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**Preliminary observations made by the delegation
of the European Committee for the Prevention
of Torture and Inhuman or Degrading Treatment
or Punishment (CPT) which visited Finland**

from 7 to 17 September 2003

The Finnish Government has authorised the publication of these preliminary observations.

Strasbourg, 21 October 2003

**Statement by Andres LEHTMETS
First Vice-President of the European Committee
for the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment (CPT) and Head of the delegation,
at the meeting with the Finnish authorities in Helsinki
on 17 September 2003, at the end of the CPT's 2003 visit to Finland**

Introduction

In accordance with standard CPT practice, allow me to present you with the preliminary observations of the delegation which has carried out the Committee's third periodic visit to your country. You will receive a detailed visit report during the first quarter of 2004.

As was the case during previous visits, the delegation enjoyed excellent cooperation from the authorities, at both national and local level. It was granted prompt access to all places of detention visited, and provided with all the information necessary for carrying out its task.

The delegation visited the following establishments:

- Helsinki Police Department
- Helsinki Mobile Police Airport Unit
- Kuopio District Police Station
- Lahti District Police Station
- Porvoo District Police Station
- Tampere District Police Station
- Turku District Police Station
- Ylä-Savo District Police Station, Iisalmi

- Helsinki West Harbour Crossing Point

- Helsinki Custody Unit (for foreign nationals detained under aliens legislation)

- Kuopio Prison
- Prison of South-Western Finland, Turku (former Turku Remand Prison)
- Sukeva Prison

- Niuvanniemi State Mental Hospital, Kuopio

Police establishments

The delegation did not receive any allegations of recent ill-treatment of persons detained by the police.

With two exceptions, material conditions of detention in the police establishments visited during the 2003 visit were of an acceptable standard for the period of police custody (i.e. up to 96 hours). The exceptions concern the **Ylä-Savo District Police Station (Iisalmi)** and **Porvoo District Police Station**. In both facilities, the state of repair and cleanliness in a number of cells was far from satisfactory. In this context, the delegation was informed that the Iisalmi facility would be replaced by new premises in the near future. As regards the Porvoo establishment, steps should be taken to address the aforementioned shortcomings.

As was the case in 1992 and 1998, it is still common for persons to be held on remand in police establishments, often for lengthy periods of time.

Remand prisoners should not, in principle, be held in police cells. Such a practice - which carries a risk of abuse of discretionary power - is all the more inappropriate bearing in mind that the detention facilities of law enforcement agencies will often not be suitable for long periods of detention. This has again been confirmed during the 2003 visit.

None of the police establishments offered a suitable regime of activities for persons on remand, who spent almost all their time locked up and idle in their cells. Detainees were generally offered one hour of outdoor exercise per day; however, the conditions under which such exercise took place were inadequate. By way of example, at the Ylä-Savo District Police Station, detainees had to take their exercise in the establishment's car park, and the outdoor facilities of the other establishments visited were oppressive and frequently too small to allow detainees real physical exertion.

The provision of health care to remand detainees in police establishments continues to be an issue of concern; in this respect, the recommendation made by the CPT after the 1998 visit concerning regular attendance by a nurse at all police establishments accredited to hold remand detainees remains valid.

The delegation was informed of planned amendments to existing legislation intended to reduce the number of persons remanded in custody on police premises and the overall duration of such custody. The delegation very much hopes that these amendments will be introduced as soon as possible.

On the whole, the rules and regulations relating to safeguards against ill-treatment of persons deprived of their liberty by the police remain unchanged, and some of the recommendations made by the CPT in 1998 have still not been implemented (e.g. the drawing-up of clear criteria for delaying notification of custody and the provision - at the very outset of deprivation of liberty - of written information on the rights of persons detained by the police in an appropriate range of languages). That said, the information gathered by the delegation in the course of the 2003 visit suggests that, in practice, the system of safeguards against ill-treatment operates in a satisfactory manner.

Foreign nationals detained under aliens legislation

The entering into service of the **Helsinki Custody Unit for Aliens** in Katajanokka is a first step in the direction recommended by the CPT in its 1998 report. The delegation was informed that the unit would be relocated and replaced by a new facility in the near future. The delegation hopes that the opening of that facility will remedy the shortcomings currently observed at Katajanokka (e.g. insufficient access to daily outdoor exercise; inadequate health care provision).

In its visit report, the CPT will also examine other matters related to the Custody Unit, such as the powers of the police to enter the premises and to carry out interviews and other action related to the implementation of deportation decisions, without prior authorisation by the unit's director. Further, the report will address the placement of detainees in isolation and the transfer of difficult detainees to police establishments.

The delegation noted that, outside Helsinki, persons deprived of their liberty under aliens legislation continue to be held in police establishments. Although the duration of such detention usually does not exceed a few days, police premises are, in principle, not suitable for holding such persons. The delegation trusts that the Finnish authorities will make serious efforts to progressively discontinue this practice.

Finally, there is an urgent need to draw up detailed instructions on the use of force and/or means of restraint authorised in the context of deportation of foreign nationals by plane or other means of transport. In this context, the delegation obtained information (including of a documentary nature) about a case involving several members of the same family (of whom two were minors) who had been forcefully injected with sedating and neuroleptic medication without proper examination by a doctor. Practices of this kind are totally unacceptable. In the report on the CPT's 2003 visit, this matter will be explored in greater detail. At this stage, the Finnish authorities might like to refer to the principles set out in the CPT's recently published 13th General Report, concerning the deportation of foreign nationals by air.

Prisons

The delegation did not hear any allegations of ill-treatment of prisoners by staff in the three prisons visited. Overall, staff-inmate relations appeared to be free of tension. At **Kuopio Prison**, a number of inmates made positive remarks about management and staff, who were said to be helpful and responsive to inmates' requests. The situation appeared to be less favourable at the **former Turku Remand Prison**, where a few inmates complained about impolite behaviour of certain members of custodial staff.

The Finnish authorities are well aware of the ongoing problem of inter-prisoner intimidation and violence. The relatively high number of prisoners seeking segregation for their own protection at Sukeva Prison and the former Turku Remand Prison clearly indicates that this problem remains acute. By contrast, at Kuopio Prison, only a small proportion of inmates were segregated for their own protection; this appeared to be related to the management's pro-active approach regarding the control of inter-prisoner intimidation and violence.

More generally, the delegation would stress that the problem of inter-prisoner intimidation and violence cannot be solved solely by isolating prisoners who seek protection. It is necessary to render prison staff particularly attentive to signs of inter-prisoner violence and to ensure that they intervene in a determined and effective manner, if necessary. In this context, health care staff should systematically report all suspected cases of inter-prisoner violence to the prison management, even in the absence of specific allegations by the inmates concerned; further, each such case should be subject to an internal enquiry and, if appropriate, reported to the competent authorities. Finally, the level of staffing must always be sufficient to enable prison officers adequately to supervise the activities of prisoners and support each other effectively in the exercise of their tasks

At both Sukeva and Turku Prisons, the segregation of "fearful" prisoners from fellow inmates led to undesirable situations. The prisoners concerned spent the bulk of their day locked in their cells, and had very limited possibilities of association. The delegation appreciates that there are security and other considerations to be borne in mind in this context. Nevertheless, ways should be found to improve the impoverished regimes currently operated. Regarding the former Turku Remand Prison, it must be ensured that "fearful" prisoners are in a position to take outdoor exercise under safe conditions.

Turning to material conditions, Kuopio Prison and the former Turku Remand Prison suffer from overcrowding; as a consequence, at the time of the visit, a number of the establishments' single cells accommodated two prisoners each. In view of the cells' size (7 to 8 m²), such an occupancy rate is too high. However, in both establishments, the standard of prisoner accommodation in terms of state of repair and cleanliness was generally acceptable, and – in the renovated sections of Kuopio Prison - even very good.

As during previous visits, the delegation noted that the practice of slopping out continued. Inmates held in the closed sections of Kuopio Prison not equipped with integral sanitation and the former Turku Remand Prison, where hardly any cell had a lavatory, invariably complained about this situation. More particularly, the inmates concerned asserted that access to communal sanitary facilities was difficult to obtain, especially during the night; arrangements must be found to allow all prisoners ready access to toilet facilities at all times.

Material conditions at Sukeva Prison were generally found to be of a high and even very high standard, especially in the parts of the establishment which had been upgraded recently. The delegation was particularly impressed by the small living units which had been created on the 2nd and 3rd floors of the main building.

At the three establishments, the continuous upkeep and refurbishment of the so-called “travelling cells” should be ensured.

At Kuopio Prison, the delegation was pleased to note that a considerable proportion of both sentenced and remand prisoners were involved in organised activities, including work, rehabilitation and recreation. By contrast, the situation at Sukeva Prison and the former Turku Remand Prison was far less satisfactory, with a great number of inmates spending up to 23 hours per day locked in their cells with little to occupy their time. This state of affairs appeared to be related to a significant degree to staff shortages. Steps should be taken to involve a larger proportion of prisoners in organised activities and to enhance possibilities for association.

As regards health-care services, the attendance by doctors at the three establishments should be increased. Access to the doctor was found to be a particularly serious problem at Sukeva Prison, where virtually all prisoners interviewed by the delegation complained about long delays before they could see the doctor. In this context, the delegation noted at Kuopio and Sukeva that nurses were required to initiate medical treatment of sometimes difficult and complex medical conditions, such as withdrawal symptoms in newly arrived prisoners. This is a highly questionable practice.

At Kuopio Prison, no particular problems were observed as regards the provision of psychological and psychiatric services. By contrast, in the two other establishments, the input from psychiatrists and psychologists needs to be substantially augmented. In this connection, the CPT’s delegation was particularly concerned by the situation of an inmate at the former Turku Remand Prison who appeared to be suffering from a serious mental disorder and who did not benefit from appropriate psychiatric attention.

The setting-up, at Sukeva Prison and the former Turku Remand Prison, of intoxicant-free units is an important element in the establishments’ efforts to address the high level of alcohol and drug dependence in the inmate population. However, there is a clear need to make drug-counselling and rehabilitation services more widely available in the establishments.

At the three prisons, inmates were offered the possibility to have unsupervised visits of 4 to 6 hours. The facilities available for this purpose were of a high standard and offered a welcoming environment. The delegation hopes that they will be used to their fullest potential.

Other issues, which will be addressed in the CPT’s report, include the disciplinary process, the isolation of remand prisoners on administrative grounds and the operation of complaints and inspection systems.

Psychiatric establishments

The delegation heard no allegations of ill-treatment of patients by staff at **Niuvanniemi State Mental Hospital** and gathered no other evidence of such treatment. On the contrary, many patients spoke favourably about staff, and the delegation observed a professional and caring attitude on the part of staff towards their patients.

As regards material conditions, despite the age of the premises, patient accommodation throughout the establishment was of a high standard and impeccably clean. More particularly, the delegation noted efforts in a number of patient rooms to create a warm and personalised environment. Similarly, the communal living areas were found to be homely and well-kept.

Medical treatment at the hospital does not call for particular remarks at this stage; suffice to say that it appeared to be well-grounded on individual treatment plans and properly monitored. More generally, the overall treatment approach followed was based on a psychotherapeutic understanding of the staff-patient relationship.

The delegation was impressed by the occupational therapy programmes available and the facilities provided for this purpose. That said, more efforts should be made to involve a greater number of those patients who are confined to their wards in activities which are responsive to their abilities.

The delegation wishes to stress that the CPT attaches great importance to the possibility of every patient, whose medical condition so permits, to be offered a minimum of one hour of outdoor exercise every day. The delegation is concerned that this was not systematically the case, in particular in respect of patients admitted for psychiatric examination. In this context, the criteria used for assessing whether a patient's health allows participation in outdoor exercise or not should be reviewed.

The delegation welcomes the recent drawing-up, at Niuvanniemi Hospital, of a detailed policy concerning the restriction of patients' rights of self-determination (including by seclusion and physical means of restraint). Moreover, the recording, at hospital level, of all instances of seclusion of patients and of the application of physical restraints is an important tool for the monitoring of such events.

The maintenance of good contact with the outside world is essential from a therapeutic standpoint. In this connection, the delegation observed that the Niuvanniemi Hospital did not have adequate facilities for visits by relatives. Serious efforts should be made to remedy this shortcoming.

In relation to safeguards, the CPT will certainly wish to examine in greater detail the possibilities available to patients for challenging involuntary placement decisions (or the continuation of such placements). In this context, the delegation would like to stress the need to provide proper information to both patients and their families about relevant legislation and the effective exercise of patients' rights. Another matter to be addressed in the CPT's report concerns patient's consent to treatment or any other medical intervention (including the screening of newly admitted patients for HIV and other infectious diseases).

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I would like to thank Ms Ulla MOHELL, liaison officer for the CPT at the Ministry of Justice, for her most valuable contribution to the Committee's third visit to Finland.

I would also like to thank you for your attention and look forward to pursuing the fruitful dialogue with the Finnish authorities.