



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

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## Committee against Torture

### Concluding observations on the eighth periodic report of Finland\*\*

1. The Committee considered the eighth periodic report of Finland<sup>1</sup> at its 2097th and 2100th meetings,<sup>2</sup> held on 2 and 3 May 2024, and adopted the present concluding observations at its 2105th meeting, held on 8 May 2024.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee also expresses appreciation for having had the opportunity to engage in a constructive dialogue with the delegation of the State party and the responses provided to the questions and concerns raised during the consideration of the report.

#### B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

(a) The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, on 21 April 2023;

(b) The International Convention for the Protection of All Persons from Enforced Disappearance, on 24 March 2023;

(c) The Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), of the International Labour Organization (ILO), on 27 January 2017.

5. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including the adoption of:

(a) The Act on Legal Recognition of Gender, in 2023, which strengthens the rights to self-determination, personal integrity and privacy of transgender persons by abolishing the requirements for medical examinations and sterilization;

(b) An amendment to chapter 20 of the Criminal Code of Finland, in 2023, that provides that the offence of rape is based on lack of consent;

\* Reissued for technical reasons on 3 June 2024.

\*\* Adopted by the Committee at its seventy-ninth session (15 April–10 May 2024).

<sup>1</sup> CAT/C/FIN/8.

<sup>2</sup> See CAT/C/SR.2097 and CAT/C/SR.2100.



(c) An amendment to Act No. 746/2011 on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings, in 2023, that guarantees that access to services for victims of trafficking in persons is not linked to criminal proceedings;

(d) Act No. 32/2019 on the National Prosecution Authority, in 2019, which ensures that prosecutors have full independence and autonomy.

6. The Committee further welcomes the State party's initiatives to amend its policies and procedures in areas of relevance to the Convention and to ensure greater protection of human rights, including:

(a) The establishment, in 2024, of a database incorporating the recommendations of the United Nations and the Council of Europe human rights monitoring bodies, and annual reviews of the implementation of those recommendations;

(b) The adoption, in 2023, of the National Roma Policy (2023–2030);

(c) The adoption, in 2022, of a national implementation plan for the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2022–2025);

(d) The adoption, in 2022, of a national implementation plan for the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2022–2025);

(e) The adoption, in 2021, of the National Child Strategy;

(f) The adoption, in 2021, of the Action Plan against Trafficking in Human Beings (2021–2023);

(g) The adoption, in 2020, of the National Action Plan on Fundamental and Human Rights (2020–2023);

(h) The establishment, in 2020, of the National Courts Administration as an agency separate from the Ministry of Justice;

(i) The adoption, in 2020, of the National Action Plan on the Convention on the Rights of Persons with Disabilities (2020–2023);

(j) The adoption, in 2020, of the Non-Violent Childhoods Action Plan for the Prevention of Violence against Children (2020–2025);

(k) The adoption, in 2020, of the Government Action Plan for Gender Equality (2020–2023).

## **C. Principal subjects of concern and recommendations**

### **Pending follow-up issues from the previous reporting cycle**

7. In its previous concluding observations, the Committee requested the State party to provide information on the implementation of its recommendations on the national preventive mechanism, the transfer of responsibility for remand prisoners held at police facilities to the administrative branch of the Ministry of Justice and the separation of juvenile detainees from adults in all places of detention.<sup>3</sup> In the light of the information received from the State party on follow-up to those concluding observations, on 7 December 2017,<sup>4</sup> the information contained in the State party's eighth periodic report and the additional information provided by the delegation during the dialogue, and with reference to the letter dated 20 August 2018 from the Rapporteur for follow-up to concluding observations to the Permanent Representative of Finland to the United Nations Office and other international

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<sup>3</sup> CAT/C/FIN/CO/7 and CAT/C/FIN/CO/7/Corr.1, paras. 15, 17 (d) and 19.

<sup>4</sup> CAT/C/FIN/CO/7/Add.1.

organizations in Geneva,<sup>5</sup> the Committee is of the view that the recommendation set out in paragraph 15 of the previous concluding observations has been implemented and that the recommendations contained in paragraphs 17 (d) and 19 have been partially implemented. Those issues are covered in paragraphs 17, 23 (e) and 27 of the present concluding observations.

### **Legal status of the Convention**

8. While noting that international human rights treaties, such as the Convention, are considered binding in domestic law and that the constitutionality of legislation and compliance with human rights obligations are supervised by the Chancellor of Justice and the Constitutional Law Committee of the Parliament, the Committee regrets the lack of clarity as to how potential conflicts between domestic laws and the Convention are resolved. It also regrets that judicial decisions rarely make reference to the Convention in the context of the application or interpretation of domestic law (art. 2).

**9. The State party should strengthen existing mechanisms for the human rights assessment of legislative proposals to ensure the compatibility of domestic law with the Convention. It should also increase capacity-building and awareness-raising activities for judges, prosecutors and lawyers on the provisions of the Convention and relevant practices of the Committee.**

### **Definition and criminalization of torture**

10. While taking note of the provisions of chapter 2, section 7, of the Constitution, which provide for the prohibition of torture and the recognition of torture as an international crime, and considering that the definition of the offence of torture enshrined in chapter 11, section 9a, of the Criminal Code is broadly in line with the provisions of article 1 of the Convention, the Committee is concerned that there is no clear provision in the State party's legislation to ensure that the prohibition against torture is absolute and non-derogable and that an order from a superior officer or authority may in no case be invoked as a justification for torture. Moreover, it is concerned that the Criminal Code prescribes 2 to 12 years' imprisonment for the offence of torture and considers that the minimum sentence of 2 years' imprisonment may not constitute an appropriate penalty that reflects the grave nature of the crime (arts. 1, 2 and 4).

**11. The Committee encourages the State party to consider amending chapter 11, section 9a, of the Criminal Code:**

(a) **To ensure that the principle of the absolute prohibition of torture is incorporated into its legislation, in accordance with article 2 (2) of the Convention, and that, in accordance with article 2 (3) of the Convention, an order from a superior officer or authority may in no case be invoked as a justification for torture;**

(b) **To ensure that all acts of torture are punishable by appropriate penalties that reflect their grave nature, as set out in article 4 (2) of the Convention.**

### **Statute of limitations**

12. The Committee is concerned that torture is subject to a statute of limitations of 20 years in cases in which it does not qualify as a crime against humanity or a war crime or in which the maximum applicable penalty is not life imprisonment.

**13. The Committee encourages the State party to consider amending the Criminal Code to ensure that torture is not subject to any statute of limitations, even in cases in which it does not qualify as a crime against humanity or a war crime, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators.**

<sup>5</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FFIN%2F32210&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FFIN%2F32210&Lang=en).

### **Fundamental legal safeguards**

14. While taking into account the procedural safeguards to prevent torture and ill-treatment set forth in domestic legislation, the Committee remains concerned about reports that the authorities sometimes fail to notify the family members of the arrested person about his or her deprivation of liberty within the 48-hour time frame,<sup>6</sup> in particular in cases involving foreign nationals who are not resident in the State party and who do not speak Finnish. The Committee also remains concerned about the reportedly inadequate health care afforded to persons in police custody, including the lack of systematic medical examinations upon arrival in police detention facilities (arts. 2, 11 and 16).

**15. The State party should ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons, in particular foreign nationals who are not resident in the State party and who do not speak Finnish, from the outset of their deprivation of liberty, in particular the right to inform a family member, or another person of their choice, of their detention within 48 hours, to request and receive adequate health care, including a medical examination by an independent medical doctor free of charge, or by a doctor of their choice, upon request, and to have the confidentiality of medical examinations respected. The State party should also continue to provide adequate and regular training for those involved in detention activities on legal safeguards, to monitor compliance and to penalize any failure on the part of officials to comply.**

### **Detention of remand prisoners in police detention facilities**

16. While taking note of the amendments made to the Remand Imprisonment Act to significantly shorten the time spent in police detention facilities by remand prisoners, the introduction of new alternatives to remand imprisonment and the subsequent decrease in the number of remand prisoners held in police detention facilities, the Committee remains concerned that they are still occasionally placed, including for prolonged periods, in such facilities, which do not meet the conditions required for holding such prisoners, in particular in view of the insufficient access to recreational activities and the lack of outdoor exercise under conditions that are akin to solitary confinement (arts. 2, 11 and 16).<sup>7</sup>

**17. The State party should intensify its efforts to discontinue the practice of placing remand prisoners in police detention facilities, including on exceptional grounds, and to hold them in appropriate places of detention. It should accelerate judicial proceedings and, whenever feasible, make use of alternatives to pretrial detention, such as electronic supervision, travel bans, house arrest and bail. Meanwhile, the State party should take all measures necessary to improve the detention conditions of remand prisoners held in police detention facilities, including by ensuring sufficient daily outdoor exercise and sufficient access to recreational activities.**

### **Asylum and non-refoulement**

18. While noting the information provided by the State party on the applicable standards and the safeguards in place, the Committee is concerned that recent changes to legislation, in particular the Aliens Act (No. 301/2004) and the Border Guard Act (No. 578/2005), may have reduced legal safeguards for asylum-seekers and increased the risk of refoulement. In particular, the Committee is concerned about:

(a) The full closure of the State party's eastern land border since 30 November 2023 in response to the alleged instrumentalization by a third country of the movement of asylum-seekers and migrants, which raises concerns with regard to effective access to means of legal entry for the purpose of seeking asylum in the State party and may lead to breaches of the principle of non-refoulement and of the prohibition of collective expulsion;

(b) The fact that asylum-seekers who are victims of torture may not be effectively identified upon arrival in reception centres and provided with adequate support services;

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<sup>6</sup> [CCPR/C/FIN/CO/7](#), paras. 24 and 25.

<sup>7</sup> *Ibid.*, paras. 26 and 27.

(c) The fact that an appeal against a decision on expulsion, return, surrender or extradition may not have an automatic suspensive effect;

(d) The introduction of a fast-track asylum procedure at borders for applicants coming from countries deemed safe or submitting manifestly unfounded applications in situations of large-scale arrivals or entry under the alleged influence of a foreign actor, which may prevent individuals seeking international protection from accessing a fair and efficient asylum procedure;

(e) The restrictions imposed on the right to introduce new information in subsequent asylum applications (art. 3).<sup>8</sup>

19. **The State party should:**

(a) **Introduce adequate legal and procedural safeguards to ensure that all asylum-seekers and other persons in need of international protection arriving at the State party's eastern land border, regardless of their legal status and mode of arrival, have access to fair and efficient refugee status determination procedures and non-refoulement determinations;**

(b) **Ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that the individual concerned would be in danger of being subjected to torture;**

(c) **Strengthen its mechanisms and procedures to identify, as early as possible, all victims of torture, trafficking and gender-based violence among asylum-seekers and other persons in need of international protection and provide them with priority access to the refugee determination procedure and access to urgent medical treatment;**

(d) **Ensure access to qualified and independent legal aid and representation for asylum-seekers throughout the asylum procedure;**

(e) **Consider repealing the provisions of the Aliens Act that allow for a fast-track asylum procedure at borders, which may curtail access to a fair and efficient asylum procedure;**

(f) **Ensure the suspensive effect of appeals against a decision on expulsion, return, surrender or extradition;**

(g) **Ensure that restrictions on the right to introduce new information in subsequent asylum applications do not lead to a violation of the principle of non-refoulement.**

**Diplomatic assurances**

20. The Committee regrets the lack of information regarding the reliance of the State party on diplomatic assurances to justify the return or extradition of asylum-seekers to countries where there may be substantial grounds for believing that they would be in danger of being subjected to torture or other cruel, inhuman or degrading treatment or punishment. The Committee recalls that, as indicated in paragraph 20 of its general comment No. 4 (2017) on the implementation of article 3 in the context of article 22, diplomatic assurances should not be used as a loophole to undermine the principle of non-refoulement as set out in article 3 of the Convention. The Committee is concerned about the information provided by the State party's delegation that it does not directly monitor a person's situation in the receiving country and that such monitoring is ensured by the European Border and Coast Guard Agency (Frontex) and the International Organization for Migration (art. 3).

21. **The State party should provide information on the measures taken to ensure that it does not seek and accept diplomatic assurances, in the context of both extradition and deportation, from States where there are substantial grounds for believing that a person would be at risk of torture or ill-treatment upon return, and that it thoroughly assesses the situation of each individual case, including the overall situation with regard to torture in the country of return or extradition. The State party should ensure that any**

<sup>8</sup> Ibid., paras. 32 and 33.

**deportation or extradition undertaken on the basis of diplomatic assurances is accompanied by monitoring of the person's situation in the receiving country.**

#### **Conditions of detention**

22. While appreciating the measures taken by the State party to improve conditions of detention in general, including steps to further reduce the prison population and legal amendments that have shortened the maximum length of disciplinary solitary confinement from 14 to 10 days and fully abolished that sanction in respect of juveniles, the Committee is concerned about reports that overcrowding, staff shortages, in particular shortages of medical staff, and inter-prisoner violence remain problems in several places of detention. It is also concerned about reports that, in a number of places of deprivation of liberty, health-care services, in particular mental health services, remain inadequate, and that recreational and educational activities to foster the rehabilitation of detainees remain limited, in particular for remand prisoners and prisoners in need of protection (so-called "fearful" inmates), who are reportedly subjected to a very restrictive regime that is akin to solitary confinement. While noting the low number of detainees below the age of 18 in the State party and the establishment of separate sections for detainees below the age of 18 in several prisons, the Committee remains concerned that detainees below the age of 18 are not yet segregated from adult prisoners in all places of detention and thus remain vulnerable to violence and sexual abuse (arts. 2, 11 and 16).<sup>9</sup>

#### **23. The State party should:**

(a) **Continue its efforts to improve conditions in all places of deprivation of liberty and alleviate the overcrowding of penitentiary institutions and other detention facilities, including through the application of non-custodial measures. In this regard, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **Adopt practical measures to remedy the lack of meaningful recreational and educational activities in order to foster the rehabilitation of detainees, in particular remand and "fearful" detainees;**

(c) **Improve the provision of gender- and age-specific and culturally appropriate medical services to all persons deprived of their liberty, in particular those with intellectual or psychosocial disabilities;**

(d) **Increase the number of trained and qualified prison staff, including medical staff, and strengthen the monitoring and management of inter-prisoner violence;**

(e) **Ensure that detainees below the age of 18 are segregated from adult prisoners in all places of detention, bearing in mind their best interests, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.**

#### **Deaths in custody**

24. While taking note of the information provided by the State party's delegation regarding the steps taken or envisaged to prevent deaths in custody, the Committee is concerned about the lack of specialized training for custodial staff working in police detention facilities on the early identification of and provision of appropriate care to persons at risk, in particular "intoxicated persons". The Committee regrets the lack of comprehensive information and statistical data on the total number of deaths in custody for the period under review, disaggregated by place of detention, the sex, age and ethnic or national origin or

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<sup>9</sup> Ibid., paras. 28 and 29.

nationality of the deceased and the cause of death, and the insufficient information on investigations carried out in that regard (arts. 2, 11 and 16).

**25. The State party should:**

(a) **Ensure that all deaths in custody are promptly, effectively and impartially investigated by an independent entity, including by means of independent forensic examinations, in line with the Minnesota Protocol on the Investigation of Potentially Unlawful Death and, where appropriate, apply the corresponding sanctions and provide fair and adequate compensation to the families;**

(b) **Take all the steps necessary to provide specialized training to custodial staff working in police detention facilities to allow for the early identification and appropriate care of persons at risk, in particular “intoxicated persons”;**

(c) **Compile detailed information on cases of death in all places of detention and their causes and the outcomes of the investigations into the deaths.**

**Parliamentary Ombudsman as the national preventive mechanism**

26. The Committee expresses appreciation for the information provided on the steps taken by the State party to implement several recommendations made by the Parliamentary Ombudsman in its capacity as the national preventive mechanism following its monitoring visits to places of deprivation of liberty and would appreciate further information on the implementation of all its recommendations. The Committee notes that, in addition to having a preventive mandate, the Parliamentary Ombudsman has competence to receive and consider individual complaints, but it regrets the lack of further details on the follow-up to such complaints, including their outcomes. Moreover, while noting the explanation provided, the Committee regrets that the State party did not establish the national preventive mechanism as a separate entity under the Parliamentary Ombudsman, with budgetary and staffing autonomy (arts. 2, 11 and 16).

**27. The State party should continue ensuring that the Parliamentary Ombudsman’s recommendations resulting from its visits as the national preventive mechanism are fully considered. It should ensure that individual complaints received by the Parliamentary Ombudsman and referred to the national authorities are properly addressed, that victims obtain redress and compensation, including medical and psychosocial rehabilitation, and that a register of all complaints received and acted upon, including their outcomes, is kept. Moreover, the Committee reiterates its recommendation that the State party consider the possibility of establishing the national preventive mechanism as a separate entity under the Parliamentary Ombudsman, with budgetary and staffing autonomy.<sup>10</sup>**

**Immigration detention, including of children**

28. While noting the introduction of alternatives to immigration detention, such as “directed residence”, the Committee remains concerned about reports that, in practice, non-citizens who enter the territory of the State party undocumented continue to be detained. While noting that the detention of unaccompanied asylum-seeking children under the age of 15 is prohibited by law, and that those aged between 15 and 17 cannot be detained during the asylum procedure and are rarely detained in practice, the Committee is concerned that the detention of a child is still allowed when the child has already received a negative decision that has become enforceable and other, less restrictive precautionary measures are not adequate. It is also concerned about restrictions on access to social, educational and health services, in particular mental health services (arts. 2, 11 and 16).

**29. The State party should take the measures necessary:**

(a) **To ensure that immigration detention is applied only as a last resort, when determined to be strictly necessary and proportionate in the light of the individual’s**

<sup>10</sup> CAT/C/FIN/CO/7 and CAT/C/FIN/CO/7/Corr.1 <http://undocs.org/en/CAT/C/NZL/CO/6>, para. 15.

circumstances and for as short a period as possible, and to intensify its efforts to expand the application of non-custodial measures;

(b) **To ensure that children and families with children are not detained solely because of their immigration status;**

(c) **To guarantee access to adequate social, educational and mental and physical health services in immigration facilities.**

#### **Psychiatric institutions**

30. The Committee takes note of the measures taken to improve the situation of persons with disabilities detained in psychiatric institutions and strengthen their right to self-determination, including the amendments to the Mental Health Act and the Administrative Court Act that entered into force on 1 April 2024 and allow patients to challenge decisions regarding the involuntary administration of medication directly before the administrative courts. It remains, however, concerned about:

(a) Legislation that allows for involuntary hospitalization and compulsory treatment on the basis of impairment;

(b) The continued and, in some cases, prolonged use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices in respect of persons with psychosocial or intellectual disabilities in psychiatric institutions without sufficient procedural safeguards to guarantee their rights and interests;

(c) The insufficient progress achieved in ensuring access to effective legal remedies to challenge involuntary psychiatric hospitalization and compulsory treatment;<sup>11</sup>

(d) The failure to repeal section 2 of Act No. 283/1970 on Sterilization, which permits the sterilization of women with psychosocial or intellectual disabilities who have limited legal capacity or who have been deprived of their legal capacity without their consent (arts. 2, 11 and 16).<sup>12</sup>

#### **31. The State party should:**

(a) **Consider repealing any legislation that allows deprivation of liberty on the basis of impairment and that allows forced medical interventions on persons with disabilities, in particular persons with intellectual or psychosocial disabilities;**

(b) **Consider the discontinuance of the use of solitary confinement in respect of persons with psychosocial or intellectual disabilities, including children, and ensure that instruments of restraint and force are used in accordance with the law, under appropriate and strict supervision, for the shortest time possible, only when strictly necessary and proportionate and as a measure of last resort, with a view to further minimizing and eventually discontinuing their use;**

(c) **Conduct prompt, impartial and thorough investigations into all allegations of ill-treatment in health-care institutions, both public and private, prosecute persons suspected of ill-treatment and, if they are found guilty, ensure that they are punished in a manner commensurate with the gravity of their acts, and provide effective remedies and redress to the victims;**

(d) **Continue providing regular training to all medical and non-medical staff, including security personnel, on methods of non-violent and non-coercive care;**

(e) **Consider taking immediate steps to repeal section 2 of the Act on Sterilization and provide effective remedies for women victims of forced or involuntary sterilization.**

<sup>11</sup> CCPR/C/FIN/CO/7, paras. 30 and 31.

<sup>12</sup> CEDAW/C/FIN/CO/8, paras. 21 (c) and 22 (c).



### Independent complaints mechanism

32. While taking note that no public official or other person acting in an official capacity has ever been prosecuted for the crime of torture as set forth in chapter 11, section 9a, of the Criminal Code, the Committee is concerned about reports that there is still no effective, accessible, independent and confidential mechanism for the receipt of complaints of ill-treatment covering all places of deprivation of liberty (arts. 2, 13 and 16).

**33. The State party should consider establishing an independent, effective, confidential and accessible complaints mechanism covering all places of detention, including police detention facilities, immigration detention centres and psychiatric institutions.**

### Redress

34. The Committee is concerned about reports that rehabilitation services for torture survivors are provided mainly by two rehabilitation centres in the cities of Helsinki and Oulu, which are operated by non-governmental organizations providing social and health-care services and are not funded by the State budget. The Committee is concerned that the lack of public funding for the rehabilitation of torture survivors may pose a significant risk for the adequacy and continuity of such services. In addition, the Committee regrets the lack of information on the redress and compensation measures ordered by the courts and other State bodies and actually provided to victims of torture or ill-treatment or their families since its consideration of the State party's previous periodic report. The Committee recalls that victims may, *inter alia*, seek and obtain prompt, fair and adequate compensation, including in cases in which the civil liability of the State party is involved, in accordance with the Committee's general comment No. 3 (2012) on the implementation of article 14 (art. 14).

**35. The State party should ensure that, in law and in practice, all victims of torture and ill-treatment obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. To that end, the State party should allocate sufficient resources to rehabilitation centres for torture victims to ensure the adequacy and continuity of the services provided. The State party should compile and disseminate up-to-date statistics on the number of victims of torture and ill-treatment who have obtained redress, including medical or psychosocial rehabilitation and compensation, and on the forms of such redress and the results achieved.**

### Non-admissibility of evidence

36. While noting that the Code of Judicial Procedure prohibits the use in judicial proceedings of evidence obtained through torture, the Committee is concerned that such prohibition does not explicitly extend to other forms of ill-treatment. Moreover, it remains concerned that chapter 17, section 25 (3), of the Code of Judicial Procedure allows for the use of evidence obtained unlawfully if it does not prejudice a fair trial (arts. 2, 15 and 16).

**37. The Committee reiterates its recommendation that the State party consider amending the Code of Judicial Procedure to prohibit the admissibility in judicial proceedings of evidence obtained through ill-treatment and remove the provisions that give courts discretionary authority when it comes to the use of evidence obtained unlawfully, in violation of the Convention.<sup>13</sup>**

### Hate crimes

38. While noting the measures taken by the State party to combat hate crimes, including the amendment to the Criminal Code criminalizing and establishing penalties for ethnic agitation and aggravated ethnic agitation and the introduction of "Internet cops" at police departments, the Committee is concerned about the significant and increasing incidence of hate crimes motivated by racist bias and about the relatively small number of hate crimes that have led to prosecutions. It notes with concern the intensification of hostile sentiments

<sup>13</sup> CAT/C/FIN/CO/7 and CAT/C/FIN/CO/7/Corr.1, para. 11.

towards persons belonging to ethnic or religious minority groups, including people of African descent, Roma, Muslims and Russian and Swedish speakers. The Committee is also concerned about the increase in violent attacks recorded against migrants, refugees and asylum-seekers, and notes with concern the rise in anti-immigrant discourse amounting to racism and xenophobia among political figures. Moreover, the Committee regrets the lack of information about the impact and effectiveness of policy and awareness-raising measures on reducing incidents of hate speech and hate crimes and the insufficient data collection in that regard (arts. 2 and 16).<sup>14</sup>

39. **The State party should:**

(a) **Encourage the reporting of hate crimes and ensure that hate crimes are thoroughly investigated, perpetrators prosecuted and punished and victims provided with effective remedies;**

(b) **Provide adequate training to central and local authorities, law enforcement officials, judges and prosecutors on addressing hate speech and hate crimes and to media workers on promoting acceptance of diversity;**

(c) **Strengthen its awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity and at revisiting and eradicating stereotypical prejudices based on race, ethnicity or religion;**

(d) **Provide, in its next report, statistics on the number and nature of hate crimes, the convictions and sentences imposed on perpetrators and the compensation awarded to victims, where applicable.**

#### **Gender-based violence**

40. While noting the various measures taken by the State party to address gender-based violence, including the amendment made to chapter 20 of the Criminal Code, which provides that the offence of rape is based on lack of consent, the adoption of the Action Plan for Combating Violence against Women (2020–2023) and the Åland Islands strategy on zero tolerance towards violence in intimate relationships (2020–2030), the opening of a telephone hotline for victims and the appointment of the Non-Discrimination Ombudsman as the Finnish National Rapporteur on Violence against Women, the Committee is concerned about:

(a) The persistence of violence against women and the high rate of intimate partner violence;

(b) The reported over-reliance on mediation in cases of intimate partner violence;

(c) The fact that only serious abuse of a particular position of power falls under the definition of rape, while other situations of sexual abuse perpetrated in the context of abuse of power are defined as sexual abuse, which carries a lighter penalty;

(d) The underreporting of rape and the low prosecution and conviction rates in rape cases;

(e) The lack of adequate shelters for victims of violence against women, particularly in remote and rural areas;

(f) The fact that forced marriage is not explicitly criminalized in the Criminal Code as a distinct criminal offence.<sup>15</sup>

41. **The State party should redouble its efforts to prevent and combat all forms of violence against women by, inter alia:**

(a) **Effectively implementing the national implementation plan for the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and providing the Non-Discrimination Ombudsman and the Committee for Combating Violence against Women and Domestic Violence with**

<sup>14</sup> [CCPR/C/FIN/CO/7](#), paras. 14 and 15; and [CERD/C/FIN/CO/23](#), paras. 10 and 11.

<sup>15</sup> [CEDAW/C/FIN/CO/8](#), paras. 21–24; and [CCPR/C/FIN/CO/7](#), paras. 18 and 19.

adequate human, technical and financial resources to allow them to effectively carry out their mandates;

(b) **Giving priority to prosecution over mediation in cases of intimate partner violence and ensuring that referral to mediation does not result in the discontinuation of criminal investigation and prosecution in these cases;**

(c) **Considering amending chapter 20 of the Criminal Code, on sexual offences, to ensure that all non-consensual sexual acts involving abuse of power are defined as rape, regardless of whether the abuse of power is considered serious;**

(d) **Ensuring that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately and that the victims receive redress, including adequate compensation;**

(e) **Taking the measures necessary to encourage and facilitate the lodging of complaints by victims and to address effectively the barriers that may prevent women from reporting acts of violence against them;**

(f) **Providing safe and adequately funded shelters for victims of gender-based violence throughout the country, including in rural and remote areas;**

(g) **Criminalizing forced marriage as a distinct criminal offence in the Criminal Code.**

#### **Trafficking in persons**

42. While noting the adoption of the Action Plan against Trafficking in Human Beings (2021–2023) and the work of the National Assistance System for Victims of Human Trafficking, as well as the establishment of a nationwide anti-trafficking police network, the Committee is concerned about:

(a) The fact that the State party reportedly continues to be a destination country for women, men and children trafficked from abroad for purposes of forced labour and sexual exploitation;

(b) The reportedly low rates of prosecutions and convictions in trafficking cases;

(c) The fact that the Aliens Act has not yet been amended to address the risk of the revictimization of victims of trafficking for offences that they may have committed in connection with or as a result of being trafficked (arts. 2, 12–14 and 16).<sup>16</sup>

43. **The State party should continue and strengthen its efforts to combat trafficking in persons. In that respect, it should:**

(a) **Ensure the effective implementation of existing legislation and promptly, thoroughly and effectively investigate, prosecute and punish, with appropriate penalties, trafficking in persons and related practices, ensuring the allocation of all resources required for such purposes;**

(b) **Encourage reporting by raising awareness of the risks of trafficking among vulnerable communities and train judges, law enforcement officials and immigration and border control officers in the early identification of victims of trafficking and their referral to appropriate social and legal services;**

(c) **Expedite the amendment of the Aliens Act to ensure that victims of trafficking are not prosecuted, detained or punished for offences that they may have committed in connection with or as a result of being trafficked;**

(d) **Ensure that victims of trafficking are provided with adequate protection and support, including by establishing separate, well-equipped shelters with trained staff to address their specific needs and concerns, strengthen long-term reintegration**

<sup>16</sup> CEDAW/C/FIN/CO/8, paras. 25 and 26.

**measures for such victims and ensure that they receive redress, including adequate compensation.**

#### **Transgender and intersex persons**

44. While noting the adoption of the Act on Legal Recognition of Gender, which abolishes the requirements for medical examinations and sterilization, and the action plan on equal opportunities for lesbian, gay, bisexual, transgender and intersex persons in Åland society, the Committee is concerned that consenting transgender children may be unable to access the procedure for legal gender recognition. It is also concerned about reports of cases of unnecessary surgery and other medical treatment with lifelong consequences, including severe pain and suffering, to which intersex children have been subjected before reaching an age at which they are able to provide their free, prior and informed consent. It is further concerned about the inadequate provision of support and counselling for the families of intersex children and of redress and rehabilitation for victims (arts. 2 and 16).<sup>17</sup>

45. **The State party should:**

(a) **Consider extending access to the procedure for legal gender recognition to transgender children who are of sufficient age or maturity to make their own decisions and provide free, prior and informed consent, in line with international human rights norms and standards on the rights of the child, respect for physical and psychological integrity, freedom of expression, autonomy, the right to be heard and the right to identity;**

(b) **Consider adopting legislative provisions that explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment on intersex children before they are of sufficient age or maturity to make their own decisions and provide free, prior and informed consent;**

(c) **Ensure independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary and urgent and the least invasive option;**

(d) **Provide redress to victims of non-urgent and non-essential treatment, including appropriate compensation and rehabilitation, and ensure that all intersex children and adolescents and their families receive professional counselling services and psychological and social support.**

#### **Counter-terrorism measures**

46. While acknowledging the State party's need to adopt measures to respond to the risk of terrorism, including the implementation of the National Action Plan for the Prevention of Violent Radicalisation and Extremism (2019–2023), the Committee is concerned that the State party's counter-terrorism legislation, policies and practices still provide for potentially excessive restrictions on the rights of persons suspected or accused of involvement in terrorist acts, including the right to a fair trial and the right to liberty and security of person. The Committee is also concerned about the vague definition of terrorist offences contained in the Criminal Code and the risk of an abusive interpretation of the relevant provision.<sup>18</sup> The Committee regrets the lack of information on persons convicted under counter-terrorism legislation, the legal safeguards and remedies available to persons subjected to counter-terrorism measures in law and in practice, whether complaints have been received about the non-observance of national and international standards in this regard and the outcomes of those complaints (arts. 2, 11, 12 and 16).

47. **The State party should take all measures necessary to ensure that its counter-terrorism and national security legislation, policies and practices are fully in line with the Convention and that adequate and effective legal safeguards against torture and ill-treatment and arbitrary detention are in place. Furthermore, the State party should carry out prompt, impartial and effective investigations into all allegations**

<sup>17</sup> [CCPR/C/FIN/CO/7](#), paras. 20 and 21.

<sup>18</sup> *Ibid.*, paras. 10 and 11.

**of human rights violations, including acts of torture and ill-treatment, committed in the context of counter-terrorism operations, prosecute and punish those responsible and ensure that victims have access to effective remedies and full reparation.**

### **Training**

48. The Committee acknowledges the efforts made by the State party to develop and implement educational and training modules on human rights, including on the Convention and on the absolute prohibition of torture, for law enforcement officers, prison staff, judges, prosecutors, immigration officers, border guards and members of the armed forces. However, it regrets the lack of comprehensive and ongoing training on the contents of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised. The Committee also regrets the limited information on regular and specific training for staff employed in care institutions for children, State residential schools and psychiatric institutions and for forensic doctors and relevant medical personnel, as well as on mechanisms for evaluating the effectiveness of training programmes (art. 10).

49. **The State party should:**

(a) **Further develop mandatory initial and in-service training programmes to ensure that all public officials, in particular law enforcement officers, prison staff, immigration officers, border guards, military personnel, medical staff employed in prisons and personnel employed in care institutions for children, State residential schools and psychiatric institutions are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, if convicted, appropriately punished;**

(b) **Ensure that all relevant staff, including judges, prosecutors and medical personnel, including forensic experts, are specifically trained to identify cases of torture and ill-treatment, as well as to refer such cases to the competent investigative authorities, in accordance with the Istanbul Protocol, as revised;**

(c) **Develop and apply a methodology for assessing the effectiveness of educational and training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts and the prosecution of those responsible.**

### **Follow-up procedure**

50. The Committee requests the State party to provide, by 10 May 2025, information on follow-up to the Committee's recommendations on fundamental legal safeguards, the detention of remand prisoners in police detention facilities, asylum and non-refoulement, and hate crimes (see paras. 15, 17, 19 (a) and 39 (a) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the present concluding observations.

### **Other issues**

51. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

52. The Committee requests the State party to submit its next periodic report, which will be its ninth, by 10 May 2028. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its ninth periodic report under article 19 of the Convention.