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This is the submission of the Finnish Human Rights Centre (HRC)/NHRI for the preparation and adoption of the List of Issues Prior to Reporting for Finland by the Committee against Torture in November 2019, during its 68th session.

The submission aims at drawing your attention to some issues that we find important to be included in the LOIPR for Finland. The issues in this submission reflect themes that the Finnish NHRI has worked on and it includes possible questions to be placed before the Government. It is not an exhaustive list.

Reference is made to the previous recommendations under the CAT Convention and also to the

- Recommendations under the CEDAW Convention in 2014 and in the UPR process in 2017
- The first individual complaint against Finland, examined by the CEDAW Committee¹ (Communication 103/2016, decided upon on 5 March 2018)
- Recommendations by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings ([GRETA](#)) on 5 June 2019
- recommendations by the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence ([GREVIO](#)), due to be published in September 2019.

We will provide more detailed submissions prior to the hearing of Finland.

Should you have any questions, feel free to contact us.

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This document is electronically approved and has no signature.

¹ <https://bit.ly/2FFShVV>

UN CAT- Committee (68th session)
Submission from the Finnish Human Rights Centre/National Human Rights Institution
for the adoption of the List of Issues Prior to Reporting – Finland

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General Information on the National Human Rights Situation

The Finnish Human Rights Center (HRC) is an autonomous and independent expert institution whose task is to promote and monitor the implementation of fundamental and human rights in Finland as well as to increase cooperation and exchange of information between various actors in the field. According to its founding legislation, one of the tasks of the HRC is to participate in European and international cooperation related to the promotion and protection of fundamental and human rights. The HRC represents the Finnish NHRI in international NHRI cooperation.

The HRC forms the National Human Rights Institution (NHRI), alongside with its pluralistic 39-member Human Rights Delegation and the Parliamentary Ombudsman.

The National Human Rights Institution in Finland was established by law in 2012, and received A-status in 2014 and is currently under periodic status review.

1. In 2014, the Parliamentary Ombudsman was designated as the Finnish National Preventive Mechanism (NPM) under the Optional Protocol of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
2. In 2016, the entire Finnish NHRI together was given a statutory special task to promote, protect and monitor the implementation of the United Nations Convention on the Rights of Persons with Disabilities.
3. The Finnish NHRI overall resources are c. 60 posts and a budget of some 6.2 million euros (including the budget for the Human Rights Centre) most of which is allocated to the Parliamentary Ombudsman for its tasks of examining complaints and conducting on-site investigations. The regular budget of the Human Rights Centre in 2019 is 625.000 euros. Additionally, the overall Finnish context needs to be taken into account. There are several other independent human rights bodies working in Finland of which the Finnish NHRI is but one.²
4. The Human Rights Centre has a wide mandate³. The resources have been very limited in relation to the mandate and tasks despite incremental growth over the past few years. In 2019 the HRC has a total of 5 permanent posts.
5. Additionally, for 2019 the Parliament granted a special funding for the promotion and monitoring of rights of older persons, a total of 600.000 euros, to be divided between the HRC (235.000) and the Parliamentary Ombudsman (365.000). This enabled the HRC to recruit 2 temporary experts and the Parliamentary Ombudsman 4 experts for 2019 (see also below).
6. In June 2019 the Parliament granted permanent funding from the beginning of 2020 onwards for the above-mentioned 2 temporary positions (2019) within the HRC and the 4 temporary positions (2019) within the Parliamentary Ombudsman's Office. This will allow those 6 positions to be made permanent. The budget amount is 6.37 million euros, of which 855.000 is allocated to the Human Rights Centre.

² Non-Discrimination Ombudsman, Equality Ombudsman, Child Ombudsman, Data Protection Ombudsman and the new Intelligence Ombudsman.

³ <https://www.humanrightscentre.fi/about-us/human-rights-centre/>

- Please report on the measures taken to ensure that the Finnish NHRI (Human Rights Centre, Human Rights Delegation and the Parliamentary Ombudsman), and especially the Human Rights Centre, is provided with adequate financial and staff resources to enable it to carry out its mandate effectively, including the special tasks with regard the CRPD.
- Please report on the measures taken to ensure that the Parliamentary Ombudsman in its duties as the National Preventive Mechanism under the OP-CAT, is provided with adequate financial and staff resources to enable it to carry out its mandate effectively.

7. Issues relating to human rights structures and resources

- **human rights monitoring and promotion structures** that are confusing to citizens, fragmented, have at times overlapping mandates, lack of resources and only in some cases ability to recommend compensation to victims of violations.
- **insufficient resources** for human rights work in government and in independent institutions and actors and especially the Finnish Human Rights Centre.
- **shrinking space or decreasing support for the NGOs** due to earlier cuts in Government funding.

8. Issues relating to implementation of human rights

- **Negative**, polarized and populist **climate against human rights**, linguistic and other minorities and human rights defenders, fueled by some politicians, political parties, media and individuals.
- insufficient **knowledge and implementation of** international human rights standards on all levels of administration.
- lack of overarching **human rights impact assessment**, in planned and implemented legislation, including insufficient **assessment of compounding effects** of legislative changes to access to rights.

9. The new Government program, published 3 June 2019⁴, seems to recognise most of these shortcomings and many earlier recommendations by CAT-committee and other treaty monitoring bodies. It remains to be seen whether improvements actually and effectively take place and within what time frame.

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https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161664/Inclusive%20and%20competent%20Finland_2019_WEB.pdf?sequence=4&isAllowed=y

Ten Key Problems in Fundamental and Human Rights in Finland

10. The Parliamentary Ombudsman, part of the NHRI, has listed ten key problems in fundamental and human rights in his annual report since 2013. The list includes typical or ongoing problems that have been identified specifically through the observations compiled by the Ombudsman under his remit. The Ombudsman mainly obtains information on failures and shortcomings through complaints, inspection visits and own initiatives. However, not all fundamental and human rights problems are revealed by the Ombudsman's actions. This list reflects his findings in 2017. For more details on individual topics, see the annual report of the Ombudsman.⁵

1. Shortcomings in the conditions and treatment of the elderly
2. Shortcomings in child welfare services
3. Shortcomings in guaranteeing the rights of persons with disabilities
4. Policies limiting the right to self-determination in institutions
5. Problems with legal assistance for foreigners and the vulnerability of undocumented immigrants
6. Flaws in the conditions and treatment of prisoners and remand prisoners
7. Problems in the availability of health services and the relevant legislation
8. Problems in learning environments and decision-making processes in primary education
9. Lengthy handling times of legal processes and shortcomings in the structural independence of courts
10. Shortcomings in the prevention of and recompense for fundamental and human rights violations

Specific Information on the Implementation of Articles 1-16 of the Convention

Violence against women and domestic violence

11. According to the extensive report published by the EU Agency for Fundamental Rights in 2014, **violence against women is especially common in Finland**⁶. Domestic violence also affects children in many ways. According to research

⁵ <https://www.oikeusasiamies.fi/documents/20184/39006/summary2017/60b49491-8e8a-4737-b8f1-e061f1010b08>

⁶ <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

carried out in 2017 by the Central Union for Child Welfare⁷, as many as 40% of parents have at some point used violence against their children for discipline purposes. According to a report published by the Ministry of the Interior in May 2018, violence against women is currently the second most serious factor affecting general safety⁸. A fifth of women in relationships have experienced violence from their partner. Around 30% of young women and girls are worried about sexual violence. Sexual violence, domestic violence, violence in close relationships, sexual harassment, and the quiet acceptance of all of these is disturbingly widespread in Finnish society. The future review published by the Ministry of the Interior in June 2018 states that violence hotspots include women who suffer repeated violence in close relationships and that, because of this, gender equality is not fulfilled with regards to personal safety.⁹

12. Reference is made to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the **Istanbul Convention**, which entered into force in Finland in 2015. The first monitoring cycle is currently ongoing¹⁰ and the GREVIO-expert group will publish its views and recommendations on the implementation in Finland in September 2019.
13. During the **country visit of the GREVIO-experts** the question was raised with regard the court fee levied on the unsuccessful applications of restraining orders. The risk of losing one's residence permit (on family grounds) if the marriage ends and its significance for reporting or not reporting a violent spouse to the police were discussed. The problem lies in the implementation and interpretation of the legislation. Also the question of appropriately considering the domestic violence and its effects in custody proceedings was raised.
14. A **National Action Plan for the Implementation of Istanbul Convention** in 2018–2021¹¹ was adopted in 2017. Most of the actions towards the implementation of the Convention are financed within existing resources and often depend on the priorities within the ministries and administration. The lack of multiannual funding affects the planning and implementation of the actions. This has been criticised by the NGOs and service providers. Also the structures in services and coordination are less than sufficient.
15. In October 2018 the Human Rights Delegation made a statement with recommendations on the implementation of the Convention drawing attention to lacking resources and other problem areas with regard to violence against women and domestic violence.¹²

⁷ <https://www.lskl.fi/verkkokauppa/piiskasta-jaahypenkkiin/>

⁸ http://intermin.fi/artikkeli/-/asset_publisher/selvitys-turvallisuudessa-on-isoja-eroja-eri-vaestoryhmien-valilla

⁹ http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160894/12_TUKA_SM_WEB.pdf?sequence=1&isAllowed=y

¹⁰ <https://bit.ly/2Sa6HPz>

¹¹ <https://bit.ly/2r2WqZQ>

¹² <https://bit.ly/2AgHOdK>

16. In statements by research institutes¹³ and NGO experts working with especially **immigrant women** in Finland¹⁴ many shortcomings exist in at least the following thematic areas. These are examples:

- police often fails to register domestic violence when making house calls.
- pre-trial investigation can take up to 2 years in cases of domestic violence.
- no specific legislation exists against forced marriages, nor is it possible to annul such a marriage.
- children who have experienced violence or sexual exploitation have difficulties in receiving immediate support services, including mental health services.
- the number of shelters and low threshold services for people who have experienced domestic abuse or threat of abuse is not sufficient. The situation is even less satisfactory for immigrant women. Special services for immigrant women are mainly organised by one service provider only and they encounter c. 700 women from 70 different countries annually. Their services are not sufficient in relation to the demand.
- reasonable accommodation for disabled victims of domestic violence are not sufficiently organized or available.
- there are serious shortcomings in the level of special expertise throughout Finland and the municipalities often are unaware of their duty to provide support services after a stay in a shelter. This puts especially immigrant women in a vulnerable situation.

- What steps has the Government taken to ensure the sufficient **long-term resources** for the overall implementation of the Istanbul Convention and especially for the services aimed at victims of the violence against women and domestic violence, including victims of minority (and minorities within a minority) origins, the geographical distribution of services and cultural/linguistic sensitiveness?
- Are there plans to appoint **an official national monitoring body** responsible for the independent monitoring and supervision of activities to combat violence against women, and to **report to Parliament** once every parliamentary term on the progress and problem areas regarding implementation, in order to stimulate discussion in society about the topic?
- What steps are taken to influence **underreporting** of violence against women and domestic violence, the **recognition of victims**, the low **prosecution and conviction rates** and the overly **long duration** of pre-trial investigation and trial?
- Are there plans to include **forced marriage, dissolution of such a marriage** and **“honour” related crimes** as distinct crimes in the Penal Code?

¹³ <https://www.heuni.fi/en/index/researchareas/violenceagainstwomen.html>

¹⁴ <https://monikanaiset.fi/en/>

- How does the Government justify a **court fee** for unsuccessful applications for **restraining order** in cases of violence against women and domestic violence?
- What steps have been taken to ensure a safe reporting of **domestic violence** for persons whose **residence permit** depends on their marital status?
- How is the Government ensuring that the **domestic violence** and the best interest of the child are appropriately taken into consideration in the **custody proceedings**?
- How are **persons with disabilities** (especially women and girls) protected against **domestic violence**, considering their vulnerable situation? How are they taken into consideration in the services provided for victims of such crimes and how is **reasonable accommodation** secured in all such cases?
- What measures are taken to ensure equal level of protection to the personal **integrity of persons with disabilities against sexual violence and abuse** in hospitals and other facilities they might reside?

“Honour” –based crimes

17. **“Honour”-based crimes** have become more common in Finland in recent years. Finnish criminal law barely identifies communal forms of violence that has multiple perpetrators. In fact, “honour”-based violence often remains invisible in criminal proceedings.
18. In 2016, the The Finnish League for Human Rights (Ihmisoikeusliitto, NGO) published a report¹⁵ addressing “honour”-based violence and the possible ways to prevent and combat “honour”-based violence in Finland.
19. The study found that
- the most prevalent form of “honour”-based violence is **social control**.
 - authorities and professionals lack the **knowledge of the communal nature of “honour”-based violence** and the skills to combat it.
 - Professionals have different levels of **understanding of “honour”-based violence**, although some individuals are well aware of the phenomenon.
 - A significant problem is that **“honour”-based violence is hidden** from the authorities. The victims often do not report the offences to the authorities, and authorities have serious issues in recognising “honour”-based motives.

- How does the Government plan to tackle the problems encountered with regard to **“honour”-based violence** in its many forms and to provide necessary services for victims?

¹⁵ <https://ihmisoikeusliitto.fi/wp-content/uploads/2017/02/KLV-selvitys-ENG.pdf>

Trafficking in human beings

20. The Non-Discrimination Ombudsman, serving also as a National Rapporteur on Trafficking in Human Beings, and the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), published in 2018 an investigation funded by the Finnish Government's analysis and research appropriations (VN TEAS)¹⁶. The objective was to discover how the authorities apply the provisions for assisting victims of human trafficking laid down in the Reception Act and how the right of human trafficking victims to receive assistance in Finland is enforced.
21. The study and other information show that
- The **municipal social welfare and healthcare services** are not familiar with the provisions of the Reception Act on assistance for victims of human trafficking.
 - The Ministry of Social Affairs and Health has not provided the municipalities with **instructions on applying the Reception Act**. As a result, the victims of human trafficking do not always receive the services to which they would be legally entitled.
 - The victims also include Finnish citizens who belong to the main population
 - some persons, in spite of their need for assistance for reasons related to human trafficking, do not get sufficient help from the system of assistance for victims of human trafficking. They are either not referred to or not admitted to the authority assistance.
 - the **regular shelter services** available for victims of domestic violence only allow trafficking victims in if they are also victims of violence against women or domestic violence.
 - Some victims are removed from the system of assistance on the grounds of a changed offence category, for example.
 - Some victims of human trafficking do not even seek authority assistance
 - pre-trial investigation can take up to 5 years in cases of trafficking.
22. According to the study, since legislative changes in 2015 the assistance for victims of human trafficking and the criminal proceedings have been tied together in a way that is problematic in the light of the international law and EU legislation binding on Finland. As a consequence, the Parliament has required the Government to make legislative changes in order to improve the situation.
23. The Non-Discrimination Ombudsman's study¹⁷ conducted in 2016 on the Finnish Immigration Service's practices in applying the Aliens Act raised questions

¹⁶ <https://tietokayttoon.fi/documents/1927382/2158283/An+unknown+future.pdf/de58c765-d4f7-4ddf-b23c-345ec1c65686/An+unknown+future.pdf.pdf>

¹⁷ <https://www.syrjinta.fi/documents/14490/0/nigeriasselvitys+englanti/7d03d19d-bf75-4ff4-952a-e0bd4fbe2dd4>

concerning compliance with the principles of good governance. The study found that

- the Service's **practices** in applying the Aliens Act were partially **unpredictable and inconsistent**,
- the **threshold** for issuing a victim of human trafficking with a **continuous residence permit** is very high, the requirements are almost identical to those applied to international protection.
- the Finnish Immigration does not pay sufficient attention to the applicant's risk of **re-victimisation after being removed** from the country, even though this is an international obligation binding on Finland.

24. Challenges have also occurred in the processing of **temporary crime-based residence permits**. As a consequence, the Parliament has required the Government to ascertain the need to amend the legislation on victims' right to residence permit in Finland.

25. The **coordination structure for action against human trafficking**, implemented in 2014 in the police service of the Ministry of the Interior, does not appear to be fulfilling its original purpose at the current stage. So far the coordination structure has not, to an adequate extent, been able to handle or resolve the practical challenges in action against human trafficking, or to promote the co-operation and communication between authorities.

26. The Ministry of the Interior published in June 2018 an **external investigation on the coordination structure**¹⁸ (summary in English) but no decisions have been made on the location or available resources of the coordination structure.

27. The new Government program, published 3 June 2019¹⁹, seems to recognise many of these shortcomings. It remains to be seen whether improvements actually and effectively take place and within what time frame.

- What plans does the Government have to improve the **recognition and assistance of victims of trafficking** as well as the knowledge of the Reception Act in municipalities?
- In what time frame does the Government intend to improve the **access to justice** for victims of trafficking, including shorter **length of pre-trial investigation** and provision of **residence permits**?
- How does the Government plan to improve the **national coordination** for action against human trafficking?

18

http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160930/SM_20_2018.pdf?sequence=1&isAllowed=y

19

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161664/Inclusive%20and%20competent%20Finland_2019_WEB.pdf?sequence=4&isAllowed=y

Non-Refoulement and Access to Justice

28. After the legislative changes to the Aliens Act in 2016, the following issues have effectively limited **access to justice by asylum seekers**:
- **lack of knowledge** of legal protection
 - **free legal aid** is provided during asylum investigation only if there are weighty reasons for it or if the asylum seeker is under 18 years of age and has arrived unaccompanied.
 - right to choose **legal representative** is limited mainly to public legal aid providers.
 - **time for appeal** against the asylum decision is 21 days before Administrative Courts and 14 days before the Supreme Administrative court, instead of the normal 30 days.
 - **requirements for family reunification** were made more strict. The suggestive income requirement set for the sponsors may be impossible for most to achieve. Stricter provisions are problematic with regard to the right to respect for family life of sponsors and to the best interest of the child in cases where the sponsor is a minor.
 - **possibility to obtain residence permit** based on humanitarian protection no longer exists.
 - **custody order** is re-examined in the District Court on the request of the person in question (not every two weeks, as previously)
29. A study, financed under Government's analysis, assessment and research activities²⁰ (published 12 December 2018) on the **status and needs of asylum seekers with regard to legal aid** showed that the **restrictions on legal aid** that came into force in 2016 endangered the due process of seeking asylum. Restricted legal aid together with several other changes in legislation and practice reduced legal safeguards for asylum seekers and increased the risk of refoulement.
30. The study states multiple recommendations to improve the access to rights. These include, among others, improved provision of information on legal aid immediately after asylum request was made, guaranteed legal aid resources in amount and quality as well as normalizing the time for appeal before Administrative Courts to 30 days, instead of 21 and 14 days.
31. At the same time, the **weakening of legal protection** has impaired the identification of persons in a **vulnerable position**, such as victims of torture and disabled persons, and providing them with appropriate support and services.

²⁰ <https://tietokayttoon.fi/documents/1927382/2116852/33-2018-Turvapaikanhakijat+oikeusavun+asiakkaina.pdf/36e2f2b3-8320-f8c0-9aca-22e98cdeea4c?version=1.0> (summary in English)

32. **Asylum seekers** continue to be **detained**, in particular pending their removal from the country. In some cases, asylum seekers are even detained in police prisons instead of detention centres.

33. The new Government program, published 3 June 2019²¹ states that a process of amending the Aliens Act will be initiated to lay down provisions on technical monitoring of persons whose applications have been refused. This will be an alternative to detention and the residence obligation, constituting a less restrictive and more appropriate precautionary measure from the point of view of society. In practical terms this would indicate the use of an electronic monitoring device.

- How does the Government intend to ensure access to justice for asylum seekers as required under international law? What follow up is planned to the recent Government Study on the access to legal aid by asylum seekers?
- Please indicate any planned changes in the detainment and monitoring of asylum seekers.

34. **Access to justice by persons with disabilities** is an issue that has not been widely addressed, analysed or evaluated. Furthermore, there are no specific measures addressing the possible shortcomings in access to justice of persons with disabilities. Finland's ratification of the CRPD in 2016 has brought the issue to the fore, but inactivity on the part of the state party regarding measures prevails.

- Please explain, what is the situation with regard to access to justice by persons with disabilities? In particular, please elaborate on how persons with disabilities are taken into account in all legal proceedings, including their recognition and access to justice in asylum proceedings.
- Please provide information on the measures relating to awareness raising and training of the police, prosecutors and the judiciary with regard to access to justice by persons with disabilities.

Torture, cruel, inhuman or degrading treatment

35. **Trans-people** continue to face **discrimination** characterized by transphobic attitudes, gender stereotypes and discriminatory legislation. (FRA survey 2013²²)

²¹

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161664/Inclusive%20and%20competent%20Finland_2019_WEB.pdf?sequence=4&isAllowed=y

²² [EU Fundamental Rights Agency LGBT Survey \(May 2013\)](#)

and Ministry of Justice study 2016²³). This discrimination issue was highlighted also by UPR recommendations that Finland received and accepted in 2017²⁴.

36. The Act on Legal Recognition of the Gender of Transsexuals in Finland still includes **infertility requirement for legal recognition**. The gender registered at birth can only be changed if the person, 18 years of age, presents a medical statement certifying that they wish to permanently belong to the opposite gender, live in that gender role, and have been sterilized or are infertile. This requirement constitutes a severe interference to the physical integrity of a person and has been found a human rights violation by the European Human Rights Court.
37. The amending of the Act on Legal Recognition of the Gender of Transsexuals has come to a standstill. Finland is for the time being, the only country in the Nordics where sterilization/ infertility is required for legal gender recognition.²⁵
38. The European Court of Human Rights' statement/conclusion has also been echoed in seven UPR- recommendations that Finland received and noted (not accepted) in 2017²⁶. Additionally, the CEDAW Committee has in 2014 recommended expeditiously to amend the Act on Legal Recognition of the Gender of Transsexuals (para 29 (b))²⁷.
39. The new Government Program, published 3 June 2019²⁸, indicates reform of the Trans-legislation. It remains to be seen whether improvements actually and effectively take place, to what extent and within what time frame.
40. **Intersex-children** in Finland are still subjected to medically unnecessary sex-“normalising” surgery without their informed consent, contrary to the 2017 resolution ‘Promoting the human rights of and eliminating discrimination against intersex people’ by the Parliamentary Assembly of the Council of Europe (PACE)²⁹. There is also variation in practice in different geographical locations with regard performing or not performing such surgeries. Equally, problems have been reported in receiving treatment for non-binary persons. With no national guidelines for treatment, some regions/hospitals have interrupted treatments.
41. **Older persons in care** are entitled to **individual care plans**. However, too often the care plans are not updated according to the wishes of the persons in

²³ 1/5 of respondents had experienced hate speech or harassment more than once within a month. Of the LGBT respondents 81 % never reported the incident of hate speech or harassment further. The most common reason for not reporting was that it was not believed that anything would have been done to it. <https://bit.ly/2R4vO68> (english summary)

²⁴ <https://bit.ly/2SawqHM>

²⁵ [Provisions on prohibition of discrimination based on gender identity or gender expression were added to the Equality Act, and came into force in January 2015. Law only available in Finnish:](#)

²⁶ <https://bit.ly/2SawqHM>

²⁷ <https://bit.ly/NCKXu5>

²⁸

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161664/Inclusive%20and%20competent%20Finland%202019_WEB.pdf?sequence=4&isAllowed=y

²⁹ [European network of legal experts in gender equality and non-discrimination: Trans and intersex equality rights in Europe – a comparative analysis \(2018\)](#)

question. Adequate **access to the outdoors** is part of good basic care, as well as dignified treatment. Prisoners are entitled to a minimum of one hour of outdoor time daily, according to law. The Parliamentary Ombudsman has concluded that the persons in psychiatric care have the same right. However, older persons in care, especially the ones suffering from memory loss, often do not have the option to go outside and their outdoor time is dependent on the amount of personnel in the care home in question. The issue arises also in cases, where the older persons, in increasing amounts and lengths, are cared for in their own homes with care personnel only visiting briefly. The Ombudsman has recommended that outdoor time is included in the residents' care and service plan.

42. In several areas of social and health care **deprivation of liberty** takes place without sufficient legal basis and legal safeguards. Such areas exist in particular in the care of elderly people with dementia and somatic health care of patients who lack capacity. It is a common understanding that new legislation is urgently needed. The Ministry for Social Affairs and Health has published draft laws on this subject on two occasions, in 2014 and in 2018. However, the further preparation of the project has once again been postponed. In general, oversight and supervision of the elderly care is insufficient and often inadequate. Partly for this reason the Parliament granted temporary funding to the NHRI in 2019 and from 2020 onwards permanently (see above).
43. **Children placed in substitute care homes** face unnecessary **restrictions** to their rights. During inspections carried out by the Parliamentary Ombudsman³⁰ it became evident that the supervisory authorities, the Regional State Administrative Agency and the municipalities placing children in homes were unaware of the illegal and repressive measures used against children there. Children residing in the homes were not systematically consulted during mandatory inspections and the social workers responsible for organising and supervising the substitute care were effectively unable to perform their statutory duties due to excessive number of client families per social worker.
44. It also appears from articles written by investigative journalists that **antipsychotic drugs** intended for adults are being used to medicate children placed in substitute care homes. The number of children under medication has rapidly risen and close to 4000 children are medicated currently. The given reasons for medication include sleeping disorders. In many cases, therapy is not available, due to lack of professional therapists in remote geographical locations.
45. **Lack of personal assistance** (temporary termination of funding for assistance) **in prisons and hospitals during short term involuntary care for persons with disabilities** as well as inaccessible environments have resulted in degrading treatment and increased health concerns.

³⁰ <https://bit.ly/2TDhHGP>

- What are the Government plans with regard to amending the Trans-legislation and especially removing the **infertility requirement** from the process of legal recognition of gender?
- Does the Government have plans to ban medically unnecessary procedures on **intersex children** without their free and informed prior consent? Are there binding guidelines to the effect for medical professionals? How is equal access to **treatment for non-binary persons** guaranteed with no national guidelines for it?
- Has the Government discussed measures to enable effective **access to justice for trans or intersex individuals** who have been subjected to such interventions?
- Are there plans to increase the amount of actually present **personnel for older persons** in care to enable outdoor time and timely updating of individual care plans?
- What action has the Government taken to improve the **supervision of private care facilities for children, for elderly persons and persons with disabilities**, especially with regard to restrictive measures and related decisions, medication and person's **right to be heard** in matters concerning them?
- What measures have been introduced to make sure that the **workload of individual social workers** allows them to appropriately perform their statutory duties with regard to organizing and supervising the substitute care of a child?
- How is the Government handling the **insufficient availability of psychiatric therapy and mental health treatment**, including for children in care homes (especially in remote areas of the country), asylum seekers, elderly persons, persons with disabilities and prisoners?
- Please elaborate on the currently at times insufficient possibilities for **personal assistance for persons with disabilities during hospital/prison stays**.
- When does the Government intend to remedy the current state of affairs concerning legislation and practice on **restrictive measures in social and health care setting**?

Liberty, security and treatment of persons deprived of their liberty

46. Prisoners serve their sentences in either a closed prison or an open institution (15 closed and 11 open prisons). The average number of prisoners is about 3,000. According to Law, **prisoners/remand prisoners under the age of 18 (minor)** must be kept separate from adult prisoners/remand prisoners unless some other arrangement is in the minor's best interest. Placing minor and adult

prisoners together cannot be an established practice or the only option available. Based on findings of the Ombudsman's/NPM's inspection visits to various prisons (both pre-planned and unannounced), no separate unit for minor prisoners exist in any prison in Finland. The number of minor prisoners is very small.

47. The **placement of remand prisoners in police prisons** is a long-standing problem. The CPT reports on Finland have drawn attention to the point that the responsibility for the detention of those deprived of their liberty and those under criminal investigation should be strictly separated. Overlaps in criminal investigation and detention duties present a risk of misconduct. The Deputy-Ombudsman has made several recommendations to police departments on this issue.
48. **Health care services for remand prisoners** are not always sufficiently provided in police departments. There have been reported cases for example of lacking medication or treatment for diabetes during detainment.
49. Prisons are currently under wide assessment, since the legislative amendment that entered into force on 1 January 2019 aims to significantly reduce the period for which a remand prisoner may be detained in police custody (to one week).
50. According to the Non-discrimination Act the authorities have a duty to promote the realization of equality. In addition, authorities have to make due and appropriate adjustments necessary in each situation for a person with disabilities to be able, equally with others, to deal with the authorities. This is also guaranteed by the CRPD. **Persons with disabilities** are in an especially vulnerable position if taken into **custody or imprisoned**. There are reported cases of insufficient adjustments for example in isolation that can amount to degrading treatment.
51. **Prevention of violent radicalisation and extremism** is based on joint efforts by public authorities and other bodies, such as NGOs. Research shows that, for example, that recognition of **radicalisation in prisons** has resources allocated to it, but many challenges still exist. Not enough attention has been paid to the risks connected to stigma with regard to recognition. Also there are indications that resources are not equally allocated or actions planned for the follow up to the recognition. A Government report was published in May 2019 on observations and recommendations for local collaboration on referral mechanism of persons of concern in local multi-stakeholder collaboration for preventing violent radicalisation³¹.

- What actions has the Government taken in order to enable the placement of **minor prisoners** at specific units separate from adult prisoners, as required by law as the main rule?

³¹ <http://julkaisut.valtioneuvosto.fi/handle/10024/161609>

- What actions has the Government taken in order to minimize the time **remand prisoners** are kept **in police prisons** and that the detention conditions are not influenced by the criminal investigation authorities?
- How does the Government ensure that the right to reasonable accommodations and personal integrity is respected when **persons with disabilities** are taken into custody or imprisoned?
- Please elaborate on the overarching **plans to prevent violent extremism and radicalisation**, especially in prisons, including training and resources for personnel and treatment of those deemed to be radicalized.

Rights of the child

52. The national School Health Promotion (SHP) study is conducted every two years with participation of 236 000 pupils in 2017 (pupils from 1st to 9th grades around the country). According to the study, experiences of **sexual harassment and violence** are more commonly experienced by children born abroad and children belonging to minorities, including linguistic and religious minorities.³²

- Please report on the steps taken in schools and free time activities of children to prevent sexual harassment and acts of violence experienced by children born abroad and children belonging to minorities, including linguistic and religious minorities. Elaborate on the protection of LGBT-children and non-binary children in this regard.

³² <https://bit.ly/2SeGPIN>