



Report of Various Size – Fieldwork research (FRANET)

Criminal Detention in the EU – Conditions and Monitoring

Country Report Finland

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1. Cell space

- a) What is the national standard for cell space available to prisoners in m²? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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- a) General provisions on living conditions in imprisonment and custody are laid in the Imprisonment Act (*Vankeuslakil/Fängelselag*),¹ the Remand Imprisonment Act (*Tutkintavankeuslakil/Häktningslag*)² and the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*).³ The minimum cell space in police custody is 7 m² as specified in a government bill.⁴ The national standard for minimum cell space available to prisoners in prisons is 7 m² for a one person cell and 5,5 m² per person in a cell shared by prisoners. The cell space in prisons is regulated in detail by regulation of the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), responsible for enforcement of sentences and operating under the the direction of the Ministry of Justice (*Oikeusministeriö/Justitieministeriet*).⁵
- b) The Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) stipulates on conditions in police custody, and the government bill referred to above is a source for interpreting the Act. The Imprisonment Act (*Vankeuslakil/Fängelselag*) concerns both open and closed prisons in general as does the regulation of the Criminal Sanctions Agency.
- c) The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*) [National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016](#).⁶ There are no recommendations regarding the size of cells.

¹ Finland, The Imprisonment Act (*Vankeuslakil/Fängelselag*), 23 September 2005/767, available in Finnish at: www.finlex.fi/fi/laki/ajantasa/2005/20050767. All hyperlinks were accessed on 14 June 2018.

² Finland, The Remand Imprisonment Act (*Tutkintavankeuslakil/Häktningslag*), 23 September 2005/768, available in Finnish at: www.finlex.fi/fi/laki/ajantasa/2005/20050768.

³ Finland, The Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*), 29 September 2906/841, available in Finnish at: www.finlex.fi/fi/laki/ajantasa/2006/20060841.

⁴ Finland, Government Bill (HE 90/2005 vp/RP 90/2005 rd), available in Finnish at: www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/he_90+2005.pdf.

⁵ Finland, Rikosseuraamuslaitoksen määräys, Vankien asuminen ja perushuolto, 19/004/2010, 29 December 2010, available in Finnish at: www.rikosseuraamus.fi/fi/index/seuraamukset/saannokset/maarayksetjaohjeet/vankienasuminenjaperushuolto190042010.html.

⁶ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at: www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a.

“Renovated cells intended for remand prisoners did not have proper storage facilities for property (e.g. clothers) and food, and some of the property had to be kept on the floor. There was no place for hanging up clean laundry to dry in the cell and no other place had been designated for that purpose. (Vantaa). The Deputy-Ombudsman recommended that the police prison should consider adding storage solutions to the cells so that, for example, food items would not have to be stored on the floor. He also recommended that the police prison should arrange a space for drying clothes.”⁷

2. Sanitary Facilities

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?
- 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 offer privacy to prisoners who use them?
- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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- a) The Imprisonment Act (*Vankeuslaki/Fängelselag*) provides that a prisoner must have access to a toilet at all hours of the day. Toilets are ordinarily located in cells in which prisoners live in closed prison.⁸ They are not counted in the minimum cell space. The Imprisonment Act (*Vankeuslaki/Fängelselag*) includes a separate provision on prisoners wearing examination clothing who shall upon request be let to toilet facilities without delay. Similar provision on prisoners wearing examination clothing is included in the Remand Imprisonment Act (*Tutkintavankeuslaki/Häktningslag*).
- b) The Imprisonment Act (*Vankeuslaki/Fängelselag*) stipulates that prisoners shall be provided with appropriate accommodation and washing facilities. According to a regulation of the Criminal Sanctions Agency, prisoners shall be provided with an opportunity to wash on a daily basis. Sanitary facilities shall include shampoo, soap and skin disinfectants.⁹ The Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) provides that those who have been deprived of liberty shall be provided with proper accommodation and washing facilities. According to the Regulation of the National Police

⁷ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at: www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 20.

⁸ Finland, Government Bill (HE 45/2014 vp/RP 45/2014 rd), available in Finnish at: www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/he_45+2014.pdf.

⁹ Finland, Rikosseuraamuslaitoksen määräys, Vankien asuminen ja perushuolto, 19/004/2010, 29 December 2010, available in Finnish at: www.rikosseuraamus.fi/fi/index/seuraamukset/saannokset/maaraykset/jaohjeet/vankienasuminenjaaperushuolto190042010.html.

Board, those who have been deprived of liberty should be provided with possibility to take care regularly of their basic needs such as personal hygiene.¹⁰ Police prisons may also have their own disciplinary regulations, according to some of which, taking a shower every other day or every third day would be guaranteed and if needed also more often. The Deputy-Parliamentary Ombudsman has noted that those deprived of liberty should be provided an opportunity to wash upon request.¹¹

- c) Provision of sanitary facilities is partly regulated by laws, regulations and, in case of police prisons, more detailed disciplinary regulations that may be given in different police prisons based on the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) Chapter 8 Section 1.
- d) The Imprisonment Act and the regulation of the Criminal Sactions Agency concern both closed and open prisons. As a difference prisoners in open prisons may spend their time and move around the prison, its department, workplace or other assigned place without immediate supervision. Police custody is governed by the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*), Regulation of the National Police Board and more detailed disciplinary regulations.
- e) [Report of 2016, see footnote 6.](#)

Concerning police custody: "The Deputy-Ombudsman recommended that the police prisons should pay particular attention to female remand prisoners' need to maintain their personal hygiene and provide them with an opportunity to shower more frequently."¹²

"The Deputy-Ombudsman emphasised that prisoners' toilet use should not be monitored by a camera even if the preconditions for camera monitoring are otherwise fulfilled. Isolation under observation is an exception to the rule, but even in such cases arrangement should be made to ensure at least limited privacy. Monitoring can take place, for example, through tinted glass or plexiglass that obscures visibility. Comment: The prison reported that prisoners placed in isolation cells are not monitored unless there are grounds for it and that CCTV cameras are located in a way that prevents intimate areas from being visible to the control room when prisoners use the toilet."¹³

Concerning prisons:

As matters of equal treatment

"All female prisoners did not have the opportunity to have a sauna (Oulu).

Prisoners placed in the isolation unit did not have the opportunity to shower daily (Pelso)."¹⁴

3. Time out of cell

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

¹⁰ Finland, Poliisihallituksen ohje poliisin säilyttämien henkilöiden kohtelusta, 2020/2013/5480, 1 April 2014, as referred to in Parliamentary Ombudsman (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), Poliisivankiloiden järjestyssäännöt, Dnro 1154/2/16, 25 September 2017, available in Finnish at: www.oikeusasiamies.fi/fi/ratkaisut/-/eoar/1154/2016.

¹¹ Finland, Parliamentary Ombudsman (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), Poliisivankiloiden järjestyssäännöt, Dnro 1154/2/16, 25 September 2017, available in Finnish at: www.oikeusasiamies.fi/fi/ratkaisut/-/eoar/1154/2016.

¹² The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 20.

¹³ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 31.

¹⁴ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 38.

- b. Indoors in the common area?
- b) Are sports or other recreational and educational facilities available to prisoners? If so what types?
- c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*
- e) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

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- a) a. Prisoners and those 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. The Imprisonment Act (*Vankeuslaki/Fängelselag*), the Remand Imprisonment Act (*Tutkintavankeuslaki/Häktningslag*) and the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) include all provisions on time spent outdoors.
- b. Time spent outside cells is not specifically regulated by law although there are provisions on activities concerning imprisonment.
- b) Activities in prisons may include work, studies on different levels, substance abuse work and leisurely activities. There are guided leisurely activities especially in the form of physical exercise, but also spiritual activities and interactive groups. Independent activities may include for example exercise, crafts, studies or hobbies. Library services, television, radio and newspapers are made available. Visits are arranged especially from open prisons for instance to libraries, swimming pools, sport or cultural events.¹⁵ There are provisions on activities in the Imprisonment Act (*Vankeuslaki/Fängelselag*).
- c) There are provisions on leisure time in Chapter 11 of the Imprisonment Act (*Vankeuslaki/Fängelselag*) and also on duty to participate in activities such as work and studies in Chapter 8 of the Imprisonment Act (*Vankeuslaki/Fängelselag*). According to the Remand Imprisonment Act (*Tutkintavankeuslaki/Häktningslag*) remand prisoners do not have a duty to participate in activities but could take part if they wish and it is otherwise possible. Some of the provisions on activities such as studies and work differ for remand prisoners. Prison rules and daily programmes determine more in detail timetables in prisons concerning activities in general.
- d) According to the Imprisonment Act (*Vankeuslaki/Fängelselag*) prisons are either closed prisons or open prisons, and they differ in supervision. In open prisons prisoners may spend their time and move around the prison, its department, workplace or other assigned place without immediate supervision. They could be supervised with technical devices that could be installed in prison facilities, given to possession of a prisoner or be attached to the prisoner's wrist, ankle or waist, or a combination to these according to Chapter 4 Section 1.
- e) [Report of 2016, see footnote 6.](#)

Concerning police detention:

"Only a few prisons have facilities for activities outside the cells. As a rule, the outdoor exercise yards at police prisons are small. Some of them are so enclosed and secure that there is no view outside

¹⁵ Finland, Criminal Sactions Agency (*Rikosseuraamuslaitos/Brottpåföljdsmyndigheten*), Activities, available at: www.rikosseuraamus.fi/en/index/enforcement/activities.html.

and, for instance, tobacco smoke remains in the space for a long time. It is questionable whether being in such areas can be called outdoor recreation at all. Renovations are not considered unexpected exceptional circumstances that would justify limiting the right of persons deprived of their liberty to outdoor exercise (Imatra). Cells do not usually get natural light and do not often have TV and electrical sockets.”¹⁶

Concerning prisons:

“In certain prisons, many units have been designated as substance-free units. To be accommodated in these units, prisoners must agree to give a urine sample whenever requested. In practice, this commitment is a prerequisite for being allowed to participate in an activity or live in an open unit. (Oulu and Pelso). The Deputy-Ombudsman emphasised that prisoners who do not wish to commit to a substance-free life should also have the opportunity to participate in activities or be placed in an open unit.”¹⁷

“Accommodation cells had no night lights or reading lights (Mikkeli).

There were not enough facilities for children’s visits (Turku) or they were otherwise inappropriate for the purpose (Mikkeli).

The outdoor exercise area had no rain shelters (Turku, Oulu and Mikkeli) or benches (Oulu and Mikkeli). The area was also too small considering the number of prisoners outside at the same time (Mikkeli). Comment: Turku Prison noted that prisoners are provided with waterproof jackets if it rains. Comment: Mikkeli Prison promised to expand the outdoor exercise area and improve its equipment. Moreover, the outdoor exercise area for segregated prisoners will only be used for justified reasons and short periods of time.

...

A prison’s ability to take in prisoners with mobility impairments seemed very problematic even though the prison should have a cell for persons with disabilities. (Riihimäki). The Deputy-Ombudsman pointed out that the situation must be remedied to ensure that prisoners with reduced mobility can enjoy their legal rights on an equal basis with other prisoners without being treated differently from others due to the impairment without an acceptable reason. Unless the prison in question takes corrective action, it should not state that it can take in prisoners with reduced mobility. The Criminal Sanctions Agency should be able to provide appropriate facilities and enforce the sentences of prisoners with mobility impairments in accordance with the law.

...

After renovation, a prison had no room dedicated solely for religious activities. The Deputy-Ombudsman referred to the preparatory documents of the Imprisonment Act, which state that if a prison does not have a church, it should have some other place suitable for practicing religion. This “other suitable place” means a separate peaceful space. Comment: According to the prison, a space reserved for practicing religion can be separated with screens from the rest of the multipurpose room.”

...

“Suspicion of wide-spread use of prohibited substances had emerged in a prison. Therefore, weight plates had been temporarily removed from the gym to prevent the prisoners using substances from injuring themselves. The amount of free weights available in the outdoor exercise yard were also to be limited for the same reason. The family visit room was out of use at the time of the visit, because a drug detection dog had given an alert in the room. The prisoners’ sauna was also out of use for the time being because prisoners had been moved to the sauna and the changing rooms during a

¹⁶ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 19-20.

¹⁷ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 27.

special inspection that concerned the whole prison, and the rooms had been damaged and dirtied (Kylmäkoski). Comment: After the visit, the prison director reported that the prison had been able to lift some of the exceptional measures that were taken due to the safety situation and had an impact on the prisoners' conditions. Free weights had been made available at the gym up to a certain level of weight. The family visit room had been renovated and was intended to be taken in use in early 2017. The sauna renovation was also nearly finished. The Deputy-Ombudsman asked the prison to report on the measures taken due to the drug situation."¹⁸

...

"The Deputy-Ombudsman emphasised that visit arrangements should be such that they effectively ensure the implementation of a prisoner's right to visitors. If a visitor has a justified reason for not being able to visit the prison during the specified visiting hours, the prison should be open to the possibility of organising a visit at some other time. Denying permission of leave or applying limited visiting arrangements do not promote prisoners' reintegration into society by helping them maintain close relationships with others. With respect to family members, restrictions are also problematic in terms of the protection of family life. Closed prisons should organise an opportunity for supervised visits in a way that enables a prisoner's whole family to take part on a weekly basis.

A prison's policy of granting permission for unsupervised visits was stricter than those applied by other prisons. Moreover, the times reserved for children's visits were on weekdays in the middle of the day. It was difficult for visitors to visit the prison during the reserved times (Mikkeli).

Comment: The prison changed its visiting hours.

The Deputy-Ombudsman still considered the visiting room inappropriate.

The Deputy-Ombudsman pointed out that foreign prisoners should also have the opportunity to watch television and listen to radio in a language they can understand.

After its renovation, the prison no longer had a library and loans from public libraries were not allowed. As a consequence of these observations made by inspector of the Criminal Sanctions Agency's Central Administration, the prison set up a library, which was located in a very small room which prisoners could not access one unit at a time. Library visits were also not included in the daily schedule of units. The library had a very limited book collection, and foreign-language literature was mainly available in Russian (Mikkeli). The Deputy-Ombudsman was of the view that the library service of a prison did not meet the requirements laid down by law. Comment: According to the prison, prisoners now have access to the library one unit at a time once a week without prior registration. The Deputy-Ombudsman recommended that the prison should consider moving the library to the multipurpose room, which seems to have no other use."¹⁹

"When conducting an inspection in a prison, the Central Administration of Criminal Sanctions Agency had drawn the prison's attention to the need to improve the operation of units with strictest security by extending the hours during which the prisoners can leave their cells and developing and extending activities indicated by the prisoners' needs. As the Central Administration was planning a follow-up inspection of the prison in question, it was asked to report on the action taken (Mikkeli).

A remand prisoner who could not speak Finnish had been kept isolated from other prisoners and without any activities outside the cell for months, excluding the possibility for outside exercise. The cell window was small and placed high up, only showing a view of the sky. The window was locked,

¹⁸ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 27-30.

¹⁹ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

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making it impossible to air the cell. The prisoner had no meaningful pastimes in the cell, except watching television. According to information obtained by the NPM, the prisoner was illiterate and had no common language with the prison staff. The prisoner was also obviously in severe pain. (Oulu). The Deputy-Ombudsman noticed that the prisoner's isolation was based on a court order and was thus not a breach of law. However, he found the space for outdoor exercise unsuitable for its purpose because of its small size, lack of exercise facilities and roof and closed-in walls. He considered the conditions of outdoor exercise and complete lack of exercise and activities outside the cell unacceptable. The Deputy-Ombudsman was also concerned about the prisoner's state of psychological and physical health and the conditions in the cell. The prison management was informed. The prison and the prison outpatient clinic were asked to report on action taken. Comment: After the request for information was received, the prisoner was placed in the Psychiatric Hospital for Prisoners for a three-week treatment period. The prison reported that since that time, the prisoner's physical and psychological state had clearly improved.

The prisoners' possibilities of taking exercise were inadequate (Turku). The Deputy-Ombudsman recommended organising gym training led by an instructor.

In another prison, there was no gym, and the prisoners only had access to a sports hall for 30 minutes once a week (Mikkeli). Comment: Mikkeli Prison promised to improve the prisoners' possibilities of taking exercise by striving to use the sports hall more often and by purchasing exercise equipment for the common areas of the cell units. According to the Deputy-Ombudsman, the prison should continue investigating options for setting up a gym.

For several reasons, the arrangements for organising basic education in a prison were unsatisfactory. Forming teaching groups was challenging, and the use of distance teaching by a video link had not gone ahead in the prison, either. (Kylmäkoski) The Deputy-Ombudsman made reference to remote general upper secondary studies based on video links organised in prisons of the Criminal Sanctions Region of Eastern and Northern Finland. His assessment of the situation was that teaching could also be organised following the same operating model in the Criminal Sanctions Region of Western Finland. The Deputy-Ombudsman asked the prison to report on actions taken to arrange basic education for prisoners.²⁰

4 – Solitary Confinement

- a) What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*
- c) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

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²⁰ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at: www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 41-42.

- a) Solitary confinement as a disciplinary punishment is regulated by the Imprisonment Act (*Vankeuslakil/Fängelselag*) and the Remand Imprisonment Act (*Tutkintavankeuslakil/Häktningslag*). A 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. 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. Exceptions may be made to the restrictions if there is a reason considering the circumstances of the prisoner. The right of a prisoner to visits and to outdoor exercise may be restricted only if the visit or outdoor exercise endangers the safety of the prisoner or others. If a 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. A physician or another official belonging to the health-care staff shall be notified of placement in solitary confinement as soon as possible. If the enforcement endangers the health of the prisoner, it shall be deferred or enforcement already commenced shall be interrupted. There are also further provisions on the conditions for a disciplinary punishment and the procedure, including demand for rectification of a disciplinary punishment. Solitary confinement is also regulated by a regulation of the Criminal Sanctions Agency on enforcement of disciplinary punishment²¹ and instructions on imposing a disciplinary punishment.²²
- b) Provisions on disciplinary punishments are the same for closed and open prisons.
- c) [Report of 2016, see footnote 6.](#)

“Prisoners were regularly placed in an isolation cell immediately after a suspected disciplinary infraction and held in segregation pending the disciplinary procedure. In most cases, the events were clear and there was little or no need for investigating the disciplinary infraction. (Mikkeli). The Deputy-Ombudsman did not consider it appropriate that prisoners are held in isolation cells merely for poor behaviour when they do not pose a concrete threat to order in the prison. Comment: The prison has notified that isolation cells will only be used when there is an actual need for isolation.”²³

“Isolation cells had no furniture, and the prisoner had to eat on the floor. The cleanliness of the isolation cells was not up to standard. There were faeces on the bars of one of the cells. The toilet – seats in all cells were covered with stains, and one cell was missing a drinking water tap (Mikkeli). The Deputy-Ombudsman pointed out that the conditions in isolation cells were inappropriate for the enforcement of disciplinary solitary confinement or the segregation of a prisoner pending the investigation of a disciplinary fraction. Comment: The prison reported that the isolation cells had been thoroughly cleaned and will only be used when there is an actual need for isolation.”²⁴

“The Central Administration Unit of the Criminal Sanctions Agency has issued guidelines of imposing disciplinary punishments. The guidelines aim to harmonise the practices and policies of prisons. One prison applied a practice that was clearly stricter than the guidelines. Severe disciplinary punishments were imposed for minor infractions. As a rule, the prison imposed the maximum punishments defined in the guidelines or even more severe sanctions. Disciplinary decisions did not specify reasons for the application of maximum sanctions. In addition to the lack of justification,

²¹ Finland, Rikosseuraamuslaitoksen määräys, Kurinpitörangaistusten täytäntöönpano, 5/004/2016, 5 September 2016, available in Finnish at

www.rikosseuraamus.fi/fi/index/seuraamukset/saannokset/maaraykset/jaohjeet/kurinpitörangaistustentaytantonpano130042010.html.

²² Finland, Rikosseuraamuslaitoksen ohje, Kurinpitörangaistuksen määrääminen, 3/004/2014, 4 June 2014, updated 26 April 2016, available in Finnish at:

www.rikosseuraamus.fi/fi/index/seuraamukset/saannokset/maaraykset/jaohjeet/kurinpitörangaistuksenmaaraaminen30042014.html.

²³ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 28.

²⁴ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 30.

decisions also included deficiencies concerning the recording and investigation of infractions (Mikkeli)... The Deputy-Ombudsman considered that the polarisation between prisoners and staff was stronger than usual, and a certain atmosphere or fear prevailed between the two groups. He considered it highly important to change the prison's operating culture and attitude towards its inmates. The atmosphere would likely improve if the prison discontinued its unjustified and unlawful practices that were very different from those applied in other prisons (Mikkeli). Comment: The prison has reported that it will launch various projects concerning the treatment of prisoners and the relations between prisoners and staff in accordance with its action and development plan for 2017. It will introduce a feedback system for prisoners..."²⁵

5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons? (E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?)
- b) Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)
- c) Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes.
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

Please cite any relevant sources

- a) According to the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) persons deprived of their liberty in police custody have a right to health care according to their medical needs. Health care for persons in police custody is organised by the most suitable municipality or federation of municipalities. Persons in police custody have also the right to private health care at their own expense upon permission of a doctor appointed by the police unless this would endanger the purpose of the custody.

The Prisoners' Health Care Unit (*Vankiterveydenhuolto/Hälsövärdshenhet för fångarna*) provides health care services to prisoners in Finland, either themselves or by acquisition from other service providers. In principle, same public health care services are provided for prisoners considering circumstances, as by public health care services in general.²⁶ This includes dentists, and also opticians could be visited.²⁷ In practice, prison healthcare has been also criticized recently after an

²⁵ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at: www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 39.

²⁶ Finland, Prisoners' Health Care Unit (*Vankiterveydenhuolto/Hälsövärdshenhet för fångarna*), Vankiterveydenhuolto, available at: www.vth.fi/; Finland, Vankiterveydenhuolto, Määräys vankien terveydenhuollon järjestämisestä, 13 February 2017, available at: www.rikosseuraamus.fi/material/attachments/rise/saannokset-osanliitteet/BHP4POZzD/Maarays_vankien_terveydenhuollon_jarjestamisesta.pdf.

²⁷ Finnish Foundation for Supporting Ex-offenders (*Kriminaalihuollon tukisäätiö*), Vangin ja tutkintovangin toimeentulotuki, available in Finnish at: <http://www.krits.fi/tietoa/vankeusaika/vangin-toimeentulo/vangin-toimeentulotuki/>.

organisational change moving administration to the National Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos, THL/Institutet för hälsa och välfärd*) under the Ministry of Social Affairs and Health (*Sosiaali- ja terveystieteiden ministeriö/Social- och hälsovårdsministeriet*) in January 2016. Especially lack of regular doctors in some prisons and also lack of sensitivity for health care matters common among prisoners have been raised as concerns.²⁸

Prisoners have also right to private health care at their own expense upon permission of a doctor of the Prisoners' Health Care Unit (*Vankiterveydenhuolto/Hälsovårdsenhet för fångarna*). In case of remand prisoners this should also not put in danger the purpose of the imprisonment.

- b) Health care should be provided as required by the medical needs of the prisoner. If the Prisoners' Health Care Unit can not provide for this a prisoner must be sent to be taken care of outside a prison. If persons in police custody or in prison cannot be properly treated or examined in custody they must be sent for temporary treatment or examination under necessary supervision according to the Imprisonment Act (*VankeuslakilFängelselag*), the Remand Imprisonment Act (*TutkintavankeuslakilHäktningsslag*) and the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*). A prisoner may also be released from the prison for treatment, for example, in case of grave illness under the Imprisonment Act (*VankeuslakilFängelselag*)

The Imprisonment Act (*VankeuslakilFängelselag*), the Remand Imprisonment Act (*TutkintavankeuslakilHäktningsslag*) and the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) do not include separate provisions on specialist care, other than childbirth and the services of a psychologist, although this could be provided.

Under Chapter 8 of the Imprisonment Act (*VankeuslakilFängelselag*) on activities, and specifically Section 9 on participation in activities outside the prison, a prisoner with substance-abuse problem or who is 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 potential to cope.

- c) The Imprisonment Act (*VankeuslakilFängelselag*) and the Remand Imprisonment Act (*TutkintavankeuslakilHäktningsslag*) include provisions on health care, naming the Prisoners' Health Care Unit (*Vankiterveydenhuolto/Hälsovårdsenhet för fångarna*) as responsible for arranging health care and medical treatment as well as medical rehabilitation in accordance with the medical needs of the prisoner. The unit is regulated by the Act on Prisoners' Health Care Unit (*Laki Vankiterveydenhuollon yksiköstäl/Lag om Enheten för hälso- och sjukvård för fångarna*).²⁹ General laws on health care, for example, the Act on the Legal Status and Rights of a Patient (*Potilaan asemasta ja oikeuksista annettu lakil/Lag om patientens ställning och rättigheter*),³⁰ the Mental Health Act (*Mielenterveyslakil/Mentalvårdslag*)³¹ and the Contagious Diseases Act (*Tartuntatautilakil/Lag om smittsamma sjukdomar*)³² may apply as well. The Prisoners' Health Care Unit (*Vankiterveydenhuolto/Hälsovårdsenhet för fångarna*) has given an order on organisation of health care for prisoners.³³

According to the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) persons deprived of their liberty in police custody have a right to health care according to their medical needs. Health care for

²⁸ YLE (2017), 'Keikkalääkäri määräsi huumevangille opiaatteja – Vankilan sairaanhoitaja: "Tällaista kaaosta en ole koskaan aiemmin nähnyt"', 4 December 2017, <https://yle.fi/uutiset/3-9960169>.

²⁹ Finland, The Act on Prisoners' Health Care Unit (*Laki Vankiterveydenhuollon yksiköstäl/Lag om Enheten för hälso- och sjukvård för fångarna*), 30 December 2015/1635.

³⁰ Finland, The Act on the Legal Status and Rights of a Patient (*Potilaan asemasta ja oikeuksista annettu lakil/Lag om patientens ställning och rättigheter*), 17 August 1992/785.

³¹ Finland, The Mental Health Act (*Mielenterveyslakil/Mentalvårdslag*), 14 December 1990/1116.

³² Finland, The Contagious Diseases Act (*Tartuntatautilakil/Lag om smittsamma sjukdomar*), 21 December 2016/1227.

³³ Finland, Vankiterveydenhuolto, Määräys vankien terveydenhuollon järjestämisestä, 13 February 2017, available at: www.rikosseuraamus.fi/material/attachments/rise/saannokset-osanliitteet/BHP4POZzD/Maarays_vankien_terveydenhuollon_jarjestamisesta.pdf

persons in police custody is organised by the most adapted municipality or federation of municipalities. General laws on health care apply, as above concerning prisons.

d) Provisions on health care are the same for closed and open prisons.

e) [Report of 2016, see footnote 6.](#)

In police custody:

"Health care arrangements have room for improvement in all police prisons. Most police departments do not enjoy regular visits from health care staff. Instead, persons deprived of their liberty are taken to health centres when necessary.

When persons deprived of their liberty arrive at the facility, they are not given a health examination and their health is not checked during the deprivation of liberty unless they request it.

The Deputy-Ombudsman has recommended that police prisons should try to ensure that all persons deprived of their liberty for longer than 24 hours get to see health care professionals.

The Deputy Ombudsman has required that all persons deprived of their liberty be told upon arrival about their right to receive health care in the place of detention, at their own expense, with the permission of a doctor arranged by the police.

The Deputy-Ombudsman has emphasised that a detained person's need for treatment must always be assessed by a health care professional and not by, for example, a police investigator. This applies to all forms of health care, including oral health care.

...

The Deputy-Ombudsman recommended that the police prison should try to provide the health care professional working in the place of detention with appropriate facilities. At present, medicines were distributed in a room shared with the staff of the detention facility. As there was also no separate treatment room and patients were seen in their cells, the Deputy-Ombudsman recommended that all staff at the detention facility should pay special attention to ensuring the privacy of detained persons while they receive treatment and are being examined (Vantaa)."³⁴

In prisons:

"The Deputy-Ombudsman pointed out that prisoners should be able to send confidential messages to the outpatient clinic. (Turku) Comment: Turku prison reported that the outpatient had promised to order pre-printed envelopes addressed to the unit for prisoners to send their forms to the health care unit.

In another prison, the Deputy-Ombudsman considered it positive that units had been equipped with locked mail boxes through which prisoners could send messages to the outpatient clinic.

(Kylmäkoski)

...

The office of a prison unit had a basket with medicines to be given to prisoners as needed. Warders do not have access to prisoners' health records, which also include information on their medication. (Kylmäkoski)

Prisoners can give the health care unit their written consent allowing the unit provide information on their medication to supervisory staff who distribute medicines. In the Deputy-Ombudsman's view this would be a good practice in terms of patient safety and the legal protection of the warder distributing medicines.

During a visit to an outpatient clinic, concerns were expressed about the inconsistent practices or supervisory staff in recording the over-the-counter medicines and PRN (as-needed) medicines they give to prisoners. (Kylmäkoski). The Deputy-Ombudsman considered such records to be important for patient safety. He pointed out that it is the director's duty to supervise that warders record the medicines they have distributed regularly and in a consistent manner. Comment: During the

³⁴ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at: www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 22.

concluding discussion of the visit, the prison director said that they would take action to harmonise recording practices.”³⁵

“The Deputy-Ombudsman noted that attending to inmates with special needs is difficult, particularly because the supervisory staff have not received relevant training. The Deputy-Ombudsman recommended that the prison should actively contact the Prisoners’ Health Care Unit whenever there is a need for guidance and training on these matters. Confidential regulations do not prevent the disclosure of information if the health care unit asks prisoners to give their written consent to the disclosure of their personal information (Kylmäkoski).”³⁶

“The Ombudsman emphasised that the CPT report on Finland drew attention to the procedure of recording injuries claimed to result from inappropriate treatment. This comment also concerned incoming prisoners’ check-ups. The Ombudsman also pointed out that the persons conducting the check-ups should take into account the possibility that the prisoner may have been subjected to physical violence before the arrival in the prison while in the custody of another authority as a person deprived of his or her liberty. The Ombudsman stressed that if appropriate documentation in this phase is lacking, the possibility of referring the matter to investigation by the authorities, if this is what the victim would like, is usually lost – or at least the investigation is hampered. 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. The Ombudsman recommended that any signs of physical violence be discussed with the patient and that their absence is also recorded in the patient documents. If injuries are found, an appointment with a doctor should be made for the prisoner, so that the injuries can be examined and recorded appropriately.”³⁷

“A screening of treatment needs have been carried out for all inmates serving a life sentence in the prison in the previous year. The Ombudsman felt that this was a step in the right direction. The clinic was encouraged to continue this type of screening activities at regular intervals. The Ombudsman also recommended that the clinic carry out a screening of the treatment needs of other prisoners serving long sentences.

When prisoners were interviewed, they expressed their dissatisfaction at not receiving a response to their inquiry forms. The Ombudsman does not find the clinic’s action related to responding to the inquiry forms lawful if the general practice is not to inform the patients of the time of their doctor’s appointment in advance. They should also be informed if the appointment is rescheduled. In this respect, prisoners should not (sic) placed in a different position from other patients. The Ombudsman found it important that the clinic’s practice related to informing patients of the times of their doctor’s appointments, and possibly other appointments, be changed so that it is compliant with the law.

Whether or not the form currently in use is suitable in general for contacting the clinic was also discussed during the visit. This applied to all Prisoners’ Health Care Units.

The Ombudsman noted that he would take it up separately with the National Institute for Health and Welfare and the Prisoners’ Health Care Unit, rather than assessing the question any further.

However, the Ombudsman encouraged the clinic in continuing its efforts to design its own form that

³⁵ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 32-33.

³⁶ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 40.

³⁷ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 66.

would only relate to health care issues. This would be another way of helping to streamline the patients' interaction with the clinic.

The Ombudsman also recommended that the clinic work together with the prison to ensure that the confidentiality of the prisoners' interactions with the health care services is not compromised. If the inquiry form is the prisoner's only way of contacting the health care services, attention should be paid to secrecy in its use. As an example, he cited a prison where messages intended for the clinic can be placed in a locked letterbox intended for this purpose.

The NPM were told that a prisoner placed in observation, or isolating observation is always visited at the time of the placement. Subsequently, the prisoner is visited as required. A prisoner in solitary confinement is visited roughly once a week.

The Imprisonment Act (*VankeuslakilFängelselag*, 767/2005) does not contain specific provisions on how often the health care services should visit these prisoners. The CPT standards require that the health care services visit a prisoner placed in isolation immediately and, subsequently, at least once a day. The Ombudsman found it important that the clinic visits a prisoner placed under observation or isolating observation every day. The Ombudsman also recommended that a prisoner placed in solitary confinement or in isolation be visited regularly."³⁸

6. Special measures in place to protect juvenile prisoners.

- a) Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)
- b) What age category falls under this specific juvenile prison regime?
- c) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- d) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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- a) According to the Imprisonment Act (*VankeuslakilFängelselag*), prisoners who are under 18 years old must be placed in a prisons where they can be kept separate from adult prisoners unless their best interest requires otherwise. The Remand Imprisonment Act (*TutkintavankeuslakilHäktningslag*) provides that prisoners under 18 years old must be kept separate from adult remand prisoners unless their best interest requires otherwise. The Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) includes a similar provision on police custody. The Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*) has given instructions on underaged prisoners in which separating minors from adults is stressed in order to guarantee safety and protection for minors. Exception to this could be made if the best interest of a minor requires otherwise for example if there are no other or just a few underage prisoners. In these cases prison staff shall always take into consideration the best interest of the minor when considering

³⁸ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at: www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 67.

arranging activities with adult prisoners. These activities shall also happen under supervision and guidance of the prison staff.³⁹

- b) Provision of separation of minors, as noted above, concern prisoners who are younger than 18 years of age. Both the Imprisonment Act (*Vankeuslaki/Fängelselag*) and the Remand Imprisonment Act (*Tutkintavankeuslaki/Häkningslag*) include also provisions concerning treatment of so called young offenders, prisoners who have committed their offences when under 21 years of age. 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. The Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) includes a similar provision on police custody.
- c) Provisions on juvenile prisoners are the same for closed and open prisons.
- d) [Report of 2016, see footnote 6.](#)

"A prison had two prisoners under the age of 18. One of them had been placed in a closed unit and the other in the same unit with adult prisoners.(Turku). The Deputy-Ombudsman pointed out that minors should always be accommodated in separate facilities to which adult prisoners have no access. When activities are organised for minors outside their cells together with adult prisoners, supervision must be sufficient."⁴⁰

7. Special measures in place to protect prisoners from violence

- a) Are any special measures in place to protect prisoners against violence, including sexual violence? (E.g. are prisoners supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do prisoners have access to a complaints mechanism?)
- b) Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?
- c) Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.)..
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of--designated-npmb-by-regions-and-countries/>

Please cite any relevant sources

- a) According to the Imprisonment Act (*Vankeuslaki/Fängelselag*) Chapter 1 Section 3, a sentence of imprisonment shall be enforced so that it is safe to society, prison staff and prisoners. 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.
The Imprisonment Act (*Vankeuslaki/Fängelselag*), the Remand Imprisonment Act (*Tutkintavankeuslaki/Häkningslag*) and the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*)

³⁹ Finland, Rikosseuraamuslaitoksen ohje, Alaikäinen vanki, 1/004/2017, 13 June 2017, available at:

www.rikosseuraamus.fi/fi/index/seuraamukset/saannokset/maaraykset/jaohjeet/alaikainenvankiohje10042017.html

⁴⁰ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 27.

require supervision in order to safeguard, among others, safety of prisoners and those in custody. Prisons and confined spaces in which persons are kept in custody must also have alarm systems and other security systems.

Confined spaces in which persons are kept when in police custody must have an alarm device to contact staff according to the Imprisonment Act (*Vankeuslakil/Fängelselag*) and the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*).

According to the Imprisonment Act (*Vankeuslakil/Fängelselag*) and the Remand Imprisonment Act (*Tutkintavankeuslakil/Häkningslag*), prisoners must be provided possibility upon request to stay wholly or partially separately from other prisoners if they have reasonable grounds to believe that their personal safety is threatened. The Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) provides that a person who has been deprived of liberty must not be placed together with another person deprived of liberty if there could be danger to the safety of either of them.

The Imprisonment Act (*Vankeuslakil/Fängelselag*) and the Remand Imprisonment Act (*Tutkintavankeuslakil/Häkningslag*) include also other provisions such as for example participation in activities could be forbidden if a prisoner disturbs activities or endangers safety and order in a prison.

According to the policy alignment of the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*), safety is created first by interaction between staff and customers, stressing human dignity and fairness in treatment. Safety is created also by physical conditions, activities and daily routine. Daily inspections and supervision promote order. Special measures for safety and order provided by law are taken when conditions for them are met. Safety is one of the factors when placing prisoners inside a prison. Crisis preparedness is regularly sustained and serious accidents and acts of violence are reported to the police.⁴¹

Prisons have adopted practices such as limiting movement from one department to another inside closed prisons to prevent violence among prisoners.⁴²

Under the Imprisonment Act (*Vankeuslakil/Fängelselag*) and the Remand Imprisonment Act (*Tutkintavankeuslakil/Häkningslag*) prisoners have the right to make demand for rectification or to make appeal on certain decisions of the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*). Under the Act on Treatment of Persons in Police Custody (*Laki poliisin säilyttämien henkilöiden kohtelusta/Lag om behandling av personer i förvar hos polisen*) a demand for rectification or appeal can be made on certain decisions of the police. The office of the Parliamentary Ombudsman, acting also as the national preventive mechanism, handles complaints of persons deprived of their liberty and inspects places where persons may be deprived of their liberty.

- b) LGBT prisoners are noted in the equality and non-discrimination plan of the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsförvaldning*).⁴³ The plan lists as measures to be taken: providing staff and customers with information and training on diversity of gender and sexual orientation; notes that gender or sexual orientation is not a hinder to participate in activities or placement inside prison; notes the right to marry and found a family as rights belonging also to members of minorities; notes the need to step in if there is discrimination or harassment against gender or sexual orientation minorities, whether by other customers, including prisoners, or staff;

⁴¹ Finland, Criminal Sanction Agency's safety alignment (*Rikosseuraamuslaitoksen turvallisuuslinjaukset*), Rikosseuraamuslaitos 2015, available in Finnish at: www.rikosseuraamus.fi/material/attachments/rise/julkaisut-muut/ODIbMQzPN/Turvallisuuslinjaukset_2015.pdf.

⁴² Finnish Foundation for Supporting Ex-Offenders (*Kriminaalihuollon tukisäätiö*), Väkivallan pelko suljetussa vankilassa, available in Finnish at www.krits.fi/2011/06/vakivallan-pelko-suljetussa-vankilassa/.

⁴³ Finland, Rikosseuraamuslaitoksen vankeja ja yhdyskuntaseuraamusasiakkaita koskeva yhdenvertaisuus- ja tasa-arvosuunnitelma, available at: www.rikosseuraamus.fi/material/attachments/rise/julkaisut-muut/V8DI7UJhX/Yhdenvertaisuus- ja tasa-arvosuunnitelma_2015_net.pdf.

notes that harassment could include malicious talk, jokes or improper questions or hints about gender or sexual orientation. The plan includes instruction to tell the harassing or discriminating person to stop, and possibly also bringing up the matter with a superior. The plan stresses that a harassed or discriminated person should be informed of who to contact for help in institutions. Public officials have in general a duty to promote equality and non-discrimination.

- c) These matters are regulated on different levels from laws to policy alignments and practices as presented above.
- d) Provisions on protection are the same for closed and open prisons.
- e) [Report of 2016, see footnote 6.](#)

Concerning police custody:

“A cell did not have a call button (Espoo). The Deputy-Ombudsman recommended that the police prison should avoid using the cell unless it can provide continuous monitoring.”⁴⁴

“Police prisons did not have written information about the authorities that supervise police prisons to be provided to persons deprived of their liberty if they are unsatisfied with the way they have been treated or want to make a complaint for some other reason. The Deputy-Ombudsman considers it justified for police prisons to have written information about supervisory authorities.”⁴⁵

“In two police prisons, it was noted that persons deprived of their liberty had not understood the information they had been given about their rights.

The Deputy-Ombudsman pointed out to the staff of the police prisons that persons deprived of their liberty must be informed of their rights in a comprehensible manner.”⁴⁶

Concerning prisons:

“During visits it is repeatedly necessary to draw the prison’s attention to the availability of or need to update information on the provisions that apply to prisoners or the contact details of the authorities that supervise the prison. Prisoners may also lack awareness of the availability of information on the relevant provisions. (Turku, Riihimäki, Suomenlinna, Ylitornio, Oulu, Pelso and Mikkeli). Comment: As a rule, prisons have reported that they will rectify the deficiencies and provide their staff with guidance on the issue. Comment: Turku Prison has promised to provide a guidebook for newly-arrived prisoners in connection with their arrival check and to clarify the information on where guidebooks and relevant legal regulations are available. It also promised to ensure that the control room and library of each unit will have copies of the Imprisonment Act and the Remand Imprisonment Act.

...

“In the same prison (Mikkeli), reasoned written decisions were also not issued on a number of other matters which according to law require formal decisions. They involved, for example, a prisoner’s request for segregated accommodation, withholding a postal item, placing a prisoner under observation and prohibitions to visit. Moreover, the rules of procedure did not specify who is responsible for several key groups of decision, such as decisions on the possession of property. The Deputy-Ombudsman noticed that the reasons given by the prison to justify its actions and decision

⁴⁴ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 20.

⁴⁵ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 21.

⁴⁶ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at:

www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 22.

were not based on law. He came to conclusion that decision-makers were unfamiliar with the relevant legal regulations or ignored them.”⁴⁷

8. Responsible authorities

- a) What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? (Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?)
- b) What authority is responsible for monitoring conditions of detention and putting forward recommendations?

Please cite any relevant sources

- a) According to the Act on Extradition on the Basis of an Offence between Finland and Other Member States of the European Union (*Laki rikoksen johdosta tapahtuvasta luovuttamisesta Suomen ja muiden Euroopan unionin jäsenvaltioiden välillä/Lag om utlämning för brott mellan Finland och de övriga medlemsstaterna i Europeiska unionen*)⁴⁸ responsible authority for requesting a person for prosecution is the prosecutor who would have the authority to prosecute the case in a court in Finland.⁴⁹ The request has to be based on a remand decided by a district court. The remand is general and does not include a decision on request for extradition. If a person is requested for enforcement of punishment, the request is made by the prosecutor upon proposal of the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsföljdsmyndigheten*). The Act does not specify on provision of additional information but in any case nominates prosecutor as the responsible authority in cases concerning extradition from another member state to Finland under Chapter 3.
- b) The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*) oversees the legality in performance of public tasks as regulated by the Constitution of Finland (*Suomen perustuslaki/Finlands grundlag*)⁵⁰ and the Parliamentary Ombudsman Act (*Laki Eduskunnan oikeusasiamiehestäl/Lag om riksdagens justitieombudsman*).⁵¹ In addition to handling complaints the Parliamentary Ombudsman carries out inspections in prisons and other closed institutions and oversees the treatment of inmates, and may issue recommendations to the competent authority and draw attention and make recommendations concerning legislation. The Parliamentary Ombudsman acts also as the national preventive mechanism.

⁴⁷ The Parliamentary Ombudsman of Finland (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), National Preventive Mechanism, Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Annual Report 2016, available at: www.oikeusasiamies.fi/documents/20184/76480/NPM+report+2016/6492da79-50eb-4037-b66c-0887cdaeca8a at 33 and 36.

⁴⁸ Finland, The Act on Extradition on the Basis of an Offence between Finland and Other Member States of the European Union (*Laki rikoksen johdosta tapahtuvasta luovuttamisesta Suomen ja muiden Euroopan unionin jäsenvaltioiden välillä/Lag om utlämning för brott mellan Finland och de övriga medlemsstaterna i Europeiska unionen*), 30 December 2003/1286, unofficial translation without some amendments available at: www.finlex.fi/en/laki/kaannokset/2003/en20031286.pdf ; updated in Finnish at: www.finlex.fi/fi/laki/ajantasa/2003/20031286.

⁴⁹ Finland, Government Bill (HE 88/2003 vp/RP 88/2003 rd), available in Finnish at: www.finlex.fi/fi/esitykset/he/2003/20030088.

⁵⁰ Finland, The Constitution of Finland (*Suomen perustuslaki/Finlands grundlag*), 11 June 1999/731, unofficial translation available at: www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf.

⁵¹ Finland, Parliamentary Ombudsman Act (*Laki eduskunnan oikeusasiamiehestäl/Lag om riksdagens justitieombudsman*), 14 March 2002/197, unofficial translation available at: www.finlex.fi/en/laki/kaannokset/2002/en20020197.pdf.

In addition, the Criminal Sanctions Agency (*Rikosseuraamuslaitos/Brottsföljdsmyndigheten*) enforcing criminal sanctions conditions is responsible for overseeing enforcement.