


THE NATIONAL
PREVENTIVE
MECHANISM
AGAINST TORTURE



PARLIAMENTARY OMBUDSMAN OF FINLAND

THE NATIONAL PREVENTIVE MECHANISM IN BRIEF

- The Parliamentary Ombudsman of Finland is the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- The National Preventive Mechanism (NPM) conducts regular visits in places where people deprived of their liberty are held.
- These places include prisons, police stations,  migration units for foreigners, residential schools, child protection institutions and various social care homes.
- The purpose of the visits is to prevent prohibited treatment.
- Recommendations based on observations are issued during the visits.

UN MECHANISM FOR PREVENTION OF TORTURE

Torture and other types of degrading treatment are prohibited

Many international human rights treaties include a strict prohibition of torture and inhuman treatment. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment dates back to 1984.

To reinforce this prohibition, an Optional Protocol to the Convention (OPCAT) was prepared by the UN. It entered into force internationally in 2006.

This Protocol created a new control mechanism to prevent torture and other degrading treatment in closed institutions.

A two-level system

The control mechanism has two levels: the UN Subcommittee on Prevention of Torture and the National Preventive Mechanisms of State parties to the Optional Protocol.

The Subcommittee and the National Preventive Mechanism have the power to visit places where people are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation, or with its consent or acquiescence.

Parliamentary Ombudsman is the National Preventive Mechanism in Finland

The Parliamentary Ombudsman has been serving as the National Preventive Mechanism since 7 November 2014.




The full title for this function is the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the United Nations (OPCAT).




WHAT DOES THE NATIONAL PREVENTIVE MECHANISM DO?

Inspection visits

The NPM may conduct  inspections in all places where persons deprived of their liberty are or may be held.

These places include:

- prisons
- police stations and remand prisons
- detention units for foreigners
- psychiatric hospitals
- residential schools, child protection units
- social care homes and residential units for the elderly and persons with intellectual disabilities
- places of confinement on ships and in other means of transport
- places of confinement at public events.

The  inspections may either be scheduled or unannounced.

External experts, such as medical doctors, may participate in the visits to assist the inspection.

Recommendations aiming to improve the treatment of persons having been deprived of their liberty may be issued as a consequence of the inspections.

These recommendations are published on the Ombudsman's website at www.oikeusasiamies.fi.

Initiatives and cooperation

The NPM may make proposals or give statements on draft legislation.

The NPM works together with other Finnish and international human rights actors and the UN.

The Parliamentary Ombudsman prepares an annual report on activities as the National Preventive Mechanism.

THE NATIONAL PREVENTIVE MECHANISM HAS EXTENSIVE POWERS

The NPM has

- *access to all places where persons are or may be deprived of their liberty*
- *access to all information and documents referring to persons deprived of their liberty or the conditions of their detention*
- *the right to meet persons who have been deprived of their liberty and to conduct private interviews with them.*


Provision of information to the NPM

For the discharge of the NPM's duties, it is crucial that the NPM has access to information on the treatment and conditions of persons deprived of their liberty.

Under the law, no sanctions or other consequences may be imposed on persons who provide information to the NPM.

The identity of the person that has given confidential information to the NPM will not be disclosed without the consent of the person concerned.

WHAT HAPPENS ON INSPECTION VISIT?

While conducting an  inspection visit, the NPM observes the conditions and the treatment of private persons deprived of their liberty, has discussions with the management and the staff of the institution and meets in private persons deprived of their liberty.

Feedback on any observations as well as guidance and recommendations aiming to promote appropriate and lawful action may be given during the inspection.

Ways in which the inspected institution could rectify practices that have been found inappropriate may also be discussed.

And after the inspection visit?


Following the inspection visit, a report with observations and recommendations is prepared. The inspected institution may be requested to report back within a given date on the actions it has taken as a consequence of the observations made during the visit.

The NPM also independently monitors implementation of its recommendations and pays the institution further visits if necessary.



OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

PREAMBLE

The States Parties to the present Protocol 

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention.

WHAT IS TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT?

Torture and inhuman treatment are defined in the UN Convention against Torture.

For example, torture or cruel or degrading treatment may include:

- *intentionally inflicting severe pain or suffering, whether physical or mental, on a person*
- *subjecting a person to humiliating or degrading treatment or conditions*
- *a failure by the authorities to see to the health care of a person deprived of his or her liberty.*

The prohibition of torture or inhuman and degrading treatment or punishment is absolute; no exceptions are permitted in any situation.

Torture has severe consequences on both the victim and persons close to him or her, as well as on society.

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PHOTOS

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