



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

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COMMITTEE AGAINST TORTURE

**List of issues prior to the submission of the
combined fifth and sixth periodic reports of FINLAND (CAT/C/FIN/5-6)¹**

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

Articles 1 and 4

1. Please indicate the measures that have been taken following the oral assurances given by the State party during the consideration of the fourth periodic report according to which "the Government would consider the issue of the inclusion of a definition of torture in accordance with article 1 of the Convention in the Penal Code bearing in mind the concerns of the Committee".
2. With reference to the previous conclusions and recommendations of the Committee, please provide detailed information on the measures taken to enact specific legislation criminalizing torture in all its forms, as defined in article 1 of the Convention, with appropriate penalties which take into account the grave nature of these acts.

Article 2

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

¹ The present list of issues was adopted by the Committee at its forty-second session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

4. Please comment on the lack of significant progress on the situation of remand prisoners held on police premises and provide details about the steps taken by the State party to improve such situation.
5. Please provide information on the measures taken to ensure that all persons detained by the police are afforded both in law and in practice fundamental legal safeguards, and in particular the right to access to a lawyer, to an independent doctor, if possible of their choice, and to contact a relative as from the outset of their detention.
6. Please comment on the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment's (CPT) recommendations in relation to the right of access to a lawyer from the outset of detention by foreign nationals detained pursuant to the Aliens Act as well as to providing foreign nationals apprehended by the police or the Border Guard with a form setting out, in a straightforward manner, all their rights as soon as they are brought into police custody.
7. Please provide information on the mandate and activities of the Parliamentary Ombudsperson of Finland with respect to the areas covered by the Convention, and in particular to its role with regard to monitoring and visiting prisons.

Article 3

8. Pursuant to the recommendations of the Committee, please provide detailed information on progress made towards reviewing the application of the "accelerated procedure" for consideration of asylum requests to ensure that applicants have sufficient time to use all available appeal procedures.
9. Please provide, as requested by the Rapporteur on follow-up in his letter dated 13 May 2008, information on measures that have been taken to address the problem of interpretation of the asylum procedure, mentioned in paragraph 12 of Finland's response, particularly in terms of administrative instructions and legislative amendments. Please include information on procedures in place to ensure the access of asylum-seekers to legal assistance during the accelerated procedure, as well as on the training provided to police officers responsible for enforcing the decision relating to asylum, mentioned in paragraph 7 of Finland's response, and specifically with regard to article 147 of the Aliens Act and article 3 of the Convention.
10. Please provide statistical data on the number of refusal of entry cases which are appealed to the Administrative Court and the results of such appeals, as well as information on the process required for an asylum-seeker to make such an appeal within the eight-day period.
11. Please comment on the report prepared by the Ombudsman for Minorities on the application of the accelerated asylum procedure and the conclusion it drew from it, which, *inter alia*, states that "there may sometimes be problems relating to the effectiveness of the right of appeal" and that "it is necessary to pay attention to the coherence of the actions of different authorities and to the guarantees of equality during the asylum procedure, regardless of the origin of the asylum-seeker and his or her ability to protect their own interests".

Articles 5, 6, 7 and 8

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

Article 10

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

Article 11

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

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

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

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

Articles 12, 13 and 14

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

Article 15

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

Article 16

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

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

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

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

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

Other issues

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

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

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

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

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

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

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

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