



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: cc/jmnf/jli/follow-up/CAT

1 June 2012

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the fifth and sixth combined periodic reports of Finland (CAT/C/FIN/5-6) by this Committee, at its 46th session, held from 9 May to 3 June 2011. At the end of that session, the Committee's Concluding Observations (CAT/C/FIN/CO/5-6) were transmitted to your Permanent Mission. In paragraph 28 of those Concluding Observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year (by June 2012) further information regarding areas of particular concern identified by the Committee in paragraphs 8, 15, 17 and 20 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Concluding Observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Finland on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/FIN/CO/5-6)

FINLAND

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

8. The Committee is concerned that fundamental legal safeguards were not always ensured for persons deprived of their liberty– in particular for those having committed “minor offences”, including juveniles – from the very outset of their detention, such as meeting with a lawyer, preferably of their choice, notifying their next of kin even in case of short stays in police custody and being examined by an independent doctor, preferably of their own choice, within the detention premises (arts. 2 and 16).

The Committee recommends that the State party ensure that all persons deprived of liberty are provided with fundamental legal safeguards from the very outset of detention, such as access to a lawyer, preferably of their choice, notifying their family of their detention and being examined by an independent doctor, preferably of their choice.

(...)

Conditions of detention

(...)

15. The Committee is concerned that while the total number of prisoners has fallen, the number of remand, female and foreign prisoners has increased. It remains concerned about the situation of remand prisoners and preventive detention of aliens held in police and border-guard detention facilities and the length of pretrial detention. In addition, it is concerned that some 10 per cent of Roma prisoners are accommodated in closed wards. The Committee is also concerned at the reported slowness of the State party’s judicial apparatus and whether there are any members of ethnic minorities among the judiciary (arts. 11 and 16).

The Committee recommends that the State party limit to the extent possible the stay of remand prisoners and aliens in preventive detention, in particular in police and border-guard detention facilities, and comply with the recommendations made in November 2010 by the working group set up by the Ministry of Justice to introduce a legislative amendment allowing for remand prisoners to be moved more quickly from police stations to regular prisons than is the case at present. It recommends that the Parliamentary Ombudsman monitor the conditions of detention of Roma prisoners, including the implementation of ethnic equality, and ensure that prison staff intervene in all incidents of discrimination against Roma brought to their attention. The Committee recommends that legislation be adopted to reduce pretrial detention and to accelerate the pending civil and criminal procedures. The Committee would appreciate receiving statistics on the number of members of ethnic minorities among the judiciary.

(...)

Detention and ill-treatment of asylum-seekers, irregular immigrants and other aliens

17. The Committee is concerned about information regarding the frequent use of administrative detention with regard to asylum-seekers, irregular immigrants, unaccompanied or separated minors, women with children and other vulnerable persons, including those with special needs, as well as with their numbers, the frequency and the length of their detention. In addition, the Committee is concerned that the Aliens Act allows for preventive detention not for a crime already committed but if a person is suspected of the possibility of committing a crime (arts. 11 and 16).

The Committee recommends that the State party consider alternatives to the frequent detention of asylum-seekers and irregular immigrants, including minors and other vulnerable persons, and that it establish a mechanism to examine the frequent detention of such persons. It recommends that the State party consider increasing the use of non-custodial measures, use detention as a last resort and ensure that administrative detention of unaccompanied children is not practised. The Committee requests the State party to ensure that the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment be applied to asylum-seekers in administrative detention. In addition it would appreciate receiving information on the number of asylum-seekers and irregular immigrants in detention, how frequently they are detained and the average length of their detention.

(...)

Redress, including compensation and rehabilitation

20. The Committee is concerned that, although persons are entitled to compensation under the Act on Compensation from State Funds for the Arrest or Detention of an Innocent Person and the Parliamentary Ombudsman sometimes

provides limited compensation for non-pecuniary damage caused by torture or ill-treatment, according to the legal order of the State party the authorities do not have a general obligation to pay compensation to a person whose rights have been violated (art. 14).

The Committee recommends that the State party adopt all necessary measures in order to comply with the full scope of article 14 of the Convention according to which the State party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible, that in the event of the death of the victim as a result of an act of torture his dependants shall be entitled to compensation and that nothing shall affect any right of the victim or other persons to compensation which may exist under national law. In addition, while it welcomes the existence of two rehabilitation units for torture survivors in the State party, the Committee recommends that full rehabilitation be made available to all victims of torture and ill-treatment, in all settings.

(...)

28. The Committee requests the State party to provide, within one year, information on the implementation of the Committee's recommendations contained in paragraphs 8, 15, 17 and 20 above.

(...)
