter into marriage outside prison before the year 2013 because they were both serving long sentences (the complaint was made in 2006). The Deputy Parliamentary Ombudsman who examined the complaint found that the prisoner was not able to use his right to marriage although the European Convention on Human Rights and the International Covenant on Civil and Political Rights explicitly afford the right to marriage. There are no such provisions of law as would limit this right for prisoners more than for other persons. Therefore, the prison authorities must provide prisoners with a

possibility, in one way or another, to enter into marriage. (Decision No 3616/4/06 of 10 September 2008 – Summary 2008, p. 61-62)

See also the answer under question 14.

Police

The Deputy Parliamentary Ombudsman has examined *ex officio* the investigations carried out in cases of death of persons held in detention on police premises. The purpose was to see how the investigations were organised, particularly to find out whether the investigations were profound enough and whether there was justified reason to suspect that they were not carried out in an appropriate manner. In addition, the Deputy Parliamentary Ombudsman examined how such cases of death were monitored by the police, with a view to developing police practices, and what measures had been taken to prevent and reduce cases of death on police premises. The Deputy Parliamentary Ombudsman paid particular attention to the fact that in some cases the person held on police premises had been left alone when the only police patrol of the station had to respond to an urgent call. In this connection, the question of distance monitoring also came up. (Decision No 2865/2/00 of 18 December 2003, summary 2003, pages 25-26).

The Parliamentary Ombudsman has also assessed the treatment of an alien by the police in a case of deportation, in view of the requirements of human treatment. In extreme situations, even where it is necessary to give calming medication to the person to be removed from the country, on the basis of medical criteria, the measure may constitute a violation of the dignity of the human being. In the case in question, the Parliamentary Ombudsman also observed that the prohibition of degrading treatment entails that the person held in detention on police premises must be provided with adequate food and clothing and must have access to a toilet. (Decision No 2564/2/03 of 30 September 2005)

In another case concerning aliens, an alien was held in detention for the purpose of enforcement of deportation. During detention, the alien’s mobile phone was taken away and was not returned to him as long as he was held in the police detention facility. That measure was found unnecessary by the Parliamentary Ombudsman. (Decision No 567/4/09 of 8 April 2010)

The Deputy Parliamentary Ombudsman criticised the measures taken by the police in a case of arrest of persons participating in demonstration. The arrested persons were transferred to police custody by bus and they were attached to their seats and tied together. One of the reasons for the criticism by the Deputy Parliamentary Ombudsman was that the arrested persons had not been given access to toilets but

had to use the floor of the bus, in front of others and assisted by the border guard officers as their hands were tied against the seat. Such a humiliating treatment is not acceptable. In addition, arrested persons had also been attached to the structures of the bus during the transport, in violation of a Decree issued by the Ministry of the Interior (Decision No 1836/2/07 of 28 November 2007, summary 2007, pages 41-44).

One author of a complaint had been arrested and held in detention for the reason that a party arranged by him had disturbed the neighbours and as the host of the party, he had refused to comply with the order of the police to stop the activities that caused the disturbance. The said person had been arrested at 2.00 a.m. and released at 9.00 a.m. on the same day. The Parliamentary Ombudsman drew the attention of the police to the rule that the arrest and detention may only last as long as it is likely that the disturbance would continue, which means that the lawful duration of detention of the person who has caused the disturbance may be very short. (Decision No 2620/4/09 of 7 April 2010)

Immigration

Apart from the aforementioned deportation cases concerning the conduct of the police, the Government wishes to provide the following example concerning immigration cases examined by the Parliamentary Ombudsman.

On the basis of observations of the Deputy Parliamentary Ombudsman in connection with an inspection made ex officio, the use of private security companies to guard aliens held in a detention facility meant for aliens was assessed. The holding of persons in detention facilities and the related duty to monitor the facilities can be considered to entail considerable exercise of public authority. Under section 124 of the Constitution, such duties may only be given to the authorities. Therefore, at least the person in charge of the detention facility and the staff responsible for its supervision and monitoring should be public officials. The Deputy Parliamentary Ombudsman found it to be against the law that the de facto responsibility for the monitoring of Metsälä reception centre had been delegated to a private security company, and requested the reception centre to inform of the measures that were going to be taken to arrange the guarding services as required by the law (Decision No 1450/2/07 of 10 February 2007) In 2009, the posts of the private guards of Metsälä reception centre were changed into posts of security officials.

Persons with disabilities

The Parliamentary Ombudsman submitted a proposal to the Ministry of Social Affairs and Health, to the effect that the limitations on the right of self-determination of disabled persons should be based on clear and precise provisions on law. At present, the contents of the limitations used in the care of disabled persons and the exact conditions of their use are not set out in the legislation as clearly as required by the Constitution. (Decision No 3381/2/09 of 5 October 2009)

Elderly persons needing 24-hour care

The Parliamentary Ombudsman has examined *ex officio* deficiencies relating to the care of elderly persons needing 24-hour care. The information obtained revealed that some degree of coercion and limitations on the right of self-determination are commonly being used in the institutions for the care of elderly persons like lifted edges of beds, tying, and locked front doors. At present, there are no such provisions of law on which the restriction of the right of self-determination could be based. In practice, however, the staff of institutions may have to take measures for which there is no legal basis. The Parliamentary Ombudsman drew the attention of the Ministry of Social Affairs and Health to the fact that the preparation of legislation providing for the right of self-determination of elderly persons and for the limitations allowed is important and urgent to protect the fundamental and human rights of elderly persons. (Decision No 213/2/09 of 18 February 2010)

Children

In 2006, the Parliamentary Ombudsman submitted a separate report to Parliament on problems found in the performance of the official duties of authorities relating to the protection of children against domestic violence. The Parliamentary Ombudsman had examined how well the different authorities complied with their reporting obligation concerning cases of domestic violence. She also aimed at assessing measures taken by authorities to investigate and prosecute cases of violence against children at home, and to help children and arrange for their necessary care. The observations and problems given account of in the report have in many respects given reason to amend legislation. The annual report of the Parliamentary Ombudsman concerning the year 2005 contains an English summary of the separate report (summary 2005, Annex No. 5).

The cases in which the Parliamentary Ombudsman has ordered prosecution are informed of under question 18.

Article 3

8. Pursuant to the recommendations of the Committee, please provide detailed information on progress made towards reviewing the application of the "accelerated procedure" for consideration of asylum requests to ensure that applicants have sufficient time to use all available appeal procedures.

There are currently no plans to review the provisions of legislation on the accelerated procedure. For information concerning the most recent amendments to the Aliens Act, please see the answer to question 9 below.

9. Please provide, as requested by the Rapporteur on follow-up in his letter dated 13 May 2008, information on measures that have been taken to address the problem of interpretation of the asylum procedure, mentioned in paragraph 12 of Finland's response, particularly in terms of administrative instructions and legislative amendments. Please include information on procedures in place to ensure the access of the asylum-seekers to legal assistance during the accelerated procedure, as well as on the training provided to police officers responsible for enforcing the decision relating to asylum, mentioned in paragraph 7 of Finland's response, and specifically with regard to article 147 of the Aliens Act and article 3 of the Convention.

The latest legislative amendment was made in 2009 when the (EU) Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status was transposed into Finnish law. The amendment entered into force on 1 July 2009. Under section 95a of the Aliens Act, persons applying for international protection are informed of asylum procedures and of their rights and responsibilities throughout the process. The police or border control authorities shall provide the applicant with that information upon receipt of the application for international protection. The same information may also be provided by the Finnish Immigration Service or the reception centre as soon as possible after the application has been submitted. The information is provided in the applicant’s native language or in a language which, on reasonable grounds, he or she can be expected to understand.

Before the aforementioned amendments to the Aliens Act entered into force, instructions on the obligation to provide information were included in the guidelines of the Finnish Immigration Service of 13 November 2008 on the examination of asylum applications, which are still in force. When the applicant files his or her application for asylum, the Police or Border Control authority receiving the application gives the applicant a brochure called “Information to asylum seekers”. The brochure has been translated into English and the most common languages used in the asylum seekers’ countries of origin (English, French, Russian, Albanian, Arabic, Somali, Sorani (Kurdish) and Dari). The brochure explains the grounds on which an application can be processed in an accelerated procedure (subsequent application, safe country of origin, manifestly unfounded application). Further, the brochure informs the

applicants of that how an appeal from a decision of the Finnish Immigration Service may be lodged with the Administrative Court of Helsinki. The brochure also informs the applicants of their right to use a counsel at an asylum interview or when lodging an appeal, and of actors providing legal aid.

The Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999; hereinafter "the Integration Act") regulating the reception of asylum seekers already includes a provision on information. Under the amendment of the Integration Act (section 19 f) that entered into force in 2005 and is based on the implementation of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (Official Journal of the European Union *L 31, 6.2.2003, p. 18*), asylum seekers are informed as soon as possible of organisations or groups providing legal assistance in connection with reception and concerning asylum matters in general.

On 22 January 2008, the Finnish Immigration Service presented a report on manifestly unfounded applications for asylum filed since the entry into force of the Aliens Act in 2004. The report included a recommendation stating that, when assessing an applicant's credibility, an application should only be considered as manifestly unfounded and thus processed in an accelerated procedure in exceptional cases where it is perfectly clear that the claims presented are clearly implausible. The recommendations have been taken into account in the decision procedure of the Finnish Immigration Service.

In police training leading to the basic diploma, immigration issues are dealt with in the light of the provisions of the Aliens Act. The training focuses on the purpose and scope of application of the Act, conditions of entry into the country, removal from the country and protective measures. Apart from the basic police training, the police offer each year special courses on immigration and thematic seminars for the purpose of developing special skills as well as seminars that are also open for other relevant authorities. Training specifically meant for personnel who participate in the deportation procedure was last organised in March 2009. In addition, Helsinki Police has organised special training on deportation procedures for the police and other relevant authorities in December 2009 and 2010.

The police department of the Ministry of the Interior has issued an order concerning the police, setting out the distribution of responsibilities in respect of the enforcement of decisions on deportation. The order was issued on 6 March 2007 and it has been updated on 1 April 2008 and 20 May 2009. The requirements concerning the legal protection of aliens in connection with the enforcement of decisions on deportation make it necessary to apply a consistent and coordinated procedure. For this reason, the order of the Ministry of the Interior imposes the sole responsibility on Helsinki Police for the implementation of the deportation of those persons whose applications for asylum have been refused.

The said order of the Ministry of the Interior, which concerns the whole police organisation, provides as follows: A decision, even if final, must not be enforced if there is reason to believe that the return of the alien to his or her country of origin or another country would subject him or her to a danger referred to in section 147 of the Aliens Act. No one may be refused entry and sent back or deported 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. The principle of non-refoulement may be applied e.g. in case a long time has passed since the decision of the Immigration Service ordering deportation and the conditions in the country of origin or destination of the alien have changed since then.

According to the order of the Ministry of the Interior, the police shall be under an obligation to follow, without exception, the recommendations of the European Court of Human Rights and the Committee against Torture concerning non-enforcement as follows:

"In addition to the aforementioned order, the police department of the Ministry of the Interior has provided instructions for the police concerning the enforcement of decisions on refusal of entry and deportation. Those instructions were last updated on 1 March 2008. According to the instructions, aliens must be informed of their right to a counsel before the service of the decision refusing entry. The police shall be responsible for providing interpretation services as necessary in connection with enforcement as well as for the translation of the relevant documents such as appeal instructions. The alien has the right to be informed of the decision concerning him or her, in his or her own language or in a language that he or she may reasonably be expected to understand. The provisions of the Aliens Act shall apply to the service of decisions. The language into which the decision has been translated must be indicated in the service document. In those cases of refusal of entry where the decision can be immediately enforced, the alien must be provided with a de facto possibility to appeal."

10. Please provide statistical data on the number of refusal of entry case which are appealed to the Administrative Court and the results of such appeals, as well as information on the process required for an asylum-seeker to make such an appeal within the eight-day period.

Statistical data on the number of cases of refusal of entry in which an appeal was lodged with the Helsinki Administrative Court in 2009 is presented in the attached Table No. 1 below. On average, every fourth decision out of 4 335 was appealed against even though the share of those cases varies depending on the legal basis on which the Finnish Immigration Service had rejected the application for asylum. In those cases where refusal of entry was based on the Dublin Convention, an appeal was made in 40 % of cases. In those cases where the application was found manifestly unfounded, an appeal was

made in 45 % of cases. In those cases where the application for asylum was rejected in the normal asylum procedure (i.e. where the decision on refusal of entry is not enforceable until a final court decision has been issued on the matter), the figure was 30 %.
There were only seven appeals made in those cases which related to a safe country of origin.

In approximately 60 % of the cases the appeal was rejected by the Administrative Court (see Table No. 1 below). In most of the cases where the appeal was upheld, it was due to new additional information or to a change in circumstances.

Table No. 1.

Asylum decisions appealed to the Administrative Court in 2009		
Decision appealed	**Appeals**	**Rejected appeals**
Rejected*	246	119
Dublin	619	405
Manifestly unfounded**	114	90
Safe country of origin	7	2
Asylum	4	-
Need for protection***	1	2
Subsidiary protection****	10	-
Humanitarian protection****	8	-
Compassionate grounds	12	4
Cannot be removed	16	16
Family member	2	1
Application expired	5	2
Total	**1044**	**641**

* Including applicants from safe country of asylum.
** Including applications rejected as subsequent applications.
*** Residence permits on the basis of need for protection were granted until 31 May 2009.
**** Residence permits on basis of humanitarian protection and subsidiary protection have been granted from 1 June 2009.

In the cases rejected in the normal asylum procedure, a decision on refusal of entry may not be enforced until a final decision has been issued on the matter (Aliens Act, section 201 (1)), in other words, if appealed, a decision may not be enforced until the court of appeal has made its decision on the case.

Under section 193(1)(3) of the Aliens Act (301/2004) a decision of the Finnish Immigration Service may be appealed to the Administrative Court of Helsinki if the decision pertains to removal from the country and the decision relates to a rejection under the asylum procedure. Under section 22 of the Administrative Judicial Procedure Act (586/1996), an appeal shall be lodged within 30 days of service of the decision.

A decision on refusal of entry made on the basis of the Dublin Convention or a decision on a subsequent application filed by the applicant which does not contain such new grounds for the stay in the country as would influence the decision on the matter may be enforced regardless of appeal after the decision has been served to the applicant, unless otherwise ordered by the Administrative Court of Helsinki (Aliens Act, section 201 (2)).

A decision issued on refusal of entry concerning an alien whose application is considered manifestly unfounded or concerning an alien who has arrived from a safe country of asylum or country of origin may be enforced regardless of appeal at the earliest on the eighth day from service of the decision on the applicant, unless otherwise ordered by the Administrative Court of Helsinki. Before the enforcement, it must be ensured that the eight-day period contains at least five working days (Aliens Act, section 201 (3).

Before the appeal has been decided, with regard to its subject matter, the Administrative Court of Helsinki may order suspension of enforcement i.e. the Court may allow the alien to remain in the country to wait for the outcome of the appeal (Aliens Act, section 199 (1)) .

The European Court of Human Rights received 228 requests for interim measures concerning Finland in 2009, related to aliens and in particular to cases of refusal of entry. Such requests are usually related to cases where a person has received a deportation order and requests postponement of the deportation until the Court rules on the application against the Government, concerning his/her deportation, filed at the same time with the request for interim measures. The Court ruled on 220 requests in 2009, adopted an interim measure in 139 cases and refused measures in 80 cases. In one case the Court did not accept the request, for the reason that it had not been filed in due time. In 20 cases the Court annulled its earlier decision ordering an interim measure.

11. Please comment on the report prepared by the Ombudsman for Minorities on the application of the accelerated asylum procedure and the conclusion it drew from it, which, inter alia, states that "there may sometimes be problems relating to the effectiveness of the right of appeal" and that "it is necessary to pay attention to the coherence of the actions of different authorities and to the guarantees of equality during the asylum procedure, regardless of the origin of the asylum-seeker and his or her ability to protect their own interests."

The Ombudsman for Minorities, established in 2001, is responsible for advancing good ethnic relations in Finland and monitoring the status and rights of ethnic minorities and foreigners. Since the submission of the Government's previous report, the Act on the Ombudsman for Minorities and the Discrimination Board (660/2001) has been amended four times. The duties of the Ombudsman for Minorities include certain duties provided for in the Aliens Act such as the provision of opinions on applications for asylum and proposed deportations. The Ombudsman for Minorities must be informed of decisions made under the Aliens Act concerning the issue of residence permits on the basis of international protection or temporary protection, deportation or detention (sections 208 and 209 of the Aliens Act). The Ombudsman for Minorities has had some concerns which are highlighted in the report referred to by the Committee.

The suggestions of the Ombudsman for Minorities have been taken into consideration when the guidelines issued by the Finnish Immigration Service and the police have been revised, with a view to protecting the applicants' rights in individual cases. It has not been, however, deemed necessary to amend the legislation. The Aliens Act with the right of appeal and the possibility of suspension of enforcement on a court order is considered to ensure the legal safeguards of asylum seekers also in the accelerated asylum procedure.

On 13 November 2008, the Finnish Immigration Service issued guidelines on the processing of applications for international protection. The guidelines are followed by the Finnish Immigration Service, the police and the Border Guard. The aim of the guidelines is to ensure the processing of such applications without delay, consistent application of law and a consistent process, as well as the legal safeguards in the asylum procedure.

The Minority Ombudsman's concerns with regard to the possibility of an administrative court to take a position on the enforcement of a decision on refusal of entry before it is enforced have already been taken into account in the aforementioned order of the police department of the Ministry of the Interior

(setting out the distribution of responsibilities in respect of the enforcement of decisions on deportation). According to the Ministry's order, the competent administrative court must always be contacted before enforcement to find out whether it is going to prohibit enforcement, in case it is known that the court has been seized with a request to that effect. See also the answers under questions 9 and 10.

Articles 5, 6 and 8

12. Please indicate whether the State party has rejected, for any reason, any request for extradition by a third State for an individual suspected of having committed an offence of torture, and thus engaging its own prosecution as a result. If so, please provide information on the status and outcome of such proceedings.

In 2002-2010 there has been only one case dealt with by prosecutors in which a request for extradition by a third State has been rejected by Finland .

In 2007, a case was transferred to the prosecution service, where a Rwandan man residing in Finland is charged with the crime of genocide that took place in Rwanda in 1994. Despite the request by Rwanda, Finland decided not to extradite the suspect but decided to proceed with the investigative and prosecuting measures in Finland. The refusal of extradition made by the Ministry of Justice was based on decisions of the International Tribunal for Rwanda, in which the Tribunal had refused transfer of proceedings pending at the Tribunal to Rwandan courts, as it was not convinced that the suspects would face a fair trial in Rwanda.

The prosecutor decided to proceed with prosecution and the proceedings before the District Court of Eastern Uusimaa were initiated on 29 May 2009. The defence has throughout the proceedings alleged that all the persons named as witnesses by the prosecutor (19 witnesses), who have served sentences of imprisonment in Rwandan prisons, have been tortured by the existing government in Rwanda, by keeping them in inhuman prison conditions, by exposing them or their prison mates to physical violence or by treating them otherwise in an inhuman manner. According to the defence, the purpose of the alleged torture had been to obtain information or admission of guilt within the meaning of the Convention. The defence has submitted that the persons who have been subjected to such measures should not have been heard as witnesses in the proceeding pending in Finland.

The District Court also held a hearing in Rwanda.

The District Court gave its judgment in the case on 11 June 2010, finding the defendant guilty of participation in genocide in 1994 and sentencing him to life in prison. Insofar as the allegations of the defence concerning witness statements obtained by means of torture, the Court found facts supporting allegations of torture or comparable treatment in respect of two witnesses. The Court did not take these two witness statements into account. In respect of the seventeen other witnesses named by the prosecutor, the Court did not find evidence supporting the submissions of the defence, accepting those witness statements as evidence.

The judgment of the District Court is not final as appeal has been made to the Court of Appeal.

Article 10

13. Please provide updated information on measures taken by the State party to ensure that all personnel involved in the custody, detention, interrogation and treatment of detainees are trained with regard to the prohibition of torture and ill-treatment. Does the training include the development of the necessary skills to recognize the sequelae of torture and sensitization with respect to contact with particularly vulnerable persons in situations of risk, including the Roma, undocumented migrants and asylum- seekers and victims of trafficking? Please specify who conducts and who undergoes the training, and if the Convention is made known in the course of such programmes. How and by whom are such training and instruction programmes monitored and evaluated?

Police training in Finland is at the responsibility of the Police College in Tampere. All police staff are trained with regard to human rights and prohibition of torture and ill-treatment as well as excessive use of force when use of force is needed. The Convention is a key element in the training. Fundamental and human rights are included both in the basic police training (diploma in police studies) and in the advanced training programmes of higher-ranking police officers (commissioned officers and non-commissioned officers). The general competences provided by the police training include, among others, ethical competence and international competence, with a view to supporting the police officers' skills to pay attention e.g. to the individual, society and cultural differences. Fundamental and human rights are underlined particularly at the beginning of police training, but they are also included in different courses throughout the training, such as the courses concerning police powers, administrative law and immigration. Fundamental and human rights are also included in the training of police officers (commissioned officers and non-commissioned officers) as integrated parts of different courses. They are particularly underlined e.g. in courses concerning international aspects of police work, police strategies and commanding, field operations, investigations and use of coercive measures. Human rights in the police work are also a regular theme in different seminars organised for police officers. Cultural sensitivity is also a theme that is addressed regularly in the professional training of police officers.

The Police College carries out on an annual basis a survey of offences with a racist motive, which have been reported to the police in the previous year. Since 2008, the survey has covered the following reasons for victimisation: ethnic origin, sexual orientation, disability and religion. The survey has been used, among others, for the purpose of developing police training.

In addition, special attention is paid to the police prison staff, and respect for fundamental and human rights is included in their additional training annually. Although the police officers are not medical professionals, they are trained so that they are in principle able to make relevant observations of the state of health and possible signs of the sequelae of torture of the detained persons.

The police training is provided by professionals both in the Police College and on-the-job training. All police training is monitored, evaluated and accepted by the National Police Board.

Personnel identifying victims of trafficking in different authorities are trained in the identification and treatment of victims according to the revised National Plan of Action against Trafficking in Human Beings. A multi-professional cooperation group is appointed under the national Steering Committee monitoring the implementation of the Plan of Action to focus on identification training and instructions. The cooperation group has developed a multilingual website (*www.ihmiskauppa.fi, www.manniskohandel.fi, www.humantrafficking.fi*) which was launched in May 2010 and has arranged several training seminars in different parts of the country. Training material and instructions for developing the identification of victims are available on the website and can be used by professional trainers in different authorities and NGOs. Victims of trafficking are not arrested or placed in detention unless there are some other serious grounds for arrest or detention.

In the training of the Border Guard staff, particular attention is paid to respect for the fundamental and human rights of the persons subject to measures. In the training programmes of the Border and Coast Guard Academy, human rights and fundamental rights including the prohibition of torture and inhuman treatment constitute a compulsory element. In addition, for example the training of border control officers aims at providing a comprehensive overview of the different forms and elements of trafficking in human beings as well as of the risk indicators facilitating the identification of victims of trafficking.

See also answer under question 11 on trafficking in human beings.

Insofar as the basic training of prison staff is concerned, the skills to identify signs of torture and other ill-treatment do not constitute an independent element of the training, but they are included in the basic diploma of prison guards as part of three different courses constituting 20 % of the diploma (the

diploma is equivalent of 80 ETCS). The purpose of those courses is to ensure the understanding of the dynamics of prison communities and to provide the trained persons with skills to communicate with prisoners with different cultural backgrounds and to identify mental crises of prisoners.
The training of prison staff is at the responsibility of the Training Institute for Prison and Probation Services under the Ministry of Justice and it is provided by permanent teachers with pedagogic training and expertise in the field. The contents of the training are the same for all persons studying for the basic diploma.

The training of prison staff is subject to evaluation by means of feedback provided by the trained persons, employers and workplaces. The use of work feedback for the year 2010 has been agreed on with the Training Institute for Prison and Probation Services in connection with result planning. The feedback concerns the communication skills of prison guards and their knowledge of prisoners in general. Their skills to recognise the sequelae of torture and sensitisation with respect to contact with particularly vulnerable persons in situations of risk are not evaluated separately.

Article 11

14. Please provide detailed statistical data on the extent of inter-prisoner violence, including sexual violence, and steps taken to develop and implement strategies to prevent and reduce such occurrence, in light of the recommendations made by the CPT.

Prisoners are monitored in closed and open prisons in different ways by the prison staff, including video-monitoring, direct guarding and consultations with prisoners. By these means, it is possible to get information which helps to prevent and reduce inter-prisoner violence. In closed prisons, there are closed compartments for those prisoners who, on their own request, wish to be isolated from others.

Inter-prisoner violence is often hidden criminality, which is why it is not indicated in the statistics on disciplinary measures. However, within the prison administration, the health care personnel compile statistics on those cases that they suspect to be cases of inter-prisoner violence. Those statistics are attached to the present report (Annex No. 9). The statistics indicate that there have been on the average 60 cases each year. When compared with the corresponding figures for the years 2002 to 2006, the number of suspected cases of inter-prisoner violence has fallen.

In connection with one inspection made on a prison, the Deputy Parliamentary Ombudsman undertook to examine *ex officio* whether the prison controlled adequately work carried out together by male and female prisoners, to prevent alleged sexual harassment. The examination did not disclose any evidence

of sexual harassment of female prisoners during work performed in prison. However, the Deputy Parliamentary Ombudsman told the prison to increase supervision and display the rules concerning behaviour at work so that they were visible to all prisoners. For the purpose of examining the case, female prisoners were asked questions and their answers revealed that there had been two situations (other than work) during which a prisoner had experienced sexual harassment. Therefore, the Deputy Parliamentary Ombudsman underlined the responsibility of the prison to ensure that no one interferes with the personal integrity of prisoners without a lawful right. According to the Deputy Parliamentary Ombudsman, the prison must use all available means to prevent all kinds of sexual harassment, and intervene in reported cases of harassment. (Decision No 3095/2/07 of 8 September 2009)

In the autumn of 2010, the internal inspection unit of the Criminal Sanctions Agency will carry out a survey of prisoners fearing other prisoners, the results of which will serve as a basis for planning long-term measures to reduce cases of inter-prisoner violence.

15. In the comments by the State party to the conclusions and recommendations of the Committee, the Government indicated, in reply to the Committee's concern about the practice of "slopping out" in some prisons, that there would still be approximately 490 cells without sanitary equipment in 2010. Please indicate if the State party has taken any further measures in light of the CPT's recommendations aimed at abolishing the practice of "slopping out". Please provide also the information requested by the Rapporteur on follow-up on the methods used to determine that prisoners did not wish to have chemical lavatory alternatives in the prison cells, as well as up-to-date information on the renovations to Riihimäki Prison that were scheduled to be completed in 2006, and information on the Prison of South-western Finland, scheduled to open in the second half of 2007.

On 31 July 2010, there were a total of 222 cells without sanitary equipment, of which 73 were in Criminal Sanctions Region of Southern Finland (in the western cell building of Helsinki Prison), 123 in the Western Criminal Sanctions Region (in Hämeenlinna Prison, with 42 such cells for men and 81 for women), and 26 in the Criminal Sanctions Region of Eastern and Northern Finland (in Mikkeli Prison).

In Helsinki Prison, the number of cells without sanitary equipment was reduced by 60 on 31 May 2010 when 66 of the 78 cells were closed in the northern cell building (of the closed cells, 60 were without sanitary equipment). At the same time, 31 cells were closed in Konnunsuo Prison (of which 27 were without sanitary equipment).

In Mikkeli Prison, 26 cells without sanitary equipment will no longer be used after renovation which is likely to begin at the beginning of the year 2011.

The aim is to complete the renovations in the western cell building of Helsinki Prison by 2015. The planning is started in a near fututre. On 23 June 2010 the Minister of Justice ordered the Criminal Sanctions Agency to continue the renovation plans for Hämeenlinna Prison so that the prison would have 112 closed prison places for women in the current prison hospital building and approx. 130 closed prison places for men. The prison hospital will have renovated rooms and offices in the current prison building. The project planning will start 2010. On the basis of the plans the Criminal Sanctions Agency will propose the Ministry of Justice the final renovation decision.

In both Helsinki Prison and Hämeenlinna Prison the prisoners are given access to common toilet facilities 24 hours a day, if necessary, which is in compliance with the recommendations given by international human rights bodies.

The Committee has also requested information on the methods used to determine that prisoners did not wish to have chemical lavatory alternatives in the prison cells. This possibility was offered to prisoners at Helsinki Prison in 2000. They were provided with instructions on how to use and clean such facilities, and they were able to test the facilities. However, the prisoners soon informed that they found it complicated to maintain and clean chemical lavatory facilities and that they rather continued with the practice of “slopping out”. The chemical lavatory facilities were removed from the cells of those prisoners who did not wish to have them. Chemical lavatory facilities are always offered to new prisoners, but at present they are only used in ten cells for the reason that most prisoners still do not want to have them.

16. Please provide information on the content and implementation of the equality plan for prisons which was being prepared by the Prison Administration, as well as information on the initiative to be submitted by the Advisory Board for Roma Affairs and the Roma Education Unit to the Criminal Sanctions Agency, including more details on the initiative and time frame for its implementation.

The work and other activities, including education, offered to prisoners in Finland fall within the sector of administration of the Ministry of Justice. The Ministry of Culture and Education is responsible for the educational establishments offering education and training in prisons. The Ministry of Culture and Education has prepared a plan for the development of the professional training in prisons, which was completed at the end of 2008. In the past few years, the training offered for prisoners has been increased. In accordance with the development plan, the National Board of Education arranges on yearly basis training for those educational establishments that arrange training in prisons, which is also

attended to by prison staff. The Roma training unit at the National Board of Education has allocated funds to training for Roma prisoners annually. The funds are meant in the first place for the teaching of the Roma language and culture as well as for basic education. In 2010, the total amount of funds allocated to five prisons by the National Board of Education was 15 000,- euro. In 2010, one of the priorities was the teaching of the Roma language.

The equality plan prepared by the Criminal Sanctions Agency was adopted in 2006, and it is binding on all units of the Agency. The implementation of the equality plan is monitored continuously, particularly with regard to the participation of ethnic groups in the different activities. In addition, the situation of Roma prisoners and prisoners belonging to other minorities is assessed in connection with inspections made on prisons by the Central Administration of the Criminal Sanctions Agency. In the basic and further training of the staff of the criminal sanctions and probation services as well as in the relevant training provided by polytechnic colleges, courses on cultural diversity are planned to be increased.

Various efforts have been made to enhance equality. The Central Administration of the Criminal Sanctions Agency organised so-called cultural diversity days in May 2009. Education is arranged for the Roma in prisons, and the Central Administration carries out cooperation with the Roma organisations. Financing has been obtained for a project to intensify the assessment of the situation of female Roma prisoners and to improve the provision of guidance for prisons in the arrangement of services, for which two project employees have been designated.

On the request of the Ombudsman for Minority, the Criminal Sanctions Agency arranged in 2009 for the monitoring of the situation of Roma prisoners and foreign prisoners held separate from other prisoners. During the monitoring period, there were approximately 200 Roma prisoners and 360 foreign prisoners in the Finnish prisons. The number of Roma prisoners is only an estimate for the reason that the Finnish legislation does not allow the preparation of statistics on the basis of ethnic origin. The situation of prisoners belonging to minorities varies considerably depending on the size and organization of the prison, the categories of prisoners and the geographical location of the prison.

The situation is the best in open institutions. In large closed prisons it is possible that Roma prisoners are driven by other prisoners to move to an isolated segregation cell. The most important individual reason for holding Roma prisoners separate from others is the racist attitudes of some prisoners who do not accept persons with a different skin colour into their community. Such situations are difficult because prisoners do not easily report on them. It is also very difficult to affect attitudes, but all incidents brought to the attention of the prison staff are intervened in. This requires the provision of

appropriate training for the staff. In some cases, it is also justified to use isolated sections to ensure the safety of prisoners.

In spring 2010 the Criminal Sanctions Agency conducted again a survey among region directors, assessment centre directors and prison directors regarding the implementation of ethnic equality. The estimated number of prisoners with Roma or immigrant background was approximately the same as in 2009. Most Roma and immigrant prisoners had been placed in ordinary departments, where they could also engage in normal activities. Different prisons have very different arrangements of activities in closed departments. The proportion of Roma prisoners placed in open institutions equals that of the majority population, but the corresponding proportion of immigrant prisoners is only half of the proportion among the majority population. The survey showed that, after the adoption of the equality plan, the conditions of ethnic minorities in prisons had improved in some places and worsened in other places, but the situation had remained practically unchanged in approx. half of all prisons. In future, the implementation of ethnic equality will be monitored at regular intervals.

17. Please provide detailed information concerning prison overcrowding in some prisons and efforts undertaken to remedy this issue. Such information should include statistics, disaggregated by sex, age and ethnicity, on the number of imprisoned persons and the occupancy rate of the accommodation capacities.

Prison overcrowding is a problem in a few Finnish prisons. On 1 June 2010, there were in total 3 207 places in the Finnish prisons, of which 248 were meant for female prisoners. On that day, the total number of prisoners was 3 234. Of all prisoners, approximately 79 had been granted supervised probationary freedom, which means that the number of persons actually serving their sentences in prisons was approximately 3155 .

Although the number of places in prisons and the number of prisoners are at the moment more or less in balance, overcrowding does exist in some prisons for the reason that the numbers of places in them do not meet the needs of the district in question. Insofar as female prisoners are concerned, overcrowding has not been a problem in the past few years.

There was overcrowding to some extent on 1 February 2010 in the following prisons:

Vantaa (166 places; 206 prisoners)
Kerava (95 places; 100 prisoners)
Riihimäki (223 places; 243 prisoners)

Mikkeli (56 places; 74 prisoners)
Kuopio (50 places; 60 prisoners)
Pyhäselkä (87 places; 95 prisoners)
Kylmäkoski (113 places; 138 prisoners)
Vaasa (64 places; 95 prisoners)
Turku (255 places; 363 prisoners)

With the exception of the prisons of Vantaa, Turku and Vaasa, overcrowding is not a big problem. In the case of overcrowding, prisoners in the South-Western Finland are mainly placed in the new Turku Prison because the surface of the cells is 10 square metres and they have sanitary equipment and showers.

The construction regulations concerning rooms used for living are applicable to prison cells. According to construction regulations (RakMk G1-21256) issued under the Land Use and Building Act (132/1999), the minimum size of such a room meant for one person is 7 square metres, which has also served as a basis for the instructions of the prison administration, however the objective concerning closed prisons is 10 square metres in the case of new buildings and renovated buildings. According to an order (24/011/2006) issued by the Criminal Sanctions Agency, the size of cell meant for two or more persons must be at least 5.5 square metres per person. The objective concerning two-person cells is 13 square metres.

The placement of prisoners is at the responsibility of the directors of Regional Assessment Centres, who monitor the situation in their regions. The Central Administration of the Criminal Sanctions Agency also keeps an eye on the adequacy of places in prisons and, where necessary, makes proposals to the transfer of prisoners. Under Chapter 6, section 6(2) of the Act on Imprisonment, a decision on the transfer of a prisoner may also be made by the Central Administration, to balance the numbers of prisoners in the prisons of different regions.

Legislative amendments have also been used to manage the numbers of prisoners. The possibility to grant prisoners supervised probationary freedom was introduced in 2006. Further restrictions on the possibility to convert unpaid fines into imprisonment were imposed in 2008. In a few years' time, the number of prisoners serving their sentences of fines has fallen to half of their earlier number.

At present, Parliament is discussing the Government bill (HE 17/2010 vp) on a new type of sentence that would be served outside prison and would be supervised by technical/electronic and other means

(electronic monitoring, called in Finland as monitoring sentence). The new provisions are scheduled to enter into force in 2011. The new way of serving a sentence is expected to reduce the daily number of prisoners by approximately 130. The aim of the Criminal Sanctions Agency is to increase the serving of sentences in open prisons. Another objective is to establish special units responsible for the release of prisoners for each three criminal sanctions districts.

Articles 12, 13 and 14

18. Please provide information, including statistics, on the number of complaints, of torture and ill-treatment filed since the previous report, their investigation and prosecution and results of the proceedings, both at the penal and disciplinary levels, as well as on rehabilitation and compensation provided to the victims. This information should be disaggregated by sex, age and ethnicity of the individual filing the complaint.

Until the end of 2009, the Criminal Code did not use the terms torture or ill-treatment as such, and any offences of that nature were punishable as assaults or aggravated assaults. As explained under question 2, on 1 January 2010, an amendment to the Criminal Code entered into force, introducing the offence of torture. Consequently, it is not possible to obtain statistics on the occurrence of offences that would fulfil the elements of torture, which have been committed prior to that date. According to information available to the Government, nor have there been any complaints concerning alleged torture in police custody since the previous report.

On occasion, there are allegations concerning inappropriate conduct, particularly by the police, but there are no statistics available to assess to what extent the alleged conduct would have fulfilled the elements of torture. No such cases have been subject to assessment by the prosecution service since the submission of the Government's previous report.

There have been approximately 600-700 complaints against the police annually, addressed to the police itself. In addition, the Parliamentary Ombudsman received 647 complaints and the Chancellor of Justice received 283 complaints against the police in 2009. These figures include all types of complaints and only a fraction of the complaints include alleged ill-treatment. The most frequent reason for a complaint has been the lengthy time of investigation or decision by the police not to investigate an alleged offence.

Only a few complaints of ill-treatment in the police detention facilities are made annually and they are investigated profoundly.

A few complaints are made annually concerning police detention facilities, where the person held in detention has considered that he/she has not been given a possibility to use the shower often enough,

he/she has not been allowed visitors often enough or outdoor recreation has not met his/her wishes. Those complaints have in most cases been found unfounded during the investigation and have not led to further measures.

On occasion, complaints are made in respect of situations involving use of force. In most cases, those complaints concerning ill-treatment have related to alleged excessive use of force by the police.

The investigation concerning suspected ill-treatment by the police (as well as any offences committed by the police) is lead by a specialised prosecutor and the investigators come from a police district other than the one where the alleged ill-treatment has taken place. If any evidence of ill-treatment is detected in the investigation, the case is brought to a court. However, very few sentences have been delivered by the courts and for the major part they have been fines.

However, one clear incident of ill-treatment occurred in the Helsinki Police Detention Establishment in 2006. Two guards mishandled a foreign man suspected of crime and held in police custody. The mishandling could be seen on a video-monitor with automatic recording. Investigation was started immediately by the police and the incident was made public. Both guards were suspended and later permanently removed from office, and one of them was sentenced by the Helsinki District Court to suspended (conditional) imprisonment of 80 days and to fines. The other one was found guilty of misconduct but not guilty for the offence and therefore the criminal charges were dropped. On appeal, Helsinki Court of Appeal confirmed in 2008 the sentence imposed by the Helsinki District Court. The sentence of the Court of Appeal is final.

Insofar as unjustified deprivations of liberty are concerned, the persons deprived of their liberty and later found not guilty are entitled to compensation under the Act on Compensation from State Funds for the Arrest or Detention of an Innocent Person (422/1974). In 2009, the State Treasury paid compensation to 400 such persons, amounting to a total of 750 000 euro. In the table No. 2. below are statistics on compensation payed 2002-2010.

The Act on Compensation from State Funds for the Arrest or Detention of an Innocent Person (422/1974) provides for compensation payable to anyone eligible for such compensation. According to section 4 of the Act, compensation is payable to an innocent person deprived of his or her liberty without due cause, for incurred costs, loss of income or maintenance and mental suffering.

Section 1 of the Act lays down the eligibility criteria for compensation as follows:

"1 § (14.4.1989/344)

A person arrested or detained suspected of an offence has the right to compensation from State funds for his or her deprivation of liberty if

1) the criminal investigation is terminated without charges being brought;

2) the charges are dropped or rejected;

3) the person is found guilty of the offence but it is obvious that he or she could not have been arrested or detained on the basis of this imputation; or

4) no legal grounds existed for the arrest or detention.

Compensation is payable only if the deprivation of liberty has lasted more than one day."

Table No. 2.

NUMBERS OF APPLICATIONS AND AMOUNTS OF PAID COMPENSATION SINCE 2002

Act on Compensation from State Funds for the Arrest or Detention of an Innocent Person:

Year	Number of applications	Paid compensation, €
2002	441	962 000
2003	420	750 000
2004	413	969 000
2005	380	832 000
2006	390	945 000
2007	385	720 000
2008	417	730 000
2009	400	749 000
2010 (1 Jan.-31 July)	275	685 000

The Defence Forces maintain records of military offences and imposed sanctions as well as on complaints made by conscripts and officers. During the period of time covered by the present report, there have been neither suspected, investigated or prosecuted cases of torture nor any decisions finding an officer guilty of such treatment.

Insofar as ill-treatment is concerned, the misuse of superior position in the Defence Forces is criminalised in Chapter 45, section 16, of the Criminal Code as a military offence. In 2009, there were 18 cases of misuse of superior position, in 2008 and 2007 there were 17 such cases and in 2006 there were 46 cases. Those offences constitute less than one per cent of all military offences. The cases of misuse of superior position are largely similar and typically consist of orders to perform duties that cannot be considered part of military service or that are of a punitive nature, different types of commands, such as ordering conscripts to run, or inappropriate language or yelling. Such incidents often took place in the evenings and the offences were most often committed by rather low-ranking commanders. On the basis of the investigation files, it can be concluded that the legal assessment of the cases of misuse of superior position was largely similar in the different compartments and had been carried out appropriately. It also appears that as soon as the staff in charge of discipline had found out about the inappropriate behaviour, they had intervened immediately. The investigations do not give reason to conclude that there would be a widespread or organised practice of bullying in the Defence Forces. The Defence Forces also strongly condemn bullying and other inappropriate behaviour.

The Parliamentary Ombudsman has not found any signs of torture in the cases examined or inspections made in the years 2002 to 2009. Insofar as ill-treatment is concerned, it would be most probable for the Parliamentary Ombudsman to detect treatment or punishment covered by the Convention in connection with cases of deprivation of liberty or placement in an institution.

In 2004, the Parliamentary Ombudsman ordered prosecution in two cases of deprivation of liberty/placement in an institution, where ill-treatment had taken place. In other complaints received or in observations made in connection with inspections, no such conduct by the authorities as would be considered ill-treatment within the meaning of the Convention, and would have justified prosecution order, has been brought to the attention of the Parliamentary Ombudsman in the years 2002 to 2009.

In the case of serious ill-treatment, such as excessive use of force by an officer in the performance of official duties, the most appropriate and effective remedy is to report the case to the police instead of making a complaint to the Parliamentary Ombudsman. After police investigation, the case may be assessed by the prosecutor and, in case the prosecutor decides to bring charges, it will be subject to criminal proceedings before a district court. In that connection, the victim may also request before the court financial compensation. The Parliamentary Ombudsman cannot order any compensation to the victims. In general, persons held in closed institutions or at least prisoners are usually aware of the possibility to report cases of ill-treatment to the police.

The Parliamentary Ombudsman does not compile statistical data on the basis of whether the alleged ill-treatment has been found to have taken place or not. The classification of complaints and examinations carried out on the Parliamentary Ombudsman's own initiative and the creation of statistics related thereto are based on the type of activity of the authority, instead of the type of violation of rights. In addition, the statistics indicate the share of those decisions of the Parliamentary Ombudsman in which measures have been taken. The age or ethnic origin of the person filing the complaint does usually not appear from the complaint. Nor are statistics created on the basis of the sex of the persons filing complaints.

One of the aforementioned two cases, in which prosecution was ordered by the Parliamentary Ombudsman, concerned the right to personal integrity of a person with reduced legal capacity. The person, who was being treated in a mental hospital, was anesthetized during dental care because of his mental state. The dentist removed all the patient's teeth without hearing his legal representative or close relative and obtaining the consent of such a person. The Parliamentary Ombudsman ordered the police to carry out an investigation and after the investigations, she ordered a State Prosecutor to proceed with the prosecution of the said dentist, for a violation of official duties resulting in injury. According to the prosecution order, the dentist had, in the performance of his duties, failed to comply with his obligation based on existing provisions of law to hear the legal representative or close relative of the patient when removing his teeth, without obtaining the consent of such a person. (Decision 2447/2/04 of 16 September 2004). The dentist was sentenced for a violation of official duties resulting in injury to a warning, and his employer was ordered to pay compensation for the patient for pain and suffering, permanent injury and damage and permanent cosmetic damage. (Judgment of Vaasa District Court of 9 February 2005, No R 04/894, summary 2004, pages 28-29).

As far as access to the rehabilitation is concerned in 2005 the Ministry of Social Affairs and Health commissioned a study on the need for and access to mental health services among immigrants (Reports of the Ministry of Social Affairs and Health 2005:3). One of the questions studied was the access of victims of torture to treatment. The study showed that victims of torture are unequally positioned in different parts of Finland. It also showed inequality between persons receiving a medical report in accordance with the Istanbul Protocol and those persons who cannot seek treatment or do not want to do so.

The report on the study recommends that all asylum seekers should be guaranteed access to special units, such as the rehabilitation units for victims of torture in Finland, if this is necessary for their

treatment. Moreover, in order to realise regional equality, it is recommended that local and regional units for the treatment of traumatised persons should be supported and established.

In 2006 the Ministry of Social Affairs and Health issued a decree on arranging and centralising special-level medical care (767/2006). Section 6 of the Act on Restructuring Local Government and Services (169/2007) contains provisions on measures of special-level medical care: "Part of the measures and treatment in special-level medical care shall be centralised in some specific responsibility areas at national level. The Government shall prepare a proposal to the Parliament on amending the Act on Specialized Medical Care to the effect that a Government decree shall be issued to determine which examination, measures and treatment are to be included in special-level medical care, on one hand, and to be centralised at national level, on the other hand."

The arrangements laid down by section 6 of the Act on Restructuring Local Government and Services must the implemented by 31 December 2012.

In Finland, two units bear the main responsibility for rehabilitating victims of torture. They assess, treat and rehabilitate traumatised refugees and asylum seekers residing in Finland and their family members. The methods used include psychiatric treatment, psychotherapy, physiotherapy and group rehabilitation. The criterion for access to such treatment is experience of torture or comparable traumatisation.

The rehabilitation of victims of torture is multiprofessional activity and always based on a comprehensive assessment of the individual clients' situation. As national centres of excellence, the rehabilitation units for torture survivors in Finland also contribute to the training of and work counselling for professionals, organisations and authorities in the social welfare and health care sector.

Both rehabilitation units for victims of torture in Finland are supported financially by Finland’s Slot Machine Association. The Centre for Torture Survivors in Finland, which operates in connection with the Helsinki Deaconess Institute, receives operating funding from the Association. The services for torture survivors at the Oulu Deaconess Institute are supported by project funding. The financing for both units is agreed for a short fixed period at a time, for their activities are not covered by national legislation.

The legislation on arranging and centralising special-level medical care will be reformed in the course of spring 2011. In this context, the Ministry of Social Affairs and Health will consider ways to secure long-term public funding for the rehabilitation services so that the public healthcare sector could bear the primary responsibility for the rehabilitation of the victims of torture.

Article 15

19. Please specify the practice relating to the prohibition of using a statement obtained under torture as element of proof. Furthermore, please provide information on cases in which the law was applied.

The Finnish criminal procedure is based on the principle of free assessment of evidence. The criminal law does not contain any provisions on the prohibition of use of certain types of evidence, including the prohibition of use of statements obtained under torture as element of proof. Nor has the prosecution service issued any instructions or orders with regard to the prohibition of using a statement obtained under torture as element of proof. Such instructions or orders have not been considered necessary as the underlying presumption is that prosecutors do not knowingly use evidence that has been obtained in a way prohibited by section 24 of the Pre-Trial Investigations Act.

With the exception of the aforementioned case relating to genocide in Rwanda, where the District Court rejected two witness statements, there have not been any cases assessed by the prosecution service in Finland where evidence has been found to have been obtained by means of torture or where such statements would have been used or offered to be used in court proceedings. However, the judgment of the District Court is not final as the proceedings in that particular case are now pending before the Court of Appeal. - See answer under question 12.

Article 16

20. In its previous concluding observations, the Committee on the Elimination of Discrimination against Women remained concerned about the high incidence of violence against women, including the high number of women killed in domestic violence, sexual harassment, the absence of a comprehensive strategy to combat all forms of violence against women and the lack of an effective institutional mechanism to coordinate, monitor and assess actions at the governmental level to prevent and address this scourge. Please provide details about the steps taken by the State party in response to the Committee's recommendation.

In the Government’s view and according to the CEDAW-Convention, violence against women constitutes of form of discrimination. It does not as such fall within the scope of application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and does not as such meet the elements of torture within the meaning of the Convention unless committed by public officials. The Committee on the Elimination of All Forms of Discrimination against Women has requested Finland to provide, within two years (by July 2010) detailed written information on the implementation of the recommendations on violence against women. Finland has provided in July 2010 detailed written information to the said Committee that is annexed to this report (Annex No.1).

The Government has aimed at preventing and reducing violence against women by means of various measures. As a measure of general application, the Government adopted on 8 May 2008 a revised Internal Security Programme which specifies the objectives and measures concerning e.g. the following areas of security:

- improving safety at home, during leisure time and when moving around,
- improving the security of immigrants and ethnic minorities,
- reducing violence.

Thus, reducing violence, including domestic violence, is one of the key objectives identified in the Programme.

The National Action Programme to Prevent Intimate Partner and Domestic Violence (2004-2007) has enhanced co-operation between local authorities and professionals. The programme focused on the creation of a structure for preventing violence at the local level, on the development of cooperation among different agencies and on ensuring a continued prevention of domestic violence as an integral part of the municipal service system. A contact person for intimate partner and domestic violence has been appointed in nearly every municipality/economic region.

As a result of the National Action Programme, the Ministry of Social Affairs and Health has, in collaboration with the Association of Finnish Local and Regional Authorities, provided municipalities with the first recommendations for the prevention of intimate partner and domestic violence in 2008 (*Recognize, Protect and Act. How to guide and lead local and regional activities in social and health care services. Ministry of Social Affairs and Health. Publications 2008:26*). Nevertheless, those recommendations are not legally binding and no additional resources have been allocated to municipalities. A reform of the Social Welfare Act (710/1982) is under preparation, and in that connection support services for victims of domestic violence will be taken into account, including shelters.

The coordination of the prevention of intimate partner and domestic violence is at the responsibility of the National Institute for Health and Welfare. The Ministry of Social Affairs and Health has set up an inter-ministerial working group for the period from 1 April 2008 to 31 December 2011 to discuss questions relating to this particular form of violence. Programmes and projects to prevent violence against women have been implemented either by an individual ministry responsible for the programme or project in question or in cooperation with other ministries. The development of services has played

an important role in the national work against violence already since the Government's 1997 Equality Plan.

The Ministry of Social Affairs and Health has played a key role in the coordination and implementation of measures to reduce domestic violence against women. The Ministry has a special unit for equality issues, which is responsible for guiding and coordinating the Government's equality policy, including prevention of violence against women. With a view to coordinating, in particular, intimate partner and domestic violence, the Ministry of Social Affairs and Health set up an inter-ministerial working group in the spring of 2008, in which the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs, the Ministry of the Interior (Police Department) as well as the new National Police Board, the National Board of Education and National Institute for Health and Welfare are represented. The working group, consisting of officials of the said authorities, is to monitor the occurrence of intimate partner and domestic violence and the elaboration and implementation of such Government programmes as involve questions of intimate partner and domestic violence, and to propose further measures that would not be covered by the programmes.

Programme on the prevention of violence against women

In the Equality Programme for the years 2008 to 2011, the Government has made a commitment to prepare an inter-ministerial programme to reduce violence against women. The programme is prepared in cooperation between the Ministry of the Interior, the Ministry of Justice, the Ministry of Social Affairs and Health and the Ministry for Foreign Affairs, and the work is coordinated by the Ministry of Social Affairs and Health. The Ministry has delegated the responsibility for the coordination of preparation of the programme to the National Institute for Health and Welfare. The preparations have been started and the programme has been submitted to the Ministers responsible for the Internal Security Programme for approval. The discussions among the Ministers began in June 2010. The international agreements binding on Finland, and particularly the recommendations given by the Committee on the Elimination of All Forms of Discrimination against Women, are taken into account in the preparation of the programme. Intimate partner violence and domestic violence faced by immigrant women, the problems identified in the Report on the Human Rights Policy of the Government of Finland submitted to Parliament 2009, and the measures proposed in earlier programmes are also paid attention to. The earlier measures proposed included recommendations for local authorities and third-sector actors to enhance the integration and employment of immigrant women, provision of basic information in the immigrants' own language of Finnish society, working life, fundamental rights and services available, arrangement of easily accessible activities and support, training for authorities in the

identification of victims of violence and in guiding them to use the services and support available. In the training of authorities, the special needs of immigrant women and sensitisation to cultural differences and differences between the sexes are to be taken into account.

The Ministers responsible for internal security, supplemented by the Ministers for equality, foreign affairs, immigration and European affairs, constitute the managerial group of the programme on the prevention of violence against women. The steering group of the Internal Security Programme prepares the proposals for the managerial group. The steering group of the programme on the prevention of violence against women is composed of officials of the different ministries and external experts. The preparation takes place within workshops bringing together researchers, officials, professionals meeting victims of violence in their work and representatives of non-governmental organisations. The programme covers all aspects of violence, and will include adequate and comprehensive measures to prevent violence, protect victims and punish perpetrators, relying on cooperation among different professionals and sectors of administration. The main objective is to compile concrete proposals for measures and good practices to support those facing victims of violence in their daily work in the identification of victims and in providing help for the victims. The programme focuses on the protection of vulnerable groups, such as immigrant women, victims of trafficking, ageing persons, disabled persons, and sexual minorities, on the prevention of sexual violence, on the interruption of the circle of violence, and on the problems relating to divorce or separation.

Project on the assessment of risks of domestic violence

The risk assessment methods concerning domestic violence are being experimented with in the police districts of Oulu, Päijät-Häme and Helsinki. The Multi Agency Risk Assessment Conference (MARAC) method is used in the assessment. The objective of the MARAC method is to reduce repeated violence by means of a systematic risk assessment and by agreeing on the necessary measures in local inter-professional groups. In comparison with other European countries, the number of persons dying because of violent crime is large in Finland. Most victims of domestic violence are and even two thirds of the cases of homicide against women take place within an intimate relationship. Such incidents could be prevented by means of early intervention as there is often long-lasting violence behind the killing. According to a survey made in Finland, in half of the cases of homicide against women, the perpetrator has been violent towards the victim earlier

Activity and financial plans, result agreements and the Internal Security Programme

In the activity and financial plan concerning the administrative sector of the Ministry of the Interior for the years 2011 to 2014, the strategic guidelines concerning the police include, among others, more intensive preventive work by means of developing regional security planning. The security of people and society is ensured by means of identifying violent crime against children, women and young persons. As an objective affecting society, this strategic guideline means that the police will focus on action preventing crime. The emphasis of the prevention of violent crime will be crime against children and young persons and domestic violence. The police will actively aim at the adoption of security plans for the whole country, in which concrete measures would be defined to reduce violence. The plans will also create working forms of cooperation to prevent intimate partner and domestic violence, and deal with the prevention of incidents such as the shootings in Jokela, Kauhajoki and Espoo.

The long-term staff needs of the police have been assessed in accordance with the Government Programme. On the basis of the assessment, the resources of the police will increasingly focus on action preventing and detecting crime and disturbances of order. The resources will be reallocated by means of reducing the number of administrative staff and increasing the number of patrolling police officers. The aim is to reduce domestic violence and violence against children and young persons. To achieve this objective, cooperation between the police and the social welfare and health authorities will be developed and preparedness to report such crime will be improved, with a view to better identifying violence against children, women, young persons and old persons.

The objective set for the National Police Board is to reduce the occurrence of violent crime, particularly intimate partner and domestic violence. To reach this objective, the police will participate in preventive work at the local and regional levels in cooperation with other professionals. A particular emphasis will be on preventive work with schools and social welfare authorities. In the prevention of intimate partner violence, the use and improved control of restraining orders will be taken into account, with the means available to the police.

To achieve the objectives set in the Internal Security Programme, with regard to reducing violence, the focus of the work of the police was in 2009, as is also defined for the activity and financial plan for the years 2010 to 2014, to reduce violence and to target the prevention of violence at children and young persons as well as intimate partner violence. The aim is to detect non-recorded crime and to improve preparedness of people to report crime. The objectives are set out in the result agreements concluded between the highest police administration and police departments. The police departments are required

to develop cooperation and early intervention with the social welfare authorities, and to improve, in particular, the identification of violence against children, women, young persons and old persons in cooperation with other authorities and organisations.

On 7 April 2010, the Ministry of Justice set up a working group to prepare the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the necessary legislative amendments. The working group gave its report on 4 May 2010, and the relevant authorities and bodies have been requested to give their comments on the report by the end of June 2010.

Furthermore Finland is actively participating in Council of Europe negotiation-process in the *ad hoc* Committee on preventing and combating violence against women and domestic violence (CAHVIO) to draft a convention on this subject.

The basic police training in violence-related issues includes general information on violence, how to address it, how to refer victims to support services and how to enhance cooperation between authorities. The police are also trained to recognise the signs of the so-called honour-related violence.

The police are working in close cooperation with other authorities and NGO's. Joint training and seminars on gender-based and honour-based violence have been and are held concerning different vulnerable groups, such as female immigrants, children and minorities. The Ministry of the Interior has published a manual providing guidance on how to take the safety of immigrants into account in local security plans. The local authorities in most municipalities have drafted local security plans in which the local security situation is assessed and measures are identified to remove problems. In addition, the Ministry of the Interior has instructed the local authorities on the involvement of non-governmental organisations. The Ministry of the Interior monitors the preparation and effectiveness of the plans.

Insofar as sexual harassment is concerned, the Act on Equality between Men and Women (609/1986, hereinafter 'the Equality Act') prohibits sexual harassment in all sectors of life (section 7, subsection 5 of the Act).The Equality Act was amended in the summer of 2009 (Act No. 369/2009), by including definitions of sexual harassment and sex-related harassment (section 7, subsections 6 and 7). Those definitions are explicitly covered by the prohibition of discrimination. To the extent that sexual harassment appears at workplaces and in educational establishments or in connection with the supply of goods and services, compensation may be ordered for the victim. The most aggravated cases of sexual harassment may fulfil the elements of discrimination at work which is a punishable offence under law (Chapter 47, section 3, of the Criminal Code). The Equality Act also places employers and educational

establishments under an obligation to prepare equality plans and the Equality Ombudsman has issued instructions according to which educational establishments should prepare clear instructions for situations of sexual harassment. The Ombudsman for Equality and the Council for Equality are the national authorities with general responsibility for monitoring compliance with the provisions of the Equality Act.

At the regional level, continuing education is provided for all authorities and NGO's that come into contact with victims of violence.

See Annex No. 1: Finland`s report to CEDAW.

21. In its previous concluding observations, the Committee on the Elimination of Discrimination against Women was concerned that immigrant women may be particularly vulnerable to domestic violence and female genital mutilation. Please provide details about the concrete steps taken by the State party in response to the Committee's recommendation.

The revised Internal Security Programme published by the Ministry of the Interior in 2008 includes specific measures for improving the prevention of female genital mutilation and for the prevention of domestic violence against immigrant women. Training will be enhanced and targeted at various professional and administrative sectors to reinforce cooperation, specifically at health care personnel, social workers and child welfare professionals and the personnel at day care centres and schools. The prevention of violence and the prevention of circumcision of girls and treatment of victims will be included in the basic training for these professionals. In addition, information will be provided and training material coordinated and disseminated to social and health care professionals and to immigrant societies.
Guidelines for more effective prevention of female genital mutilation have been prepared in stages in cooperation between NGOs, the National Institute for Health and Welfare and the Ministry of Social Affairs and Health. The information on the Ministry's website regarding female genital mutilation has been updated. At present, material is being compiled by the Ministry of Social Affairs and Health from relevant actors with a view to prepare a national action plan for the prevention of female genital mutilation in 2010-2011.

The measures described under question 20 for the prevention of violence against women also apply to immigrant women.

The Family Federation of Finland, on the basis of a request by the National Institute for Health and Welfare, has prepared an action plan for the enhancement of the sexual and reproductive health of

immigrants in 2009. The plan includes measures for the prevention of female genital mutilation and sexual violence, and for the treatment of victims of sexual violence.

Finland has prepared a national plan of action to reduce violence against women, coordinated by the Ministry of Social Affairs and Health (National Institute for Health and Welfare). In the plan of action, attention is paid to intimate partner violence faced by immigrant women, and measures will be proposed to reduce, prevent and intervene in violence. See answer under question 20.

In a project run by the Ministry of the Interior in 2008-2009, the needs for services and support measures of immigrant women in a vulnerable position, who have faced intimate partner or domestic violence, were identified. The project was launched as a result of the increased number of young, uneducated women, who had arrived in Finland from Thailand as spouses, and due to their insufficient language skills were under a risk of social exclusion, and some of whom had ended up working in so-called Thai massage shops. The project revealed, among others, that in such a situation, the immigrant women concerned faced a high risk of falling victims of intimate partner or domestic violence.

In the course of the project, measures were identified to improve the integration and employment of immigrant women in a vulnerable position. The provision of information in the language of the immigrant women, concerning Finnish society, working in Finland, fundamental rights and the Finnish education and service system, plays a key role in this respect.

Activities, in which it is easy for immigrant women to participate, must be developed at the regional and local levels. Electronic or written materials in different languages to support the possibilities to integrate into Finnish society are needed and they must be sufficiently available in places where it is easy for immigrants to go to, in the framework of projects, at the service points of authorities and on the internet.

The authorities must also increase cooperation with third-sector organisations, in order to reach the immigrant women who have faced intimate partner and domestic violence and to facilitate their integration and employment in Finnish society.

Furthermore, it is important to provide training for the relevant authorities in the identification of immigrant women who are victims of violence, in meeting them, and in guiding them to use services and support measures.

See Annex No. 1: Finland´s report to CEDAW.

22. Please provide information on the measures taken to combat and prevent trafficking in women and children and to enhance cooperation among entities responsible for the monitoring of plans of actions against trafficking as recommended by the Committee on the Elimination of Discrimination against Women in its previous concluding observations . Has the State party established effective witness and victim protection mechanisms? If so, please provide detailed information.

Within domestic legislation, trafficking in human beings is criminalised under Chapter 25, sections 3 and 3a of the Criminal Code (39/1889). Pandering and aggravated pandering are punishable by virtue of Chapter 20, sections 9 and 9 a of the Criminal Code. Chapter 20, section 8, of the Criminal Code criminalises the abuse of a person subject to sex trade, which involves buying sexual services from a victim of human trafficking or pandering. Chapter 20, section 8 a, of the Criminal Code criminalises the buying of sexual services from a person under 18 years of age. Those provisions are based on an amendment made by Act No. 650/2004). Chapter 4 a of the Integration Act includes provisions on the assistance of victims of human trafficking.

Upon an amendment to the Act on the Ombudsman for Minorities and the Discrimination Board, which entered into force on 1 January 2009, the Ombudsman for Minorities serves as a National Rapporteur for Trafficking in Human Beings. The proposal to establish a post of a National Rapporteur was initiated through a National Plan of Action against Trafficking in Human Beings adopted by the Government on 25 June 2008.

The tasks of the National Rapporteur include:

• To follow phenomena related to trafficking in human beings (the situation, trends and possible threats), as well as to monitor the implementation of international obligations and national legislation on trafficking in human beings.
• To issue recommendations, guidelines, opinions and advice ("soft-law instruments", the first recommendation on legal aid in March 2009).
• To keep in contact with international organisations.
• To give legal counselling and legal aid to (potential) victims of human trafficking.
• To report regularly to the Government and Parliament.

The mandate of the National Rapporteur includes also phenomena related to human trafficking, such as pandering (pimping), arrangement of illegal immigration (smuggling of migrants) and work discrimination. The National Rapporteur has a right to receive all, including classified, information needed from authorities and also, with some restrictions, from non-governmental organisations involved

in activities against trafficking in human beings. The National Rapporteur has issued her first report to Parliament in May 2010. In her first report, the National Rapporteur evaluated the Finnish anti-trafficking strategies and activities, and made recommendations on how those strategies and activities should be developed in order to enhance the protection of trafficked persons' human rights and other counter trafficking efforts, such as prosecution of traffickers. The report has been published also in English (www.ofm.fi).

The National Rapporteur has issued a second report on the best interest of the child in the asylum process (www.ofm.fi).

The National Rapporteur considers that Finland has recently adopted considerable measures to address trafficking in human beings. For example, the Criminal Code has been amended (Act No 650/2004) by adding provisions which explicitly criminalise trafficking (Chapter 25, section 3 concerning trafficking in human beings and section 3a concerning aggravated trafficking in human beings), the Aliens Act has been amended by adding provisions that enable victims of trafficking to be issued with a ref1ection period and a residence permit, and a system of victim assistance has been established by amending the Act on the Integration of Immigrants and Reception of Asylum Seekers for the purpose of providing assistance and protection for trafficking victims.

The amendments to the Criminal Code entered into force on 1 August 2004. The amendments to the Aliens Act (sections 52a-c) entered into force on 31 July 2006. The amendment to the Act on the Integration of Immigrants and Reception of Asylum Seekers entered into force on 1 January 2007.

Those measures have considerably contributed to the Finnish anti-trafficking work, but the National Rapporteur states in her first report that there are still serious problems with regard to the identification and referral of victims of trafficking to the system of victim assistance. The number of identified and assisted victims of trafficking is low (especially the number of sexually exploited victims of human trafficking), and only very few cases have been investigated and prosecuted as human trafficking. The number of investigations and prosecutions of trafficking-related offences is higher.

Apart from the national legislation, a number of international conventions binding on Finland are of relevance for tackling the problem of trafficking in human beings. Finland has ratified the United Nations Convention against Transnational Organized Crime (the Palermo Convention, Finnish Treaty Series 18-20/2004) and its Additional Protocols on Preventing Trafficking in Human Beings (Finnish Treaty Series 70-71/2006) and on Smuggling of Migrants (Finnish Treaty Series 72-73/2006) . The

Convention entered into force on 12 March 2004, and the Additional Protocols on 7 October 2006. The ratification of the Protocols were not considered to require amendments in legislation since the necessary legislative provisions had been enacted already earlier.

The United Nations Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979. The Convention entered into force for Finland on 4 October 1986 (Finnish Treaty Series 67-68/1986). The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, providing for the submission of individual complaints and a procedure for considering such complaints (1999), entered into force for Finland on 29 March 2001 (Finnish Treaty Series 20-21/2001).

The United Nations Convention on the Rights of the Child was adopted in 1989. The Convention entered into force for Finland on 20 July 1991 (Finnish Treaty Series 59-60/1991). On 7 September 2000, Finland signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The obligations laid down in the Protocol are mostly included in other international instruments binding on Finland, and thus most amendments to legislation required by them have already been made. It is estimated, however, that the ratification still requires, inter alia, amendments to the criminal legislation. The optional protocol can be ratified after the necessary legislative amendments have been made.

The preparations for its ratification have, however, already begun at the Ministry for Foreign Affairs.

Regarding the conventions of the International Labour Organization, Finland has ratified the Convention concerning Forced and Compulsory Labour (Conv. 29) on 13 January 1936, the Convention concerning Discrimination in respect of Employment and Occupation (Conv. 111) on 23 April 1970 and the Convention concerning the Abolition of Child Labour (Conv. 182) on 17 January 2000. Finland has signed the Council of Europe Convention on Action against Trafficking in Human Beings (ETS 197) on 29 August 2006. A working group consisting of the representatives of the Ministry for Foreign Affairs, Ministry of Justice, Ministry of the Interior and Ministry of Social Affairs and Health has been set up by the Ministry for Foreign Affairs to examine the requirements of the ratification of the Convention. The working group is to clarify, inter alia, possible legislative and other amendments that the ratification requires. The report of the working group will be circulated for comments to the relevant stakeholders, after which the Government Bill for the ratification of the Convention can be finalised and submitted to Parliament.

On 29 April 2004, the Council of the European Union adopted Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject to an action to facilitate illegal immigration, who cooperate with the competent authorities. Due to this Directive, the Aliens Act (301/2004) was amended by adding new provisions on the residence permit issued to victims of trafficking in human beings.

The revised National Plan of Action against Trafficking, adopted by the Government on 25 June 2008, aims at taking the child and gender more closely into account in the implementation of measures.

The gender aspect must be taken into account in the identification of victims of trafficking, e.g. in border-crossing situations, in interviews of adults and minors who are victims of trafficking, and in choosing the interviewer. Also new forms of sexual abuse, particularly those involving information and communication technology, must be taken into account in the training of professionals. Strengthening outreach work and improving the competence of professionals involved particularly in outreach work among victims of sexual exploitation is one of the main targets of the Plan of Action. When combating trafficking of human beings, the most important aim is to harmonise the interpretation of the Criminal Code and definitions of offences, as the number of offences is on the increase, which adds to the workload of the police investigating the offences, prosecutors and courts.

There are specific measures concerning children in the National Plan of Action. Particular attention is paid to improving and maintaining the competence of personnel involved in customer work to identify under-aged victims and to take action. In individual cases, immediate action must be taken to locate the family and guardians of the children concerned. It must be established whether the parents or guardians of the children were involved in victimisation of the child in the first place. With children, particular attention is paid to the threat and risk of disappearance of the victims, for instance by taking the victim into care and placing him/her in a child welfare institution. This allows the use of measures specified in the Child Welfare Act (417/1997) together with municipal authorities, if necessary.

The implementation of the National Plan of Action is managed by a multi-professional steering group chaired by the Ministry of the Interior, which is responsible for coordinating the implementation. Independent monitoring and the collection of information on the phenomenon of human trafficking from the central government and from other parties are the responsibility of the Ombudsman for Minorities, who was designated as the National Rapporteur on trafficking in human beings in 2008. See also the answer under question 11.

The identification of victims of trafficking and the provision of support for them, the prevention and detection of trafficking offences, and bringing offenders to justice are, from the point of view of the police, the most relevant aspects of action against trafficking in human beings.

The identification of victims is part of the training of the police in respect of immigration and action against trafficking in human beings. The basic training of the police includes, among others, psychology, with a view to ensuring that any police officer is prepared to take the special needs of victims of crime into account. The police officers investigating trafficking in human beings are specialised in the investigation of the most serious crime. The special needs of child victims have been taken into account by providing the police with instructions on how to face children in police action and criminal investigations. Special expertise (in work among children) is used in particularly traumatic situations. In accordance with the Pre-Trial Investigations Act (449/1987) where the person heard in the criminal investigation is under the age of 15 years, his or her custodian, guardian or other legal representative has the right to be present in the hearing.

In the past few years, the police have developed training in action against trafficking in human beings: such training is included in the training on immigration matters. Materials concerning trafficking have also been prepared for the basic and continuing training of the police in 2009. In addition, video materials relating to combat against trafficking were prepared in the Police College in 2009, to be used both in awareness-raising and in police training. The National Bureau of Investigation has produced relevant film materials together with the Immigration and Customs Department subordinate to the United States Justice Department. Those materials have been presented, among others, on the TV channels of the Finnish Broadcasting Corporation, the website of the national airlines Finnair and on the website of the Ministry of the Interior. The National Bureau of Investigation, in co-operation with Joutseno reception centre, have also produced information leaflets for victims of trafficking, published in five languages (Finnish, Swedish, English, Thai and Russian). In 2008, the Nordic Gender Institute (NIKK) implemented, on request by the Nordic ministers responsible for equality matters, a research project on prostitution in the Nordic Countries. The Finnish police were represented in the steering group of the research project.

The police give lectures and training for teachers and school children concerning dangers of using the internet, among others. Children are instructed on how to protect themselves against potential and actual sexual abuse through electronic interactive media.

The prevention of the circumcision of girls, which is prohibited by the Finnish Criminal Code, is enhanced by taking proactive action already before there is a suspicion that a girl is threatened by circumcision. Circumcision of girls does not exist as an independent designation of an offence in the Criminal Code but is punishable as an assault offence (assault or aggravated assault).The prevention of the circumcision of girls and the treatment of victims is included in the basic training of all relevant authorities and professionals.

The Police have given training and lectures in cooperation with other authorities and NGOs for immigrants in order to increase their knowledge of their rights and obligations. The Police have also increased training for police officers to better identify racist offences and to investigate them more effectively. It is ensured that the criminal law and the judicial system can effectively address racist offences and e.g. racist messages on the internet. The police intervene in racist offences rapidly and aim at investigating them without delay. Cooperation with the prosecutors has been increased in the investigation of racist offences. The police have established a special squad to monitor the contents of websites and to have a continuing constructive dialogue especially with young people in the interactive social media. A new public alert service has also been opened on the Internet, allowing for users of the internet to easily inform the police of racist website contents. That service was opened in March 2010.

The identification of victims of trafficking is also an important part of the basic and continuing training of the Border Guard. In connection with such training, the border control officers are provided with a comprehensive picture of the phenomenon and forms of trafficking in human beings, and of the risk indicators facilitating the identification of victims.

23. In light of the concern expressed by the Committee on the Rights of the Child about violence against children and sexual abuse within families and its recommendations please provide information on the further measures taken to prevent, combat and report on child abuse and protect every child from violence.

The implementation of the latest Government Programme is monitored on the basis of indicators laid down in the Government Strategy Document adopted by a Government resolution on 5 December 2007. The Government Strategy Document covers three intersectoral policy programmes, including a Policy Programme for the Well-being of Children, Youth and Families.
The Policy Programme for the Wellbeing of Children, Youth and Families has as one of its main objectives to decrease domestic violence incidents and especially violence against children and young people. The objective is to reduce violence in families and especially violence against children and young people. The policy programme sees measures to reduce violence and to improve safety as a

comprehensive whole that emphasises advance prevention. For instance, youth work, school, child care clinics and families will play a prominent role in this work.

• It is noted in the Internal Security Programme that measures should be targeted at underprivileged children and young people. The objectives and measures of the programme are supplemented with measures to improve the position of the most needy children and young people. At local level, the security authorities participate in multiprofessional cooperation so as to be able to identify and tackle exclusion risks at an early stage.
• Asking about violence is made a standing practice in social welfare and health care services.
• Zero tolerance is adopted for bullying at school, and The National Institute for Health and Welfare network linking early intervention actors is utilised in combating bullying at school.
• A permanent unit responsible for national prevention of domestic and family violence will be established.
• Information about the frequency of violence against children and about the state of security among children is increased by ensuring that a survey of child victims is conducted regularly.

The measures which are currently being implemented include the following:
- The National Institute for Health and Welfare is developing a model to help children and young persons who have been subjected to sexual and physical violence. In addition, the National Institute for Health and Welfare set up a group of experts on 24 March 2010 to assess violence against children and abuse of children.
- In May 2010, the Human Rights League published a report on the practice of some immigrant parents to send their children to live or be educated in their countries of origin. The report examines the phenomenon from the perspective of preventing measures against the will and rights of children.
- Zero tolerance to school bullying and violence is implemented. “KiVa Koulu” action programme is implemented to prevent and reduce bullying at schools. The action programme has been developed in cooperation with the University of Turku with financing provided by the Ministry of Education and Culture in 2006-2009. The aim is that the programme be followed by all Finnish and Swedish speaking comprehensive schools in the autumn of 2010.

The Police College has published a handbook on 26 May 2010 for the identification of cases of violence against children and abuse of children and for criminal proceedings and cooperation among authorities in such cases.

The Ombudsman for Children has emphasised the importance to regularly assess the security of children and that more extensive databases and statistics are needed. It is particularly important to collect data on children's own experiences.

According to the research made on the violence that minors confront in Finland, the children of immigrant families are at risk. In her statements to government authorities, the Ombudsman for Children in Finland has underlined the importance of offering information to the immigrants about the basics of child law in Finland and the rights of the child in general.

The aforementioned internal security programme includes measures for the provision of information for immigrants and identifying and intervening in culture-bound phenomena that constitute a threat to the personal security of immigrants under the age of 18 years. The internal security programme also includes measures to reduce violence against children in general, such as security awareness education for children and increasing the expertise of various authorities in violence-related issues.

Research on violence against children in Finland has also indicated that there is a correlation between domestic violence and alcohol abuse by one or both of the parents. The Ombudsman for Children has made an initiative to the Minister of Health and Social Services on action to be taken to reduce the use of alcohol and the problems caused to children from parental drinking.

A group of experts investigating the sexual abuse of children published its report in August 2009. The group outlined measures to create clear and generally applicable procedures for the authorities responsible for the investigation of suspected cases of sexual abuse. One of the most concrete recommendations was to establish "a children's house model", the purpose of which is to provide comprehensive assistance to children and adolescents who are victims of sexual and physical abuse. This model will ensure the availability of special expertise for dealing with children, including criminal investigation, child-oriented judicial processes, care and support.

Finland signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on 25 October 2007. A working group has been set up by the Ministry of Justice with the task of preparing the Government Bill to Parliament in order to ratify the Convention. The working group has planned to submit the Bill to Parliament in early 2011. The ratification requires amendments to the Criminal Code including new provisions criminalising grooming and provisions on the examination of workers' and volunteers' background in respect of possible convictions on sex offences, if they are working or going to work with children. At the EU

level the Commission Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA, is currently being discussed by the Council´s working party before its submission to the European Parliament.

A working group set up by the Ministry of Social Affairs and Health is preparing recommendations for measures to prevent and reduce the corporal and mental punishment of children. The working group will give its recommendations in August 2010. There are still mothers and fathers who use corporal punishment to raise their children, although its use has considerably reduced when compared with the beginning of the 1980s. Particularly children under school age and children who are difficult to take care of because of illness or disability remain at risk.

The said working group has identified the need for the following types of measures: supporting parents in dealing with various problems (such as the use of intoxicants, mental health problems and work-related depression); providing help and guidance for parents to be parents and set limits for their children in a positive manner; improving cooperation among authorities and different professionals working with children; increasing information on the rights of the child at day care centres and schools and on the internet; raising awareness of the rights of the child among professionals working with children and increasing know-how to intervene in violence against children at home; arranging an information campaign for the public in 2011 to enhance positive methods of raising children and to reduce the corporal punishment of children; improving the status of children in criminal proceedings e.g. by means of designating a legal representative without delay and by cooperation among authorities.

For the purpose of identifying effective measures, the office of the Ombudsman for children carried out a survey on the internet. According to a survey made by UNICEF in the Nordic Countries, the majority of Finnish parents do not accept corporal punishment, but 26.8 per cent of parents find minor corporal punishment acceptable, and 26 per cent find corporal punishment acceptable in exceptional situations. It also appears that children are not always aware that corporal punishment is prohibited, which makes it necessary to also disseminate information directly among the children.

The new Child Welfare Act (2007/417) entered into force on 1 January 2008. One of its purposes is to enhance cooperation between authorities in the promotion of the wellbeing of children. The new Act expanded the range of the persons under an obligation to report to the municipal body responsible for social services if, in the course of their work, they discover that there is a child for whom it is necessary to investigate the need for child welfare measures on account of the child’s need for care, circumstances

endangering the child's development, or the child's behaviour. The restrictions on substitute care are also more precisely set out in the Act, strengthening the right of the child taken in custody to care and upbringing without physical restrictions.

24. In view of the concern expressed by several human rights bodies about the situation of Roma in Finland, and in particular the discrimination Roma face in the fields of housing, education, employment and access to public places, please provide information on the steps taken to improve such access.

In December 2008, the Ministry of Social Affairs and Health appointed a working group to prepare Finland's first national policy on Roma. According to the decision appointing the working group, the mission of the working group was to prepare and coordinate a National Policy on Roma aiming at equal treatment and non-discrimination of the Roma population, with the express purpose of promoting the equal treatment and inclusion of the Roma population in various spheres of life.

The working group consisted of a total of 26 members who represented various governmental and regional authorities, research institutes and Roma organisations. While preparing the policy, it was considered extremely important to ensure that the Roma themselves were provided with sufficient opportunities to be involved in drawing up the National Policy on Roma. In order to support the attainment of this objective, five regional hearings for the Roma were held. There were also several experts from various administrative sectors heard by the working group. The proposal for the National Policy on Roma was published in December 2009.

In 2009, the Ombudsman for Children carried out an investigation involving Roma children in Finland. On the basis of the investigation, the Ombudsman has called for greater visibility of Roma culture in schools and in the media. All children in schools should be better informed about the Roma culture, in order to combat prejudice. In the work against school bullying, special attention should be paid to Roma children, because of the widespread problems of name-calling and derogatory labelling they face.

The police have an expert member in the governmental Roma Advisory Board, making it possible for the police to participate actively in the Board's activities. The Roma Advisory Board has been established in order to improve the social situation of Roma in Finland and to reduce discrimination against Roma.

The National Policy on Roma is based on a comprehensive approach to initiate development measures that meet the needs of the Roma. The Policy is based on six key areas, with specific policy guidelines for each of them, necessary for the implementation of the policy and its goals.

The policy guidelines outline the objectives of the key areas and list the detailed sub-objectives and measures included in the Policy. The elements common to all the policy guidelines are equality and meeting the needs of the various age groups and both sexes.

The key areas and the guidelines of the National Policy on Roma are the following:

Enhancing the participation in education of Roma children and youth on all levels:

Policy Guideline 1: Enhancing the participation of Roma children in early childhood education
Policy Guideline 2: Enhancing the inclusion and equal treatment of Roma children and youth in basic education and upper secondary education
Enhancing the participation in education of the adult Roma population and promoting their access to the labour market:
Policy Guideline 3: Enhancing the inclusion of Roma in vocational education and training
Policy Guideline 4: Supporting and promoting the employment of Roma
Promoting the equal treatment of Roma and their access to various services:
Policy Guideline 5: Promoting the welfare of the Roma and enhancing the allocation of social welfare and health services
Policy Guideline 6: Ensuring equal treatment in housing and reducing feelings of insecurity among the Roma
Supporting the preservation and development of the Roma language and culture:
Policy Guideline 7: Promoting the development of the Roma language and culture
Promoting the equality of Roma and preventing discrimination against them:
Policy Guideline 8: Enhancing the equality and non-discrimination of the Roma
Developing Roma policy and enhancing their opportunities to participate in decision-making:
Policy Guideline 9: Developing the administrative structures of Roma affairs and enhancing Roma policy and its implementation
Policy Guidelines 10: Promotion of participation in international cooperation on Roma issues

The proposed National Policy on Roma is comprehensive and there are several concrete actions and measures proposed to increase equality and to prevent discrimination, for example in education, in employment, in housing and in the provision of health services as well as in security and non-discrimination. In the proposal, the responsibility for the implementation of measures and actions is given to the competent governmental and administrative agencies.

The Finnish Government will consider the proposal for the National Policy on Roma and take a position on its implementation in 2010.

The proposal for the National Policy on Roma is available in English on the website www.stm.fi/en/frontpage

The objectives set out in (EU) Council Directive 2000/43 have been implemented in Finland by the Non-Discrimination Act (21/2004) and the Act on the Ombudsman for Minorities and the Discrimination Board (660/2001, as amended by Act No 22/2004). The Discrimination Board is an independent judicial body which has, among others, competence to examine cases of discrimination on the basis of ethnic origin, on the basis of individual complaints submitted to it. In the examination of complaints, the Discrimination Board takes into account the provisions of the Non-Discrimination Act as well as those of the Constitution of Finland, international human rights conventions and the legislation of the European Union. A complaint to the Discrimination Board is an alternative to district court proceedings and its decisions are binding. The decisions may be appealed to the competent administrative court. The Discrimination Board does not replace the other judicial mechanisms available in cases of discrimination, but a district court examining the same case would have primary jurisdiction. In matters relating to ethnic discrimination, insofar as they do not touch upon employment, or service governed by public law, or in traineeships and other comparable activities at the workplace, the Discrimination Board is empowered to confirm a conciliation settlement between the parties, or prohibit the continuation or repeat of conduct contrary to the relevant provisions of the Non-Discrimination Act. Cases of discrimination relating to employment fall within the competence of the labour protection authorities.

In the past few years (2006-2010), the Discrimination Board has examined complaints concerning discrimination against Roma in respect of access to housing, access to services (clothing store, restaurant) and freedom of expression.

The Roma in Finland live in the same neighbourhoods as the majority population, and in corresponding housing. However, the Roma are dependent on the availability of public housing for the reason that it is often more difficult for them to find private rental apartments due to weak financial situation. In respect of access to apartments allocated on social grounds, the Roma have an equal standing with other applicants. The attention of the local authorities and housing companies offering public housing has been drawn to the Roma applying for apartments, the special characteristics of the Roma culture and the requirement of non-discrimination. In 2008, the (ARA), which is a body responsible for monitoring the

selection of tenants for apartments subsidised by the government, issued instructions concerning Roma in order to clarify the principles applied to the selection of tenants.

In 2009, section 2 of the Non-Discrimination Act was amended (Act No 84/2009) insofar as the scope of application of the Act is concerned. The scope of application of the prohibition of discrimination on ethnic grounds was partly extended to also cover relations between private individuals, in respect of access to housing and other movable or immovable property as well as supply of services that are generally available on the market.

Part II

Other issues

25. Please, indicate the concrete measures that have been taken to widely disseminate the Convention as well as the Committee's conclusions, in all appropriate languages in the State party, including through official websites, the media and non-governmental organizations.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was published in the Finnish Treaty Series (SopS 59-60/1989) in 1989 when the Convention entered into force for Finland. The Convention was published in Finnish, English and Swedish languages. The Government`s reports and replies to the Committee`s recommendations are published in English and Finnish and on occasion in Swedish. They are placed on the web-site of the Ministry for Foreign Affairs. (www.formin.fi).

In the educational programmes e.g. for the police, border guards, judiciary, judges and prosecutors as explained under questions 9 and 13, much attention has been attached to the dissemination of the convention and other human rights instruments. The convention is an integral part of human rights education. In the Government Report to Parliament on the Human Rights Policy of Finland 2009 are explained new plans and programmes for human rights education in schools. See on education the answer under question 31.

26. Please describe any measures that have been taken towards the ratification of the Optional Protocol to the Convention since the Committee`s previous conclusions and recommendations in June 2005. In particular, has the State party taken any steps to set up or designate a national mechanism that would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

On 30 October 2006 the Ministry for Foreign Affairs set up a working group to examine the measures required by the ratification of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984, Treaty Series 59-60/1989), adopted on 18 December 2002. Finland signed the Optional Protocol on 23 September 2003, which took effect at international level on 22 June 2006. The working group has made progress in its work and is completing its report. It is suggesting that the Parliamentary Ombudsman would function as a national mechanism referred to in the Optional Protocol.

27. Please provide detailed information on any difficulties preventing the State party from fully implementing the provisions of the Convention and the Committee's previous recommendations.

As explained in the answers to the Committee`s questions the provisions of the convention and Committee`s recommendations have been thoroughly implemented by the Government. The implementation has mainly taken place through legislative measures, practical policy guidelines and action plans in the relevant sectors of administration.

The implementation has been somewhat delayed by the new legislation that is required to harmonise the internal laws to correspond to the provisions of the convention. As an example we can refer to the answer under the question 22 on victim support that requires amendments in existing laws and more funding.

28. Please provide information on the legislative, administrative and other measures the State Party has taken to respond to the threat of terrorist acts, and please describe if, and how, these measures have affected human rights safeguards in law and practice and how it has ensured that those measures taken to combat terrorism comply with all its obligations under international law. In this respect, the Committee would like to recall Security Council resolutions 1456 (2003), 1535 (2004), 1566 (2004), and 1624 (2005) all of which reiterate that States must "ensure that any measures taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law". Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorist measures, whether there are complaints of non-observance of international standards, and the outcome of these complaints.

Policy on terrorism

Finland condemns terrorism in all its forms and subscribes to the view that international terrorism is an important security threat. Finland underlines the importance of effective multilateral cooperation in the

fight against international terrorism and participates actively in action against terrorism within the framework of the UN, the EU, the Council of Europe, and the OSCE as well as in other international organisations. It is the firm belief of Finland that any measures against terrorism, in order to be effective and legitimate, must be compatible with human rights law, international humanitarian law and refugee law. Finland has ratified all thirteen international conventions/protocols against terrorism as well as the European Convention on the Suppression of Terrorism. The ratification of the latest amendments is under preparation. Even if it has been estimated that Finland does not face any direct threat of terrorist violence on its own territory, no country is safe from the terrorist threat. The First Internal Security Programme of Finland outlined the goals for internal security, including in the event of a terrorist attack, as well as the measures and resources to achieve them. The Programme focused especially on the improvement of cooperation between public authorities, with the aim of increasing the effectiveness of internal security measures and improving the quality of services. The second Finnish Internal Security Programme concerns the years 2008-2015. According to the Programme, the key challenges in the area of internal security range from social exclusion, high number of minor accidents, relations between population groups, violence, major accidents, and the vulnerability of society to cross-border crime, cybercrime, terrorism, and violent radicalisation. The Programme contains intensified measures to prevent school shootings and similar incidents.

The Finnish Government adopted a resolution on a national counter-terrorism strategy on 11 March 2010. The strategy provides an overview of the terrorism situation in Finland and Europe, existing legislation and arrangements that have been made by the authorities. Building on the current situation, the strategy proposes concrete and scheduled measures to step up the work on combating terrorism. In Finland, the police have the primary responsibility for combating terrorism. However, the capability to effectively fight terrorism requires continuous and consistent cooperation not only between all security authorities but also other authorities and a wide range of other actors. In addition to national preparedness, Finland takes an active part in international counter-terrorism cooperation. Due to the global nature of terrorism, cooperation is necessary both between authorities and at a wider international level – particularly within the EU – on different areas of security. Internationally, both practical operational cooperation between authorities and political influence within the framework of international law are essential.

Legislation

A separate Chapter (34a) on terrorist offences was incorporated into the Criminal Code on 1 February 2003. The Chapter covers terrorist offences and their planning, direction of a terrorist group, promotion

of a terrorist group, and financing of terrorism. It also contains a provision defining terrorist offences, a provision on the right of prosecution and a provision on corporate criminal liability. Section 1 of that Chapter also criminalises "offences made with terrorist intent".

When the Council of Europe Convention on the Prevention of Terrorism was implemented in 2005 in Finland, public incitement to an offence referred to in Chapter 17, section 1 of the Criminal Code was included among the offences carried out with terrorist intent listed under Chapter 34a, section 1(1)(2) of the Code. This includes incitement on such platforms as the Internet. On the same occasion, section 4(1) was amended. Chapter 34a of the Criminal Code was supplemented with separate provisions on training for the commission of an offence carried out with terrorist intent and on recruitment for the commission of an offence carried out with terrorist intent (sections 4 a and 4 b respectively). These amendments to the Criminal Code took effect on 1 May 2008. On 21 December 2007, new provisions were also added to the Coercive Measures Act (Act No 450/1987, Chapter 5a, section 2(11)) and the Police Act (Act No 493/1995, Chapter 3, section 31d), making it easier to investigate, uncover and prevent terrorist offences. On 18 April 2008, the EU Council of Justice and Home Affairs reached agreement on corresponding criminalisation obligations as part of a review of the 2002 framework decision on terrorism. Finland has also ratified the International Convention for the Suppression of Acts of Nuclear Terrorism. The Convention and the associated amendments to the Criminal Code and the Nuclear Energy Act entered into force for Finland on 12 February 2009. As part of the Internal Security Programme, the Government has also decided on the preparation of a national anti-terrorism strategy.

National organisation

The Ministry of the Interior has an overall responsibility for countering terrorism in Finland and, within its jurisdiction, the Finnish Police. Within the Police, the Security Police act as an independent government agency with responsibilities set out in the Act (110/1992) and Decree (158/1996) on Police Administration. As an agency specialised in countering schemes and offences which may endanger public order and society or the internal or external security of the state and investigating such offences, the Security Police is the government body responsible for counter-terrorism measures, and the National Bureau of Investigation would in practice be in charge of the criminal investigations.

So far, there have been no criminal investigations carried out by the Finnish Police concerning terrorist offences referred to in Chapter 34a of the Criminal Code, nor have the Police participated in such investigations. Nor have any judgments been given by Finnish Courts concerning such offences.

One of the State Prosecutors has been assigned with the duty of prosecution in cases of terrorist offences.

Ensuring respect for human rights and legal remedies available

Finland has signed and ratified most international human rights conventions and the Finnish Constitution provides for fundamental rights belonging to all. Persons suspected of terrorist acts are entitled to the same human and fundamental rights, including fair trial rights, as other criminal suspects. An interpretation of law which is positive towards human rights and fundamental freedoms is also generally guiding the work of the Finnish Police. The Police College of Finland organises on a yearly basis a seminar on human rights and fundamental freedoms.

In its tasking to counter terrorism and in the measures taken, the Finnish Police is bound to follow legislation and to oversee actions, measures, powers, conduct, administration, handling of evidence, exchange and handling of information and data, common to the whole Police of Finland.

- The supervision of the work of all units of the Finnish Police is regulated by the same laws and regulations.
- The legality control of the work of the Finnish Police is carried out by the Chancellor of Justice, the Parliamentary Ombudsman, the Data Protection Ombudsman and the National Police Board. These institutions have access to secret information for inspection purposes.
- The Minister of the Interior bears responsibility for the actions of the Ministry of the Interior before Parliament. The management of the Finnish Police and, on a case-by-case basis, other officers meet the Foreign Affairs Committee, the Committee for Constitutional Law and the Administrative Committee of Parliament annually. The parliamentary supervision of the Finnish Police is not regulated in law.
- The administrative decisions taken by the Police can be appealed to the Administrative Court and further to the higher appellate instance, the Supreme Administrative Court.

Furthermore, if a natural or legal person finds that a national authority, in the performance of its functions, has violated that person’s rights protected by an international treaty, that person can make a human rights complaint against the Government to one of the international judicial and investigative bodies competent to deal with the complaint. The condition for the admissibility of such a complaint is, as a general rule, that all the national legal remedies available have been exhausted.

Part III

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

29. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the consideration of the previous report, including any relevant jurisprudential decisions.

A working group set up by the Ministry of Justice, which has examined the possibility of establishing a new national human rights institution, delivered its report on 7 June 2010. The working group proposes that a new independent human rights institution be established in connection with the office of the Parliamentary Ombudsman, to enhance the dissemination of information on human rights and fundamental rights as well as to provide training and research in cooperation with other relevant authorities and bodies. The new human rights institution, which would start its work in 2012, would also be responsible for preparing reports on the implementation of human rights and fundamental rights, for making initiatives and for giving opinions with a view to enhancing human rights and fundamental rights. The objective of the working group has been to implement the so-called Paris principles adopted by the UN General Assembly in 1993, recommending States to establish independent multi-professional institutions specialised in human rights and fundamental rights.

The Ministry of Justice and its subordinate agencies have produced and commissioned various studies on the implementation of gender equality, with emphasis on sector-specific issues. For example, a working group set up within the Criminal Sanctions Agency has assessed the needs of female prisoners in respect of their placement in different prisons and activities during imprisonment. Problems that were brought up in the report (Publication of the Criminal Sanctions Agency No. 3/2008) included, among others, the lack of variety in the work activities available to female prisoners and the fact that the various activities had largely been designed on terms of men. As a result of that report, a programme was launched in 2009 with a view to organising group activities for female prisoners who have been victims of violence, for example.

There have also been other projects that have aimed at enhancing the rights and equal opportunities of women in practice. In Vanaja Prison in Hämeenlinna, which is an open institution, the first family department was opened in April 2010. The new department makes it possible for mothers serving their

sentences in that prison to participate in a new arrangement which aims at reducing recidivism and includes activities preparing the prisoners for release.

The Ministry of Justice is planning an amendment to the Criminal Code, whereby the scope of application of the provisions on petty assaults would be restricted so that such assaults in intimate relationships would fulfil the elements of assault (Committee Report No. 2009:11). Upon the entry into force of the planned amendment, the public prosecutor would be able to initiate prosecution without a victim's request. The planned amendment is estimated to have a positive impact on gender equality because insofar as the petty assaults in intimate relationships are concerned, the new provisions would in practice mostly affect women as victims of violence.

The Act on the Ombudsman for Children (Act No. 1221/2004) entered into force on 1 September 2005. The duties of the Ombudsman are:

- to monitor the welfare of children and youth and the implementation of their rights;
- to influence decision-makers from the viewpoint of children;
- to maintain contacts with children and youth and convey information received from them to decision-makers;
- to convey information concerning children to professionals working with children, decision-makers and the public;
- to develop cooperation between actors concerned with child policy;
- to promote the UN Convention on the Rights of the Child.

The Ombudsman for Children does not investigate complaints in individual cases. However, the office has received hundreds of contacts from individual citizens. Most of these contacts have concerned child welfare services, disputes over custody issues, shortcomings in educational arrangements and concerns about the influence of media on children. Those who get in touch with the Ombudsman mainly include parents, professionals working with children and other adults. Only a few of the contacts are made directly by children. The information the Office of the Ombudsman for Children receives from these contacts is useful for the purposes of lobbying and monitoring the welfare of children.
The Ombudsman for Children has also carried out on investigation on the welfare of the Sámi children and the implementation of their rights. Currently the office for the Ombudsman for Children is conducting a survey on the implementation of the rights of disabled children, children with chronic diseases and children in hospitals.

The Office of the Ombudsman for Children is administratively under the Ministry of Health and Social Affairs but is operationally independent. The Ombudsman for Children reports annually to the Government on the welfare of children and youth and the implementation of their rights. The annual report covers the activities of the Ombudsman for Children, the implementation of children's rights, the development of child welfare and shortcomings in legislation (http://www.lapsiasia.fi).

30. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level, that have occurred since the consideration of the previous report, including on any national human rights plans or programmes, and the resources allocated to them, their means, objectives and results.

Human rights policy is a central part of the Government's activities in the field of foreign and security policy. As stated in its programme, the Government promotes the implementation of human rights, democracy, the rule of law and sustainable development in all parts of the world.

Finland's human rights policy has previously been incorporated in the reports submitted by the Minister for Foreign Affairs to the Parliamentary Foreign Affairs Committee in 1998 and 2000, and the first Government report on Finland's human rights policy to Parliament, which was submitted in 2004. The Government is of the view that the report should be developed into an instrument better suited for setting policy objectives. The 2004 report remains a useful source of information on the fundamental principles of Finland's international human rights policy. The section of the 2009 report dealing with international human rights policy does not attempt to cover the field in its entirety, as its main aim is to set priorities for the coming years. Focused action on human rights is effective, allows for the use of special expertise and corresponds to Finland's resources. In accordance with the wishes expressed by Parliament, the report also contains an overview of the international human rights situation and examines developments in individual regions and countries.

In the Government Report to Parliament on the Human Rights Policy of Finland 2009 the Government submitted to Parliament for the first time an overview of Finland's domestic human rights situation. By including a presentation of the national and international human rights policy in the same document, the Government is not only acting in accordance with the wishes of Parliament but also emphasising the indivisible and interactive nature of human rights.

Insofar as national human rights policy is concerned, the report provides an overview of the rights of persons deprived of their freedom, protection of private and family life, freedom of expression, and freedom of religion and other conviction. The 2009 report also addresses the rights of persons with

mental disabilities as well as the questions of adequate income and access to social welfare and health care services. In addition, the report pays attention, among others, to domestic violence, homelessness, problems faced by children, women and disabled persons, as well as intolerance and discrimination against minorities. The report underlines the principles of good administration and the rule of law in any context, particularly in the assessment of the status of immigrants.

The rights of women, the child, persons with disabilities, gender and sexual minorities and indigenous people were chosen as priority issues in the report.

International law and the obligations laid down in human rights conventions will remain the cornerstones of Finland's human rights policy. In addition to its legal obligations under human rights conventions, Finland also honours its political human rights commitments. From this perspective it is imperative that the national implementation of human rights standards is made more effective and that the objectives of the human rights policy are promoted in all bilateral contacts, through the European Union (EU) and in multilateral fora. One of the main objectives of the report is to determine how Finland can best promote the implementation of existing human rights standards. Focusing on the implementation of existing standards does not of course exclude support for new political commitments or legally binding standards should, for example, the promotion of the rights of specific groups or more effective supervision of the realisation of human rights so require.

The human rights policy report is anchored in other policy documents adopted by the Government, including the Security and Defence Policy Report, development and trade policy programmes, the disability policy programme, the civilian crisis management strategy, the United Nations strategy, reports on national policy issues and such strategy documents of the European Union as the European Security Strategy. The human rights policy report provides more details on how Finland intends to meet its obligations as a state to respect, protect and promote human rights and fundamental freedoms, on Finland's national and international human rights objectives, on how they are being put into effect, and on how successful Finland and the EU have been in this respect during the past few years.

The supervisors of legality and ombudsmen have been consulted during the preparation of the report. Non-governmental organisations have participated in the preparation through two public hearings and a number of thematic discussions.

The Government report was widely discussed in Parliament and its different committees - Foreign Affairs Committee, Constitutional Law Committee, Legal Affairs Committee, Grand Committee, Social Affairs and Health Committee, Education and Culture Committee, Employment and Equality

Committee and Environment Committee - as well as in the Plenary meeting of Parliament. Parliament considered the defined priority areas were chosen correctly. Some criticism was presented in the opinion of the Foreign Affairs Committee, and the Committee gave some recommendations for the Government.

The Foreign Affairs Committee recommended that the Government:

1) works actively towards the objectives set out in the report, through its activities and by targeting financial resources; the Government must, among others, ensure adequate resources and other practical possibilities for the ratification by Finland of new international human rights conventions without delay once the political decision has been made;
2) proceeds rapidly with the preparations aiming at the establishment of a national human rights institution;
3) adopts at the beginning of the following legislative period (2011) a national programme of action for the implementation of fundamental and human rights in Finland;
4) submits to Parliament, at the end of the following legislative period (2014), a Government report on the human rights policy of Finland focusing on the objectives of Finland's international action, but containing also an assessment of the success achieved in the implementation of the national programme of action;
5) addresses, in the report referred to in point 4 above, also the targeting of resources at human rights policy.

The Government Report to Parliament on the Human Rights Policy of Finland 2009 is published in english in internet on web-site of the Ministry for Foreign Affairs (www.formin.finland.fi/public) and is as Annex No. 10 attached to this report.

31. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous report, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.

Finland has continued regularly to contribute to the United Nations Voluntary Fund for the Victims of Torture, as it has done regularly since 1984.

Human rights education in Finland

In the Government report to Parliament on the Human rights Policy of Finland 2009 are included policy guidelines and trends e.g. on human rights education in Finland to be followed. The public authorities are responsible for organizing human rights education in accordance with international obligations. Thus the public authorities must, through different types of support measures, ensure access to human rights education. Human rights education must cover all sectors of society, including day care centres and schools. At the same time, the human rights expertise of different professional groups must also be ensured and in this respect the staff of educational institutions, police officers, border guards, and those working in the judicial system and central and local government play a major role.

Fundamental and human rights education in schools

Under the national core curriculum for basic education (2004), the fundamental values subscribed to in basic education are: human rights, equality, democracy, preservation of biodiversity and the viability of the environment, and acceptance of multiculturalism. Basic education should promote a sense of community, a sense of responsibility and respect for the rights and freedoms of the individual, thereby promoting tolerance and understanding between cultures.

The national core curriculum for basic education has seven thematic entities. These include human rights, trust between groups of individuals, the prerequisites for mutual respect and successful cooperation and participatory citizenship.

Under the national core curriculum for upper secondary schools (2003), students are educated to promote tolerance and international cooperation. Upper secondary education is based on respect for life and human rights, and it should promote open democracy, equality and well-being. Upper secondary education must encourage students to recognize conflicts between declared values and reality and to take a critical view of the problems and opportunities present in Finnish society and in international development. Students at upper secondary level should be able to form a structured idea of citizens' basic rights in Finland, the Nordic countries and the European Union, what they mean in practice and how they are maintained and promoted.

The Ministry of Education has appointed a working group to prepare proposals for general national objectives for basic education and the division of teaching hours in basic education in accordance with the objectives of the Government Programme. The Government is expected to decide on the division of

teaching hours in early 2011, after which the National Board of Education will decide on the principles for the national core curriculum for basic education.

OSCE

In the Organization for Security and Co-operation in Europe (OSCE), Finland continues the work started during its Chairmanship in 2009, which is aimed at reinforcing the status of civil-society participation and human rights defenders and will endeavour to promote more effective monitoring of the implementation of existing commitments. Finland's priority areas will be the promotion of a comprehensive concept of non-discrimination including discrimination based on multiple grounds, the status of sexual minorities and a more extensive discussion of the hate-crime thematic.

Roma-issues

In August 2010 the Ministry for Foreign Affairs decided to set up a working group to prepare a strategy for Finland for influencing international Roma policy, as proposed by the Working Group for a National Policy on Roma. The proposal was based on the fact that the Roma are a pan-European minority which in many European countries considerably lags behind the majority population and the rest of Europe in its standard of living and social inclusion. At the European level, a need has arisen to develop a comprehensive policy on Roma. Finland has proposed many initiatives to highlight Roma issues in European cooperation. Finland aims at active involvement and influence in the formulation of a European strategy on Roma by contributing with its own expertise and offering models for and experience of promoting inclusion and equality, and also by learning from the experience of other countries.

For developing a comprehensive policy on Roma it is necessary especially to make an inventory of the policies pursued by the Council of Europe, the Organization for Security and Co-operation in Europe and the European Union. Further, it is necessary to compare the policies pursued by the different EU Member States and EU candidate states, and to examine the applicability to Europe-wide use of the experience of and models for promoting the inclusion and equality of Roma. On this basis, the new working group will prepare a strategy for influencing international Roma policy. As a priority, the strategy will define the objectives of multilateral international cooperation on Roma affairs.

The working group consists of representatives of the key ministries (the Ministry of Social Affairs and Health, the Ministry of the Interior, the Ministry of Employment and the Economy, the Ministry of the Environment, the Ministry of Education and Culture and the Ministry for Foreign Affairs), the Advisory

Board on Romani Affairs, Roma organisations and other relevant actors. The mandate of the working group expires on 20 February 2011.

Annex

*Annexes No. 1-10 as paper copies**:***

1. The Government reply to the additional questions of the CEDAW-committee on 18 July 2010 (CEDAW/C/FIN/CO/6/Add.1).

2-8. The English summaries of the annual reports 2002-2008 of the Parliamentary Ombudsman.

9. Suspected cases of violence between prisoners.

10. The Government Report to Parliament on the Human Rights Policy of Finland 2009.