
UNODC/CCPCJ/EG.6/2012/Gov.3

17 October 2012

Original: English

**OPEN-ENDED INTERGOVERNMENTAL GROUP
OF EXPERTS ON THE STANDARD MINIMUM RULES
FOR THE TREATMENT OF PRISONERS
BUENOS AIRES, ARGENTINA, 11 – 13 December 2012**

**RESPONSE OF THE GOVERNMENT OF FINLAND¹
TO NOTE CU 2011/26 AND NOTE CU 2012/157/DO/JS**

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17 October 2012

United Nations Office on Drugs and Crime
Justice Section, Division for Operations
P.O. Box 500, 1400 Vienna, Austria

Reference: CU 2012/157/DO/JS

In re ECOSOC resolution 2012/13 of 27 July 2012 entitled “Standard Minimum Rules for the Treatment of Prisoners”

By letter CU 2012/157/DO/JS, the United Nations Office on Drugs and Crime requested the Government of Finland to give relevant information on good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, as well as identifying challenges faced in implementing the Standard Minimum Rules for the Treatment of Prisoners and sharing their experiences in dealing with those challenges, and to provide the relevant information to their experts participating in the open-ended intergovernmental Expert Group, which is scheduled to take place in Buenos Aires, Argentina, from 11 to 13 December 2012.

The revision of the Standard Minimum Rules for the Treatment of Prisoners

The government of Finland would like to reiterate the view, that the revision of the Standard Minimum Rules shall be assessed carefully. The rules shall be studied and it shall be examined which rules need to be revised and which areas require new provisions altogether. The opinion of the Government of Finland is that only those articles that are clearly outdated are to be modified, but the rules in total should not be revised. The nature of potential reforms should be recommendative only. Drawing up a new international convention is not considered required since a binding convention might in fact lower the standard of the current rules.

Information from good practises in Finland

The overpopulation and lack of space in prisons are problems that exist everywhere in the world. Prisoners' human dignity is a problematic issue in overcrowded prisons. It is therefore important, that proper alternatives for unconditional imprisonment exist.

The general aim of criminal policy in Finland in the recent years has been to shift the emphasis of penalties from imprisonment to community sanctions. This aim has been put into practice among other things by introducing a new community sanction, the

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monitoring sentence. Offenders serving a monitoring sentence live at home but they are monitored during the sentence with the help of electronic equipment. The offender is allowed to go outside home only for rehabilitation and other activities that promote the state of affairs of the sentenced offender. Other community sanctions in Finland are conditional imprisonment, community service and juvenile punishment.

Furthermore, in the enforcement of imprisonment the aim is that a bigger proportion of sentences is served in an open prison instead of closed prisons. Prisoners in Finland are normally released on parole after having served either a third, half or two thirds of the prison sentence. Also prisoners sentenced for life have the possibility of being released on parole. The prisoner may, according to specific conditions, be placed in supervised probationary freedom maximum six months before being released on parole. Supervised probationary freedom means that the prisoners serves his or her sentence at home and is being supervised with electronic equipment. This system has worked well in Finland.

The aim is that *a sentence plan* is drawn up for each prisoner. This plan includes the activities that the prisoner participates in during his or her imprisonment and the prisons where he or she will be placed. The following things are taken into account in the sentence plan: the prisoner's competence to work, his or her needs for rehabilitation and education, transition to an open prison and release on parole. According to the sentence plan, the prisoner is gradually being transferred to more open conditions in order to reintegrate into the society after the release. The sentence plan also structures the time spend in prison to be more manageable for both prisoners and prison staff.

The sentence plan also includes *a release plan*. The aim of the release plan is to organise the release in such a way that the prisoner has access to the support systems and other activities in the society when being released.

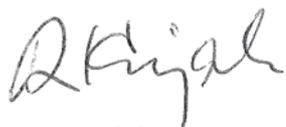
Prisoners connections to civilian life are supported by placing prisoners as close to their home towns as possible, by enhancing family-visits and by the system of prison furlough. *A family unit* has been established in one prison (Vanaja), where a prisoner who is a guardian of a young child has a possibility to keep the child with her in prison. The unit aims to improve parenting skills of the prisoner and to prevent negative effects of taking the child into custody.

In the open prison units prisoners have a right to use Internet and their own mobile phones. The legislative work is underway to permit use of Internet and e-mail also in the closed prisons.

The activities arranged in prisons consist of work, education or other activities promoting the readiness of the prisoner. Their purpose is to promote the placement of the prisoner in society.

The role of alternative conflict resolution in the reintegration of convicts is an important element in the programme work of the prisoners. For prisoners sentenced for violent offences there are two activity programmes: a longer Cognitive Self Change which is intensive and meant for prisoners with difficult history of violent behaviour and a shorter anger management course which aims at controlling feelings of anger and aggression. In addition, prisons arrange other activities, which aim to increase a prisoner's life control,

resources and to decrease his/her risk to re-offend. Planning of programmes that utilise restorative justice approach – such as victim-offender mediation – is underway.



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7 December 2011

Reference: CU 2011/182

In re GA resolution 65/230 “Twelfth United Nations Congress on Crime Prevention and Criminal Justice”

By letter CU 2011/182, the United Nations Office on Drugs and Crime requested the Government of Finland to give relevant information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners (SMR) so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on Crime Prevention and Criminal Justice on possible next steps.

Imprisonment Act reform in Finland in 2006

International conventions and recommendations of both the United Nations and the Council of Europe have shaped significantly the Finnish legislation on imprisonment.

The purpose of the Imprisonment Act reform in 2006 was to enhance the efficiency of prison sentences. Another starting point of the reform was to pass an explicit law on the rights and responsibilities of prisoners and remand prisoners as well as on the jurisdiction of the prison personnel.

According to the Imprisonment Act, the goal of the enforcement of imprisonment is to increase the readiness of the prisoner to live a life without crime, by promoting the prisoner's ability to manage his or her life and by promoting his or her adjustment to society as well as to prevent the commission of offences during the term of sentence. The provision defines influencing the risk of recidivism as the purpose of the law. Safe enforcement of imprisonment from the viewpoint of the society, the prison personnel and the prisoner is another important goal.

According to the Imprisonment Act, an individual sentence plan is drawn up for each prisoner for the serving of the term of sentence, release and parole. The sentence plan is the most important tool in achieving target-oriented enforcement and efficiency. The content and scope of the sentence plan depend on the length of the sentence and on individual factors. Apart from short prison sentences, the sentence plan is based on individual risk and need assessment. The plan is drawn up in the assessment centre of the criminal sanctions region and it is updated in the prison. The allocation of the prisoner, activities in prison and conditional release are all defined in the sentence plan. From the prisoner's point of view, the plan increases the predictability of the enforcement.

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The revision of the Standard Minimum Rules for the Treatment of Prisoners

According to the Government of Finland, the Standard Minimum Rules for the Treatment of Prisoners are significant in complementing national legislation and binding international agreements. Although these rules do not bind the member states, their significance as universal norms on the treatment of prisoners is widely accepted. The Standard Minimum Rules form the basis of national legislation and reforms in many UN member states.

The Standard Minimum Rules were accepted for the first time in 1955 and are undoubtedly outdated and need to be revised. The Bangkok rules (GA 65/229 UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders) of 2010 have filled in a gap regarding the treatment of female prisoners.

The revision of the Standard Minimum Rules shall be assessed carefully. The rules shall be studied and it shall be examined which rules need to be revised and which areas require new provisions altogether. The opinion of the Government of Finland is that only those articles that are clearly outdated are to be modified, but the rules in total should not be revised.

The content of other international conventions and recommendations shall be reviewed and potential overlaps analysed. Especially the work of the UN Committee against Torture and of the Subcommittee on Prevention of Torture which was established pursuant to the provisions of a treaty, the Optional Protocol of the Convention against Torture should be taken into account. Generally accepted standard minimum rules would be significant as regards to the work of these supervisory bodies. Moreover, the European Prison Rules approved by the Council of Europe in 2006 should provide a basis for starting and making the revisions.

According to the Government of Finland, the nature of potential reforms should be recommendative only. Drawing up a new international convention is not considered required since a binding convention might in fact lower the standard of the current rules. Furthermore, Member States are already bound by several UN conventions, so now is probably not the best moment for starting to negotiate a new convention.

Finland is also of the opinion that the potential reforms shall not result in lowering the requirements of the Standard Minimum Rules for the Treatment of Prisoners.

In case it will be decided that revision work of SMR will be started, Finland will be honoured to offer its expertise in this field.



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