



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
15 July 2013

Original: English

Committee against Torture

**List of issues prior to submission of the seventh periodic
report of Finland, adopted by the Committee at its fiftieth
session (6–31 May 2013)**

The Committee against Torture at its thirty-eighth session (A/62/44, paras. 23 and 24) established a new optional procedure which consists in the preparation and adoption of list of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

Articles 1 and 4

1. Have the rights contained in the Convention been invoked by national courts, either as a ground for a case or as interpretative guidance for legal norms? Please cite examples, if any, of cases in which the provisions of the Covenant have been invoked before and by the courts, and to what effect.
2. With reference to the previous recommendations of the Committee (para. 7),¹ please update the Committee whether the State party has amended its legislation to ensure that acts amounting to torture are not subject to any statute of limitations.²

Article 2³

3. In the light of the Committee's previous concluding observations (para. 8) and the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, please provide updated information on the outcome and impact of the project on more efficient provision of information in cases of deprivation of liberty under the national action plan on fundamental and human rights for 2012–2013.⁴
4. With reference to the previous recommendations of the Committee (para. 9), please provide information concerning the standardization of techniques used to interrogate persons in police custody and implementation of new techniques, particularly use of audio- and video-recording of interrogations.
5. Pursuant to the Committee's previous concluding observations (para. 12) and the recommendation accepted by the State party in the course of the universal periodic review (A/HRC/21/8, paras. 89.14, 29 and 34), please provide information on efforts undertaken by the State party to combat all forms of violence against women, including domestic violence. This should include statistical data on the number of complaints relating to violence against women and related investigations, prosecutions and convictions, as well as on compensation provided to victims.⁵
6. Please provide information on the implementation of measures to combat trafficking in human beings and to assist and protect the victims of trafficking. The information should include statistical data, disaggregated on the basis of gender, age and country of origin, on persons trafficked for the purpose of sexual exploitation, as well as information on prosecutions and convictions, and on the sanctions imposed on perpetrators.⁶ In addition,

¹ Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/FIN/CO/5-6.

² A/HRC/WG.6/13/FIN/3 and Corr.1, para. 18; A/HRC/WG.6/13/FIN/2 and Corr.1 and 2, para. 25.

³ The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. As stated in paragraph 3 of general comment No. 2 (2007) on the implementation of article 2 by States parties: "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See further chapter V of the same general comment.

⁴ CAT/C/FIN/CO/5-6/Add.1, para. 10.

⁵ CCPR/C/FIN/6, paras. 72 and 100–104; CEDAW/C/FIN/CO/6 in A/63/38, paras. 173–174; A/HRC/WG.6/13/FIN/2 and Corr.1 and 2, paras. 35, 77; A/HRC/WG.6/13/FIN/3 and Corr.1, paras. 22, 30.

⁶ CCPR/C/FIN/6, paras. 105–111; A/HRC/21/8, paras. 89.33, 89.34 and 90.14; A/HRC/WG.6/13/FIN/3 and Corr.1, para. 29.

please comment on the information that trafficked persons were not recognized as victims, were not provided with adequate protection and assistance and were often deported.⁷

7. Please describe measures taken by the State party to protect women from violence in some national minority cultures and immigrant communities, who are exposed, in particular, to domestic violence, traditional honour violence and female genital mutilation.⁸

Article 3

8. With reference to the Committee's previous concluding observations (para. 10), what legal guarantees have been established to meet fully the requirements of article 3 of the Convention in cases of expulsion or return (refoulement) of foreigners? Has article 3 of the Convention been directly applied in these cases? Please comment on how accelerated procedures under the Aliens Act are compatible with the principles of non-refoulement mandated by article 3 of the Convention.⁹

9. Please provide information on steps taken to (a) ensure that the detention of asylum seekers is used only in exceptional circumstances or as a last resort, and then only for the shortest possible time; (b) avoid accommodating asylum seekers aged 16 and above in adult units of reception centres and provide sufficient mental health services, therapy and psychiatric care for unaccompanied minors;¹⁰ (c) ensure due process in asylum applications and deportation proceedings, including access to counsel, legal aid and an interpreter; and (d) guarantee access to judicial review for all asylum seekers and to an entirely independent appeal mechanism to review rejected applications.¹¹

Articles 5 and 7

10. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by another State for an individual suspected of having committed an offence of torture, and thus started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

Article 10

11. Please provide detailed information on the implementation of the Committee's previous recommendation in the training of public officials who come into contact with persons deprived of their liberty (para. 13). In particular, please indicate whether the training of public officials is assessed and evaluated by a qualified independent body. What steps have been taken to ensure adequate training for all medical personnel involved with detainees in the detection of signs of torture and ill-treatment, in accordance with international standards, as outlined in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)?

⁷ A/HRC/WG.6/13/FIN/3 and Corr.1, para. 29.

⁸ A/HRC/WG.6/13/FIN/2 and Corr.1 and 2, para. 77; A/HRC/WG.6/13/FIN/3 and Corr.1, para. 25; CEDAW/C/FIN/CO/6 in A/63/38, para. 187.

⁹ A/HRC/WG.6/13/FIN/2 and Corr.1 and 2, paras. 28, 76–79; A/HRC/WG.6/13/FIN/3 and Corr.1, paras. 62–65; A/HRC/21/8, para. 16; CCPR/CO/82/FIN, para. 12; CCPR/C/FIN/6, paras. 23–26; CERD/C/FIN/Q/20-22, para. 3 (c).

¹⁰ CRC/C/FIN/CO/4, paras. 60–61.

¹¹ CERD/C/FIN/Q/20-22, para. 3 (c), (d).

12. Please include updated information on steps taken to develop and implement a methodology to evaluate the implementation of its training/educational programmes, and its effectiveness and impact on the reduction of cases of torture and ill-treatment. Please provide information on the content and implementation of that methodology as well as on the results of the implemented measures. Please provide updated information on the availability of the updated police directions concerning treatment of persons deprived of their liberty and training materials in that regard.¹²

Article 11

13. Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment, that may have been introduced since the consideration of the last periodic report with a view to preventing any cases of torture or ill-treatment.

14. Please provide information on measures taken to effectively and systematically monitor all places of detention, including those of aliens. In the light of the Committee's previous concluding observations (para. 16) and the recommendation accepted by the State party in the course of the universal periodic review (A/HRC/21/8, para. 89.37), please provide updated information on (a) the allocation of human and financial resources to the Parliamentary Ombudsmen and (b) the plan to create a national preventive mechanism. To what extent have the Ombudsmen carried out frequent and unannounced visits to places of deprivation of liberty under their mandate? In addition, please state what measures have been taken to ratify the Optional Protocol to the Convention, which the State party signed in 2003. Please elaborate on the reasons why the State party has not yet ratified the Optional Protocol.

Articles 12 and 13

15. In the light of the Committee's previous concluding observations, please provide detailed statistical data, disaggregated by crime committed, ethnicity, age and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials, on related investigations, prosecutions, convictions and on the penal or disciplinary sanctions applied.

16. Please provide information on the measures, in addition to the legal framework, taken to implement the current laws combating trafficking. This information should include the number of trafficking cases reported to the police and other authorities, the number of resulting investigations, and the timeliness, status and findings of all such investigations including any resulting penalties.

Article 14

17. In the light of the Committee's previous concluding observations (para. 20), please provide details on steps taken to ensure that adequate compensation, redress and appropriate rehabilitation programmes, including medical and psychological assistance, are provided to victims of torture and other ill-treatment, trafficking, domestic, sexual and other violence. Please also elaborate on the allocation of adequate resources to ensure that as full rehabilitation as possible is made available to all victims of such crimes.

18. Please provide information on redress and compensation measures ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report in 2011. This information should include the number of requests for

¹² CAT/C/FIN/CO/5-6/Add.1, para. 10.

compensation made, the number granted, and the amounts ordered and those actually provided in each case, the kinds of rehabilitation programmes provided to victims, and whether they include medical and psychological assistance, as well as the accessibility of such programmes.

Article 15

19. Pursuant to the Committee's previous concluding observations (para. 21), please provide information on the legislative measures taken to introduce into the domestic legislation a specific provision governing the inadmissibility of evidence obtained through torture or ill-treatment.

Article 16

20. Further to the Committee's previous concluding observations (para. 14) and the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,¹³ please provide updated information on measures taken to improve conditions in all detention facilities, including places of detention for asylum seekers and psychiatric institutions, to bring them in line with international minimum standards, in particular to address overcrowding and sanitary equipment.

21. Further to the Committee's previous concluding observations (para. 15) and the State party's follow-up information dated 11 June 2012, please provide updated information on measures taken to implement the relevant recommendations as well as the outcome and impact of such efforts, in particular regarding the plan (a) to amend domestic law allowing for remand prisoners to be moved more quickly from police station to regular prisons and (b) to expedite pretrial investigation, consideration of charges and legal proceedings.¹⁴ Furthermore, please clarify whether there are any members of ethnic minorities among the judiciary.¹⁵

22. Please provide detailed information on the implementation of the Committee's previous recommendation on involuntary psychiatric hospitalization and treatment (para. 11), including the amendment of the Mental Health Act.

23. In the light of the Committee's previous concluding observations (paras. 17–19), please provide updated and detailed information on the measures taken to reduce the use of administrative detention and put an end to ill-treatment of asylum seekers, irregular immigrants and other aliens. The information should include:¹⁶

(a) The availability of alternatives to the detention of asylum seekers and irregular immigrants and of a mechanism to examine the frequent detention of such persons;

(b) The number of asylum seekers and irregular immigrants in detention, disaggregated on the basis of gender, age and country of origin, as well as the frequency and average length of and grounds for detention;

¹³ CCPR/C/FIN/6, paras. 151–152; A/HRC/21/8, paras. 27 and 90.24; A/HRC/WG.6/13/FIN/3 and Corr.1, para. 20.

¹⁴ CCPR/C/FIN/6, para. 21; CCPR/CO/82/FIN, para. 11.

¹⁵ CAT/C/FIN/CO/5-6/Add.1, para. 23.

¹⁶ CCPR/C/FIN/6, paras. 131–132; A/HRC/WG.6/13/FIN/2 and Corr.1 and 2, para. 29; CAT/C/FIN/CO/5-6, para. 17.

(c) Steps taken to increase the capacity of the Metsälä detention centre or establish a new detention centre for foreigners. Please indicate to what extent the State party reviewed the detention (including its length) of asylum seekers, irregular immigrants and other foreigners in the Metsälä centre as well as in police and border-guard detention facilities, provided them with fundamental legal safeguards and set up a complaints mechanism regarding conditions of detention;

(d) Steps taken to ensure that specialized training and internal guidelines for police, border guards and other law enforcement authorities make them aware of their obligations under human rights and refugee law

24. In the light of the Committee's previous concluding observations (para. 22), please indicate steps taken by the State party to prevent ill-treatment and excessive use of force by police, inter alia, the issuance of clear guidelines for the police when arresting and dealing with persons deprived of their liberty. Information should also be provided on the impact and effectiveness of these measures in reducing cases of ill-treatment by police.

Other issues

25. Please provide updated information on the measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

26. According to the information before the Committee,¹⁷ a significant number of aircraft connected to the United States rendition and secret detention programmes landed in Finland between 2001 and 2006 and the Finnish Security Intelligence Service operated without any parliamentary oversight.¹⁸ Further to the replies by the State party on recommendations made in the course of the universal periodic review,¹⁹ please inform the Committee of the conclusion of the review by the Parliamentary Ombudsman.

General information on other measures and developments relating to the implementation of the Convention in the State party

27. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the Committee's recommendations. This may include institutional developments, plans and programmes, including resources allocated, and statistical data or any other information that the State party considers relevant.

¹⁷ A/HRC/WG.6/13/FIN/3 and Corr.1, para. 66.

¹⁸ Ibid., paras. 66–67; A/HRC/21/8, paras. 70, 90.26; A/HRC/21/8/Add.1, paras. 42–46.

¹⁹ A/HRC/21/8/Add.1, para. 46.