

Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database

(FRANET)

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Contractor's name: Institute for Human Rights, Åbo Akademi University

Authors: Raija Hanski, Rakel Tiderman, Kristiina Vainio

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Part I: National standards

1. Cells

a. Cell space

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.¹ The minimum cell space in police custody is 7 m². This concerns both detainees and remand prisoners in police establishments.² 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.³

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

The Imprisonment Act applies to post-trial detention in closed or open prisons. The Remand Imprisonment Act applies to remand prisons. A remand prisoner may not be placed in an open prison. The Act on Treatment of Persons in Police Custody applies to remand prisoners held in police detention facilities. An amendment of the Remand Imprisonment Act is underway. One of its key aims is that by 2025 remand prisoners would no longer be held in police detention facilities.⁴ In the Act on Treatment of Persons in Police Custody (adopted in 2006) the provisions concerning cells and cell equipment and facilities are rather general. An overall reform of the Act, which had been pending since 2015, was expected to clarify and update the legislation on the treatment of persons in police custody. However, the funding required for the reform could not be arranged and the Government bill was not submitted to Parliament before the end of the parliamentary term in the spring of 2023.⁵

¹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*), [Accommodation and basic care of prisoners](#), regulation, 4/004/2022, 27 April 2023; 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.

² 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.

³ 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.

⁴ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Vanginkuljetuslainsäädännön uudistaminen ja tutkintavankien säilyttämisen siirtäminen Rikosseuraamuslaitoksen tiloihin](#) [Reform of the legislation on prison transports and the placement of all remand prisoners in the facilities of the Prison and Probation Service], OM017:00/2020, statute drafting, website accessed 10 April 2024.

⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 87.

The regulations and guidelines issued by the Prison and Probation Service of Finland (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*) (previously called Criminal Sanctions Agency) implement the Imprisonment Act and the Remand Imprisonment Act. The National Police Board (*Poliisihallitus/Polisstyrelsen*) has issued further guidelines on basic care and accommodation of prisoners which apply to police custody facilities.

According to the Imprisonment Act prisoners shall have appropriate accommodation premises and washing facilities at their disposal.⁶ The same applies to remand prisoners, both in remand prisons and in police custody facilities.⁷

Regulations and guidelines issued by the Prison and Probation Service provide that a cell must have all necessary furniture (bed, table, chair, shelf or cupboard).⁸ As a rule, isolation or observation cells should not be completely unfurnished. Fixed or soft furniture can be provided, without compromising safety.⁹ Guidelines issued by the National Police Board provide that detainees and remand prisoners held in police establishments shall be given a mattress and bed linen for the night.¹⁰

According to Regulation 4/004/2022 by the Prison and Probation Service, a residential cell must have the possibility for ventilation with outside air. Cell window should equal at least 10 % of floor space. The windows of residential cells may not be covered by a plastic partition or other screen that prevents normal natural light or adequate airing of the cell.¹¹ 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.¹² Regulation 5/004/2016 issued by the Prison and Probation Service 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.¹³

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

⁶ Finland, [Imprisonment Act \(*vankeuslaki/fängelselag*\)](#), Act No. 767/2005, Chapter 7, section 1.

⁷ 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.

⁸ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Accommodation and basic care of prisoners](#), regulation, 4/004/2022, 27 April 2023; 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 anstaltssäkerheten](#)), p. 9.

⁹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), *Vangin ja tutkintavangin eristäminen* [Isolation of a prisoner and a remand prisoner], guidelines, RISE/670/2023, 22 June 2023.

¹⁰ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu* [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014.

¹¹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Accommodation and basic care of prisoners](#), regulation, 4/004/2022, 27 April 2023.

¹² 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, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), *Vangin ja tutkintavangin eristäminen* [Isolation of a prisoner and a remand prisoner], guidelines, RISE/670/2023, 22 June 2023.

¹³ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Enforcement of disciplinary punishments](#), regulation, 05/004/2016, 5 September 2016.

+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.¹⁴

Prisoners and remand prisoners shall have access to toilet facilities at all times of the day.¹⁵ In closed prisons, each cell usually includes a private toilet.¹⁶

c. Video-surveillance of cells

The Imprisonment Act provides that prisoners and the premises used by prisoners can be supervised, 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, including video surveillance, may be used to supervise the prison area and premises. However, technical monitoring shall not be used in accommodation premises, toilets and changing rooms or other similar places.¹⁷ The same provisions apply to prisoners on remand.¹⁸

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.¹⁹

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.²⁰ 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.²¹

¹⁴ 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.

¹⁵ 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).

¹⁶ Finland, 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. 39.

¹⁷ 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 fängelsestiden och effektivare upprätthållande av anstalts säkerheten*), p. 7–8, 19, 24, 36, 46.

¹⁸ Finland, *Remand Imprisonment Act (tutkintavankeuslaki/häktningslag)*, Act No. 768/2005, Chapter 11, section 1.

¹⁹ 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.

²⁰ 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.

²¹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämistoiminnassa huomioitavia asioita* [Matters to be taken into account in police detention], letter of guidance, POL-2017-41566, 24 November 2017.

d. NPM assessment

[National Preventive Mechanism Report 2021](#)

[National Preventive Mechanism Report 2022](#)

Police prisons

In connection with the previous inspection visit to the Vantaa Police Prison in 2016, it had been stated that there were not enough even surfaces in the cells of the remand prisoners for the detainees to keep their belongings on. The situation had not changed. Both persons who were in custody on the day of the visit kept some of their belongings on the cell floor. The NPM team also paid attention to the fact that there was still no suitable place for drying the towels. The Ombudsman recommended that at least temporary storage solutions be acquired to the cells on a case-by-case basis for the belongings of remand prisoners. In addition, he recommended that a space be organised in police prisons where remand prisoners can dry their washing and towels if necessary.²²

Vantaan poliisivankilaan vuonna 2016 tehdyn edellisen tarkastuskäynnin yhteydessä oli todettu, että tutkintavankien selleissä ei ollut riittävästi tasoja, joiden päällä vapautensa menettänyt voi säilyttää tavaroitaan. Tilanne ei ollut muuttunut. Molemmat tarkastuspäivänä vangittuna olleet henkilöt säilyttivät osan tavaroistaan sellin lattialla. Tarkastajat kiinnittivät huomiota myös siihen, ettei pyyhkeille ollut edelleenkään sopivaa kuivauspaikkaa. OA suositti, että selleihin harkitaan tapauskohtaisesti ainakin väliaikaisia säilytysratkaisuja tutkintavankien omaisuuden säilyttämiselle. Lisäksi hän suositti, että poliisivankiloihin järjestetään tila, missä tutkintavangit voivat tarvittaessa kuivattaa pyykkiään ja pyyhkeitä.²³

In the detention facilities in Mariehamn, detainees were occasionally mainly supervised via camera feed at the emergency response and situation centre, which was on a different floor than the detention facilities. The Ombudsman found it problematic that detainees are supervised by persons who are not physically at the detention facilities. An audio and video connection is not a substitute for physical supervision. The Ombudsman recommended for the police authority to review their procedures and guidelines concerning the supervision of detainees.²⁴

Maarianhaminan säilytystilojen vapautensa menettäneitä valvottiin ajoittain pääasiassa kameran kautta hälytys- ja tilannekeskuksessa, joka oli eri kerroksessa kuin säilytystilat. OA piti ongelmallisena, että vapautensa menettänyttä valvovat henkilöt, jotka eivät ole fyysisesti säilytystilassa. Ääni- ja kuvayhteys ei korvaa fyysistä valvontaa. OA suositti, että poliisiviranomainen käy läpi vapautensa menettäneiden valvontaa koskevat menettelytapansa ja ohjeensa.²⁵

Prisons

²² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 86.

²³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 91.

²⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 81.

²⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 86.

Using the temporary cell ward for housing. A temporary cell is only intended for short-term accommodation when a prisoner enters or leaves prison. A temporary cell is also used when a prisoner has to stay overnight when travelling for court or to another prison. The inspection revealed that prisoners were placed to live in the temporary cell ward for long periods, even though the conditions of the ward were only suitable for short-term placement. In addition, too many prisoners were placed in each cell considering the surface area of the cells. Attention was also drawn to the dirtiness of large temporary cells.²⁶

Matkaselliosaston käyttäminen asumiseen. Matkaselli on tarkoitettu vain lyhytaikaiseen majoitukseen silloin, kun vanki tulee vankilaan tai lähtee vankilasta. Matkaselliä käytetään myös silloin, kun vanki joutuu yöpymään kärjämatkalla tai ollessaan matkalla toiseen vankilaan. Tarkastuksella todettiin, että vankeja sijoitettiin asumaan matkaselliosastolle pitkäksi aikaa, vaikka osaston olosuhteet soveltuivat vain lyhytaikaiseen sijoittamiseen. Lisäksi liian monia vankeja oli sijoitettuna samaan selliin, kun otettiin huomioon sellien pinta-ala. Huomiota kiinnitettiin myös isojen matkasellien likaisuuteen.²⁷

Conditions in isolation. The cells used for observation and isolation under observation were unfurnished. In the oversight of legality, it has been considered that the reason for placing a prisoner under observation and the behaviour of the prisoner determine the furniture that can be placed in the cell. It was found during the inspection that there were plastic tables and chairs intended for furnishing the cell in the storage room of the isolation ward. However, it remained unclear during the inspection what the prison's policy was for furnishing the cell when a prisoner is placed in an isolation cell. Placement in observation should not automatically lead to the prisoner having to eat while sitting on the floor. According to information received during the inspection, the prison was in the process of acquiring 50 cm thick mattresses for these cells. The Deputy-Ombudsman found this appropriate.²⁸

Eristystilojen olosuhteet. Tarkkailuun ja eristämistarkkailuun käytettävät sellit olivat kalustamattomia. Laillisuusvalvonnassa on katsottu, että tarkkailuun sijoittamisen syy ja vangin käytös vaikuttavat siihen, mitä kalusteita selliin voidaan antaa. Tarkastuksella todettiin, että eristysosaston varastohuoneessa oli sellin kalustamiseen tarkoitettuja muovisia pöytiä ja tuoleja. Tarkastuksella jäi kuitenkin epäselväksi, miten vankilassa toimitaan sellin kalustamisessa, kun vanki sijoitetaan eristysselliin. Tarkkailuun sijoittaminen ei saisi automaattisesti johtaa siihen, että vanki joutuu syömään lattialla istuen. Tarkastuksella saadun tiedon mukaan näihin selleihin oltiin hankkimassa 50 cm korkeita patjoja. AOA piti tätä perusteltuna.²⁹

Conditions of temporary cells. The maximum number of beds in traveller's cells [i.e., cells holding prisoners in transit] should be checked for the minimum permissible area per prisoner. According to information received during the inspection, the number of penalty cells was too high compared to demand, and there was a need for single-person temporary cells. Due to this reason, there was a plan

²⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 91.

²⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 95.

²⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 93.

²⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 96.

to convert some of the penalty cells into single-person traveller's cells. The Deputy-Ombudsman found this plan appropriate.³⁰

Matkasellien olosuhteet. Matkasellien vuodepaikkojen enimmäismäärä tulisi tarkistaa ottaen huomioon sallittu minimipinta-ala vankia kohti. Tarkastuksella saadun tiedon mukaan rangaistussellejä oli tarpeeseen nähden liikaa ja yhden hengen matkaselleille oli tarvetta. Tästä johtuen osa rangaistuselleistä oli tarkoitus muuttaa yhden hengen matkaselleiksi. AOA piti suunnitelmaa kannatettavana.³¹

Consultations with NPM members³²

According to the NPM representatives, detention conditions vary depending on how old the prison or the police facility is. New prisons have been built during the last years (e.g., the Hämeenlinna women's prison) and some prisons have undergone large renovations (e.g., the Helsinki prison). The police facilities are mostly old and outdated. The construction of new police facilities and the renovation of old ones is underway. Overall, the conditions in police cells were described as much harsher than in prison cells. Reference was made to a legislative reform, the goal of which is that by 2025, remand prisoners will no longer be kept in police custody after the detention trial, but in prisons.³³

In both prisons and police facilities, cell space meets international standards. Remand prisoners are always placed in one-person cells. The NPM had received information from the Prison and Probation Service that the prison population is estimated to increase. Allocation of prisoners must thus be considered carefully, to avoid overcrowding. It was also noted that prisoners have occasionally been held too long in temporary cells for prisoners in transit, if the ordinary cells have been full.

In prison cells there is usually access to natural light through a window. The NPM has sometimes had to remark upon the windows being covered by, for instance, plexiglass (used to prevent objects from being thrown into cells). Access to natural, unrestricted light in police prisons was described as the exception rather than the rule.

The prison cells were described as rather stuffy. Complaints have occasionally concerned the malfunction of ventilation. Not all detainees are provided with a fan. The NPM has occasionally received complaints regarding prison temperatures, which can be very cold during the winter, and hot during the summer.

In prison cells there is an ordinary bed, which might be bolted to the wall. The mattresses are quite thin. The NPM had received complaints from prisoners suffering from back pain, whose request for a thicker

³⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 93.

³¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 97.

³² For the purposes of this report we consulted three members of the NPM. The interviews were conducted on 19 and 21 March 2024. The summaries presented in this report build on interviews of all three NPM members.

³³ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Vanginkuljetuslainsäädännön uudistaminen ja tutkintavankien säilyttämisen siirtäminen Rikosseuraamuslaitoksen tiloihin](#) [Reform of the legislation on prison transports and the placement of all remand prisoners in the facilities of the Prison and Probation Service], OM017:00/2020, statute drafting, website, accessed on 10 April 2024.

mattress had been denied. The practice of the Prison and Probation Service in providing thicker mattresses had appeared to be quite strict. During inspections, the NPM controls matters such as the availability of a table to dine from, storage space, and a reading lamp. The functioning of the alarm button is also controlled. In police cells, there is usually a thin, plastic-coated mattress over a concrete beam. The NPM has frequently had to remark upon the lack of storage space as well as space for drying clothes and towels. Apparently, this has to do with the police wanting to avoid loose equipment. The NPM has moreover had to remark upon dirty bed sheets in police cells.

When it comes to facilities, all prison cells nowadays have toilets. Many of the cells have showers. The NPM noted that during one inspection to a particular prison, it turned out that showers could only be used by pressing a button in the ceiling. A remark had been made in this regard, but the matter had not been improved when the NPM visited the prison the next time. Not all police cells have toilets. In such cases, toilets may be accessed by alerting a guard.

The NPM representatives noted that prison cells and the police cells of remand prisoners are not monitored via video-surveillance. In exceptional situations, for example, due to the fear of self-destructive behaviour, a detainee may be placed in a monitored cell.

2. Allocation of detainees

a. Geographical allocation

According to the Remand Imprisonment Act, a person remanded due to an offence shall be taken to a prison functioning as a remand prison closest to the court considering the charges or, for special reasons, to another prison functioning as a remand prison.³⁴ Prisons functioning as remand prisons are listed in Decree 1055/2022 issued by the Ministry of Justice. According to the decree, there are 13 prisons functioning as remand prisons for men and six for women.³⁵

The court deciding on the remand may, upon proposal of the prosecutor or a public official with the power of arrest, decide that a remand prisoner is placed in a custody facility for remand prisoners maintained by the police, if this is necessary in order to keep the remand prisoner separate, for safety reasons, or to investigate the offence. A remand prisoner must not, in any case, be kept in a police custody facility for more than seven days, unless there are very serious reasons for this that relate to the safety of the remand prisoner or the criminal investigation of the offence, or that arise from a risk that the persons hinders the clarification of the matter, and require that the person be kept separate.³⁶

The Supreme Court has stated that the period of seven days starts running from when the decision on remand is taken.³⁷ This entails that the time during which the person has spent in police custody due to being apprehended and arrested prior to the decision on remand is not considered as part of the seven-day period. If the remand prisoner is to be kept in the police facility for longer, the authorities must refer the matter to the court for re-evaluation. The Supreme Court has held that the matter must be

³⁴ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 1.

³⁵ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) Decree on prisons functioning as remand prisons ([Oikeusministeriön asetus tutkintavankiloista toimivista vankiloista/Justitieministeriets förordning om fängelser som används som häkten](#)), Decree No. 1055/2022, sections 1 and 2.

³⁶ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 1.

³⁷ Finland, Supreme Court (*korkein oikeus/högsta domstolen*), [KKO:2020:66](#) and [KKO:2020:67](#), 22 September 2020.

referred to the court before the seven-day period runs out; more specifically, within 168 hours from when the decision to place the remand prisoner in police custody was made.³⁸

The general principles for placement of post-trial prisoners are laid out in the Imprisonment Act. When placing a prisoner in prison, the following shall be taken into account in accordance with the sentence plan: the prisoner's place of residence, the prisoner's possibilities to maintain contacts with their close relatives or other close persons, the prisoner's age, gender and state of health, the number of sentences imposed, earlier criminal history, the prisoner's own wish, and the possibilities to place the prisoner in the activity determined in the sentence plan. When making a placement decision, the possibilities of the prisoner to attend to matters relating to the enforcement of imprisonment in their own language shall also be considered.³⁹

Prisoners must not be placed in a prison or prison ward that is more closed than what is required by prison order, prison safety and security of imprisonment.⁴⁰ A prisoner may be transferred from a closed prison to an open prison if the transfer promotes the implementation of the prisoner's sentence plan, the prisoner is suited for placement in an open prison and undertakes to abstain from using intoxicating substances. It must also be deemed likely that the prisoner will comply with the order of the open prison and will not commit an offence or leave the prison without authorisation. Furthermore, the prisoner must submit to substance control in accordance with the Imprisonment Act.⁴¹ According to the Prison and Probation Service's guidelines, the prison staff must regularly assess the conditions for transfer and motivate the prisoner towards sobriety and transfer to an open prison.⁴² In addition, placing a sentenced person to an open prison directly upon arrival from freedom requires that the person has been sentenced to a conversion sentence for unpaid fines or to a sentence of imprisonment for a maximum of two years or to a combination of these two sentences.⁴³ If the conditions for placement in an open prison are no longer met, or the prisoner so requests, the prisoner may be transferred from an open prison to a closed prison.⁴⁴ Remand prisoners may not be placed in open prisons.⁴⁵

Detainees must be heard regarding decisions concerning them, including matters regarding allocation, in accordance with the Administrative Procedure Act.⁴⁶

³⁸ Finland, Supreme Court (*korkein oikeus/högsta domstolen*), [KKO:2023:49](#), 29 June 2023.

³⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 8.

⁴⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 8.

⁴¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 6, section 1.

⁴² Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldigheten*), [Vangin sijoittaminen tai siirtäminen avolaitokseen ja avolaitoksesta suljettuun vankilaan](#) [Placing a prisoner in an open prison or transferring a prisoner to an open prison or from an open prison to a closed prison], guidelines, 2/004/2022, 21 November 2022.

⁴³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 9.

⁴⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 6, section 2.

⁴⁵ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 1.

⁴⁶ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 6, section 34; 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 1. See also Government bill HE 246/2020 vp ([hallituksen esitys eduskunnalle laeiksi henkilötietojen käsittelystä Rikosseuraamuslaitoksessa sekä vankeuslain ja eräiden muiden seuraamusten täytäntöönpanosta annettujen lakien muuttamisesta/regeringens proposition till riksdagen med förslag till lag om behandling av personuppgifter vid Brottsförvaldigheten och till lagar om ändring av fängelselagen och av vissa andra lagar om verkställighet av påföljder](#)), p. 27.

b. Allocation within detention facilities

The Remand Imprisonment Act provides that remand prisoners shall be placed in a different prison or prison ward than prisoners serving a sentence. The main rule of separating remand prisoners and convicted prisoners may be derogated from if it is requested by a remand prisoner for the purpose of participating in activities; if it is necessary to maintain the safety of detainees or prison staff; or if it is otherwise temporarily necessary to maintain prison order in an exceptional situation.⁴⁷ Where possible, convicted prisoners, remand prisoners, persons under arrest and other apprehended persons must be kept separate from each other.⁴⁸

Remand prisoners under 18 years of age shall be kept separate from adult remand prisoners unless it is in the minor remand prisoner's best interests to act otherwise.⁴⁹ The same applies for post-trial prisoners under 18 years of age.⁵⁰ A remand prisoner who attains the age of 18 years while on remand may still be kept separate from other adult remand prisoners, if this is justified considering the remand prisoner's personal circumstances, and preconditioned that it is not against the best interest of the other remand prisoners under 18 years of age.⁵¹ (For further information, please see section 13 c)

It may be noted that Finland has made a reservation when it comes to Article 10, paragraphs 2(b) and 3 of the International Covenant on Civil and Political Rights regarding accused juvenile persons and juvenile offenders, declaring that although juvenile detainees are, as a rule, segregated from adults "it does not seem appropriate to adopt an absolute prohibition not allowing for more flexible arrangements."⁵²

Men and women shall be housed in separate accommodation wards, both when it comes to remand prisoners in prisons and in police custody as well as post-trial prisoners.⁵³ The question of separating men and women is examined in more detail in section 11 b.

Remand prisoners and post-trial prisoners whose gender has been legally recognised shall be placed in an accommodation ward in accordance with their recognised gender. Said principle may nevertheless be derogated from if protecting the safety of the detainee or another person so requires.⁵⁴ Please see section 15 b for further information.

Both the Imprisonment Act and Remand Imprisonment Act provide that detainees shall be given the opportunity for accommodation separate from other prisoners, in full or in part, if they have reasonable

⁴⁷ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1.

⁴⁸ Finland, National Police Board (*Polisihallitus/Polisstyrelsen*), *Polisiin säilyttämien henkilöiden kohtelu* [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014, p. 11.

⁴⁹ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1; 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.

⁵⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 2.

⁵¹ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1.

⁵² OHCHR, [Status of ratification interactive dashboard](#), Finland.

⁵³ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1; 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; [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 1.

⁵⁴ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1; [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 1.

grounds to believe that their personal safety is at risk.⁵⁵ The possibility to separate accommodation is, among other things, meant to provide witness protection for detainees who have disclosed information leading to the conviction of others.⁵⁶ The grounds for the separate accommodation shall be taken up for reconsideration at least every four months.⁵⁷ The rationale for continuously considering the grounds for separate allocation is to limit prisoners' unjustified living separately, so as to not impede their adaptation to society.⁵⁸ Partial separation from other prisoners can be carried out either by keeping the prisoner separate from one or several specific prisoners, or through having the prisoner participate only in activities taking place under the direct supervision of the staff.⁵⁹ Importantly, the rights of persons placed in separate accommodation at their own request must not be restricted more than what is necessary.⁶⁰ Efforts must be made to organize work, education and other activities for persons kept in accommodation separate from others.⁶¹

Detainees who commit to not using intoxicating substances may be placed in contract wards. Post-trial prisoners may be given the opportunity to be accommodated in a ward where the prisoners commit to the activities arranged at the ward and to substance control.⁶² The same applies for remand prisoners in prisons, unless the remand prisoner's communications have been restricted under Chapter 4 of the Coercive Measures Act.⁶³ With the consent of the remand prisoner, they may be placed in a contract ward together with convicted prisoners.⁶⁴ A detainee may be obliged to take a breath test or to provide a saliva or urine sample to establish the prerequisites for or to supervise compliance with the obligation to abstain from using intoxicating substances in connection with placement in a contract ward.⁶⁵

Finally, a post-trial prisoner may be placed in a high-security ward, if there are reasonable grounds to suspect that the prisoner commits a narcotics offence regulated in Chapter 50, sections 1, 2 and 4 of the Criminal Code; commits some other offence for which the maximum sentence provided by law is imprisonment for at least four years; escapes or attempts to escape; or will be subject to a release attempt. A prisoner may also be placed in a high-security ward if he or she has seriously endangered prison safety and security or if the placement is justified to ensure the prisoner's safety.⁶⁶ The rights of

⁵⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 3; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 2.

⁵⁶ Finland, 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. 152, 219.

⁵⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 3.

⁵⁸ Finland, 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. 37.

⁵⁹ Finland, 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. 152.

⁶⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 3; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 2.

⁶¹ Finland, 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. 27.

⁶² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 4.

⁶³ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 2 a.

⁶⁴ Finland, 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. 65.

⁶⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 16, section 7; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 11, section 7.

⁶⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 6.

a prisoner placed in a high-security ward must not be restricted more than what is necessary due to the placement in the high-security ward.⁶⁷ Placement in a high-security ward must not be continued any longer than what is necessary. The decision on the placement of a prisoner in a high-security ward and the grounds for this shall be taken up for reconsideration at least every three months.⁶⁸ The state of health of a prisoner in a high-security ward shall be closely monitored.⁶⁹

c. NPM assessment

[National Preventive Mechanism Report 2021](#)

[National Preventive Mechanism Report 2022](#)

Prisons

Inspection visit to Kuopio prison. The Deputy-Ombudsman stated that Kuopio Prison acted unlawfully when remand prisoners were placed in the same ward with prisoners serving sentences. The Central Administration of the Criminal Sanctions Agency had already drawn attention to this in the inspection conducted on the prison in 2017 and stated that the prison must comply with the Remand Imprisonment Act. The Deputy-Ombudsman now required the prison to change its practice of placing remand prisoners in the ward to comply with the Act without delay. During the NPM visit, it was revealed that some remand prisoners had even been accommodated in the same cell with a prisoner serving a sentence. The Deputy-Ombudsman did not consider this possible even if the remand prisoner consented to it. The visit also revealed that none of the senior criminal sanctions officials responsible for making decisions on the placement of prisoners was separately responsible for the placement of remand prisoners. The Deputy-Ombudsman considered it possible that this may have contributed to the prison not having taken into account the requirements of the Remand Imprisonment Act.⁷⁰

Kuopion vankilan tarkastus. AOA totesi, että Kuopion vankilassa meneteltiin lainvastaisesti, kun tutkintavankeja sijoitettiin samalle osastolle vankeusvankien kanssa. Rise/keha oli kiinnittänyt tähän samaan asiaan huomiota jo 2017 vankilaan tekemässään tarkastuksessa ja todennut, että vankilan tulee noudattaa tutkintavankeuslakia. AOA edellytti nyt, että toimintatapa tutkintavankien osastolle sijoittamisessa muutetaan viipymättä lain mukaiseksi. Tarkastuksella ilmeni, että joitakin tutkintavankeja oli asutettuna jopa samaan selliin vankeusvankin kanssa. AOA ei pitänyt tätä mahdollisena edes silloin, kun tutkintavanki antaa siihen suostumuksensa. Tarkastuksella ilmeni myös, että kukaan vankien sijoittamisesta päättävä rikosseuraamusesimies ei ollut erikseen vastuussa tutkintavankien sijoittamisesta. AOA piti mahdollisena, että tämä on voinut osaltaan vaikuttaa siihen, että vankilassa ei ole huomioitu tutkintavankeuslain vaatimuksia.⁷¹

Conditions of remand prisoners. The placement of remand prisoners did not fully comply with the law. Remand prisoners and prisoners serving sentences had not only been placed in the same ward but even in the same cell. In addition, remand prisoners with restricted contact had very little access to activities

⁶⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 5.

⁶⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 7.

⁶⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 5.

⁷⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 96.

⁷¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 101.

outside their cell. This is one of the issues the CPT has drawn attention to during its most recent visit to Finland.⁷²

Tutkintavankien olosuhteet. Tutkintavankien sijoittelussa ei kaikilta osin menetely lainmukaisesti. Tutkintavankeja ja vankeusvankeja ei ollut sijoitettu pelkästään samalle osastolle, vaan jopa samaan selliin. Lisäksi tutkintavangeilla, joilla oli yhteydenpitorajoitus, oli erittäin vähäiset mahdollisuudet päästä sellin ulkopuoliseen toimintaan. Muun muassa tähän asiaan on CPT kiinnittänyt huomiota viimeisimmällä Suomeen kohdistuneella käynnillään.⁷³

Use of a ward intended for short-term housing. At the time of the inspection, several prisoners were living long-term in the ward meant for incoming prisoners – for months or even over a year. The ward is however intended for short-term housing for persons arriving in prison until a suitable residential ward is found for them. The ward operates separately from the rest of the prison community. The time prisoners spend outside the cell (less than 8 hours) and the possibility of activities and leisure time were only planned for the needs of short-term housing.⁷⁴

Lyhytaikaiseen asumiseen tarkoitettun osaston käyttö. Tulo-osastolla asui tarkastusajankohtana useita vankeja pitkäaikaisesti – kuukausien, jopa yli vuoden ajan. Osasto oli kuitenkin tarkoitettu lyhytaikaiseen asumiseen vankilaan saapuville, kunnes heille löydetään sopiva asuinosa. Osasto toimi erillään muusta vankiyhteisöstä. Sellin ulkopuolinen aika (alle 8 tuntia) sekä mahdollisuus toimintoihin ja vapaa-ajan viettoon oli suunniteltu vain lyhytaikaista asumista silmällä pitäen.⁷⁵

Consultations with NPM members

According to NPM representatives, the primary objective is to allocate detainees near their place of residence to facilitate visits from friends and family. However, due to the significant minority status of women among prisoners, allocating them based on their place of residence meant they were scattered across the country, which led to limited activities in prison. Nowadays, women are typically allocated to dedicated prisons, or to centralised departments for women.

Similarly, the allocation of minor detainees, who number fewer than five on a daily average (post-trial prisoners), was described as extremely challenging. The NPM has advised against completely isolating minor prisoners from participating in activities with adult inmates, as it contradicts their best interest.

While also remand prisoners should be kept separate from convicts, it was noted that in practice this is not always the case. Women remand prisoners have even been held in the same cells as women convicts. According to the consultees, it appears as if prisons sometimes allocate detainees based on how they get along, not based on their legal status.

⁷² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 91.

⁷³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 95.

⁷⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 92–93.

⁷⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 96.

Certain prisoners, such as those affiliated with organised crime groups, are placed in prisons that have high-security departments. Others, such as those convicted of sex offences, are accommodated in separate departments for their own safety and based on their own request.

Complaints regarding allocation are common, and particularly concern geographical allocation (allocation too far from family) and assignment to high-security departments. Complaints from remand prisoners are less frequent. Recently, however, the NPM has received complaints from remand prisoners who have been allocated far from their place of residence, due to overcrowding in the remand prisons in Southern Finland. Reference was also made to a case where a remand prisoner had been transferred from prison back to the police facility for questioning, after which the person was held there unlawfully for several days without a court decision.

Consultees believed that allocation is performed in a way that facilitates rehabilitation; at least this is the goal. However, there is a lack of departments for substance use rehabilitation, which was largely considered to be a question of resources.

3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)

a. Access to toilets

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.⁷⁶ Toilets are ordinarily located in cells, in which prisoners live in closed prison.⁷⁷ 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.⁷⁸ 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.⁷⁹

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.⁸⁰ 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 guaranteed.⁸¹ The Parliamentary Ombudsman has held that multiple occupancy of cells should be avoided, if adequate privacy of toilets in police custody cannot be

⁷⁶ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 16, section 1(4).

⁷⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 1(1).

⁷⁸ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*) (2020), '[New internationally innovative prison for women in Finland will modernise the operating culture of the Criminal Sanctions Agency](#)', Press release, 16 October 2020.

⁷⁹ 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).

⁸⁰ 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).

⁸¹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilöäpito toiminnassa huomioitavia asioita* [Matters to be taken into account in police detention], letter of guidance ([ohjauskirje/styrningsbrev](#)), POL-2017-41566, 24 November 2017.

ensured.⁸² Due to a complaint concerning a disabled person's inhuman conditions in a police prison, including lack of access to toilet, the Ombudsman has requested the National Police Board to consider issuing instructions on accommodations for disabled persons in police prisons and training the personnel in disabled persons' rights.⁸³ (See further below section 14 c.)

b. Access to showers and warm and running water

The Imprisonment Act stipulates that prisoners shall be provided with appropriate accommodation and washing facilities.⁸⁴ According to a Prison and Probation Service legally binding 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. 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, the prison shall provide prisoners soap and shampoo to the cells.⁸⁵ Regarding cleanliness of prison accommodation facilities the regulation stipulates that special attention shall be given to toilet, sauna and washing facilities. An amendment in 2021 to Chapter 16 of the Imprisonment Act prohibits the use of technical surveillance in prisoners' living cells, toilets, changing rooms or other similar places (section 1a).⁸⁶ In accordance with a coincident amendment to Chapter 11, section 1 of the Remand Imprisonment Act, the Imprisonment Act provision concerning technical surveillance is applicable also to remand prisoners.⁸⁷ The Remand Imprisonment Act does not contain any specific provisions on shower/washing facilities but makes a reference to the Prison and Probation Service regulation for more detailed instructions on basic care and similar matters.⁸⁸

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 facilities.⁸⁹ 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.⁹⁰ 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.⁹¹ 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

⁸² Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), inspection protocol, EOAK/3622/2019, 3 December 2019, p. 4.

⁸³ Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), [Vammaisen henkilön kohtelu poliisivankilassa](#), decision No. 151/2023 and Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) (2024), 'The human dignity of a disabled person was violated in police prison', Press release, 8 February 2024.

⁸⁴ Finland, [Imprisonment Act \(*vankeuslaki/fängelselag*\)](#), Act No. 767/2005, Chapter 7, section 1(1).

⁸⁵ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldningstjänsten*), [Accommodation and basic care of prisoners](#), regulation, 4/004/2022, 27 April 2023.

⁸⁶ Finland, Act amending the Imprisonment Act ([laki vankeuslain muuttamisesta/lag om ändring av fängelselagen](#)) Act No. 290/2021, entered into force on 1 May 2021.

⁸⁷ Finland, Act amending the Remand Imprisonment Act ([laki tutkintavankeuslain muuttamisesta/lag om ändring av häktningslagen](#)), Act No. 291/2021, entered into force on 1 May 2021.

⁸⁸ Finland, [Remand Imprisonment Act \(*tutkintavankeuslaki/häktningslag*\)](#), Act No. 768/2005, Chapter 3, section 10(2).

⁸⁹ 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.

⁹⁰ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu* [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014.

⁹¹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilöäspitotoiminnassa huomioitavia asioita* [Matters to be taken into account in police detention], letter of guidance (*ohjauskirje/styrningsbrev*), POL-2017-41566, 24 November 2017.

on a daily basis.⁹² 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.⁹³

c. Access to sanitary products

According to the Prison and Probation Service regulation on accommodation and basic care, all sentenced persons arriving in a closed or open prison from freedom are given a free basic hygiene kit for personal use in the prison.⁹⁴ In addition, shampoo, soap or other detergent suitable for personal hygiene, including dispensers, must be available in the prison's shower and sanitary facilities. If the prison has cell-specific shower facilities, the prison must provide soap and shampoo for inmates for use in the cells.

d. Hygienic conditions in cells

According to the Imprisonment Act and the Remand Imprisonment Act, prisoners and remand prisoners shall clean their own rooms.⁹⁵ The Prison and Probation Service regulation on accommodation and basic care of prisoners prescribes that 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.⁹⁶ If the room to be cleaned contains a lot of, for example, blood or other secretions, the prison must, as a rule, arrange the cleaning by someone other than the prisoner. When supervising and guiding cleanliness, special attention should be paid to, for example, toilet, sauna and washing facilities, sports facilities and kitchens. Staff must ensure that the living quarters are cleaned and clean before inmates are housed in them.

The Act on Treatment of Persons in Police Custody prescribes that detainees and remand prisoners in police custody shall keep their accommodation clean.⁹⁷ Cleanliness in police custody facilities, including cells, is addressed in more detail in the facility-specific disciplinary regulations.⁹⁸

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.⁹⁹ In a closed prison, prisoners may wear their own clothes, unless

⁹² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Espoon poliisivankila, tarkastuspöytäkirja](#), inspection protocol, EOAK/1201/2019, 29 May 2019, p. 6.

⁹³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 3(2).

⁹⁴ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Accommodation and basic care of prisoners](#), regulation, 4/004/2022, 27 April 2023.

⁹⁵ 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.

⁹⁶ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Accommodation and basic care of prisoners](#), regulation, 4/004/2022, 27 April 2023.

⁹⁷ 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.

⁹⁸ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), [Poliisin säilyttämien henkilöiden kohtelu](#) [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014.

⁹⁹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Vankien laitosvaatetus](#) [Prison clothing], regulation, 1/004/2016, 15 March 2016.

restricted for reasons of prison order, supervision or occupational safety. In an open prison, prisoners wear their own clothes.¹⁰⁰ 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.¹⁰¹ 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 them laundered in the prison or, at their own expense, have them sent by the prison to a laundry outside the prison.¹⁰²

In police custody facilities, bed linen is changed when necessary and always after a person has been released or moved elsewhere.¹⁰³ The guards in police custody facilities shall see to it that bed linen used by detainees and remand prisoners is clean.¹⁰⁴ 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.¹⁰⁵

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 Prison and Probation Service 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, which was underway to clarify and update the legislation on the treatment of persons in police custody, has been postponed, apparently due to lack of resources.¹⁰⁶ The guidelines by the National Police Board apply to police custody facilities.

e. NPM assessment

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Police detention facilities

¹⁰⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 2.

¹⁰¹ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 3.

¹⁰² 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.

¹⁰³ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu* [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014.

¹⁰⁴ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilöäpitotoiminnassa huomioitavia asioita* [Matters to be taken into account in police detention], letter of guidance, POL-2017-41566, 24 November 2017.

¹⁰⁵ 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.

¹⁰⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 87

Conditions in detention rooms. In Helsinki (former Pasila) Police Prison, approximately one half of the cells do not have a toilet. However, the interviewed detainees told the NPM that they could get to the toilet quickly by pressing the call button in the cell.¹⁰⁷

Säilytyshuoneiden olosuhteet. Helsingin (ent. Pasilan) poliisivankilan vanhalla puolella noin puolet selleistä olivat ilman wc:tä. Haastatellut vapautensa menettäneet kertoivat kuitenkin tarkastajille, että wc:hen pääsee nopeasti sellin kutsunappia painamalla.¹⁰⁸

Consultations with NPM members

The consultees noted that detainees have access to toilets and showers. Complaints in this regard were described as unusual. The NPM has encouraged the Prison and Probation Service to install bidet showers, particularly in female cells. During inspections, the NPM has drawn attention to the availability of shampoo, noting instances of empty bottles in the showers. Additionally, the NPM has occasionally been informed by inmates during inspections that there is only one menstrual pad model available, with no tampons provided. In addition to sanitary products provided free of charge, detainees may purchase additional items in the prison store using their own funds.

4. Nutrition

a. Quality and quantity of food

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.¹⁰⁹ More detailed instructions for prisons specifying the provisions of the Imprisonment Act and the Remand Imprisonment Act are found in a Prison and Probation Service regulation on catering and diets, which applies to pre- and post-trial detainees in prisons.¹¹⁰ 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,¹¹¹ which set guidelines for a scientific evidence based nutritional composition of a diet that provides a basis for good health.¹¹² Besides the Act on Treatment of Persons in Police Custody, provisions concerning frequency of food supply and

¹⁰⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 86.

¹⁰⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 91.

¹⁰⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), 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/laq om behandlina av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 3, section 4.

¹¹⁰ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#) [Catering and diets], regulation, 1/004/2022, 26 April 2022.

¹¹¹ Finland, National Nutrition Council (*Valtion ravitsemusneuvottelukunta/Statens näringsdelegation*), [Terveystä ruoasta – suomalaiset ravitsemussuositukset 2014](#) [Nutrition and food recommendations], website, accessed on 3 May 2024.

¹¹² The Finnish nutritional recommendations are informed by the [Nordic Nutritional Recommendations 2012: Integrating nutrition and physical activity](#), Nord 2014:002, Nordic Council of Ministers.

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.¹¹³

According to the Prison and Probation Service 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.¹¹⁴ In accordance with the Imprisonment Act, the Imprisonment Decree and the Prison and Probation Service 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.¹¹⁵ The Prison and Probation Service regulation on catering and diets provides that prisons must make sure that all prisoners have an opportunity to get the ingredients for preparing their own meals often enough. Alternatively, the prison can acquire the ingredients for independent meal preparation along with other foodstuffs and give them to the prisoners. The regulation further provides that prisons have an obligation to provide food for prisoners who due to lack of means are unable to buy food in prisons where the food supply is wholly or partly independent. In open prisons meal packages have to be provided before the prisoner is able to take care of his or her own food supply. 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.¹¹⁶

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.¹¹⁷

Prisoners who are being transported need to be provided with meal packages equalling 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.¹¹⁸

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

¹¹³ 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.

¹¹⁴ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#) [Catering and diets], regulation, 1/004/2022, 26 April 2022.

¹¹⁵ 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.

¹¹⁶ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#) [Catering and diets], regulation, 1/004/2022, 26 April 2022.

¹¹⁷ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#) [Catering and diets], regulation, 1/004/2022, 26 April 2022.

¹¹⁸ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#) [Catering and diets], regulation, 1/004/2022, 26 April 2022.

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.¹¹⁹

b. Drinking water

The Ministry of the Interior Decree on treatment of persons in police custody stipulates that persons deprived of liberty must be provided with access to fresh water.¹²⁰ In addition, hot water shall be provided, as far as possible, for the preparation of coffee, tea or other hot drinks, at the request of persons deprived of liberty. Neither the Imprisonment Act, nor the Remand Imprisonment Act or the Prison and Probation Service regulation on catering and diets contain specific provisions on access to fresh water. The tap water is safe and of high quality in Finland.

c. Dietary requirements

The general nutritional recommendations issued by the National Nutrition Council apply also for menu planning in prisons and police custody.¹²¹ Pursuant to the Imprisonment Act and the regulation of the Prison and Probation Service, 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.¹²² 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.¹²³

d. NPM assessment

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Meals at the prison hospital

¹¹⁹ 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.

¹²⁰ 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.

¹²¹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#) [Catering and diets], regulation, 1/004/2022, 26 April 2022 and National Nutrition Council (*Valtion ravitsemusneuvottelukunta/Statens näringsdelegation*), [Terveystä ruoasta – suomalaiset ravitsemussuosituksset 2014](#) [Nutrition and food recommendations], website, accessed on 3 May 2024.

¹²² Finland, [Imprisonment Act](#) ([vankeuslaki/fängelselag](#)), Act No. 767/2005, Chapter 7, section 5, and Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#) [Catering and diets], regulation, 1/004/2022, 26 April 2022.

¹²³ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Rikosseuraamuslaitoksen ruokahuolto ja ruokavaliot](#) [Catering and diets], regulation, 1/004/2022, 26 April 2022.

Meal services of the Prison Hospital are organised by Leijona Catering Oy, who also produce meal services to prisons. The inspection revealed that there had been problems with the quality and quantity of food served to patients. For example, there was not always enough food for persons following a special diet. In addition, patients only had a single warm meal on weekends. After the inspection, the Ombudsman received a complaint from a prisoner concerning the same matters. The Deputy-Ombudsman issued a decision on the matter on 14 September 2022 (3386/2022*) in which the Ombudsman asked the Criminal Sanctions Agency to report on the measures it has taken to eliminate the problems and shortcomings that have arisen. As concrete measures, the Agency reported that two warm meals will be served at the Prison Hospital also on Saturdays and Sundays.¹²⁴

Vankisairaalan ruokahuolto

Vankisairaalan, kuten vankiloidenkin, ruokahuolto on annettu Leijona Catering Oy:n hoidettavaksi. Tarkastuksella tuli esille, että potilaille tarjottavan ruoan laadussa ja määrässä oli ollut ongelmia. Esimerkiksi erityisruokavaliota noudattaville ei aina ollut tarpeeksi ruokaa. Lisäksi viikonloppuisin potilailla oli yksi ainoa lämmin ateria. Tarkastuksen jälkeen oikeusasiamies sai vangin kantelun, joka koski samoja asioita. AOA antoi asiassa ratkaisun 14.9.2022 (3386/2022*), jossa hän pyysi Rikosseuraamuslaitosta ilmoittamaan, mihin toimenpiteisiin se on ryhtynyt esille tulleiden ongelmien ja epäkohtien poistamiseksi. Rise ilmoitti konkreettisina toimenpiteinä muun muassa, että jatkossa Vankisairaalassa tarjotaan kaksi lämmintä ruokaa myös lauantaisin ja sunnuntaisin.¹²⁵

Consultations with NPM members

The consultees noted that prisoners complain a lot about the prison food. The complaints have increased since the responsibility for catering was transferred to Leijona Catering Oy. The complaints concern various issues such as portion sizes, appearance and texture of the food. The consultees noted, however, that during NPM visit, the NPM eats the same food as the prisoners, and according to the consultees, the food has been satisfactory. In response to the growing number of complaints from prisoners, the NPM has recommended the Prison and Probation Service to consult an external provider to evaluate the nutritional quality of prison meals.

Many foreign prisoners opt to prepare their own meals, at their own expense, using ingredients purchased from the prison canteen. In select prisons, inmates are allowed to choose between eating prison meals or preparing their own, with monetary compensation for self-prepared meals. Offering such an arrangement is up to the discretion of individual prisons.

Consultees raised concerns regarding the adequacy of vitamin intake among prisoners, particularly regarding vitamin D. With inmates having limited outdoor access — typically one hour per day — sunlight exposure is restricted (especially, if the allocated time slot for outdoor activities, which is typically fixed, is during times when there is limited sunlight). Prisoners are usually not allowed to procure vitamins or supplements themselves due to concerns regarding the delivery of prohibited substances. While vitamins may be supplied by the health care services for medical reasons, obtaining permission for medical examinations for this purpose is often challenging. Prisoners may undergo

¹²⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 96.

¹²⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 99.

examinations outside of prison at their own expense, but many prisoners lack the financial means for this.

According to the consultees, detainees can follow their dietary requirements owing to their health or beliefs. Complaints have nevertheless been filed by vegetarians regarding the perceived lack of variety and nutritional inadequacy of prison meals.

Complaints regarding meals in police prisons are less frequent. In contrast to prisons, where catering is centralised under a single provider, the food in police facilities is produced by various providers. During inspections, the NPM has emphasised the importance of proper food storage and maintenance of the cold chain; ensuring that there is food available also during nighttime for detainees with specific dietary needs (e.g., due to diabetes); and ensuring that the time between meals is not too long. Delays between meals arise particularly if a detainee arrives after dinner time and if no evening snack is provided, or if the evening snack has been served simultaneously with dinner.

The consultees also brought up the provision of food during prisoner transportations. An inspection of a train revealed that prisoners were not provided with bottled water, and staff were uncertain about whether the water in the train was safe to drink. Furthermore, the prisoners were not provided with a proper meal. On the follow-up inspection the situation had improved; bottled water and a hot meal were provided.

5. Time spent outside the cell and outdoors

a. Time spent outdoors

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.¹²⁶

b. Time spent indoors

Time spent outside of cells is not specifically regulated by law. There is also no national standard for mandatory time spent in cells. Prison rules and daily programmes determine schedules in prisons in more detail. The Parliamentary Ombudsman has recommended that prisoners and remand prisoners should be permitted to spend at least eight hours a day outside their cells.¹²⁷

¹²⁶ 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.

¹²⁷ 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), [Summary of the Annual Report 2020: National Prevention Mechanism against Torture](#), p. 92.

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.¹²⁸

The Deputy Parliamentary Ombudsman has observed that in many prisons there are not enough opportunities for prisoners to spend time engaging in meaningful activities outside their cells. This concerns in particular prisoners who have been segregated at their own request or on security grounds as well as remand prisoners subjected to a court-imposed restriction of contacts. In many cases, they get to spend less than eight hours a day outside their cells. According to the Deputy Ombudsman, this has been a persistent issue in the context of prison inspections as well as complaints submitted to the Parliamentary Ombudsman.¹²⁹

There are no national standards for time spent outside cells by detainees and remand prisoners in police custody facilities. 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.¹³⁰

c. Recreational facilities

Prisons have an obligation to arrange free-time activities suitable for prison conditions. However, facilities for such activities are not specified in law. Many prisons have a gym and, for example, premises for hobbies and handicrafts.¹³¹ 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.¹³²

A prison shall have a library or prisoners and remand prisoners shall be provided with an opportunity to use public library services.¹³³

The Prison and Probation Service has issued a regulation concerning library services for prisoners who for some reason are accommodated separate from other prisoners.¹³⁴ Prisoners, who are accommodated separately at their own request, or are placed in high-security ward or in solitary

¹²⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 1.

¹²⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 96 and 124; Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [EOAK/2330/2023](#), 20 October 2023.

¹³⁰ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu* [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014.

¹³¹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), [Everyday life in prison](#), website, accessed 10 April 2024.

¹³² Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 4, section 1, and Chapter 7, section 1.

¹³³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 11, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 7, section 3.

¹³⁴ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), [Erillään asuvien vankien kirjastopalvelujen järjestäminen](#) [Library services for prisoners in isolation], regulation, 5/004/2021, 1 November 2021.

confinement, are segregated during an investigation of a disciplinary infraction or isolated as a precautionary measure, have a right to use library services on an equal basis with other prisoners, at least once a week. Isolated prisoners can be taken to the library one by one or in a small group, or they can borrow books with the assistance of the prison staff. According to the regulation, a small reference library in the isolation ward or e-books and audiobooks are an additional service only and cannot replace the right of access to larger public library services.

A prison shall also have premises suitable for the practice of religion.¹³⁵ Both prisoners and remand prisoners have the right to attend church services, devotional services and other religious events arranged in prison.¹³⁶

Prisoners and remand 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.¹³⁷

The Act on Treatment of Persons in Police Custody does not provide for legal obligations to arrange recreational activities for persons in police custody. Disciplinary regulations in police custody facilities may contain provisions on free-time activities for persons in police custody.¹³⁸ 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.¹³⁹

d. Educational activities

Prisons arrange basic education, general upper secondary education and vocational education, in cooperation with educational institutions in the region. Higher education studies are possible as independent distance learning.¹⁴⁰

A prison shall have a library or prisoners and remand prisoners shall be provided with an opportunity to use public library services.¹⁴¹ On library service for prisoners, see above section 5 c.

A prisoner and a remand prisoner may be given permission to use the internet for educational purposes, provided that this does not endanger prison order, safety and security, or the safety of the prisoner or some other person.¹⁴² The same applies to remand prisoners, with the exception of those who are subjected to a court-imposed restriction of contacts during the time when the criminal investigation,

¹³⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 11, section 3.

¹³⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 11, section 3; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 7, section 2.

¹³⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 11, section 6; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 7, section 4.

¹³⁸ 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.

¹³⁹ 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.

¹⁴⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, sections 8–10; Prison and Probation Service ([Rikosseuraamuslaitos/Brottsförvaldning](#)), [Studying in prison](#), website, and [Työtoiminta ja opiskelu](#) [Work and studies], website, accessed on 10 April 2024.

¹⁴¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 11, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 7, section 3.

¹⁴² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 9a.

consideration of charges and the trial are in progress.¹⁴³ As regards closed prisons and also remand prisoners, a further prerequisite is that access to other websites than those determined in the permission is appropriately blocked.¹⁴⁴ The use of the internet may be monitored by means of electronic monitoring and by having a public official of the Prison and Probation Service present.¹⁴⁵

As a rule, prisoners and remand prisoner can have internet-access from a computer provided by the prison and in a closed system where access to websites not determined in the permission can be blocked. In open prisons, prisoners may exceptionally be granted permission to study online by using their own computer in cases where own computer is a prerequisite for the studies.¹⁴⁶

Prisons have in use their own Moodle platform where, for example, any messaging between students is blocked. However, external educational institutions are not obliged to create e-courses specifically for the platform used in prisons or for an individual student in a prison. The number of available courses in the platform may thus be limited.¹⁴⁷ There have also been challenges concerning security and system compatibility in providing access to external learning platforms, within the boundaries laid down in law for permission to internet access.¹⁴⁸ The Parliamentary Ombudsman has expressed doubts whether it is at all possible for prisoners in a closed prison or a high-security ward to take, for example, open university courses, because of the permission requirements prescribed in law and because of the technical issues involved.¹⁴⁹

The Act on Treatment of Persons in Police Custody does not provide for legal obligations to arrange educational activities for persons in police custody.

e. NPM assessment

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Police prisons and detention facilities

The Ombudsman emphasised the importance of organising daily outdoor exercise. He stated that enabling adequate outdoor exercise is about taking care of the basic needs and also about respecting

¹⁴³ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 7b; [Coercive Measures Act \(pakkokeinolaki/tvångsmedelslag\)](#), Act No. 806/2011, Chapter 4.

¹⁴⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 9a; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 7b.

¹⁴⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 9b; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 7c.

¹⁴⁶ Finland, Prison and Probation Service (Rikosseuraamuslaitos/Brottsförhållningsmyndigheten), [Studying in prison](#), website, accessed on 10 April 2024; 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. 47.

¹⁴⁷ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [EOAK/1218/2020](#), 18 June 2020.

¹⁴⁸ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [EOAK/1218/2020](#), 18 June 2020. Muurinen, T. (2021), [Alaikäiset ja nuoret vangit](#) [Minors and young detainees], Prison and Probation Service report 5/2021, p. 47 and 55.

¹⁴⁹ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [EOAK/2330/2023](#), 20 October 2023, and [EOAK/1218/2020](#), 18 June 2020.

human dignity. Outdoor exercise of persons deprived of their liberty may be restricted only on grounds laid down by law. The Ombudsman is of the view that efforts should be made to arrange outdoor exercise to those persons deprived of their liberty who have been exposed to coronavirus by organising it at times when there is no one else in the common areas. In any case, outdoor exercise should be arranged at least to those whose deprivation of liberty lasts several days.¹⁵⁰

OA korosti päivittäisen ulkoilun järjestämisen tärkeyttä. Hän totesi, että riittävän ulkoilun mahdollistamisessa on kyse perustarpeista huolehtimisesta ja myös ihmisarvon kunnioittamisesta. Vapautensa menettäneen ulkoilua voidaan rajoittaa vain laissa säädetyin perustein. OA:n käsityksen mukaan altistuneita vapautensa menettäneitä tulisi pyrkiä ulkoiluttamaan sellaisina aikoina, jolloin yleisissä tiloissa ei ole muita henkilöitä. Joka tapauksessa tulisi huolehtia ulkoilun järjestämisestä ainakin sellaisten altistuneiden vapautensa menettäneiden osalta, joiden vapaudenmenetys kestää useamman vuorokauden.¹⁵¹

Prisons

According to the Deputy-Ombudsman, the obligations and objectives laid down in legislation as well as international recommendations on time and meaningful activities outside the cell were not sufficiently implemented in Kuopio Prison, even though the problem has already been known for a long time. At this point in the NPM visit report, reference was made to the prison action plan, which stated an almost continuous and already partly chronic shortage of human resources that is challenging especially for the supervising staff.¹⁵²

AOA:n mukaan lainsäädännön velvoitteet ja tavoitteet sekä kansainväliset suositukset sellin ulkopuolisesta ajasta ja mielekkäästä toiminnasta eivät toteutuneet riittävästi Kuopion vankilassa, vaikka ongelma on ollut tiedossa jo pitkään. Tarkastuspöytäkirjassa viitattiin tässä kohtaa vankilan toimintasuunnitelmaan, jossa todettiin lähes jatkuva ja osittain jo kroonistunut henkilöstöresurssien niukkuus, joka aiheuttaa erityisesti valvontahenkilöstön osalta haasteita.¹⁵³

In its decision on Pyhäselkä Prison (1419/2021), the Deputy-Ombudsman stated that it is not the duty of the overseer of legality to supervise the adequacy of the authorities' resources. However, the question of resources will concern the oversight of legality if the situation leads to a failure to implement fundamental rights. The Deputy-Ombudsman found it problematic that the lack of resources affects the prison's ability to organise physical activity for prisoners and thus also the number of activities organised outside their prison cells.¹⁵⁴

Pyhäselän vankilaa koskeneessa ratkaisussaan (1419/2021) AOA totesi, ettei laillisuusvalvojan tehtävänä ole valvoa viranomaisten resurssien riittävyyttä. Resurssikysymys saa kuitenkin

¹⁵⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 92–93.

¹⁵¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 97.

¹⁵² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 97.

¹⁵³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 101.

¹⁵⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 150.

laillisuusvalvonnallisia ulottuvuuksia, jos tilanne johtaa perusoikeuksien toteutumatta jäämiseen. AOA piti ongelmallisena sitä, jos voimavarojen puute vaikuttaa vankilan mahdollisuuksiin vankien liikuntojen järjestämiseen ja siten myös sellin ulkopuolella järjestettävän toiminnan määrään.¹⁵⁵

Consultations with NPM members

According to the NPM representatives consulted, prisoners are often not offered adequate time outside of their cells. In many instances, the eight-hour recommendation by the CPT is not met. However, the time spent outside of cells varies from one prison to another; some prisons have cell doors open from morning until night. The consultees attribute the practice of keeping cell doors closed to a shortage of prison guards. It was noted that the situation is exacerbated during holidays when substitutes, who are often less experienced, are brought in to replace regular staff.

Furthermore, the time spent outside of cells was not always considered meaningful. In certain departments, there are minimal activities other than the time for being outdoors. According to responses from prisoners to surveys conducted by the NPM, prison staff members do not interact with prisoners, or at least not as much as they could (note: prison staff did not share the view, as indicated from their replies to the survey). Additionally, it was noted that prisoners separated from others are rarely provided with the minimum requirement of two hours of meaningful human contact per day, as stipulated in the European Prison Rules.

Regarding police facilities, consultees noted that there are no other arranged activities apart from the allocated outdoors time. The outdoor spaces are often very small, offering limited possibilities for activities. Many detainees would like to go outside multiple times a day, albeit for shorter periods, mainly for smoking. However, the consultees highlighted logistical challenges in arranging outdoor visits, among other things, due to the necessity of keeping detainees separated from one another.

6. Solitary confinement

a. Placement in solitary confinement

Solitary confinement as a disciplinary punishment is regulated in the Imprisonment Act and the Remand Imprisonment Act.¹⁵⁶ 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. Exceptions may be made to the restrictions if there is reason for this considering

¹⁵⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 152.

¹⁵⁶ 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.

the circumstances of the prisoner. 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 Prison and Probation Service has issued more detailed regulations on imposing and enforcement of disciplinary punishments, including solitary confinement.¹⁵⁷

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. The Act on Treatment of Persons in Police Custody does not contain any provisions on disciplinary punishment or solitary confinement.

b. Monitoring of detainees

According to Regulation 5/004/2016 issued by the Prison and Probation Service, 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.¹⁵⁸

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.¹⁵⁹

c. NPM assessment

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Consultations with NPM members

The NPM representatives were unaware of any instances where solitary confinement periods would have been prolonged. Solitary confinement cells were described as similar to normal cells, with the

¹⁵⁷ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjaldsmyndigheten*), [Enforcement of disciplinary punishments](#), regulation, 5/004/2016, 5 September 2016; [Kurinpitorangaistuksen määrääminen](#) [Imposing a disciplinary punishment], regulation, 3/004/2014, updated 26 April 2016.

¹⁵⁸ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjaldsmyndigheten*), [Enforcement of disciplinary punishments](#), regulation, 5/004/2016, 5 September 2016.

¹⁵⁹ 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.

exception that they do not have a TV or a radio. Occasionally, the NPM has had to remind prisons that solitary confinement cells generally do not need to be, and should not be, completely unfurnished (in contrast to the usual practice regarding isolation cells where detainees are placed, for instance, due to the risk of self-destructive behaviour). The NPM representatives did not have any concerns regarding the monitoring of the wellbeing of detainees during solitary confinement. Healthcare staff regularly visit detainees in solitary confinement. It was noted that according to law, solitary confinement cells should not be monitored in the same way as isolation cells.

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

According to the Imprisonment Act, the objective of the enforcement of imprisonment is to increase the readiness of a prisoner to lead a life without crime by promoting the prisoner's ability to manage his or her life and by promoting his or her reintegration into society, and to prevent the commission of offences during the term of sentence.¹⁶⁰ Said provision is complemented by requirements laid down in the Imprisonment Act regarding the enforcement of imprisonment: firstly the prison conditions shall, to the extent possible, be arranged so that they correspond to the living conditions prevailing in society. Secondly, the possibilities of a prisoner to maintain his or her health and functional capacity shall be supported and efforts be made to prevent any harmful effects caused by the loss of liberty.¹⁶¹ Social integration can also be supported, for instance, by providing the prisoner with suitable work, education and other activities that are defined for each prisoner in their individual sentence plan.¹⁶²

The sentence plan is one of the most important tools by way of which each prisoner's process of imprisonment can be made predictable, planned and effective.¹⁶³ As provided in the Imprisonment Act the sentence plan shall be drawn up for each prisoner, and include information on the placement of the prisoner; the activities and support measures improving the sentenced person's life management skills during the term of sentence; communications with people outside prison; and the release and support measures upon release.¹⁶⁴ The sentence plan is drawn up in cooperation with the person sentenced to imprisonment. The sentence plan shall be drawn up, to the extent necessary and with the consent of the prisoner, in cooperation with the social welfare, health, housing and employment authorities of the prisoner's municipality of residence or domicile, with other authorities, and with private organisations and persons.¹⁶⁵ Private organisations may refer to, for instance, a substance abuse treatment facility

¹⁶⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 2.

¹⁶¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 3.

¹⁶² Finland, 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. 134–135.

¹⁶³ Finland, 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. 148.

¹⁶⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 6; Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, section 15.

¹⁶⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 7; Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, section 16.

where a prisoner is placed upon conditional release.¹⁶⁶ Previously, a separate plan of release had to be drawn up in addition to the sentence plan. While it is currently drawn up as part of the sentence plan and its supplementing, preparations regarding a prisoner's release take place in the same way as before. Consideration should be given, among other things, to matters regarding housing and social security, as well as any social and health care services that may be needed after the release.¹⁶⁷

Closely linked with the provision on the objective of the enforcement of imprisonment is the provision on the purpose of activities organised or approved by the prison. The purpose of such activities is to promote the reintegration of prisoners into society by improving prisoners' readiness to lead a life without crime; by maintaining and improving prisoners' occupational skills and competence and their ability to work and functional capacity; and by supporting a substance-free lifestyle. The activities referred to in the provision include work, education and training, and other activities that enhance prisoner's skills, including everyday life skills and social skills.¹⁶⁸

Post-trial prisoners are obliged to participate in activities organised or approved by prison during confirmed working and activity hours. They are exempted from participating in such activities if required by their state of health, functional capacity or age.¹⁶⁹ Refusal to participate in activities is rarely followed by disciplinary punishment. Instead, efforts are made to place the prisoner in other activities. The participation system applied in Finland is therefore not purely compulsory.¹⁷⁰ Remand prisoners are not obliged to participate in activities organised or approved by the prison. If a remand prisoner wishes to participate in the activities, an opportunity for this shall, where possible, be given.¹⁷¹

To fulfil their obligation to participate in activities, prisoners shall, during the confirmed working or activity hours, be given an opportunity to participate in activities that promote the implementation of their sentence plan. Prisoners in high-security wards shall be given an opportunity to participate in activities that are suitable for a high-security ward. Efforts shall be made to provide such an opportunity also for prisoners segregated from other prisoners.¹⁷²

When placing a prisoner in activity, the sentence plan, prison order, prison safety and security, and the safety of society shall be taken into consideration.¹⁷³ The prisoner must be placed in the activities in a

¹⁶⁶ Finland, 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. 149.

¹⁶⁷ Finland, Government bill HE 246/2020 vp ([hallituksen esitys eduskunnalle laeiksi henkilötietojen käsittelystä Rikosseuraamuslaitoksessa sekä vankeuslain ja eräiden muiden seuraamusten täytäntöönpanosta annettujen lakien muuttamisesta/regeringens proposition till riksdagen med förslag till lag om behandling av personuppgifter vid Brottsförmyndigheten och till lagar om ändring av fängelselagen och av vissa andra lagar om verkställighet av påföljder](#)), p. 31, 73.

¹⁶⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 1 and Chapter 11, section 1; Prison and Probation Service ([Rikosseuraamuslaitos/Brottsförmyndigheten](#)), [Everyday life skills](#), website, accessed on 10 April 2024.

¹⁶⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 2.

¹⁷⁰ Finland, 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. 94.

¹⁷¹ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 4, section 1.

¹⁷² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 3.

¹⁷³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 4.

way that accommodates both the individual needs of the prisoner and the available resources of the prison.¹⁷⁴ A post-trial prisoner must be placed in activity as soon as possible.¹⁷⁵

Prisoners with a substance abuse problem or who are assessed to have special problems with coping in freedom may, for a fixed period of time, be placed in an outside institution. Prisoners may be given permission to participate in supervised activities outside of prison that support their rehabilitation, outside contacts and reintegration into society.¹⁷⁶ Such activities include, for example, family camps for prisoners and their spouses and/or children, as well as visits to a clinic offering help for those with substance abuse problems (A-clinic). Typically, supervised activities outside of prison take place towards the end of the sentence, as part of the preparation for freedom and gradual release.¹⁷⁷

A prisoner's ability to achieve a crime-free lifestyle can be promoted with action plans, meant to reduce recidivism.¹⁷⁸ Such plans include the Strength-Based Sex Offender Treatment Programme, anger management training, the Cognitive Self Change Programme, as well as training for persons with violent behaviour in relationships. Prisons also offer rehabilitation in the form of substance abuse work, social rehabilitation, and support in breaking loose from criminal organisations.¹⁷⁹

An important means for promoting prisoners' reintegration into society is supporting their contacts with the outside world. Prisoners' contacts with the outside world are examined in section 10 of this report. Worth noting in this context is, however, that a prisoner may, upon application, be granted permission to leave the prison for a short period of time. The purpose of prison leave is to support prisoners in maintaining their outside contacts, their reintegration into society, and to reduce the harmful effects caused by the loss of liberty.¹⁸⁰

Prisoners' reintegration to society is supported by adapting them to gradually freer forms of enforcement, which, in addition to prison leave include conditional release and probationary liberty under supervision. As defined in the Criminal Code, conditional release entails the release of a prisoner sentenced to unconditional imprisonment so that the prisoner can serve the rest of the sentence in freedom. In general, persons serving a fixed-term sentence of imprisonment are conditionally released once they have served two thirds of the sentence. Prisoners who have not served a sentence of imprisonment in prison during the five years preceding the offence are conditionally released once they have served half of the sentence.¹⁸¹ Persons sentenced to life imprisonment may be conditionally released at the earliest once they have served 12 years in prison.¹⁸² More lenient rules apply to persons

¹⁷⁴ Finland, Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, section 18.

¹⁷⁵ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), *Vankien toimintaan osallistuminen ja taloudelliset etuudet* [Participation of prisoners in activities and financial benefits], guidelines, RISE/594/2023, 8 May 2023, p. 5.

¹⁷⁶ Finland, *Imprisonment Act (vankeuslaki/fängelselag)*, Act No. 767/2005, Chapter 8, section 9.

¹⁷⁷ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), *Vankien toimintaan osallistuminen ja taloudelliset etuudet* [Participation of prisoners in activities and financial benefits], guidelines, RISE/594/2023, 8 May 2023, p. 12.

¹⁷⁸ Finland, Government bill HE 263/2004 vp ([hallituksen esitys eduskunnalle vankeusrangaistuksen täytäntöönpanoa ja tutkintavankeuden toimeenpanoa koskevaksi lainsäädännöksi/reaeringens proposition till Riksdagen med förslag till lagstiftning om verkställighet av fängelsestraff och häktning](#)), p. 135.

¹⁷⁹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*), [Uusintarikollisuuteen vaikuttaminen](#) [recidivism], [päihdetyö](#) [substance abuse work], [sosiaalinen kuntoutus vankiloissa](#) [social rehabilitation], [järjestäytyneestä rikollisuudesta irtautuminen](#) [breaking loose from organised crime], websites, accessed on 10 April 2024.

¹⁸⁰ Finland, *Imprisonment Act (vankeuslaki/fängelselag)*, Act No. 767/2005, Chapter 14, section 1.

¹⁸¹ Finland, *Criminal Code (rikoslaki/strafflag)*, Act No. 39/1889, Chapter 2c, section 5.

¹⁸² Finland, *Criminal Code (rikoslaki/strafflag)*, Act No. 39/1889, Chapter 2c, section 10.

who have committed the offence under the age of 21.¹⁸³ Probationary liberty under supervision means that sentenced persons can be released under supervision as an experiment at most six months before their regular conditional release. Probationary liberty under supervision is effected by technical or other means of supervision.¹⁸⁴ As provided in the Act on Probationary Liberty under Supervision, in which the conditions for placement in probationary liberty are laid out, the aim of probationary liberty is to promote the sentenced person's integration to society through a planned and gradual release.¹⁸⁵

b. Access to work

In closed 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.¹⁸⁶ Post-trial prisoners and remand prisoners may be given permission in prison to carry out, on their own account, such acceptable own work that is suitable to be carried out in prison. To this end prisoners may be allowed to use tools of the prison, free of charge.¹⁸⁷ In practice, carrying out own work is very rare.¹⁸⁸

Prisoners participating in work, studies or some other activity organised or approved by prison are paid an activity allowance for the time they participate in the activity.¹⁸⁹ According to the Government Decree on Imprisonment, the activity allowance is paid in three categories: € 3,01 per day in the first category, € 4,62 in the second category, and € 7,35 in the third category.¹⁹⁰ The highest class is used only in open prisons whereas the lowest is used only in closed prisons.¹⁹¹ The rationale behind said solution is to support a goal-oriented sentence process, as it is possible to gain a slightly higher activity allowance in open prisons. Prisoners' realization of their sentence plan should be considered when determining the payment class; accordingly, prisoners should be able to achieve a higher payment class when they make progress in the activities set out in the plan.¹⁹² In addition to the activity allowance, a prisoner participating in assembly or packaging work, or some other comparable work may be paid a commission based on the quantity of work performed.¹⁹³ A commission paid in addition to an activity allowance can

¹⁸³ Finland, [Criminal Code \(rikoslaki/strafflag\)](#), Act No. 39/1889, Chapter 2c, sections 5(3) and 10(1).

¹⁸⁴ Finland, [Criminal Code \(rikoslaki/strafflag\)](#), Act No. 39/1889, Chapter 2c, sections 8 and 10(3).

¹⁸⁵ Finland, Act on Probationary Liberty under Supervision ([laki valvotusta koevapaudesta/lag om övervakad frihet på prov](#)), Act No. 629/2013, Chapter 1, section 1. See also Prison and Probation Service ([Rikosseuraamuslaitos/Brottspåföljdsmyndigheten](#)) [Määräys valvotun koevapauden täytäntöönpanosta](#) [Implementation of probationary liberty under supervision], regulation, 2/004/2022, 29 June 2022.

¹⁸⁶ Finland, Prison and Probation Service ([Rikosseuraamuslaitos/Brottspåföljdsmyndigheten](#)), [Work](#), website, accessed on 10 April 2024.

¹⁸⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 10; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 4, section 2.

¹⁸⁸ Finland, 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. 32.

¹⁸⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 9, section 6.

¹⁹⁰ Finland, Government Decree on Imprisonment ([valtionevoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, Chapter 5, section 29.

¹⁹¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 9, section 6.

¹⁹² Finland, Government bill HE 263/2016 vp ([hallituksen esitys eduskunnalle laeiksi vankeuslain, tutkintavankeuslain ja yhdyskuntaseuraamusten täytäntöönpanosta annetun lain muuttamisesta/regeringens proposition till riksdagen med förslag till ändring av fängelselagen, häktningenslagen och lagen om verkställighet av samhällspåföljder](#)), p. 13, 20; Prison and Probation Service ([Rikosseuraamuslaitos/Brottspåföljdsmyndigheten](#)), [Vankien toimintaan osallistuminen ja taloudelliset etuudet](#) [Participation of prisoners in activities and financial benefits], guidelines, RISE/594/2023, 8 May 2023, p. 4, 25.

¹⁹³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 9, section 6.

be 20 % of the activity allowance at the most.¹⁹⁴ If a remand prisoner participates in the activities, the grounds for an activity allowance shall be agreed upon prior to the commencement of the activity.¹⁹⁵

Prisoners in open prisons may perform so-called open prison work for such external actors with whom the Prison and Probation Service has made open prison work agreements. These include the National Board of Antiquities, the Governing Body of Suomenlinna, Senate Properties, which manages state-owned property assets, and Metsähallitus, which manages state-owned land and water areas. In practice, open prison work means separately funded maintenance work that is carried out by prisoners in historic sites or conservation areas.¹⁹⁶ Detainees are paid wages instead of an activity allowance for open prison work. Wages are paid in two categories based on the degree of difficulty of the work and the prisoner's performance: € 4,70 per hour in the first category and € 5 per hour in the second category.¹⁹⁷ Prisoners cannot receive both an activity allowance and an hourly wage for open prison work during the same day. On days when prisoners participate in both open prison work and other prison activities, they are only paid a wage, not an activity allowance. Prisoners affected by this policy are informed accordingly.¹⁹⁸

Post-trial prisoners may be given permission to civilian work, i.e., work or a traineeship outside prison during the actual working hours. The civilian work shall be ordinary economic activity with regard to the financial and social factors relating to the workplace and the employer.¹⁹⁹ This means, among other things, that permission for civilian work may not be granted for work in relation to which the prisoner has been sentenced to imprisonment.²⁰⁰ The wages and other terms of employment for the civilian work must not materially deviate from the terms generally complied with in the work in question.²⁰¹

Permission for civilian work may be granted if it promotes the implementation of the prisoner's sentence plan and if it is deemed likely that the prisoner will comply with the conditions set for the permission, i.e., undertake to abstain from intoxicating substances, submit to substance control, and comply with other written conditions related to movement and participation in the activity outside the prison. Compliance with the conditions may be supervised with technical devices, e.g., devices attached

¹⁹⁴ Finland, Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, Chapter 5, section 29; Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Commission paid based on the quantity of work](#), regulation, 5/004/2022, 3 May 2022.

¹⁹⁵ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 4, section 1.

¹⁹⁶ Finland, Government bill HE 263/2016 vp ([hallituksen esitys eduskunnalle laeiksi vankeuslain, tutkintavankeuslain ja yhdyskuntaseuraamusten täytäntöönpanosta annetun lain muuttamisesta/regeringens proposition till riksdagen med förslag till ändring av fängelselagen, häktningslagen och lagen om verkställighet av samhällspåföljder](#)), p. 20; Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Open prison work and other activities](#), website, accessed on 10 April 2024.

¹⁹⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 9, section 6(3); Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, Chapter 5, section 30.

¹⁹⁸ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), *Vankien toimintaan osallistuminen ja taloudelliset etuudet* [Participation of prisoners in activities and financial benefits], guidelines, RISE/594/2023, 8 May 2023, p. 6.

¹⁹⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 6.

²⁰⁰ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), *Vankien toimintaan osallistuminen ja taloudelliset etuudet* [Participation of prisoners in activities and financial benefits], guidelines, RISE/594/2023, 8 May 2023, p. 11.

²⁰¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 6.

to the prisoner's wrist, ankle or waist, as described in the Imprisonment Act.²⁰² The right to civilian work does not apply to remand prisoners.²⁰³

c. Access to education

Prisoners can participate in both general education and vocational training in prisons. A prisoner who has not completed the basic education syllabus shall be given an opportunity to complete it.²⁰⁴ Prisoners also have the possibility to complete a general upper secondary education syllabus, a vocational qualification, or participate in apprenticeship training. In addition, prisoners can complete individual courses, including education preparing for a qualification. Higher education studies are possible as independent distance learning, or, in open prisons, with a permission to study outside the prison.²⁰⁵ Studying outside of prison is subject to the same conditions as civilian work, described above. In practice, most prisoners participating in educational programmes in Finnish prisons complete vocational training, which is also considered as one of the best ways for prisoners to reintegrate to society after prison.²⁰⁶

The Prison and Probation Service or the prison agrees on the arrangement of education and training leading to a degree or qualification or other education and training to be provided in the prison with the education providers. The teaching is organised in cooperation with educational providers in the surrounding area.²⁰⁷ Prisoners shall be provided with guidance and support in their studies, and the progress of their studies shall be monitored. Any certificate issued for completed education or training must not indicate that the studies have taken place in prison.²⁰⁸

d. NPM assessment

[National Preventive Mechanism Report 2021](#)

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Inspection visit to Kuopio prison. In connection with the visit, the Deputy-Ombudsman drew attention to a recent international recommendation that was included in the reformed European Prison Rules. According to it, prisoners who are separated shall be offered at least two hours of meaningful human contact a day. On the NPM visit, it was found that this recommendation was not realised with segregated prisoners — of whom a clear majority were remand prisoners. [...] In the NPM visit report,

²⁰² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 10.

²⁰³ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 4, section 1.

²⁰⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 8.

²⁰⁵ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*), [Studies](#), website, accessed on 10 April 2024; [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, sections 9 and 10.

²⁰⁶ Finland, 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. 34, 36, 94.

²⁰⁷ Finland, 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. 34.

²⁰⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 8.

the Deputy Ombudsman stated that, like the CPT, he was also concerned about the mental and physical wellbeing of segregated prisoners. He was particularly concerned about those remand prisoners who, under the Coercive Measures Act, are subject to strict long-term restrictions imposed by a court.²⁰⁹

Kuopion vankilan tarkastus. AOA kiinnitti tarkastuksen yhteydessä huomiota melko uuteen kansainväliseen suositukseen, joka sisältyi uudistettuihin eurooppalaisiin vankeinhoitosääntöihin. Sen mukaan erillään pidettäville vangeille on tarjottava mielekästä kanssakäymistä ihmisten kanssa vähintään kaksi tuntia päivässä. Tarkastuksella todettiin, että erillään pidettävillä vangeilla — joista selvä enemmistö oli tutkintavankeja — tämä suositus ei toteutunut. [...] AOA totesi tarkastuspöytäkirjassa, että hän on CPT:n tavoin huolissaan erillään pidettävien vankien psyykkisestä ja fyysisestä hyvinvoinnista. Hän kantoi erityistä huolta niistä tutkintavangeista, joille tuomioistuimien on pakkokeinoina määrännyt pitkäkestoisia tiukkoja yhteydenpidon rajoituksia.²¹⁰

Consultations with NPM members

The possibilities for work and education were generally perceived as good and diverse. In their replies the consultees focused on the availability of education and noted that it is the responsibility of municipalities to provide basic education. However, not all municipalities have sufficient resources for this purpose (please see section 13 for further information). Disabilities and medical conditions may hinder participation in work or education, which is a challenge particularly regarding female detainees. In police facilities, there are practically no opportunities for work or education. Fortunately, remand prisoners spend shorter periods in police facilities than before.

8. Healthcare (note – section 11 contains specific questions concerning female detainees)

a. 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.²¹¹ Amendments to the Imprisonment Act and the Remand Imprisonment Act, confirming the tightened general maximum waiting times for access to health care (so-called guaranteed access to health care, in accordance with Chapter 6 of the Health Care Act) to explicitly apply also to prisons, entered into force on 1 September 2023.²¹² Accordingly, in primary health care, a patient who contacts the health care unit on weekdays during office hours, must receive a health care professional's assessment of the need for treatment during the same day, and access to treatment during the maximum of 14 days. In oral health care, the maximum waiting time must not exceed four months. Non-urgent follow-up treatment of patients provided at a prison hospital must be arranged

²⁰⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 97.

²¹⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 101–102.

²¹¹ 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).

²¹² Finland, Act amending the Imprisonment Act ([laki vankeuslain 10 luvun 1 §:n muuttamisesta/lag om ändring av 10 kap. 1 § i fängelselagen](#)), Act No. 121/2023 and Act amending the Remand Imprisonment Act ([laki tutkintavankeuslain 6 luvun 1 §:n muuttamisesta/lag om ändring av 6 kap. 1 § i häktningslagen](#)), Act No. 122/2023,

within a maximum of three months of receiving the referral. In specialised health care provided in connection with primary health care, the assessment of the need for treatment must begin within three weeks, and the required treatment and a specialist's assessment within maximum three months of receiving the referral at the unit. If the examinations indicate that the patient needs specialised medical care, the treatment must begin no later than six months after the need for treatment was ascertained.²¹³ However, the current government plans to restore the previous maximum waiting times, i.e. access to primary health care to three months and access to oral care to six months.²¹⁴ According to the Health Care Act access to urgent care shall be provided immediately.²¹⁵ Statistics on realised access to primary health care are published at the website of the Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*) (National Institute for Health and Welfare) on a monthly basis.²¹⁶

Besides the Health Care Act also other general laws on health care, such as the Act on the Status and Rights of Patients, are applicable to pre- and post-trial prisoners.²¹⁷ More detailed instructions on provision of health care are laid down in a regulation issued by the Health Care Services for Prisoners.²¹⁸ According to the regulation, prisoners and remand prisoners have the right to good quality health and medical care, equalling to that given to all Finnish citizens (the so-called normality principle).²¹⁹ Provisions on health care are the same for closed and open prisons. The regulation further provides that the Prison and Probation Service personnel has the duty to monitor prisoners' health conditions and to arrange appropriate care, where needed, without delay, in urgent cases outside prisons.²²⁰ The Prison and Probation Service has the responsibility to ensure that prisoners have access to treatment and rehabilitation according to their medical needs.²²¹

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 Prison and Probation Service.²²² 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.²²³ In December 2023, the Health Care Services for

²¹³ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Access to care in Health Care Services for Prisoners \(guaranteed access to healthcare\)](#), website, accessed on 10 April 2024.

²¹⁴ Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*), Government Fiscal Plan for 2025–2028 ([Julkisen talouden suunnitelma vuosille 2025–2028](#)), VN/28930/2023, 25 April 2024, p. 41.

²¹⁵ 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 \(*tutkintavankeuslaki/häktningslag*\)](#), Act No. 768/2005, Chapter 6, section 1(4); and [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 4(2).

²¹⁶ Finland, Monthly statistics on the realisation of access to health care available at a website maintained by the National institute for Health and Welfare: [Avohilmo: Hoitoonpääsy perusterveydenhuollossa](#).

²¹⁷ 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).

²¹⁸ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#) [Arranging health care services for prisoners], regulation, 13 February 2017.

²¹⁹ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#) [Arranging health care services for prisoners], regulation, 13 February 2017.

²²⁰ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#) [Arranging health care services for prisoners], regulation, 13 February 2017.

²²¹ Finland, [Imprisonment Act \(*vankeuslaki/fängelselag*\)](#), Act No. 767/2005, Chapter 10, section 1(2).

²²² Finland, [Imprisonment Act \(*vankeuslaki/fängelselag*\)](#), Act No. 767/2005, Chapter 10, section 1(1).

²²³ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Prisoners' health care](#), website, accessed on 10 April 2024.

Prisoners published the first self-monitoring programme, the content of which covers issues such as access to services, continuation of services and patient's rights.²²⁴

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.²²⁵ 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.²²⁶ Health care for persons in police custody was previously provided by the most appropriate municipality or federation of municipalities.²²⁷ After the health and social services reform (SOTE) became effective at the beginning of 2023, the responsibility for organising health care was transferred to the wellbeing services counties and the City of Helsinki.²²⁸ The above mentioned general maximum waiting times for access to health care prescribed by the Health Care Act are also applicable to persons in police custody. The police custody specific standards, however, are less satisfactory than those concerning prisons, in particular, since medical examination is arranged only on request and access to initial medical examination is not required.²²⁹ This has contributed to varying practices in different police prisons and only some police prisons organise regular visits by medical professionals. The Parliamentary Ombudsman has since 2016 repeatedly recommended, that efforts would be made to arrange medical examination on arrival for all persons deprived of liberty in police custody for more than one day.²³⁰ The CPT's recurring recommendation for Finland has been that a medical examination would be conducted within 24 hours of the persons' arrival at a police detention facility. In its response to the CPT after the committee's latest visit to Finland in 2020, Finland stated that the National Police Board is looking into ways to improve access to healthcare at police detention facilities.²³¹ The aim was that this would have been done in connection with the reform of the Act on Treatment of Persons in Police Custody in 2022, but the bill lapsed, apparently due to a lack of financial resources, according to the Parliamentary Ombudsman's assessment.²³²

²²⁴ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Vankiterveydenhuollon yksikön omavalvontaohjelma](#) [self-monitoring programme], 13 December 2023.

²²⁵ 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).

²²⁶ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu* [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014.

²²⁷ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu* [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014.

²²⁸ Finland, Act on Organising Healthcare and Social Welfare Services ([laki sosiaali- ja terveydenhuollon järjestämisestä/lag om ordnande av social- och hälsovård](#)), Act No. 612/2021, 29 June 2021.

²²⁹ Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), [Summary of the Annual report 2020, National Preventive Mechanism against Torture](#), p. 88.

²³⁰ Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), [Summary of the Annual report 2020, National Preventive Mechanism against Torture](#), p. 88.

²³¹ Council of Europe, [Response of the Finnish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) on its visit to Finland from 7 to 18 September 2020](#), CPT/Inf (2021) 25, p. 7–8.

²³² Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), [Summary of the Annual report 2022, National Preventive Mechanism against Torture](#), p. 87.

b. Availability of medical staff

There are no specific standards concerning the availability of qualified medical personnel at the prison health care units, nor in police custody.²³³ As noted above, 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.²³⁴ While all prisons have a prisoners' health care unit, regular health care services are only available in some units in police prisons, due to, among other things, lack of sufficiently precise regulations (please see above). The Parliamentary Ombudsman has drawn attention to the inadequacy of both medical and custodial staff, which hampers the functioning and efficiency of prison health care.²³⁵

c. Medical examination upon admission

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.²³⁶ 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.²³⁷ General 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.²³⁸

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.²³⁹ (See also above under a. Access to health care).

²³³ 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.

²³⁴ 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(1).

²³⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 101 and Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 94 and 95.

²³⁶ Finland, Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Hälsövärdsenhet för fångarna*), [Määräys vankien terveydenhuollon järjestämisestä](#) [Arranging health care services for prisoners], regulation, 13 February 2017, point 2.

²³⁷ Finland, Government bill HE 49/2015 vp ([hallituksen esitys eduskunnalle laiksi Vankiterveydenhuollon yksiköstä ja eräiksi siihen liittyviksi laeiksi/regeringens proposition till riksdagen med förslag till lag om Enheten för hälso- och sjukvård för fångar och vissa lagar som har samband med den](#)), p. 15.

²³⁸ 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.

²³⁹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilöäpäitotoiminnassa huomioitavia asioita* [Matters to be taken into account in police detention], letter of guidance (*ohjauskirje/styrningsbrev*), POL-2017-41566, 24 November 2017.

d. Preventive care

According to Chapter 10, section 11 of the Imprisonment Act, and Chapter 6, section 8 of the Remand Imprisonment Act, the National Institute for Health and Welfare issues more detailed regulations on the examination of prisoners' health and the organisation of health care in prisons. In accordance with the Prison and Probation Services guidelines on health conditions and prevention of health hazards in penal institutions (26/004/2010), the Prison and Probation Service is obliged to take care of prisoners' health and guide them in personal health care.²⁴⁰ According to the guidelines, it is the duty of health care personnel to ensure that prisoners receive the necessary instructions, especially to protect themselves from blood- and sexually transmitted diseases and to prevent the possible spread of infection. Prisoners must also be able to get tested for HIV at the outpatient clinic without a prescription from a prison doctor. Furthermore, prisoners are recommended to undergo hepatitis A, B and C examinations, which can also be accessed without a doctor's prescription. The guidelines state that, in accordance with the instructions of the Ministry of Social Affairs and Health, health examinations organised for the early detection of communicable diseases must always be accompanied by counselling and necessary referral to treatment (Communicable Diseases Act, section 20). In accordance with the guidelines of the Ministry of Social Affairs and Health on organisation of general voluntary vaccinations (2001:1), hepatitis A and B vaccination is given free of charge to prisoners who use syringe drugs and other prisoners at particular risk of infection.²⁴¹ The influenza vaccination is given free of charge to those age groups and sick prisoners mentioned in the annual recommendation of the National Institute for Health and Welfare. Prisons follow the national vaccination programme.²⁴² In addition to the initial examination, long-term prisoners undergo health examinations every two years.²⁴³

e. Specialised care

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.²⁴⁴ The decision on referral for treatment shall be made by the director of the prison, after consulting a physician, where possible.²⁴⁵ A prisoner, however, not a remand prisoner,

²⁴⁰ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*), [Rangaistuslaitosten terveydelliset olosuhteet ja terveyshaittojen ehkäisy](#) [health conditions and prevention of health hazards in penal institutions], regulation 26/004/2010, 1 January 2011.

²⁴¹ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), [Yleisten vapaaehtoisten rokotusten järjestäminen](#) [guidelines on organisation of general voluntary vaccinations], Ohje 9/02/2002, 18 October 2002.

²⁴² Finland, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), [Finnish national vaccination programme](#), website, accessed on 15 April 2024 and information obtained from the Health Care Services for Prisoners (*Vankiterveydenhuolto/Enheten för hälso- och sjukvård för fångar*) via email on 5 April 2024.

²⁴³ Finland, information obtained from the Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*) via e-mail on 5 April 2024.

²⁴⁴ 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).

²⁴⁵ 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).

may also be released from the prison for treatment, for example, in case of grave illness or serious injury.²⁴⁶

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.²⁴⁷

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.²⁴⁸ 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.²⁴⁹

f. Treatment of the detainee's choosing

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 upon permission of a doctor of the Health Care Services for Prisoners.²⁵⁰ 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.²⁵¹

g. NPM assessment

[National Preventive Mechanism Report 2021](#)

[National Preventive Mechanism Report 2022](#)

Prisons

Inspection visits / Tarkastukset

²⁴⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 3.

²⁴⁷ 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.

²⁴⁸ 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.

²⁴⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 9.

²⁵⁰ 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](#) [Arranging health care services for prisoners], regulation, 13 February 2017.

²⁵¹ 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.

Health care personnel are available in the ward between 7:00 and 19:00. Once the staff have left, the patients are locked in their cells, and they can contact the prison officers using a call button. The Deputy-Ombudsman found it highly problematic that patients who have been assessed to be in need of specialised psychiatric care spend almost one half of each day without immediate supervision and attention of health care personnel. [...] The Deputy-Ombudsman finds that leaving the patients without immediate supervision for long periods may risk patient safety. The absence of health care personnel also has an impact on the medical treatment of patients, as medicines administered for the night must be distributed by 19:00. In the Deputy-Ombudsman's opinion, this is not only a question of patient safety but also of good care. The Deputy-Ombudsman stated that a nurse trained in psychiatric care should be continuously present in the unit. This statement was also brought to the attention of the Finnish Institute for Health and Welfare (THL) and the Ministry of Social Affairs and Health.²⁵²

Terveydenhuollon henkilökuntaa on osastolla klo 7–19 välillä. Henkilökunnan poistuttua vankipotilaat ovat lukituissa selleissä ja heillä on mahdollisuus ottaa yhteyttä vankilan puolella olevaan valvontahenkilökuntaan kutsunapilla. [...] AOA piti hyvin ongelmallisena sitä, että potilaat, joiden on arvioitu tarvitsevan psykiatrasta erikoissairaanhoidoa, ovat lähes puolet vuorokaudesta ilman välitöntä terveydenhuollon henkilökunnan valvontaa ja huolenpitoa. [...] Potilaiden jääminen pitkäksi ajaksi ilman välitöntä valvontaa voi johtaa AOA:n mukaan myös potilasturvallisuuden vaarantumiseen. Terveydenhuollon henkilökunnan puuttumisella on vaikutus myös potilaiden lääkehoitoon, kun yöstä vasten annettavat lääkkeet joudutaan jakamaan klo 19 mennessä. AOA:n mielestä kyse ei ole pelkästään potilasturvallisuudesta vaan myös hyvästä hoidosta. AOA esitti kannanottonaan, että yksikössä tulisi olla jatkuvasti läsnä psykiatriseen hoitoon koulutettu sairaanhoitaja. Kannanotto saatettiin myös Terveyden ja hyvinvoinnin laitoksen (THL) ja sosiaali- ja terveystieteiden ministeriön (STM) tietoon.²⁵³

The Deputy-Ombudsman agreed with what was stated in the self-monitoring plan of the Psychiatric Hospital for Prisoners and noted that the hospital facilities inside the prison do not meet the needs of modern psychiatric hospital care. The hospital ward had two seclusion rooms with camera surveillance connected to the central control room of the prison. The Deputy-Ombudsman found this problematic and noted it was unclear if the prison can also use camera surveillance in situations where the prisoner has been secluded by a decision of Health Care Services for Prisoners. The Deputy-Ombudsman asked the Ministry of Justice to consider if provisions on camera surveillance in these situations should be laid down in the Imprisonment Act and the Remand Imprisonment Act. The Deputy-Ombudsman's view was that, if this right was to be given to prison officers, it should be laid down in a legal provision.²⁵⁴

AOA yhtyi Psykiatrisen vankisairaalan omavalvontasuunnitelmassa esitettyyn ja totesi, että vankilan sisällä olevat sairaalan tilat eivät täytä nykyaikaisen psykiatrisen sairaalahoidon tarpeita. Sairaalan osastolla sijaitsi kaksi eristystilaa, joista oli kameravalvontayhteys vankilan keskusvalvomoon. AOA piti ongelmallisena ja epäselvänä sitä, voiko vankila suorittaa kameravalvontaa myös sellaisissa tilanteissa, joissa vanki on eristetty vankiterveydenhuollon päätöksellä. AOA pyysi oikeusministeriötä harkitsemaan, tulisiko vankeuslaissa ja tutkintavankeuslaissa säätää kameravalvonnasta näissä

²⁵² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 99.

²⁵³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 103.

²⁵⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 99.

tilanteissa. AOA:n näkemys oli, että asiasta tulisi säännellä laissa, jos vankilan valvontahenkilökunnalle halutaan antaa tähän oikeus.²⁵⁵

The Deputy-Ombudsman drew attention to the adequacy of the resources available to the outpatient clinic. [...] Following its visit to Finland in September 2020, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reiterated its long-standing recommendation to take effective measures ensuring that new prisoners systematically have a medical screening within 24 hours of arrival. Health Care Services for Prisoners has requested additional financing, for example to fund interviews with incoming prisoners at the outpatient clinics conducted on weekdays within 24 hours of their arrival.²⁵⁶

AOA kiinnitti huomiota poliklinikan käytettävissä olevien resurssien riittävyyteen. [...] Euroopan Neuvoston kidutuksen vastainen komitea (CPT) on toistanut Suomeen syyskuussa 2020 tekemänsä käynnin jälkeen pitkäaikaisen suosituksensa tehokkaiisiin toimenpiteisiin ryhtymisestä sen varmistamiseksi, että uusille vangeille tehdään säännönmukaisesti terveystarkastus 24 tunnin kuluessa heidän saapumisestaan. VTH onkin esittänyt lisärahoitusta muun muassa siihen, että arkipäivisin poliklinikoilla olisi mahdollista toteuttaa saapuvien vankien tulohaastattelu 24 tunnin kuluessa vankilaan saapumisesta.²⁵⁷

In connection with the visit to the outpatient clinic, the Criminal Sanctions Agency's project on fine default prisoners was also discussed. The aim of the project is that, rather than putting them in prison, fine default prisoners and other short-term prisoners who have a substance abuse problem can be placed in an institution providing substance abuse services located outside the prison. Health Care Services for Prisoners would remain responsible for the prisoner's care even after such placements. The Health Care Services for Prisoners and the Criminal Sanctions Agency were currently working on a common guideline to ensure that the practices would be consistent throughout the country. When they arrive in the prison, the prisoners will be interviewed at the outpatient clinic to assess their state of health and any reasons for not placing them in the rehabilitation institution. Once their eligibility has been assessed, the prisoner could be transferred to a rehabilitation institution outside the prison. The Deputy-Ombudsman welcomed this project, however stressing that Health Care Services for Prisoners had a statutory obligation to also take care of the health and medical care of prisoners placed outside prisons. Responsibility laid down in law cannot be eliminated or transferred by a mutual agreement with other actors.²⁵⁸

Poliklinikan tarkastuksen yhteydessä käytiin läpi myös Rikosseuraamuslaitoksen sakkovankihanketta. Sen tavoitteena on sijoittaa päihdeongelmasta kärsiviä sakon muuntorangaistusta suorittavia ja lyhytaikaisvankeja vankilan sijasta sen ulkopuolella sijaitsevaan päihdelaitokseen. VTH:lla säilyy sijoituksenkin jälkeen vangin hoitovastuu. VTH ja Rise olivat paraikaa laatimassa yhteistä ohjetta menettelytavasta, jotta se olisi sama koko maassa. Vangille tehdään vankilaan tullessa poliklinikalla tulohaastattelu, jossa saadaan käsitys vangin terveydentilasta sekä mahdollisista esteistä

²⁵⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 104.

²⁵⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 100.

²⁵⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 104.

²⁵⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 100.

kuntoutuslaitokseen sijoittamiselle. Sijoituskelpoisuuden arvioinnin jälkeen vanki voitiin siirtää ulkopuoliseen kuntoutuslaitokseen. AOA suhtautui hankkeeseen myönteisesti. Hän korosti kuitenkin sitä, että VTH:lla oli lakisääteinen velvoite huolehtia myös näiden ulkopuolelle sijoitettujen vankien terveyden- ja sairaanhoidosta. Laissa säädettyä vastuuta ei voida poistaa tai siirtää muiden toimijoiden kanssa tehtävin keskinäisin sopimuksin.²⁵⁹

On visits to Health Care Services for Prisoners' units, it has emerged that the staffing ratio of guards has a significant impact on the work of the Health Care Services for Prisoners and its efficiency. [...] The Deputy Ombudsman did not find it acceptable that the provision of health and medical care that meets the prisoners' medical needs is dependent on the availability of guard resources. The Deputy-Ombudsman welcomed the fact that all possible external signs of abuse and head injuries are currently examined and recorded as arriving prisoners are interviewed and undergo a medical screening. Another positive observation was that Health Care Services for Prisoners has provided training on the organisation and methods of transport for a suicidal prisoner and reminded outpatient clinic physicians of the possibility of consulting the Turku unit of the Psychiatric Hospital for Prisoners.²⁶⁰

VTH:n yksiköihin tehdyillä tarkastuksilla on käynyt ilmi, että vartijaresurssin mitoitus vaikuttaa merkittävästi VTH:n toimintaan ja toiminnan tehokkuuteen. [...] AOA ei pitänyt hyväksyttävänä sitä, että vankien lääketieteellisten tarpeiden mukainen terveyden- ja sairaanhoidon toteutuminen on riippuvaista siitä, miten vartijaresurssia on käytettävissä. AOA piti myönteisenä, että vankien tulohaastattelussa ja terveystarkastuksessa huomioidaan ja kirjataan nykyisin kaikki mahdolliset ulkoiset pahoinpitelyn merkit sekä pään vammat. Myönteistä oli myös se, että VTH on järjestänyt koulutusta itsetuhoisen vangin kuljetuksen järjestämisestä ja -tavasta sekä muistuttanut avohuollon lääkäreitä konsultaatiomahdollisuudesta Psykiatrisen vankisairaalan Turun yksikköön.²⁶¹

Inspection visit to the Kylmäkoski Outpatient Clinic. The outpatient clinic is also highly dependent on the prison officer resources at the prison, as prison officers are needed to escort a prison patient to the outpatient clinic or to transport a patient outside the prison for examination or treatment. During the inspection, it was noted that the outpatient clinic is usually not able to give prisoners an exact appointment time, as the timing of appointments depends on whether there are prison officers available. However, according to the Act on the Status and Rights of Patients, patients must be given an exact date and time. Due to a lack of prison officer resources, doctors' and dentists' appointments may become very delayed as they are forced to wait for patients. Health care visits outside the prison have also been cancelled for the same reason. The lack of prison officer resources and its impacts on matters such as access to care outside the prison have been highlighted through inspections carried out at both Kylmäkoski Prison and the Criminal Sanctions Agency.²⁶²

Kylmäkosken poliklinikan tarkastus. Poliklinikka on myös hyvin riippuvainen vankilan valvontahenkilökunnan resursseista, koska vartijoita tarvitaan saattamaan vankipotilas poliklinikalle

²⁵⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 104.

²⁶⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 101.

²⁶¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 105.

²⁶² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 94.

taikka kuljettamaan vankilan ulkopuolelle tutkimukseen tai hoitoon. Tarkastuksella todettiin, että vankipotilaalle ei yleensä pystytä ilmoittamaan poliklinikalta tarkkaa vastaanoton ajankohtaa, sillä vastaanottojen toteutuminen riippuu siitä, onko vartijoita käytettävissä. Kuitenkin potilaan asemasta ja oikeuksista annetun lain mukaan potilaalle tulee ilmoittaa tarkka ajankohta. Valvontahenkilökunnan resurssipuutteen johdosta lääkärin ja hammaslääkärin vastaanotot voivat viivästyä hyvinkin paljon, kun potilaita joudutaan odottamaan. Myös vankilan ulkopuolisia terveydenhuollon käyntejä on jouduttu perumaan samasta syystä. Vartijaresurssien puute ja sen vaikutukset muun muassa vankilan ulkopuoliseen hoitoon pääsemisessä on otettu esille sekä Kylmäkosken vankilaan että Rikosseuraamuslaitokseen tehdyillä tarkastuksilla.²⁶³

Inspection visit to the Prison Hospital. The Deputy-Ombudsman found the scarcity of health care personnel worrying. It appears to be a continuous, daily issue that will necessarily affect the interaction of nursing staff and patients as well as the activities that maintain patients' functional capacity. The scarcity of prison officer resources was also evident at the Prison Hospital. According to the hospital's guidelines, nurses may not go to the ward if there is no prison officer present. The women's ward has even had to be closed for a certain period of time due to the lack of prison officers. The Deputy-Ombudsman found it understandable that the Prison Hospital has not been able to provide emergency medical services with the current doctor resources. However, the prison may have prisoners with care needs that cannot be considered to be included in the duties of prison officers, who also may not have sufficient competence or training to attend to these needs. The Deputy-Ombudsman considered it untenable if such a prisoner has to be held in prison for example over the weekend only because there is no agreed procedure at the Prison Hospital for taking patients to hospital outside office hours. The Prison Hospital should have a backup system for exceptional situations such as those described above so that a prisoner could also be admitted to the hospital outside office hours.

A patient can be placed under camera surveillance for the purposes of treatment at the Prison Hospital when the patient's state of health requires closer monitoring. There is no legislation on the camera surveillance of somatic patients. The Deputy-Ombudsman considered it understandable that there may be a need for continuous monitoring of patients at the hospital. Instead, the operating environment and the prison status of patients pose obstacles to care staff attending to the patients freely regardless of time to assess a patient's state of health or otherwise carry out observations. On the other hand, camera surveillance intervenes in the protection of a patient's privacy. According to the Deputy-Ombudsman, the Prison Hospital has acknowledged this problem. Based on the observations made during the inspection, camera surveillance for the purposes of treatment is only used when there is a clear treatment-linked or health-related reason for it and the patient has given their consent. However, the patient must be given sufficient and appropriate information on what camera surveillance for treatment purposes means and why it is considered necessary in their case. Without this information, the Deputy-Ombudsman finds it impossible to interpret that the patient has given informed consent. In order to assess this afterwards, it is recommended that the staff be instructed to record the information provided to the patient.²⁶⁴

²⁶³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 98.

²⁶⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 95.

Vankisairaalan tarkastus. AOA piti huolestuttavana terveydenhuollon henkilökunnan niukkuutta. Kyseessä vaikuttaisi olevan jatkuva, päivittäinen ongelma, joka ei voinut olla vaikuttamatta hoitohenkilökunnan ja potilaiden kanssakäymiseen sekä potilaiden toimintakykyä ylläpitävään toimintaan. Myös vartijaresurssien niukkuus näkyi Vankisairaalan puolella. Sairaalan ohjeistuksen mukaan hoitaja ei saa mennä osastolle, jos siellä ei ole vartijaa. Naisten osasto on jouduttu jopa sulkemaan tietyksi ajaksi vartijoiden puuttumisen vuoksi. AOA piti ymmärrettävänä, että Vankisairaalan ei ole ollut nykyisillä lääkäriresursseilla mahdollista järjestää lääkäripäivystystä. Vankilassa voi kuitenkin olla vankeja, joilla on sellaisia hoidollisia tarpeita, joiden hoitamisen ei voida katsoa kuuluvan valvontahenkilökunnan tehtäviin tai heillä ei ole siihen riittävää osaamista tai koulutusta. AOA piti kestävämmänä, jos tällaista vankia joudutaan pitämään vankilassa esimerkiksi viikonlopun yli vain sen vuoksi, että Vankisairaala ei ole sovittua menettelytapaa potilaiden sairaalaan ottamisesta virka-ajan ulkopuolella. Vankisairaala olisi hyvä olla jokin varajärjestelmä sille, että edellä kuvatun kaltaisissa poikkeuksellisissa tilanteissa vankipotilas voitaisiin ottaa sairaalaan myös virka-ajan ulkopuolella.

Potilas voidaan sijoittaa Vankisairaalaan hoidolliseen kameravalvontaan, kun potilaan terveydentila vaatii tarkempaa seuranta. Somaattisen potilaan kameravalvonnasta ei ole olemassa lainsäädäntöä. AOA piti ymmärrettävänä, että sairaalassa voi olla tarvetta potilaan jatkuvaan valvontaan. Sen sijaan toimintaympäristö ja potilaiden vankistatus asettavat esteitä sille, että hoitohenkilökunta voisi vapaasti käydä ajasta riippumatta potilaan luona arvioimassa tämän terveydentilaa tai muuten suorittamassa tarkkailua. Toisaalta kameravalvonnalla puututaan potilaan yksityisyyden suojaan. AOA:n mielestä Vankisairaalaan oli tiedostettu tämä ongelmallisuus. Tarkastushavaintojen perusteella hoidollista kameravalvontaa käytetään vain silloin kun sille on selvä hoidollinen tai potilaan terveydentilaan liittyvä peruste ja potilaalta on saatu suostumus. Potilaalle tulee kuitenkin antaa riittävä ja asianmukainen informaatio siitä, mitä hoidollinen kameravalvonta merkitsee ja miksi sitä hänen kohdallaan pidetään tarpeellisenä. Ilman tätä informaatiota AOA:n mielestä ei voida katsoa, että potilas olisi antanut tietoisesti suostumuksen. Jotta tätä voitaisiin jälkikäteen arvioida, olisi suositeltavaa, että henkilökunta ohjeistettaisiin kirjaamaan potilaalle annettu informaatio.²⁶⁵

Operations of Hämeenlinna Prison at the Prison Hospital. The Imprisonment Act does not contain a specific provision on who decides on admitting a prisoner to a ward at the Prison Hospital. This also involves the question of what matters will be taken into account when deciding on the admittance. Based on the inspection, it became apparent that the current facilities of the Prison Hospital did not enable the admittance to account for both patient care and the safety issues related to the placement of prisoners. The Deputy-Ombudsman brought to the attention of the Ministry of Justice and for the purposes of drafting legislation the shortcomings and ambiguities of legislation concerning ward placement.²⁶⁶

Hämeenlinnan vankilan toiminta Vankisairaalaan. Vankeuslaissa ei ole erikseen nimenomaista säännöstä siitä, kuka päättää vangin sijoittamisesta osastolle Vankisairaalaan. Tähän liittyy myös kysymys siitä, mitä asioita otetaan huomioon sijoituksesta päätettäessä. Tarkastuksen perusteella tuli ilmeiseksi, että Vankisairaalan nykyiset tilat eivät mahdollistaneet sitä, että sijoittelussa voitaisiin huomioida sekä potilaiden hoitoon liittyvät seikat että vankien sijoitteluun liittyvät turvallisuusseikat.

²⁶⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 98–99.

²⁶⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 95.

AOA saattoi oikeusministeriön tietoon ja säädösvalmistelussa huomioon otetavaksi osastosijoittelua koskevat lainsäädännön puutteet ja tulkinnanvaraisuudet.²⁶⁷

Police detention facilities

The right of a detainee to see a doctor. In both NPM visit reports, the Ombudsman has referred to the guidance letter sent by the National Police Board in November 2017 reminding police departments that all detainees must be informed on their arrival of their right to receive health care in the detention facility at their own expense with permission from the doctor organised by the police. The CPT has also required that the detainees be allowed access to their own doctor. Based on the Ombudsman's observations, this did not seem to happen in practice in either police prison. The Ombudsman stated that police departments should ensure that, on their arrival, detainees are provided with information on the possibility to see their own doctor.²⁶⁸

Vapauden menettäneen oikeus lääkäriin. OA on molemmissa tarkastuspöytäkirjoissa viitannut Poliisihallituksen marraskuussa 2017 lähettämään ohjaukirjeeseen, jossa poliisilaitoksia on muistutettu siitä, että kaikille vapautensa menettäneille on tulovaiheessa kerrottava hänen oikeudestaan saada poliisin järjestämän lääkärin luvalla omalla kustannuksella terveydenhoitoa säilytystiloissa. Myös CPT on edellyttänyt, että vapautensa menettäneellä on pääsy omalle lääkärille. Tämä ei OA:n tarkastushavaintojen perusteella näyttänyt toteutuvan käytännössä kummassakaan poliisivankilassa. OA totesi, että poliisilaitosten tulisi huolehtia siitä, että tulovaiheessa annetaan vapautensa menettäneelle tietoa mahdollisuudesta oman lääkärin käyttämiseen.²⁶⁹

Unlike in the police prison in Helsinki, the health care professionals working in the police prison in Vantaa had not been given an induction into the legislation concerning police administration and the issued regulations and instructions. The Ombudsman stated that a health care professional working in the detention facilities of the police should know at least those provisions in the Police Custody Act that affect their work and those instructions issued by the National Police Board that also apply to health care provided in police prisons. The Ombudsman recommended that the Police Department provide the doctor working in the police prison in Vantaa with an induction into the necessary parts of legislation and the regulations and instructions issued in police administration.²⁷⁰

Toisin kuin Helsingin poliisivankilassa, Vantaan poliisivankilassa työskenteleville terveydenhuollon ammattihenkilöille ei ollut annettu perehdytystä poliisihallinnon lainsäädännöstä sekä annetuista määräyksistä ja ohjeista. OA totesi, että poliisin säilytystiloissa työskentelevän terveydenhuollon ammattihenkilön tulisi tuntea vähintään ne putkalain säännökset, jotka vaikuttavat hänen työhönsä ja Poliisihallituksen ohjeet, jotka koskevat myös poliisivankilassa annettavaa terveydenhuoltoa. OA

²⁶⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 99.

²⁶⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 89.

²⁶⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 94.

²⁷⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 89.

suositti, että poliisilaitos järjestää Vantaan poliisivankilassa työskentelevälle lääkärille perehdytystä tarpeellisin osin lainsäädännöstä ja poliisihallinnossa annetuista määräyksistä ja ohjeista.²⁷¹

Health examination. In its 2021 report on Finland, the CPT required health examinations to be conducted on detainees (including remand prisoners) within 24 hours of their arrival in the police detention facilities. In practice, this is not achieved in any police prison at the moment. This requirement has not been included in the guidance letter issued by the National Police Board in 2017, either. In both visited police prisons, the Ombudsman recommended that police detention facilities should try to ensure that all persons deprived of their liberty for longer than 24 hours get to see a health care professional.²⁷²

Terveystarkastus. CPT on edellyttänyt Suomea koskevassa raportissaan 2021, että vapautensa menettäneelle (mukaan lukien tutkintavangit) tehdään terveystarkastus 24 tunnin kuluessa saapumisesta poliisiin säilytystiloihin. Tämä ei käytännössä toteudu missään poliisivankilassa tällä hetkellä. Tätä vaatimusta ei ole myöskään sisällytetty 2017 annettuun Poliisihallituksen ohjauskirjeeseen. OA suositti molemmissa tarkastetuissa poliisivankiloissa, että poliisin säilytystiloissa tavoiteltaisiin tilannetta, jossa kaikki yli vuorokauden säilössä olevat vapautensa menettäneet tapaavat terveydenhuollon ammattihenkilön.²⁷³

Reporting a person placed in observation to health care. The Ombudsman stated that according to the Police Custody Act, a health care official must be notified without delay when a detainee is placed in observation (isolation under observation for safety purposes) or isolation under observation (isolation under observation for the purposes of detecting prohibited substances). A doctor or other health care official must examine the state of health of a detainee as soon as possible. Reporting is therefore not discretionary. The CPT's standards require health care to be informed of an isolated prisoner and require health care staff to see the prisoner immediately and then regularly at least once a day.

There are also no separate provisions in law on how often health care staff should visit a person who has been placed in observation or isolation under observation. However, the Deputy-Ombudsman has considered the CPT's view of daily regular visits to be a step in the right direction when considering the harmful impact of isolation on the mental health of the detainee. The Parliamentary Ombudsman recommended that the Eastern Uusimaa Police Department go through the practices of Vantaa Police Prison concerning reporting of placement in observation and isolation under observation and examining the state of health of persons deprived of their liberty.²⁷⁴

Tarkkailuun sijoitetusta ilmoittaminen terveydenhuoltoon. OA totesi, että putkalain mukaan vapautensa menettäneen tarkkailuun tai eristämistarkkailuun sijoittamisesta on viipymättä ilmoitettava terveydenhuoltohenkilökuntaan kuuluvalle virkamiehelle. Lääkärin tai muun terveydenhuoltohenkilökuntaan kuuluvan virkamiehen tulee mahdollisimman pian tutkia vapautensa menettäneen terveydentila. Ilmoittaminen ei ole siten harkinnanvaraista. CPT:n standardeissa edellytetään, että

²⁷¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 94.

²⁷² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 90.

²⁷³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 95.

²⁷⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 90–91.

terveydenhuollolle ilmoitetaan eristetyistä vangista ja että sieltä käydään välittömästi tapaamassa vankia sekä tämän jälkeen säännöllisesti vähintään kerran päivässä.

Laissa ei ole myöskään erikseen säännelty, miten usein terveydenhuollosta on käytävä tapaamassa tarkkailuun tai eristämistarkkailuun sijoitettua. AOA on kuitenkin pitänyt CPT:n näkemystä päivittäisistä säännöllisistä käynneistä oikean suuntaisena, kun otetaan huomioon eristämisen vahingollinen vaikutus muun muassa vapautensa menettäneen mielenterveyteen. OA suositti, että Itä-Uudenmaan poliisilaitos käy läpi Vantaan poliisivankilan käytänteet, jotka koskevat tarkkailuun ja eristämistarkkailuun sijoittamisesta ilmoittamista ja vapautensa menettäneiden terveydentilan tutkimista.²⁷⁵

Confidentiality in health care. The Helsinki Police Department has issued instructions on the matter, which the Ombudsman considers to be a step in the right direction. The Ombudsman has emphasised to both police prisons that the primary aim should always be to arrange the care situation in such a way that the violation of the right to privacy would be as small as possible (visual contact vs. hearing contact) even if there is a need for guarding because of security or other necessary reasons in the situation.²⁷⁶

Vastaanoton luottamuksellisuus hoitotilanteissa. Helsingin poliisilaitos on antanut asiasta ohjeistuksen, joka on OA:n mukaan oikeasuuntainen. OA on molemmille poliisivankiloille korostanut, että hoitotilanne tulisi aina ensisijaisesti pyrkiä järjestämään niin, että oikeuden loukkaus jäisi mahdollisimman pieneksi (näköyhteys vs. kuuloyhteys) silloinkin kun turvallisuus- tai muusta välttämättömästä syystä tilanteessa on tarvetta vartiointiin.²⁷⁷

Reform of the Act on the Treatment of Persons in Police Custody. In his statement, the Ombudsman also brought up the health care available in police prisons. The Ombudsman considered it important to establish a well-functioning arrangement for implementing the requirements in the international rules for the treatment of prisoners as well as those expressed in CPT's opinions that Finland ensure regular visits by a nurse to every police prison operating in Finland and access to a doctor to persons deprived of their liberty. If this is not considered possible, the reasons for this solution should be stated clearly. In the Ombudsman's view, very serious consideration should be given to whether provisions should be laid down on an assessment by a health care professional to be carried out on all intoxicated persons before they are placed in a police detention facility. Ultimately, this is about the right to life of the person deprived of his or her liberty.²⁷⁸

Putkalain kokonaisuudistus. OA nosti lausunnossaan myös esille poliisivankiloiden terveydenhuollon. OA piti tärkeänä, että saadaan aikaan toimiva järjestely, jolla toteutetaan kansainvälisissä vankisäännöissä ja CPT:n kannanotoissa edellytetty siitä, että jokaiseen Suomessa toimivaan poliisivankilaan varmistetaan sairaanhoitajan säännölliset käynnit ja vapautensa menettäneille mahdollisuus tavata lääkäreitä. Jos tämän ei katsota olevan mahdollista, tulisi syyt tälle ratkaisulle esittää selkeästi. OA:n mielestä olisi myös erittäin vakavasti harkittava, tulisiko säätää, että kaikille päihtyneille

²⁷⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 95.

²⁷⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 91.

²⁷⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 96.

²⁷⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 94.

tulisi tehdä terveydenhuollon ammattihenkilön arviointi ennen sijoittamista poliisin säilytystilaan. Kyse on viime kädessä vapautensa menettäneen oikeudesta elämään.²⁷⁹

Health care for detainees and their right to see a doctor. Health care for detainees in police detention facilities has in most cases been arranged so that the police custodial officers of the detention facility ensure that detainees receive their medication prescribed for them outside the detention facility and that an emergency care unit is called to the facility in acute situations. This was the procedure in all the inspected police prisons except for one. The Ombudsman has recommended that police departments at least assess the need for regular visits by a nurse. This has also been recommended by the CPT. [...] During the inspections, the Ombudsman has reminded police prisons of the guidance letter by the National Police Board in 2017, according to which all detainees must be informed on their arrival of their right to receive health care in the detention facility at their own expense with permission from the doctor organised by the police. The CPT has also required that the detainees be allowed access to their own doctor.²⁸⁰

Vapautensa menettäneen terveydenhuolto ja oikeus lääkäriin. Vapautensa menettäneen terveydenhuolto poliisin säilytystiloissa on useimmiten järjestetty siten, että säilytystilan vartijat huolehtivat siitä, että vapautensa menettänyt saa hänelle siviilissä määrätyn lääkityksensä ja akuutissa tilanteessa paikalle hälytetään ensihoitoyksikkö. Yhtä lukuun ottamatta kaikissa tarkastetuissa poliisivankiloissa toimitettiin tällä tavoin. OA on suosittanut, että poliisilaitokset arvioisivat ainakin sairaanhoitajan säännöllisten käyntien tarpeellisuuden. Tätä on myös CPT suositellut. [...] Tarkastuksilla on myös muistutettu poliisivankiloita Poliisihallituksen ohjauskirjeestä vuodelta 2017, jonka mukaan kaikille vapautensa menettäneille on tulovaiheessa kerrottava hänen oikeudestaan saada poliisin järjestämän lääkärin luvalla omalla kustannuksella terveydenhoitoa säilytystiloissa. Myös CPT on edellyttänyt, että vapautensa menettäneellä on pääsy omalle lääkärille.²⁸¹

Medical care. Police detention facilities have different ways of managing the medications of detainees. [...] The Safe pharmacotherapy guide requires that each unit providing pharmacotherapy has a pharmacotherapy plan. Police departments have not drawn up a pharmacotherapy plan although medicinal treatment is carried out in police prisons. This has started to change with the Helsinki Police Department preparing a pharmacotherapy plan first in 2020. The Eastern Uusimaa Police Department has also announced after the Parliamentary Ombudsman's inspection in 2021 that it has started preparing a pharmacotherapy plan for the police prison. The Ombudsman has recommended that pharmacotherapy plans also be drawn up for the police prisons inspected during the year under review. Supervisory personnel should also be introduced to the contents of the pharmacotherapy plan where necessary.²⁸²

Lääkehoito. Poliisin säilytystiloissa on erilaisia tapoja huolehtia vapautensa menettäneen lääkehoidosta. [...] Turvallinen lääkehoito -oppaassa edellytetään, että jokaisessa lääkehoitoa toteuttavassa yksikössä tulisi olla lääkehoitosuunnitelma. Poliisilaitokset eivät ole laatineet

²⁷⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 98.

²⁸⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 84.

²⁸¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 88.

²⁸² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 84–85.

lääkehoitosuunnitelmia, vaikka poliisivankiloissa toteutetaan lääkehoitoa. Tähän on alkanut tulla muutos, kun Helsingin poliisilaitos on 2020 ensimmäisenä laatinut lääkehoitosuunnitelman. Myös Itä-Uudenmaan poliisilaitos on ilmoittanut 2021 tehdyn EOA:n tarkastuksen jälkeen, että se on aloittanut poliisivankilaa koskevan lääkehoitosuunnitelman laatimisen. OA on suosittanut, että myös kertomusvuonna tarkastetuille poliisivankiloille laadittaisiin lääkehoitosuunnitelmat. Valvontahenkilökunta tulisi myös perehdyttää lääkehoitosuunnitelman sisältöön tarpeellisin osin.²⁸³

Consultations with NPM members

According to consultees, inmates do not always have prompt access to health care. The situation might be better in so-called smart prisons (in which each prison cell is equipped with a personal laptop that functions as a terminal, through which prisoners can access digital services, and manage their affairs, for instance, with the polyclinic). Recruitment of prison doctors has proven difficult, whereby prisons have had to rely on remote services and external providers, less familiar with the prison environment.

While the accessibility and quality of dental care was perceived as better than that of general health care, concerns were raised about whether inmates with mental health issues receive adequate care (please see consultations in section 14 d for further information). The NPM has initiated an own investigation on the matter.

During consultations, the distribution of medication arose as a significant issue. Nurses typically work at the polyclinics only during weekdays and office hours, resulting in prison guards managing medication distribution during evenings and weekends. While there is no legislation on the matter, the NPM has advocated for training for personnel involved in distributing medication. Training is particularly acute when it comes to the distribution of replacement therapy medication used to overcome a substance addiction. In emergencies, guards must call an ambulance, or consult the psychiatric hospital in Turku prison, which has medical staff available around the clock. Courses on medication distribution are now offered online and as part of the qualification to become a prison officer. The National Police Board has also arranged a course for guards working in police prisons. Guards are not allowed access to medical records; however, police prisons have implemented a system where detainees provide written consent for guards to access information about their medication, ensuring a safer and more predictable procedure. A similar arrangement is not in place in the prisons operated by the Prison and Probation Service.

Police facilities typically lack medical personnel of their own. The situation is better in facilities connected to detoxification centres (i.e., facilities where heavily intoxicated persons are monitored until they can take care of themselves), as such prisons may benefit from visits by the medical staff of the centre. According to consultees, the availability of medical staff is exceptionally good in the Helsinki police prison, where the health care services of the prison are expected to soon be fully managed by the medical staff of the connected detoxification centre. Additionally, Helsinki police prison stands out for providing medical inspections to minor detainees within 24 hours of apprehension.

²⁸³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 88–89.

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

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.²⁸⁴ 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.²⁸⁵ 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.²⁸⁶

The Prison and Probation Service has adopted a regulation on the use of force and precautionary measures as well as training relating to their use, including in pre- and post-trial detention facilities. The training aims to develop the capacity of officials of the Prison and Probation Service to apply solutions that diminish the need to use force way and to enhance the preparedness of officials to use force and precautionary measures in a professional and responsible. The training includes information about the relevant legislation and exercises regarding situations that arise in practice.²⁸⁷

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 18). 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.²⁸⁸

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.²⁸⁹ The National

²⁸⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 3.

²⁸⁵ 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.

²⁸⁶ 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.

²⁸⁷ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*), [Voimakeinojen käyttäminen sekä turvaamistoimenpiteiden käytön, voimakeinojen sekä voimankäyttövälineiden käytön koulutus](#) [use of force and precautionary measures as well as training relating to their use], regulation, 9/004/2018, 1 November 2018.

²⁸⁸ 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).

²⁸⁹ Finland, [Police Act \(poliisilaki/polislag\)](#), Act No. 872/2011, Chapter 1, sections 2–4 and Chapter 2, section 17.

Police Board has issued regulations on mandatory training of police officials in the use of force.²⁹⁰ 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 executing their duties, the guards should not more than necessary and justifiably cause detainees harm and damage or interfere in their rights.²⁹¹

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.²⁹² 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, in accordance with the main rule of the Criminal Investigation Act.²⁹³

The pre- and post-trial detention standards are the same. 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.

b. Protection from violence by other detainees

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.²⁹⁴ 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.²⁹⁵

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, toilets, changing rooms or other similar places.²⁹⁶ Same standards are included in the Remand Imprisonment Act.²⁹⁷

The 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.²⁹⁸ The Remand Imprisonment Act does not include a similar provision. It

²⁹⁰ Finland, National Police Board (*Polisihallitus/Polisstyrelsen*), *Poliisin voimankäyttö- ja suojavälineet sekä voimakeinojen ja suojavälineiden käytön koulutus* [Training of police officials in the use of force and protective equipment], regulation, POL-2019-28030, 26 November 2019.

²⁹¹ 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 15, section 1(3).

²⁹² Finland, [Criminal Investigation Act \(esitutkintalaki/förundersökningsslag\)](#), Act No. 895/2011, Chapter 2, section 4.

²⁹³ Finland, [Criminal Investigation Act \(esitutkintalaki/förundersökningsslag\)](#), Act No. 895/2011, Chapter 2, section 1.

²⁹⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 3.

²⁹⁵ 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; 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 9, section 1.

²⁹⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 16, section 1a.

²⁹⁷ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningsslag\)](#), Act No. 768/2005, Chapter 11, section 1.

²⁹⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 7, section 1(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 3(2).

nevertheless provides that prisons shall have alarm systems and other technical security systems necessary to guarantee prison safety and security.²⁹⁹

Prisoners and remand prisoners in prison shall be given an opportunity to be accommodated separately from other prisoners, in full or in part, if they have reasonable grounds to believe that their personal safety is at risk.³⁰⁰ 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.³⁰¹

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 free time activities, use of money or other means of payment, or possession of property; or solitary confinement.³⁰² Further, prisoners are offered anger management programmes accredited by the Prison and Probation Service (see section 7 a).

c. NPM assessment

[National Preventive Mechanism Report 2021](#)

[National Preventive Mechanism Report 2022](#)

Police prisons

Training of members of supervising staff. The Police University College organises training to police custodial officers in the police administration. Each police department have their own quota for the training. The Ombudsman stated that the [Helsinki] Police Department should take care of the missing training [for the guards employed by the department] within the limits of what is possible and the training quotas.³⁰³

Vankilahenkilökuntaan kuuluvien koulutus. Poliisiammattikorkeakoulu järjestää poliisihallinnon vartijoille vartijakoulutusta, joihin on jokaisella poliisilaitoksella omat kiintiönsä. OA totesi, että [Helsingin] poliisilaitoksen tulisi mahdollisuuksien ja koulutuskiintiöiden sallimissa rajoissa huolehtia puuttuvista vartijakoulutuksista.³⁰⁴

Prisons

Surveys conducted with the staff and prisoners at Kuopio prison. In their responses, both groups considered Kuopio Prison a safe prison. However, in the open-ended answers regarding changes they wished to see, staff members expressed a wish that safety and security would be invested in. It was noteworthy that, according to the responses, prisoners would not be very likely to report it if another prisoner subjected them or another prisoner to ill treatment. The prisoners who responded were also

²⁹⁹ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 11, section 1(2).

³⁰⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 3.

³⁰¹ 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.

³⁰² 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.

³⁰³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 87.

³⁰⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 92.

unsure about whether they would report it if a member of staff subjected them or another prisoner to ill treatment.³⁰⁵

Kuopion vankilan henkilökunnan ja vankien kyselyt. Molempien ryhmien vastauksissa Kuopion vankilaa pidettiin turvallisena vankilana. Avoimissa vastauksissa henkilökunta toi kuitenkin muutostoiveena turvallisuuteen panostamisen. Merkille pantavaa oli se, että vastausten perusteella vangit eivät juurikaan lähtisi tekemään ilmoitusta, jos toinen vanki kohdistaisi häneen tai toiseen vankiin kaltoinkohtelua. Vastanneet vangit olivat myös epävarmoja, tekisivätkö ilmoituksen, jos henkilökuntaan kuuluva kohdistaisi häneen tai toiseen vankiin kaltoinkohtelua.³⁰⁶

Consultations with NPM members

During a recent NPM inspection, the Prison and Probation Service had voiced that violence between inmates and directed at staff has become a significant challenge. According to the consultees, this is likely due to an increase in groupings within prison. While safety is crucial, excessively strict security measures, such as constantly keeping cell doors closed, cannot be justified. The NPM had also encountered situations where members of organised criminal groups were allowed unrestricted movement, while other inmates who feared them were accommodated separately.

Allegations of staff violence against inmates are rare but do occur. The NPM regularly sends anonymous questionnaires to both inmates and prison staff, addressing various aspects of prison conditions, including sensitive topics such as the use of violence. Through the questionnaires, the NPM receives information that it would not be able to receive otherwise, for instance, through interviews. Instances of physical violence by staff members have rarely arisen in the responses — instead, issues relating to discrimination, verbal abuse and poor treatment by guards are more commonly reported. In certain individual cases, the NPM had seen video footage of such treatment; for example, once, when a prisoner had been placed naked with their hands cuffed behind their back in an isolation cell under video surveillance.

In police prisons, the likelihood of violence between remand prisoners is minimal, as they are kept separate from one another the whole time. Violence by staff members has not been reported.

Detainees are often reluctant to use complaint mechanisms, particularly if the violence is committed by another inmate. The fear of reprisals is strong, and many consider being a “whistleblower” as incompatible with prison life. If the violence is committed by prison staff, detainees have expressed scepticism about the effectiveness of complaint mechanisms. However, the consultees did not indicate reason to believe that complaints would not be properly investigated by the Prison and Probation Service. If a complaint regarding physical violence by a staff member is filed with the NPM, complainants are typically advised to file a police report. Other instances of misconduct, such as verbal abuse, are investigated by the NPM itself.

³⁰⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 97.

³⁰⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 102

10. Contact with the outside world

a. Visits

The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody provide that detainees have the right to receive visitors at times reserved for visits as often as possible without disturbing the order and operations of the prison. Visits may also be allowed at times other than those reserved for visits, if it is necessary for detainees to be able to maintain outside contacts or for another important reason.³⁰⁷

When it comes to remand prisoners, the right to visits may be restricted by a court on the request of an official with the power of arrest, if there are grounds to suspect that such contact would endanger the purpose of remand.³⁰⁸ Contact with the remand prisoner's legal counsel may not, however, be restricted. Contact with a close relative or another close person and the diplomatic mission representing the home country of a foreign remand prisoner may be restricted only for a particularly important reason related to the clarification of the offence. The Prison and Probation Service guidelines RISE/4686/2023 provide that remand prisoners subject to court-imposed restrictions of communication should be placed in cells from which the transmission of messages through windows, drain and ventilation is prevented. Activities indoors and outdoors should also be arranged in a way that prevents communication.³⁰⁹

Visits in prisons are arranged in supervised premises that contain structural barriers between the detainee and the visitor, the purpose of which is to maintain prison order and prison safety and security and to prevent prohibited substances and objects from being brought to the prison. Visits may be arranged in premises separated from other detainees and visitors, if prison order, safety or security, or the safety of the detainee or some other person so requires. In open prisons, visits are arranged in premises where the prisoner and the visitor can touch each other.³¹⁰

The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody contain provisions on the supervision of visits. Such supervision may be carried out by viewing and recording image by means of technical devices, and by having a public official of the Prison and Probation Service present in the meeting. The prisoner and the visitor shall be notified of the use of technical monitoring in an appropriate manner.³¹¹ During supervised visits, conversations between detainees and visitors may be listened to and recorded, if considered necessary and justified for reasons defined in more detail in the relevant provisions. Before commencing such measures, the prisoner and

³⁰⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 1; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, section 1; 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 7, section 1.

³⁰⁸ Finland, [Coercive Measures Act \(pakkokeinolaki/tvångsmedelslag\)](#), Act No. 806/2011, Chapter 4, sections 1 and 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, section 1.

³⁰⁹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*), *Yhteydenpitorajoitusten toteuttaminen vankiloissa* [The implementation of restrictions of contact in prisons], guidelines, RISE/4686/2023, 8 December 2023, p. 4.

³¹⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 3; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, section 1(2).

³¹¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 2(2); [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, section 1(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 7, section 1(2).

the visitor shall be informed of their conversation being listened to and recorded.³¹² Conversations during supervised visits in high-security wards may be listened to and recorded without prior informing.³¹³ The Act on Treatment of Persons in Police Custody does not include a provision on informing.

The relevant Acts contain provisions regarding unsupervised visits. Detainees may be granted permission for an unsupervised visit by close relatives or other close persons or, if there is reason for it, also by other persons important to the detainee, if this is justified in order for the detainee to be able to maintain outside contacts or for another corresponding reason. As defined in the Imprisonment Act, a close relative refers to the spouse and siblings of a prisoner and his or her relatives in the direct ascending or descending line. Other close person refers to the cohabiting partner of a prisoner or some other person with whom the prisoner has lived before entering prison.³¹⁴ An important person may be, for example, a childhood friend or a more distant relative.³¹⁵

A prerequisite for granting permission for unsupervised visits is that the visit does not pose a risk to prison order, prison safety and security, or the safety of the prisoner or some other person, and that it does not disturb the operations of the prison. Granting permission for unsupervised visits is based on an overall consideration, taking into account, for instance, the detainees' use and possession of intoxicating substances, disciplinary infractions committed by the detainee, and whether it can be assumed that prohibited substances or objects will be transported to the prison during the visit.³¹⁶ A further prerequisite regarding remand prisoners is that the remand prisoner's visiting rights have not been restricted under Chapter 4 of the Coercive Measures Act, and that the visit does not endanger the purpose of remand imprisonment.³¹⁷

Prisons have separate premises for unsupervised visits, which are also known as family visits. The premises are equipped to be homelike, have washing facilities and are furnished with a bed. It is possible to make coffee and to prepare something to eat. They also have toys for children. If a prison does not have premises for unsupervised visits, detainees may be granted prison leave for family reasons once per month. The duration of family-visits varies from a couple of hours to six hours.³¹⁸

Detainees have the right to receive a visit from a legal counsel without other persons being present, pursuant to the Imprisonment Act, the Remand imprisonment and the Act on Treatment of Persons in Police Custody. Generally, visits with a legal counsel should be completely unsupervised. Supervision

³¹² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 2; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, section 1(3); 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 7, section 1(3).

³¹³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 2(3).

³¹⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 5 a.

³¹⁵ Finland, 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. 50.

³¹⁶ Finland, 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. 50.

³¹⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, 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 7, section 2.

³¹⁸ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldningstjänsten*), [Perhetapaamiset](#) [family visits], website, accessed on 10 April 2024.

may be allowed if it is necessary to maintain prison order or prison safety and security or if the prisoner or the counsel expressly so requests. A visit may be supervised by visually observing it or by means of a technical device without hearing or recording the conversation between the prisoner and the counsel. The visit may also be arranged in premises with structural barriers between the prisoner and the counsel. In such cases it must be ensured that necessary procedural documents may be exchanged without endangering the confidentiality of the meeting. The prisoner and the counsel shall be informed of the visit being supervised before the supervision is commenced.³¹⁹ Communication with a legal counsel, as with close relatives or other close or important persons, may be arranged via video connection.³²⁰

Foreign detainees have the right to be in contact with the diplomatic or consular mission representing their home country. Detainees shall, where possible, be given an opportunity to conduct private conversations related to their personal matters with a representative of a church, an organisation engaged in prison work or another corresponding body, such as the Finnish Red Cross as well as AA- and NA-organisations.³²¹ Regarding visits from medical practitioners, please see section 8.

It is worth noting that prisons have their own prison rules that contain more specific regulations on various issues, including on arrangements related to visits and correspondence.³²²

b. Correspondence

Prisoners have the right to correspondence by post. The same applies to remand prisoners, unless it has been restricted under Chapter 4 of the Coercive Measures Act. A sealed letter or another postal item addressed to a detainee or sent by a detainee may be inspected by scanning it or in some other corresponding manner without opening it in order to check whether it contains prohibited substances or objects. A letter or another postal item may be opened without reading it, if it may be deduced from the form or size of the item that it also contains something else besides a confidential message, or if there otherwise are reasonable grounds to suspect that it contains prohibited substances or objects. A letter or another postal item addressed to a prisoner in a closed prison or in a unit of the Health Care Services for Prisoners, as well as to remand prisoners, may also otherwise be opened and inspected

³¹⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 6; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, section 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 7, section 1; 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. 51.

³²⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 13; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, section 10; 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 7, section 1.

³²¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, sections 15 and 16; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, sections 12 and 13; 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 7, sections 6 and 7; Government bill HE 263/2004 vp ([hallituksen esitys eduskunnalle vankeusrangaistuksen täytäntöönpanoa ja tutkintavankeuden toimeenpanoa koskeva lainsäädännöksi/regeringens proposition till riksdagen med förslag till lagstiftning om verkställighet av fängelsestraff och häktning](#)), p. 183.

³²² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 15, section 1; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 10, section 1.

without reading the message, except regarding correspondence with supervisory authorities or a legal counsel.³²³

In accordance with the Government Decree on Imprisonment, the Government Decree on Remand Imprisonment, and the Government Decree on Treatment of Persons in Police Custody, detainees must be notified about a letter or other postal delivery that has arrived to or sent by the detainee having been opened. The detainee may be notified by a note on the letter or package. If all mail addressed to remand prisoners or post-trial prisoners in closed prisons or health care units are inspected, detainees may instead be informed generally.³²⁴

In addition to inspecting and opening letters, the relevant Acts also provide for when letters may be read. A letter, another postal item or a message (e.g., a post card) addressed to a detainee or sent by a detainee may be read solely if it is considered necessary and justified for the purpose of preventing an offence, averting a threat to prison order, protecting the safety of the prisoner or some other person, or securing the purpose of remand imprisonment. Whether reading is considered justified and necessary depends on the criminal background of the detainee, the detainee's behaviour during imprisonment or remand imprisonment, or matters relating to the item, its sender or addressee. A decision authorising reading can be made for a maximum period of two weeks at a time.³²⁵ The conditions laid out in law must, however, be met for each letter that is to be read; not even a temporary decision therefore automatically authorizes reading all incoming or outgoing letters.³²⁶

The conditions for reading correspondence of detainees in high-security wards is regulated in a separate provision. Opposed to other detainees, the reason for reading the correspondence does not have to be justified. Otherwise, the same conditions apply for reading the correspondence of detainees in high-security wards as for other detainees, as described above.³²⁷

The Imprisonment Act and the Remand Imprisonment Act provide for taking copies. A copy of a letter, another postal item or a message may be taken if, when reading it, it becomes evident that it is likely to contain plans or information on an offence, for which the maximum sentence provided by law is at least

³²³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 1; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 1; 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 6, section 1.

³²⁴ Finland, Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, section 38; Government Decree on Remand Imprisonment ([valtioneuvoston asetus tutkintavankeudesta/statsrådets förordning om häktning](#)), Decree No. 549/2015, section 13; Government Decree on Treatment of Persons in Police Custody ([valtioneuvoston asetus poliisin säilyttämien henkilöiden kohtelusta/statsrådets förordning om behandlingen av personer i förvar hos polisen](#)), Decree No. 645/2008, section 3.

³²⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 2; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, 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 6, section 2.

³²⁶ Finland, Government bill HE 45/2014 vp ([hallituksen esitys eduskunnalle vankeutta ja tutkintavankeutta koskevan lainsäädännön muuttamiseksi/reaeringens proposition till riksdagen med förslag till ändring av lagstiftningen om fängelse och häktning](#)), p. 43; Prison and Probation Service (Rikosseuraamuslaitos/Brottsförhållningsmyndigheten), [Kirjeenvaihdon tarkastaminen, lukeminen ja pidättäminen sekä puhelun kuunteleminen ja tallentaminen](#) [Inspecting, reading and withholding correspondence and listening to and recording telephone calls], guidelines, 1402/2023, 13 November 2023.

³²⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 8; Prison and Probation Service (Rikosseuraamuslaitos/Brottsförhållningsmyndigheten), [Kirjeenvaihdon tarkastaminen, lukeminen ja pidättäminen sekä puhelun kuunteleminen ja tallentaminen](#) [Inspecting, reading and withholding correspondence and listening to and recording telephone calls], guidelines, 1402/2023, 23 November 2023.

one year of imprisonment, or on illegal use of a narcotic drug.³²⁸ Taking copies is not mentioned in the Act on Treatment of Persons in Police Custody, which is seemingly motivated by the fact that when it comes to investigating offences, the competence of the police is determined on the basis of other legislation, particularly the Criminal Investigation Act and the Coercive Measures Act.³²⁹

If a letter addressed to or sent by a detainee is read, the detainee must be notified of the reading and the grounds for it without delay. The notification may be postponed up to two weeks, if this is necessary to prevent an offence, avert a threat to prison order, or to protect the safety of the detainee or some other person. If the detainee is released before said deadline, the detainee must be notified upon release at the latest, unless otherwise provided elsewhere by law.³³⁰

In accordance with the relevant government decrees the inspection of letters and other postal deliveries must not cause detainees more harm than what is necessary in order to carry out a proper inspection. Letters and other postal deliveries must be inspected and delivered forward as soon as possible. Letters opened for inspection are delivered to detainees resealed.³³¹

Certain correspondence may not be inspected or read at all. This applies to correspondence between a detainee and an authority supervising the operations of the prison or its staff or a body supervising the implementation of human rights, with which the detainee is under international treaties entitled to lodge an appeal or file a complaint.³³² Correspondence addressed by detainees to their legal counsel may also not be inspected or read. Such correspondence that is instead addressed to the detainee, which according to the sender information is sent by the detainee's legal counsel, may be opened and inspected in the presence of the detainee, if there is reason to suspect that the letter contains prohibited substances or objects. The letter may not, however, be read.³³³

A letter, another postal item or a message sent by or addressed to a detainee may be withheld, if it is necessary to prevent an offence, to avert a threat to prison order, or to protect the safety of the detainee or some other person.³³⁴

³²⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 2; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 2

³²⁹ 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. 80.

³³⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 2 a; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 2 a.

³³¹ Finland, Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, section 37; Government Decree on Remand Imprisonment ([valtioneuvoston asetus tutkintavankeudesta/statsrådets förordning om häktning](#)), Decree No. 549/2015, section 12; Government Decree on Treatment of Persons in Police Custody, ([valtioneuvoston asetus poliisin säilyttämien henkilöiden kohtelusta/statsrådets förordning om behandlingen av personer i förvar hos polisen](#)), Decree No. 645/2008, section 2.

³³² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 3; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 3; 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 6, section 3.

³³³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 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 6, section 4.

³³⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 5; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, 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 6, section 5.

The right to correspondence comprises correspondence that is delivered via post. Accordingly, prisons are not obliged to deliver messages between detainees through so-called internal mail. Said restriction has been motivated by risks relating to prison order and safety, as internal mail has been considered to allow persons belonging to organised criminal groupings to communicate with each other about internal matters, such as recruiting new members and planning violent acts. While prisons do not have a legal obligation to deliver messages between detainees, they are allowed to do so in accordance with their own discretion. The relevant provisions regarding inspection, reading, copying, notifying about reading, and withholding letters apply also to the delivery of letters delivered through internal mail.³³⁵

Remand prisoners and post-trial prisoners in closed prisons are not allowed to have own mobile phones. They shall be given an opportunity to communicate with persons outside prison by telephone at their own expense, unless, regarding remand prisoners, the right has been restricted under Chapter 4 of the Coercive Measures Act. Remand prisoners shall, however, be given the possibility to communicate with a legal counsel. Detainees may be allowed to use the telephone free of charge to attend to necessary matters, such as urgent legal matters, or for some other special reason. The use of telephone may be made conditional on detainees stating whom they intend to contact. A prerequisite for the use of telephone by prisoners placed in high-security wards is that the prisoner consents to the fact that the telephone call may be listened to and recorded. If it is necessary to prevent an offence or to maintain prison order, or if the telephone call endangers the purpose of remand imprisonment, the use of telephone may be suspended or denied.³³⁶

Prisoners placed in open prisons may be given the permission to use a mobile phone, pursuant to the Imprisonment Act. The conditions of permission may include further rule on its use.³³⁷ Such conditions are regulated in the Government Decree on Imprisonment and may concern when and where the phone may be used as well as its storage.³³⁸ Using a phone may be conditioned on a prohibition on deleting its usage history. The phones are sealed, so that prisoners are not able to change the sim-card themselves. Prisoners are not allowed to let others use the phone.³³⁹

A detainee's telephone call may be listened to and recorded for the purpose of preventing an offence, averting a threat to prison order, securing the purpose of remand imprisonment, or protecting the safety of the prisoner or some other person, if this is considered justified and necessary because of the criminal background of the detainee, the behaviour of the detainee during imprisonment, or the recipient of the call. A telephone call may not, however, be listened to secretly. Prior to commencing the listening and recording, the detainee and the person with whom the detainee is in contact by

³³⁵ Finland, 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. 43; Legal Affairs Committee of Parliament (*lakivaliokunta/lagutskottet*), [Report No. 17/2014](#), regarding Government bill 45/2014, p. 4–5; Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*), [Kirjeenvaihdon tarkastaminen, lukeminen ja pidättäminen sekä puhelin kuunteleminen ja tallentaminen](#) [Inspecting, reading and withholding correspondence and listening to and recording telephone calls], guidelines, 1402/2023, 13 November 2023.

³³⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, sections 6 and 8; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 6; Act on Treatment of Persons in Police Custody ([laki poliisin säilyttämien henkilöiden kohtelusta/laag om behandling av personer i förvar hos polisen](#)), Act No. 841/2006, Chapter 6, section 6.

³³⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 6 a.

³³⁸ Finland, Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, section 41.

³³⁹ Finland, 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. 45.

telephone shall thus be notified of the call being listened to and recorded. A telephone call between a detainee and a supervisory authority or a legal counsel must not be listened to or recorded.³⁴⁰

Finally, detainees may be given permission to use the internet and to send and receive email messages for reasons relating to the maintenance of outside contacts, subsistence, or attendance to work-related, educational, judicial, social or housing matters or for another corresponding important reason, unless the right to communication of a remand prisoner has been restricted under the Coercive Measures Act. Remand prisoners may nevertheless always send and receive email messages to and from a legal counsel. The prerequisites for granting permission to use the internet have been examined in section 5 d above. Granting permission for sending and receiving email messages is preconditioned on being able to identify the sender and the recipient to a necessary extent.³⁴¹ Prisoners placed in high-security wards may not be granted permission to use email.³⁴² The law does not expressly prohibit the use of internet by prisoners in high-security wards. The Act on Treatment of Persons in Police Custody does not include provisions on the use of internet or email.

c. Visits with children

Detainees may be granted permission to receive a visit from a child under 15 years of age in premises suitable for this, if the visit is necessary to maintain contact between the prisoner and the child and the visit is not against the best interests of the child, pursuant to the Imprisonment Act and the Remand Imprisonment Act.³⁴³ Children may also visit the detainee as part of family visits, described in more detail in section 10 a above. The Act on Treatment of Persons in Police Custody does not include an express provision regarding visits with children.

The permission for child visits concerns primarily the detainee's own children but may be granted also for visits from a child of the detainee's spouse or cohabiting partner. In addition to maintaining contacts, permission to be visited by a child may also be granted for creating contacts; accordingly, permission may be granted even if the detainee and child have never met before. There shall be no structural barriers between the detainee and the child during child visits. It is allowed for the detainee and child to touch one another, and the child may, for instance, sit in the detainee's lap. Although also other persons may participate in the visit together with the child, touching is permitted only between the detainee and the child. Child-visits are always supervised by the staff, as opposed to family visits.³⁴⁴

³⁴⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 7; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 7; 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 6, section 7.

³⁴¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, sections 9 and 9 a; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, sections 7 a and 7 b.

³⁴² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 8.

³⁴³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 5; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, section 3.

³⁴⁴ Finland, Government Decree on Imprisonment ([valtioneuvoston asetus vankeudesta/statsrådets förordning om fängelse](#)), Decree No. 548/2015, section 45; 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. 51.

According to the Imprisonment Act, closed prisons shall have appropriate premises for visits with children.³⁴⁵ The premises should be calm, and efforts should be made to equip them comfortably and so that they appear homelike.³⁴⁶ Neither the Remand Imprisonment Act nor the Act on Treatment of Persons in Police Custody provide for express provisions regarding the premises for visits with children.

The Imprisonment Act provides that a child under 15 years of age is not allowed to enter prison without an escort, unless the presence of an escort is deemed unnecessary considering the stage of development of the child, earlier visits, or for some other corresponding justifiable reason.³⁴⁷

Detainees may be obliged to take a breath test or to provide a saliva or urine sample prior to child and family visits.³⁴⁸

d. NPM assessment

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Prisons

Privacy for phone calls. The Ombudsman has consistently considered that even prisoners have the right to privacy when they talk on the phone. The telephones intended for prisoners were located in the corridors of A wards without any soundproofing covers.³⁴⁹

Yksityisyydensuoja puheluissa. Oikeusasiamies on vakiintuneesti katsonut, että myös vangilla on oikeus yksityisyydensuojaan hänen keskustellessa puhelimesta. Vankien käyttöön tarkoitetut puhelimet sijaitsivat tarkastettujen A-osastojen käytävillä ilman ääntä eristävää suojaa.³⁵⁰

Enabling the use of a phone. During the inspection, it remained unclear what kind of actual opportunity prisoners had to make phone calls while their ward was closed. Prisoners were not usually able to reach their loved ones during the hours that the residential ward was open. The Deputy-Ombudsman stated that prisoners should have the option to make calls in the evening if necessary.³⁵¹

Puhelimen käytön mahdollistaminen. Tarkastuksella jäi epäselväksi, millainen tosiasiallinen mahdollisuus vangeilla oli saada soittaa osaston ollessa suljettuna. Vangeilla ei ollut yleensä mahdollista tavoittaa läheisiään asuinosaaston aukioloaikana. AOA katsoi, että tarvittaessa vangin olisi voitava soittaa myös ilta-aikaan.³⁵²

³⁴⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 2.

³⁴⁶ 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. 51.

³⁴⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, section 11.

³⁴⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 16, section 7; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 11, section 7.

³⁴⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 93.

³⁵⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 96.

³⁵¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 93.

³⁵² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 96.

Consultations with NPM members

The consultees noted that the use of Skype has increased significantly in prisons, whereas in-person visits have decreased. The possibility to use Skype has been a welcome development particularly for prisoners of foreign nationality and others whose friends and family live far away. However, the NPM had encountered situations where foreign prisoners had not been informed about this option, as well as instances where the use of Skype was limited to certain times during the day, where in practice, communication with persons abroad was hindered due to the time difference. It was noted that some prisoners prefer Skype to physical visits also because it allows for more privacy than being in ordinary visiting rooms together with other inmates and their visitors. The NPM has nevertheless emphasised that the use of Skype must not replace the possibility of in-person visits.

The possibility of requesting prison leave also came up during the consultations. According to the consultees, the practice of granting prison leave varies; in certain prisons, they are barely granted. Further, they are occasionally granted belatedly, i.e., after a certain day to which permission for prison leave is requested has already passed.

When it comes to remand prisoners, the NPM has observed instances where contact restrictions (in accordance with Chapter 4 of the Coercive Measures Act) have been imposed by the police without individual consideration. For instance, remand prisoners have been allowed contacts only with their legal counsel, although no investigational reasons for restricting contacts with close relatives have existed. The NPM has also had to remark about maintaining restrictions unnecessarily.

Prisons have made efforts to create child-friendly rooms, with colourful décor and toys, for the purpose of child visits. Children may also visit inmates as part of family visits. The consultees noted, however, that not all prisoners want to be visited by their children. In some prisons, prisoners have been allowed to Skype their children to read bedtime stories. The system of family departments in place in two of the women prisons was described as exceptionally good. The mothers receive support with childcare, and may, from time to time, leave their children to be taken care of by the staff. Generally, police prisons do not have separate rooms for child visits, which was considered due to the short duration of the detention in police prisons.

11. Special measures for female detainees

a. General conditions of detention for women and girls

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.³⁵³

³⁵³ 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.

Based on requirements laid down in the Non-Discrimination Act,³⁵⁴ the Prison and Probation Service 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.³⁵⁵ These include recognition of special needs of female prisoners (including physical, social, psychological), prevention of sexual harassment and elimination of gender discrimination.

The Deputy Parliamentary Ombudsman has highlighted the need to treat female and male remand prisoners equally.³⁵⁶ 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.³⁵⁷ The Deputy Ombudsman notes that this has to be observed also with respect to female remand prisoners.

In order to improve the conditions of female prisoners, the Prison and Probation Service has in 2020 published a report comprising recommendations concerning the organization of female prison work, staff training, and placement, activities and services of female prisoners.³⁵⁸ The Prison and Probation Service established a specific project (2021–2023) for the implementation of these recommendations.³⁵⁹ As from September 2021, there are separate open prisons for female prisoners and they are no longer placed in the same open prison with male prisoners.³⁶⁰ New and separate wards have been established for both remand and sentenced female prisoners.³⁶¹

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.³⁶² 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.³⁶³

³⁵⁴ Finland, [Non-Discrimination Act \(yhdenvertaisuuslaki/diskrimineringslag\)](#), Act No. 1325/2014, section 5.

³⁵⁵ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*) (2015), [Rikosseuraamuslaitoksen vankeja ja yhdyskuntaseuraamusasiakkaita koskeva yhdenvertaisuus- ja tasa-arvosuunnitelma](#), [Prison and Probation Service non-discrimination and equality plan concerning persons serving a prison sentence or a community sanction], *Rikosseuraamuslaitos*, p. 28–29.

³⁵⁶ Finland, Parliamentary Deputy-Ombudsman (*eduskunnan apulaisoikeusasiamies/riksdagens biträdande ombudsman*), [EOAK/1626/2018](#), 17 June 2020.

³⁵⁷ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1.

³⁵⁸ Tammi-Moilanen, K. (2020), [Naisvankiselvitys - Selvitys naisvankien olosuhteista, toiminnoista ja turvallisuudesta](#) [Female prisoners, their conditions, activities and safety], Prison and Probation Service, 4/2020.

³⁵⁹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*) (2021), '[Naisvankiselvityksen jatkotoimet käynnistyvät](#)' [Measure for the implementation of the report on female prisoners will start], Press release, 27 January 2021. Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*) (2023), [Rikosseuraamuslaitoksen vastuullisuusraportti 2022](#) [Sustainability report 2022], RISE/2534/2023, p. 7.

³⁶⁰ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*) (2021), '[Asiakkaiden erityistarpeet huomioidaan nyt entistä paremmin Kestilän naisten avovankilassa](#)' [Special needs of clients are better taken into account in the Kestilä open prison for women], Press release, 21 October 2021.

³⁶¹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Päätös vankipaikkojen valtakunnallisesta jakautumisesta](#) [decision concerning prison places throughout the country], 12/280/2021, 22 November 2021; and Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*) (2021), '[Reorganisation of prisoner places will affect all prisons — new wards for special groups](#)', Press release, 1 December 2021.

³⁶² Finland, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), [Lapsi vanhemman mukana vankilassa](#) [A child with his or her parent in prison], website, accessed on 10 April 2024.

³⁶³ Finland, information obtained via email from the organisation providing family work at the family wards in Vanaja and Hämeenlinna prisons (Kanta-Hämeen ensi- ja turvakoti ty) on 16 June 2021.

b. Separation from men

The Imprisonment Act and the Remand Imprisonment Act provide that male and female prisoners shall be housed in separate accommodation wards (*asunto-osasto/boendeavdelning*).³⁶⁴ 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.³⁶⁵

c. Hygiene

According to the regulation on accommodation and basic care of prisoners, issued by the Prison and Probation Service, enough sanitary towels and tampons have to be provided free of charge for female detainees.³⁶⁶ The regulation covers prisoners and remand prisoners. There are no corresponding standards applicable to female persons in police custody.³⁶⁷

d. Healthcare

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.³⁶⁸ The same applies to persons deprived of their liberty in police custody.³⁶⁹ 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.³⁷⁰ The Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody include same provisions.³⁷¹ This means normally that the prisoner should arrive in the hospital when the regular contractions begin and the hospital advises her to do so.³⁷²

A sentenced person who is pregnant may be granted a postponement of enforcement until she has recovered from the childbirth.³⁷³

³⁶⁴ 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).

³⁶⁵ 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.

³⁶⁶ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Accommodation and basic care of prisoners](#), regulation, 4/004/2022, 27 April 2023.

³⁶⁷ Finland, information obtained via email from the National Police Board (*Poliisihallitus/Polisstyrelsen*) on 17 June 2021.

³⁶⁸ 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).

³⁶⁹ 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).

³⁷⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 4.

³⁷¹ 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.

³⁷² Finland, information obtained via email from the Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*) on 16 June 2021.

³⁷³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 2, section 3(3).

e. Pregnancy and women with babies or young children

There are two family wards 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).³⁷⁴ There are no such units in detention facilities maintained by the police. The family wards are child protection units under the Finnish Institute for Health and Welfare.³⁷⁵

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 ward 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.³⁷⁶

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 ward.³⁷⁷ They are usually moved there when the maternity leave starts, that is, around one month before the due date.³⁷⁸

f. NPM assessment

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Consultations with NPM members

In recent years, the Prison and Probation Service has increasingly acknowledged the special needs of women in prison. Awareness regarding the importance of gender sensitive approaches was raised particularly following a study on female prisoners, published in 2020. Since then, prisons have made efforts in implementing a women-specific approach to their work, for instance, by training staff in encountering prisoners with trauma. Consultees referred to recent research regarding the health and wellbeing of Finnish prisoners, according to which 97 % percent of the female prisoners interviewed had experienced physical violence at some point of their lives.³⁷⁹ Previously, there have been challenges in arranging activities for women. The situation of women improved since the opening of dedicated prisons for women. Additionally, still existing female departments have been expanded, reducing the previous difficulties in arranging activities.

³⁷⁴ Finland, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), '[Lapsi vanhemman mukana vankilassa](#)' [A child placed in prison with his or her parent], website, accessed on 10 April 2024.

³⁷⁵ Finland, Act on child protection units of the Finnish Institute for Health and Welfare ([laki Terveyden ja hyvinvoinnin laitoksen alaisista lastensuojeluyksiköistä/lag om barnskyddsenheter som lyder under Institutet för hälsa och välfärd](#)), Act No. 1379/2010.

³⁷⁶ Finland, Child Welfare Act ([lastensuojelulaki/barnskyddslag](#)), Act No. 417/2007, sections 13a and 37(3).

³⁷⁷ 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.

³⁷⁸ Finland, Kanta-Hämeen ensi- ja turvakoti ry, [Vankilan perheosasto](#) [Prison family department], website, accessed on 12 April 2024. Kanta-Hämeen ensi- ja turvakoti ry is a member organisation of the national Federation of Mother and Child Homes and Shelters and is responsible for the operations of the family wards in Vanaja and Hämeenlinna prisons.

³⁷⁹ Rautanen, M., Harald, K., Tyni, S. (eds) (2024), [Health and Wellbeing of Prisoners 2023: The Wattu IV Prison Population Study Finland](#), Helsinki: Finnish Institute for Health and Welfare.

12. Special measures for foreign nationals

a. General measures for foreign nationals

The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody provide that detainees must not be discriminated against, without an acceptable reason, on grounds such as their origin, nationality, language or religion.³⁸⁰

When arriving to prison or the police facility, detainees shall, without delay, be informed about their rights and obligations and the conditions in the facility. The information shall be available in the most commonly used languages in accordance with the needs of the detainees in the facility.³⁸¹ The guidelines regarding the treatment of persons in police custody issued by the National Police Board provide that detained persons shall be provided with the rules of the police facility in question as well as the guidelines referred to here. If said documents are not available in the language used by the detainee, interpretation shall be used, where needed.³⁸²

In addition, foreign detainees shall be informed of their possibilities to contact the diplomatic mission of their country in accordance with the Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody. The right of remand prisoners to contact their diplomatic mission may nevertheless be restricted in accordance with the Coercive Measures Act. As specified in the relevant Acts, postal items addressed by detainees to a diplomatic or consular mission shall be forwarded without delay.³⁸³

b. Interpretation and translation

Where possible, foreign detainees shall be provided with interpretation services, pursuant to the Imprisonment Act, the Remand Imprisonment Act, and the Act on Treatment of Persons in Police Custody.³⁸⁴

³⁸⁰ 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; 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.

³⁸¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 3; 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 2, section 3.

³⁸² Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilyttämien henkilöiden kohtelu* [Treatment of persons in police custody], guidelines, 2020/2013/5490, 1 April 2014.

³⁸³ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 4 and Chapter 13, section 15; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 3 and Chapter 9, section 12; 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 2, section 3 and Chapter 7, section 6.

³⁸⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 3; 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 2, section 3.

c. NPM assessment

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Police prisons

Information on rights and obligations. [...]

Based on what the detainees interviewed in the police prisons visited said, it seemed that there were deficiencies in providing information on the rights and obligations.

– The Helsinki Police Department reported that the person deprived of his or her liberty is given the prison rules on his or her arrival. The person is also told about the conditions in the detention facility orally and familiarised with the technical systems in the detention room. The informing of the person about the rights and obligations is always entered in the apprehension record. However, the guidance letter from the National Police Board has not been automatically given to each customer. At the time of the inspection visit, the prison rules were being translated into 17 different languages.

– The Eastern Uusimaa Police Department reported that a person who has been apprehended on the basis of an offence and has arrived in the police prison is given written information on the rules of the detention facility, his or her rights and obligations, and the daily programme. At the time of the visit, the forms were available only in Finnish. [...]

In the NPM visit report, the Ombudsman recommended that the Eastern Uusimaa Police Department ensure the availability of the information to detainees in Vantaa police prison not only in Finnish but also in the other languages most commonly spoken by persons detained in the police prison.

– The Police Department informed the Ombudsman that the rights and obligations of persons deprived of their liberty had been available in the police prison in 21 different languages at the time of the inspection visit. Police custodial officers have been instructed to inform those deprived of their liberty of them. According to the Police Department, the rules of the police prison in their entirety are also available in the domestic languages and in English.³⁸⁵

Oikeuksista ja velvollisuuksista ilmoittaminen. [...]

Myös kertomusvuonna tarkastetuissa poliisivankiloissa haastateltujen vapautensa menettäneiden kertoman perusteella vaikutti siltä, että oikeuksista ja velvollisuuksista ilmoittamisessa oli puutteita.

– Helsingin poliisilaitos ilmoitti, että vapautensa menettäneelle annetaan tulovaiheessa järjestyssääntö. Hänelle kerrotaan myös suullisesti säilytystilan olosuhteista ja hänet perehdytetään säilytyshuoneen teknisten järjestelmien käyttöön. Oikeuksista ja velvollisuuksista kertominen kirjataan aina kiinniottopöytäkirjaan. Sen sijaan Poliisihallituksen ohjauskirjettä ei ole automaattisesti jaettu jokaiselle asiakkaalle. Järjestyssääntö oli tarkastusajankohtana käännettävänä 17 eri kielelle.

³⁸⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 87–88.

– Itä-Uudenmaan poliisilaitos ilmoitti, että poliisivankilaan saapuneelle rikosperusteisesti kiinniotetulle annetaan kirjallisesti tietoa säilytystilan järjestyssäännöistä, hänen oikeuksistaan ja velvollisuuksistaan sekä päiväohjelmasta. Tarkastushetkellä lomakkeita oli ainoastaan suomenkielisinä. [...]

OA suositti tarkastuspöytäkirjassa Itä-Uudenmaan poliisilaitosta viipymättä huolehtimaan siitä, että Vantaan poliisivankilassa on saatavilla vapautensa menettäneille tietoa molempien kansalliskielten lisäksi myös muillakin yleisimmillä kielillä, joita poliisivankilassa säilytettävät käyttävät.

– Poliisilaitos ilmoitti oikeusasiamiehelle, että poliisivankilassa on ollut tarkastushetkellä saatavilla vapautensa menettäneiden oikeudet ja velvollisuudet 21 eri kielellä. Vartijoita on ohjeistettu näistä ilmoittamaan vapautensa menettäneille. Lisäksi poliisivankilan järjestyssääntö on poliisilaitoksen mukaan kokonaisuudessaan saatavilla kotimaisten kielten lisäksi englannin kielellä.³⁸⁶

Prisons

Treatment of foreign prisoners. At the time of the inspection, there were 10 foreign prisoners at the prison, five of whom were interviewed with an interpreter. The interviews created the impression that the prisoners would have needed more interpretation assistance than they had received. They had also not applied for video meetings (via Skype) to maintain family relations. The reason for this was that the video meetings were only available at times when family members were at work and school. This also applied to other prisoners.³⁸⁷

Ulkomaalaisten vankien kohtelu. Tarkastusajankohtana vankilassa oli 10 ulkomaalaista vankia, joista viittä haastateltiin tulkin välityksellä. Haastatteluiden perusteella jäi vaikutelma, että vangit olisivat tarvinneet enemmän tulkkia kuin mitä he olivat saaneet. He eivät myöskään hakeneet tapaamisia videoyhteyden välityksellä (skype-tapaaminen) perhesuhteiden ylläpitämiseksi. Syynä tähän oli se, että yhteyden käyttö oli ajoitettu sellaisiin ajankohtiin, jolloin läheiset olivat töissä ja koulussa. Tämä koski myös muita vankeja.³⁸⁸

Using interpretation and translation services. The Deputy-Ombudsman considered that attention should be paid to access to information in prison, especially when prisoners arrive. The prison's rules of procedure and guidebook for new prisoners had only been translated into English and Russian. However, many of the foreign prisoners do not speak English at all or only poorly. Interviews with foreign prisoners revealed that interpretation and translation services in general were used little at the prison. It did not seem appropriate that prisoners had to use a fellow prisoner to help with interpreting or finding out answers in Finnish.³⁸⁹

Tulkki- ja käännöspalvelujen käyttäminen. AOA katsoi, että erityisesti vankien saapumisvaiheessa tulee kiinnittää huomiota tiedon saantiin vankilaan. Vankilan järjestyssääntö ja tulo-opas oli käännetty vain

³⁸⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 91–92.

³⁸⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 92.

³⁸⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 95.

³⁸⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 93.

englannin ja venäjän kielelle. Monet ulkomaalaisista vangeista eivät kuitenkaan osaa englantia tai heidän taitonsa on heikko. Ulkomaalaisvankien haastatteluissa tuli ilmi, että ylipäänsä tulkki- ja käännöspalveluja käytettiin vankilassa vähän. Vankitoverin käyttäminen apuna tulkkauksessa tai suomenkielisten vastausten selvittämisessä ei vaikuttanut asianmukaiselta.³⁹⁰

Consultations with NPM members

According to consultees, prisons make efforts to consider the needs of prisoners of foreign nationality in detention. For instance, after remarks by the NPM, prisons have acquired TV-channels in multiple languages. The same applies to library books. Certain individualised arrangements are also being made. The increased use of Skype has also been a welcomed development for particularly detainees of foreign nationality.

However, areas of improvement were also identified, particularly regarding the right to information and interpretation. For example, foreign prisoners are not consistently provided with a prison entry guide, or otherwise explained basic information regarding their rights and obligations. Explaining the information verbally is important particularly regarding detainees who are illiterate. The consultees were even aware of situations where prisoners have been imposed disciplinary punishment for unintended rule violations due to a lack in informing (e.g., prohibition of giving personal belongings to other inmates). Interpreters are rarely used, as indicated by information regarding resources allocated to interpretation services by prisons, occasionally requested by the NPM. Interpretation is, however, used in health care and other specialist services.

The consultees noted that during inspections, the NPM aims to interview foreign nationals, especially those who do not share a language with the prison staff. If needed, the NPM uses an interpreter. Foreign nationals participate less frequently in NPM surveys (conducted in Finnish, Swedish and English), whereby interviews are an important means of getting their voice heard.

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

The minimum age of criminal responsibility in Finland is 15. However, according to the Criminal Code, a sentence of unconditional imprisonment shall not be imposed for an offence committed by a person under 18 years of age, unless there are serious reasons for this. The placement of the perpetrator in a child welfare institution, pursuant to the Child Welfare Act, shall be taken into account as an alternative.³⁹¹

In prisons, remand prisons and police detention units, the requirement to separate minors from adults covers detainees between the age of 15 and 17, that is, prisoners who are younger than 18 years of

³⁹⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 96.

³⁹¹ Finland, [Criminal Code \(rikoslaki/strafflag\)](#), Act No. 39/1889, Chapter 3, section 4(1) and Chapter 6, section 9(2); Child Welfare Act ([lastensuojelulaki/barnskyddslag](#)), Act No. 417/2007, section 57.

age.³⁹² Regarding both minors and young adults, the Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody also provide that 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.³⁹³

b. General measures for detained children and young adults

The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody provide that all detained persons shall be treated with justice and respect for their human dignity. Discrimination, e.g., on the basis of age is prohibited. 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.³⁹⁴

All three Acts also provide for separation of children and young detainees below the age of 18 from adult detainees (see below section 13 c).

Upon arrival in prison, remand prisoners under 18 years of age shall be provided with information about the prison conditions and their rights and obligations in writing in their own language, if this language is Finnish or Swedish, and in other cases in a language that they understand.³⁹⁵ The same applies to detainees under 18 years of age in police custody.³⁹⁶

A physician or another healthcare professional shall, upon request, conduct an examination on a remand prisoner under 18 years of age to determine the remand prisoner's state of health without undue delay, unless this is manifestly unnecessary.³⁹⁷ The same applies to detainees under 18 years of age in police custody.³⁹⁸

The Prison and Probation Service has issued guidelines (1/004/2017) concerning minor detainees (below the age of 18) in prisons and remand prisons.³⁹⁹ Placement in prison and all prison activities should serve the best interest of the minor prisoner or remand prisoner. A minor detainee should be placed in a prison close to their place of residence, also in order to facilitate and maintain contacts with the parents

³⁹² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 8 and 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).

³⁹³ 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).

³⁹⁴ 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.

³⁹⁵ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 3.

³⁹⁶ 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 2, section 3.

³⁹⁷ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 6, section 1(5).

³⁹⁸ 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.

³⁹⁹ Finland, Prison and Probation Service ([Rikosseuraamuslaitos/Brottsförvaldningstjänsten](#)), [Alaikäinen vanki](#) [Minor detainee], guidelines, 1/004/2017, 13 June 2017.

and close ones. They are to be placed in separate wards and activities from adult detainees. Exceptions can be made, however, based on an individual assessment and when it is in the best interest of the minor detainee. For example, in cases where there is only one or few minor detainees in a prison, in order to reduce isolation, it is in their interest that they participate in selected activities together with adult prisoners, under the supervision and guidance of the prison staff.

In Finland, compulsory education applies to all 6–18-year-olds. After nine years of basic education there is general or vocational upper secondary education.⁴⁰⁰ According to the Imprisonment Act, a prisoner who has not completed the basic education syllabus shall be given an opportunity to do so.⁴⁰¹ The guidelines (1/004/2017) issued by the Prison and Probation Service emphasise the possibility of school-age detainees to go to school or study. The municipality where a prison is situated has a duty to provide basic education for underage and young detainees.⁴⁰² However, both the Prison and Probation Service and the Parliamentary Ombudsman have reported that municipalities have had difficulties in arranging basic education for school-age prisoners and remand prisoners, due to lack of suitable personnel and financial resources. For example, it has not always been possible to arrange contact teaching in the prison premises, and independent studying, without support, is challenging for many young detainees.⁴⁰³

c. Separation from adults

Prisoners and remand prisoners below 18 years of age must be placed in prisons and in wards where they can be kept separate from adult prisoners unless their best interest requires otherwise.⁴⁰⁴ 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.⁴⁰⁵ The same standards apply to young detainees in police custody.⁴⁰⁶

According to the Remand Imprisonment Act, a remand prisoner who attains the age of 18 years while on remand may still be kept separate from other adult remand prisoners, if this is justified considering their personal circumstances. A remand prisoner who has attained the age of 18 may be kept in the

⁴⁰⁰ Finland, Compulsory Education Act ([oppivelvollisuuslaki/läropliktslag](#)), Act No. 1214/2020, section 2.

⁴⁰¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 8.

⁴⁰² Finland, [Basic Education Act \(perusopetuslaki/lag om grundläggande utbildning\)](#), Act No. 628/1998; Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Alaikäinen vanki](#) [Minor detainee], guidelines, 1/004/2017, 13 June 2017.

⁴⁰³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [EOAK/4760/2020](#), 23 March 2022; Muurinen, T. (2021), [Alaikäiset ja nuoret vangit](#) [Minors and young detainees], Prison and Probation Service report 5/2021, p. 43, 47, 52–53; Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*) (2022), [‘Oppivelvollisuuden laajeneminen tuo uusia mahdollisuuksia ja velvollisuuksia vankiloihin’](#) [Extension of compulsory education means new opportunities and responsibilities in prisons], Press release, 25 February 2022.

⁴⁰⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 8 and Chapter 5, section 2, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1 and Chapter 14, section 3; Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförvaldning*), [Alaikäinen vanki](#) [Minor detainee], guidelines, 1/004/2017, 13 June 2017.

⁴⁰⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 5(3) and [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 1, section 5(3).

⁴⁰⁶ 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 1, section 4(3), Chapter 3, section 1(1) and Chapter 14, section 3.

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.⁴⁰⁷

With the exception of the above provision in the Remand Imprisonment Act, which only concerns prisoners on remand, the standards on separation of children and young detainees from adults are similar for pre-trial and post-trial detention as well as for closed and open prisons.

The Parliamentary Ombudsman has during prison inspections as well as investigations at their own initiative addressed the situation of prisoners and remand prisoners under 18 years of age and their separation from adult prisoners.⁴⁰⁸ Among the key findings were that there are not enough prison premises specifically designed for detainees who are minors. Also, it may be difficult to keep separate premises reserved for minor detainees only, because the average number of minors in prisons and remand prisons simultaneously has been small (varying between 5–10 persons). Considering their small numbers, a separate prison for minors only is not in their best interest.

The Prison and Probation Service has also assessed the situation of minors in prisons and remand prisons and has taken a decision to reorganize prison places.⁴⁰⁹ Starting from 2022, new, separate wards or places in wards for young detainees have been established for minor prisoners and remand prisoners in various parts of the country.⁴¹⁰

d. NPM assessment

[National Preventive Mechanism Report 2021](#)

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Police prisons

The Ombudsman stated that minors belong to the vulnerable group that should always be reported to a health care professional so that the professional can visit the minor who has been deprived of his or her liberty. Apparently, this was not possible in Vantaa, as a health care professional visited the police prison only twice a week. The Ombudsman found this problematic.⁴¹¹

OA totesi, että alaikäiset kuuluvat siihen haavoittuvaan ryhmään, josta tulisi aina ilmoittaa myös terveydenhuollon ammattihenkilölle, jotta tällä olisi mahdollisuus käydä tapaamassa alaikäistä

⁴⁰⁷ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1(3).

⁴⁰⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [EOAK/4760/2020](#), 23 March 2022; and [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#) [Annual report 2022], p. 189–190.

⁴⁰⁹ Muurinen, T. (2021), [Alaikäiset ja nuoret vangit](#) [Minors and young detainees], Prison and Probation Service report 5/2021.

⁴¹⁰ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*), [Päätös vankipaikkojen valtakunnallisesta jakautumisesta](#) [decision concerning prison places throughout the country], 12/280/2021, 22 November 2021, and Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*) (2023), [‘Development of the Prison and Probation Service of Finland focused on underage, young and female prisoners in 2022’](#), Press release, 2 March 2023. Reinikainen, M., Käkälä, H. (2023), [Alaikäiset ja nuoret vangit tärkeänä kehittämistyön painopisteenä Rikosseuraamuslaitoksessa](#) [The development of the Prison and Probation Service focuses on underage and young detainees], blog, 13 February 2023.

⁴¹¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 88.

vapautensa menettänyttä. Tähän ei ilmeisesti ollut mahdollisuuksia Vantaalla, koska siellä kävi terveydenhuollon ammattihenkilö vain kahdesti viikossa. OA piti tätä ongelmallisena.⁴¹²

Consultations with NPM members

Consultees emphasised that the low number of minor detainees presents challenges in arranging meaningful activities and ensuring social interaction. In one prison, for example, there had been only one minor detainee; the detainee had access to TV and console, but no other meaningful activities or interaction with other inmates. The NPM was also aware of the occurrence of violence or mistreatment between minors or young detainees and emphasised the importance of constant supervision.

Efforts are made to facilitate basic education for children and young detainees. However, municipalities responsible for arranging such education have faced difficulties in fulfilling their duties; in one prison, for instance, only one hour of classroom teaching was provided per week. Accordingly, concerns have been raised regarding the adequacy of educational opportunities for minor detainees. The NPM is currently investigating matters relating to the completion of compulsory education as an own initiative.

The NPM has drawn attention to, and is currently investigating, the placement of underage detainees in closed prisons.

In police prisons, where detainees are kept in one-person cells, there is no separate department for minor or young detainees. There are also no special cells for minors. The NPM has recommended that minor detainees are visited by a health care professional upon arrival to police prison. Consultees were not convinced that police prisons, other than the Helsinki police prison, follow the recommendation.

The measures provided for children and young detainees are not aimed at punishment. Rather, the authorities might be almost overly protective, in some cases leading to excessive separation from others.

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody provide that detainees shall be treated with justice and respect for their human dignity. In addition, detainees must not be discriminated against based on personal characteristics such as disability.⁴¹³

⁴¹² Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 93.

⁴¹³ 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; 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; 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. 170–171.

There are few national standards regarding the special needs of persons with disabilities or other serious medical conditions, other than the provisions examined in section 8 of this report. However, the relevant Acts provide that detainees using sign language or requiring interpretation services due to a disability shall be provided with the necessary interpretation and translation services.⁴¹⁴ Such services should be provided at least to the extent that the detainee understands the information about their rights and obligations and the conditions in the prison or police facility that must be provided to all detainees upon arrival.⁴¹⁵

When it comes to mental health related medical conditions, prisoners shall be given an opportunity for counselling, support and treatment given by a psychologist or another mental health professional, pursuant to the Imprisonment Act.⁴¹⁶ In its concluding observations on the eighth periodic report of Finland, the Committee against Torture noted its concern about reports that, in a number of places of deprivation of liberty, health care services, in particular mental health services, remain inadequate.⁴¹⁷

b. Continuity of care

As noted above in section 8 e, the Imprisonment Act provides that detainees who suffer from a substance abuse problem or 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, where they can participate in substance abuse rehabilitation or other goal-oriented activities improving their potential to cope.⁴¹⁸ Prisoners shall be provided with support in social rehabilitation; maintenance of contacts with their close relatives and other close persons; and attendance to matters relating to their accommodation, work, subsistence, social benefits and social services.⁴¹⁹

c. Reasonable accommodation and accessibility

The UN Convention on the Rights of Persons with Disabilities was ratified by Finland in 2016 and brought into force by law the same year.⁴²⁰ The requirement of reasonable accommodation, defined in Article 2 of the Convention, is thus legally binding as such. The requirement is regulated in the Non-

⁴¹⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 3; 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 2, section 3.

⁴¹⁵ Finland, 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. 148.

⁴¹⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 5.

⁴¹⁷ United Nations (UN), Committee against Torture (CAT) (2024), [Concluding observations on the eighth periodic report of Finland](#), adopted by the Committee at its seventy-ninth session (15 April – 10 May 2024), advance unedited version, para. 22.

⁴¹⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 8, section 9.

⁴¹⁹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 10, section 6.

⁴²⁰ Finland, enforcement Act of the UNCRPD ([laki vammaisten henkilöiden oikeuksista tehdyn yleissopimuksen ja sen valinnaisen pöytäkirjan lainsäädännön alaan kuuluvien määräysten voimaansaattamisesta/lag om sättande i kraft av de bestämmelser som hör till området för lagstiftningen i konventionen om rättigheter för personer med funktionsnedsättning och dess fakultativa protokoll](#)), Act No. 373/2015.

Discrimination Act, according to which the denial of reasonable accommodation constitutes discrimination.⁴²¹

Related matters are addressed in the non-discrimination plan of the Prison and Probation Service (pre-trial and post-trial detainees).⁴²² According to the plan, reasonable accommodation must be made to ensure that detainees with disabilities are able to, equally with others, deal with the authorities and gain access to education, work and services. The non-discrimination plan addresses the matter of accessibility. Among other things, it provides that facilities should consider installing wheelchair ramps and placing alarm systems on a suitable height.

The Parliamentary Ombudsman has drawn attention to matters relating to accessibility as well as equal opportunities for disabled prisoners to participate in prison activities. During inspections the Deputy-Parliamentary Ombudsman has noted that the placement of disabled prisoners in accessible cells in an arrival-department, where the other prisoners are placed only temporarily and who do not participate in prison activities, should not result in the disabled prisoners being unable to participate in such activities. The Ombudsman found it problematic if the placement of accessible cells leads to prisoners being held in conditions more closed and isolated than what is required by order and safety. It was also found during the inspection that the alarm button was placed on such a height, that it was not possible to reach from the bed or, for example, from the floor.⁴²³ The Ombudsman has drawn attention to the lack of induction loops for persons with hearing impairments.⁴²⁴

The Parliamentary Ombudsman has recently issued a decision on a complaint concerning a person with paraplegia who had been transported without a wheelchair to a police prison, where the facilities were not accessible. It was found that the treatment of the complainant violated their human dignity and the rights guaranteed by the Finnish Constitution, the European Convention on Human Rights and the UN Convention on the Rights of Persons with Disabilities. The deficiencies noted by the Ombudsman included lack of access to the toilet; having meals on the floor; insufficient supervision; and the refusal of reasonable accommodation. The police department in question was issued a reprimand regarding said deficiencies. The National Police Board was requested to prepare a statement, based on reports obtained from each police prison in Finland, on how police prisons are accommodated for people with disabilities and reduced mobility and how they are prepared for arranging reasonable accommodation. The National Police Board was requested to consider issuing instructions on these matters. The Ombudsman proposed that the State of Finland compensate the complainant for any violations committed against them (as of April 2024, the complainant has been compensated, please see comments from consultations below).⁴²⁵

⁴²¹ Finland, [Non-Discrimination Act \(yhdenvertaisuuslaki/diskrimineringslag\)](#), Act No. 1325/2014, sections 15 and 8(2).

⁴²² Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållingsmyndigheten*) (2015), [Rikosseuraamuslaitoksen vankeja ja yhdyskuntaseuraamusasiakkaita koskeva yhdenvertaisuus- ja tasa-arvosuunnitelma](#), [Prison and Probation Service non-discrimination and equality plan concerning persons serving a prison sentence or a community sanction] Rikosseuraamuslaitos.

⁴²³ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [EOAK/2449/2019](#), 6 November 2019.

⁴²⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [EOAK/6206/2017](#), 23 February 2018.

⁴²⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [EOAK/151/2023](#), 24 January 2024. See also Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*) (2024), '[The human dignity of a disabled person was violated in police prison](#)', Press release, 8 February 2024.

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Kylmäkoski Prison

The accessible toilet in the corridor of the prison's meeting rooms had been converted into a urine sampling room and was no longer suitable for its original use after the changes. According to the Deputy-Ombudsman, a prison cannot decommission an accessible toilet originally constructed in accordance with regulations and instructions and change its intended use for another purpose entirely, pleading to its minor need for use.

The Deputy-Ombudsman found that the prison had weakened the realisation of the rights of persons with reduced mobility by making this change. The Deputy-Ombudsman required that the necessary measures be taken to rectify the situation.⁴²⁶

Kylmäkosken vankila

Vankilan tapaamistilojen käytävällä ollut inva-wc oli muutettu virtsanäytteenottotilaksi, eikä se enää muutosten jälkeen soveltunut alkuperäiseen käyttötarkoitukseensa. AOA:n mukaan vankila ei voi poistaa käytöstä alun perin määräysten ja ohjeiden mukaisesti rakennettua inva-wc:tä ja muuttaa sen käyttötarkoitusta kokonaan toiseen tarkoitukseen vedoten sen vähäisen käyttötarpeeseen.

Apulaisoikeusasiamies totesi vankilan heikentäneen kyseisellä muutoksella liikuntaesteisten henkilöiden oikeuksien toteutumista. AOA edellytti, että asiassa tulee ryhtyä tarvittaviin toimenpiteisiin tilanteen korjaamiseksi.⁴²⁷

Turku Police Prison

The Ombudsman found the construction of accessible cells in connection with renovations a positive matter in itself. The Ombudsman recommended that the police department commission an accessibility survey, which would assess the accessibility of accessible cells and their suitability for shorter and/or longer-term stay in general, and that the police department take appropriate measures to improve the level of equipment in accessible cells.

The police department announced that it would commission an accessibility survey for the accessible cells. As a result of the observations made during the visit and the measures taken by the police department, the Ombudsman noted that the visit did not give him cause for further measures (4771/2022).

During a visit to the prison hospital, the Deputy-Ombudsman encouraged the healthcare services for prisoners to be active in making prisoners' living and activities as accessible and available as possible, so that prisoners with a more severe disability could handle everyday life in the prison independently. The

⁴²⁶ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 60–61.

⁴²⁷ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 66–67.

Deputy-Ombudsman emphasised the importance of accessibility when planning the facilities of the new hospital so that prisoners who have disabilities or are older are also taken into account (2555/2022).⁴²⁸

Turun poliisivankila

Oikeusasiamies piti inva-sellien rakentamista peruskorjausten yhteydessä sinänsä positiivisena asiana. Oikeusasiamies suositti, että poliisilaitos teettäisi esteettömyyskartoituksen, jossa arvioitaisiin inva-sellien esteettömyyttä ja ylipäänsä soveltuvuutta lyhyt- ja/tai pitkäkestoisempaan säilytykseen ja että poliisilaitos ryhtyisi tarvittaviin asianmukaisiin toimenpiteisiin inva-sellien varustelutason parantamiseksi.

Poliisilaitos ilmoitti teettävänsä inva-selleihin ns. esteettömyyskartoituksen. OA totesi tarkastushavaintojen ja poliisilaitoksen toimenpiteiden johdosta, ettei tarkastus ollut antanut hänelle aihetta enempiin toimenpiteisiin (4771/2022*).

Vankisairaalan tarkastuksella AOA kannusti vankiterveydenhuoltoa olemaan aktiivinen siinä, että myös vankilan puolella vankien asuminen ja toiminnot saataisiin mahdollisimman esteettömiksi ja saavutettaviksi, jotta myös vaikeammin toimintarajoitteisilla vangeilla olisi mahdollisuus suoriutua vankilan arjesta omatoimisesti. AOA korosti esteettömyyden merkitystä uuden sairaalan tiloja suunniteltaessa, jotta myös vammaiset ja ikääntyneet vangit ja heidän tarpeensa tulevat huomioonotetuksi (2555/2022*⁴²⁹).

Consultations with NPM members

According to the consultees, old prisons are not accessible. Instances were reported where prisoners using wheelchairs were unable to participate in prison activities or dine with others, due to the prison's lack of accessibility. In new prisons, matters of accessibility are better considered. For example, the new Kerava open prison has a separate accommodation ward for people with reduced mobility. The NPM was invited to participate in the planning stage of the accommodation ward and recommended the authorities to consult third parties with knowledge of accessibility. For example, the Finnish Association of People with Physical Disabilities was consulted when planning the ward for people with reduced mobility in Kerava prison.⁴³⁰ In general, the NPM consultees emphasised the need to consider disability when deciding on allocation to prison.

Police prisons rarely have cells that are truly accessible. During inspections, the NPM has observed shortcomings, such as poorly placed alarm buttons, in cells that are meant to be accessible. A further challenge concerns situations where only one guard is present and a disabled persons needs help, as guards are prohibited from entering cells alone. Reference was also made to the recent decision by the Parliamentary Ombudsman on a complaint (discussed above in section 14 c), where a person with paraplegia had been transported, without a wheelchair, to a police prison where the facilities were not accessible. Following the complaint, the means of improving the situation in police prisons is now

⁴²⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 61.

⁴²⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 67.

⁴³⁰ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjldsmyndigheten*) (2020), ['New Kerava Open Prison introduces 40 additional prisoner places and modern practices'](#), Press release, 16 September 2020.

assessed. According to the consultees, the complainant has now received compensation from the State Treasury.

The NPM has also been concerned about the support received by persons with mental health related conditions in prisons and initiated an investigation on the matter. According to the consultees, many detainees would require mental health related services. However, receiving care by a psychiatrist is often challenging, and the only option might be placement in a prison hospital for psychiatric care. Consultees pointed out that on an inspection to the psychiatric hospital in Turku prison, a significant number of empty spaces was observed. This was surprising, considering the poor state of mental health and need of care by many prisoners. The consultees emphasised that the placement of persons suffering from serious mental health conditions in prisons is difficult and harmful for both the individuals themselves, as well the other detainees and prison staff.

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

LGBTI prisoners are addressed in the non-discrimination and equality plan of the Prison and Probation Service, covering pre-trial and post-trial detainees.⁴³¹ 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.⁴³²

The Prison and Probation Service has noted in its guidelines on the allocation of persons who have gone through or are in the process of gender reassignment, that when it comes to transgender detainees, providing an own cell and toilet should be considered. Transgender detainees 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 transgender detainees in prison activities. However, a decision not to place the detainee in activities together with other detainees may only be based on a real threat regarding the safety of the detainee or the detainee's own wish.⁴³³

⁴³¹ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjaldsmyndigheten*) (2015), [Rikosseuraamuslaitoksen vankeja ja yhdyskuntaseuraamusasiakkaita koskeva yhdenvertaisuus- ja tasa-arvosuunnitelma](#), [Prison and Probation Service non-discrimination and equality plan concerning persons serving a prison sentence or a community sanction] Rikosseuraamuslaitos.

⁴³² Finland, information obtained via email from the National Police Board (*Poliisihallitus/Polisstyrelsen*) on 23 February 2024.

⁴³³ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförjaldsmyndigheten*), [Sukupuolen korjausprosessin läpikäyneen ja korjausprosessissa olevan henkilön sijoittaminen Rikosseuraamuslaitoksessa](#) [Allocation of transgender detainees in the Prison and Probation Service], guidelines, 8/004/2018, 21 February 2019.

b. Protection of trans detainees

Provisions regarding the allocation of transgender prisoners were included in the Imprisonment Act and the Remand Imprisonment Act in 2023. Remand prisoners and post-trial prisoners whose gender has been legally recognised shall be placed in an accommodation ward in accordance with their recognised gender. Said principle may nevertheless be derogated from if protecting the safety of the detainee or another person so requires.⁴³⁴ A decision to derogate from the main rule is made based on a comprehensive consideration of the circumstances, most importantly the safety of the detainee that is to be allocated. It might also be necessary to consider the security, or perception of it, of cisgender female detainees.⁴³⁵

As noted above, the question of allocating detainees who have gone through or are in a process of gender reassignment is addressed in the Prison and Probation Service guidelines, issued prior to the legislative amendments. It provides that if a person is in the process of gender affirmation, the person will be met as being of the gender that the treatment affirms. The guidelines further note that when it comes to allocating persons who undergo such treatment, the location of the care unit in relation to the intended placement facility must be considered to the extent possible, in order not to hinder the treatment process.⁴³⁶

c. Protection of other vulnerable detainees

In general, there are no specific measures for groups of detainees other than the ones examined above. It may be noted, however, that in addition to women and underage prisoners, as well as prisoners who constitute a safety threat, there are separate departments for persons sentenced for sex crimes as well as persons serving a conversion sentence (i.e., when an unpaid fine is converted into imprisonment). The aim of separate departments is to provide rehabilitation services in a safe environment.⁴³⁷ Indeed, particularly sex offenders are exposed to violence from other detainees, would they not be accommodated separately (please see comments from consultations below). Furthermore, all remand prisoners and post-trial prisoners who have reasonable grounds to believe that their personal safety is at risk shall be given the opportunity for accommodation separate from other prisoners.

⁴³⁴ Finland, [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 3, section 1(5); [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 5, section 1(4).

⁴³⁵ Finland, Government bill HE 189/2022 vp ([hallituksen esitys eduskunnalle laiksi sukupuolen vahvistamisesta ja siihen liittyviksi laeiksi/regeringens proposition till riksdagen med förslag till lag om könsfastställelse och till lagar som har samband med den](#)), p. 103.

⁴³⁶ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*), [Sukupuolen korjausprosessin läpikäyneen ja korjausprosessissa olevan henkilön sijoittaminen rikosseuraamuslaitoksessa](#) [Allocation of transgender detainees in the Prison and Probation Service], guidelines, 8/004/2018, 21 February 2019.

⁴³⁷ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottspåföljdsmyndigheten*) (2024), '[Vankipaikkauudistuksella vaikutuksia suljettuihin vankiloihin – seksuaalirikoksista tuomittujen ja sakkovankien vankipaikat keskitetään](#)' [Reform impacts closed prisons — allocation of persons sentenced for sex crimes or serving a conversion sentence will be centralised], Press release, 16 February 2024.

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Prisons

Surveys of staff and prisoners of Naarajärvi prison. The staff were separately asked whether prisoners requiring special support had been identified in the prison and whether sufficient attention was paid to them. Almost one half of the respondents were of the opinion that such prisoners had been only partly identified and paid attention to. [...] The answers of both the prisoners and the staff revealed observations of a racist and discriminatory attitude especially towards prisoners with a foreign background, prisoners with mental health problems and Roma prisoners. Based on the responses, the prisoners also had doubts about whether the prison intervened in such cases.⁴³⁸

Naarajärven vankilan henkilökunnan ja vankien kyselyt. Henkilökunnan vastauksissa pidettiin vankiterveydenhuollon resursseja liian vähäisinä. Henkilökunnalta kysyttiin erikseen sitä, onko erityistä tukea tarvitsevat vangit tunnistettu vankilassa ja huomioidaanko heitä riittävästi. Lähes puolet vastaajista oli sitä mieltä, että nämä oli vain osittain tunnistettu ja huomioitu. [...] Sekä vankien että henkilökunnan vastauksissa tuotiin esille havaintoja rasistisesta tai syrjivästä suhtautumisesta erityisesti ulkomaalaistaustaisiin ja mielenterveysongelmista kärsiviin vankeihin sekä romanivankeihin. Vangeilla oli myös vastausten perusteella epäilyjä siitä, puututaanko vankilassa näihin tapauksiin.⁴³⁹

Treatment of Roma prisoners. During the inspections, claims were made that Roma prisoners were not given the possibility to live in a ward where prisoners work or study. The issue hinged on how other prisoners in these wards react to Roma prisoners. The Deputy-Ombudsman considered it necessary to monitor the placement of Roma prisoners in wards. If necessary, measures should be taken to ensure that such issues do not prevent prisoners belonging to minorities from being placed to specific wards. The responses of the anonymous prisoners' survey revealed that racist comments or comments otherwise degrading Roma prisoners had been made by both prisoners and staff members. The Deputy-Ombudsman stated that the prison should consider procedures for intervening in discriminatory language and attitudes.⁴⁴⁰

Romanivankien kohtelu. Tarkastuksen aikana esitettiin väitteitä, että romanivankien ei ole mahdollista päästä asumaan sellaiselle osastolle, josta vangit käyvät työssä tai jolla vangit opiskelevat. Kyse oli siitä, miten muut vangit näillä osastoilla suhtautuvat romanivankeihin. AOA piti tarpeellisenä, että romanivankien osastosijoittelutilannetta seurataan. Tarvittaessa tulisi ryhtyä toimenpiteisiin, jotta kyseisen kaltaiset syyt eivät vaikuta vähemmistöihin kuuluvien vankien osastosijoitteluun. Vankien antamissa vastauksissa nimettömään kyselyyn ilmeni, että sekä vankien että henkilökunnan taholta olisi esitetty romanivangista rasistisia tai muuten halventavia kommentteja. AOA:n mukaan myös syrjivään kielenkäyttöön ja asenteisiin puuttumiseksi on syytä miettiä toimintamalleja.⁴⁴¹

⁴³⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2021](#), p. 96.

⁴³⁹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#), p. 100–101.

⁴⁴⁰ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 93.

⁴⁴¹ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#), p. 97.

Consultations with NPM members

No special measures provided for persons in vulnerable situations came up during the consultations. Surveys conducted by the NPM have shown that persons openly belonging to the LGBTI community face psychological violence and name-calling by other detainees, and to a certain degree also by prisons staff. The consultees were also aware of individual cases where detainees belonging to the LGBTI community had requested being placed separate from other prisoners, in fear of their personal safety. Occasionally, they had even requested transferral to a travel cell, if no other cells were available. In police prisons the challenges related to detainees in vulnerable situations are not as severe, due to minimal interaction between detainees.

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

Finland began its systematic work on the prevention of violent radicalisation and extremism in 2012, when the first National Action Plan for the Prevention of Violent Radicalisation and Extremism was adopted by the Ministry of the Interior, responsible for coordinating the prevention of violent radicalisation and extremism nationally. The most recent National Action Plan is for the period 2019–2023.⁴⁴² It includes a chapter regarding radicalisation in prisons, presenting measures for the prevention of radicalisation and reducing threats connected with released prisoners. The implementation of the measures is assessed annually in a report published by the Ministry of the Interior. The latest annual report covers the year 2022.⁴⁴³ The fourth updated Action Plan is due to be completed in autumn 2024.⁴⁴⁴

While there are no express legal standards regarding the prevention of radicalisation in prison, preventing the commission of offences during imprisonment is part of the tasks of the Prison and Probation Service in accordance with the Imprisonment Act. Accordingly, such prevention also includes offences committed with a terrorist intent as criminalised in Chapter 34a of the Criminal Code.⁴⁴⁵

The Prison and Probation Service carried out a project on the identification of violent extremism and radicalisation in 2016–2018. The goal of the project was to develop methods through which radicalisation in prisons could be identified, as well as to train prison staff in implementing the developed methods. During the project, observations relating to radicalisation and violent extremism were made of more than 100 individuals, of which about 50 were serving a prison sentence. According to the project's final report, the exchange of information both within the Prison and Probation Service and with cooperating authorities had improved significantly during the project. An estimation of 400

⁴⁴² Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*) (2020), [National Action Plan for the Prevention of Violent Radicalization and Extremism 2019–2023](#), Publications of the Ministry of the Interior 2020:3.

⁴⁴³ Rantanen, J., Nykänen, H. (2023), [Vuosiraportti kansallisen väkivaltaisen radikalisoitumisen ja ekstremismin ennalta ehkäisyn toimenpideohjelman toimeenpanosta 2022](#) [Annual report 2022], Publications of the Ministry of the Interior 2023:32.

⁴⁴⁴ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*), [decision](#) VN/27315/2023, VN/27315/2023-SM-24, 16 April 2024.

⁴⁴⁵ Finland, [Criminal Code \(rikoslaki/strafflagen\)](#), Act No. 39/1889.

civil servants had received training in identifying radicalisation.⁴⁴⁶ In 2019, a total of seven Prison and Probation Service officials were appointed to work full-time to identify and prevent violent radicalisation in prisons.⁴⁴⁷

The Act on the Health Care Services for Prisoners provides that if there is reason to suspect that a prisoner poses a threat to prison order or safety, to the safety of the prisoner or the safety of other persons, the health care services may inform the Prison and Probation Service about the matter.⁴⁴⁸ As the health care professionals of the prison meet every prisoner upon their entry to prison and in connection with their normal health care duties, they may contribute to the prevention of radicalisation by referring prisoners to appropriate rehabilitation services and by informing the Prison and Probation Service of potentially radicalised prisoners.⁴⁴⁹

b. Risk assessments

When it comes to allocation, it is considered important to separate detainees who are believed to be in the process of radicalisation from each other. Efforts are made to separate persons who are considered potential radicalisers from other prisoners, particularly vulnerable prisoners. Prisoners who are actively radicalising others may be placed in more closed departments. Detainees considered as radicalised are not, however, fully separated from other detainees, for instance, by allocation in separate departments. In contrast, prisoners who are violent or pose a constant threat of using violence (violent extremists) are placed in high-security departments. Allocating potentially radicalised prisoners to open prisons should be subject to careful consideration.⁴⁵⁰

c. Training of staff

According to the National Action Plan (2019–2023), preventing violent radicalisation in prisons and interacting with released prisoners requires that sufficient and regular training is arranged for the staff.⁴⁵¹ In the annual report 2022 on the implementation of the action plan it was noted that during the reporting year several trainings were arranged for the Prison and Probation Service staff, which focused on, among other things, strengthening the competence relating to the identification of radicalisation. Expert-level civil servants participated in seminars and international events related to the topic.

⁴⁴⁶ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*) (2018), [Etelä-Suomen rikosseuraamusalueen projekti väkivaltaisen ekstremismin ja radikalisoitumisen tunnistamiseksi](#) [Prison and Probation Service, Region of Southern Finland project concerning identification of violent extremism and radicalisation].

⁴⁴⁷ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*) (2020), [National Action Plan for the Prevention of Violent Radicalization and Extremism 2019–2023](#), Publications of the Ministry of the Interior 2020:3.

⁴⁴⁸ Finland, Act on the Health Care Services for Prisoners ([laki Vankiterveyden yksiköstä/laq om Enheten för hälso- och sjukvård för fångar](#)), Act no 1635/2015, section 16.

⁴⁴⁹ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*), [National Action Plan for the Prevention of Violent Radicalization and Extremism 2019–2023](#), Publications of the Ministry of the Interior 2020:3, p. 60.

⁴⁵⁰ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*) (2018), [Etelä-Suomen rikosseuraamusalueen projekti väkivaltaisen ekstremismin ja radikalisoitumisen tunnistamiseksi](#) [Prison and Probation Service, Region of Southern Finland project concerning identification of violent extremism and radicalisation], p. 16; Rantanen, J., Nykänen, H. (2023), [Vuosisraportti kansallisen väkivaltaisen radikalisoitumisen ja ekstremismin ennalta ehkäisyn toimenpideohjelman toimeenpanosta 2022](#) [Annual report 2022], Publications of the Ministry of the Interior 2023:32, p. 22.

⁴⁵¹ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*) (2020), [National Action Plan for the Prevention of Violent Radicalization and Extremism 2019–2023](#), Publications of the Ministry of the Interior 2020:3, p. 61.

However, according to the report training has not been arranged actively in all parts of the country and the level of skills among the staff varies. Enhancing the competence of staff through training was mentioned as a key development goal for the year 2023.⁴⁵²

d. Deradicalisation measures

The annual report 2022 on the implementation of the National Action Plan describes rehabilitative measures in place for radicalised prisoners.⁴⁵³ The aim is to meet with every radicalised prisoner. Depending on the case, discussions may be held at regular intervals, with a purpose of identifying a need for change and to find ways to make change happen. If the prisoner is willing and motivated, a plan is made for a change in habits of life. It is recognized that persons vulnerable to radicalisation may simultaneously be vulnerable to other types of criminal activities. Accordingly, it is noted that different forms of rehabilitative measures, such as individual discussions, action programmes, education, work and other meaningful activities, can and should be used with radicalised prisoners, as with other prisoners.

There are no specific rehabilitation programmes in preparation of release in place for radicalised prisoners in Finland. According to the National Action Plan, however, those released from prison who have been placed under parole supervision may be subject to measures that reduce the potential terrorist threat associated with them.⁴⁵⁴

The National Action Plan calls for necessary cooperation between the relevant authorities in dealing with released prisoners. Upon the release of radicalised prisoners, the Prison and Probation Service provides information and cooperates with relevant authorities, including the prisoner's home municipality, so that the necessary support measures, provided by the municipality, can be planned.⁴⁵⁵

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Consultations with NPM members

According to the consultees, matters of radicalisation rarely come up in their work, as compared to, for instance, issues regarding organised crime and street gangs. In their assessment, discussions about radicalisation have decreased in recent years. Consultees were aware that the Prison and Probation

⁴⁵² Rantanen, J., Nykänen, H. (2023), [Vuosisraportti kansallisen väkivaltaisen radikalisoitumisen ja ekstremismin ennalta ehkäisyn toimenpideohjelman toimeenpanosta 2022](#) [Annual report 2022], Publications of the Ministry of the Interior 2023:32, p. 20.

⁴⁵³ Rantanen, J., Nykänen, H. (2023), [Vuosisraportti kansallisen väkivaltaisen radikalisoitumisen ja ekstremismin ennalta ehkäisyn toimenpideohjelman toimeenpanosta 2022](#) [Annual report 2022], Publications of the Ministry of the Interior 2023:32, p. 22.

⁴⁵⁴ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*) (2020), [National Action Plan for the Prevention of Violent Radicalization and Extremism 2019–2023](#), Publications of the Ministry of the Interior 2020:3, p. 60.

⁴⁵⁵ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*) (2020), [National Action Plan for the Prevention of Violent Radicalization and Extremism 2019–2023](#), Publications of the Ministry of the Interior 2020:3, p. 63.

Service had appointed seven persons to investigate radicalisation within prisons. One person from the Prison and Probation Service had also worked at the Parliamentary Ombudsman's office for six months, arranging training for the staff there. But this was already some time ago.

17. Inspections and monitoring

a. Inspections

Pursuant to the Parliamentary Ombudsman Act, the Parliamentary Ombudsman shall carry out the on-site inspections of public offices and institutions necessary to monitor matters within his or her remit, with a special task of carrying out inspections in prisons and other closed institutions to oversee the treatment of inmates.⁴⁵⁶ The Ombudsman is also the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).⁴⁵⁷ When pursuing its tasks as NPM, the Ombudsman inspects places where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (places of detention). The Ombudsman has the right to access all spaces and information systems of the place of detention, to have private discussions with persons deprived of their liberty, with the staff of the place of detention as well as with any other person who may supply information relevant to the visit.⁴⁵⁸

The frequency of inspections is not regulated in the Parliamentary Ombudsman Act, but they are regular.⁴⁵⁹ In 2022, for example, the office of the Parliamentary Ombudsman conducted 29 inspections as NPM. Additionally, three of the office's other inspections (in total, the Ombudsman conducted 76 inspections during 2022) were related to the task of the NPM, including visits to the National Police Board and to the Prison and Probation Service.⁴⁶⁰

b. Access to detention facilities by national authorities

The Parliamentary Ombudsman constitutes the national NPM, established under the OPCAT. It carries out inspections to detention facilities in accordance with its duties under the OPCAT and the Parliamentary Ombudsman Act. The Parliamentary Ombudsman was chosen NPM as it had the special task of carrying out inspections in closed institutions and overseeing the treatment of their inmates,

⁴⁵⁶ Finland, Parliamentary Ombudsman Act ([laki eduskunnan oikeusasiamiehestä/lag om riksdagens justitieombudsman](#)), Act No. 197/2002, section 5.

⁴⁵⁷ Finland, Parliamentary Ombudsman Act ([laki eduskunnan oikeusasiamiehestä/lag om riksdagens justitieombudsman](#)), Act No. 197/2002, section 11 a.

⁴⁵⁸ Finland, Parliamentary Ombudsman Act ([laki eduskunnan oikeusasiamiehestä/lag om riksdagens justitieombudsman](#)), Act No. 197/2002, section 11 b.

⁴⁵⁹ Finland, Government bill HE 182/2012 vp ([hallituksen esitys eduskunnalle kidutuksen ja muun julman, epäinhimillisen tai halventavan kohtelun tai rangaistuksen vastaisen yleissopimuksen valinnaisen pöytäkirjan hyväksymisestä sekä laiksi pöytäkirjan lainsäädännön alaan kuuluvien määräysten voimaansaattamisesta ja pöytäkirjan soveltamisesta sekä laiksi eduskunnan oikeusasiamiehestä annetun lain muuttamisesta/regeringens proposition till riksdagen om godkännande av det fakultativa protokollet till konventionen mot tortyr och annan grym, omänsklig eller förnedrande behandling eller bestraffning och med förslag till lag om sättande i kraft av de bestämmelser i protokollet som hör till området för lagstiftningen, om tillämpning av protokollet och till lag om ändring av lagen om riksdagens justitieombudsman](#)), p. 24.

⁴⁶⁰ Finland, Parliamentary Ombudsman ([eduskunnan oikeusasiamies/riksdagens justitieombudsman](#)), [Summary of the annual report 2022](#), p. 78.

already prior to becoming NPM. In other words, its mandate already included OPCAT tasks relating to inspections and monitoring. The Parliamentary Ombudsman was considered to best fulfil the conditions laid out in the optional protocol also in other respects, among other things, due to its independency. The NPM operations have been integrated with those of the Ombudsman's Office as a whole, and there is no separate NPM unit within the Office.⁴⁶¹

The Constitution Act of Finland lays down the most important rights and duties of the Members of Parliament.⁴⁶² Neither the Constitution Act nor other legislation give MPs the right to supervise or inspect prisons or other detention facilities.

c. Access to detention facilities by international bodies

The OPCAT was ratified by Finland in October 2014, without reservations, after which it was brought into force by law in November the same year.⁴⁶³ The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment of the Committee against Torture, established under the OPCAT, therefore has free access to carry out inspections in Finnish detention facilities.

Finland ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 1990, without reservations, and brought it into force by law in April 1991.⁴⁶⁴ Accordingly, also the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), set up under the Convention, may inspect detention facilities in Finland without restrictions. As of April 2024, the CPT has conducted six periodic visits to Finland.

The national legislation in Finland does not give members of the European Parliament the right to supervise or inspect prisons or other detention facilities.

⁴⁶¹ Finland, Government bill HE 182/2012 vp ([hallituksen esitys eduskunnalle kidutuksen ja muun julman, epäinhimillisen tai halventavan kohtelun tai rangaistuksen vastaisen yleissopimuksen valinnaisen pöytäkirjan hyväksymisestä sekä laiksi pöytäkirjan lainsäädännön alaan kuuluvien määräysten voimaansaattamisesta ja pöytäkirjan soveltamisesta sekä laiksi eduskunnan oikeusasiamiehestä annetun lain muuttamisesta/regeringens proposition till riksdagen om godkännande av det fakultativa protokollet till konventionen mot tortyr och annan grym, omänsklig eller förnedrande behandling eller bestraffning och med förslag till lag om sättande i kraft av de bestämmelser i protokollet som hör till området för lagstiftningen, om tillämpning av protokollet och till lag om ändring av lagen om riksdagens justitieombudsman](#)), p. 23–24; Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman), *Summary of the Annual Report 2022*, p. 76.

⁴⁶² Finland, [Constitution of Finland \(Suomen perustuslaki/Finlands grundlag\)](#), Act No. 731/1999, sections 27, 29, 30, 31, 32, 39 and 47.

⁴⁶³ Finland, OPCAT enforcement act ([laki kidutuksen ja muun julman, epäinhimillisen tai halventavan kohtelun tai rangaistuksen vastaisen yleissopimuksen valinnaisen pöytäkirjan lainsäädännön alaan kuuluvien määräysten voimaansaattamisesta ja pöytäkirjan soveltamisesta/lag om sättande i kraft av de bestämmelser som hör till området för lagstiftningen i det fakultativa protokollet till konventionen mot tortyr och annan grym, omänsklig eller förnedrande behandling eller bestraffning och om tillämpning av protokollet](#)), Act No. 494/2013.

⁴⁶⁴ Finland, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment enforcement act ([laki kidutuksen ja epäinhimillisen tai halventavan kohtelun tai rangaistuksen estämiseksi tehdyn eurooppalaisen yleissopimuksen eräiden määräysten hyväksymisestä sekä yleissopimuksen soveltamisesta/lag om godkännande av vissa bestämmelser i den europeiska konventionen om förhindrande av tortyr och omänsklig eller förnedrande behandling eller bestraffning samt om tillämpning av konventionen](#)), Act No. 463/1991.

d. NPM assessment

[National Preventive Mechanism Report 2021](#)

[National Preventive Mechanism Report 2022](#)

Consultations with NPM members

The consultees reported no issues regarding the accessibility of detention facilities for the purpose of inspection and monitoring: the NPM has consistently been allowed prompt and unrestricted access to the places they wish to inspect and provided with all requested information.

Inspections to police prisons typically occur without prior notification. Exceptionally, inspections are informed about in advance, for example, when there are specific staff members that the Ombudsman wants to discuss with. In contrast, inspections to prisons are generally informed about in advance. Prior notification ensures that relevant staff members are present during the inspections and allows the Ombudsman to request necessary documents in advance.

18. Access to remedy

a. Legal remedies

Request for an administrative review

Under the Imprisonment Act and the Remand Imprisonment Act the primary legal remedy against a decision of the Prison and Probation Service, its units and officials is a request for an administrative review, followed by a judicial review in the form of an appeal to an administrative court.⁴⁶⁵ A written request for an administrative review shall be submitted to the head of prison or the Director of the Development and Guidance Department of the Prison and Probation Service within seven days from the date of service of the decision. The Director of the Development and Guidance Department or the Director General of the Prison and Probation Service decides on a request for an administrative review. Such a request shall be considered urgently. An appeal against a decision of the Prison and Probation Service on a request for an administrative review is lodged with the Helsinki Administrative Court within 14 days from the date of service of the decision. Decision of the administrative court may be appealed against only if the Supreme Administrative Court grants leave to appeal.⁴⁶⁶

The Imprisonment Act and the Remand Imprisonment Act contain a list of decisions that are eligible for a request for an administrative review (and subsequent judicial appeal) as well as a list of decisions where a request for review (or an appeal) is not allowed.⁴⁶⁷ Regarding the standards addressed under 1–17, for example, a decision by which a prisoner or remand prisoner is placed in a prison (general principles of placement in prison; placement in open prison) or in a prison ward is not eligible for a

⁴⁶⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15.

⁴⁶⁶ Finland, [Administrative Judicial Procedure Act \(laki oikeudenkäynnistä hallintoasioissa/lag om rättegång i förvaltningsärenden\)](#), Act No. 808/2019, section 107.

⁴⁶⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, sections 1 and 2; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, sections 1 and 2.

request for review, with the exception of persons who have been placed in separate accommodation at their own request and persons whose gender has been legally recognised and who have been placed in accommodation ward in accordance with their recognised gender. Regarding women prisoners, the decision on the postponement of the enforcement of the imprisonment due to pregnancy can be subject to a review. A prisoner or remand prisoner is allowed to request a review of a decision concerning an exception to the basic diet (when justified for reasons of health or a religious or other well-founded conviction). Withholding of a letter or other postal item (on grounds laid down in the Imprisonment Act and the Remand Imprisonment Act) is eligible for a request for review, whereas a decision to read and copy a letter, another postal item or a message or listening to and recording of a telephone call are not. Regarding visits and meetings, decisions on unsupervised visits, visits by a child under 15 in a closed prison, supervised meetings between prisoners or remand prisoners, and communications via video connection are not eligible for a request for review. Both prisoners and remand prisoners are allowed to request a review of a decision concerning disciplinary punishment, a decision on placement in isolation under observation for safety purposes or for the purposes of detecting prohibited substances, and a decision on segregation.

Both the Imprisonment Act and the Remand Imprisonment Act contain a 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.⁴⁶⁸ For example, under the Imprisonment Act, decisions concerning time in or out of cell or recreational activities are not as such eligible for 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.⁴⁶⁹

The Prison and Probation Service is not competent to investigate complaints regarding the healthcare or medical treatment of prisoners. However, 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 review by the Director General of the Prison and Probation Service, and a subsequent appeal to the Helsinki Administrative Court is possible.⁴⁷⁰ Also, based on the Act on the Status and Rights of Patients, a prisoner who is not satisfied with the healthcare or medical care and the related treatment may submit an objection on the matter to the director of the Health Care Services for Prisoners or the leading physician of the Prison Hospital.⁴⁷¹

⁴⁶⁸ 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.

⁴⁶⁹ 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 eduskunnalle vankeutta ja tutkintavankeutta koskevan lainsäädännön muuttamiseksi/regeringens proposition till riksdagen med förslag till ändring av lagstiftningen om fängelse och häktning](#)), p. 59.

⁴⁷⁰ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 1; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 1(3).

⁴⁷¹ Finland, [Act on the Status and Rights of Patients \(laki potilaan asemasta ja oikeuksista/lag om patientens ställning och rättigheter\)](#), Act No. 785/1992, section 10: Health Care Services for Prisoners (*Vankiterveydenhuollon yksikkö/Enheten för hälso- och sjukvård för fångar*), [Määräys vankien terveydenhuollon järjestämisestä](#) [Arranging health care services for prisoners], regulation, 13 February 2017.

According to the Child Welfare Act, the decision on the placement of a child under two years with the parent serving a prison sentence or in detention imprisonment in the prison's family ward, as a supporting measure in open care, can be subject to an administrative review and a subsequent judicial review, as provided for in the Administrative Judicial Procedure Act.⁴⁷²

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.⁴⁷³ These include decisions on possession of private property, use of money and other means of payment, withholding a letter or postal item, prohibition to visit, and short-term leave for a particularly important reason. The Chief of the Police Department decides on a request for an administrative review. Such a request shall be considered urgently. A subsequent appeal to the administrative court is possible. The Act on Treatment of Persons in Police Custody does not contain an explicit prohibition of appeal. This 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.⁴⁷⁴

Administrative complaint

While an administrative review may be requested by anyone to whom the decision applies or whose right, obligation or interest is directly affected by the decision, anyone may file, with the authority that oversees the respective activities, an administrative complaint concerning the unlawful conduct of an authority, a person employed by an authority or another entity performing a public administrative duty, or about their failure to fulfil an obligation.⁴⁷⁵ 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.

Within the Prison and Probation Service the overseeing authorities, who decide on administrative complaints, include the Director of the Development and Guidance Department, a designated public official at the relevant department, or the Director General. When the complaint is concerning the conduct or failure of the Director General, the decision is made by the Ministry of Justice.⁴⁷⁶ Administrative complaints concerning inappropriate treatment or legality issues related to healthcare and medical treatment of prisoners and remand 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 throughout the country, and the National Supervisory Authority for Health

⁴⁷² Finland, Child Welfare Act ([lastensuojelulaki/barnskyddslag](#)), Act No. 417/2007, section 89; [Administrative Judicial Procedure Act \(laki oikeudenkäynnistä hallintoasioissa/lag om rättegång i förvaltningsärenden\)](#), Act No. 808/2019, Chapter 2.

⁴⁷³ 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.

⁴⁷⁴ 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 treatment of persons in police custody, [Putkalain kokonaisuudistus, työryhmän mietintö](#), p. 52.

⁴⁷⁵ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapters 7a and 8a.

⁴⁷⁶ Finland, Act on the Prison and Probation Service ([laki rikosseuraamuslaitoksesta/lag om brottspåföljdsmyndigheten](#)), Act No. 221/2022, section 7.

and Welfare.⁴⁷⁷ Persons in police custody have a right to submit an administrative complaint to the head of the police unit and the National Police Board.⁴⁷⁸

In matters relating to the treatment of prisoners and matters concerning the police, administrative complaints can also be submitted to the primary external oversight body, the Parliamentary Ombudsman (see below 18.d).⁴⁷⁹

Other relevant overseeing authorities include the Ombudsman for Equality, which can provide guidance to persons who suspect they have been discriminated on the basis of gender, gender identity or expression of gender identity, and the Data Protection Ombudsman, which oversees the legality of the processing of personal data and the realisation of the data protection rights of people.⁴⁸⁰ However, unlike the Parliamentary Ombudsman, the Ombudsman for Equality and the Data Protection Ombudsman do not have it in their mandate to specifically supervise conditions in prisons or police detention facilities.

b. Legal assistance

A prisoner and a remand prisoner has the right to receive a visit from a legal counsel without other persons being present. The meeting may be arranged also via video connection. A visit may be supervised, if this is necessary to maintain prison order or prison safety and security or if the prisoner/remand prisoner or the counsel expressly so requests. A visit may be supervised by visually observing it or by means of a technical device without hearing or recording the conversation between the prisoner/remand prisoner and the counsel. The visit may also be arranged in premises with structural barriers between the prisoner/remand prisoner and the counsel. In such a case it must be ensured that necessary procedural documents may be exchanged without endangering the confidentiality of the meeting. The prisoner/remand prisoner and the counsel shall be informed of the visit being supervised before the supervision is commenced.⁴⁸¹

⁴⁷⁷ Finland, Government Decree on Regional State Administrative Agencies ([valtioneuvoston asetus aluehallintovirastoista/ statsrådets förordning om regionförvaltningsverken](#)), Decree No. 906/2009, section 12(1)(1).

⁴⁷⁸ 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 Police Board ([Poliisihallitus/Polisstyrelsen](#)), [Sisäinen laillisuusvalvonta poliisissa](#) [Internal supervision] guidelines, POL-2019-16223, 15 December 2020.

⁴⁷⁹ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 2; Act on the Division of Tasks between the Chancellor of Justice and the Parliamentary Ombudsman ([laki valtioneuvoston oikeuskanslerin ja eduskunnan oikeusasiamiehen tehtävien jaosta/lag om fördelning av uppgifter mellan justitiekanslern i statsrådet och riksdagens justitieombudsman](#)), Act No. 330/2022, section 3.

⁴⁸⁰ Finland, [Act on Equality between Women and Men \(laki naisten ja miesten välisestä tasa-arvosta/lag om jämställdhet mellan kvinnor och män\)](#), Act No. 609/1986; Act on the Ombudsman for Equality ([laki tasa-arvovaltuutetusta/lag om jämställdhetsombudsmannen](#)), Act No. 1328/2014; [Data Protection Act \(tietosuojalaki/dataskyddslag\)](#), Act No. 1050/2018. Also, Prison and Probation Service ([Rikosseuraamuslaitos/Brottsförvaldningstjänsten](#)), [Request for an administrative review and complaint](#), website, accessed on 10 April 2024.

⁴⁸¹ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 13, sections 6 and 13; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 9, sections 4 and 10; 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 7, section 1 and Chapter 13, section 3; 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. 51.

Prisoners and remand prisoners shall be given an opportunity to communicate with those outside prison by telephone at their own expense. The use of the telephone may be made conditional on the prisoner/remand prisoner stating whom they intend to contact. The Remand Imprisonment Act explicitly states that remand prisoners shall be given an opportunity to communicate by telephone with a legal counsel. A telephone call between a prisoner/remand prisoner and a legal counsel must not be listened to or recorded.⁴⁸² The Prison and Probation Service has issued further instructions which provide that in closed prisons the prison will bear the costs of telephone calls from the prisoner or remand prisoner to their legal counsel. The same applies to open prisons, if necessary, for example in cases where the prisoner has no means to pay for the telephone costs.⁴⁸³

A letter or another postal item addressed by a prisoner or a remand prisoner to their legal counsel must not be inspected or read. A letter or another postal item sent by a legal counsel and addressed to a prisoner or remand prisoner may be opened and its contents inspected without reading the message contained in the item in the presence of the prisoner/remand prisoner, if there is reason to suspect that the letter contains an object or substance which poses a threat to the safety of a person or is particularly suited for damaging property.⁴⁸⁴

According to the Imprisonment Act and the Remand Imprisonment Act, a prisoner or a remand prisoner may be given permission to send and receive email messages for an important reason related to attendance to judicial matters. If a remand prisoner is subjected to a court-imposed restriction of contacts during the time when the criminal investigation, consideration of charges and the trial are in progress, the prisoner may nonetheless be given permission to send and receive email messages to and from a legal counsel for an important reason related to the attendance to judicial matters. One of the prerequisites for granting permission is that the sender and recipient of the message can be identified to a necessary extent. As with correspondence between a prisoner/remand prisoner and their legal counsel, the message must not be read.⁴⁸⁵ The Act on Treatment of Persons in Police Custody does not contain any provisions on use of email by persons or remand prisoners in police detention facilities.

In the process of administrative or judicial review, pursuant to the Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody, a prisoner or remand prisoner may be granted legal aid as provided in the Legal Aid Act (257/2002). Legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses related to the consideration of the matter.⁴⁸⁶

⁴⁸² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, sections 6 and 7; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, sections 6 and 7; 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 6, sections 6 and 7.

⁴⁸³ Finland, Prison and Probation Service (*Rikosseuraamuslaitos/Brottsförhållningsmyndigheten*), *Vankien maksuttomat puhelut* [Prisoners' cost-free phone calls], procedural instructions, 24/601/2022, 14 October 2022.

⁴⁸⁴ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, section 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 6, section 4.

⁴⁸⁵ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, sections 9 and 9b; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, sections 7a and 7c.

⁴⁸⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, section 8; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, section 3; 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 7; [Legal Aid Act \(oikeusapulaki/rättshjälpslag\)](#), Act No. 257/2002.

c. Request and complaints

According to the Imprisonment Act and the Remand Imprisonment Act, a collection of the acts, decrees and other statutes applicable to prisoners and remand prisoners shall be kept available to the prisoners. A list indicating the authorities supervising the prison and the activities of its staff and the bodies supervising the implementation of human rights with which prisoners and remand prisoners have the right to lodge an appeal or file a complaint under international treaties shall also be kept available.⁴⁸⁷ Correspondence between a prisoner or a remand prisoner and a supervisory authority must not be inspected or read and a telephone call between a prisoner or a remand prisoner and a supervisory authority must not be listened to or recorded.⁴⁸⁸

The Act on Treatment of Persons in Police Custody states that a collection of statutes applicable to detainees shall be available to them.⁴⁸⁹ In addition, a guidance letter issued by the National Police Board provides that the staff in police prisons is expected to be familiar with the complaint procedure available to detainees. Forms for lodging a complaint must be available in all police prisons. The National Police Board also recommends that there is a list indicating the authorities supervising police prisons and that this list can then be handed out to a detainee when necessary.⁴⁹⁰ According to the Act on Treatment of Persons in Police Custody, correspondence between a person in police custody and a supervisory authority must not be inspected or read and a telephone call between a person in police custody and a supervisory authority must not be listened to.⁴⁹¹

Both the Imprisonment Act and the Remand Imprisonment Act contain a general provision which refers to the Administrative Procedure Act and its provisions on good governance and on the procedure to be applied in administrative matters. These are thus also applicable to the enforcement of imprisonment and remand imprisonment.⁴⁹² The Administrative Procedure Act lays down, e.g., that an authority shall, within its competence, provide its customers, as necessary, with advice on dealing with administrative matters and respond to questions and enquiries concerning the use of its services.⁴⁹³

The Parliamentary Ombudsman has observed that prison staff does not always have sufficient knowledge of the administrative procedure concerning the review and complaints mechanism available to prisoners. This has been a recurring problem. For example, decisions concerning prisoners are not issued in writing, the reasons for the decision are insufficient or missing, and instructions for requesting a review are not attached to the decision. In view of the Parliamentary Ombudsman, such procedural

⁴⁸⁷ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 4, section 4; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 2, section 3.

⁴⁸⁸ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 12, sections 3 and 7; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 8, sections 3 and 7.

⁴⁸⁹ 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 2, section 3.

⁴⁹⁰ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*), *Poliisin säilöäpitotoiminnassa huomioitavia asioita* [Matters to be taken into account in police detention], letter of guidance (*ohjauskirje/styrningsbrev*), POL-2017-41566, 24 November 2017.

⁴⁹¹ 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 6, sections 3 and 7.

⁴⁹² Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 1, section 1; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 1, section 1. Constitutional Law Committee of Parliament (*perustuslakivaliokunta/grundlagsutskottet*), statement PeVL 20/2005 on Government bill HE 263/2004 vp.

⁴⁹³ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, section 8.

flaws jeopardise legal protection for prisoners.⁴⁹⁴ The Parliamentary Ombudsman has also paid attention to the lengthy delays in the consideration of requests for administrative review and complaints in the Prison and Probation Service. The requirement of consideration without undue delay has not always been met. The Ombudsman has requested the Prison and Probation Service and the Ministry of Justice to report on action taken in order to remedy the situation.⁴⁹⁵

d. Independent authority

Handling a request for an administrative review or an administrative complaint are part of the internal supervision within the Prison and Probation Service or the police. The Imprisonment Act, the Remand Imprisonment Act and the Act on Treatment of Persons in Police Custody contain a list of decisions that are eligible for a request for an administrative review (and subsequent judicial appeal to an administrative court) (see above 18 a).⁴⁹⁶ When deciding on a request for an administrative review, the supervising authority may decide to amend the administrative decision, rescind it or reject the request for review.⁴⁹⁷ In its decision on an administrative complaint matter, a supervising authority may inform the supervised entity of the authority's understanding of lawful conduct or, if this is not found sufficient, give an admonition. No appeal may be made against a decision given in an administrative complaint matter.⁴⁹⁸

In matters relating to the treatment of prisoners and matters concerning the police, the primary external oversight body is the Parliamentary Ombudsman, which is the independent, supreme overseer of legality and acts outside the legislative, executive and judicial powers of state. The Ombudsman shall ensure that those who perform public tasks, comply with the law, fulfil their obligations and implement fundamental and human rights in their activities. The Parliamentary Ombudsman is also the NPM under the OPCAT.⁴⁹⁹ The Ombudsman can both receive complaints and take matters under investigation at their own initiative. In the complaint procedure, the Ombudsman may issue an administrative notice if the supervised party has acted unlawfully or failed to fulfil their obligations. The Ombudsman may express an opinion as to what would have been a lawful course of action, recommend the rectification of an error or draw the attention to shortcomings in legal provisions or regulations. The Ombudsman may also suggest compensation, including monetary compensation, for an infringement that has been

⁴⁹⁴ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#) [Annual report 2021], p. 246–248, and [Eduskunnan oikeusasiamiehen kertomus vuodelta 2022](#) [Annual report 2022], p. 191–193; [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapters 7 and 7a.

⁴⁹⁵ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*) [EOAK/7262/2022](#), 16 November 2023.

⁴⁹⁶ Finland, [Imprisonment Act \(vankeuslaki/fängelselag\)](#), Act No. 767/2005, Chapter 20, sections 1 and 2; [Remand Imprisonment Act \(tutkintavankeuslaki/häktningslag\)](#), Act No. 768/2005, Chapter 15, sections 1 and 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 17, sections 1 and 4.

⁴⁹⁷ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 7a, section 49g.

⁴⁹⁸ Finland, [Administrative Procedure Act \(hallintolaki/förvaltningslag\)](#), Act No. 434/2003, Chapter 8a, sections 53c and 53d.

⁴⁹⁹ Finland, [Constitution of Finland \(Suomen perustuslaki/Finlands grundlag\)](#), Act No. 731/1999, sections 22, 38 and 109; [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, section 1; Act on the Division of Tasks between the Chancellor of Justice and the Parliamentary Ombudsman ([laki valtioneuvoston oikeuskanslerin ja eduskunnan oikeusasiamiehen tehtävien jaosta/lag om fördelning av uppgifter mellan justitiekanslern i statsrådet och riksdagens justitieombudsman](#)), Act No. 330/2022, section 3.

committed. The most severe sanction available to the Ombudsman is a prosecution for breach of official duty which requires the processing of the matter in criminal proceedings.⁵⁰⁰

e. NPM assessment

[National Preventive Mechanism Report 2021](#)

[National Preventive Mechanism Report 2022](#)

Consultations with NPM members

During consultations, the various complaint mechanisms available for detainees were discussed. Consultees noted a rise in requests for administrative review. The quality of decisions following an administrative review was perceived as good. In contrast, appealing to the administrative court was considered rather ineffective due to its expense, time-consuming nature, and the court's tendency of upholding the decisions of the Prison and Probation Service.

Consultees highlighted a lack of awareness in police prisons regarding the need to make official decisions, subject to administrative review and subsequent appeal to the administrative court, regarding measures such as seizing private property. However, remarks by the Ombudsman and the National Police Board have led to improvements in this regard. Additionally, certain practices, such as informing detainees about their rights and the right of foreign detainees to contact their diplomatic missions, were found to function better in prisons than in police prisons.

It was observed that detainees in police prisons seldom use the available complaints mechanisms, likely due to the short duration of their detention, whereby their detention in the police prison may be over before the outcome of an administrative review is known.

Complaints concerning detention form one of the largest subject groups handled by the Ombudsman. Consultees emphasised that if a complainant has had a possibility to request for an administrative review or to appeal to the administrative court, the Ombudsman does not consider the complaint. In other words, it only investigates matters not eligible for review. The Ombudsman can also direct cases to the prison or to the Prison and Probation Service.

In practice, more complaints are made to the Ombudsman than to the Prison and Probation Service. This was perceived as a development in the wrong direction. During their recent inspection to the Prison and Probation Service, ways to make the Prison and Probation Service "the first complaints-instance" was discussed. It was noted that the handling times of the Prison and Probation Service for complaints are long, approximately 10–11 months. The average handling time of the Ombudsman is three months (all complaints, i.e., not only those concerning detainees).

⁵⁰⁰ Finland, [Parliamentary Ombudsman Act \(laki eduskunnan oikeusasiamiehestä/lag om riksdagens ombudsman\)](#), Act No. 197/2002, sections 8, 10, 11 and 11e; Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2022](#), p. 33–34 and 116; Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), [Summary of the Annual Report 2011](#), p. 84–85.

Around 30 % of the complaints regarding detention taken up by the Ombudsman warrant further action. The percentage is high compared to other administrative branches, and a sign that detainees file complaints for justified reasons. Authorities generally aim to follow the Ombudsman's recommendations. Sometimes, however, the warranted action is prevented by, for example, architectural limitations (e.g., building a bigger inner yard or windows in the stone wall). The frequency of complaints was seen as indicative of confidence towards the Ombudsman institution and that the complaints can effect change.

Part II: National case-law

Finland, Supreme Court (*Korkein oikeus/Högsta domstolen*), Helsinki / KKO:2020:66, 22 September 2020

Thematic area	2. Allocation of detainees, a. Geographical allocation
Decision date	22 September 2020
Reference details	Supreme Court KKO:2020:66, ECLI:FI:KKO:2020:66, www.finlex.fi/fi/oikeus/kko/kko/2020/20200066
Key facts of the case	A court may decide that a person remanded due to an offence can exceptionally be placed in a police detention facility for a maximum period of seven days before being moved to a remand prison. The law does not specify when exactly this seven-day period starts.
Main reasoning/argumentation	Separate legislation applies to persons apprehended or arrested by the police on the one hand and remand prisoners on the other. Remand imprisonment starts when a court takes a decision on remand. The Remand Imprisonment Act applies to the enforcement of remand imprisonment. The wording of the Act indicates that if a remand prisoner is exceptionally placed in a police detention facility, the seven-day maximum period starts to run from the court decision on remand.
Key issues (concepts, interpretations) clarified by the case	The Supreme Court decision clarifies the provisions of the Remand Imprisonment Act by confirming that the seven-day period starts to run from the court decision on remand, and not from the moment the person was apprehended or arrested by the police.
Results (sanctions) and key consequences or implications of the case	The Supreme Court did not impose any sanctions. While the matter was pending before a court of appeal, the prisoner was moved to a remand prison. The Supreme Court held that the complainant nevertheless had a need to have the placement decision reviewed by a court. Police detention facilities are intended for short periods of detention only and the circumstances and activities provided are in practice more limited than in remand prisons. This may have an impact on a remand prisoner's rights.
Key quotation in original language and translated into English with reference details	23. ... Säännösten sanamuodon mukaan kysymys on nimenomaan siitä ajasta, jonka henkilö voi joutua tutkintavankina olemaan poliisin tiloissa. Korkein oikeus katsoo, että säännöksen sanamuoto ... puoltaa selvästi tulkintaa, jonka mukaan enimmäisaika lasketaan vangitsemispäätöksestä. 23. ... According to the wording of the provisions, the question is specifically about the time a person may have to spend in police premises as a remand prisoner. The Supreme Court finds that the wording ... clearly favors the interpretation that the maximum period starts to run from the decision on remand.

Finland, Supreme Court (*Korkein oikeus/Högsta domstolen*), Helsinki / KKO:2020:67, 22 September 2020

Thematic area	2. Allocation of detainees, a. Geographical allocation
Decision date	22 September 2020
Reference details	Supreme Court KKO:2020:67, ECLI:FI:KKO:2020:67 www.finlex.fi/fi/oikeus/kko/kko/2020/20200067
Key facts of the case	When deciding on remand a district court had ordered that the remand prisoner could be placed in a police prison for a period exceeding seven days. This was

	considered necessary for safety reasons and in order to keep the remand prisoner separate. However, the district court ordered that the remand prisoner should be moved to a remand prison within four weeks at the latest.
Main reasoning/argumentation	In the first decision on remand, a court can only assess whether it is necessary, on grounds provided by law, to place a remand prisoner in a police detention facility for a maximum period of seven days. If the remand prisoner is to be kept in the police facility after that seven-day period, the court must make a new decision and consider whether there are very serious reasons to continue the remand prisoner's placement in a police detention facility.
Key issues (concepts, interpretations) clarified by the case	In case it is necessary to keep a remand prisoner in a police detention facility, the time for such placement should be as short as possible. The initial maximum period laid down by law is seven days. The Supreme Court decision further clarifies that provision by confirming that a new court decision is needed if the seven-day period is to be exceeded, on very serious reasons as specified in law.
Results (sanctions) and key consequences or implications of the case	When the Supreme Court issued its decision, the remand prisoner had already been removed from the police detention facility, after less than two weeks. The Supreme Court held it can still assess the legal grounds for the placement decision and found that the district court should not have extended the period of placement in a police detention facility beyond the maximum period of seven days already in the decision on remand. The Supreme Court did not impose any sanctions.
Key quotation in original language and translated into English with reference details	17. ... lainmuutoksen tavoitteena oli vähentää tutkintavankien säilyttämistä poliisivankilassa. Ottaen huomioon tutkintavankeuslain ... sanamuodon sekä lain tavoitteen Korkein oikeus pitää perusteltuna tulkintaa, jonka mukaan tutkintavangin säilytystilaan sijoittamista koskeva käsittely on edelleen kaksivaiheinen. 17. ... the purpose of the amendment was to reduce the time remand prisoners spend in police prisons. Considering the wording and purpose of the Remand Imprisonment Act, the Supreme Court finds it justified to conclude that the decision on placement is still a two-phase process.

Finland, Supreme Court (*Korkein oikeus/Högsta domstolen*), Helsinki / KKO:2023:49, 29 June 2023

Thematic area	2. Allocation of detainees, a. Geographical allocation
Decision date	29 June 2023
Reference details	Supreme Court KKO:2023:49, ECLI:FI:KKO:2023:49 www.finlex.fi/fi/oikeus/kko/kko/2023/20230049
Key facts of the case	When deciding on remand a district court had ordered that the remand prisoner is first placed in a police detention facility for a maximum period of seven days and then moved to a remand prison. At the request of the head investigator, the court decided on the last day of the seven-day period that, for safety reasons and in order to keep the remand prisoner separate, the placement in a police detention facility is extended with another seven days. The key issue in the case was whether the seven-day period is counted in days or in hours.
Main reasoning/argumentation	If a remand prisoner is to be kept in a police detention facility for a continuous period of more than seven days, a court must make a decision on the extension of the seven-day period within that time period, that is within 168 hours as counted from the exact time the decision on remand was taken. However, the law does not provide any consequences in case the decision is not made within 168 hours.

	Exceeding the time does not mean, for example, that the remand prisoner should be released in such a case.
Key issues (concepts, interpretations) clarified by the case	The Supreme Court decision further clarified how the maximum period of seven days is counted as well as the timing of the decision to extend that period.
Results (sanctions) and key consequences or implications of the case	The Supreme Court found no grounds for declaring the district court's decision to be incorrect. The grounds for extending the placement in a police detention facility still existed, despite the fact that the court's decision was not made within 168 hours from the first decision on remand.
Key quotation in original language and translated into English with reference details	<p>13. [Viitaten muiden vapaudenmenetystä koskevien lakien säännöksiin] Korkein oikeus katsoo ..., että tutkintavankeuslaissakin vuorokausina määrätty aika lasketaan ymmärtäen vuorokaudella tasan 24 tunnin ajanjaksoa.</p> <p>13. [With reference to the relevant provisions on deprivation of liberty in other, related Acts] the Supreme Court finds ... that also in the Remand Imprisonment Act the time period specified in days should be calculated as exact 24-hour periods.</p>