

Criminal Detention in the EU Conditions and Monitoring

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Contractor: Institute for Human Rights, Åbo Akademi
University

Authors: Katarina Frostell, Raija Hanski, Kristiina Vainio

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Part I: National standards

1. Cells

<p>a) Cell space: What is the national standard for cell space available to detainees in m²? Are the calculation requirements spelled out by the CJEU in its <i>Dorobantu</i> ruling¹ observed?</p>
<p>The national standard for minimum cell space available to remand and post-trial prisoners in prisons is 7 m² for a one person cell and 5,5 m² per person in a cell shared by more prisoners. Toilets are not counted in the minimum cell space.² The minimum cell space in police custody is 7 m². This concerns both detainees and remand prisoners in police establishments.³ A remand prisoner (in a prison or in police custody) and a detainee in police custody are placed in a one-person cell, where possible.⁴</p>
<p>b) Cell equipment, furniture and facilities: Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?</p>
<p>According to the Imprisonment Act prisoners shall have appropriate accommodation premises and washing facilities at their disposal.⁵ The same applies to remand prisoners.⁶ The Criminal Sanctions Agency (<i>Rikosseuraamuslaitos/Brottspåföljdsmyndigheten</i>) and the National Police Board (<i>Poliisihallitus/Polisstyrelsen</i>) have issued further regulations on basic care and accommodation.</p> <p>Regulations and guidelines issued by the Criminal Sanctions Agency provide that a cell must have all necessary furniture (bed, table, chair, shelf or cupboard).⁷ As a rule, isolation or observation cells should not be completely unfurnished. Fixed or soft furniture can be provided, without compromising safety.⁸ Guidelines issued by the</p>

¹ For the CEU's calculation requirements please see: CJEU, [C-128/18, Dorobantu](#) [GC], Judgment of 15 October 2019, oper. part.

² Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Vankien asuminen ja perushuolto](#), regulation, 19/004/2010, 29 December 2010; Government bill HE 263/2004 vp ([hallituksen esitys Eduskunnalle vankeusrangaistuksen täytäntöönpanoa ja tutkintavankeuden toimeenpanoa koskevaksi lainsäädännöksi/regeringens proposition till Riksdagen med förslag till lagstiftning om verkställighet av fängelsestraff och häktning](#)), p. 93.

³ Finland, Government bill HE 90/2005 vp ([hallituksen esitys eduskunnalle laiksi poliisin säilyttämien henkilöiden kohtelusta sekä laeiksi eräiden siihen liittyvien lakien muuttamisesta/regeringens proposition till riksdagen med förslag till lag om behandlingen av personer i förvar hos polisen samt till lagar om ändringar av vissa lagar som har samband med den](#)), p. 44 and 70.

⁴ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 2; Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 1.

⁵ Finland, [Imprisonment Act \(vankeuslaki/fängeslag\)](#), Act No. 767/2005, Chapter 7, section 1.

⁶ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 16, section 1(4); Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 3.

⁷ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Vankien asuminen ja perushuolto](#), regulation, 19/004/2010, 29 December 2010; Government bill HE 6/2020 vp ([hallituksen esitys eduskunnalle vankeusaikaisen rikollisuuden estämisen ja laitosturvallisuuden ylläpitämisen tehostamista koskevaksi lainsäädännöksi/regeringens proposition till riksdagen med förslag till lagstiftning om effektivare förhindrande av kriminalitet under fängelsetiden och effektivare upprätthållande av anstalts säkerheten](#)), p. 9.

⁸ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Eristämisiä koskeva menettelytapaohje](#), guidelines, 5/400/2019, 28 November 2019.

National Police Board provide that detainees and remand prisoners held in police establishments shall be given a mattress and bed linen for the night.⁹

According to Regulation 19/004/2010 by the Criminal Sanctions Agency, a residential cell must have the possibility for ventilation with outside air. Cell window should equal at least 10 % of floor space.¹⁰ Government Decrees Nos. 548/2015 and 549/2015 prescribe that rooms or cells, where prisoners and remand prisoners have been placed in isolation under observation for safety purposes or for the purposes of detecting prohibited substances, shall have sufficient ventilation, heating and lighting.¹¹ Regulation 5/004/2016 issued by the Criminal Sanctions Agency provides that the rooms used for disciplinary solitary confinement have to be aired thoroughly every day and they have to be equipped with adequate heating and lighting.¹²

In decisions on complaints concerning cell conditions, the Parliamentary Ombudsman has referred to Decree No. 545/2015 on housing health, which provides, among other things, temperature requirements in flats from the perspective of health protection. According to the Decree, the temperature in residential premises should be at least +18–20 degrees Celsius and should not exceed +30–32 degrees Celsius. Based on the Ombudsman's decisions, this would apply to detainees, remand prisoners and post-trial detention both in prisons and in police establishments.¹³

Prisoners and remand prisoners shall have access to toilet facilities at all times of the day.¹⁴ In closed prisons, each cell usually includes a private toilet.¹⁵

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

The Imprisonment Act provides that prisoners and the premises used by prisoners can be supervised by means of technical monitoring, in order to secure prison order, security of imprisonment, safety of prisoners and other persons, prevention of escape or unauthorised leave from an open prison, and prevention of offences. Technical monitoring includes video surveillance. However, technical monitoring shall not be used

⁹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu*, guidelines, 2020/2013/5490, 1 April 2014.

¹⁰ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*), [Vankien asuminen ja perushuolto](#), regulation, 19/004/2010, 29 December 2010.

¹¹ Finland, Government Decree on imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, sections 63 and 65; Government Decree on remand imprisonment ([valtioneuvoston asetus tutkintavankeudesta/statsrådets förordning om häktning](#)), Decree No. 549/2015, sections 32 and 34. Also, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*), *Eristämisiä koskeva menettelytapaohje*, guidelines, 5/400/2019, 28 November 2019.

¹² Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*), [Enforcement of disciplinary punishments](#), regulation, 05/004/2016, 5 September 2016.

¹³ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) Decree on housing health ([Sosiaali- ja terveystieteiden ministeriön asetus asunnon ja muun oleskelutilan terveydellisistä olosuhteista sekä ulkopuolisten asiantuntijoiden pätevyysvaatimuksista/Social- och hälsovårdsministeriets förordning om sanitära förhållanden i bostäder och andra vistelseutrymmen samt om kompetenskrav för utomstående sakkunniga](#)), Decree No. 545/2015, section 6 and Annex 1. Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [EOAK/6132/2018](#), 17 June 2019; [EOAK/1503/2019](#), 9 January 2020; [EOAK/2098/2020](#), 28 January 2021.

¹⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 1; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 16, section 1(4).

¹⁵ Finland, Government bill HE 45/2014 vp ([hallituksen esitys eduskunnalle vankeutta ja tutkintavankeutta koskevan lainsäädännön muuttamisesta/regeringens proposition till riksdagen med förslag till ändring av lagstiftningen om fängelse och häktning](#)), p. 39. Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*), [Accommodation](#), website.

in accommodation premises, toilets and changing rooms.¹⁶ The same provisions apply to prisoners on remand.¹⁷

According to the Imprisonment Act and the Remand Imprisonment Act, a prisoner, who has been placed in isolation for safety purposes or for the purposes of detecting prohibited substances, shall be closely monitored with technical monitoring systems and otherwise.¹⁸

The Act on Treatment of Persons in Police Custody contains a general provision on technical monitoring in order to secure order and safety of the person in custody.¹⁹ The National Police Board has drawn up a letter with instructions, which specifies that in premises where camera surveillance is used the camera view must be restricted so that the person in custody can go to the toilet without being monitored by camera.²⁰

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

According to the Imprisonment Act and the Remand Imprisonment Act, prisoners and remand prisoners shall clean their own rooms.²¹ The public official in charge of accommodation units in prisons and the prison work supervisor shall see to it that the prisoners and remand prisoners have the necessary means and cleaning materials and that they are familiar with the appropriate methods for cleaning.²² The Act on Treatment of Persons in Police Custody prescribes that detainees and remand prisoners in police custody shall keep their accommodation clean.²³ Cleanliness in police custody facilities, including cells, is addressed in more detail in the facility-specific disciplinary regulations.²⁴

Prisoners are given prison clothing, towel and bed linen on arrival in prison. The prison takes care of the washing of prison clothing and linen.²⁵ In a closed prison, prisoners may wear their own clothes, unless restricted for reasons of prison order, supervision or occupational safety. In an open prison, prisoners wear their own clothes.²⁶ Remand prisoners may wear their own clothes, unless this endangers the purpose of remand imprisonment, prison order, or the health of a remand prisoner. Those who do not wear their own clothes are supplied with suitable prison clothing.²⁷ Prisoners and remand prisoners are responsible for maintaining their own clothes. The prison shall provide prisoners and remand prisoners with a possibility to wash their own clothes, to have

¹⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 16, sections 1 and 1a; Government bill HE 6/2020 vp ([hallituksen esitys eduskunnalle vankeusaikaisen rikollisuuden estämisen ja laitosturvallisuuden ylläpitämisen tehostamista koskevaksi lainsäädännöksi/regeringens proposition till riksdagen med förslag till lagstiftning om effektivare förhindrande av kriminalitet under fängelsetiden och effektivare upprätthållande av anstaltsäkerheten](#)), p. 7–8, 19, 24, 36, 46.

¹⁷ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 11, section 1.

¹⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 18, sections 3 and 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 13, sections 3 and 4.

¹⁹ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 12.

²⁰ Finland, National Police Board ([Poliisihallitus/Polisstyrelsen](#)), [Poliisin säilöäpitotoiminnassa huomioitavia asioita](#), letter of guidance, POL-2017-41566, 24 November 2017.

²¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 3.

²² Finland, Criminal Sanctions Agency ([Rikosseuraamuslaitos/Brottsförvaldning](#)), [Vankien asuminen ja perushuolto](#), regulation, 19/004/2010, 29 December 2010.

²³ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 3.

²⁴ Finland, National Police Board ([Poliisihallitus/Polisstyrelsen](#)), [Poliisin säilyttämien henkilöiden kohtelu](#), guidelines, 2020/2013/5490, 1 April 2014.

²⁵ Finland, Criminal Sanctions Agency ([Rikosseuraamuslaitos/Brottsförvaldning](#)), [Vankien laitosvaatetus](#), regulation, 1/004/2016, 15 March 2016.

²⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 2.

²⁷ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 3.

them laundered in the prison or, at their own expense, have them sent by the prison to a laundry outside the prison.²⁸

In police custody facilities, bed linen is changed when necessary and always after a person has been released or moved elsewhere.²⁹ The guards in police custody facilities shall see to it that bed linen used by detainees and remand prisoners is clean.³⁰ Detainees and remand prisoners in police custody may wear their own clothes, unless this endangers the purpose of detention, order in the facility, or the health of the person in custody. Those who do not wear their own clothes are provided with suitable clothing. Detainees and remand prisoners in police custody maintain their own clothes. If the time in detention exceeds four days, the police shall provide the persons in custody with a possibility to wash their clothes, have them laundered in the facility or at their own expense outside the facility.³¹

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The Imprisonment Act applies to post-trial detention in closed or open prisons. The Remand Imprisonment Act applies to remand prisons, with the exception of remand prisoners held in police custody facilities in which case the Act on Treatment of Persons in Police Custody applies. A remand prisoner may not be placed in an open prison. The regulations issued by the Criminal Sanctions Agency implement the Imprisonment Act and the Remand Imprisonment Act.

The Act on Treatment of Persons in Police Custody stipulates on conditions in police custody. In the current Act (adopted in 2006) the provisions concerning cells and cell equipment and facilities are rather general. A legislative reform is underway, to clarify and update the legislation on the treatment of persons in police custody.³² The guidelines by the National Police Board apply to police custody facilities.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.

The Imprisonment Act and the Remand Imprisonment Act contain a list of decisions that are eligible for a request for an administrative review. Standards addressed under 1. a) – e) are not specifically mentioned among such decisions. However, there is an additional, general clause, which provides that a prisoner or a remand prisoner has a right to request for an administrative review of a decision by which an authority has resolved or dismissed an administrative matter, unless requesting a review is prohibited in the said Acts.³³ A request for an administrative review is submitted to the relevant overseeing prison authority, the regional director in the first place. The overseeing prison authority may amend or rescind the administrative decision or reject the request

²⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 3; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 3.

²⁹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu*, guidelines, 2020/2013/5490, 1 April 2014.

³⁰ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden huomioitava asioita*, letter of guidance, POL-2017-41566, 24 November 2017.

³¹ Finland, Act on Treatment of Persons in Police Custody (*laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen*), Act No. 841/2006, Chapter 3, section 2.

³² Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*), [Draft new act on the treatment of persons in police custody sent out for comments](#), press release, 9 April 2021.

³³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1(16); [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1(8); [Administrative Judicial Procedure Act \(laki oikeudenkäynnistä hallintoasioissa/lag om rättegång i förvaltningsärenden\)](#), Act No. 808/2019, section 6; Government bill HE 45/2014 vp ([hallituksen esitys eduskunnalle vankeutta ja tutkintavankeutta koskevan lainsäädännön muuttamiseksi/regeringens proposition till riksdagen med förslag till ändring av lagstiftningen om fängelse och häktning](#)), p. 59.

for review.³⁴ A subsequent judicial appeal to an administrative court is possible.³⁵ A prisoner or remand prisoner can submit an administrative complaint to the overseeing prison authority or to a legal oversight body, primarily the Office of the Parliamentary Ombudsman, should the detainee consider that the prison authorities have acted unlawfully or failed to comply with their obligations.³⁶ The supervisory authority cannot amend or overturn the given decision, but may inform the supervised entity of the appropriate legal conduct. No appeal may be made against a decision given in an administrative complaint matter.

The Act on Treatment of Persons in Police Custody allows a request for an administrative review and a subsequent appeal to an administrative court in limited cases only.³⁷ These do not include standards addressed under 1. a) – e). However, there is no explicit prohibition of appeal in the Act, which may open the possibility to claim a revised decision on the basis of section 21 (access to court) of the Constitution Act, as long as the decision is pertaining to the rights and obligations of the detained person submitting the request.³⁸

Persons in police custody have a right to submit an administrative complaint to the head of the police unit, the National Police Board or the Office of the Parliamentary Ombudsman.³⁹ As above, the decision cannot be amended or overturned and appeal is not possible.

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

[National Preventive Mechanism Report 2018](#)
[National Preventive Mechanism Report 2019](#)
[National Preventive Mechanism Report 2020](#)

Prisons

In his decision issued on 23 February 2018, the Deputy-Ombudsman commented on the furnishings of isolation cells and observation cells. He considered it problematic that all cells in the isolation unit of Riihimäki Prison were unfurnished. The only piece of furniture was a mattress on the floor. Unfurnished isolation cells were also discovered in other prisons. Prisoners are placed in isolation cells on various grounds, for example as a disciplinary punishment or safety measure. For this reason, the type

³⁴ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, section 49g.

³⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 3.

³⁶ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2; [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a.

³⁷ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 13, section 4 and Chapter 17, sections 1 and 4.

³⁸ Finland, [Constitution of Finland \(Suomen perustuslaki/Finlands grundlag\)](#), Act No. 731/1999, section 21; Government bill HE 90/2005 vp ([hallituksen esitys eduskunnalle laiksi poliisin säilyttämien henkilöiden kohtelusta sekä laeiksi eräiden siihen liittyvien lakien muuttamisesta/regeringens proposition till riksdagen med förslag till lag om behandlingen av personer i förvar hos polisen samt till lagar om ändringar av vissa lagar som har samband med den](#)), p. 113; draft government bill for a new Act on the treatment of persons in police custody, [Putkalain kokonaisuudistus. työryhmän mietintö](#), p. 52.

³⁹ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2; [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a. Police of Finland, [Internal supervision ensures the quality of police work](#), website.

of cell and conditions that each prisoner should be placed in must be considered on a case-by-case basis. According to the Deputy-Ombudsman, it cannot be a general principle that a prisoner can be placed in an unfurnished cell in all situations. He also noted that the prisons should acquire furniture that they could issue to prisoners for their cells. Making prisoners eat on the floor is not acceptable with regard to their human dignity. Different prisons have different practices in the above-mentioned matters. The Deputy-Ombudsman considered it to be justified and important that the Central Administration Unit of the Criminal Sanctions Agency would issue guidelines to prisons on how and in what conditions placement in an isolation unit should be implemented (1276/2017).⁴⁰

AOA on 23.2.2018 antamassaan päätöksessä ottanut kantaa eristyssellien kalustukseen mukaan lukien tarkkailusellit. AOA piti ongelmallisena sitä, että Riihimäen vankilan eristysosaston kaikki sellit olivat kalustamattomia. Eristysosaston selleissä oli ainoastaan patja lattialla. Myös muista vankiloista löytyi kalustamattomia eristysosaston sellejä. Vankeja sijoitetaan eristysosaston selleihin erilaisilla perusteilla – kuten kurinpitörangaistuksena tai turvaamistoimenpiteenä. Tästä johtuen on tapauskohtaisesti harkittava, millaiseen selliin ja olosuhteisiin vanki on kussakin yksittäisessä tilanteessa sijoitettava. AOA:n mukaan ei voida lähteä siitä, että vanki voidaan kaikissa tilanteissa sijoittaa kalustamattomaan selliin. AOA katsoi myös, että vankiloihin tulisi hankkia kalusteita vangille selliin annettavaksi. Ihmisarvoisen kohtelun kannalta ei ole hyväksyttävää, että vangit joutuvat syömään lattialla. Vankiloissa on erilaisia käytäntöjä edellä mainituissa asioissa. AOA piti perusteltuna ja tärkeänä, että Rikosseuraamuslaitoksen keskushallintoyksikkö antaisi vankiloille ohjeistuksen siitä, miten ja millaisissa olosuhteissa eristysosastoon sijoittaminen tulee panna täytäntöön (1276/2017).⁴¹

The isolation cell was equipped with a toilet but no water fixture. There was a pallet in the cell, but no proper bed. The footage from the surveillance camera could be viewed in the control room. It was impossible to tell from the camera in the cell when it was on. The cell's toilet seat was visible in the camera view on the screen. Therefore, when the camera was on, a prisoner placed in the cell could not go to the toilet without being surveilled by a camera. During the visit, the prison was made aware that camera surveillance of a prisoner placed in an isolation cell was only permitted under the Imprisonment Act, if the prisoner had been placed in the cell for observation or isolation under observation (4652/2018).⁴²

Eristyssellissä oli wc, mutta ei vesipistettä. Sellissä oli laveri, mutta ei varsinaista sänkyä. Valvontakameran kuva näkyi vankilan valvomossa. Sellissä olevasta kamerasta ei näkynyt, milloin kamera oli päällä. Sellin wc-pytyy näkyi kameran kuvassa monitorista. Näin ollen kameran ollessa päällä selliin sijoitetun ei ollut mahdollista käydä asioillaan wc-pytyllä joutumatta kuvatuksi. Tarkastuksen aikana vankilan huomiota kiinnitettiin siihen, että eristysselliin sijoitetun kameravalvonta oli vankeuslain mukaan mahdollista ainoastaan silloin, jos vanki on sijoitettu sinne tarkkailun tai eristämistarkkailun perusteella (4652/2018).⁴³

Camera surveillance. A special issue related to cells with camera surveillance is the prisoner's use of the toilet. The possibility of seeing the prisoner use the toilet cannot be considered acceptable even in all those situations where camera surveillance of the

⁴⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 85.

⁴¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 87.

⁴² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 86.

⁴³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 88.

prisoner is allowed. It is acceptable only if the prisoner has been placed to isolation under observation for the purposes of detecting prohibited substances. Even then, arrangements must be made that allow at least some privacy when the prisoner uses the toilet. Prisons have reacted to the Deputy-Ombudsman's statement by obscuring the toilet seat in the surveillance camera picture (e.g., 6206/2017*) or by leaving the toilet seat outside camera surveillance (e.g., 2338/2018*).⁴⁴

Kameravalvonta. Kameravalvottuihin sellisiin liittyy erityiskysymyksenä vangin wc:n käyttö. Kaikissa niissäkin tilanteissa, joissa vangin kameravalvonta on sallittua, ei voida pitää hyväksyttävänä, että vangin wc-asiointi voi tulla tarkkailtavaksi. Se on hyväksyttävää vain vangin ollessa sijoitettuna eristämistarkkailuun. Silloinkin pitää pyrkiä järjestelyihin, joilla säilytetään edes vähäinen yksityisyys vangin käytessä wc:tä. Vankiloissa on reagoitu AOA:n kannanottoon yksityisyyden suojasta siten, että valvontakameran kuva on sumennettu wc-istuimen kohdalla (esim. 6206/2017*) tai wc-istuin on rajattu kameravalvonnan ulkopuolelle (esim. 2338/2018*).⁴⁵

Police prisons and detention facilities

Camera surveillance should not be used in washing facilities or changing rooms, where persons deprived of their liberty may be naked. Up to six persons could be detained in one cell, where they were forced to use the toilet in full view of the others and under camera surveillance. This practice is against the right to privacy of persons deprived of their liberty. The Ombudsman found it highly problematic that the detention of persons deprived of their liberty at Haukipudas police prison had been organised using a temporary arrangement that is, in many respects, unsatisfactory or even illegal. This situation has remained unchanged for years. The Ombudsman considered it paramount that these practical issues at the detention facilities be remedied as a matter of urgency, if the facilities are to continue to be used for detaining persons deprived of their liberty.⁴⁶

Kameravalvontaa ei ylipäänsä tule käyttää peseytymistiloissa tai niiden pukuhuoneessa, joissa vapautensa menettäneet ovat alasti. Yhdessä selleistä voitiin säilyttää enimmillään kuutta päihtynyttä, jotka joutuivat käyttämään wc:tä toisten sellissä olevien nähden kameravalvonnassa. Järjestely loukkasi vapautensa menettäneen yksityisyydensuojaa. OA piti hyvin ongelmallisena, että vapautensa menettäneiden säilytys Oulun poliisilaitoksen Haukiputaan poliisiaseman säilytystiloissa oli järjestetty monelta osin epätyydyttävien ja jopa lainvastaisten väliaikaisratkaisujen varaan. Tilanne oli jatkunut vuosikausia. OA piti välttämättömänä, että puutteet säilytystilan tilaratkaisuissa korjataan pikaisesti, jos säilytystilaa on edelleen tarkoitus käyttää vapautensa menettäneiden säilyttämiseen.⁴⁷

On its future visits, the NPM is likely to pay more attention to ensuring that the conditions of persons deprived of their liberty meet the requirements set for living quarters better. This is indicated by the Ombudsman's recent decision of 2 September 2020 (5680/2018*), which was based on a visit to police detention facilities (4392/2018*). Among other things, the Ombudsman stated in his decision that when a meal must according to provisions be served to the person deprived of their liberty, the conditions in the cell must be such that the person does not have to sit on the floor or stand when having the meal. According to the Ombudsman's view, this did not apply

⁴⁴ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

⁴⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 105.

⁴⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2019: National Preventive Mechanism against Torture](#), p. 90.

⁴⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 87.

only to the detention facility examined. The Ombudsman considered it justified that the National Police Board investigate what kind of solutions other authorities have implemented in isolation facilities and, if necessary, acquire furniture centrally, or at least guide police departments in the procurement. The Ombudsman understood that police departments have not in all respects been able to influence the situation themselves, especially once the building of the facilities has been completed. This underlines the importance of careful planning of the facilities and also sets requirements for approving them for use.⁴⁸

Tulevaisuudessa OA:n tarkastuksilla tultaneen kiinnittämään huomiota myös entistä enemmän siihen, että vapautensa menettäneiden olosuhteet vastaavat paremmin asuintiloille asetettuja vaatimuksia. Tästä osoituksena on OA:n tuore päätös 2.9.2020 (5680/2018*), jonka lähtökohtana oli tarkastus poliisin säilytystiloihin (4392/2018*). OA totesi ratkaisussaan muun muassa, että silloin kun vapautensa menettäneelle on säännösten mukaan tarjottava ateria, tulee sellin olosuhteet olla sellaiset, ettei hän joudu syömään sitä lattialla tai seisaaltaan. Tämä ei OA:n näkemyksen mukaan koskenut vain tarkasteltavana ollutta säilytystilaa. OA piti perusteltuna, että Poliisihallitus selvittää muiden viranomaisten toteuttamia eristystilojen ratkaisuja ja tarvittaessa hankkii keskitetysti kalusteita tai ainakin ohjaa poliisilaitoksia hankinnoissa. OA totesi ymmärtävänsä, että poliisilaitoksella ei ole kaikilta osin ollut mahdollisuutta omilla toimillaan vaikuttaa tilanteeseen etenkin tilojen valmistuttua. Tämä korostaa tilojen huolellista suunnittelua ja asettaa myös vaatimuksia tilojen hyväksynnälle käyttöön.⁴⁹

As a rule, the outdoor exercise yards at police prisons are small. Some of them are very enclosed and protected. Sometimes there is no view to the outside. The Ombudsman has considered it questionable whether being in such areas can be called outdoor exercise at all. The CPT has also during its visit to Finland in 2020 drawn attention to this and stated as its observation that none of the police detention facilities visited by it offered suitable conditions for longer period of detention. The main reason for this was the absence of genuine outdoor exercise facilities.⁵⁰

Poliisivankilojen ulkoilutilat ovat pääsääntöisesti pieniä. Osa ulkoilutiloista on hyvin suljettuja ja suojattuja. Joskus ulos ei ole minkäänlaista näköyhteyttä. OA on pitänyt kyseenalaisena, voiko tällaisissa tiloissa oleskelua kutsua ulkoiluksi. Myös CPT on Suomeen tekemällään käynnillään syksyllä 2020 kiinnittänyt huomiota tähän ja todennut havaintonaan, että yksikään vierailun kohteena olleista poliisilaitoksista ei tarjonnut sopivia olosuhteita pidemmäksi säilytysajaksi, mihin pääsyyinä oli todellisten ulkoilumahdollisuuksien puuttuminen.⁵¹

2. Sanitary conditions

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

⁴⁸ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

⁴⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 90.

⁵⁰ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

⁵¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 90.

The Imprisonment Act provides that a prisoner must have access to a toilet at all hours of the day. This provision is also applicable to remand prisoners.⁵² Toilets are ordinarily located in cells, in which prisoners live in closed prison.⁵³ They are not counted in the minimum cell space. Since November 2020, when the new women's prison was taken into use, all prisons have cells, which are equipped with flush toilets.⁵⁴ The Imprisonment Act and the Remand Imprisonment Act include a separate provision on prisoners in isolation under observation for the purposes of detecting prohibited substances who are required to wear special clothing. A prisoner wearing such clothing, usually an overall, shall be given access to a toilet at his or her request without delay.⁵⁵

According to the Act on Treatment of Persons in Police Custody, persons held in police prisons shall have access to appropriate accommodation and washing facilities.⁵⁶ Neither the Act, nor the guidelines on treatment of persons in police custody include specific provisions on access to toilets. A guidance letter issued by the National Police Board, however, provides that when monitoring cameras are used, they should be placed so that privacy of toilets is realised.⁵⁷ The Parliamentary Ombudsman has held that multiple occupancy of cells should be avoided, if adequate privacy of toilets in police custody cannot be ensured.⁵⁸

b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

The Imprisonment Act stipulates that prisoners shall be provided with appropriate accommodation and washing facilities.⁵⁹ According to a Criminal Sanctions Agency regulation on accommodation and basic care, which applies to both pre- and post-trial prisoners, prisoners shall be provided with an opportunity to wash on a daily basis. Sanitary facilities shall include shampoo, soap and skin disinfectants.⁶⁰ The regulation does not include any explicit references to shower/bathing facilities other than the requirement that if the prison has shower facilities in cells and using a soap dispenser is not adequate, the prison shall provide prisoners soap and shampoo in another way.⁶¹

The Remand Imprisonment Act does not contain any specific provisions on shower/washing facilities but makes a reference to the above Criminal Sanctions Agency regulation for more detailed instructions on basic care and similar matters.⁶² The regulation is legally binding.

The Act on Treatment of Persons in Police Custody prescribes that those who have been deprived of liberty shall be provided with appropriate accommodation and washing

⁵² Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 16, section 1(4).

⁵³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 1(1).

⁵⁴ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjdsmyndigheten*), [New internationally innovative prison for women in Finland will modernise the operating culture of the Criminal Sanctions Agency](#), press release, 16 October 2020.

⁵⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 18, section 4(1); [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 13, section 4(1).

⁵⁶ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 3(1).

⁵⁷ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilöäpitotoiminnassa huomioitava asioita*, letter of guidance (*ohjauskirje/styrningsbrev*), POL-2017-41566, 24 November 2017.

⁵⁸ Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), inspection protocol, EOAK/3622/2019, 3 December 2019, p. 4.

⁵⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 1(1).

⁶⁰ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjdsmyndigheten*), [Vankien asuminen ja perushuolto](#), regulation, 19/004/2010, 29 December 2010.

⁶¹ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjdsmyndigheten*), [Vankien asuminen ja perushuolto](#), regulation, 19/004/2010, 29 December 2010.

⁶² Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 10(2).

facilities.⁶³ According to the National Police Board guidelines on treatment of persons held in police custody, those who have been deprived of liberty should be provided the opportunity to take care regularly of their basic needs, such as personal hygiene.⁶⁴ A letter of guidance, issued by the National Police Board, further recommends that the aim should be that this opportunity is provided on a daily basis.⁶⁵ Neither the guidelines, nor the letter of guidance are legally binding, however. The Parliamentary Ombudsman has recommended with reference to the so-called normality principle that the opportunity to shower should be provided on a daily basis.⁶⁶ The normality principle, which is laid down in the Imprisonment Act, entails that prison conditions should be arranged so that they as far as possible correspond to normal life conditions outside prisons.⁶⁷

c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?

According to the Imprisonment Act, the prisoner shall, in his or her free time, attend to the cleaning and sanitation of his or her accommodation room and the common living areas as well as to household chores.⁶⁸ Similarly, the Remand Imprisonment Act provides that the remand prisoner shall take care of his/her own hygiene and the cleanliness of his/her room.⁶⁹

According to the Criminal Sanctions Agency regulation on prisoners' accommodation and basic care, the prison officer in charge of an accommodation ward is responsible for the cleanliness of the common living areas and the cells. The officers shall see to it that necessary cleaning tools and proper cleaning methods are available for the prisoners. Every prisoner is responsible for cleaning his/her own cell. Should the prisoner refuse to clean his/her cell, despite requests, he/she may be imposed a disciplinary punishment.⁷⁰

The Act on Treatment of Persons in Police Custody prescribes that persons deprived of liberty shall take care of their personal hygiene and the cleanliness of their cell.⁷¹ As regards bedding, the National Police Board guidance letter recommends that its change shall not be left solely on detainees' voluntary responsibility, but guards shall also on their own initiative see to it that bedding used by detainees is clean and whole and that it is changed when needed.⁷²

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

⁶³ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 3.

⁶⁴ Finland, National Police Board ([Poliisihallitus/Polisstyrelsen](#)), [Poliisin säilyttämien henkilöiden kohtelu](#), guidelines, 2020/2013/5490, 1 April 2014.

⁶⁵ Finland, National Police Board ([Poliisihallitus/Polisstyrelsen](#)), [Poliisin säilöissäpitotoiminnassa huomioitavia asioita](#), letter of guidance ([ohjauskirje/styrningsbrev](#)), POL-2017-41566, 24 November 2017.

⁶⁶ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [Espoon poliisivankila, tarkastuspöytäkirja](#), inspection protocol, EOAK/1201/2019, 29 May 2019, p. 6.

⁶⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 3(2).

⁶⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 4.

⁶⁹ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 3(3).

⁷⁰ Finland, Criminal Sanctions Agency ([Rikosseuraamuslaitos/Brottsförvaldning](#)), [Vankien asuminen ja perushuolto](#), regulation, 19/004/2010, 29 December 2010.

⁷¹ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 3(3).

⁷² Finland, National Police Board ([Poliisihallitus/Polisstyrelsen](#)), [Poliisin säilöissäpitotoiminnassa huomioitavia asioita](#), letter of guidance ([ohjauskirje/styrningsbrev](#)), POL-2017-41566, 24 November 2017.

The Imprisonment Act, the Remand Imprisonment Act and the Criminal Sanctions Agency regulation on accommodation and basic care concern both closed and open prisons.⁷³

According to the National Police Board guidelines on treatment of persons in police custody, those deprived of liberty shall be provided the opportunity for regular care of their basic needs, such as nutrition, rest, hygiene, health care and outdoor access, in accordance with the daily programme of the detention facility. In the care of the basic needs, nationally uniform practices between detention facilities should be striven for, taking into account the length of the deprivation of liberty and the detainees' own wishes, where possible.⁷⁴

- e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.

A request for an administrative review or appeal is not explicitly provided for in cases relating to breaches of sanitary standards.⁷⁵ An appeal to an administrative court based on section 21(1) (access to remedies) of the Constitution Act may be available, however. Administrative complaints to the Criminal Sanctions Agency, in the case of prisoners, and the overseers of legality, in particular, the Parliamentary Ombudsman, are the principal remedies available to prisoners and remand prisoners as well as detainees held in police custody, as concerns sanitary conditions (please see more in detail above under 1f).⁷⁶

- f) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

[National Preventive Mechanism Report 2018](#)

Prisoner transport by train

The Deputy-Ombudsman found the practice that prisoners had to use the toilets in the presence of other prisoners to be degrading of their human dignity. The practice is also a serious violation of the prisoners' right to privacy. In addition to the prisoner using the toilet, the practice is demeaning for the other prisoners in the cell, taking into account the cramped conditions and poor ventilation. The screen envisioned in the Criminal Sanctions Agency's statement does not change these circumstances. The Deputy-Ombudsman found no cause to doubt the guards' account of prisoners being permitted to use the toilet in private upon request. However, a situation, in which the prisoners are not aware of this possibility is equivalent to a situation, in which the

⁷³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 8 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 10.

⁷⁴ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu*, guidelines, 2020/2013/5490, 1 April 2014.

⁷⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1(16); [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1(8), and Act on Treatment of Persons in Police Custody (*laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen*), Act No. 841/2006, Chapter 17, sections 1 and 4.

⁷⁶ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2. [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a.

possibility does not exist. The opportunity must be communicated clearly enough and also with due consideration of prisoners who do not speak and/or understand Finnish.⁷⁷

AOA ei pitänyt vankien ihmisarvoa kunnioittavana kohteluna, että heidän oli asioitava wc:ssä muiden vankien läsnä ollessa. Tämä loukkasi vakavasti myös vangin yksityiselämän suojaa. Tilanne oli halventava paitsi wc:tä käyttävän vangin myös muiden sellissä olevien vankien kannalta ottaen huomioon sellien huomattavan ahtauden sekä heikon ilmanvaihdon. Rikosseuraamuslaitoksen lausunnossa suunniteltu näkö- tai roiskesuoja ei muuttanut tilannetta. AOA totesi, ettei hänellä ole perusteita epäillä vartijoiden kertomaa siitä, että vanki pääsi pyynnöstä käyttämään wc:tä yksin. Tilanne, jossa vangit eivät tiedä tästä mahdollisuudesta, vastaa kuitenkin sitä, ettei mahdollisuutta ole. Asiasta tuli tiedottaa riittävän selvästi ja ottaen huomioon myös suomen kieltä taitamattomat vangit.⁷⁸

Solitary confinement conditions

The isolation cell was equipped with a toilet but no water fixture. There was a pallet in the cell, but no proper bed. The footage from the surveillance camera could be viewed in the control room. It was impossible to tell from the camera in the cell when it was on. The cell's toilet seat was visible in the camera view on the screen. Therefore, when the camera was on, a prisoner placed in the cell could not go to the toilet without being surveilled by a camera. During the visit, the prison was made aware that camera surveillance of a prisoner placed in an isolation cell was only permitted under the Imprisonment Act if the prisoner had been placed in the cell for observation or isolation under observation (4652/2018).⁷⁹

Eristyssellissä oli wc, mutta ei vesipistettä. Sellissä oli laveri, mutta ei varsinaista sänkyä. Valvontakameran kuva näkyi vankilan valvomossa. Sellissä olevasta kamerasta ei näkynyt, milloin kamera oli päällä. Sellin wc-pytty näkyi kameran kuvassa monitorista. Näin ollen kameran ollessa päällä selliin sijoitetun ei ollut mahdollista käydä asioillaan wc-pytyllä joutumatta kuvatuksi. Tarkastuksen aikana vankilan huomiota kiinnitettiin siihen, että eristysselliin sijoitetun kameravalvonta oli vankeuslain mukaan mahdollista ainoastaan silloin, jos vanki on sijoitettu sinne tarkkailun tai eristämistarkkailun perusteella (4652/2018*).⁸⁰

[National Preventive Mechanism Report 2019](#)

Serious deficiencies in the Haukipudas detention facilities

Camera surveillance should not be used in washing facilities or changing rooms, where persons deprived of their liberty may be naked.

Up to six persons could be detained in one cell, where they were forced to use the toilet in full view of the others and under camera surveillance. This practice is against the right to privacy of persons deprived of their liberty.⁸¹

Kameravalvontaa ei ylipäänsä tule käyttää peseytymistiloissa tai niiden pukuhuoneessa, joissa vapautensa menettäneet ovat alasti.

⁷⁷ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Summary of the Annual Report of 2018: National Preventive Mechanism of Torture](#), p. 89.

⁷⁸ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 91.

⁷⁹ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagen justitieombudsman), [Summary of the Annual Report of 2018: National Preventive Mechanism of Torture](#), p. 86.

⁸⁰ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 88.

⁸¹ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagen justitieombudsman), [Summary of the Annual Report of 2019: National Preventive Mechanism of Torture](#), p. 89.

Yhdessä selleistä voitiin säilyttää enimmillään kuutta päihtynyttä, jotka joutuivat käyttämään wc:tä toisten sellissä olevien nähden kameravalvonnassa. Järjestely loukkasi vapautensa menettäneen yksityisyydensuojaa.⁸²

Prisoner transport by train

The NPM carried out a follow-up visit of prisoner train transport in August 2019. The Deputy-Ombudsman was mostly satisfied with the measures taken by the Criminal Sanctions Agency and The Railway Company (VR) since the previous visit. The NPM noted that prisoners were now given bottled water to drink. The prisoners were also informed of the possibility to use the toilet and a non-smoking space. Prisoners interviewed during the visit confirmed, they were aware of these facilities. However, the prisoners were not aware of the call buttons that can be used to contact a guard and to flush the toilet. The level of cleanliness of the cells had not improved. Communication with the private cleaning service provider was also found to be a problem.⁸³

Elokuussa 2019 kansallinen valvontaelin teki jatkokäynnin vankien junakuljetukseen (4575/2019*). AOA oli pääsääntöisesti tyytyväinen toimenpiteisiin, joihin Rikosseuraamuslaitos ja VR olivat ryhtyneet edellisen tarkastuksen jälkeen. Tarkastajat havaitsivat, että vangeilla oli nyt saatavilla pullovetä. Vankeja myös informoitiin mahdollisuudesta päästä erilliseen wc-tilaan ja savuttomaan tilaan. Tarkastuksella haastatellut vangit vahvistivat olevansa tietoisia näistä asioista. Sen sijaan kaikki haastatellut vangit eivät olleet tietoisia painikkeista, jotka toimivat vartijakutsuna ja wc:n huuhtelupyynnönä. Sellien siisteystaso ei ollut parantunut. Ongelmana todettiin myös tiedonkulku siivouksesta vastaavalle yritykselle.⁸⁴

[National Preventive Mechanism Report 2020](#)

The Criminal Sanctions Field

Right to privacy: Camera surveillance

A special issue related to cells with camera surveillance is the prisoner's use of the toilet. The possibility of seeing the prisoner use the toilet cannot be considered acceptable even in all those situations where camera surveillance of the prisoner is allowed. It is acceptable only if the prisoner has been placed to isolation under observation for the purposes of detecting prohibited substances. Even then, arrangements must be made that allow at least some privacy when the prisoner uses the toilet. Prisons have reacted to the Deputy-Ombudsman's statement by obscuring the toilet seat in the surveillance camera picture (e.g., 6206/2017*) or by leaving the toilet seat outside camera surveillance (e.g., 2338/2018*⁸⁵).

Rikosseuraamuslaitos

Yksityisyyden suoja: Kameravalvonta

Kameravalvottuihin sellisiin liittyy erityiskysymyksenä vangin wc:n käyttö. Kaikissa niissäkin tilanteissa, joissa vangin kameravalvonta on sallittua, ei voida pitää hyväksyttävänä, että vangin wc-asiointi voi tulla tarkkailtavaksi. Se on hyväksyttävää vain vangin ollessa sijoitettuna eristämistarkkailuun. Silloinkin pitää pyrkiä

⁸² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 87.

⁸³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagen justitieombudsman*), [Summary of the Annual Report of 2019: National Preventive Mechanism of Torture](#), p. 101.

⁸⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 98.

⁸⁵ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

järjestelyihin, joilla säilytetään edes vähäinen yksityisyys vangin käytäessä wc:tä. Vankiloissa on reagoitu AOA:n kannanottoon yksityisyyden suojasta siten, että valvontakameran kuva on sumennettu wc-istuimen kohdalla (esim. 6206/2017*) tai wc-istuin on rajattu kameravalvonnan ulkopuolelle (esim. 2338/2018*⁸⁶).

3. Time out of cell

- a) What is the national standard set for time per day/week spent by detainees outside of their cells:
- Outdoors (within the boundary of the prison)?
 - Indoors in the common area?

Prisoners and remand prisoners in prison as well as detainees and remand prisoners in police custody must be provided with the opportunity to spend at least an hour per day outdoors unless there is especially cogent reason against this based on a prisoner's health condition or maintaining prison order or security.⁸⁷ Time spent outside of cells is not specifically regulated by law. The Parliamentary Ombudsman has recommended that prisoners and remand prisoners should be permitted to spend at least eight hours a day outside their cells.⁸⁸

- b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?

According to the Imprisonment Act, a prison shall have a library as well as premises suitable for the practice of religion.⁸⁹

Prisons have an obligation to arrange free-time activities suitable for prison conditions, but apart from the provisions referred to above, facilities for such activities are not specified in law. Many prisons have a gym and, for example, premises for hobbies and crafts.⁹⁰ For standards with regard to activities and programmes, please see below section 3. d).

There are no legal obligations concerning recreational or educational facilities for persons in police custody.

- c) Is there a national standard for time spent in cells? If so, what does it require?

There is no national standard for mandatory time spent in cells. Prison rules and daily programmes determine schedules in prisons in more detail. According to guidelines issued by the National Police Board, detainees and remand prisoners in police custody facilities shall be given the possibility to rest without unnecessary disturbance between 10 p.m. and 7 a.m.⁹¹

⁸⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Eduskunnan oikeusasiamiehen kertomus vuodelta 2020*, p. 105.

⁸⁷ Finland, *Imprisonment Act (vankeuslaki/fängelselag)*, Act No. 767/2005, Chapter 7, section 6; *Remand Imprisonment Act (tutkintavankeuslaki/häktningslag)*, Act No. 768/2005, Chapter 3, section 5; Act on Treatment of Persons in Police Custody (*laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen*), Act No. 841/2006, Chapter 3, section 5.

⁸⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Summary of the Annual Report 2018: National Preventive Mechanism against Torture*, p. 87; Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Summary of the Annual Report 2019: National Preventive Mechanism against Torture*, p. 96–97; Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Eduskunnan oikeusasiamiehen kertomus vuodelta 2020*, p. 95.

⁸⁹ Finland, *Imprisonment Act (vankeuslaki/fängelselag)*, Act No. 767/2005, Chapter 11, sections 3 and 4.

⁹⁰ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*), *Free time*, website.

⁹¹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu*, guidelines, 2020/2013/5490, 1 April 2014.

d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?

Activities organised or approved by a prison include work, education and training as well as free-time activities suitable for prison conditions.⁹²

According to the Imprisonment Act, free-time activities suitable for prison conditions shall be arranged in prisons. A prison shall have a library or prisoners shall be provided with an opportunity to use public library services. Prisoners shall be given an opportunity to follow TV and radio programmes and newspapers as well as to acquire magazines and literature at their own expense.⁹³

A prisoner who has not completed the basic education syllabus shall be given an opportunity to complete it.⁹⁴ Prisons also arrange, for example, general upper secondary education and vocational education. Higher education studies are possible as independent distance learning, or, in open prisons, with a permission to study outside the prison.⁹⁵

Inside the prisons, prisoners can work in domestic care, real estate maintenance, and workshops of different fields, such as carpentry, metal industry, car repair, horticulture and agriculture. It is also possible to complete vocational qualifications fully or partly as part of prison work. In open prisons, prisoners can also get a permission to work in a civilian workplace outside the prison.⁹⁶ A prisoner or a remand prisoner may be given permission in prison to carry out, on his or her own account, such acceptable, own work that is suitable to be carried out in prison.⁹⁷

Pursuant to the Imprisonment Act, an individual sentence plan is drawn up in cooperation with the person sentenced to imprisonment. This includes a plan on activities during the term of sentence. Such activities may consist of various types of studies or participation in rehabilitation programmes and activities (for example, substance abuse rehabilitation, anger management, or overcoming learning difficulties). A prisoner is obliged to participate in activities that promote the implementation of the sentence plan.⁹⁸

According to the Remand Imprisonment Act, remand prisoners are not obligated to participate in activities organised by the prison, but may do so voluntarily, where possible.⁹⁹ Remand prisoners in prison shall be provided with an opportunity to visit the prison library or to use public library services, to follow TV and radio programmes and newspapers and acquire magazines and literature at their own expense.¹⁰⁰ Remand prisoners are not permitted to take part in activities outside the prison.¹⁰¹

⁹² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 1 and Chapter 11, section 1.

⁹³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 11, sections 1, 4 and 6.

⁹⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 8.

⁹⁵ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Studies](#), website; [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, sections 9 and 10.

⁹⁶ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Work](#), website; [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 6.

⁹⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 7; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 4, section 2.

⁹⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 6 and Chapter 8, sections 2 and 13; Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), Instructions for a person starting a prison sentence, 2 April 2020.

⁹⁹ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 4, section 1, and Chapter 7, section 1.

¹⁰⁰ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 7, sections 3 and 4.

¹⁰¹ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 4, section 1.

The Act on Treatment of Persons in Police Custody does not provide for legal obligations to arrange recreational or educational activities for persons in police custody. Disciplinary regulations in police custody facilities may contain provisions on free-time activities for persons in police custody.¹⁰² Detainees and remand prisoners in police custody have a right to daily outdoor exercise. Where possible, remand prisoners in police custody shall have the opportunity to follow TV and radio programmes and newspapers and to acquire magazines and literature at their own expense.¹⁰³

The Covid-19 pandemic has affected the activities organised by prisons. In March-May 2020, for example, the gyms, sports halls, saunas and libraries in prisons were closed and group and work activities were restricted. The restrictions in prisons were gradually lifted as from 1 June.¹⁰⁴ In November 2020, new restrictions were applied to prisons located in areas where the coronavirus was spreading rapidly. For example, prisoners can be placed in different activities than usually, due to restrictions on close contacts or a shortage of staff because of the coronavirus. The number of participants in activities or premises for free-time activities may be restricted in order to ensure safety distances.¹⁰⁵

In April 2020, the Parliamentary Ombudsman decided to launch an investigation (2606/2020) concerning the impact of the Covid-19 pandemic on prison activities and the treatment and circumstances of prison inmates. The report is not yet available in June 2020.¹⁰⁶

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Prisons are either closed prisons or open prisons, and they may have different levels of supervision. Prisoners placed in open prisons may spend time and move within the area of the prison or its ward, in the workplace, or in another place of activity without immediate supervision. In an open prison, prisoners may be supervised with technical devices installed in the prison premises, given into the possession of the prisoner or attached to the wrist, ankle or waist of the prisoner, or with a combination of such devices.¹⁰⁷

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

The Imprisonment Act allows a request for an administrative review in specific decisions issued by virtue of the Act.¹⁰⁸ Decisions concerning time in or out of cell or recreational activities are not as such eligible for a review. However, in case of long-term restrictions to the right to daily exercise outdoors or the right to take part in recreational activities a claim for review could be based on a general clause in the Act.¹⁰⁹ This clause allows a

¹⁰² Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 8, section 1.

¹⁰³ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 13, section 2.

¹⁰⁴ Finland, [Franet country study](#), issued on 28 May 2020, p. 10–11; [Franet country study](#), issued on 30 June 2020, p. 12–13; Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 195–196.

¹⁰⁵ Finland, Criminal Sanctions Agency ([Rikosseuraamuslaitos/Brottsförvaldningens myndighet](#)), [Criminal Sanctions Agency instructs prisons in areas where coronavirus is spreading rapidly](#), press release, 27 November 2020; Criminal Sanctions Agency ([Rikosseuraamuslaitos/Brottsförvaldningens myndighet](#)), [Preparedness for coronavirus at the Criminal Sanctions Agency – frequently asked questions](#), website.

¹⁰⁶ Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 196.

¹⁰⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 1.

¹⁰⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1.

¹⁰⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1(16); [Administrative Judicial Procedure Act \(laki oikeudenkäynnistä hallintoasioissa/lag om rättegång i förvaltningsärenden\)](#), Act No. 808/2019, section 6; Government bill HE 45/2014 vp, ([hallituksen esitys](#)

request for an administrative review of a decision by which an authority has resolved or dismissed an administrative matter, unless requesting a review is prohibited in the said Acts. A request for an administrative review is submitted to the relevant overseeing prison authority, the regional director in the first place. The overseeing prison authority may amend or rescind the administrative decision or reject the request for review.¹¹⁰ A subsequent judicial appeal to an administrative court is possible.¹¹¹

A request for an administrative review of a decision on a sentence plan is prohibited in the Imprisonment Act.¹¹²

The provisions in the Remand Imprisonment Act concerning administrative review correspond to those in the Imprisonment Act, as explained above. A remand prisoner may not request an administrative review of a decision concerning participation in activities.¹¹³

The Act on Treatment of Persons in Police Custody allows a request for an administrative review in specific decisions as listed in the Act. These do not cover standards addressed under 3. a) – e).¹¹⁴ However, where there is no explicit prohibition of appeal, detainees and remand prisoners in police custody may have a possibility to claim a revised decision on the basis of section 21 (access to court) of the Constitution Act, as long as the decision is pertaining to the rights and obligations of the person submitting the request.¹¹⁵

A prisoner can submit an administrative complaint to the overseeing prison authority or to a legal oversight body, primarily the Office of the Parliamentary Ombudsman, should the detainee consider that the prison authorities have acted unlawfully or failed to comply with their obligations.¹¹⁶ Similarly, persons in police custody have a right to submit an administrative complaint to the head of the police unit, the National Police Board or the Office of the Parliamentary Ombudsman. The supervisory authority cannot amend or overturn the given decision, but may inform the supervised entity of the appropriate legal conduct. No appeal may be made against a decision given in an administrative complaint matter.

- g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

[eduskunnalle vankeutta ja tutkintavankeutta koskevan lainsäädännön muuttamiseksi/regeringens proposition till riksdagen med förslag till ändring av lagstiftningen om fängelse och häktning](#)), p. 59.

¹¹⁰ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, section 49g.

¹¹¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 4.

¹¹² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 2(2).

¹¹³ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15.

¹¹⁴ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandlingen av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 13, sections 6 and 7, and Chapter 17, sections 1 and 4.

¹¹⁵ Finland, [Constitution of Finland \(Suomen perustuslaki/Finlands grundlag\)](#), Act No. 731/1999, section 21; Government bill HE 90/2005 vp ([hallituksen esitys eduskunnalle laiksi poliisin säilyttämien henkilöiden kohtelusta sekä laeiksi eräiden siihen liittyvien lakien muuttamisesta/regeringens proposition till riksdagen med förslag till lag om behandlingen av personer i förvar hos polisen samt till lagar om ändringar av vissa lagar som har samband med den](#)), p. 113; draft government bill for a new Act on the treatment of persons in police custody, [Putkalain kokonaisuudistus, työryhmän mietintö](#), p. 52.

¹¹⁶ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2; [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a.

[National Preventive Mechanism Report 2018](#)

[National Preventive Mechanism Report 2019](#)

[National Preventive Mechanism Report 2020](#)

Police prisons

The NPM noted a strong smell of tobacco in an outdoor exercise area of a police prison opened in May 2018. The Deputy-Ombudsman noted that the prison should consider how prisoners could be afforded the opportunity to take exercise in fresh air. The cleaning of outdoor exercise areas also requires more attention (3332/2018).¹¹⁷

Toukokuussa 2018 käyttöön otetun poliisivankilan ulkoilutilassa havaittiin tarkastuksen yhteydessä voimakas tupakanhaju. AOA totesi, että tulisi harkita, miten voitaisiin turvata mahdollisuus ulkoilla raittiissa ilmassa. Samoin ulkoilutilojen siivoukseen tulisi kiinnittää huomiota (3332/2018).¹¹⁸

Prisons

After the visit, the NPM asked the prison to provide a report on how many hours of activities the prisoners had attended in a certain week. The situation appeared to be quite good on weekdays, when the majority of prisoners spent more than eight hours per day out of their cells. In the weekends, however, the situation was clearly worse. In addition, the female prisoners' extremely poor ability to function set limits on their placement in activities. The Deputy-Ombudsman noted that open units were difficult to achieve merely by increasing the amount of activities. The Deputy-Ombudsman did not see why cell doors could not be open also when there was no organised or supervised activity going on in the unit (4653/2018).¹¹⁹

Vankilaa pyydettiin tarkastuksen jälkeen toimittamaan selvitys siitä, kuinka monta tuntia vangit olivat tiettynä viikkona osallistuneet toimintoihin. Tilanne vaikutti varsin hyvältä arkipäivisin, jolloin valtaosa osastojen vangeista vietti sellin ulkopuolella yli kahdeksan tuntia. Viikonloppujen osalta tilanne oli kuitenkin selvästi huonompi. Lisäksi naisvankien erittäin huono toimintakyky asetti rajoitteita heidän sijoittamiselle toimintoihin. AOA totesi, että osastojen riittävää avoimuutta on vaikeaa saavuttaa pelkästään toimintojen määrää lisäämällä. AOA ei nähnyt perustetta siihen, miksi sellien ovet eivät voisi olla auki myös silloin kun osastolla ei järjestetä ohjattua tai valvottua toimintaa (4653/2018).¹²⁰

Judging by the daily programmes, activities mostly involved sports and exercise, making the choice of activities extremely limited. As a result, the Deputy-Ombudsman has requested the Regional Centre in conjunction with prison to provide data on the activities in which prisoners participate and the time engaged in these activities (2449/2019 Turku).¹²¹

Päiväjärjestysten perusteella tarjolla oleva vapaa-ajantoiminta vaikuttaa painottuvan liikuntaan, mikä tekee vapaa-ajanviettomahdollisuuksista yksipuolisia. AOA onkin joutunut pyytämään aluekeskusta selvittämään yhdessä vankilan kanssa vankien

¹¹⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 79.

¹¹⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 82.

¹¹⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 87.

¹²⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 89.

¹²¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2019: National Preventive Mechanism against Torture](#), p. 97.

toimintaan sijoittamista ja toiminnan laatua sekä siihen käytettyä tuntimäärää (2449/2019 Turku).¹²²

The Deputy-Ombudsman decided to investigate on his own initiative the opportunities of foreign prisoners to follow TV programmes (757/2019*). In his decision of 16 January 2020, the Deputy-Ombudsman asked the Central Administration Unit of the Criminal Sanctions Agency to investigate how easy it is for foreign prisoners to access international TV programmes in different prisons. He also asked the Central Administration Unit to find suitable ways for prisons to subscribe to foreign TV channels as soon as possible. The Deputy-Ombudsman asked the Central Administration Unit to report the measures taken by prisons. He also noted that he will pay attention to the access of foreign prisoners to foreign-language TV programmes on his future visits.¹²³

AOA otti omana aloitteena tutkittavakseen ulkomaalaisvankien mahdollisuuden televisiolähetyksen seuraamiseen (757/2019*). Päätöksessään 16.1.2020 AOA pyysi Rise/kehaa selvittämään, miten ulkomaalaisvangeilla oli mahdollisuus seurata ulkomaalaisia televisiolähetyksiä eri vankiloissa. Lisäksi hän pyysi selvittämään erityisesti sellaisia ratkaisuja, joilla saataisiin mahdollisimman nopealla aikataululla näkyviin ulkomaalaisia televisiokanavia. AOA pyysi Rise/kehaa ilmoittamaan, mihin toimenpiteisiin vankiloissa oli ryhdytty. AOA myös ilmoitti, että hän tulee vankilatarkastuksilla kiinnittämään huomiota ulkomaalaisvankien mahdollisuuteen televisiolähetyksen seuraamiseen.¹²⁴

4. Solitary confinement

a) What are the national standards regarding solitary confinement?

Solitary confinement as a disciplinary punishment is regulated in the Imprisonment Act and the Remand Imprisonment Act.¹²⁵ A prisoner or a remand prisoner may be imposed a disciplinary punishment for a disciplinary infraction, and solitary confinement for at most ten days is the last resort of forms of disciplinary punishment. If a prisoner or remand prisoner has been in solitary confinement continuously for ten days, a new solitary confinement may not be enforced until seven days have elapsed from the end of the previous sanction. Solitary confinement includes a restriction of the possession of property and contacts, the use of library, the following of radio and TV programmes as well as of hobbies and free-time activities. The right to visits and to outdoor exercise may be restricted only if the visit or outdoor exercise endangers the safety of the prisoner, remand prisoner or other persons.

Based on the Imprisonment Act and the Remand Imprisonment Act, the Criminal Sanctions Agency has issued more detailed regulations on imposing and enforcement of disciplinary punishments, including solitary confinement.¹²⁶

¹²² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin*, p. 93.

¹²³ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 24 June 2021.

¹²⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Eduskunnan oikeusasiamiehen kertomus vuodelta 2020*, p. 102.

¹²⁵ Finland, *Imprisonment Act (vankeuslaki/fängelselag)*, Act No. 767/2005, Chapter 15, sections 4 and 8; *Remand Imprisonment Act (tutkintavankeuslaki/häktningslag)*, Act No. 768/2005, Chapter 10, sections 4 and 8.

¹²⁶ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), *Enforcement of disciplinary punishments*, regulation, 5/004/2016, 5 September 2016; *Kurinpitorangaistuksen määrääminen*, regulation, 3/004/2014, updated 26 April 2016.

Solitary confinement cannot be ordered against persons in police custody. The Act on Treatment of Persons in Police Custody does not contain any provisions on disciplinary punishment or solitary confinement.

b) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

According to Regulation 5/004/2016 issued by the Criminal Sanctions Agency, a prisoner or a remand prisoner serving a solitary confinement has to be monitored in accordance with the instructions of a public official in charge of security. In particular, it must be ensured that the mental and physical state of a prisoner placed in solitary confinement is monitored constantly. The public official in charge of security has to make sure that a physician or another public official, who is a member of the healthcare staff, is notified without delay of the placement of a prisoner in solitary confinement as well as the observed changes in the physical or mental state of the prisoner. If the enforcement of solitary confinement deems to have a harmful effect on the health of the prisoner, the director decides on the discontinuation or delay of the enforcement.¹²⁷

The Imprisonment Act and the Remand Imprisonment Act provide that a physician or another healthcare professional shall be notified of the placement of a prisoner or remand prisoner in solitary confinement as soon as possible. If the enforcement endangers the health of the prisoner, it shall be postponed or enforcement already commenced shall be discontinued.¹²⁸

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Provisions on disciplinary solitary confinement are the same for prisoners and remand prisoners, and for closed and open prisons. Solitary confinement cannot be ordered against persons in police custody.

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

A prisoner or a remand prisoner has a right to request for an administrative review of a decision that concerns solitary confinement.¹²⁹ Such a request is submitted to the prison director or the regional director. The overseeing prison authority may amend or rescind the administrative decision or reject the request for review.¹³⁰ A judicial appeal against their decision can be submitted to an administrative court.¹³¹

A prisoner or remand prisoner can submit an administrative complaint to the overseeing prison authority or to a legal oversight body, primarily the Office of the Parliamentary Ombudsman, should the prisoner or remand prisoner consider that the prison authorities have acted unlawfully or failed to comply with their obligations.¹³² The supervisory authority cannot amend or overturn the given decision, but may inform the supervised

¹²⁷ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*), [Enforcement of disciplinary punishments](#), regulation, 5/004/2016, 5 September 2016.

¹²⁸ Finland, [Imprisonment Act](#) (*vankeuslaki/fängelselag*), Act No. 767/2005, Chapter 15, section 8; [Remand Imprisonment Act](#) (*tutkintavankeuslaki/häktningslag*), Act No. 768/2005, Chapter 10, section 8.

¹²⁹ Finland, [Imprisonment Act](#) (*vankeuslaki/fängelselag*), Act No. 767/2005, Chapter 20, section 1(14); [Remand Imprisonment Act](#) (*tutkintavankeuslaki/häktningslag*), Act No. 768/2005, Chapter 15, section 1(6).

¹³⁰ Finland, [Administrative Procedure Act](#) (*hallintolaki/förvaltningslag*), Act No. 434/2003, section 49g.

¹³¹ Finland, [Imprisonment Act](#) (*vankeuslaki/fängelselag*), Act No. 767/2005, Chapter 20, section 4; [Remand Imprisonment Act](#) (*tutkintavankeuslaki/häktningslag*), Act No. 768/2005, Chapter 15, section 3.

¹³² Finland, [Parliamentary Ombudsman Act](#) (*laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman*), Act No. 197/2002, section 2; [Administrative Procedure Act](#) (*hallintolaki/förvaltningslag*), Act No. 434/2003, Chapter 8a.

entity of the appropriate legal conduct. No appeal may be made against a decision given in an administrative complaint matter.

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

There are no recommendations regarding disciplinary solitary confinement in the NPM reports 2018, 2019 and 2020.

5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

The Imprisonment Act and the Remand Imprisonment Act provide that prisoners have a right to health care according to their medical needs.¹³³ Also general laws on health care, such as the Act on the Status and Rights of Patients, are applicable to pre- and post-trial prisoners.¹³⁴ More detailed instructions on provision of health care are laid down in a regulation issued by the Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*).¹³⁵ The Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*) has the responsibility to ensure that prisoners have access to treatment and rehabilitation according to their medical needs.¹³⁶

The Health Care Services for Prisoners, which operates under the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), is responsible for the arrangement of healthcare services in prisons and has hospitals and outpatient clinics with branch clinics in the different units of the Criminal Sanctions Agency.¹³⁷ It provides primary health care services, dental health care services, and psychiatric health care services mainly by itself. Other specialised health care services and emergency services are outsourced.¹³⁸ According to the regulation on the arrangement of health care for prisoners, which applies to both pre- and post-trial prisoners, a nurse shall carry out an assessment of the need for treatment.¹³⁹ The regulation further provides that the Criminal Sanctions Agency personnel has the duty

¹³³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 1(1) and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, section 2(1).

¹³⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 1(3) and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, section 1(4).

¹³⁵ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#), regulation, 13 February 2017.

¹³⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 1(2).

¹³⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 1(1).

¹³⁸ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*), [Prisoners' health care](#), information available on the website of the Criminal Sanctions Agency.

¹³⁹ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#), regulation, 13 February 2017.

to monitor prisoners' health conditions and to arrange appropriate care, where needed, without delay, in urgent cases outside prisons.¹⁴⁰

The Act on Treatment of Persons in Police Custody prescribes that persons deprived of their liberty in police custody have a right to health care according to their medical needs.¹⁴¹ According to the National Police Board guidelines on treatment of persons in police custody, persons deprived of liberty shall be arranged the possibility, where needed, to see a medical person or a psychologist, to receive help by a medical doctor or a nurse and to be provided medication prescribed by a medical doctor.¹⁴² Health care for persons in police custody is provided by the most appropriate municipality or federation of municipalities.¹⁴³ The Health Care Act, which is applied to health care arranged by municipalities, stipulates that a health care professional shall assess the need for treatment no later than on the third (3) working day from when the patient first contacted the health centre or dental care provider.¹⁴⁴

None of the above acts or regulations include specific provisions regarding timeframes for emergency responses. However, the Health Care Act, which is applicable also in prisons and police prisons, prescribes that access to urgent care shall be provided immediately.¹⁴⁵

b) Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

There are no specific standards concerning the availability of qualified medical personnel at the prison health care units, nor in police custody.¹⁴⁶ Applicable general health care standards, such as those laid down in the Act on the Status and Rights of Patients, provide that patients have a right to good quality health care and medical care as required by the patients' health conditions and in the framework of the resources available for health care.¹⁴⁷

c) Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

According to the Health Care Services for Prisoners' regulation on organisation of health care in prisons, every prisoner or remand prisoner should get a medical examination inside three days upon the arrival in the prison or remand prison. A meeting with a medical professional earlier than this should be arranged, if needed.¹⁴⁸ The examination includes an assessment of acute health care needs, as well as an identification of earlier somatic and psychiatric illnesses and substance misuse. The examination also assesses the work ability of prisoners, and documents potential limitations therein.¹⁴⁹ General

¹⁴⁰ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#), regulation, 13 February 2017.

¹⁴¹ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/la om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 5, section 1(1).

¹⁴² Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu*, guidelines, 2020/2013/5490, 1 April 2014.

¹⁴³ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu*, guidelines, 2020/2013/5490, 1 April 2014.

¹⁴⁴ Finland, [Health Care Act \(terveydenhuoltolaki/hälso- och sjukvårdslag\)](#), Act No. 1326/2010, section 51.

¹⁴⁵ Finland, [Health Care Act \(terveydenhuoltolaki/hälso- och sjukvårdslag\)](#), Act No. 1326/2010, section 50(2), [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 1(3), [Remand Imprisonment Act \(tutkintavankeuslaki/häktningsslag\)](#), Act No. 768/2005, Chapter 6, section 1(4) and [Act on the Status and Rights of Patients \(laki potilaan asemasta ja oikeuksista/la om patientens ställning och rättigheter\)](#), Act No. 785/1992, Chapter 2, section 4(2).

¹⁴⁶ Finland, information obtained from the Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*) via email on 26 May 2021.

¹⁴⁷ Finland, [Act on the Status and Rights of Patients \(laki potilaan asemasta ja oikeuksista/la om patientens ställning och rättigheter\)](#), Act No. 785/1992, Chapter 2, section 3(1).

¹⁴⁸ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Hälsovårdsenhet för fångarna*), [Määräys vankien terveydenhuollon järjestämisestä](#), 13 February 2017, point 2.

¹⁴⁹ Finland, Government bill HE 49/2015 vp for an act on the Unit for Prison Health Services ([hallituksen esitys eduskunnalle laiksi Vankiterveydenhuollon yksiköstä ja eräiksi siihen liittyviksi laeiksi/regeringens proposition till](#)

laws on health care are applied in all health and medical care in prisons including the Act on the Status and Rights of Patients, which guarantees respect for patients' privacy and doctor-patient confidentiality.¹⁵⁰

There are no standards regarding initial examination of detainees in police custody. A National Police Board guidance letter on matters to be observed in police custody includes a note of the Parliamentary Ombudsman recommendation to the effect of ensuring that every detainee who stays in custody over 24 hours should have access to a medical professional. The guidance letter, however, states that since this is not required by law, the practice of need-based access to medical care may be continued.¹⁵¹

d) Are there any national standards relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

The Imprisonment Act and the Remand Imprisonment Act stipulate that if an ill or injured prisoner or remand prisoner cannot be appropriately treated or examined at a unit of the Health Care Services for Prisoners, he or she shall be temporarily transferred outside the prison for treatment or examination under necessary supervision.¹⁵² The decision on referral for treatment shall be made by the director of the prison, after consulting a physician, where possible.¹⁵³ A prisoner, however, not a remand prisoner, may also be released from the prison for treatment, for example, in case of grave illness or serious injury.¹⁵⁴

Similarly, according to the Act on Treatment of Persons in Police Custody, if persons in police custody cannot be properly treated or examined in custody, they must be sent for temporary treatment or examination under necessary supervision.¹⁵⁵

Neither the Imprisonment Act or the Remand Imprisonment Act, nor the Act on Treatment of Persons in Police Custody include separate provisions on specialist care, other than on childbirth and the services of a psychologist.¹⁵⁶ Concerning activities and participation in activities outside the prison, the Imprisonment Act, however, provides that prisoners with substance-abuse problem or prisoners who are assessed to have special problems in coping in freedom, may for a fixed period of time be placed in an outside institution or a corresponding unit to participate in intoxicant rehabilitation or in other goal-oriented activities improving their potential to cope.¹⁵⁷

e) Are there any national standards with regard to a medical treatment of the detainee's own choosing? If so, what do they require?

According to the Imprisonment Act, the Remand Imprisonment Act and the regulation on the organisation of prisoners' healthcare, prisoners and remand prisoners have a right to medication, treatment and other health care in prisons at their own expense

riksdagen med förslag till lag om Enheten för hälso- och sjukvård för fångar och vissa lagar som har samband med den), p. 15.

¹⁵⁰ Finland, [Act on the Status and Rights of Patients \(laki potilaan asemasta ja oikeuksista/lag om patientens ställning och rättigheter\)](#), Act No. 785/1992, Chapter 2, section 3(2) and Chapter 4, section 13.

¹⁵¹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilöissäpitotoiminnassa huomioitavia asioita*, letter of guidance (*ohjauskirje/styrningsbrev*), POL-2017-41566, 24 November 2017.

¹⁵² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 2 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, section 2(1).

¹⁵³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 10(2) and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, section 7(2).

¹⁵⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 3.

¹⁵⁵ Finland, Act on Treatment of Persons in Police Custody (*laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen*), Act No. 841/2006, Chapter 5, section 2.

¹⁵⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, sections 4 and 5, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, sections 3 and 4 and Act on Treatment of Persons in Police Custody (*laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen*), Act No. 841/2006, Chapter 5, sections 3 and 4.

¹⁵⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 9.

upon permission of a doctor of the Health Care Services for Prisoners.¹⁵⁸ Persons held in police custody also have a right to medication, treatment and health care at their own expense upon permission of a doctor arranged by the police, unless this would endanger the purpose of the deprivation of liberty.¹⁵⁹

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

According to the regulation on the organisation of prisoners' health care, prisoners and remand prisoners have the right to good quality health and medical care, equalling to that given to all Finnish citizens.¹⁶⁰ Provisions on health care are the same for closed and open prisons. The standards for police prisons, however, are less satisfactory than those concerning prisons, in particular, as regards access to initial medical examination and organisation of medical services (as described above), which has contributed to varying practices in different police prisons.¹⁶¹

g) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

Pursuant to the Imprisonment Act and the Remand Imprisonment Act, decisions concerning access to temporary care outside the prison and release from prison for treatment may be subject to a request for an administrative review or appeal.¹⁶² The request must be submitted in writing to the regional director of the prison authority within seven days from the receipt of the decision. The regional director shall handle it urgently. An appeal to an administrative court shall be submitted within 14 days of the receipt of the decision on the request for an administrative review.¹⁶³

Complaints concerning inappropriate treatment or legality issues related to health care and medical treatment of prisoners can be filed with the Regional State Administrative Agency of Northern Finland, which is responsible for overseeing the legality of the prison health care units' operations in all regions.¹⁶⁴ In addition, complaints can be filed with the National Supervisory Authority for Health and Welfare, the Parliamentary Ombudsman and other authorities overseeing the prisons. The Patient Ombudsman, placed at the Prison Hospital in the city of Hämeenlinna, can give advice and assist with filing complaints.¹⁶⁵

In addition, prisoners may submit reminders to the director of the Health Care Services for Prisoners or the leading physician of the Prison Hospital.¹⁶⁶

Decisions concerning access to health care in police prisons or outside prisons cannot be subject to a request for an administrative review or appeal on the basis of the Act on

¹⁵⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 8, and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, section 1(2) and Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#), regulation, 13 February 2017.

¹⁵⁹ Finland, Act on Treatment of Persons in Police Custody (*laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen*), Act No. 841/2006, Chapter 5, section 6.

¹⁶⁰ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#), regulation, 13 February 2017.

¹⁶¹ Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 91–92.

¹⁶² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1.

¹⁶³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 4.

¹⁶⁴ Finland, Government Decree on Regional State Administrative Agencies ([valtioneuvoston asetus aluehallintovirastoista/statsrådets förordning om regionförvaltningsverken](#)), Decree No. 906/2009, section 12(1)(1).

¹⁶⁵ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#), regulation, 13 February 2017.

¹⁶⁶ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#), regulation, 13 February 2017.

Treatment of Persons in Police Custody.¹⁶⁷ On the other hand, there is no explicit prohibition of appeal either, so at least written decisions may be appealed directly on the basis of section 21(1) of the Constitution Act.¹⁶⁸ Complaints to superior police officials/authorities and the overseers of legality, that is, the Regional State Administrative Agencies, the National Supervisory Authority for Health and Welfare and the Parliamentary Ombudsman, however, remain in practice the main remedies available to detainees held in police custody.

- h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

[National Preventive Mechanism Report 2018](#)

Impact of health care resources on prison activities

The Deputy-Ombudsman noted that the cooperation between the Criminal Sanctions Agency and Health Care Services for Prisoners (VTH) was not optimal with regard to taking the prisoners' need for health care services and the availability of health care personnel resources into account in the placement of prisoners. As key players in the process, the assessment centres should be aware of the facilities' capacity for meeting the health care needs of prisoners placed in them. VTH's treatment guidelines require multidisciplinary cooperation in the implementation of substitution treatments. The team includes a drug and alcohol counsellor employed by the prison. In accordance with the guidelines, a drug and alcohol counsellor's duty is to take care of the psychosocial rehabilitation of prisoners receiving substitution treatment. The guidelines also specify minimum requirements for the presence of a nurse and physician in the prison before substitution treatment can be implemented in the first place. It seemed that these requirements were not being met in all open institutions. The Deputy-Ombudsman recommended that the prisoner's state of health should always be taken into account in the prisoner's placement when it is known that the prisoner will have a greater than average need for health care services. At the very least, this applies to prisoners with disabilities and prisoners receiving substitution treatment.¹⁶⁹

AOA totesi, että Rikosseuraamuslaitoksen ja Vankiterveydenhuollon yksikön (VTH) yhteistyö ei ollut optimaalista siinä, miten vankien terveydenhuollon palvelujen tarve ja terveydenhuollon henkilöresurssit otetaan huomioon vankien sijoittelussa. Keskeisinä toimijoina myös arviointikeskusten tulisi olla tietoisia laitosten valmiuksista vastata sijoiteltavien vankien terveydenhuollollisista tarpeista. VTH:n hoitosuosituksukset edellyttävät korvaushoidon toteuttamisessa moniammatillista yhteistyötä. Tähän kuuluu vankilan päihdetyöntekijä, jonka tehtävänä on suosituksen mukaan huolehtia korvaushoitoa saavien vankien psykososiaalisesta kuntoutuksesta. Myös sairaanhoitajan ja lääkärin läsnäololle on suosituksissa asetettu minimivaatimukset, jotta korvaushoitoa voidaan ylipäänsä toteuttaa vankilaolosuhteissa. Vaikutti siltä, että nämä vaatimukset eivät täyttyneet kaikissa avolaitoksissa. AOA suositti, että vangin sijoittelussa otettaisiin aina huomioon vangin terveydentila silloin kun on tiedossa, että vangilla tulee olemaan

¹⁶⁷ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006.

¹⁶⁸ Finland, [Constitution of Finland](#) ([Suomen perustuslaki/Finlands grundlag](#)), Act No. 731/1999.

¹⁶⁹ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [Summary of the Annual Report of 2018: National Preventive Mechanism of Torture](#), p. 88.

tavanomaista enemmän terveydenhuollon palvelujen tarvetta. Tämä koski ainakin vammaisia vankeja ja korvaushoitoa saavia vankeja.¹⁷⁰

[National Preventive Mechanism Report 2019](#)

Health care at detention facilities

Based on visits to police detention facilities, increased attention has been paid to access to health care. As a rule, all facilities visited had appropriate arrangements in place for the storage of medicines, as well as the documentation of their distribution. All guards at police detention facilities have completed medicine distribution training.¹⁷¹

The Ombudsman has recommended that any person deprived of their liberty for more than 24 hours in police detention facilities should receive a health check on arrival. This recommendation has not been observed even in places where health-care professionals deliver care on a regular basis. Furthermore, the National Police Board has not provided guidance in its circular to organise health checks. However, the Western Uusimaa Police Department has notified the Ombudsman that negotiations with the manager of the Espoo sobering-up station have been initiated to enable those kept at the Espoo police prison for longer than 24 hours to be seen by a health-care professional (1201/2019* Espoo).¹⁷²

Poliisin säilytystiloissa on tarkastushavaintojen perusteella kiinnitetty entistä enemmän huomiota terveydenhuollon saatavuuteen. Lähtökohtaisesti kaikissa tarkastetuissa kohteissa oli lääkkeiden säilyttäminen ja niiden antamisen kirjaaminen hoidettu asianmukaisesti. Kaikki poliisin säilytystilojen vartijat ovat suorittaneet lääkkeenjakkokoulutuksen.¹⁷³

OA on suosittanut, että myös poliisin säilytystiloissa pyrittäisiin järjestämään kaikille yli vuorokauden säilytystiloissa oleville vapautensa menettäneille tulovaiheen terveystarkastus. Tämä ei ole toteutunut edes niissä paikoissa, joissa käy säännöllisesti terveydenhuollon ammattihenkilö pitämässä vastaanottoa. Myöskään Poliisihallitus ei ole ohjauskirjeessään suosittanut terveystarkastusten järjestämistä. Länsi-Uudenmaan poliisilaitos on kuitenkin ilmoittanut OA:lle, että Espoon pääpoliisiaseman yhteydessä toimivan Espoon kaupungin selviämishoitoaseman esimiehen kanssa on aloitettu keskustelut mahdollisuudesta järjestää kaikille yli vuorokauden säilössä oleville mahdollisuus tavata terveydenhuollon ammattihenkilö (1201/2019* Espoo).¹⁷⁴

Prisoners arrive at the Psychiatric Prison Hospital sometimes following an exceptionally long journey. It may have been necessary during the journey to use force or coercive methods, such as handcuffing. The Deputy-Ombudsman recommended that with each arriving prisoner, possible signs of the use of force are examined, and the prisoners are actively asked about any use of force.¹⁷⁵

¹⁷⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 90.

¹⁷¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report of 2019: National Preventive Mechanism of Torture](#), p. 92.

¹⁷² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report of 2019: National Preventive Mechanism of Torture](#), p. 92.

¹⁷³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 89.

¹⁷⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 89.

¹⁷⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2019: National Preventive Mechanism against Torture](#), p. 149.

Psykiatriseen vankisairaalaan tulee vankeja hyvinkin pitkien matkojen päästä. Heihin on voitu joutua kohdistamaan voimankäyttöä tai pakkotoimia, kuten käsirautoja. AOA suositti, että jokaisen saapuvan vangin kohdalla käydään läpi tulovaiheessa myös mahdolliset väkivallan merkit ja että tätä kysytään aktiivisesti vangilta.¹⁷⁶

[National Preventive Mechanism Report 2020](#)

Police detention facilities

Police prisons do not have health care of their own. This was one of the reasons why the information leaflet given to prisoners by the Health Care Services for Prisoners (VTH) was sent for information to the National Police Board and it was proposed that similar information should also be given to persons deprived of their liberty who are in police custody. The CPT's (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) principles for the treatment of persons deprived of their liberty during the coronavirus pandemic were also submitted to the National Police Board. Later, the National Police Board submitted to the Ombudsman a circular (guidance) addressed to the police departments and discussing matters such as the prevention of a dangerous communicable disease in police prisons. An information leaflet on the coronavirus pandemic, intended for persons deprived of their liberty, had been attached to the guidelines. The information in it was based on the instructions drawn up by VTH. The CPT's principles had also been attached to the guidelines.¹⁷⁷

Poliisivankiloilla ei ole omaa terveydenhuoltoa. Muun muassa tämän vuoksi Poliisihallitukselle toimitettiin tiedoksi Vankiterveydenhuollon yksikön (VTH) tiedote vangeille ja ehdotettiin, että myös poliisin säilyttämille vapautensa menettäneille annettaisiin vastaavaa tietoa. Poliisihallitukselle toimitettiin myös CPT:n (Eurooppalainen komitea kidutuksen, epäinhimillisen tai halventavan kohtelun tai rangaistuksen estämiseksi) periaatteet vapautensa menettäneen henkilön kohtelusta koronapandemian aikana. Poliisihallitus toimitti myöhemmin oikeusasiamiehelle poliisilaitoksille osoitetun ohjauskirjeen, jossa käsitellään muun muassa vaarallisen tartuntataudin leviämisen ehkäisemistä poliisivankiloissa. Ohjeeseen oli liitetty vapautensa menettäneelle annettavaksi tarkoitettu tiedote koronapandemiasta, jonka tiedot perustuivat VTH:n laatimaan ohjeistukseen. Samoin ohjeeseen oli liitetty CPT:n periaatteet.¹⁷⁸

Health care in police detention facilities

Health care arrangements have room for improvement in all police prisons. Most police prisons are not visited by health-care staff on a regular basis. Instead, police departments have made various arrangements with public health care operator or private health care provider to safeguard the health care of persons deprived of their liberty.

When persons deprived of their liberty arrive at the facility, they are not medically screened and their health is not checked during the deprivation of liberty unless they request it. At least since 2016, the Ombudsman has recommended that all detainees are medically screened within 24 hours of their arrival at a police prison. The CPT has also in the preliminary comments on its visit in autumn 2020 considered the absence of health-care staff problematic with respect to remand prisoners, who were still not systematically and routinely medically screened upon arrival. This has not been

¹⁷⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 124.

¹⁷⁷ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

¹⁷⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 87.

observed even in the few establishments where health-care professionals deliver care on a regular basis. Neither did the National Police Board in the circular mentioned above provide guidance to organise medical screening.

On visits made to police prisons, it has also been observed that persons deprived of their liberty have not been informed of their right to receive health care at their own expense with permission from a doctor arranged by the police. This is because the police custodial staff has not been aware of this provision in the Police Custody Act. The NPM has highlighted this during its monitoring visits and the National Police Board has also provided guidance on it in the above-mentioned circular to police departments.¹⁷⁹

Terveydenhuollon järjestäminen poliisin säilytystiloissa

Kaikissa poliisivankiloissa on parantamisen varaa terveydenhuollon järjestelyissä. Useimmissa poliisivankiloissa ei käy terveydenhuoltohenkilökuntaa säännöllisesti. Poliisilaitokset ovat sen sijaan tehneet erilaisia järjestelyjä julkisen terveydenhuollon tai yksityisen terveydenhuollon toimijan kanssa vapautensa menettäneiden terveydenhuollon turvaamiseksi.

Vapautensa menettäneille ei tehdä tulovaiheessa terveystarkastuksia eikä heidän terveydentilaansa muutenkaan tarkasteta vapauden menetyksen aikana muuten kuin pyynnöstä. OA on ainakin vuodesta 2016 alkaen suosittanut, että myös poliisin säilytystiloissa pyrittäisiin järjestämään kaikille yli vuorokauden säilytystiloissa oleville vapautensa menettäneille tulovaiheen terveystarkastus. Myös CPT on syksyllä 2020 tekemänsä käynnin alustavissa kommentteissa pitänyt ongelmallisena terveydenhoitohenkilöstön puuttumista erityisesti tutkintavankien kannalta, joille ei edelleenkään järjestelmällisesti ja rutiininomaisesti tehty terveystarkastusta heidän saapuessaan laitokseen. Tämä ei ole toteutunut edes niissä paikoissa, joissa käy säännöllisesti terveydenhuollon ammattihenkilö pitämässä vastaanottoa. Myöskään Poliisihallitus ei ole edellä kerrotussa ohjauskirjeessään suosittanut terveystarkastusten järjestämistä.

Poliisivankiloihin tehdyillä tarkastuksilla on myös havaittu, että vapautensa menettäneille ei ole kerrottu heidän oikeudestaan saada poliisin järjestämän lääkärin luvalla omalla kustannuksella terveydenhoitoa säilytystiloissa. Tämä on johtunut siitä, että poliisivankilan henkilökunta ei ole ollut tietoinen tästä putkalain säännöksestä. OA on tarkastuksillaan pitänyt tätä esillä ja Poliisihallitus on myös ohjeistanut tästä edellä kerrotussa ohjauskirjeessään poliisilaitoksille.¹⁸⁰

The criminal sanctions field

Contacts with prisoners revealed that they had not received enough information about coronavirus. The Office of the Parliamentary Ombudsman contacted the Health Care Services for Prisoners (VTH), which purpose is to provide all prisoners in Finland with health care services. VTH was requested to provide information on how prisons and prisoners had been instructed because of coronavirus. It was discovered that VTH had cooperated with the Central Administration Unit of the Criminal Sanctions Agency and the prisons. However, no information on coronavirus had been distributed to prisoners. After the Ombudsman's enquiry, VTH prepared an information sheet for prisoners in several languages.¹⁸¹

Rikosseuraamusala

¹⁷⁹ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

¹⁸⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Eduskunnan oikeusasiamiehen kertomus vuodelta 2020*, p. 91–92.

¹⁸¹ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

Vankien yhteydenotoista ilmeni, että he eivät olleet saaneet riittävästi tietoa koronaviruksesta. Eduskunnan oikeusasiamiehen (EOA) kansliasta oltiin yhteydessä Vankiterveydenhuollon yksikköön (VTH), jolle kuuluu vankien terveydenhuollon järjestäminen. VTH:lta pyydettiin tietoa siitä, miten vankiloita ja vankeja oli ohjeistettu koronaviruksesta. Ilmeni, että VTH oli tehnyt yhteistyötä Rikosseuraamuslaitoksen keskushallintoyksikön (Rise/keha) ja vankiloiden kanssa. Vangeille ei kuitenkaan ollut jaettu informaatiota koronaviruksesta. Oikeusasiamiehen tiedustelun jälkeen VTH laati vangeille suunnatun koronatiedotteen, joista tehtiin useita kieliversioita.¹⁸²

Prisoner health care

Human resources

The Ombudsman has considered it particularly problematic that at most VTH's outpatient clinics, no health-care personnel is present in the evenings or at weekends. This affects the timetable for conducting the routine medical screening on the arrival of new prisoners and examining the health of a prisoner placed in isolation. The CPT has also drawn attention to this – most recently on its visit in autumn 2020. In addition, prison health care has increasingly had to resort to the services of outsourced physicians and even remote physicians. In practice, this has meant that the nurses at the outpatient clinics have to assume the main responsibility of the care of prisoners. Attention has also been paid to the fact that adequate psychiatrist's services are not available in prison.¹⁸³

Vankiterveydenhuolto

Henkilöresurssit

OA on pitänyt erityisen ongelmallisena sitä, että useimmilla VTH:n poliklinikoilla ei ole iltaisin tai viikonloppuisin terveydenhoitohenkilökuntaa paikalla. Tällä on merkitystä muun muassa siihen, missä aikataulussa uusille vangeille tehdään terveydenhuollon tulotarkastus ja eristykseen sijoitetun vangin terveydentila tutkitaan. Myös CPT on kiinnittänyt tähän asiaan huomiota – viimeksi syksyllä 2020 tekemällään käynnillä. Vankiterveydenhuollossa on lisäksi yhä enemmän jouduttu turvautumaan ostopalvelulääkäreihin ja myös etälääkäreihin. Tämä on käytännössä tarkoittanut sitä, että poliklinikoiden sairaanhoitajat joutuvat kantamaan pääasiallisen vastuun vankien hoidosta. Huomiota on kiinnitetty myös siihen, että vankilassa ei ole tarpeeksi tarjolla psykiatrin palveluja.¹⁸⁴

Medical screening on arrival

The CPT has constantly recommended that prisons must have a comprehensive medical screening within 24 hours of newly arrived prisoners. The Imprisonment Act does not have any provisions in this respect. VTH has instructed that a nurse must conduct an interview with new prisoners within 3 days of their arrival. The Ombudsman has also recommended that prison health care should meet the prisoner within 24 hours of their arrival. Some outpatient clinics has achieved this target. In 2020, compromises have had to be made with the schedule and content of routine medical screening on arrival because of the additional work caused by the COVID-19 pandemic. According to VTH, a limited version of the interview on arrival is conducted within 3 days mainly to assess the risks of the detainee. A more extensive medical screening is conducted within a week of the person's arrival. The routine medical screenings of short-term prisoners, such as fine default prisoners, are likely to remain limited. On the other hand, the execution of short-term sentences has repeatedly been postponed.

¹⁸² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 95.

¹⁸³ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

¹⁸⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 110.

The Ombudsman has also observed that the routine medical screenings of newly arrived prisoners are almost exclusively based on an extensive interview. Also, the form used in the screening does not contain questions about injuries or a body chart in which injuries could be recorded. The Ombudsman has recommended that these items should be included in the form. The persons conducting the medical screening should take into account the possibility that the prisoner may have been subjected to physical violence before arrival in the prison while in the custody of another authority as a person deprived of his or her liberty. This is important in terms of the legal protection of persons deprived of their liberty and, on the other hand, of those authorities or other actors at whom suspicions are levelled.¹⁸⁵

Tulotarkastukset

CPT on edellyttänyt, että vangille tehdään terveystarkastus 24 tunnin sisällä vankilaan saapumisesta. Vankeuslaissa ei ole säännöksiä tältä osin. VTH on ohjeistanut, että sairaanhoitaja tekee vangille tulohaastattelun 3 vuorokauden kuluessa. Myös OA on suosittanut, että vankiterveydenhuollosta tavattaisiin vankipotilas vuorokauden kuluessa tämän saapumisesta. Joillakin poliklinikoilla on päästy tähän tavoitteeseen. Vuonna 2020 tulotarkastuksissa on jouduttu koronapandemian aiheuttaman lisätyön vuoksi tinkimään tulovaiheen tarkastusten aikataulusta ja sisällöstä. VTH:n mukaan tulohaastattelu tehdään 3 päivän sisällä suppeana versiona, jossa lähinnä kartoitetaan vankipotilaan riskit. Laajempi tulotarkastus tehdään viikon kuluessa saapumisesta. Lyhytaikaisten vankien – kuten sakkovankien – tulotarkastukset jäänevät suppeaksi. Toisaalta lyhytaikaisten tuomioiden täytäntöönpanoa on useaan otteeseen lykätty.

OA on kiinnittänyt huomiota myös siihen, että vankien tulotarkastukset perustuvat lähes yksinomaan laajaan haastatteluun. Tarkastuksessa käytettävässä lomakkeessa ei ole myöskään kysymyksiä vammoista eikä kehokaavioita (body chart), joihin ne voitaisiin merkitä. OA on suosittanut, että lomakkeeseen lisättäisiin nämä kohdat. Terveystarkastuksen tekijän tulee ottaa huomioon mahdollisuus, että vanki on voinut joutua fyysisen väkivallan kohteeksi ennen vankilaan saapumistaan ollessaan toisen viranomaisen huostassa vapautensa menettäneenä. Kyse on vapautensa menettäneen ja toisaalta myös niiden virkamiesten tai muiden toimijoiden oikeusturvasta, joihin epäily kohdistetaan.¹⁸⁶

Notification of appointment

Prisoners frequently criticise the fact that they do not receive replies to the messages they send to the outpatient clinic, or that access to a doctor is difficult. The Ombudsman has frequently drawn the outpatient clinics' attention to the fact that, according to the Act on the Status and Rights of Patients, the time of their appointment must be communicated to patients, if it is known. The Patient Act does not distinguish between prisoners and other patients in this regard. However, it is necessary to take certain security considerations into account, particularly for appointments outside the prison, and these can have an impact on the level of detail disclosed to specific prisoners about the times of their appointments. In April 2020, VTH issued guidelines on answering to the questions in the form and notifying appointment times. The guidelines state that, as a general rule, the patient will be notified of the appointment time or rescheduling in accordance with the Patient Act. The guidelines also briefly address contacting the outpatient clinic electronically instead of paper forms, which will be possible in the smart prisons of the future. In the past few years, the decline in the prison officer resources has affected the appointments at outpatient clinics and oral health care in such a way that fewer transports of prisoners are organised and the appointments are not implemented as planned when the patients are unable to attend. In 2020, the COVID-

¹⁸⁵ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

¹⁸⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 110.

19 pandemic has further complicated the situation because only one prisoner at a time can be brought to the outpatient clinic.¹⁸⁷

Vastaanottoajasta ilmoittaminen

Vangit esittävät usein arvostelua siitä, että heidän poliklinikalle lähettämiinsä viesteihin ei vastata tai että heidän on vaikea saada lääkärille vastaanottoaika. Tarkastuksilla on usein kiinnitetty poliklinikoiden huomiota siihen, että potilaslain mukaan potilaalle tulee ilmoittaa vastaanottoaika, jos se on tiedossa. Laki ei tunne vankipotilaan osalta poikkeusta tästä. Erityisesti vankilan ulkopuolelle suuntautuvilla lääkärikäynneillä on kuitenkin jouduttu ottamaan huomioon myös turvallisuuteen liittyviä seikkoja, jotka voivat yksittäisen vangin kohdalla vaikuttaa siihen, miten tarkasti hänelle ilmoitetaan vastaanottoajasta. VTH on antanut huhtikuussa 2020 ohjeistuksen asiointilomakkeeseen vastaamisesta ja vastaanottoaikojen ilmoittamisesta. Ohjeessa todetaan pääsääntönä, että vastaanottoajasta tai sen muuttumisesta ilmoitetaan potilaalle potilaslain mukaisesti. Ohjeessa on myös hieman käsitelty tulevaisuuden älyvankiloissa toimivaa sähköistä yhteydenottoa poliklinikalle paperisten asiointilomakkeiden sijasta. Viime vuosina vartijaresurssien väheneminen on vaikuttanut poliklinikoiden ja suun terveydenhuollon vastaanottoihin siten, että vankipotilaiden kuljetuksista tingitään ja vastaanotot eivät toteudu suunnitellusti, kun potilaita ei saada paikalle. Vuonna 2020 koronapandemia on entisestään vaikeuttanut tilannetta, koska poliklinikalle voidaan tuoda vain yksi vanki kerrallaan.¹⁸⁸

6. Special measures in place to protect young detainees

a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

Prisoners and remand prisoners below 18 years of age must be placed in prisons where they can be kept separate from adult prisoners unless their best interest requires otherwise.¹⁸⁹ Further, when enforcing the imprisonment of juveniles who have committed their offences when under 21 years of age, special attention shall be paid to the needs arising from the age and stage of development of the prisoner.¹⁹⁰ The same standards apply to young detainees in police custody (see 6. b)).¹⁹¹

According to an amendment of the Remand Imprisonment Act adopted on 15 March 2019, a remand prisoner who has attained the age of 18 years while on remand may still be kept separate from other adult remand prisoners, if this is justified considering his or her personal circumstances. A remand prisoner who has attained the age of 18 may be kept in the same premises with a remand prisoner under 18 years of age only, if this is not against the best interests of the remand prisoner under 18 years of age.¹⁹²

b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

¹⁸⁷ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

¹⁸⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Eduskunnan oikeusasiamiehen kertomus vuodelta 2020*, p. 110.

¹⁸⁹ Finland, *Imprisonment Act (vankeuslaki/fångelselag)*, Act No. 767/2005, Chapter 5, section 2, *Remand Imprisonment Act (tutkintavankeuslaki/häktningslag)*, Act No. 768/2005, Chapter 3, section 1.

¹⁹⁰ Finland, *Imprisonment Act (vankeuslaki/fångelselag)*, Act No. 767/2005, Chapter 1, section 5(3) and *Remand Imprisonment Act (tutkintavankeuslaki/häktningslag)*, Act No. 768/2005, Chapter 1, section 5(3).

¹⁹¹ Act on Treatment of Persons in Police Custody (*laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen*), Act No. 841/2006, Chapter 1, section 4(3) and Chapter 3, section 1(1).

¹⁹² Finland, Act amending the Remand Imprisonment Act (*laki tutkintavankeuslain muuttamisesta/lag om ändring av häktningslagen*), Act No. 326/2019, Chapter 3, section 1(3), 15 March 2019.

The age of criminal responsibility in Finland is 15.¹⁹³ The requirement to separate young persons from adults covers detainees between the age of 15 and 17, that is, prisoners who are younger than 18 years of age.¹⁹⁴

The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody also include provisions concerning treatment of so-called 'young offenders'. According to these provisions, when enforcing the imprisonment of juveniles who have committed their offences when under 21 years of age, special attention shall be paid to the needs arising from the age and stage of development of the prisoner.¹⁹⁵

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

With the exception of the new provision in the Remand Imprisonment Act (see 6. a)), which only concerns prisoners on remand, the standards on juvenile prisoners are similar for pre-trial and post-trial detention as well as for closed and open prisons.

d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

The Imprisonment Act and the Remand Imprisonment Act provide that a request for an administrative review can be submitted to the relevant overseeing prison authority, the regional director in the first place.¹⁹⁶ The prison authority may decide to amend the administrative decision, rescind it or reject the request for review.¹⁹⁷ The administrative review decision in turn can be followed by a judicial appeal to an administrative court.¹⁹⁸ However, the Imprisonment Act and the Remand Imprisonment Act list decisions that are excluded from the administrative and judicial review mechanism. For example, the decision on the placement of the detainee in a prison ward cannot be subject to this type of review.¹⁹⁹

Under the Act on Treatment of Persons in Police Custody, a request for an administrative review to the head of the police department and a judicial appeal to an administrative court can be submitted in specified cases. These cases do not include decisions concerning the placement of the detainee within the detention facility.²⁰⁰

Further, persons in pre- and post-trial detention can submit an administrative complaint to the overseeing prison authority or to a legal oversight body, primarily the Office of the Parliamentary Ombudsman, should the detainee consider that the prison authorities

¹⁹³ Finland, [Criminal Code \(rikoslaki/strafflag\)](#), Act No. 39/1889, Chapter 3, section 4(1).

¹⁹⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 2, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1 and Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 1(1).

¹⁹⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 5(3), [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 1, section 5(3) and Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 1, section 4(3).

¹⁹⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1.

¹⁹⁷ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 7a, section 49g.

¹⁹⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1.

¹⁹⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 2 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 2.

²⁰⁰ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 17, section 1.

have acted unlawfully or failed to comply with their obligations.²⁰¹ The supervisory authority cannot amend or overturn a given decision, but may inform the supervised entity of the appropriate legal conduct. Also, no appeal may be made against a decision given in an administrative complaint matter.

Persons in police custody have a right to submit an administrative complaint to the head of the police unit, the National Police Board or the Office of the Parliamentary Ombudsman.²⁰² As above, the decision cannot be amended or overturned and appeal is not possible.

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

[National Preventive Mechanism Report 2017](#)

[National Preventive Mechanism Report 2018](#)

[National Preventive Mechanism Report 2019](#)

[National Preventive Mechanism Report 2020](#)

National Preventive Mechanism Report 2017

According to the established legal praxis of the Ombudsman, the reason for placing minor prisoners separately from adult prisoners is to ensure their safety and protection. The possibility to deviate from this rule should be interpreted only very narrowly. Placing minor and adult prisoners together cannot be an established practice or the only option available. Minors should be provided with separate accommodation units with no access by adult prisoners. However, arranging for separate accommodation for a minor must not mean that the minor is placed in isolation. If minor prisoners participate in activities outside the cell together with adult prisoners, it is imperative that the activities are sufficiently supervised.²⁰³

Oikeusasiamiehen ratkaisukäytännössä on todettu mm., että erillään sijoittamisvaatimuksen perusteena on lapsen turvallisuuden takaaminen ja suojelutarve. Mahdollisuutta poiketa tästä tulee tulkita ahtaasti. Lähtökohtana on, että alaikäisten ja täysi-ikäisten yhteen sijoittaminen ei voi olla säännönmukainen tai peräti ainoa ratkaisu. Alaikäisillä tulisi olla omat majoitustilat, joihin täysi-ikäisillä ei ole pääsyä. Erillään majoittaminen ei kuitenkaan saa merkitä alaikäiselle vangille eristämisen kaltaisia olosuhteita. Järjestettäessä alaikäisille vangeille sellin ulkopuolista toimintaa yhdessä aikuisten vankien kanssa, tulee valvonnan olla ehdottomasti riittävää.²⁰⁴

The Deputy-Ombudsman stressed that the placement of minor prisoners should be brought in line with what is required by law and international recommendations. Compliance with these regulations and recommendations appears to be very difficult, if not impossible, for prisons. The Deputy-Ombudsman found that it was also the duty of

²⁰¹ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/laq om riksdagens ombudsman\)](#), Act No. 197/2002, section 2, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a.

²⁰² Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/laq om riksdagens ombudsman\)](#), Act No. 197/2002, section 2; [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a. Police of Finland, [Internal supervision ensures the quality of police work](#), website.

²⁰³ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [National Preventive Mechanism: Annual Report 2017](#), p. 37.

²⁰⁴ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [Kansallinen valvontaelin: Vuosikertomus 2017](#), p. 36.

the Criminal Sanctions Regions and the Central Administration unit of the Criminal Sanctions Agency to take measures to address the problem.²⁰⁵

AOA painotti, että alaikäisten vankien sijoittaminen tulisi saattaa vastaamaan laissa ja kansainvälisissä suosituksissa edellytettyä. Tämä vaikuttaa olevan vankiloille hyvin haasteellista, ellei mahdotonta. AOA katsoi, että myös rikosseuraamusalueen ja keskushallintoyksikön asiana olisi ryhtyä ongelman edellyttämiin toimiin.²⁰⁶

National Preventive Mechanism Report 2020

With regard to the placement of minors on wards, the situation in prisons has not changed much in 10 years, in other words, since the Ombudsman issued the above-mentioned decision.²⁰⁷ Minors continue to be accommodated on the same wards with adults. In 2020, the Deputy-Ombudsman decided to investigate the segregation of underage prisoners on his own initiative (4760/2020). The case is still pending. In the Deputy-Ombudsman's view, the problem is specifically the unsuitable space solutions in prisons and probably also a lack of staff. Dedicated, suitable facilities should exist and be reserved for minors, but currently there were none. Working with minors and ensuring sufficient supervision when they are in contact with adult prisoners is also likely to require more staff than working with adults. In addition, the staff should have special expertise in working with young people. According to the Deputy-Ombudsman, Vantaa prison and Turku prison had tried to address the problem by establishing a ward for young people. However, even these wards did not meet the requirements of the regulations and recommendations because the people placed in them were mainly adult remand prisoners and prisoners serving sentences, albeit young.²⁰⁸

Tilanne vankiloissa ei alaikäisten osastoille sijoittamisen suhteen ole juurikaan muuttunut 10 vuodessa eli siitä, mitä se oli OA:n antaessa edellä todetun päätöksensä.²⁰⁹ Alaikäiset majoitetaan edelleen samoille osastoille täysi-ikäisten kanssa. AOA otti 2020 omana aloitteena selvitettäväksi alaikäisten vankien erillään pitämisen (4760/2020). Asia on vielä vireillä. AOA:n käsityksen mukaan ongelmassa on kyse nimenomaan tilaratkaisujen soveltumattomuudesta ja todennäköisesti myös henkilökunnan riittävyydestä. Alaikäisille tulisi olla olemassa ja varattuina omia, soveltuvia tiloja, joita ei nyt ollut. Alaikäisten kanssa työskentely sekä riittävä valvonta heidän ollessaan tekemisissä täysi-ikäisten vankien kanssa vaatii myös enemmän henkilökuntaa kuin täysi-ikäisen kanssa työskentely. Lisäksi henkilökunnalla tulisi olla erityistä asiantuntemusta nuorten kanssa työskentelyyn. AOA:n mukaan ainakin Vantaan vankilassa ja Turun vankilassa oli yritetty puuttua ongelmaan perustamalla nuoriso-osasto. Nämäkään osastot eivät kuitenkaan täyttäneet säännösten ja suositusten vaatimuksia, koska niille oli sijoitettu pääosin täysi-ikäisiä, vaikkakin nuoria, tutkintavankeja ja vankeja.²¹⁰

²⁰⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [National Preventive Mechanism: Annual Report 2017](#), p. 37.

²⁰⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Kansallinen valvontaelin: Vuosikertomus 2017](#), p. 36.

²⁰⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens ombudsman*), [EOAK/879/2008](#), 29 October 2010.

²⁰⁸ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

²⁰⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens ombudsman*), [EOAK/879/2008](#), 29 October 2010.

²¹⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 99–100.

7. Special measures in place to protect detainees from violence

- a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

The Imprisonment Act covering post-trial detention provides that the authorities in charge of the enforcement of imprisonment shall ensure that during the imprisonment no person unjustifiably violates the personal integrity of the prisoner.²¹¹ This covers violence committed by both prison staff and detainees.

The Imprisonment Act and Remand Imprisonment Act contain provisions on precautionary measures and use of force. Precautionary measures, including physical restraint, isolation and segregation, shall be used as a last resort.²¹² The use of force shall be necessary and justifiable considering the circumstances. In assessing the justifiability, the importance and urgency of the task, the dangerousness of the resistance, the resources available, and any other issues affecting the overall assessment of the situation shall be taken into consideration. Only public officials who have received relevant training may use instruments of force.²¹³

The Criminal Sanctions Agency has adopted a regulation on the training of the use of precautionary measures and force in prisons, including in pre- and post-trial detention facilities.²¹⁴ The training aims to develop the official's capacity to apply solutions that diminish the need to use force and to enhance the preparedness of the official to use the measures in a professional and responsible way.

A detainee, who is subjected to violence by prison staff, may under the general complaint mechanism submit an administrative complaint to the overseeing prison authority or to a legal oversight body, primarily the Parliamentary Ombudsman (see section 7. e)). In connection with the investigation of a disciplinary infraction, the Imprisonment Act and the Remand Imprisonment Act further provide that a prisoner's well-founded claim of the guilt or involvement of a staff member in the offence shall be referred to the police for investigation.²¹⁵

With respect to detention facilities maintained by the police, the use of forcible measures is regulated in the Police Act and the Act on Treatment of Persons in Police Custody. According to the Police Act, the police shall respect fundamental and human rights and, in exercising their powers, choose from all reasonable options the course of action that best asserts these rights. Further, the police action shall be reasonable and proportionate and comply with the principle of minimum intervention.²¹⁶ The National Police Board has issued regulations on mandatory training of police officials in the use of force.²¹⁷ The powers of guards in police detention facilities, including their right to use force, are regulated in the Act on Treatment of Persons in Police Custody. When

²¹¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#) Act No. 767/2005, Chapter 1, section 3.

²¹² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 18, section 1, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 13, section 1.

²¹³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 18, section 6, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 13, section 6. See also Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 11, section 1.

²¹⁴ Finland, Criminal Sanctions Agency ([Rikosseuraamuslaitos/Brottsförjdsmyndigheten](#)), [Voimakeinojen käyttäminen sekä turvaamistoimenpiteiden käytön, voimakeinojen sekä voimankäyttövälineiden käytön koulutus](#), regulation, 9/004/2018, 1 November 2018.

²¹⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 15, section 9(3) and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 10, section 9(3).

²¹⁶ Finland, [Police Act \(poliisilaki/polislag\)](#), Act No. 872/2011, Chapter 1, sections 2–4 and Chapter 2, section 17.

²¹⁷ Finland, National Police Board ([Poliisihallitus/Polisstyrelsen](#)), [Poliisin voimankäyttö- ja suojavälineet sekä voimakeinojen ja suojavälineiden käytön koulutus](#), regulation, POL-2019-28030, 26 November 2019 (not available online).

executing their duties, the guards should not more than necessary and justifiably cause detainees harm and damage or interfere in their rights.²¹⁸

The Criminal Investigation Act provides for special investigation arrangements in situations involving a police officer as suspect in an offence. Thus, the public prosecutor directs the criminal investigation and an external police unit conducts the investigation.²¹⁹ With respect to offences committed by other staff members, such as guards, the police unit, where the offence has taken place, leads and conducts the investigation.²²⁰

b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

The authorities in charge of the enforcement of imprisonment shall ensure that during the imprisonment no person unjustifiably violates the personal integrity of the prisoner.²²¹ The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody provide that prisons shall have alarm systems and other technical security systems required to guarantee prison safety and security.²²²

The provision on technical surveillance in the Imprisonment Act has been revised with the aim of clarifying the standards in use. In order to secure the prison order, the security of the imprisonment and the personal safety, technical surveillance can be used in general areas of the prison, however, not in cells and toilets.²²³ Same standards are included in the Remand Imprisonment Act.²²⁴

The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Policy Custody stipulate that the closed premises of a prison, where prisoners are kept, shall have alarm equipment, with which the staff may be contacted without delay.²²⁵

Further, a prisoner shall be given an opportunity to be accommodated separately from other prisoners, in full or in part, if he or she has reasonable grounds to believe that his or her personal safety is at risk.²²⁶ According to the Act on Treatment of Persons in Police Custody, a detainee may not be placed in the same cell with another detainee, if this endangers the security of the detainees.²²⁷

A prisoner (pre-trial and post-trial detainee) who commits a disciplinary infraction may be subject to a disciplinary punishment, including warning, restricted participation in

²¹⁸ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/laq om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 15, section 1(3).

²¹⁹ Finland, [Criminal Investigation Act \(esitutkintalaki/förundersökningsslag\)](#), Act No. 895/2011, Chapter 2, section 4.

²²⁰ Information obtained via email from the National Police Board (*Poliisihallitus/Polisstyrelsen*) on 18 June 2021.

²²¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 3.

²²² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 16, section 1, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningsslag\)](#), Act No. 768/2005, Chapter 11, section 1, and Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/laq om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 9, section 1.

²²³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 16, section 1a.

²²⁴ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningsslag\)](#), Act No. 768/2005, Chapter 11, section 1.

²²⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 1(2), [Remand Imprisonment Act \(tutkintavankeuslaki/häktningsslag\)](#), Act No. 768/2005, Chapter 3, section 2(2), Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/laq om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 3(2).

²²⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 3.

²²⁷ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/laq om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 1.

free time activities or solitary confinement.²²⁸ Also, prisoners are offered anger management programmes accredited by the Criminal Sanctions Agency.²²⁹

c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

LGBTI prisoners are addressed in the equality and non-discrimination plan of the Criminal Sanctions Agency (pre-trial and post-trial detainees).²³⁰ The plan includes measures such as: information and training on diversity of gender and sexual orientation; recognition that gender or sexual orientation does not prevent a person from participating in prison activities or from a certain placement inside the prison; recognition that the right to marry and found a family belongs also to members of minorities; obligation to interfere, if there is discrimination or harassment against gender or sexual orientation minorities, whether by other customers, including prisoners, or staff; recognition that harassment could include malicious talk, jokes or improper questions or hints about gender or sexual orientation. Further, the plan includes instruction to tell the harassing or discriminating person to stop, and possibly also to bring up the matter with a superior. The plan stresses that a harassed or discriminated person should be informed of whom to contact for help. There are no corresponding standards applicable to LGBTI detainees held in police custody.²³¹

The Criminal Sanctions Agency has issued guidelines on the placement of persons who have gone through or are in a process of gender reassignment (pre-trial and post-trial detainees).²³² Accordingly, the placement of the person in the prison ward should be done with care, observing factors affecting the prison security. The possibility to provide an own cell and toilet should be considered. The detainee should further be given the possibility to take a shower and whenever possible use the sauna alone. Care should also be taken when deciding on the participation of the detainee in prison activities.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The pre- and post-trial detention standards are the same. As displayed in sections 7. a) - c) the standards concerning persons in police custody differ to some extent. Nevertheless, many standards are the same across all detention regimes, such as, mandatory training for use of force, technical surveillance, and alarm systems.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

The Imprisonment Act and the Remand Imprisonment Act provide that a request for an administrative review can be submitted to the relevant overseeing prison authority, the regional director in the first place. The prison authority may decide to amend the administrative decision, rescind it or reject the request for review.²³³ The administrative

²²⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 15, section 4, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 10, section 4.

²²⁹ Information obtained via email from the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*) on 16 June 2021.

²³⁰ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*) (2015), [Rikosseuraamuslaitoksen vankeja ja yhdyskuntaseuraamusasiakkaita koskeva yhdenvertaisuus- ja tasa-arvosuunnitelma](#), Rikosseuraamuslaitos.

²³¹ Information obtained via email from the National Police Board (*Polisihallitus/Polisstyrelsen*) on 17 June 2021.

²³² Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), [Sukupuolen korjausprosessin läpikäyneen ja korjausprosessissa olevan henkilön sijoittaminen rikosseuraamuslaitoksessa](#), guidelines, 8/004/2018, 21 February 2019.

²³³ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 7a, section 49g.

review decision in turn can be followed by a judicial appeal to an administrative court.²³⁴ For example, decisions on disciplinary punishment and the use of precautionary measures (see 7. a) - b)) can be subject to administrative and judicial review mechanisms. In specific instances, the review mechanism may, however, be excluded. According to the Imprisonment Act and the Remand Imprisonment Act, this is the case with decisions on the placement of the detainee in a prison ward (see 7. c)).²³⁵

Under the Act on Treatment of Persons in Police Custody, a request for an administrative review to the head of the police department and a judicial appeal to an administrative court can be submitted in specified cases, none of which cover the issues addressed in 7. a) - c)).²³⁶ However, there is no explicit prohibition of appeal in the Act, which may open the possibility to claim a revised decision on the basis of section 21 (access to court) of the Constitution Act, as long as the decision is pertaining to the rights and obligations of the detained person submitting the request.²³⁷

Further, persons in pre- and post-trial detention can submit an administrative complaint to the overseeing prison authority or to a legal oversight body, primarily the Office of the Parliamentary Ombudsman, should the detainee consider that the prison authorities have acted unlawfully or failed to comply with their obligations.²³⁸ The supervisory authority cannot amend or overturn a given decision, but may inform the supervised entity of the appropriate legal conduct. Also, no appeal may be made against a decision given in an administrative complaint matter.

Persons in police custody have a right to submit an administrative complaint to the head of the police unit, the National Police Board or the Office of the Parliamentary Ombudsman.²³⁹ As above, the decision cannot be amended or overturned and appeal is not possible.

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

[National Preventive Mechanism Report 2018](#)

[National Preventive Mechanism Report 2019](#)

[National Preventive Mechanism Report 2020](#)

National Preventive Mechanism Report 2018

²³⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1.

²³⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 2 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 2.

²³⁶ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 17, section 1.

²³⁷ Finland, [Constitution of Finland \(Suomen perustuslaki/Finlands grundlag\)](#), Act No. 731/1999, section 21; Government bill HE 90/2005 vp ([hallituksen esitys eduskunnalle laiksi poliisin säilyttämien henkilöiden kohtelusta sekä laeiksi eräiden siihen liittyvien lakien muuttamisesta/regeringens proposition till riksdagen med förslag till lag om behandlingen av personer i förvar hos polisen samt till lagar om ändringar av vissa lagar som har samband med den](#)), p. 113; draft government bill for a new Act on the treatment of persons in police custody, [Putkalain kokonaisuudistus. työryhmän mietintö](#), p. 52.

²³⁸ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2; [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a.

²³⁹ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2; [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a. Police of Finland, [Internal supervision ensures the quality of police work](#), website.

The Imprisonment Act requires cells to be equipped with alarm devices that can be used to contact prison staff immediately. Using the alarm button to contact prison staff required the person placed in the cell to go down on their knees and lie down on their stomach to reach the button. This could put the person's life in danger in the event of, for example, a seizure. From the perspective of the persons deprived of their liberty, the location of the button could be seen as extremely humiliating (2338/2018).²⁴⁰

Vankeuslaki edellyttää, että sellissä tulee olla hälytyslaite, jolla voidaan välittömästi saada yhteys henkilökuntaan. Hälytyspainikkeen käyttäminen yhteyden saamiseksi vankilan henkilökuntaan edellytti selliin sijoitetun henkilön laskeutumista polvilleen ja siitä edelleen vatsalleen painikkeeseen ylettyäkseen. Tämä saattoi asettaa henkilön hengenvaaraan esimerkiksi sairauskohtauksen sattuessa. Painikkeen sijaintia voitiin pitää vapautensa menettäneen näkökulmasta myös erittäin nöyryyttävänä (2338/2018*).²⁴¹

National Preventive Mechanism Report 2019

The challenge in intervening in coercive behaviours at Turku Prison seemed to be the reluctance of the staff to use information about the problems between prisoners in their decision-making. The staff felt that prisoners spoke to them about their issues in confidence, and acting based on this could place them at serious risk. The Deputy-Ombudsman understands that this is a very real risk. However, methods must be found to intervene in coercion among prisoners. According to legislation, a party involved in such a situation does not have the right to all the information about themselves. For the prison authorities to place prisoners in appropriate wards, they must have all possible information about prisoners who form a threat to other prisoners. This should make it possible to remedy a situation, in which some prisoners can compromise the safety of other prisoners because of their placement in the same ward.²⁴²

Turun vankilan haasteena painostukseen puuttumiseksi vaikutti olevan se, että henkilökunta oli hyvin varovainen käyttämään päätöksenteossa vankien välisistä ongelmista saamiaan tietoja. Henkilökunta koki, että vanki oli antanut tiedot luottamuksellisesti ja että tälle voi syntyä vakava turvallisuusuhka, jos hänen antamiaan tietoja käytetään päätösten perusteena. AOA ymmärsi, että tämä voi olla aiheellinen pelko. Vankien keskinäiseen painostukseen tulee kuitenkin puuttua. Lainsäädäntö mahdollistaa sen, että asianosaiselle ei anneta kaikkia häntä koskevia tietoja. Jotta voidaan saada riittävät perusteet asianmukaiselle osastosijoittelulle, tulee olla käytettävissä kaikki mahdolliset tiedot muihin vankeihin turvallisuusuhkaa kohdistavista vangeista. Siten tilanne, jossa eräät vangit voivat osastosijoittelunsa ansiosta vaikuttaa muiden turvallisuuteen, on mahdollista korjata.²⁴³

The situation in Sukeva Prison was, in the Deputy-Ombudsman's view, extremely grave. The prison was unable to organise its operations so that prisoners could serve their sentences without experiencing coercion or threats from other prisoners. The Deputy-Ombudsman recommended that the prison and the Regional Centre of the Criminal Sanctions Agency investigate what remedial measures could and should be taken. The Deputy-Ombudsman also found it necessary for the Regional Centre, the prison, and the assessment centre to cooperate to optimise prisoner placement. The Deputy-Ombudsman considered it justified to request that the prison thoroughly examines the

²⁴⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 88.

²⁴¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 88.

²⁴² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2019: National Preventive Mechanism against Torture](#), p. 99.

²⁴³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 95.

grounds for the placement of each prisoner. The prison should make sure that those deciding on prisoner placement have all the necessary information available.²⁴⁴

Sukevan vankilan osalta AOA piti tilannetta vakavana. Vankilassa ei ollut pystytty järjestämään rangaistusten täytäntöönpanoa siten, että vangit voisivat suorittaa rangaistuksen rauhassa ilman muiden vankien painostusta tai uhkaa. AOA suositteli, että vankila ja rikosseuraamusalueen aluekeskus selvittävät, mihin korjaaviin toimenpiteisiin tulee ja voidaan ryhtyä. AOA piti tarpeellisena, että aluekeskus, vankila ja arviointikeskus selvittävät yhdessä vankien sijoittelun. AOA piti myös perusteltuna, että vankilassa käydään perusteellisesti läpi vankien eri osastoille sijoittamisen perusteet. Vankilan tuli varmistaa, että osastosijoituksesta päätettäessä saatavilla oli tarvittavat tiedot.²⁴⁵

Prisoners arrive at the Psychiatric Prison Hospital sometimes following an exceptionally long journey. It may have been necessary during the journey to use force or coercive methods, such as handcuffing. The Deputy-Ombudsman recommended that with each arriving prisoner, possible signs of the use of force are examined, and the prisoners are actively asked about any use of force.²⁴⁶

Psykiatriseen vankisairaalaan tulee vankeja hyvinkin pitkien matkojen päästä. Heihin on voitu joutua kohdistamaan voimankäyttöä tai pakkotoimia, kuten käsirautoja. AOA suositti, että jokaisen saapuvan vangin kohdalla käydään läpi tulovaiheessa myös mahdolliset väkivallan merkit ja että tätä kysytään aktiivisesti vangilta.²⁴⁷

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A special issue related to cells with camera surveillance is the prisoner's use of the toilet. The possibility of seeing the prisoner use the toilet cannot be considered acceptable even in all those situations where camera surveillance of the prisoner is allowed. It is acceptable only if the prisoner has been placed to isolation under observation for the purposes of detecting prohibited substances. Even then, arrangements must be made that allow at least some privacy when the prisoner uses the toilet. Prisons have reacted to the Deputy-Ombudsman's statement by obscuring the toilet seat in the surveillance camera picture (e.g., 6206/2017*) or by leaving the toilet seat outside camera surveillance (e.g., 2338/2018*).²⁴⁸

Kameravalvottuihin sellisiin liittyy erityiskysymyksenä vangin wc:n käyttö. Kaikissa niissäkin tilanteissa, joissa vangin kameravalvonta on sallittua, ei voida pitää hyväksyttävänä, että vangin wc-asiointi voi tulla tarkkailtavaksi. Se on hyväksyttävää vain vangin ollessa sijoitettuna eristämistarkkailuun. Silloinkin pitää pyrkiä järjestelyihin, joilla säilytetään edes vähäinen yksityisyys vangin käytessä wc:tä. Vankiloissa on reagoitu AOA:n kannanottoon yksityisyyden suojasta siten, että valvontakameran kuva on sumennettu wc-istuimen kohdalla (esim. 6206/2017*) tai wc-istuin on rajattu kameravalvonnan ulkopuolelle (esim. 2338/2018*).²⁴⁹

²⁴⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2019: National Preventive Mechanism against Torture](#), p. 99.

²⁴⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 95–96.

²⁴⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2019: National Preventive Mechanism against Torture](#), p. 149.

²⁴⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 124.

²⁴⁸ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

²⁴⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 105.

8. Women in detention

a) Are there any national standards for conditions of detention of women in general? If so, what do they require?
<p>The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody provide that detained persons shall be treated with justice and respect for their human dignity. In addition, gender-based differential treatment of prisoners is prohibited unless the treatment can be reasonably justified.²⁵⁰</p> <p>Based on requirements laid down in the Non-Discrimination Act,²⁵¹ the Criminal Sanctions Agency has adopted an equality plan in 2015 (pre-trial and post-trial detainees). The plan contains a section on women, where measures for promoting equality are listed.²⁵² These include recognition of special needs of female prisoners (incl. physical, social, psychological), prevention of sexual harassment and elimination of gender discrimination.</p> <p>In a recent decision, the Deputy Parliamentary Ombudsman has highlighted the need to treat female and male remand prisoners equally.²⁵³ According to the Remand Imprisonment Act, a remand prisoner shall be placed in a different prison or in a different ward than prisoners serving a sentence.²⁵⁴ The Deputy Ombudsman notes that this has to be observed also with respect to female remand prisoners.</p> <p>In order to improve the conditions of female prisoners, the Criminal Sanctions Agency has in October 2020 published a report comprising recommendations concerning the organization of female prison work, staff training, and placement, activities and services of female prisoners.²⁵⁵ In January 2021, the Agency established a specific project for the implementation of these recommendations.²⁵⁶</p>
b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require?
<p>The Imprisonment Act and the Remand Imprisonment Act provide that male and female prisoners shall be accommodated in different housing departments (<i>asunto-osasto/boendeavdelning</i>).²⁵⁷ With respect to detainees held in police custody, the Act on Treatment of Persons in Police Custody provides that men and women shall be kept in separate cells.²⁵⁸</p>
c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require?

²⁵⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 5, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 1, section 5 and Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 1, section 4.

²⁵¹ Finland, [Non-Discrimination Act \(yhdenvertaisuuslaki/diskrimineringslag\)](#), Act No. 1325/2014, section 5.

²⁵² Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*) (2015), [Rikosseuraamuslaitoksen vankeja ja yhdyskuntaseuraamusasiakkaita koskeva yhdenvertaisuus- ja tasa-arvosuunnitelma](#), Rikosseuraamuslaitos, p. 28–29.

²⁵³ Finland, Parliamentary Deputy-Ombudsman (*eduskunnan apulaisoikeusasiamies/riksdagens biträdande ombudsman*), [EOAK/1626/2018](#), 17 June 2020.

²⁵⁴ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1.

²⁵⁵ Tammi-Moilanen, K. (2020), [Naisvankiselvitys - Selvitys naisvankien olosuhteista, toiminnoista ja turvallisuudesta](#), Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), 4/2020.

²⁵⁶ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), [Naisvankiselvityksen jatkoimet käynnistyvät](#), press release, 27 January 2021.

²⁵⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 1(3) and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1(4).

²⁵⁸ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 1.

According to the regulation on accommodation and basic care of prisoners, issued by the Criminal Sanctions Agency, enough sanitary towels and tampons have to be provided free of charge for female detainees.²⁵⁹ The regulation covers prisoners and remand prisoners. There are no corresponding standards applicable to female persons in police custody.²⁶⁰

d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal treatment, and treatment/support of mother and child? If so, what do they require?

As noted in the section on access to healthcare, the Imprisonment Act and the Remand Imprisonment Act provide that prisoners have a right to health care according to their medical needs.²⁶¹ The same applies to persons deprived of their liberty in police custody.²⁶² With the exception of provisions on pregnant detainees, no specific standards on healthcare for female prisoners are available.

The Imprisonment Act stipulates that a pregnant detainee shall be transferred to the hospital or other health care unit outside the prison in good time before the delivery.²⁶³ The Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody include same provisions.²⁶⁴ This means normally that the prisoner should arrive in the hospital when the regular contractions begin and the hospital advises her to do so.²⁶⁵

A sentenced person who is pregnant may be granted a postponement of enforcement until she has recovered from the childbirth.²⁶⁶

e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require?

There are two family departments for pre-trial and post-trial detainees in Finland, one in an open prison (Vanaja Prison) and one in a closed prison for remand prisoners (Hämeenlinna Prison).²⁶⁷ There are no such units in detention facilities maintained by the police. The family departments are child protection units under the Finnish Institute for Health and Welfare.²⁶⁸

According to the Child Welfare Act, a child, who is below the age of two, can be placed together with the parent serving a prison sentence in the family department of the prison. The time can be extended until the child turns three years of age, if the best interest of the child so requires.²⁶⁹

Based on an overall assessment (incl. availability of space, needs and preference of the detainee, and security considerations), pregnant detainees can be placed in the family

²⁵⁹ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Vankien asuminen ja perushuolto](#), regulation, 19/004/2010, 29 December 2010.

²⁶⁰ Information obtained via email from the National Police Board (*Polisihallitus/Polisstyrelsen*) on 17 June 2021.

²⁶¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 1(1) and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, section 2(1).

²⁶² Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 5, section 1(1).

²⁶³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 4.

²⁶⁴ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, section 3 and Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 5, section 3.

²⁶⁵ Information obtained via email from the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*) on 16 June 2021.

²⁶⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 2, section 3(3).

²⁶⁷ Finland, Finnish Institute for Health and Welfare (*Terveiden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), ['Lapsi vanhemman mukana vankilassa'](#), webpage, accessed on 26 April 2021.

²⁶⁸ Finland, Act on child protection units of the Finnish Institute for Health and Welfare ([laki Terveiden ja hyvinvoinnin laitoksen alaisista lastensuojeluyksiköistä/lag om barnskyddsenheter som lyder under Institutet för hälsa och välfärd](#)), Act No. 1379/2010.

²⁶⁹ Finland, Child Welfare Act ([lastensuojelulaki/barnskyddslag](#)), Act No. 417/2007, sections 13a and 37(3).

department.²⁷⁰ They are usually moved there when the maternity leave starts, that is, around one month before the due date.²⁷¹ In case the detainee suffers from pregnancy-related illness, the move to the family department can take place even earlier.²⁷²

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Most standards cover both pre-trial and post-trial detention. However, the Finnish Institute for Health and Welfare notes that extra care should be taken when decision is made to place the child of a remand prisoner in the family department of the prison.²⁷³ The reason for this is the fact that the family department for remand prisoners is located in a closed prison. The family department comprises only two places, the space particularly for a toddler is small.²⁷⁴

g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

The Imprisonment Act and the Remand Imprisonment Act provide that a request for an administrative review can be submitted to the relevant overseeing prison authority, the regional director in the first place. The prison authority may decide to amend the administrative decision, rescind it or reject the request for review.²⁷⁵ The administrative review decision in turn can be followed by a judicial appeal to an administrative court.²⁷⁶ However, the Imprisonment Act and the Remand Imprisonment Act list decisions that are excluded from the administrative and judicial review mechanism. For example, the decision on the placement of the detainee in a prison ward (see 8. b)) cannot be subject to this type of review.²⁷⁷ However, the decision on the placement of the child in the prison together with the parent can be subject to judicial review (see 8. e)).²⁷⁸ Also, the decision on the postponement of the enforcement of the imprisonment due to pregnancy (see 8. d)) can be subject to an administrative and judicial review.²⁷⁹

Under the Act on Treatment of Persons in Police Custody, a request for an administrative review to the head of the police department and a judicial appeal to an administrative court can be submitted in specified cases. These cases do not include the issues addressed in 8. a) - d).²⁸⁰ However, there is no explicit prohibition of appeal in the Act, which may open the possibility to claim a revised decision on the basis of section 21 (access to court) of the Constitution Act, as long as the decision is pertaining to the rights and obligations of the detained person submitting the request.²⁸¹ Further, persons

²⁷⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 9 and Chapter 6, section 1 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 1.

²⁷¹ Information obtained via email from the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*) on 16 June 2021.

²⁷² Information obtained via email from the association providing family work at the two family departments in Finland (Kanta-Hämeen Perhetyö ry) on 16 June 2021.

²⁷³ Finland, Finnish Institute for Health and Welfare (*Terveysten ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), [‘Lapsi vanhemman mukana vankilassa’](#), webpage, accessed on 26 April 2021.

²⁷⁴ Information obtained via email from the association providing family work at the two family departments in Finland (Kanta-Hämeen Perhetyö ry) on 16 June 2021.

²⁷⁵ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 7a, section 49g.

²⁷⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1.

²⁷⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 2 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 2.

²⁷⁸ Finland, Child Welfare Act ([lastensuojelulaki/barnskyddslag](#)), Act No. 417/2007, section 89.

²⁷⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1 and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1.

²⁸⁰ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 17, section 1.

²⁸¹ Finland, [Constitution of Finland \(Suomen perustuslaki/Finlands grundlag\)](#), Act No. 731/1999, section 21; Government bill HE 90/2005 vp ([hallituksen esitys eduskunnalle laiksi poliisin säilyttämien henkilöiden kohtelusta](#)

in pre- and post-trial detention can submit an administrative complaint to the overseeing prison authority or to a legal oversight body, such as the Office of the Parliamentary Ombudsman, should the detainee consider that the prison authorities have acted unlawfully or failed to comply with their obligations.²⁸² The supervisory authority cannot amend or overturn a given decision, but may inform the supervised entity of the appropriate legal conduct. Also, no appeal may be made against a decision given in an administrative complaint matter.

Persons in police custody have a right to submit an administrative complaint to the head of the police unit, the National Police Board or the Office of the Parliamentary Ombudsman.²⁸³ As above, the decision cannot be amended or overturned and appeal is not possible.

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

[National Preventive Mechanism Report 2017](#)
[National Preventive Mechanism Report 2018](#)
[National Preventive Mechanism Report 2019](#)
[National Preventive Mechanism Report 2020](#)

National Preventive Mechanism Report 2017

The Deputy-Ombudsman stated that the Remand Imprisonment Act requires that remand prisoners are treated with dignity. Staying confined in a small space for nearly 24 hours a day together with another person does not meet the criteria of dignified treatment. The appropriate treatment in prison also includes the right to use the toilet in privacy. The Deputy-Ombudsman recommended that the toilet be separated from the rest of the room by a door or a screen. In the view of the Deputy-Ombudsman, the cells reserved for female remand prisoners should be used for single occupancy only.²⁸⁴

AOA totesi, että tutkintavankeuslaki edellyttää, että tutkintavankeja kohdellaan ihmisarvoa kunnioittaen. Lähes ympärivuorokautinen oleskelu suljettuna pieneen tilaan yhdessä toisen henkilön kanssa ei täytä ihmisarvoisen kohtelun edellytystä. Vangin hyvään kohteluun kuuluu myös mahdollisuus asioida wc:ssä yksityisyytensä säilyttäen. AOA suositti, että wc-tila erotetaan asuintilasta ovella tai muulla vastaavalla näköesteellä. AOA:n näkemyksen mukaan naistutkintavangeille varattuihin sellihin tulee majoittaa vain yksi vanki selliä kohti.²⁸⁵

The Deputy-Ombudsman found that placing female remand prisoners in facilities such as these was unacceptable and should be discontinued. If the purpose is to provide

[sekä laeiksi eräiden siihen liittyvien lakien muuttamisesta/regeringens proposition till riksdagen med förslag till lag om behandlingen av personer i förvar hos polisen samt till lagar om ändringar av vissa lagar som har samband med den](#)), p. 113; draft government bill for a new Act on the treatment of persons in police custody, [Putkalain kokonaisuudistus, työryhmän mietintö](#), p. 52.

²⁸² Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a.

²⁸³ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2; [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a. Police of Finland, [Internal supervision ensures the quality of police work](#), website.

²⁸⁴ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [National Preventive Mechanism: Annual Report 2017](#), p. 36.

²⁸⁵ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [Kansallinen valvontaelin: Vuosikertomus 2017](#), p. 35.

places for female remand prisoners in the prison in the future, their living conditions, opportunities to spend time with other female remand prisoners, and access to freetime and other activities should be appropriately arranged in equal measure to male prisoners. The Deputy-Ombudsman noted that the prison's resources to address the matter were small. Ultimately, the question concerns the allocation of prisoners and remand prisoners, which falls under the remit of the Criminal Sanctions Agency and the Ministry of Justice, respectively.²⁸⁶

AOA katsoi, että naistutkintavankien sijoittaminen nykyisen kaltaisiin tiloihin oli kestävämpi ja tulisi lopettaa. Jos vankilassa halutaan olevan paikkoja naistutkintavangeille, heidän asuinolosuhteensa, mahdollisuutensa viettää aikaa muiden naistutkintavankien kanssa sekä mahdollisuutensa vapaa-ajan ja muuhun toimintaan tulee järjestää asianmukaisesti ja yhdenvertaisesti miesvankeihin nähden. AOA totesi, että vankilan mahdollisuudet asian hoitamiseksi vaikuttivat vähäisiltä. Kyse on viime kädessä Riselle kuuluvasta vankipaikkojen määrittelystä ja OM:lle kuuluvasta tutkintavankiloiden määrittelystä.²⁸⁷

National Preventive Mechanism Report 2018

However, separating remand prisoners from other prisoners is a principle clearly prescribed by national legislation and international recommendations, which is based on the presumption of innocence. The Deputy-Ombudsman noted that the placement of remand prisoners had not been done according to the law, or even according to the prison's own placement instructions or the unit division specified in the daily schedule. In the case of female remand prisoners, a further error had been committed in placing them in the same cells with convicted prisoners (4653/2018).²⁸⁸

Tutkintavankien sijoittaminen erilleen on kuitenkin lainsäädännön ja kansainvälisten suositusten selvä lähtökohta, jonka perustana on syyttömyysolettama. AOA totesi, että tutkintavankien sijoittamisessa ei ollut menetelty lain mukaan tai edes vankilan oman sijoitteluohjeen tai päiväjärjestyksen mukaisen osastojaon mukaisesti. Naistutkintavankien kohdalla oli menetelty virheellisesti myös siinä, että heitä oli sijoitettu samoihin sellisiin vankeusvankien kanssa (4653/2018*).²⁸⁹

In connection with a visit to Vantaa Prison in late 2017, the Deputy-Ombudsman was shown a picture book titled "Welcome to Vantaa Prison", drawn up for visitors and especially children. From the book, visitors got a better idea of the conditions in which their family members were imprisoned, which helps to alleviate their concerns about the situations of their loved ones. The Deputy-Ombudsman commended the picture book idea highly and hoped that this initiative would be adopted in all prisons (6206/2017).²⁹⁰

Loppuvuodesta 2017 Vantaan vankilaan tehdyllä tarkastuksella AOA:lle esiteltiin tapaajia ja erityisesti lapsia varten tehty kuvakirja "Tervetuloa Vantaan vankilaan". Kirjan avulla tapaajat saivat paremman käsityksen siitä, millaisissa olosuhteissa heidän läheisensä oli vankilassa ja siten voitiin osaltaan vähentää heidän huoliaan läheisensä

²⁸⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [National Preventive Mechanism: Annual Report 2017](#), p. 35–36.

²⁸⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Kansallinen valvontaelin: Vuosikertomus 2017](#), p. 35.

²⁸⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 87.

²⁸⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 88–89.

²⁹⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 92.

tilanteesta. AOA piti kuvakirjan tekemistä vankilasta erittäin hyvänä ajatuksena ja toivoi käytännön omaksumista myös muissa vankiloissa (6206/2017*).²⁹¹

National Preventive Mechanism Report 2020

The Deputy-Ombudsman issued a decision on his own initiative concerning female remand prisoners on 17 June 2020 (1626/2018*). The Deputy-Ombudsman drew the attention of the Ministry of Justice and the Criminal Sanctions Agency to the fact that the serious problems and manifestly unlawful irregularities in the placement and treatment of female remand prisoners mainly existed and emerged before the use of Hämeenlinna prison building was discontinued. The Deputy-Ombudsman stated that the lack of resources at the Criminal Sanctions Agency had long been a problem and an obstacle to lawful treatment of remand prisoners and prisoners serving sentences. The Ministry of Justice and the Criminal Sanctions Agency have been aware of these problems for a long time. In the Deputy-Ombudsman's view, this was not so much a case of deficient legislation. The problem was that laws and recommendations could not be complied with, largely because of the lack of resources. The Deputy-Ombudsman also highlighted the fact that one part of the problem in the treatment of female remand prisoners are prisons that are not remand prisons intended for women in accordance with the Ministry of Justice's decree, but in which women may still be placed.²⁹²

AOA antoi naistutkintavankeja koskevaan omaan aloitteeseen päätöksen 17.6.2020 (1626/2018*). AOA kiinnitti OM:n ja Rise/kehan huomiota siihen, että tarkastuspöytäkirjoissa esitetyt vakavat ongelmat ja ilmiselvät lainvastaisuudet naistutkintavankien sijoittelussa ja kohtelussa ovat pääosin olleet olemassa ja tulleet esiin jo ennen Hämeenlinnan vankilan vankilarakennuksen poistamista käytöstä. AOA totesi, että Risen voimavarojen puute oli jo pitkään ollut ongelma ja este tutkintavankien ja vankien lainmukaiselle kohtelulle. Ongelmat ovat olleet jo kauan OM:n ja Risen tiedossa. AOA:n mielestä kyse ei ollut niinkään siitä, että lainsäädäntö olisi puutteellinen. Ongelma oli siinä, että lakeja ja suosituksia ei ollut kyetty noudattamaan – hyvin pitkälti resurssisyistä. AOA nosti myös esille sen, että yksi osa naistutkintavankien kohteluun liittyvää ongelmaa ovat ne vankilat, jotka eivät ole OM:n asetuksen mukaisia naisille tarkoitettuja tutkintavankiloita, mutta joissa silti voi tosiasiaissa olla naisia.²⁹³

9. Nutrition

a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody provide that catering for detainees/prisoners shall be arranged so that they receive healthy, well-rounded and adequate nutrition.²⁹⁴ More detailed instructions for prisons specifying the provisions of the Imprisonment Act and the Remand Imprisonment Act are found in a Criminal Sanctions Agency regulation on

²⁹¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin*, p. 93.

²⁹² Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

²⁹³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), *Eduskunnan oikeusasiamiehen kertomus vuodelta 2020*, p. 99.

²⁹⁴ Finland, *Imprisonment Act (vankeuslaki/fångelselag)*, Act No. 767/2005, Chapter 7, section 5, *Remand Imprisonment Act (tutkintavankeuslaki/häktningslag)*, Act No. 768/2005, Chapter 3, section 4 and Act on Treatment of Persons in Police Custody (*laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen*), Act No. 841/2006, Chapter 3, section 4.

catering and diets, which applies to pre- and post-trial detainees in prisons.²⁹⁵ The aim is to ensure that the quality, costs, preparation facilities and service of the food correspond to normal institutional catering services.²⁹⁶ Menu planning in prisons and for detainees held in police custody is also guided by the general nutritional recommendations issued by the National Nutrition Council,²⁹⁷ which set guidelines for a scientific evidence based nutritional composition of a diet that provides a basis for good health.²⁹⁸ Besides the Act on Treatment of Persons in Police Custody, provisions concerning frequency of food supply and availability of fresh water as well as hot drinks upon request in police custody are included in a decree issued by the Ministry of the Interior.²⁹⁹

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

According to the Criminal Sanctions Agency regulation on catering and diets, which is applicable to pre- and post-trial detainees in prisons, prisoners are served four meals per day: breakfast, lunch, dinner and evening meal. On non-working days, prisoners may be served breakfast, a combined lunch/dinner and evening meal. The mealtimes are arranged so that, on daytime, the time between the meals is even and the time between evening meal and morning meal does not exceed 12 hours.³⁰⁰ In accordance with the Imprisonment Act, the Imprisonment Decree and the Criminal Sanctions Agency regulation on catering and diets, if the prison does not provide all daily meals, the prisoners get a food allowance. Prisoners may also prepare their meals partly or entirely themselves in their accommodation wards.³⁰¹ This shall, however, not endanger the prisoners' adequate standard of living and right to livelihood and basic care, since the prison is responsible for prisoners' basic care. Before transferring a prisoner from a closed prison to an open one, the closed prison needs to secure that the prisoner has the means to cover the costs for independent cooking.³⁰²

As regards police prisons, the Decree on treatment of persons in police custody stipulates that a detainee has the right to two meals a day, if the detention lasts longer than 12 hours. At least one of the meals has to be hot. A detainee may also be provided an appropriate meal at other times, if necessary, considering the time and length of the deprivation of liberty.³⁰³

c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?

²⁹⁵ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#), regulation, 6/004/2019, 4 December 2019.

²⁹⁶ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Catering arrangements and maintenance of clothes](#), information available on the website of the Criminal Sanctions Agency.

²⁹⁷ Finland, National Nutrition Council (*Valtion ravitsemusneuvottelukunta/Statens näringsdelegation*), [Terveysttä ruoasta – suomalaiset ravitsemussuosituksset 2014](#).

²⁹⁸ The Finnish nutritional recommendations are informed by the [Nordic Nutritional Recommendations 2012: Integrating nutrition and physical activity](#), Nord 2014:002, Nordic Council of Ministers.

²⁹⁹ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*), Decree on treatment of persons in police custody ([Sisäasiainministeriön asetus poliisin säilyttämien henkilöiden kohtelusta/Inrikesministeriets förordning om behandlingen av personer i förvar hos polisen](#)), Decree No. 646/2008, section 2.

³⁰⁰ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#), regulation, 6/004/2019, 4 December 2019.

³⁰¹ Finland, [Imprisonment Act \(vankeuslaki/fångelselag\)](#), Act No. 767/2005, Chapter 7, section 5(3) and Government Decree on imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, section 35.

³⁰² Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#), regulation, 6/004/2019, 4 December 2019.

³⁰³ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*), Decree on treatment of persons in police custody ([Sisäasiainministeriön asetus poliisin säilyttämien henkilöiden kohtelusta/Inrikesministeriets förordning om behandlingen av personer i förvar hos polisen](#)), Decree No. 646/2008, section 2.

The general nutritional recommendations issued by the National Nutrition Council apply also for menu planning in prisons and police custody.³⁰⁴ Pursuant to the Imprisonment Act and the regulation of the Criminal Sanctions Agency, an exception to the basic diet can be made, if it is justifiable with regard to the health of the prisoner or due to his or her religious or other well-founded conviction.³⁰⁵ Religion based requirements are taken into account as they are generally known for the religion in question. Diets based on conviction need to be such that they can be prepared using the prison's ordinary food procurement procedures and agreements. Prisons do not cover the costs of special products that cannot be procured using the prison's ordinary procurement channels.³⁰⁶

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

In closed prisons, there are canteens/shops where prisoners can buy goods for personal use, including groceries. Prisoners can make purchases in the prison canteen at least once a week. In open prisons, prisoners can purchase goods either from a mobile grocery or they are transported to a local grocery.³⁰⁷

Prisoners who are being transported need to be provided with meal packages equaling every ordinary meal that they miss during the transport. Prisoners who are being transported by train are served a hot meal at dinner time, if they would miss the ordinary meal provided by their own institution. In the first hand and if possible, the meals are served in the institutions either on departure or arrival. The institution receiving the prisoner is responsible for providing the prisoner an evening and/or a morning meal.³⁰⁸

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.

Pursuant to the Imprisonment Act, decisions concerning exceptions to the basic diet and decisions concerning the food allowance may be appealed.³⁰⁹ The Remand Imprisonment Act provides for a right to appeal decisions regarding exceptions to the basic diet only.³¹⁰ Administrative complaints are possible in other type of matters, that is, relating to inappropriate treatment or legality issues (please see more in detail above under 1. f) and concerning nutrition related matters in police custody.³¹¹

f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of

³⁰⁴ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#), regulation, 6/004/2019, 4 December 2019 and National Nutrition Council (*Valtion ravitsemusneuvottelukunta/Statens näringsdelegation*), [Terveyttä ruoasta – suomalaiset ravitsemussuositukset 2014](#).

³⁰⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 5 and Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#), regulation, 6/004/2019, 4 December 2019.

³⁰⁶ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#), regulation, 6/004/2019, 4 December 2019.

³⁰⁷ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#), regulation, 6/004/2019, 4 December 2019.

³⁰⁸ Finland, Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#), regulation, 6/004/2019, 4 December 2019.

³⁰⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1(1)(7).

³¹⁰ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1(1)(1).

³¹¹ Finland, Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/lag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 17.

the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

[National Preventive Mechanism Report 2018](#)

Catering in police prisons

Among other things, the catering at police prisons was investigated during the NPM's visits. The results have shown practices to vary considerably between police prisons and, for example, week-days and weekends. In some situations, prisoners can be required to go without nourishment for too long. The Deputy-Ombudsman has taken the matter under investigation on his own initiative and requested the Ministry of the Interior to assess whether the prevailing practices and regulations in force secure the provision of the healthy, diverse and sufficient nourishment afforded by law to persons deprived of their liberty in all situations (4488/2017). The visits have also raised the question of how catering at police prisons should be assessed from the perspective of food legislation. The Deputy-Ombudsman has decided to investigate the matter. He found a joint investigation by the National Police Board and the Finnish Food Safety Authority Evira (the Finnish Food Authority from 1 January 2019) of the requirements imposed by food legislation on catering in police prisons, both as a whole and taking into account the various local arrangements, to be justified. The Deputy-Ombudsman also noted that the matters described in the report should also be taken into account in future amendments to the Police Custody Act and the decrees and regulations issued by virtue of the Act. The National Police Board was requested to report on the measures it had taken on the matter (59/2018).³¹²

The NPM noted that the hot meal was offered quite early in the afternoon. The interval to the morning meal is long, even taking the light evening meal into account. The Deputy-Ombudsman noted that, if changing these meal times is not possible, particular attention should be paid to the diet and meal rhythm of those persons deprived of their liberty whose health requires such considerations, such as persons with diabetes (849/2018).³¹³

In his decision on the complaint, the Deputy-Ombudsman recommended the police to compensate the complainants for the harm suffered by them due to the police's serious neglect of its duty to arrange meals in the police prison by virtue of the Police Act. Four persons taken into custody by virtue of the Police Act were deprived of their liberty for 19 hours. They were served no food during this time (5304/2017).³¹⁴

Poliisivankiloiden tarkastuksilla on selvitetty muun ohessa niiden ruokahuoltoa. Tällöin on selvinnyt, että käytössä on hyvinkin erilaisia ratkaisuja riippuen poliisivankilasta ja myös esimerkiksi siitä, onko kyseessä arkipäivä vai viikonloppu. Joissain tilanteissa ravinnon aika voi muodostua liian pitkäksi. AOA on ottanut asian omana aloitteena tutkittavaksi ja pyytänyt sisäministeriötä arvioimaan, turvaavatko vallitseva käytäntö ja voimassa olevat säännökset vapautensa menettäneille laissa edellytetyn terveellisen, monipuolisen ja riittävän ravinnon kaikissa tilanteissa (4488/2017). Tarkastusten myötä on herännyt kysymys myös siitä, miten poliisivankiloiden ruokahuoltoa olisi arvioitava elintarvikelainsäädännön näkökulmasta. AOA otti asian omana aloitteena tutkittavaksi. Hän piti aiheellisena, että Poliisihallitus selvittää yhdessä silloisen Elintarviketurvallisuusvirasto Eviran (1.1.2019 lukien Ruokavirasto) kanssa, mitä vaatimuksia elintarvikelainsäädäntö asettaa poliisivankiloiden ruokahuollolle kokonaisuudessaan ja huomioon ottaen erilaiset paikalliset järjestelyt. AOA totesi myös, että selvityksessä

³¹² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 81.

³¹³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 82.

³¹⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 82.

esiin tulevat seikat lienee syytä ottaa huomioon poliisin säilyttämien henkilöiden kohtelusta annettua lakia sekä sen nojalla annettavia säädöksiä ja ohjeita uudistettaessa. Poliisihallitusta pyydettiin ilmoittamaan, mihin toimenpiteisiin se oli asiassa ryhtynyt (59/2018).³¹⁵

AOA:n tarkastuksella todettiin, että päivän lämmin ateria tarjottiin jo aikaisin iltapäivällä. Ruokailuväli seuraavaan aamuun muodostui pitkäksi, vaikka iltapala otettaisiin huomioon. Jos tätä ateriarytmiä ei ollut mahdollista muuttaa, tulisi AOA:n mukaan kiinnittää erityistä huomiota ruokavalioon ja ruokailurytmiin niiden vapautensa menettäneiden kohdalla, joiden terveydentila sitä edellyttää, kuten diabetesta sairastavat (849/2018*).³¹⁶

AOA on esittänyt kanteluun annetussa ratkaisussa, että poliisi hyvittää kantelijoille aiheuttamansa haitan, kun se oli vakavasti laiminlyönyt poliisilakiin perustuvan velvollisuutensa huolehtia ruokahuollosta poliisivankilassa. Neljä henkilöä oli poliisilain perusteella otettu säilöön poliisilain perusteella ja heidän vapaudenmenetyksensä kesti 19 tuntia. Tänä aikana heille ei tarjottu ruokaa (5304/2017*).³¹⁷

Consideration of prisoners in need of special support

The cell for disabled prisoners was located in the unit for new arrivals. There were no common recreational areas in the unit, and the cell doors were kept closed. All prisoners placed in the unit's cells – including the prisoner in the cell for the disabled – had their meals in their cells.³¹⁸

Inva-selli sijaitsi vankilan tulo-osastolla. Osastolla ei ollut yhteisiä tiloja ja sellien ovia pidettiin suljettuina. Kaikki osaston selleihin sijoitetut vangit – myös inva-selliä käyttävä vanki – ruokailivat sellissään.³¹⁹

Prisoner transport by train

The Deputy-Ombudsman suggested that the Agency should review the quality and quantity of the prisoners' packed lunch for the trip. Particular attention should be paid to the needs of prisoners whose health requires the observance of a special diet (such as diabetics).³²⁰

AOA kehotti harkitsemaan matkaeväiden määrällistä ja laadullista riittävyyttä. Erityisesti tulisi kiinnittää huomiota siihen, että sellaisten vankien, joiden terveyden tila edellyttää tiettyä ruokavaliota (kuten diabeetikot), tarpeet on huomioitu.³²¹

Positive observations

Vantaa Prison had also drawn up a cookbook, which instructs the prisoners in cooking with the products available in the prison shop. Several prisoners participated in writing the book, and all recipes were tested by the head cook. Cooking is a life management skill. The Deputy-Ombudsman found the guide to be a highly commendable idea and

³¹⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 93.

³¹⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 93.

³¹⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 93.

³¹⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 82.

³¹⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 93.

³²⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 91.

³²¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2018: Kidutuksen vastainen kansallinen valvontaelin](#), p. 93.

hoped that other prisons would also introduce the guide or draw up similar guides of their own (6206/2017).³²²

Vantaan vankilassa oli laadittu myös keittokirja ("Konnakokin kokkausopas"), jossa opastettiin vankeja tekemään ruokaa laitosmyymälästä saatavista tuotteista. Useampi vanki osallistui kirjan tekemiseen ja talousmestari kokeili kaikkien reseptien toimivuuden. Ruuanlaittotaito on osa elämönhallintaa. AOA piti oppaan tekemistä erittäin hyvänä ajatuksena ja toivoi, että myös muissa vankiloissa opas otettaisiin käyttöön tai laadittaisiin omia oppaita (6206/2017*).³²³

[National Preventive Mechanism Report 2019](#)

Catering in police prisons

Catering in police prisons was discussed in the 2018 annual report in section 3.4.8. During 2019, the Ombudsman has brought to completion matters under investigation at his own initiative. The Ombudsman has noted, for example, that catering for persons deprived of their liberty should be more tightly regulated in the reformed Act on the Treatment of Persons in Police Custody. The intervals between meals should not be too long, and food safety must be secured.³²⁴

Poliisivankiloiden ruokahuoltoa on käsitelty oikeusasiamiehen vuosikertomuksessa 2018 kohdassa 3.5.8. OA on kertomusvuonna saanut päätökseen nämä omina aloitteina tutkitut asiat. Hän on muun muassa todennut, että poliisin säilyttämien henkilöiden kohtelusta annetun lain kokonaisuudistuksen yhteydessä tulisi nykyistä yksityiskohtaisemmin säädellä vapautensa menettäneiden ruokahuollosta. Ruokavälit eivät saisi muodostua liian pitkiksi (59/2018) ja elintarviketurvallisuudesta on huolehdittava (39/2018).³²⁵

Prison transport by train

Significant changes had been made in food provision. Prisoners were given a hot meal for dinner, if they had missed a meal because of the transport.³²⁶

Ruokahuollossa oli tapahtunut merkittävä muutos. Vangit saivat päivälliseksi lämmintä ruokaa silloin, jos ruoka jäi saamatta junamatkan vuoksi.³²⁷

[National Preventive Mechanism Report 2020](#)

[Please note that because of the Covid-19 pandemic, the Parliamentary Ombudsman's on-site inspections were suspended in 2020. Therefore, the National Preventive Mechanism Report 2020 mostly includes assessment of the implementation of recommendations issued on the basis of earlier inspections.]

Catering in police prisons

³²² Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Summary of the Annual Report 2018: National Preventive Mechanism against Torture](#), p. 92.

³²³ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 93.

³²⁴ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Summary of the Annual Report 2019: National Preventive Mechanism against Torture](#), p. 91.

³²⁵ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 88.

³²⁶ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Summary of the Annual Report 2019: National Preventive Mechanism against Torture](#), p. 100.

³²⁷ Finland, Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019: Kidutuksen vastainen kansallinen valvontaelin](#), p. 98.

On visits to police prisons, attention has also been paid to catering and the intervals between meals, which have sometimes been long. The Ombudsman has stated that special attention should be paid to the diet and the meal rhythm in detention facilities, particularly if the health of the person deprived of their liberty requires it, such as persons with diabetes. The Ombudsman asked the Ministry of the Interior to assess whether the prevailing practice and the current provisions secure healthy, diverse and sufficient nutrition to persons deprived of their liberty in all situations (59/2018).

The visits have also raised the question how the catering in police prisons should be assessed from the point of view of food legislation. The Deputy-Ombudsman decided to investigate the matter on his own initiative (39/2018). He considered it appropriate that the National Police Board together with the Finnish Food Safety Authority Evira (the Finnish Food Authority from 1 January 2019) examine what requirements food legislation sets on the catering services of police prisons as a whole and when the different local arrangements are taken into account. The Deputy-Ombudsman also stated that the aspects emerging in the report should probably be taken into account in the reform of the Police Custody Act and the regulations and instructions based on it. The National Police Board was of the view that food safety was not fully implemented in all police prisons. It reported that it would continue to investigate the matter in cooperation with Evira.

The Deputy-Ombudsman has also proposed in his decision on a complaint that the National Police Board compensate for the harm caused to the complainants when it had seriously neglected its duty to take care of catering in police prisons, which is based on the Police Act. [Please see above under the NPM Report 2018]. Four people had been detained on the basis of the Police Act and the deprivation of their liberty had lasted 19 hours. No food was offered to them during this time. The National Police Board reported that it had agreed with the complainants on compensating for the harm and paid them a monetary compensation.³²⁸

Poliisivankiloiden ruokahuolto

Poliisivankiloiden tarkastuksilla on kiinnitetty huomiota myös niiden ruokahuoltoon ja ruokailuväleihin, jotka ovat voineet muodostua pitkiä. OA on todennut, että säilytystiloissa tulisi kiinnittää erityistä huomiota ruokavalioon ja ruokailurytmiin niiden vapautensa menettäneiden kohdalla, joiden terveydentila sitä edellyttää, kuten diabetesta sairastavat. OA pyysi sisäministeriötä arvioimaan, turvaako vallitseva käytäntö ja voimassa olevat säännökset vapautensa menettäneille laissa edellytetyn terveellisen, monipuolisen ja riittävän ravinnon kaikissa tilanteissa (59/2018).

Tarkastusten myötä on herännyt kysymys myös siitä, miten poliisivankiloiden ruokahuolto olisi arvioitava elintarvikelainsäädännön näkökulmasta. Apulaisoikeusasiamies (AOA) otti asian omana aloitteena tutkittavaksi (39/2018). Hän piti aiheellisena, että Poliisihallitus selvittää yhdessä silloisen Elintarviketurvallisuusvirasto Eviran (1.1.2019 lukien Ruokavirasto) kanssa, mitä vaatimuksia elintarvikelainsäädäntö asettaa poliisivankiloiden ruokahuollolle kokonaisuudessaan ja huomioon ottaen erilaiset paikalliset järjestelyt. AOA totesi myös, että selvityksessä esiin tulevat seikat lienee syytä ottaa huomioon putkalakia sekä sen nojalla annettavia säädöksiä ja ohjeita uudistettaessa. Poliisihallitus totesi näkemyksensä, että elintarviketurvallisuus ei täysin toteutunut kaikissa poliisivankiloissa. Se ilmoitti jatkavansa asian selvittämistä Eviran kanssa.

AOA on myös esittänyt kanteluun antamassaan ratkaisussa, että poliisilaitos hyvittää kantelijoille aiheuttamansa haitan, kun se oli vakavasti laiminlyönyt poliisilakiin perustuvan velvollisuutensa huolehtia ruokahuollosta poliisivankilassa. Neljä henkilöä oli

³²⁸ Translation provided by the NPM on 21 June 2021. The NPM report 2020 in English is still pending publication on 9 July 2021.

poliisilain perusteella otettu säilöön ja heidän vapaudenmenetyksensä kesti 19 tuntia. Tänä aikana heille ei tarjottu ruokaa. Poliisilaitos ilmoitti sopineensa kantelijoiden kanssa haitan korvaamisesta ja maksaneensa heille rahallisen korvauksen.³²⁹

³²⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2020](#), p. 91.

Part II: National jurisprudence

No relevant case law could be identified.