

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 17 June 1998

This response has been made public by the Finnish Government.

(The CPT's report on its visit to Finland is set out in document CPT/Inf (99) 9.)

Introduction

This is the response of the Government of Finland to the recommendations, comments and requests for information included in the report on the visit to Finland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 17 June 1998.

The report of the CPT was adopted on 12 March 1999 and transmitted to Finland on 12 April 1999.

The interim report of the Government of Finland includes responses to all the items presented in the summary of the Committee report (Appendix I). The same headings have been used and the same order has been followed in the response as in the Appendix to the report of the Committee. The Government of Finland will provide a follow-up report within 12 months, i.e. on 12 April 2000 at the latest.

The Government of Finland values highly all the useful recommendations and views of the CPT, which will further the Finnish authorities in the development of the present conditions.

The Government of Finland thanks for its part the CPT for the ease of co-operation that has prevailed between the parties.

A. Police and Frontier Guard establishment

1. Preliminary remarks

Recommendations

- seek to ensure that, whenever proximity allows, prisoners remanded in custody are transferred to a prison (paragraph 8).

Under section 1 of the Remand Imprisonment Act, a criminal suspect remanded in custody shall immediately be taken to a general court or to premises accredited by the Ministry of Justice. Where it is necessary for the investigation of a crime, the authority deciding on the remand may, however, order a criminal suspect to be kept in other premises suitable for prolonged detention at the most until the charges are taken under consideration by a court. After the charges have been taken up in court, a person remanded in custody may, by permission of the Ministry of Justice only, be kept in other premises than in a public prison or in the premises accredited by the Ministry of Justice.

Finland has only nine provincial prisons meant for the custody of remand prisoners. Police prisons accredited by the Ministry of Justice total 75. Although the law provides the court with the right to order a remand prisoner to be detained in other premises as well, in practice the only places where the courts order a prisoner to be detained are police prisons accredited by the Ministry of Justice.

Remand prisoners are kept in police prisons usually for 1 - 3 weeks, whereafter they are transferred to provincial prisons. In especially extensive and grave criminal cases where several parties are remanded in custody, a need to detain remand prisoners in police premises for reasons relating to the investigation has arisen even if the distance to a prison is short. The reason is that communication between remand prisoners cannot be controlled in provincial prisons as strictly due to reasons of construction. There are also situations in which remand prisoners themselves have requested that they are allowed to stay in a police prison.

In the future, prolonged detention of remand prisoners in police prisons shall be avoided, where possible. The aim is to draft special criteria for situations in which the prolonged detention of a remand prisoner in police premises would be possible. This calls for co-operation between the police and the prison administration authorities, as the operations and resources of police prisons belong to the competence of the Ministry of the Interior and the accreditation of police prisons to the competence of the Ministry of Justice.

- a high priority to be given to the implementation of plans to establish detention facilities for aliens within the existing reception centres for asylum seekers (paragraphs 10, 19 and 22).

The establishment of detention facilities for aliens in the reception centres for asylum seekers referred to by the Committee has been taken into account in the most current legislation. The Aliens' Act (Aliens' Act, S. 47(2); 22 April 1999/537, entry into force on 1 May 1999) provides that an alien who is placed in detention shall be taken to detention facilities specifically reserved for this purpose as soon as possible. Where applicable, the provisions on the treatment of remand prisoners shall be applied to an alien in detention.

The grounds for the said section of the Act (Government Proposal 50/1998 Session) state the following:

Detention facilities, separate from common and police prisons, could be established for a detained alien who is not suspected of a crime and whose identity is unclear or who, for a justified reason, may be assumed to be hiding. An alien could temporarily be placed in detention in police facilities in a municipality where no separate detention facilities for aliens have been established. Such a person should, as soon as possible, be taken to a municipality where a separate detention facility for aliens has been established.

Prior to the establishment of new detention facilities in, for example, the reception centres for asylum seekers, plans shall be drafted on how the guarding of the detained will be organised and realised as well as how the funds for the establishment of the facilities shall be allocated. So far funds have not been allocated nor have special facilities been established in reception centres.

In order to establish the enforcement of the law provisions on the particular facilities for aliens detained, the intention is to appoint a working group with representatives of the Ministry of the Interior, Justice and of Labour. This working group is to go through the implementation of the detention of aliens in accordance with international obligations. Its term is 15 October 1999 – 30 April 2000.

In practice, a detained asylum seeker is first placed in a police prison and transferred to a general prison usually after the first hearing.

2. Ill-treatment

Comments

- The Finnish authorities are invited to remind police officers in an appropriate manner that no more force than is strictly necessary should be used when apprehending a person (paragraph 13).

Section 27 of the Police Act (1995/493) contains provisions on the use of force by the police, which include the principle of the use of as little force as possible. When assessing the justification for the use of force, the urgency and importance of the task, the

dangerousness of resistance, the available resources as well as other factors influencing the overall assessment of the situation shall be taken into consideration. Special attention is paid to compliance with the provisions on the use of force in the supervision by superiors and in the basic training of the police as well as in on-the-job training.

Requests for information

- full information about the outcome of the investigation concerning the alleged ill-treatment of a foreigner detained at the Police Department of Helsinki Local District between 28 June and 23 July 1996, together with details of any disciplinary or other action taken by the Finnish authorities in this respect (paragraph 12).

The pre-trial investigation referred to by the Committee is still pending. The case involves altogether three foreign complainants, one of whom has not been reached and, on the basis of the information received thereon, it seems likely that he has left the country. It has not been possible to question him. The investigation is led by the public prosecutor of Vantaa.

One of the complainants has told that he was assaulted – hit and kicked – by the police in connection with his asylum investigation. On the basis of the description given by the complainant, it has not been possible to identify the policemen suspected of the offence. The complainant has been found to have mental problems and the guards of the police prison have, inter alia, had to prevent his suicide attempt during the asylum investigation.

The other complainant who has been heard says that he encountered mental pressure from the police and experienced suffering during the asylum investigation.

The pre-trial investigation shall be conducted in its full extent and, in connection therewith, all the police officers who have conducted investigations in connection with the asylum investigation have been or will be further heard.

The public prosecutor has acted very actively in the investigation of the case and led the investigation as efficiently as possible. After the pre-trial investigation has been completed, the case will be transferred in accordance with the normal procedure to a consideration of charges by the public prosecutor.

- the following information in respect of 1997 and 1998:

- the number of complaints of ill-treatment by the police lodged and the number of disciplinary or criminal proceedings initiated as a result of those complaints;

- an account of the disciplinary/criminal sanctions imposed on the grounds of ill-treatment by the police (paragraph 14).

In 1997 the Office of the Chancellor of Justice decided 135 and in 1998 154 complaints lodged against the police authorities.

In 1997 the Office of the Parliamentary Ombudsman decided 333 and in 1998 242 complaints lodged against the actions of police authorities. In 1997 14 % of the decisions and in 1998 12 % of the decisions gave cause for measures by the Ombudsman or the Deputy Ombudsman.

In 1997 15 actions against police officers relating to crimes committed in office were decided in different court instances. In four cases the sanction was fines, nine charges were dismissed and two were waived. Four of these 15 actions concerned crimes relating to ill-treatment by the police. In those cases, the excessive use of force by the police in apprehension situations had been deemed to constitute petty assault. Assessed as a whole, ill-treatment by the police is thus almost a marginal problem.

In 1997 the Ministry of the Interior decided 149 and in 1998 177 administrative complaints relating to the police. No separate statistics have been compiled of complaints of ill-treatment by the police but they are included in the said figures.

Due to the large number of competent decision-makers and to the free form of the so-called administrative complaints, the authorities in Finland have no exact figures for 1997 and 1998 on the number of complaints lodged expressly against ill-treatment by the police and on the number of disciplinary or criminal proceedings initiated as a result of these complaints. The figures above describe the complaints against all police authorities, among which complaints of ill-treatment by the police form a minor part. All complaints lodged are, however, examined with special care.

3. Conditions of detention in police and Frontier Guard establishments

Recommendations

- the shortcomings in respect of cell lighting, cleanliness and state of decoration of the cells at the Police Department of Helsinki Local District to be remedied (paragraph 17).

The police prison of the Police Department of Helsinki Local District was built in 1982 to correspond to the needs of that time and in accordance with the building regulations of that time. It was not originally meant for prolonged detention of persons, wherefore the equipment of the detention facilities (cells) is relatively simple: concrete table, bench and bed as well as a drinking-water fountain. One-person cells also have a toilet seat.

With regard to the one-person cells, the equipment of 16 rooms was improved in 1995 by installing electricity sockets as well as television antenna links therein. In 1998 five portable television sets were acquired for the use of remand prisoners who do not have the possibility to use their own TVs.

According to the Police Department of Helsinki Local District there is no possibility to increase access to natural light in the cells due to reasons of construction. It is not possible to enlarge the cell windows, but the possibility of improving the artificial lighting is looked into. The Police Department has not had any reason to pay attention to

the shortcomings presented by the Committee earlier, as no complaints have been made thereof.

The detention rooms of the police prison are in rough use, which inevitably leaves its marks therein. The rooms do not stay clean very long. The cells are cleaned daily and a thorough cleaning takes place in every cell once a year. The thorough cleaning of the current year took place in June-July.

The latest major repairs in the Helsinki police prison took place in 1994-95. In connection therewith, the cells were painted, toilet seats repaired, shower facilities renovated and a gym was built for the prisoners. In addition, painting and floor repair work took place on the 3rd floor of the police prison in 1998.

Painting the place again is being planned in connection with the water maintenance of the police prison. A yearly check of possible renovations is conducted with the representative of the maintainer of the police house, the house manager, in October - November 1999. In that connection a renovation of the showers and additional electricity to the cells are considered.

The air shafts of the police prisons are swept and cleaned twice a year. The arrangement of a thorough clean-up is also being considered.

- if a satisfactory regime of activities cannot be provided to remand prisoners held at the Police Department of Helsinki Local District, the accreditation of this establishment as a suitable place to hold such prisoners should be withdrawn (paragraph 19).

In accrediting the detention facilities of remand prisoners the Ministry of Justice pays attention, in addition to structural properties, to the fact that the rights of the remand prisoners referred to in the Remand Imprisonment Act can be safeguarded in the detention facilities. These rights include, inter alia, the right to visits as well as the possibility of outdoor exercise, daily hygiene and of adequate health care. The Ministry of the Interior is responsible for the supervision and operation of police prisons.

A gym has been built for remand prisoners detained in the Helsinki police prison and it is available for all those willing to use it. Most of the detained prisoners are, however, persons who have never exercised in any way and who do not want to use the gym in the police prison, either.

All remand prisoners have the possibility to go to the sauna once a week. This possibility is also widely used. The possibility of outdoor exercise is also widely used, especially in summer. The outdoor-exercise facilities are situated on the roof of the police department building and no structural changes can be made to improve them. In connection with the repairs of the building, a partition wall has been removed from the outdoor facilities and thus a larger uniform space has been created allowing several people to exercise together at a time. This possibility is, however, often limited by the unconditionally strict isolation

demands presented by the investigators, according to which the remand prisoner may not see other detained prisoners.

The management of the police prison also feels that the detention periods are often too long. The prison staff cannot, however, influence the length of the detention periods. It is not possible to arrange purposeful activities for remand prisoners so that they could spend time outside the cells for the minimum of eight hours recommended by the Committee. However, even today, the prisoners are often outside their cells for several hours daily: in outdoor exercise for 1.5 hours, in the gym for an hour on request, in the sauna for 0.5 hours and in interrogations sometimes for several hours.

The aim is, however, to continuously improve the conditions of remand prisoners and their possibilities to participate in activities outside the cells.

At the moment the Ministry of Justice does not deem it possible to withdraw the accreditation of the Police Department of Helsinki Local District to detain remand prisoners. The matter will be reconsidered when the new and up-to-date provincial prison in Vantaa is completed in 2002.

- steps to be taken immediately to ensure that all intoxicated persons taken into custody are provided with mattresses which are fireproof and fitted with washable covers (paragraphs 20 and 23).

After the previous visit of the Committee, the Police Department of the Ministry of the Interior launched an experiment in Helsinki Detoxification Centre, during which different mattresses were tested as the bed of the intoxicated. Special attention was paid to the washability and fire safety of the surface material of the mattresses. After the experiment a customer survey was conducted on the use of the mattresses chosen. The customers were mainly satisfied with the mattresses. Some customers, however, complained that the mattresses made them sweat and said that they would rather sleep on the heated floor. Therefore no mattress is provided for a customer if he does not want one. The police deems that the customer should be given the possibility to choose whether to sleep on the floor or on a mattress.

Mattresses have now been acquired in such a number that all intoxicated persons taken into custody may be provided with a mattress, if they agree to use one. New heat-sealed and plastic-covered mattresses are acquired as needed to replace ones broken and written off.

- steps to be taken to develop the regime of activities for remand prisoners held at the Police Departments of Imatra, Joensuu, Lappeenranta and Rovaniemi Local Districts, and if necessary at other police departments, having regard to the general remarks made in paragraph 19 (paragraph 22).

The police prison of the Police Department of Rovaniemi Local District has currently undergone a full renovation. The renovation work was completed on 15 September 1999. In connection therewith the ventilation of the department was renewed and seven remand-prisoner cells were equipped with similar furniture as in prisons. Also, the

technical call system to the cells underwent complete renovation. One of the cells became a television and activities cell. The cell windows remained as they were. Their size is in accordance with the standards. Changing the glasses would have required the demolition of the outer walls, which was not possible in connection with basic renovation. The outdoor exercise yard for prisoners was built in immediate contact with the cell department. It is sufficient in size for the needs of the Rovaniemi police prison.

The Police Department of Lappeenranta Local District has found that the situation is as presented in the report of the CPT. Due to the report of the Committee the Police Department has submitted a proposal regarding repair and alteration work to the State Real Estate Administration proposing that the Real Estate Administration should, as soon as possible, start to plan and carry out measures to remedy the shortcomings.

With regard to the Police Departments of Imatra and Joensuu Local Districts, it has to be stated that the recommendations of the Committee were accurate and the aim is to address the shortcomings where possible.

It should, however, be stated that, in the present circumstances, the creation of a system where the remand prisoners in all police prisons would be guaranteed the right and possibility to spend eight hours outside their cells in purposeful activities is very difficult. The facilities in use today and the shortage of staff have an effect thereon. The aim is, even in these circumstances, to lengthen the outdoor-exercise time and to increase the possibilities of other purposeful activities outside the cells as has been done in the Police Department of Helsinki Local District.

- Immediate steps to be taken to ensure that remand prisoners held at the Police Department of Lappeenranta Local District are allowed one hour of outdoor exercise per day (paragraph 22).

The Police Department of Lappeenranta Local District issued on 1 July 1999 an instruction to the effect that remand prisoners be allowed one daily hour of outdoor exercise in the outdoor exercise yard. The instruction shall be applied, where possible, also to detained persons as well as to persons detained under the Aliens' Act.

- anyone obliged to stay overnight in custody at the Nuijamaa Border Post to be provided with a mattress and blankets (paragraph 24).

In accordance with the recommendation of the Committee, appropriate mattresses and blankets have been acquired to the Nuijamaa Border Post as well as to other Frontier Guard establishments with special detention facilities.

Comments

- The Finnish authorities are invited to remedy the material shortcomings described in paragraph 21 in respect of the Police Departments of Lappeenranta and Rovaniemi Local Districts (paragraph 21).

- The Finnish authorities are invited to explore the possibility of improving access to natural light in the cells of the Police Departments of Imatra, Joensuu, Lappeenranta and Rovaniemi Local Districts (paragraph 22).

As stated above, the comments of the Committee have been found legitimate and accurate and the shortcomings will be remedied to the extent possible. Appropriate repair proposals have already been submitted to the bodies in charge of the maintenance of real estate.

The Finnish authorities are invited to verify that persons detained at the Nuijamaa Border Post are given food at appropriate times (paragraph 24).

Food supply has been ensured both at the Nuijamaa Border Post and at the other border posts guarded by the Frontier Guard. The supply of food shall be arranged either through the own food-supply system of the border post or as an outside service at the cost of the authority.

Requests for information

- further information on the plans to renovate the Helsinki Detoxification Centre (paragraph 20).

The Committee has paid attention to the poor state of the detention rooms of the custodial shelter situated in Töölö sports hall. The Police Department has rented facilities for the detention of intoxicated persons from the real estate of the sports hall owned by the City of Helsinki and administered by the City Sports Office. According to the rental agreement, the lessor is, inter alia, in charge of repair costs originating from ordinary wear. During the years, the facilities have, however, badly deteriorated. The sports hall was renovated in 1991, but at that time the city administration left the facilities in the use of the police outside the renovation.

The police has made several proposals for repairs. A reply has also been submitted to the Occupational Health and Safety Inspectorate. The proposals have, however, not led to the desired result. The City of Helsinki has drawn up a project plan for the renovation of the detention facilities in the sports hall. The project plans has been approved by the Sports Board. According to the plan the renovation would commence in December 1999 and continue for around three months.

- whether persons kept under police surveillance in the transit zone of Helsinki International Airport are provided with food and suitable means for sleeping, and guaranteed access to their luggage, to suitably equipped sanitary and washing facilities and, if necessary, to medical care (paragraph 25).

The request for information of the Committee relates to passengers who are not allowed through passport control as they do not meet the entry requirements. These persons are, however, free to move around in the passenger transit hall. They may use the restaurants, kiosks, toilets and showers in the area as well as the Gateway Hotel providing hotel services. They are also given their luggage and they may, if they wish, continue their

journey on any flight they choose. In this respect they are in the same position as other transit passengers. The only surveillance they are subject to by the authorities is surveillance to prevent their unlawful entry in the country.

It should be emphasised that the police does not keep persons who have been deprived of their freedom under surveillance in the transit zone of the airport, but they are mainly taken to either Vantaa or Helsinki police prison.

Passengers who do not meet the entry requirements are primarily themselves in charge of their food and accommodation. If a passenger, for any reason, cannot take care of the said matters himself, the airline that has brought him to the airport has secondary responsibility. The ICAO Convention, Appendix 9, point 3.38.1 contains a regulation thereon, which is binding on the airlines. According to the said point, only a competent authority may release the airline from this responsibility. In accordance with the instructions issued for passport control, the passport control officer shall, without delay, inform the airline of a passenger who will possibly be refused entry and of the responsibility of the airline for him and his transportation back to his place of departure.

When the Committee conducted its inspection at Helsinki International Airport, passport control belonged to the duties of the police. Now the Frontier Guard is responsible for passport control. The facilities used by the passport control belong to the Civil Aviation Administration. With regard to the facilities, the situation is as it was at the time of the inspection visit of the Committee.

During their inspection the members of the Committee were not in contact with the officials in charge of the management of passport control and therefore they may have got the wrong impression with regard to what is meant by a passenger "kept under police surveillance".

4. Safeguards against the ill-treatment of persons deprived of their liberty

Recommendations

- the period during which an apprehended/arrested person can be denied the right to notify his next-of-kin or another appropriate person of his situation to be shortened substantially; a maximum period of 48 hours would strike a better balance between the requirements of the investigation and the interests of detained persons (paragraph 29).

- the types of situation in which the exercise of the right of notification of custody may be delayed to be spelt out more clearly (paragraph 29).

Extensive amendments of the Pre-Trial Investigation Act and Coercive Measures Act are under preparation in the Ministry of Justice in co-operation with the Ministry of the Interior. In this connection the prerequisites on which the police may delay notifying the close relatives of a detained person of his custody shall be expressed more clearly. The possibilities of shortening the period during which the police may deny the right to notify

shall also be clarified in the same connection. The plan is to submit a Government Proposal thereon in 2000.

- appropriate measures to be taken to ensure that the right of access to a lawyer from the very outset of custody, as guaranteed in Section 10 of the Pre-Trial Investigation Act, is rendered fully effective in practice (paragraph 31).

The practice referred to in the Committee report is linked to the fact that apprehension usually takes place in the middle of the night when contacting a lawyer is not always immediately possible. Guaranteeing access to a lawyer in the manner recommended by the Committee is, however, an important issue and in the training of pre-trial investigation authorities special attention shall be paid to the fact that an apprehended person is notified of his right of access to a lawyer as soon as possible after the onset of custody, as guaranteed in section 10 of the Pre-Trial Investigation Act. The Ministry of the Interior is also considering the necessity of issuing particular directions.

- the legal situation in respect of the presence of a lawyer during police interrogations to be brought into line with the remarks made in paragraph 33 (paragraph 33).

Section 31 of the Pre-Trial Investigation Act shall be specified in connection with the amendment of the Pre-Trial Investigation Act and Coercive Measures Act.

- specific provisions regarding the right of access to a doctor to be adopted (paragraph 34).

On 23 September 1999 the Finnish Government appointed a committee to prepare a reform of the legislation on the enforcement of prison sentences. In this connection section 10 of the Remand Imprisonment Act shall be specified so that it will contain specific provisions on a remand prisoner's right of access to a doctor. Today this right is implied in the Act, as it provides that an ill prisoner shall have access to medical care. The provisions on remand prisoners shall also be applied to the apprehended.

- the "Instruction regarding medical care in police prison" of 19 November 1997 to be amended, in the light of the remarks made in paragraph 35 (paragraph 35).

The medical care instructions of Helsinki Police Prison will be amended as recommended by the Committee. The practice has already been changed, i.e. drugs on prescription are only administered if allowed by a doctor.

- steps to be taken to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present at the Police Department of Helsinki Local District, including at night and over weekends (paragraph 36).

There are police officers and guards present at the Police Department of Helsinki Local District at night and over weekends, and their basic training includes the provision of first aid. First aid skills are maintained with continuous on-the-job training. The staff of the Police Department of Helsinki Local District is, in practice, the same as the staff at the

Helsinki Detoxification Centre, whose training will be explained in more detail in paragraph 37.

- arrangements to be made for regular, e.g. daily, visits by a nurse to other police establishments accredited to hold remand prisoners (paragraph 36).

Other police departments use the services of the general health care system. This means that always when people taken into custody by the police have external injuries or complain of pain or say that they are ill, they are taken to the nearest health centre to be examined by a doctor before they are taken into custody. The doctor decides whether a person may be kept in police facilities or whether the situation requires that the person is sent to a hospital.

Where a person detained in police facilities has an acute fit, the person is immediately taken to the closest health centre for medical care or alternatively a doctor is promptly called for to the police facilities.

In practice these arrangements have been adequate and functional, and ensuring daily medical care services to all police stations has shown itself not to be the most appropriate solution within the framework of the current resources.

- measures to be taken in order to ensure that a nurse is present at all times at the Helsinki Detoxification Centre (paragraph 37).

The nurses working at the Detoxification Centre are not members of the staff of the Police Department of Helsinki Local District but belong to the staff of the Social Welfare Office of the City of Helsinki. The Police has aimed, in co-operation with city officials, at finding out possibilities of establishing a detoxification centre in connection with a health-care unit, in which case the health care of intoxicated persons would be guaranteed at all hours. An increase in the number of health-care personnel in the present facilities has been regarded as the other alternative. So far no progress has been made.

At times when a nurse is not present at the detoxification centre, the services of local health-care units or a doctor on duty (these are always available) are resorted to where necessary. Töölö emergency unit is located approximately two hundred metres from the centre.

- all staff of the Helsinki Detoxification Centre to receive specialised training in the care of intoxicated persons and in the recognition of conditions which could be mistaken for a state of intoxication (paragraph 37).

The basic training of police officers and guards includes the provision of first aid (20 hours). In addition, the training includes recognition of the symptoms of illnesses or medical conditions which could be mistaken for intoxication. The guards do not receive basic training until they are employed by the police department. During the visit of the Committee, only one untrained guard was employed at the detoxification centre – the other guards were trained in their work and experienced.

In addition, it should be stated that health-care issues form part of the continuous on-the-job training at the detoxification centre. In this respect the nurses working at the detoxification centre provide excellent assistance in the training, as does the paramedic personnel of the rescue centre.

In 1999 the medical and police authorities co-operated in compiling a detailed textbook to be used in on-the-job training, Emergency first-aid and initial assessment. It is a so-called first response guide and distributed to the field personnel (appended, Appendix 1).

In addition to self studies with the aid of the first response textbook, practical issues are addressed in more detail on lectures by doctors teaching emergency first aid or responsible for patient transports. After the lectures and theory the issues considered are practised under professional guidance.

The entire field personnel of the police is covered by a new model for on-the-job training in first response. The goal is to be able to immediately assess the status of intoxicated persons and of victims of accidents or crime, to provide necessary first aid and to sustain a patient's vital functions till the professionals of a patient transport or in first response take charge of the patient.

Those participating in the on-the-job training have to master the provision of emergency first aid. The training emphasises initial assessment, basic evaluation without equipment, emergency transport and reporting the measures taken. In the end of the training the participants pass a final examination consisting of a theoretical and a practical part. The examination is administered by the doctors who have participated in the training.

The police supreme command has initiated a scientific experiment in Vantaa Police District. Its purpose is to enhance the security of particularly intoxicated persons taken into custody by the police. As part of the experiment a so called bio mattress has been acquired to Vantaa Police District. The functions of an intoxicated person lying on this mattress are electronically relayed to a computer monitor in the duty room. During the experiment the life of at least one intoxicated has been saved thanks to the bio mattress. The extension of the experiment to other districts is considered on the basis of the experiences and within the framework of resources available.

- measures to be taken without delay in order to ensure that identifying marks associated with a particular medical condition are no longer displayed on cell doors at Helsinki Detoxification Centre (paragraph 38).

This practice has been abandoned.

- steps to be taken to ensure that the information forms on the rights of persons taken into custody are made available to all such persons in police and Frontier Guard custody, as from the very outset of their deprivation of liberty and in an appropriate range of languages (paragraph 39).

The forms in question were drawn up after the previous visit of the Committee. The forms are still in use; in addition to the Finnish language, they have been translated into

eight languages and distributed to all detention facilities. The active use of the forms shall be stressed in the future.

- the possibility of drawing up a code of conduct for police interrogations to be reconsidered (paragraph 40).

The recommendation of the Committee has been considered by the Ministry of the Interior and the Ministry of Justice, but the measures recommended by the Committee have not been considered necessary, as the Pre-trial Investigation Act and especially sections 22 - 38 thereof contain specific and extensive provisions on the interrogation procedure. It has been deemed appropriate to include regulations on police interrogations in an act. In addition to these provisions, the police may also resort to the detailed government proposal (travaux préparatoires) which has important instructive significance in the Finnish judicial culture. Therefore there is no practical need to draw up a more specific code of conduct. It should, however, be noted that an amendment of the recording instructions for pre-trial investigations containing instructions on conduct is pending at the Ministry of the Interior.

In addition, it should be noted that a lot of attention is paid to the conduct of interrogations at different stages of the police training. A textbook has been compiled of the subject and it is regularly distributed to every Police School student (appended, Appendix 2). Also, other material relating to interrogations is distributed to the students.

In 2000 a totally new textbook will be published on police ethics and it will be of significance with regard to conducting interrogations too.

Special interrogation training is given to the police in special courses relating to the interrogation of children and young persons. The Police School and courses directed at the police in different summer universities have provided training in conducting interrogations of young persons.

Comments

- it would be highly desirable for any delay in the exercise of a person's right to notify someone of his situation to be always subject to the approval of a senior police officer with the right to arrest (paragraph 30).

Under the Coercive Measures Act a decision on a delay in the exercise of a person's right to notify shall always be made by an official with the right to make an arrest, who is at least the police officer in charge of the investigation or his superior. The persons with the right to make an arrest have been listed in the Act. If the police officer in charge of the investigation is not an official with the right to make an arrest, he may not decide on a delay in the exercise of the right to notify.

An official with the right to make an arrest is a highly and professionally educated official belonging to the senior police staff. The official in charge of the investigation with the right to make an arrest usually has the best knowledge of each case and the circumstances surrounding it. With regard to due process the approval of a senior officer

belonging to the staff of the same organisation would not improve the situation much. Because there are no investigative magistrates in Finland and the linking of the public prosecutor or a court to this matter is not expedient, it would be difficult to arrange a specific approval procedure in this context.

- the CPT trusts that a reply to the letter of the President of the CPT dated 3 March 1998 requesting detailed information (including the text of relevant provisions) on the means of coercion which law enforcement officials in Finland are authorised to use when enforcing an expulsion order will be forwarded in the near future (paragraph 44).

The decision on deportation of an alien and the measures relating thereto are based on the Aliens' Act in force.

It is sometimes – however extremely rarely - necessary to use means of coercion in connection with the enforcement of a deportation decision when the person absolutely refuses to leave the country even if he has received a final decision on deportation.

The general authority to use means of coercion derives from the Police Act, which was made available to the Committee in connection with the visit. Section 27 of the Police Act provides that, when performing his official duties, a police officer shall have the right to use the means of coercion which may be regarded justifiable when they are necessary to break resistance, to remove a person from a certain place, to apprehend a person, to prevent the escape of a detained person, to remove an obstacle or to prevent a direct threat of a crime or another dangerous act or event. When using means of coercion the official shall, however, keep in mind the provision of the Police Act on the principle of the use of as little force as possible referred to in paragraph 13 above.

In addition, on 31 July 1998 the Police Department of the Ministry of the Interior issued an instruction *Käännyttämisen ja maasta karkottamisen täytäntöönpanosta [On the enforcement of refusal of entry and deportation]* (Diary No. 2/011/98) (appended, Appendix 3).

Requests for information

- the comments of the Finnish authorities on the question concerning confidential access to a lawyer raised in paragraph 32 (paragraph 32).

In accordance with section 10, paragraph 1 of the Pre-Trial Investigation Act, a party shall have the right of access to a lawyer during pre-trial investigation. In accordance with section 10, paragraph 3 of the Pre-Trial Investigation Act, a criminal suspect who is apprehended, detained or remanded in custody shall have the right to consult his lawyer in person, by letter or by telephone as further provided for in sections 12 and 13 b of the Remand Imprisonment Act.

Section 31 of the Pre-Trial Investigation Act provides that the lawyer of the party shall have the right to be present in the interrogations of his client unless the officer in charge of the investigation denies it for weighty reasons relating to the criminal investigation.

Section 12 of the Remand Imprisonment Act (615/1974) provides that a remand prisoner and his lawyer shall have the right to keep contact in person, by letter or by telephone, if possible. The meeting may be supervised where there is a special reason thereto. A consultation with the lawyer may not be listened to and letters may not be checked unless there is justifiable cause to suspect abuse. In the event of abuse, the consultation may be interrupted.

The said provisions are applied in practice so that a police officer is present only where there is a special reason thereto. The presence of a police officer is thus an absolute exception with a clear reason. No complaints have been lodged on the denial of a confidential consultation between a lawyer and a remand prisoner. Therefore the drafting of the separate interpretation instructions mentioned in the Committee report has been postponed. At the moment it would be more appropriate to bring the matter forth in connection with the amendment of the Pre-Trial Investigation Act and of the Coercive Measures Act (see paragraph 29).

- the Finnish authorities' remarks concerning the information received by the Committee that under the new system for the examination of complaints of ill-treatment by police officers, the police are still in practice conducting inquiries into their own shortcomings (paragraph 42).

In the report the Committee correctly notes that the investigation of so-called police offences (offences where a police officer is the suspect) has now been transferred to the responsibility of the prosecution authorities.

In investigation situations referred to by the Committee, a separately appointed prosecutor acts as the person in charge of the investigation and, in practice, also leads the investigation. The investigation is always conducted by a police authority from a police unit other than that of the suspected police officer. The police shall always be responsible to accept a report of an offence even if it is filed against the official conduct of the police.

It should also be noted that, in Finland, there is no other authority besides the police who has received professional training in pre-trial investigation of police offences. In the end, the criminal-law sanctions are always decided on by a court of law.

- whether an information brochure, setting out in various languages the procedure applicable and the rights of the persons concerned, exists for aliens not requesting asylum who are detained in police establishments (paragraph 43).

An alien is notified of a decision on detention made in accordance with the Aliens' Act and it will be interpreted to him where necessary. Under the Aliens' Act, an alien is also entitled to use an assistant and an interpreter (Aliens' Act, S. 2).

On 13 August 1996 the Police Department of the Ministry of the Interior issued instructions called *Turvaamistoimista [On security measures] (Diary No. 16/011/96)*, with an account of the grounds relating to the detention of an alien as well as of the rights of an alien in Finnish, English, French, German, Spanish and Russian. This account is

given to an alien in the language which the alien understands the best. The instructions of the Ministry of the Interior have been appended (Appendix 4).

- full information on the procedure before the administrative courts when considering appeals against, or revising, negative decisions concerning asylum requests or decisions to refuse entry or to deport; in particular, whether the person concerned has the right to be heard by the court (paragraph 47).

The handling of these matters is subject to the normal procedure of the administrative courts provided for in the Administrative Procedure Act (586/1996). The provisions of the Aliens' Act are, however, observed in the procedure, e.g. the right to use an interpreter. In accordance with sections 37 – 38 of the Administrative Procedure Act, an oral hearing is arranged where necessary or at the request of a party. Under the Act an oral hearing requested by a party need not to be arranged if the claim is dismissed or immediately rejected or if an oral hearing is manifestly unnecessary due to the merits of the case or for another reason. In practice, a request for an oral hearing is very seldom dismissed.

Oral hearings are held exceptionally often in these cases of administrative procedure. No statistical information covering the whole country is available, but for example with regard to asylum cases which have been concentrated to Uusimaa County Administrative Court, 63 complaints were decided and in 30 cases an oral hearing was arranged in 1998.

- information on the specific training provided to officials of the Directorate of Immigration and of the passport control authorities for carrying out their tasks, and their sources of information as regards the human rights situation in other countries (paragraph 47).

The request for information by the Committee relates on the one hand to the specific training of the authorities in charge of border control (passport control) tasks and on the other hand to the specific training of the officials of the Directorate of Immigration.

In this case "passport control authorities" refer to the Frontier Guard, which in Finland is in charge of the border control conducted in order to ascertain the preconditions for entry and departure of persons. Checking the travel documents entitling one to cross the border, i.e. passport control, is part of border control. The other officials conducting border control are the Police and the Customs Office. The Directorate of Immigration is in this connection the Finnish Directorate of Immigration.

The Directorate of Immigration has arranged internal training especially in the human-rights situation of countries producing refugees to Finland. In addition, the staff of the Directorate has participated in training arranged by others relating to foreign cultures, refugeeship and immigration. The legal and geographical service of the Directorate of Immigration gathers, analyses and files reports of information necessary in deciding applications submitted to the Directorate of Immigration. The information sources cover, inter alia, literature in the field, news follow-up, international exchange of information, electronic databases and fact finding trips. For further information on the training and the

operation of the legal and geographical services of the Directorate of Immigration, see the appended memorandum (Appendix 5).

One of the main goals of the training of the personnel working at different levels of the Frontier Guard is the conduct of border control. The training includes specific study periods in alien affairs in general, in passport control and in asylum issues. The obligations of international conventions and human rights are emphasised in the training.

The basic training of the personnel of the Frontier Guard responsible for practical control tasks is divided into two parts comprising altogether 43 credit units. One of the main goals of the training is to provide extensive basic knowledge for conducting border control tasks. During the first part (23 credit units) the border-control staff is taught the basics of border control activities so that they can perform border-control tasks together with a more experienced person. After the second part the staff shall have an overall view of border control. The personnel on the management level receive university-level training including special study sections in border control issues. The quality of the training is ensured, inter alia, by letting other decision-making authorities handling alien issues, experts in human-rights issues, the Ombudsman for Aliens as well as representatives of organisations looking after the interests of aliens hold lectures.

Other passport control authorities may participate in the said courses in alien issues arranged by the Frontier Guard.

- information on any monitoring or follow-up carried out by the Finnish authorities as regards the situation of persons following their expulsion from Finland (paragraph 47).

- the comments of the Finnish authorities on the issue raised in the third subparagraph of paragraph 47; the Committee is not entirely convinced that everyone who runs a risk of ill-treatment, if refused entry and removed from the country, will be identified (paragraph 47).

Finnish authorities do not monitor case-specifically the situation abroad of persons deported from or refused entry in Finland. Any difficulties in the home country would come to the knowledge of the Finnish authorities on the basis of notifications by the persons themselves or by other parties with knowledge thereof, such as human-rights organisations.

So far no such notifications have been received. The Directorate of Immigration monitors reports drawn up by human-rights organisations on different countries, which include cases with names and may provide information on possible inhuman treatment.

A complete follow-up system for persons who are refused entry or deported cannot be created within this procedural framework. If necessary, the Finnish authorities may check the information presented. Country-specific information with regard to the different target countries is continuously monitored by the authorities in co-operation, and the passport control authorities in charge of deportation are instructed accordingly. The importance of monitoring country-specific information is stressed in the training of

passport control authorities in order for the authorities to have knowledge of the treatment of a deported alien in the country in question.

B. Prisons

1. Preliminary remarks

Requests for information

- the present situation in respect of the management of Riihimäki Central Prison (paragraph 50).

A new director who had previously worked as the director of Laukaa auxiliary prison was appointed to Riihimäki Central Prison for a fixed term starting on 1 October 1998. He was appointed to permanent office on 1 July 1999. In the election good personnel-management skills and an ability to develop the operations of the establishment were expressly stressed. Within a short period of time the new director has been able to develop the organisation, operations and atmosphere of the Central Prison.

2. Ill-treatment

Recommendations

- appropriate instructions to be issued to prohibit the spraying with water of a recalcitrant prisoner who is not acting in concert with other prisoners (paragraph 53).

The instructions relating to the use of force will be up-dated. In addition, special attention shall be paid to the matter when the officials in charge of establishment-specific training in the use of force in prisons are trained at the Prison Staff Training Centre in the fall of 1999. The incident pointed out by the Committee relates to a very rare situation, of which the Ministry of Justice submitted a detailed account to the Committee in December 1998.

- develop and implement a comprehensive strategy to combat inter-prisoner violence, in the light of the remarks made in paragraph 60 (paragraph 60).

During the last few years, the goal fixed for prisons has been to decrease inter-prisoner violence and the number of prisoners accommodated separately on their own request. Many different means are employed in decreasing inter-prisoner violence. The Department of Prison Administration is for instance initiating an action programme for the reduction of prison violence. This programme is based on a survey of 1999 on violence in prison administration. The survey studied the threat the prisoners posed to the personnel groups. It also contained a discussion of means of alleviating the effects of violence and its threat in prison administration.

This action programme is supported by other ongoing projects as well, such as the determination of the security level of and division of duties between prisons. The location of prisoners in establishments is development – an especially important location criterion are security issues. A goal is to draft an account of the underlying factors determining the size of the staff, and of a goal-directed employee structure in different types of establishment. The intention is to thus concentrate personnel resources in accordance with the needs of the prisoner groups in each establishment.

As indicated earlier, on 23 September 1999 the Finnish government appointed a committee to prepare an amendment of the legislation concerning the enforcement of prison sentences. The committee is supposed to submit its report by the end of March 2001. Its work is to consider whether it could be possible to influence prison violence through legislative measures. The placement of prisoners in different establishments will be totally reconsidered in connection with the overall amendment.

- immediate steps to be taken to ensure that vulnerable prisoners at Riihimäki Central Prison are able to take daily outdoor exercise in safety (paragraph 60).

Outdoor exercise in Riihimäki Central Prison was completely reorganised in the fall of 1998. There are 13 wards in the prison, and the inmates of six wards take their outdoor exercise together twice a day. Separate outdoor exercises have been arranged for the other seven wards on the other side of the prison yard. These seven wards include two drug rehabilitation wards taking their outdoor exercise together, separately from and at a different time than the other prisoners. Two other wards accommodate prisoners who themselves have asked to be separated from the other inmates. These two wards take their outdoor exercise together but at a different time than the other inmates. The last three wards take their outdoor exercise separately, each unit alone and apart from other prisoners.

- a system of recording incidents to be introduced in Helsinki Central Prison and, if necessary, in other prisons (paragraph 61).

The instruction of the Department of Prison Administration relating to incidents and exceptional situations taking place in prisons is being revised. The instruction will contain guidelines for the proper handling, investigation and recording of such incidents. The purpose is also to confirm a uniform notification form with which the reporting of establishments may be improved and unified.

Also, the recording practice of incidents will be improved. Training has already been arranged once to the head guards. Mere reporting is not enough but the aim is also that the establishments improve their operational models on the basis of the incidents.

Requests for information

- A detailed account of the authorised means of coercion in Finnish prisons, as well as of the training received by prison staff in control and restraint techniques vis-à-vis recalcitrant prisoners (paragraph 53).

The right of an official of the Department of Prison Administration to use means of coercion is based on chapter 3, section 8 of the Penal Code. According to the Code, if a prisoner tries to escape or resists, a guard has the right to use such means of coercion which, in the circumstances, may be regarded justifiable to prevent the escape or to maintain order.

The means of coercion allowed in accordance with the Enforcement of Sentences Act include the placement of a prisoner in solitary confinement in order to restrain violent behaviour, and chaining. In accordance with chapter 2, section 11 of the Act a prisoner may not be chained unless it is necessary to prevent an escape during transportation or to restrain violence which could not be prevented by other means and which may cause danger to the safety of the prisoner himself or of other persons or considerable damage to property. Chaining must not continue longer than necessary.

In order to control violent behaviour a prisoner may, instead of chaining, be placed in an appropriately arranged solitary confinement cell. Where chaining or solitary confinement is necessary to restrain violence a doctor shall be heard if possible. The board of directors shall be notified of the measures without delay. Chaining and solitary confinement and the reason thereto shall be recorded in the register of disciplinary punishments. A corresponding provision applying to remand prisoners is included in section 15 of the Remand Imprisonment Act.

Authorised means of force in establishments are gas sprays, batons, handcuffs and firearms. Only officials who have acquired approved training may use these means.

In accordance with the instructions of the Department of Prison Administration, instead of resorting to means of coercion, the aim is always to influence the conditions of the prisoners or use means which are likely to calm the prisoners down, where possible.

Prisoner control and surveillance techniques as well as the provisions and principles relating thereto are taught in connection with several different subjects included in the basic prison service examination (self defence, prison administration, legal subjects and psychology). The aim is to provide training for preventing and solving conflict situations arising in prison. The training also includes instruction in the use of authorised means of force.

The courses form an entity of altogether five credit units. The "Management of Crisis and Conflict Situations" course teaches how crisis and conflict situations arise in prison, and how they may be prevented. Also, the correct proportioning of means of force is taught. In addition, the course covers forecasting problem situations, assessment of situations involving the use of force, calming down an aggressive prisoner, situation management, group operations and the use of safety means. In connection with the course in law, the provisions on the use of means of force and justifiable defence are taught. The psychology course "Mental Crisis and the Operations of a Staff Member" teaches recognition of the signs of a crisis and how to act with a person who is in a crisis. The course "Basics of Self Defence and the Use of Means of Force" teaches the basis

techniques of self defence and the means of force. The student has to demonstrate his skills in a practical test.

In addition to basic training, annual supplementary training is arranged for the self-defence trainers in prisons, and conflict-management courses are arranged for other staff.

- confirmation that the baseball bat and the two non-standard wooden batons found in the prison staff's office in Ward II, Level 3 at Riihimäki Central Prison have been removed (paragraph 54).

According to an account submitted to the Department of Prison Administration by Riihimäki Central Prison on 17 August 1999, the baseball bat and the non-standard batons have been removed from the guards' office in ward II.

3. Conditions of detention

Recommendations

- the implementation of the renovation programme in Helsinki Central Prison to be vigorously pursued and, in this context, the remarks made in paragraphs 64 to 66 be taken fully into account. The refurbishment should inter alia ensure that all prisoners in Helsinki Central Prison have access to toilet facilities at all times, including at night (paragraph 67).

After the previous inspection of the Committee in Finland in 1992, the renovation of the so-called east wing has been completed. At the moment the so-called west night-cell wing is being renovated and it is to be completed in 2000. Thereafter the so-called east wing night cells with, inter alia, the psychiatric unit will be renovated. The cells of the east-wing night-cell ward are in the poorest condition in the prison.

In the budget of the current year, the funds allocated for the renovation of Helsinki Central Prison have been increased to 8 million FIM, which will considerably accelerate the renovation. The aim is to keep the quality of the future renovation as well as the equipment standard of the cell units on the level of the east-wing cell ward renovated earlier. The comments of the Committee will be taken into account in full.

Prisoners accommodated separately on their own request (the fearful ones) have been placed in the northern cell ward. The renovation of this ward is planned to begin in 2005. Prior to 2005 the northern cell ward will be repaired, painted and refurbished within the framework of annual allocations. Some of the cells of the ward will be equipped with toilet facilities already in 1999.

- substantial efforts to be made to provide more work and educational opportunities for prisoners in Helsinki Central Prison (paragraph 70).

In 1997 the target of Helsinki Central Prison was to have 60 percent of the prisoners engaged in activities offered in the prison, not 67 percent as mentioned in the Committee

report. In 1998 it was possible to raise the goal to 63 percent as the Central Prison exceeded its 1997 target.

The Committee report states that in 1998 some 80 prisoners did not benefit from activities offered in Helsinki Central Prison. Some of these prisoners were, however, ill and released from the obligation to participate. In addition, prisoners do not participate in activities because of court appearances, leaves, transfers to other establishments or for other reasons. There were some 26 prisoners in 1998 for whom it was difficult to arrange activities. In 1999 (1 January – 31 July 1999), the number of those difficult to place in activities was 20 on the average. When calculating the goal relating to participation in activities, the figures and percentages are calculated on the basis of the daily average number of inmates, and the above-mentioned matters are not taken into consideration in the calculations. The problem partly derives from the somewhat misleading statistical methods of the Department of Prison Administration.

The prison's wood workshop was closed as an industrial production unit on 30 September 1998. The reason was mainly that the number of prisoners in the unit permanently remained too low to keep up sensible operations. This resulted from a decrease in the total number of prisoners in the establishment as well as from the ongoing renovation in which the prisoners previously working in the wood workshop had to be engaged. The closing down did not as such reduce the job opportunities for the prisoners. It has been possible to offer jobs for the same number of prisoners who were previously engaged in the small-scale repair woodwork meant inter alia for prisoners in the drug-free unit and other rehabilitation units.

The educational opportunities in Helsinki Central Prison have clearly increased and become more versatile during the past few years. In 1997 altogether 83 prisoners participated in general education or vocational training, the corresponding figure for 1998 being 110.

The vocational courses provided have increased from one to five. In addition, major inputs have been made in the development of indenture training in connection with the work programme of the prison during the last few years.

In addition to ensuring continuous general education and vocational training, the goals for 1999 relating to activities especially include education to the Romany prisoners, foreign prisoners as well as to prisoners with difficulties in reading or writing.

Helsinki Central Prison has during the past few years actively launched new activities for prisoners – such as activities aiming at decreasing the use of drugs (drug treatment programmes) – other rehabilitation programmes and programmes increasing the labour market qualifications of prisoners. For example in 1998, there were two drug-free units and one rehabilitation unit in operation. The prison also arranged handicraft work in small groups, group activities counselling for release and exercise, and rehabilitation and family camps. In 1999 the prison started cognitive skills training courses as a new activity for the inmates.

During the last few years the drawing up of individual plans for the prison term has especially been emphasised. The goal for 1999 is to intensify the planning of the individual activities of a prisoner. At this point the aim is that the activities of all long-term (sentence of one year or more) and under 21-year-old prisoners will be planned and documented. The goal of Helsinki Central Prison is set even higher: a plan shall be drawn up for all prisoners staying in prison for at least 6 months.

An assessment method for work and employment capacity of prisoners was introduced in Helsinki Central Prison at the end of 1998. The introduction of the assessment method will offer a good starting point for the development of the substance of the individual prison-term plans in a more goal-oriented direction.

- the refurbishment programme of Riihimäki Central Prison to be accelerated. Pending completion of the programme, instructions to be given that any request made by a prisoner to be released from his cell during the day in order to use a toilet facility must be granted without delay, unless significant security considerations require otherwise (paragraph 74).

The aim is to accelerate the renovation of Riihimäki Central Prison. This work will, however, be delayed due to financial difficulties. A prioritised renovation programme has been drafted for the Prison Administration Service. According to it the prisoner facilities of Helsinki Provincial Prison and of the establishments in Turku which are in a bad shape compared to Riihimäki should first be replaced with new buildings. Only then it is possible to begin the fundamental renovation of Riihimäki Central Prison.

Until the renovation is completed the prison will ensure that each request made by a prisoner to be released from his cell during the day in order to use a toilet facility will be granted without delay unless security considerations require otherwise. The custodial staff has been given specific instructions on the releasing of prisoners from their cells during the day to use a toilet. The prison management has also dealt with the subject at meetings of the custodial staff, in which the procedure for allowing the prisoners to use the toilet in daytime has been agreed upon.

- immediate steps to be taken at Riihimäki Central Prison to improve the level of cleanliness of the cells and the communal areas and to provide prisoners with appropriate cleaning products for their cells (paragraph 74).

Special attention has been paid to the general cleanliness and comfort of Riihimäki Central Prison after the inspection of the Committee. Cleaning equipment and products have been distributed to the units so that they are better available to the prisoners. Prisoners have cleaning equipment in their cells. It has not been considered appropriate to distribute cleaning products in the cells but their availability in each unit has been ensured. In accordance with the statement of the Director, cleaning products are provided to prisoners once a week. In addition, at the unit meetings the custodial staff has been instructed to take care of the general cleanliness and comfort of the prison.

- the regime offered to prisoners at Riihimäki Central Prison to be developed, in the light of the remarks made in paragraph 79. In this regard, a high priority to be given to fully exploiting the potential offered by the existing workshops (paragraph 79).

The observation of the CPT regarding the underuse of the workshops of Riihimäki Central Prison is accurate. With regard to their size the number of prisoners employed at the metal and woodwork shops is small. In mid-year 1999 the average number of prisoners employed in these facilities was 17.

The underuse of the production facilities has mainly resulted from a decrease in inmates in the establishment. The workshops have been designed for a prison holding approximately 300 prisoners. The present number of prisoners in the establishment is at most around 170. Additionally, several other alternative activities have been developed in the establishment. The programme aiming at decreasing the use of drugs requires even more total isolation of prisoner groups from each other, which has decreased the number of prisoners normally engaged in the workshops. The goal fixed for engaging prisoners in activities is 61 percent of the prisoners.

In 1998 Riihimäki Central Prison clearly activated its work by inter alia beginning to assess and plan the activities of prisoners from new points of view. The prison keeps an arrival ward for the individual planning of activities, and in 1998 a method for the assessment of prisoners' work and employment capacities was introduced.

The prison arranges general and vocational education. Prisoners are engaged in wood and metal work, the kitchen, maintenance and construction. The prison aims at decreasing the use of drugs among prisoners by inter alia establishing drug-free zones and units in the establishment and by implementing drug-problem programmes. The aim is to introduce other programmes as well in the prison, for example cognitive skills training courses will be started in 2000.

Riihimäki Central Prison participates in a structural fund programme of the EU (NEP) which started in 1998 and which develops a model to link the activities of prisoners to their release and to create employment links for the period after release. The project will end in 2000 and the experiences will be used as part of the work preparing the inmates for release.

Over 20 percent of the prisoners have acceptable reasons for not participating in activities: they may be ill, on leave, in court or being transferred to another establishment. In 1998 the number of such prisoners in Riihimäki Central Prison was some 37. There are, however, also inmates in the prison with only a restricted amount of activities. The reason for this may be fear of other prisoners, unwillingness to participate in activities or difficulties experienced by the prison in arranging activities according to individual needs. In 1998 the number of these prisoners was some 34. In 1999 the number decreased and has on average been 23 (till 31 July 1999).

The assessment method of work and employment capacities of prisoners and individual activity plans will further the planning of meaningful activities for prisoners, the introduction and implementation of new activities as well as the encouragement of prisoners to participate in the activities. At the present stage the individual planning and assessment of activities require further development work in which inputs will be made within the present resources.

Requests for information

- the comments of the Finnish authorities on the limited access to the well-equipped sports hall at Riihimäki Central Prison (paragraph 76).

Besides the prison, the sports hall situated outside the prison area is also used by a local school. Joint use restricts the possibilities of the prison to use the facilities in day time. The time reserved for the prison cannot, however, always be used in full when there is a shortage of staff for example due to vacations or sick leaves.

4. Health care

Recommendations

- steps to be taken to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present at Helsinki and Riihimäki Central Prisons, including at night (paragraphs 81 and 82).

A goal was set for all establishments in 1994 to ensure that custodial staff which has received first-aid training will maintain their first-aid skills through further training at three-year intervals. The training has to be registered employee-specifically so that it is possible to ensure the presence of an official with first-aid skills in each shift. In accordance with the accounts submitted by the establishments, the presence of an official with first-aid skills has been ensured in each shift in almost every establishment. With regard to establishments where this goal has not been reached, the Department of Prison Administration will require and monitor the improvement of the situation.

- the necessary steps to be taken to reintroduce regular visits by a psychiatrist to Riihimäki Central Prison (paragraph 83).

Hiring a part-time psychiatrist in Riihimäki Central Prison has been difficult in previous years. The services of the psychiatrist who was last hired were not satisfactory. As the general practitioner of Riihimäki Central Prison has significant experience in drug-abuse medicine as well as completed studies in psychotherapy, and as Hämeenlinna Central Prison has a full-time psychiatrist, the decision was made not to hire a part-time psychiatrist for the time being. Where necessary the prisoners are transported to Hämeenlinna Central Prison only some twenty kilometres away for psychiatric consultation. The need for consultation has proven to be small. The prison is, however, now permitted to hire a part-time psychiatrist from 1 May 1999, but the office has not yet been filled.

- steps to be taken to ensure the permanent presence of a nurse trained in psychiatric care in the psychiatric unit at Helsinki Central Prison (paragraph 86).

Previously there was a nurse present in Helsinki Central Prison even at night. Her services were very seldom needed, and hardly ever by the psychiatric unit patients.

In addition to the departmental nurse the psychiatric unit has three nurses trained in psychiatric care and four experienced mental-health nurses who have received shorter training and are not registered nurses. The clinic employs a departmental nurse and four nurses, one of whom is trained in psychiatric care. At week-nights and during weekends, at least two members of the nursing personnel, one of whom may be a nurse, work in the psychiatric unit. When no nurse is present in the psychiatric unit, one of the nurses of the establishment is on call either in the clinic or, especially at night, at home.

On the basis of experiences gained, contacting the nurse on call in issues relating to the patients of the psychiatric unit is very rare and patient safety has not been endangered by the system. The authority supervising health-care professionals, the former National Board of Health, approved the planned system. The intensity of the treatment needed by the patient and the staff situation shall be taken into account in considering whether the patient can be treated in the hospital of Helsinki Central Prison or sent to Turku Mental Hospital for Prisoners.

If an acute situation arises in the psychiatric unit the staff contacts the nurse on call by telephone and she may also come to assess the situation. In urgent cases the patient is directly taken to hospital or an ambulance is called to the prison. In an acute psychiatric situation it is also possible to phone the doctor of the Mental Hospital for Prisoners, who on the basis of the account of the nurse may for example prescribe medication. The outside hospital is determined on the basis of the need for treatment and the municipality of residence of the patient. In urgent cases treatment shall always be provided even for a person from another municipality under the National Health Act (section 14, paragraph 1, subparagraph 10 k and section 16) and the Act on Specialised Nursing Care (section 3, paragraphs 1 and 2 as well as section 30, paragraph 2). In practice such a situation has not, according to the account of the psychiatric unit, arisen in years, as the more seriously ill are sent to the Mental Hospital of Prisoners or to outside care.

- the medical screening of newly arrived prisoners to be reviewed, in the light of the remarks made in paragraphs 89 and 90 (paragraph 90).

In accordance with the instructions in force issued by the Prison Administration Department, the staff shall monitor the general condition and state of health of remand prisoners and prisoners admitted to the establishment to serve their sentence in connection with their admission and, where necessary, take immediate action to direct the prisoner to appropriate tests and care. If a prisoner is under medication upon his arrival in the establishment, the custodial staff shall immediately contact the prison nurse in order to get treatment instructions and medication. If a prisoner is in need of hospital care, he will be examined by a nurse or in some cases by a doctor during office hours. After office

hours a prisoner may always be taken to an outside health centre or hospital by a decision of the custodial staff.

In addition, according to the instruction issued by the Department of Prison Administration, a medical screening shall be done of every prisoner sentenced to prison or a fine as well as of remand prisoners placed in work within two weeks from their arrival in the establishment. The interview and medical screening shall be carried out by a nurse. If the nurse deems that the working capacity of the prisoner may be decreased, a doctor shall examine him.

All the nurses in prisons are duly trained professionals with recognised nursing qualifications. Most of them are very experienced and used to working independently. There have been no cases in which the treatment of a patient in need of a doctor's examination or wanting to see a doctor has been unnecessarily delayed due to a wrong assessment by a nurse.

The basic training of the custodial staff includes 10 hours of health information and 10 hours of psychiatry inter alia on the recognition of the danger of suicide. In addition, a precondition for the completion of the training is that the student has completed first-aid training no more than three years earlier. In 1994 the Department of Prison Administration asked the prison doctors to draw up written instructions to the custodial personnel of their prisons for the recognition of delirium tremens and, upon their discretion, of other acute illnesses and for the procedure in these cases. In addition, supplementary training has been arranged for the custodial staff in the recognition of mental problems.

Many prisons are located in remote regions and it is not always easy to find people willing to work as prison doctors. In small prisons with only 30 to 40 prisoners the doctor keeps consultations once a week and the doctors of bigger prisons are responsible for more than one establishment. Due to inadequate resources it is practically almost impossible to fulfil the requirement that a doctor could examine each admitted prisoner on the day of admission.

According to the Ministry of Justice the health-care needs of a prisoner needing an examination and treatment are very well met within the present system. Each new prisoner whom the nurse considers to be in need of a doctor will certainly be able to get a doctor's appointment within a week. A prisoner in need of more urgent doctor's care is taken to the health-care unit on call outside the prison.

On average prisoners use a lot of doctor's services. In 1998 for example 24,107 prisoners consulted a doctor, visits to a health centre or clinic totalled 2,369 and to private health-care services 1,385.

- the Finnish authorities to endeavour to increase the number of places in the drug treatment units at Helsinki and Riihimäki Central Prisons (paragraph 92).

Increasing and deepening of drug-free programmes in prisons has been a central development project of the Department of Prison Administration for the last two years. In

connection therewith, the drug strategy and related operational instructions for 1999 – 2001 of the Department of Prison Administration were confirmed in January 1999. Prisons are under obligation to draft establishment-specific intoxicant strategies and operational plans by 31 August 1999.

After the inspection of the Committee the beds in drug rehabilitation have been increased in Helsinki Central Prison. One ward of 11 inmates has been changed into a drug-free unit by adding drug rehabilitation and by controlling drug abstinence with urine tests. In 1999 the aim is to open an additional unit in the establishment for prisoners with drug problems, those willing to take part in drug control or for prisoners who have failed in rehabilitation. There are plans to turn a whole wing or building into a drug-free unit.

After the visit of the Committee a new detoxification unit with 10 beds has been opened in Riihimäki Central Prison. The unit also functions as the starting unit for drug treatment; from it the prisoner is transferred to actual drug rehabilitation. During the fall of 1999 the purpose is also to change two wards with 20 beds into drug-free units. These units are meant for prisoners who want to live in a drug-free environment and are willing to take part in occasional drug control.

Follow-up treatment beds for drug rehabilitation which prisoners in rehabilitation may apply for have been agreed upon in the Southern Finland Prison District. The follow-up treatment beds are usually in open prisons. In accordance with an amendment which entered into force in the beginning of June 1999, during his prison term a prisoner may be placed in drug treatment in an institution or unit outside the prison subject to certain conditions.

Comments

- it would be preferable to augment the presence of a doctor at Helsinki Central Prison; ideally, there should be a full-time general practitioner (paragraph 81).

In Helsinki Central Prison there is a full-time specialised doctor who can always be reached by the staff of the clinic during office hours. The doctor has divided his office hours so that he has spent three days in Helsinki Central Prison and two in Helsinki Provincial Prison. So far this arrangement has been deemed sufficient. The increase in the number of intoxicant abusers and in their need for medical withdrawal and rehabilitation treatment in Helsinki Central Prison, however, give reason to monitor whether the current doctor services are sufficient.

- were Riihimäki Central Prison to operate at full capacity, the presence of a doctor in the establishment and the nursing resources should be increased accordingly (paragraph 82).

The Department of Prison Administration will monitor the development of the number of prisoners in Riihimäki Central Prison and, where necessary, reconsider the adequacy of the health-care staff.

- in a health care facility such as the psychiatric unit at Helsinki Central Prison, the management of violent and/or agitated patients should be the responsibility of health care staff. All assistance by custodial staff in dealing with such patients should be provided under the authority and close supervision of the health care staff (paragraph 88).

The removal of a patient from a unit and especially placing him in isolation should always take place in concert with the doctor in charge of his care or, during his absence, with the nurse or mental-health nurse in charge of the unit. Just to safeguard this, the presence of a psychiatric nurse at all hours cannot, however, be considered justified.

Requests for information

- developments concerning the planned transfer of the psychiatric unit at Helsinki Central Prison to another prison establishment (paragraph 87).

The psychiatric unit will be transferred to the section of Helsinki Central Prison currently under renovation in 2000. The unit is likely to be transferred to the new Vantaa Provincial Prison in 2002, when this prison is to be completed.

- whether guidelines on suicide prevention have been issued; in the affirmative, a copy of them as well as an account of the progress made in ensuring their implementation throughout the Finnish prison system (paragraph 91).

So far no guidelines on suicide prevention have been issued. A study on the deaths of prisoners was published by the Department of Prison Administration in 1995. According to this study it was not possible to draw a typical profile of a prisoner in danger of suicide. The central conclusion of the study was that in aiming to decrease the suicides of prisoners, it is not reasonable to try to only find prisoners who are typically in danger of suicide. It is more useful to develop the ability of the prison staff to recognise the mental problems of prisoners more generally. Training aiming at this has been given to the custodial staff both in basic and in supplementary training already for a few years. The health-care staff has received training inter alia in psychopharmacology, this year too. After a suicide, a meeting of the key persons is normally arranged, and the incident is analysed and possible needs for changes are noted. Thereafter the necessary changes will be implemented in the prison.

During the last five years, three to nine suicides have been committed in prison annually. Each incident is reported to the Department of Prison Administration.

5. Other issues related to the CPT's mandate

Recommendations

- a right of appeal to a higher authority to be introduced in respect of all disciplinary sanctions (paragraph 95);

- a right of appeal against a decision of placement, or renewal of placement, in solitary confinement to be introduced (paragraph 98).

According to section 75 of the Prison Administration Decree a prisoner shall have the right to appeal against a disciplinary sanction only if a loss of remission over ten days is imposed as the sanction. A prisoner may not appeal against other disciplinary sanctions, but he may lodge a complaint to the Ministry of Justice or the Parliamentary Ombudsman.

Introduction of the right to appeal to prisoners is an important question of principle. The Ministry of Justice supports the recommendation of the Committee to develop the right to appeal of prisoners. The extension of the right to appeal of prisoners is, however, a significant reform, which will require organisational changes, and its implementation as a separate reform has not been deemed possible.

A total reform of the legislation on the enforcement of sentences is pending in the Ministry of Justice, and a committee was appointed to prepare it by the Finnish Government on 23 September 1999. In connection with this reform the right to appeal of prisoners will be subject to thorough reconsideration.

- the shortcoming in respect of natural light and ventilation observed in the disciplinary cells at Helsinki Central Prison to be remedied (paragraph 100).

The isolation unit of Helsinki Central Prison was completed in connection with the renovation of the east-wing cell ward in the end of 1997. The isolation units have mechanical ventilation, which ensures adequate ventilation in the cells. General norms set on ventilation have been taken into account in the planning and construction. The windows have to be equipped with a thick net as prisoners from other units pass by the window on their way to outdoor exercise several times a day. The net is used to prevent unlawful contacts to the prisoner in isolation. The route to outdoor exercise will go through the yard of the isolation unit until March 2001, when the renovation work will be completed. The personnel may open the inside net of the window where necessary. In this case the problem will be the mechanical ventilation, which may malfunction with the window open.

- material conditions in the isolation/disciplinary cells in Ward IV, Level 1 of Riihimäki Central Prison to be improved without delay, in the light of the remarks made in paragraph 101. In the context of the renovation of the prison, the authorities also to equip the isolation/disciplinary cells with a table and chair (if necessary fixed to the floor) (paragraph 101).

The basic repair of the material conditions presented by the Committee will be made in connection with the renovation. The cells will be equipped with a table and a chair in 2000.

- the practice of placing prisoners naked in the observation cell at Riihimäki Central Prison to be ended immediately; prisoners placed in this cell to be provided with tear-proof clothing and bedding (paragraph 102).

No prisoners are placed in the observation cell without clothing. In an isolation situation it is often necessary to strip the prisoner, but he is always given clothes in the cell. Keeping a prisoner naked is unnecessary as he can be monitored through a camera.

- the material shortcomings in respect of cleanliness, ventilation and artificial lighting in the observation cell at Riihimäki Central Prison to be remedied (paragraph 102).

The cleanliness of the cells has been improved and the shortcomings with regard to artificial lighting have been remedied.

- the visiting arrangements for "fearful" prisoners at Riihimäki Central Prison to be reviewed (paragraph 109).

The prisoners' visiting problems have been solved case-specifically, where possible by arranging visits during office hours on weekdays as well. Such visits have been requested by prisoners who or whose visitors suffer from e.g. panic disorders, by Romany prisoners and prisoners whose visitors have had difficulties in arranging visits during weekends. Also, "fearful" prisoners will be better informed of this possibility to arrange visits on weekdays.

- the permitting occupancy levels of the travelling cells at Helsinki and Riihimäki Central Prisons to be reduced, in the light of the remarks made in paragraph 112 (paragraph 112).

All the travelling cells of Helsinki Central Prison are 8 square meters in size and they accommodate at most 2 persons per cell for a period of less than 24 hours. The number of prisoners accommodated temporarily at Riihimäki Central Prison has been in decline as the total number of prisoners has declined, so that the prisoners may be placed in accordance with the recommendation. The number of prisoners will be monitored and, should the situation require, the number of travelling cells at Riihimäki Central Prison will be increased.

Separate travelling cell wards for men and women are planned to be built in the new Vantaa Provincial Prison. The men's travelling-cell ward will have two units. One unit will have five four-person cells, 22 square meters in size, which are equipped with a toilet and a four-person dining area. The other unit will have ten two-person cells, 14 square meters in size.

Comments

- each prison establishment should be required to maintain a consolidated record of all disciplinary proceedings and decisions, which can be scrutinised by prison managers, officials of the Prison Administration Department and inspectorial bodies (paragraph 96).

Under chapter 2, section 10 b of the Enforcement of Sentences Act the Governor or an official ordered by him shall keep a discipline register. Detailed provisions have been

issued on the keeping of the discipline register and on the issues to be entered in it in instruction of the Department of Prison Administration No. 14/011/95.

All prisons have a discipline register in which all disciplinary sanctions, chaining and transfers to solitary confinement are recorded. The Parliamentary Ombudsman and the officials of the Department of Prison Administration regularly examine the register and the correctness of the entries in it during their inspection visits to the establishments.

- the Finnish authorities are invited to reconsider the CPT's recommendation that they explore the possibility of establishing a system under which each prison would be visited on a regular basis by an independent body, authorised to inspect the prison's premises and to receive complaints from inmates about their treatment in the establishment (paragraph 108).

Last year organisational changes took place at the Office of the Parliamentary Ombudsman. By an amendment of the Finnish Constitution (Constitution Act, section 49, 1113/1999) the office of another full-time Deputy Ombudsman was established in Finland. At the same time new standing orders were confirmed for the Ombudsman (Rec. No. 1731/1/98), specifying the duties and decision-making powers of the Parliamentary Ombudsman and the two Deputy Ombudsmen. These organisational changes entered into force in the beginning of September 1998.

Today issues relating to prison administration and the enforcement of sentences are decided by Deputy Ombudsman Jaakko Jonkka. In accordance with the new permanent orders the Parliamentary Ombudsman has assigned to both Deputy Ombudsmen lawyer referendaries specialised in the issues handled by the Ombudsmen. The issues belonging to Deputy Ombudsman Jonkka are prepared by six lawyer referendaries. The regulations oblige the (Deputy) Ombudsman to carry out inspections especially in prisons and other closed establishments. Prisoners and other persons placed in establishments shall be provided with a possibility of a confidential discussion with the Deputy Ombudsman.

In 1998 the Parliamentary Ombudsman and the Deputy Ombudsmen carried out inspections in altogether 61 institutions, of which six were prisons. The inspections are increasing along with the establishment of the office of the second Deputy Ombudsman. In 1999 altogether five inspections had been carried out in prisons by the end of August, in addition to which two more were planned.

In consideration of the exceptionally extensive competence of the Parliamentary Ombudsman, it is not deemed necessary to establish a new independent monitoring body. More appropriate would be to strengthen the current monitoring system as described above, and to increase the resources of the Parliamentary Ombudsman if need be.

- confirmation that the safeguards contained in Instruction 4/011/94 of the Prison Administration Department in respect of the placement of a prisoner in non-voluntary solitary confinement for other than disciplinary reasons also apply in case of renewal of the solitary confinement measure (paragraph 97).

Solitary confinement of a prisoner referred to in chapter 3, section 9, paragraph 2 of the Enforcement of Sentences Act is a safeguard measure which may be taken only under the preconditions prescribed in the Act. The measure may be taken only where no other means may be used to safeguard order in the prison and the safety of the other prisoners. A decision on solitary confinement shall be made by the governor in writing on a form confirmed for the decision after having heard the prisoner. The Department of Prison Administration shall be notified of the decision. The decision shall be reconsidered at maximum intervals of one month. If it is necessary to continue solitary confinement, the same provisions and the same procedure shall be observed in deciding on its extension.

In practice the number of prisoners placed in solitary confinement is very small; on 1 August 1999 there were two such prisoners in Finland. Placing a prisoner in solitary confinement for a period exceeding one month is very rare.

- whether the Finnish authorities intend to implement plans to built a special security unit in Helsinki Central Prison; if so, full details about this unit (capacity, material conditions, proposed regime, etc.) (paragraph 103).

A project plan has been drawn up for a security ward to be built in Helsinki Central Prison. This plan was approved by the Ministry of Justice on 21 June 1999. In the investment programme of the Department of Prison Administration the implementation of this project has been placed after Vantaa Provincial Prison and the renovation of Helsinki, Riihimäki and Turku Central Prisons. A more detailed implementation schedule will be confirmed only after the projects preceding it have progressed.

According to the project plan the security wards will have two units of six inmates. All the cells will be one-person cells of 12 m² in size. All the cells will be equipped with a shower and toilet facilities. The material conditions of the cells will be of a high level and the furnishings will include, in addition to a bed, a table, a bookshelf as well as a television and a video. The units will be equipped with a kitchen, working and handicraft facilities, leisure time and training facilities, a sauna, a gym and reception facilities for officials et cetera.

An amendment of the Enforcement of Sentences Act entered into force on 1 June 1999, so that a prisoner may be placed in such a security ward if it is deemed necessary due to drug-related crimes, serious criminal activity or an issue which may seriously endanger order in the establishment. The purpose is that the connections of a prisoner to other prisoners than those placed in the same security unit are as restricted as possible and that the contacts outside the unit are monitored well, but that the operations within the unit could be as normal as possible. A prisoner placed in the ward could fulfil his duty to participate by working, studying or participating in other activities arranged in the ward.

- comments of the Finnish authorities on allegations heard from inmates in Helsinki and Riihimäki Central Prisons that they had not received a reply, or received very late replies, to their complaints addressed to the prison director (paragraph 106).

The prisoners have the possibility to present a request to the governor or another official for a meeting with the said official. Similarly a prisoner may submit a question or lodge a complaint. Usually the prisoners use a form meant for this purpose, but a request can also be made free in form. The discussion takes place either in the room of the official or in the living quarters of the prisoner in the ward.

In prison administration some issues which previously belonged to the authority of the governor have been transferred to officials in charge of different operations in prison. For example prison furloughs may be delegated inter alia to the deputy governor of the establishment. Complaints lodged by prisoners are usually referred to the official with decision-making power in the case. If a prisoner has addressed his complaint expressly to the governor, the governor either requests an account of the official in charge and replies to the prisoner himself or, depending on the issue, refers the matter to be replied by the official in charge.

The questions and complaints of prisoners are usually replied to without delay. In many cases the issue is handled personally with the prisoner or solved in writing by issuing a decision on the request of the prisoner. Any neglects will become known to the Department of Prison Administration through complaints and inspections and they are dealt with immediately.

- the status of recommendations made by the Parliamentary Ombudsman to the relevant authorities in respect of complaints received from prisoners (paragraph 106).

The recommendations by the Parliamentary Ombudsman/Deputy Ombudsman are very carefully observed in Finland. The relevant authority will be notified of a decision by the Ombudsman. If the decision of the Ombudsman is of more general interest, the Department of Prison Administration will notify all prisons of the decision. Decisions by the Parliamentary Ombudsman are also taken up in staff training and in the training of prison governors. Please refer to the attached report on 1998 by the Parliamentary Ombudsman for recent statistics about measures related to this issue by the Ombudsman (Appendix 6).

- the comments of the Finnish authorities on the apparent limited capacity of Helsinki Central Prison's visiting facilities (paragraph 110).

The limited capacity of the visiting facilities and the arrangement for proper supervision of visits restrict the duration of a single visit to 45 minutes in Helsinki Central Prison. In addition to the usual supervised visits, unsupervised visits are also arranged, the duration of which are three hours. A prisoner is allowed these visits once a month. Unsupervised visits are meant for prisoners living in a permanent relationship who are not given prison furloughs.

The shortcomings of the visiting facilities will be remedied in connection with the progress of the prison renovation. The intention is to arrange larger facilities for visits by repairing a facility on the ground floor of the so-called night-cell ward.

- progress concerning the plans for a new local prison for the Helsinki metropolitan area, referred to in paragraph 113 (paragraph 113).

An amount of 54 million FIM has been allocated for the building of Vantaa Provincial Prison in the budget proposal for next year. The construction work of the new provincial prison will commence in 2000, and it is to be completed in 2002.

- Whether the Finnish authorities have established a programme with a clear timetable for entirely eliminating the practice of slopping out (paragraph 114).

A ten-year investment plan has been drawn up by the Department of Prison Administration which, upon its implementation, will enable the abandoning of bucket cells and allow the prisoners access to toilet facilities at all hours. The implementation of the investment plan depends on the allocations received through the State budget.

C. Muurola Psychiatric Hospital

1. Preliminary remarks

Requests for information

- further information on the plans to relocate Muurola Psychiatric Hospital to Rovaniemi (paragraph 115).

According to an account by Muurola Psychiatric Hospital, the relocation of the hospital from its present location, the village of Muurola, to the town of Rovaniemi, has not been under official discussions in Lapland Medical District and no decisions have been made regarding the relocation.

The location of a municipal hospital belongs to local authorities, and the Finnish Government does not possess the power to issue instructions or orders as regards this issue.

2. Ill-treatment

Requests for information

- in respect of 1997 and 1998:

- the number of complaints of ill-treatment lodged against health care staff in psychiatric establishments in Finland;

- an account of sanctions imposed following such complaints (paragraph 119).

It is agreed with the National Board for Medicolegal Affairs that they will acquire the requested information. Usually complaints are considered by a provincial state office. The National Board for Medicolegal Affairs has handled only a few complaints regarding psychiatric patients and these have not led to any measures. The patients may also lodge complaints to the Deputy Ombudsman and the Chancellor of Justice. In addition, the patient has the possibility to lodge a complaint, referred to in the Act on the Status and Rights of Patients, to the director in charge of the health-care unit.

The aim of the National Board of Medicolegal Affairs is to monitor the distribution of all complaints relating to health-care operations by specific fields and the effectiveness of sanctions. The purpose is to draw up a uniform and practical system for compiling statistics in co-operation with the provincial state offices. Additional information may be issued in connection with the annual report.

3. Staff

Recommendations

- Appropriate steps to be taken to ensure that a doctor is always present on the premises of Muurola Psychiatric Hospital (paragraph 121).

According to information received from Muurola Psychiatric Hospital, a doctor is not always present on the premises of the hospital. The hospital has issued strict emergency instructions according to which, the doctor on call shall always be summoned, for example in situations, in which a person is admitted to the hospital for the determination of the need for involuntary treatment. In practice, the arrival of the doctor on call to the hospital takes no more than 30 minutes.

The Ministry of Social Affairs and Health considers that, for the sake of the safety of patients, with regard to e.g. sudden isolation situations, acute somatic illnesses or self-destruction attempts, it would be better that a doctor were on call on the premises of the hospital. The Ministry of Social Affairs and Health considers, however, that the instructions and practice of the hospital for summoning the doctor on call outside the hospital area are sufficient with regard to the safety of patients. (The duty instructions of Lapland Medical District have been attached, Appendix 7)

Requests for information

the present number of medical doctors working in the hospital (paragraph 120).

According to information received from Muurola Psychiatric Hospital on 1 August 1999, the medical team of the hospital comprises, at the moment, a Chief Medical Doctor, two senior medical doctors, one assistant medical doctor and six ward physicians, four of whom are deputies.

4. Treatment

Recommendations

- the use of electro-convulsive therapy (ECT) to be recorded in a specific register established for that purpose (paragraph 131).

Electro-convulsive therapy and the physical restraint of patients are recorded as treatments in the patient's case history and in detail on a separate form. Hospital-specific statistics are also compiled thereof.

The National Board for Medicolegal Affairs has stated that electro-convulsive therapy is usually administered with the consent of the patient, wherefore there is no need for a separate register. The Ministry of Social Affairs and Health deems that the creating of a separate register on persons is not necessary but, in order to intensify supervision, it is necessary to ensure that these treatments are reliably recorded and also kept elsewhere than in the case history of the patient who has received the treatment.

Comments

- the forms of treatment, for which consent of the patient is not required, should be based not only upon law but also related to clearly and strictly defined exceptional circumstances. As it stands, the Mental Health Act does not appear to meet the latter requirement. (paragraph 132)

In Finland ordering psychiatric treatment on an involuntary basis is deemed to include the placement in an establishment as well as the psychiatric treatment given therein. The Ministry of Social Affairs and Health considers that the Mental Health Act meets the requirements set in article 7 of the Convention of the Council of Europe on Human Rights and Biomedicine. In accordance with the explanatory notes of the convention, using treatment measures aiming at other than the treatment of a mental disorder require the consent of the patient, where possible.

In Finland the guidance of mental-health treatment aims to further the use of voluntary measures. However, the preconditions for the restriction of the rights of a patient and, for example, the restriction of contacts should be more specified in the Mental Health Act. A government proposal for the specification of the provisions of the Mental Health Act is to be submitted to Parliament in spring 2000 at the latest.

5. Means of restraint

Recommendations

- every instance of the physical restraint of a patient (manual control, use of instruments of physical restraint, seclusion) to be recorded in a specific register established for that purpose. The entry to include the time at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the doctor who ordered or approved it, and an account of any injuries sustained by patients or staff (paragraph 137).

The issues recommended to be recorded in a separate register are usually recorded in the case history of the patient. In accordance with the National Board for Medicolegal Affairs, with regard to the physical restraint of a patient, the establishment of a separate register cannot be deemed appropriate but the monitoring and supervision of the said measure should be intensified for the purpose of unifying treatment in the different medical districts.

As stated above, the purpose is to specify the Mental Health Act especially with regard to the situations demanding restraint of the rights of a patient. In this connection, the expediency of a separate record should be considered. The Ministry of Social Affairs and Health is amending the regulations on the drawing up and storing of patient documents, and in this context the issues presented by the Committee shall be specified.

Comments

- conditions within the seclusion rooms of Muurola Psychiatric Hospital were quite satisfactory, save for the absence of a call-system and non-visibility of the certain parts of the room from the outside. The CPT invited the Finnish authorities to remedy these deficiencies (paragraph 134).

According to an account of Muurola Psychiatric Hospital, a separate allocation shall be reserved for the installation of an appropriate call and camera-surveillance system/"gossip mirror" in the investment costs of the budget for 2000.

Requests for information

- whether training programmes in non-physical and manual control techniques vis-à-vis agitated or violent patients have been offered to staff in psychiatric institutions in Finland (paragraph 136).

The Ministry of Social Affairs and Health agrees with the Committee that, in order to decrease the use of instruments of physical restraint, the staff should receive training in manual control and non-physical techniques. In addition to Muurola such training has been arranged in other Finnish hospitals as well, but the arrangement of training has mostly depended on the activity of the hospital.

6. Safeguards in the context of involuntary placement

Comments

- the Finnish authorities are invited to draw up an introductory brochure, setting out the hospital routine and patients' rights in languages commonly spoken by patients (paragraph 141).

The routines in hospitals vary and any informing thereof belongs to the municipal authorities. Hospitals make information brochures setting out the hospital routines available to patients. In accordance with the Patient Act information on the Patients

Ombudsman is also available for inspection in the health-care units. The Ministry of Social Affairs and Health has previously drawn up a brochure on the act concerning the status and rights of a patient. Drawing up a similar brochure on the rights of a mental-health patient should be considered.

Requests for information

- comments on the issues raised in paragraph 139 concerning the procedure for involuntary placement in a psychiatric hospital (paragraph 140).

In the absence of urgency, the Committee considers that the placement of a person in a hospital even for a four-day observation should be based on the recommendation of at least one psychiatrist, preferably two, and that the actual decision on placement should be taken by a body which is independent of the psychiatrist(s).

In accordance with section 23 of the Mental Health Act, sections 10 and 11 of the Administrative Procedures Act on disqualification shall apply to the doctor who draws up the observation recommendation, the doctor who issues the observation opinion and to the doctor who orders treatment. The observation opinion may not be issued by the same doctor who has drawn up the observation recommendation. The same doctor who has drawn up the observation recommendation or issued the observation opinion may not decide on treatment. Disqualification issues have thus been observed in the present legislation.

The Ministry of Social Affairs and Health does not deem it possible to implement the requirement that the person who submits the recommendation is a psychiatrist throughout the country. Placement in involuntary treatment is usually, almost without exception, urgent. A separate body for involuntary placement would be a too slow and rigid system.

- patients can lodge an appeal with the county court under section 24, but no provision appears to have been made for the appointment of a person to assist the patient to decide whether to lodge such an appeal (paragraph 140).

Each hospital has a Patients Ombudsman in accordance with the Act on the Position and Status of Patients who is also available to psychiatric patients and, where necessary, their family. The tasks of the Patients Ombudsman are to advise and assist patients in the realisation of their rights. A patient shall have the right to legal assistance and cost-free trial in an administrative court. In hearing issues referred to in the Mental Health Act in an administrative court, an expert member (in practice a psychiatrist) will take part in the hearing of the issue and in the decision-making. The Ministry of Social Affairs and Health does not have knowledge of the reasons why the assistant of a patient in the administrative court is seldom a lawyer, even though the court may appoint one for a person who has lodged an appeal, and why oral hearings are arranged very seldom.

- whether a reinforcement of safeguards vis-à-vis involuntary placement is being planned within the context of the drafting of the new Mental Health Act (paragraph 140).

The plans to amend the Mental Health Act have so far not included the reinforcement of the safeguards referred to by the Committee.

- the avenues open to a person admitted to hospital for observation to challenge the lawfulness of his deprivation of liberty during the initial four days of placement (paragraph 140).

The avenues open are: a complaint to the director in charge of health care in the health-care unit, a contact to supervisory authorities, such as the provincial state office, the National Board for Medicolegal Affairs or the Office of the Parliamentary Ombudsman, or a contact to a lawyer. The authorities have, however, quite limited possibilities to influence the decision on placing in observation during the observation period.

- whether the Finnish authorities consider that the Office of the Parliamentary Ombudsman is in a position to visit all psychiatric institutions on a regular and frequent basis and, if not, whether a supplementary system of visits by another outside body is envisaged (paragraph 143).

Due to reasons referred to in paragraph 108, the Deputy Ombudsman has better possibilities of arranging visits. The Deputy Ombudsman inspects the two state mental hospitals usually at one year intervals. Other psychiatric hospitals have been inspected at 5 to 10 year intervals taking into consideration regional and other factors. Hospital visits have been carried out to approximately five psychiatric health-care units annually.

Another outside body which nowadays may inspect hospitals is the provincial state office. The resources of the office are not sufficient as such for regular inspections. The present supervision procedures should primarily be developed.
