

Rehabilitation and mutual recognition – practice concerning EU law on transfer of persons sentenced or awaiting trial

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Author(s) name: Salla Anttila

Reviewed by (on contractor's side): Elina Pirjatanniemi

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Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention

Please add the information required to answer the questions. Provide supporting or explanatory information – highlighting laws, policies and measures which justify the answer.

Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting:

A sentence of maximum two years of imprisonment can be imposed conditionally, unless the person's criminal history or other circumstances require unconditional imprisonment. According to chapter 2b, section 3 of the Criminal Code of Finland,¹ when imprisonment is imposed conditionally, the enforcement of the sentence can be postponed for a probation period of one to three years. If the person does not commit an offense during this period, imprisonment will not be enforced and the sentence will lapse. As stipulated in subsection 2, section 10, chapter 6 of the Criminal Code, surveillance measures can be imposed in addition to conditional sentence only if the sentenced person committed the offence when under 21 years of age.

According to section 1 of the Act on Community Service² and chapter 6, section 11 of the Criminal Code, a sentence of imprisonment may be converted into maximum 200 hours of societally beneficial, unpaid work, if the sentenced person is suitable for and agrees to it.

Chapter 6, section 11b of the Criminal Code imposes that when there is an impediment for community service, sentenced persons may be imposed a monitoring sentence for maximum of six months in order to promote their social adjustment. As stipulated in section 6 of the Act on Monitoring Sentence³, the sentenced persons live at home and are supervised electronically with an ankle monitor. Further, according to sections 3-4 of the Act, they are drawn up a daily programme which may include work, education or rehabilitation activities, and are allowed outside their homes only for a given purpose.

Furthermore, according to section 5 of chapter 2c of the Criminal Code, a person serving an unconditional sentence of imprisonment can be released conditionally to serve rest of the sentence in freedom. A person serving a fixed term sentence shall be conditionally released after serving two-thirds of the sentence. According to section 8 of chapter 2c, prisoners may for the promotion of their social adjustment be placed probationary liberty under special supervision for at most six months before their conditional release.

¹ Finland (1889), The Criminal Code of Finland (*Rikoslaki/Strafflag*) 39/1889, available at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001>, unofficial translation in English available at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

² Finland (1996), Act on Community Service (*Laki yhdyskuntapalvelusta/Lag om samhällstjänst*) 12.12.1996/1055, available in Finnish at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/ajantasa/1996/19961055>

³ Finland (2011), Act on Monitoring Sentence (*Laki valvontarangaistuksesta/Lag om övervakningsstraff*) 8.4.2011/330, available in Finnish at (accessed 20 April 2015): <http://www.finlex.fi/fi/laki/ajantasa/2011/20110330>

Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State:

According to chapter 5, section 1 of the Coercive Measures Act⁴, a person who is suspected on probable grounds in an offence for which the most severe penalty is a minimum of one year of imprisonment, can be imposed a travel ban instead of being arrested or remanded. Contents of a travel ban are defined in chapter 5, section 2 of the act. Travel ban may include remaining in a certain area, staying away from a certain area, being available at one's home or working place at certain times, reporting at the police at certain times, staying in an institution or a hospital where the person has already been admitted to, not contacting the witness, the complainant or the accomplice, or surrendering ones passport to the police.

In February 2014, Ministry of Justice appointed a working group to look into alternatives, other than travel ban, to pre-trial detention. Possible alternatives include electronic monitoring and requiring a surety. The work of the working group is still ongoing.⁵

Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?

According to chapter 6, section 9 of the Criminal Code, an unconditional sentence of imprisonment shall not be imposed for an offence committed when the perpetrator was less than 18 years of age, unless this is demanded by weighty reasons. As defined in chapter 6, section 8, a minor who has committed an offence can be subject to a juvenile penalty, when a fine is considered an insufficient punishment and imposing of a juvenile penalty is deemed justified for promoting the social adaption of the perpetrator and for preventing new offences. The length and contents of a juvenile are outlined in section 2 of the Juvenile Penalty Act⁶. Length of a juvenile penalty can vary from four months to one year and it consists of monitoring meetings, monitored assignments, and programmes that support social adaption and orientation to work life for a maximum of 8 hours a week.

Apart from the juvenile penalty, no separate alternative measure for particular groups are provided for in law.

⁴ Finland (2011), Coercive Measures Act (*Pakkokeinolaki/Tvångsmedelslag*) 806/2011, available at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/ajantasa/2011/20110806>, unofficial translation in English available at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/kaannokset/2011/en20110806.pdf>

⁵ Ministry of Justice (*oikeusministeriö/justitministeriet*), information available online at (accessed 22 April 2015):

<http://oikeusministerio.fi/fi/index/valmisteilla/lakihankkeet/seuraamusjarjestelma/tutkintavankeudenvaihtoehdotjajarjestaminen.html>

⁶ Finland (2004), Juvenile Penalty Act (*Laki nuorisorangaistuksesta/Lag om ungdomsstraff*) 21.12.2004/1196, available in Finnish at (accessed 22 April 2015): <https://www.finlex.fi/fi/laki/ajantasa/2004/20041196>

Section B: Transfer of suspects/sentenced persons

Please give a response for each of the boxes. If the information is the same in two boxes, duplicate the text. If the question is not applicable, specify why.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q1. AVAILABILITY OF INFORMATION			
Q1.1. Is information publicly available in ‘issuing states’ concerning the following:? If yes, please specify.			
<ul style="list-style-type: none"> What information is provided (e.g. conditions for early release for FD 909 or the need for a suspect/sentenced person’s consent to a measure for FD 947 and 829)? 	<p>Framework Decision and the Act on its National Implementation are publicly available in Finnish and Swedish. Furthermore, the Central Administration of the Criminal Sanctions Agency (<i>Rikosseuraamuslaitoksen keskushallintoyksikkö</i>) who is the competent national authority and contact point for potential transfers has published a fact sheet⁷ on their webpage, which is available in Finnish, Swedish and English. The fact sheet contains information on when consent is required, on the right to legal aid and on the decision making process. Apart from legal texts and the fact sheet, no publicly available information is published⁸. (For information given to the</p>	<p>Framework Decision and the Act on its National Implementation are publicly available in Finnish and Swedish. Furthermore, the Central Administration of the Criminal Sanctions Agency who is the competent national authority and contact point for potential transfers has published a fact sheet⁹ on their webpage, which is available in Finnish, Swedish and English. The fact sheet contains information on when consent is required, on the right to legal aid and on the decision making process. Apart from legal texts and the fact sheet, no publicly available information is published¹⁰. (For information given to the sentenced person, see question Q2.1)</p>	<p>Framework Decision and the Act on its National Implementation are publicly available in Finnish and Swedish. Furthermore, the Government Bill on national implementation, which entails instructions on application of the Act on National Implementation, is publicly available online in Finnish and Swedish. No other instructions on applying the FD in practice are yet publicly available.¹¹</p>

⁷ Criminal Sanctions Agency, fact sheet available online (accessed 9 June 2015): http://www.rikosseuraamus.fi/en/index/enforcement/programmes/accommodation_0.html

⁸ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁹ Criminal Sanctions Agency, fact sheet available online (accessed 9 June 2015):

<http://www.rikosseuraamus.fi/en/index/enforcement/implementationofcommunitysanctions/transferofcommunitysanctionstoootherstates.html>

¹⁰ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹¹ Legal Adviser at the Office of the Prosecutor General.

	sentenced person, see question Q2.1)		
<ul style="list-style-type: none"> How is the information made publically available (tools, or networks used)? 	The information is published on the webpage of the Criminal Sanctions Agency. Finnish Acts and Decrees are available online.	The information is published on the webpage of the Criminal Sanctions Agency. Finnish Acts and Decrees are available online.	Finnish Acts and Decrees are available online.
<ul style="list-style-type: none"> In which languages is the information provided? 	Finnish, Swedish, English	Finnish, Swedish, English	Finnish, Swedish
Q1.2. Apart from the competent authorities required by the FDs, is there any other national office or point of contact responsible for leading initial discussions about potential transfers (as issuing and executing state)? If yes, please provide brief details.	<p>Central Administration of the Criminal Sanctions Agency is the competent authority and the national contact point for potential transfers both from and to Finland.</p> <p>According to the Central Administration of the Criminal Sanctions Agency, transfers in general are discussed with other authorities, but only those officials whose task is to participate in the transferring process, for instance by producing information concerning the case, participate in discussions on individual transfers. Such officials usually include the police and the Finnish Immigration Service.¹²</p>	<p>Central Administration of the Criminal Sanctions Agency is the competent authority and the national contact point for potential transfers both from and to Finland.</p> <p>According to the Central Administration of the Criminal Sanctions Agency, transfers in general are discussed with other authorities, but only those officials whose task is to participate in the transferring process, for instance by producing information concerning the case, participate in discussions on individual transfers. Such officials usually include the police and the Finnish Immigration Service.¹³</p>	<p>After a person suspected for a crime is captured, the prosecutor and the police together consider whether to demand for detention or whether imposing a travel ban is sufficient. In cases where travel ban is deemed sufficient, a transfer of the decision would come into question if the person has no place of residence in Finland. Consequently, the potential transfers would be considered in cooperation between the prosecutors and the police.</p> <p>When Finland is the executing state, the competent authorities are the public prosecutors. They make the decision to recognise the request for transfer after consulting the police. According to the Government Bill on National Implementation of the Framework Decision¹⁴, such consultation</p>

¹² Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹³ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁴ Government Bill on Implementation of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Hallituksen esitys eduskunnalle tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskevaiksi laeiksi/Regeringens*

			would be necessary as the police is the authority that imposes the supervision measures in practice.
<p>Q1.3. Do the competent authorities collate information about their experience of transfers (such as personal data of the suspect/sentenced person, states involved, issues raised during the transfer process)? If yes, specify the information gathered.</p>	<p>Information on sentenced persons and transfers are recorded in the official registers of the Criminal Sanctions Agency and in the administrative record.¹⁵ Registers of the Criminal Sanctions Agency and information recorded in them are defined in chapter 2 of the Act on Processing of Personal Data in Enforcement of Punishments¹⁶. These registers contain information on implementation of all sentences and not specifically experiences on transfers. Personal data registered includes the person's name, identity number, sex, native language, citizenship and home municipality. The administrative record contains the documentary material produced when processing the case.</p>	<p>Information on sentenced persons and transfers are recorded in the official registers of the Criminal Sanctions Agency and in the administrative record.¹⁷ Registers of the Criminal Sanctions Agency and information recorded in them are defined in chapter 2 of the Act on Processing of Personal Data in Enforcement of Punishments. These registers contain information on implementation of all sentences and not specifically experiences on transfers. Personal data registered includes the person's name, identity number, sex, native language, citizenship and home municipality. The administrative record contains the documentary material produced when processing the case.</p>	<p>No information available. No transfers under this FD have been carried out in Finland.¹⁸</p>

proposition till riksdagen med förslag till lagstiftning om det nationella genomförandet och tillämpningen av rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande) HE 63/2012, available in Finnish at (accessed 1 June 2015): <http://www.finlex.fi/fi/esitykset/he/2012/20120063>

¹⁵ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁶ Finland (2002), Act on Processing of Personal Data in Enforcement of Punishments 24.5.2002/422 (*Laki henkilötietojen käsittelystä rangaistusten täytäntöönpanossa/ Lag om behandling av personuppgifter vid verkställighet av straff*) 24.5.2002/422, available in Finnish at (accessed 12 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020422>

¹⁷ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁸ Legal Adviser at the Office of the Prosecutor General.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q2. INFORMED CONSENT OF THE SUSPECT/SENTENCED PERSON			
<p>Q2.1. Is there a procedure in the issuing state (e.g. some form of mechanism that ensures it is done in all relevant cases) in place to inform the suspect/sentenced person of the option to transfer the judgment or decision to another Member State? If yes, please briefly provide information (e.g. is it an oral or written procedure) and specify who provides this information.</p>	<p>For the use of its personnel, the Criminal Sanctions Agency has a fact sheet that can be given to the prisoner, containing information about the possibility to transfer the judgement to another member state. The fact sheet on transferring a sentence of imprisonment is available in Finnish, Swedish, English, Russian and Estonian. The fact sheet can be given to the prisoner at any point after he/she has come to the prison, either for pre-trial detention or for a sentence of imprisonment. In case the sentenced person is in freedom waiting for implementation of imprisonment, the regional assessment centers that are responsible for placement of the sentenced persons in prisons can inform the person already before he/she starts serving the sentence.¹⁹</p>	<p>For the use of its personnel, the Criminal Sanctions Agency has a fact sheet that can be given to the sentenced person, containing information about the possibility to transfer the judgement to another member state, that can be given to the sentenced person. Information on transfer of community sanctions is available in Finnish, Swedish and English. In case the sentenced person is in freedom waiting for implementation of community sanctions, community sanctions office can inform the person already before he/she starts serving the sentence.²⁰</p>	<p>No information is available. There are not yet any guidelines for application procedures of this FD and no transfers under this FD have yet been carried out in Finland.</p> <p>A legal advisor from the Office of the Prosecutor General believed that the responsibility to inform the sentenced person about the option of transfer will eventually belong to the person's legal counsel.²¹</p>

¹⁹ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

²⁰ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

²¹ Legal Adviser at the Office of the Prosecutor General.

<p>Q2.2. Is there a procedure in place in the issuing state to obtain the informed consent of the suspect/sentenced person before forwarding the judgment or decision to the executing state? (e.g. a pre-prepared written explanation of the process available in a number of languages). If yes, please briefly specify what information the suspect/sentenced person receives (e.g. information on appeal and release possibilities).</p>	<p>Yes. According to section 12 of the 1169/2011 Act on National Implementation of the FD on Transfer of Sentenced persons²², the sentenced persons personally give their consent to the prison governor or to the official who is responsible for implementing the decision. Official record has to be made of the procedure. Before obtaining the consent of the sentenced person, the sentenced person has to be informed about the meaning of</p>	<p>According to section 9 of the 1170/2011 Act on National Implementation of the FD on Supervision of Probation Measures and Alternative Sanctions²⁴, the consent of the sentenced person is a prerequisite for the transfer. However, the procedure to obtain the consent is not described in law. The Government Bill²⁵ explains that the provisions laid down in section 9 of the act aim to create a procedure where, before considering requesting a transfer, the competent</p>	<p>Section 9 of the 620/2012 Act on National Implementation of the Framework Decision²⁷ stipulates that the consent of the sentenced person is a prerequisite for the transfer of alternative supervision measures. The Government Bill²⁸ on National Implementation of the Framework Decision further clarifies that the transfer is deemed appropriate only if the suspected person consents to it. The act does not specify the procedure to obtain the consent, and as no transfers</p>
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²² Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

²⁴ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decision (*Laki valvontatoimenpiteitä ja vaihtoehtoisia seuraamuksia Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om alternativa påföljder och övervakningsåtgärder inom Europeiska unionen och om tillämpning av rambeslutet*)1170/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111170>

²⁵ Finland (2011), Government Bill on National Implementation of the Framework Decisions on Transfer of Sentenced Persons in the European Union and on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decisions (*Hallituksen esitys Eduskunnalle tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen sekä valvontatoimenpiteiden ja vaihtoehtoisten seuraamusten siirtoa Euroopan unionissa koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskeviksi ja eräiksi niihin liittyviksi laeiksi/ Regeringens proposition till Riksdagen med förslag till lagar om det nationella genomförandet och tillämpningen av rambeslutet om överföring av dömda personer inom Europeiska unionen och rambeslutet om överföring av alternativa påföljder och övervakningsåtgärder inom Europeiska unionen samt till vissa lagar som har samband med dem* HE 10/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/fi/esitykset/he/2011/20110010>

²⁷ Finland (2012), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Laki tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande och om tillämpning av rambeslutet*) 620/2012, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/fi/laki/alkup/2012/20120620>

²⁸ Finland (2012), Government Bill on Implementation of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Hallituksen esitys eduskunnalle tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskevaksi lainsäädännöksi/Regeringens proposition till riksdagen med förslag till lagstiftning om det nationella genomförandet och tillämpningen av rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande*) HE 63/2012, available in Finnish at (accessed 1 June 2015): <http://www.finlex.fi/fi/esitykset/he/2012/20120063>

	<p>the consent. The information is given in writing and in a language that the sentenced person understands. The sentenced person is told that after the transfer, the sentence is implemented and possible release on parole is done according to the legislation of the executing state. The person also receives information on how the time of imprisonment or alternative sanction already served will be taken into account when transferring the decision.</p> <p>Furthermore, the person is informed about the meaning of his/her consent and explained in which situations consent is not required.</p> <p>Apart from information on the transfer, the sentenced person is told about his/her right to use a legal counsel and explained how to proceed in order to have the costs of the legal aid covered by the state. If reliable information on the process of implementation of the transfer and the sentence in another member state is available,</p>	<p>authority would have to ensure that the sentenced person is informed about the possibility of transfer and regards it positively.</p> <p>According the Central Administration of the Criminal Sanctions Agency, the sentenced person is informed that after the transfer, the sentence is implemented according to legislation of the executing state. The person also receives information on how the time of sentence already served will be taken into account when transferring the decision. Furthermore, the person is informed about the meaning of his/her consent. Apart from information on the transfer, the sentenced person is told about his/her right to use a legal counsel and explained how to proceed in order to have the costs of the legal aid covered by the state. If reliable information on how the sentence will be implemented in another member state is available, it is also given to the sentenced person.²⁶</p>	<p>under this FD have been carried out, such procedure has not yet been developed in the practical application of the FD²⁹.</p>
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²⁶ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

²⁹ Legal Adviser at the Office of the Prosecutor General.

	it is also given to the sentenced person. ²³		
Q2.3. Does the suspect/sentenced person have the right to revoke his/her consent to the transfer in the issuing state? If yes, please briefly specify until which stage of the procedure this right exists.	Yes. In practice the sentenced person can change his/her opinion on the transfer until Finland as the issuing state has decided on the transfer. The decision on the transfer is made by the Director General of the Central Administration of the Criminal Sanctions Agency. ³⁰ Afterwards, the decision can be appealed to Administrative Court. (see Q 2.13)	Yes. In practice the sentenced person can change his/her opinion on the transfer until Finland as the issuing state has decided on the transfer. The decision on the transfer is made by the Director General of the Central Administration of the Criminal Sanctions Agency. ³¹ Afterwards, the decision can be appealed to Administrative Court. (see Q 2.13)	Yes. According to the Government Bill ³² , the competent authority has to receive the suspected person's consent before the decision on supervision measures is made or while it is made. The suspected person has the right to revoke his/her consent until the executing state has decided to recognise the decision.
Q2.4. Is there any procedure in place in the issuing state to obtain the opinion of the sentenced person concerning the following: If yes, please briefly specify e.g. is it an oral or a written procedure, are there any checks on actual understanding of the option).			

²³ Finland (2011), Government Bill on National Implementation of the Framework Decisions on Transfer of Sentenced Persons in the European Union and on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decisions (*Hallituksen esitys Eduskunnalle tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen sekä valvontatoimenpiteiden ja vaihtoehtoisten seuraamusten siirtoa Euroopan unionissa koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskevaksi ja eräksi niihin liittyviksi laeiksi/ Regeringens proposition till Riksdagen med förslag till lagar om det nationella genomförandet och tillämpningen av rambeslutet om överföring av dömda personer inom Europeiska unionen och rambeslutet om överföring av alternativa påföljder och övervakningsåtgärder inom Europeiska unionen samt till vissa lagar som har samband med dem*), available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/fi/esitykset/he/2011/20110010>; Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

³⁰ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

³¹ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

³² Finland (2012), Government Bill on Implementation of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Hallituksen esitys eduskunnalle tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskevaksi lainsäädännöksi/Regeringens proposition till riksdagen med förslag till lagstiftning om det nationella genomförandet och tillämpningen av rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande*) HE 63/2012, available in Finnish at (accessed 1 June 2015): <http://www.finlex.fi/fi/esitykset/he/2012/20120063>

<ul style="list-style-type: none"> When consent is not required)? 	<p>Section 12 of the 1169/2011 Act on National Implementation of the FD stipulates that hearing of the sentenced person is done according to what is provisioned in the Administrative Procedure Act³³. Section 34 of the Administrative Procedure Act stipulates that before the matter is decided, a party shall be reserved an opportunity to express an opinion on the matter and to submit an explanation on the demands and information which may have an effect on its decision. Further, according to section 37 of the act, both an oral and a written procedure are possible. The possibility to submit information orally is provided upon request.</p> <p>The sentenced person has the right to use a legal counsel and the actual understanding is sought to be ensured with the qualification requirements set for the legal counsel. (See Q2.6 and Q2.7.)</p>		
<ul style="list-style-type: none"> When consent is required, Article 6 (3) of FD 2008/909/JHA). 	<p>According to section 12 of the 1169/2011 Act on National</p>		

³³ Finland (2003), Administrative Procedure Act (*Hallintolaki/Förvaltningslag*) 6.6.2003/434, available at (accessed 12 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2003/20030434>, unofficial translation in English available at (accessed 12 June 2015): <https://www.finlex.fi/fi/laki/kaannokset/2003/en20030434>

	Implementation of the FD ³⁴ , the sentenced persons personally give their consent to the prison governor or the official who is responsible for implementing the decision. Official record has to be made of the procedure. ³⁵		
Q2.5. Does the suspect/sentenced person have the right to change his/her opinion on the transfer? If yes, please briefly specify until which stage of the procedure this right exists and how this is implemented in practice.	Yes. In practice the sentenced person can change his/her opinion on the transfer until Finland as the issuing state has decided on the transfer. The decision on the transfer is made by the Director General of the Central Administration of the Criminal Sanctions Agency. ³⁶ After this the decision can be appealed to Administrative Court. (see Q 2.13)		
Q2.6. Is the suspect/sentenced person assisted by a legal counsel in the issuing	Yes. In accordance with section 17 of the 1169/2011 Act on National Implementation of the	Yes. In accordance with section 13 of the 1170/2011 Act on National Implementation of the FD ³⁹ , the	Yes. In accordance with section 13 of the 620/2012 Act on National

³⁴ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

³⁵ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

³⁶ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

³⁹ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decision (*Laki valvontatoimenpiteitä ja vaihtoehtoisia seuraamuksia Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om alternativa påföljder och övervakningsåtgärder inom Europeiska unionen och om tillämpning av rambeslutet*) 1170/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111170>

<p>state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone)</p>	<p>FD, the sentenced person has the right to use a legal counsel.³⁷ According to chapter 2, section 2 of the Criminal Procedure Act, the legal counsel appointed shall be public legal aid attorney or an advocate. If there is no suitable public legal aid attorney or advocate available or there is another special reason for it, also another person who by law is competent to act as an attorney maybe be appointed as legal counsel.</p> <p>Furthermore, the officials of the Criminal Sanctions Agency have the obligation to provide advice. This advice is usually given by phone or email. If the sentenced person is in prison or a customer of the community sanctions</p>	<p>sentenced person has the right to use a legal counsel. According to chapter 2, section 2 of the Criminal Procedure Act, the legal counsel appointed shall be public legal aid attorney or an advocate. If there is no suitable public legal aid attorney or advocate available or there is another special reason for it, also another person who by law is competent to act as an attorney maybe be appointed as legal counsel.</p> <p>Furthermore, the officials of the Criminal Sanctions Agency have the obligation to provide advice. This advice is usually given by phone or email. If the sentenced person is in prison or a customer of the community sanctions office, advice is often also given face-to-face.⁴⁰</p>	<p>Implementation of the FD41, the suspected person has the right to use a legal counsel. Chapter 2 of the Criminal Procedure Act⁴² is applied when appointing a legal counsel. In practice, if the suspected person has been appointed a legal counsel for the criminal procedure, the same counsel has the right to represent him/her in the procedure on supervision measures as well.</p>
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³⁷ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

⁴⁰ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁴¹ Finland (2012), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Laki tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande och om tillämpning av rambeslutet*) 620/2012, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/fi/laki/alkup/2012/20120620>

⁴² Finland (1997), Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/ Lag om rättegång i brottmål*) 689/1997, available at (accessed 5 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>, unofficial translation in English available at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/kaannokset/1997/en19970689>

	office, advice is often also given face-to-face. ³⁸		
Q2.7. Is there a procedure in place to ascertain that the legal counsel speaks and understands the suspect/sentenced person's language in the issuing state? If yes, please specify.	According to the Criminal Sanctions Agency, the qualification requirements set by law for the legal counsel aim at ensuring that the legal protection of the sentenced person is realised also in relation to communication with his/her legal counsel. In accordance with the Criminal Procedure Act ⁴³ , chapter 6a, section 5, if the defendant's legal protection requires it, the state compensates the necessary interpretation between the defendant and his/her counsel up to reasonable expenses.	According to the Criminal Sanctions Agency, the qualification requirements set by law for the legal counsel aim at ensuring that the legal protection of the sentenced person is realised also in relation to communication with his/her legal counsel. In accordance with the Criminal Procedure Act ⁴⁴ , chapter 6a, section 5, if the defendant's legal protection requires it, the state compensates the necessary interpretation between the defendant and his/her counsel up to reasonable expenses.	No information available.
Q2.8. Does the suspect/sentenced person have the right to legal aid in the issuing state?	Yes, according to section 8 of chapter 2 of the Criminal Procedure Act ⁴⁵ , the costs of the legal counsel are covered by the state if the person cannot, because	Yes, according to section 8 of chapter 2 of the Criminal Procedure Act ⁴⁶ , the costs of the legal counsel are covered by the state if the person cannot, because of his/her economic position, do this him/herself.	Yes, according to section 8 of chapter 2 of the Criminal Procedure Act ⁴⁷ , the costs of the legal counsel are covered by the state if the person cannot, because of his/her

³⁸ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁴³ Finland (1997), Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/ Lag om rättegång i brottmål*) 689/1997, available at (accessed 5 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>, unofficial translation in English available at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/kaannokset/1997/en19970689>

⁴⁴ Finland (1997), Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/ Lag om rättegång i brottmål*) 689/1997, available at (accessed 5 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>, unofficial translation in English available at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/kaannokset/1997/en19970689>

⁴⁵ Finland (1997), Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/ Lag om rättegång i brottmål*) 689/1997, available at (accessed 5 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>, unofficial translation in English available at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/kaannokset/1997/en19970689>

⁴⁶ Finland (1997), Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/ Lag om rättegång i brottmål*) 689/1997, available at (accessed 5 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>, unofficial translation in English available at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/kaannokset/1997/en19970689>

⁴⁷ Finland (1997), Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/ Lag om rättegång i brottmål*) 689/1997, available at (accessed 5 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>, unofficial translation in English available at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/kaannokset/1997/en19970689>

	of his/her economic position, do this him/herself.		economic position, do this him/herself.
Q2.9. Is the suspect/sentenced person assisted by an interpreter in the issuing state, if required:			
<ul style="list-style-type: none"> • While consenting to the transfer? 	According to the Criminal Sanctions Agency, if the sentenced person has no legal counsel and gives his/her consent in writing, he/she can use his/her native language if he/she wishes. The Criminal Sanction Agency takes care of translating the document if necessary. If the consent is given orally, an interpreter is used when necessary.	According to the Criminal Sanctions Agency, if the sentenced person has no legal counsel and gives his/her consent in writing, he/she can use his/her native language if he/she wishes. The Criminal Sanction Agency takes care of translating the document if necessary. If the consent is given orally, an interpreter is used when necessary.	No information available. ⁴⁸
<ul style="list-style-type: none"> • While requesting the transfer? 	According to the Criminal Sanctions Agency, if the sentenced person has no legal counsel and gives his/her request in writing, he/she can use his/her native language if he/she wishes. The Criminal Sanction Agency takes care of translating the document if necessary. If the request is given orally, an interpreter is used when necessary.	According to the Criminal Sanctions Agency, if the sentenced person has no legal counsel and gives his/her consent in writing, he/she can use his/her native language if he/she wishes. The Criminal Sanction Agency takes care of translating the document if necessary. If the consent is given orally, an interpreter is used when necessary.	No information available. ⁴⁹

⁴⁸ Legal Adviser at the Office of the Prosecutor General.

⁴⁹ Legal Adviser at the Office of the Prosecutor General.

<p>Q2.10. Are these interpretation or translation services provided during a face-to-face consultation? Please provide brief information.</p>	<p>In accordance with the Criminal Procedure Act⁵⁰, chapter 6a, section 5, if the defendant's legal protection requires it, the state compensates the necessary interpretation between the defendant and his/her counsel up to reasonable expenses. Furthermore, according to the Criminal Sanction Agency, interpretation is used in prisons in general when it is necessary and possible.</p>	<p>In accordance with the Criminal Procedure Act⁵¹, chapter 6a, section 5, if the defendant's legal protection requires it, the state compensates the necessary interpretation between the defendant and his/her counsel up to reasonable expenses.</p>	<p>No information available.⁵²</p>
<p>Q2.11. Is the suspect/sentenced person's full understanding of the transfer checked on a case by case basis in the issuing state? Please provide brief information.</p>	<p>According to section 10 of the 1169/2011 Act on National Implementation of the FD⁵³, the sentenced person has the right to receive the decision on his/her case in a language that he/she understands. In practice, the decision on the transfer made by</p>	<p>According to section 8 of the 1170/2011 Act on National Implementation of the FD⁵⁵, the sentenced person has the right to receive the decision on his/her case in a language that he/she understands. In practice, the decision on the transfer made by the</p>	<p>No information available.⁵⁷</p>

⁵⁰ Finland (1997), Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/ Lag om rättegång i brottmål*) 689/1997, available at (accessed 5 June 2015):

<https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>, unofficial translation in English available at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/kaannokset/1997/en19970689>

⁵¹ Finland (1997), Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/ Lag om rättegång i brottmål*) 689/1997, available at (accessed 5 June 2015):

<https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>, unofficial translation in English available at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/kaannokset/1997/en19970689>

⁵² Legal Adviser at the Office of the Prosecutor General.

⁵³ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

⁵⁵ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decision (*Laki valvontatoimenpiteitä ja vaihtoehtoisia seuraamuksia Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om alternativa påföljder och övervakningsåtgärder inom Europeiska unionen och om tillämpning av rambeslutet*) 1170/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111170>

⁵⁷ Legal Adviser at the Office of the Prosecutor General.

	the Criminal Sanctions Agency is translated in a language that the sentenced person understands or, if the sentenced person has a defence counsel, the information can be relayed to him/her through the counsel. Information on the main content of the decision is always given to the sentenced person in a language he/she understands. ⁵⁴	Criminal Sanctions Agency is translated in a language that the sentenced person understands or, if the sentenced person has a defence counsel, the information can be relayed to him/her through the counsel. Information on the main content of the decision is always given to the sentenced person in a language he/she understands. ⁵⁶	
Q2.12. If the executing state adapts, before the transfer, the sentence or measure imposed by the issuing state (as authorised by Article 8.3 of FD 909, Article 9 of FD 947 and Article 13 of FD 829), does the suspect/sentenced person receive any updated information?	According to section 7 of the 1169/2011 Act on National Implementation of the FD ⁵⁸ , when Finland is the executing state, the sentence person has the right to be heard concerning adaption of the sentence. If the sentenced person is still in the issuing state, the hearing will be done through cooperation	According to section 6 of the 1170/2011 Act on National Implementation of the FD ⁵⁹ , when Finland is the executing state, the sentence person has the right to be heard concerning adaption of the sentence. If the sentenced person is still in the issuing state, the hearing will be done through cooperation	Yes. According to the Government Bill on National Implementation of the FD ⁶⁰ , a prerequisite for a procedure that is in accordance with the FD is that the suspected person gets informed when the decision on supervision measures has been recognised in another member state and whether it has been adapted.

⁵⁴ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁵⁶ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁵⁸ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

⁵⁹ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decision (*Laki valvontatoimenpiteitä ja vaihtoehtoisia seuraamuksia Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om alternativa påföljder och övervakningsåtgärder inom Europeiska unionen och om tillämpning av rambeslutet*) 1170/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111170>

⁶⁰ Finland (2012), Government Bill on Implementation of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Hallituksen esitys eduskunnalle tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskevaksi lainsäädännöksi/Regeringens proposition till riksdagen med förslag till lagstiftning om det nationella genomförandet och tillämpningen av rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande*) HE 63/2012, available in Finnish at (accessed 1 June 2015): <http://www.finlex.fi/fi/esitykset/he/2012/20120063>

	between authorities in the issuing and the executing state.	between authorities in the issuing and the executing state.	
Q2.13. Is there a right to appeal the forwarding of the judgment/decision in the issuing state? If yes, please briefly provide information (e.g. how the suspect is made aware of his/her right to appeal and what support is made available to him/her)	Yes. According to section 19 of the 1169/2011 Act on National Implementation of the FD ⁶¹ decision of the Central Administration of the Criminal Sanction Agency can be appealed to the Administrative Court of Helsinki. The instructions for appealing are attached in the decision on the transfer. ⁶²	Yes. According to section 14 of the 1170/2011 Act on National Implementation of the FD ⁶³ , the decision of the Central Administration of the Criminal Sanction Agency can be appealed to the Administrative Court of Helsinki. The instructions for appealing are attached in the decision on the transfer. ⁶⁴	Yes. According to section 14 of the Act on Implementation of the FD ⁶⁵ , right to appeal in situations where Finland is the issuing state is provided for in section 19 of chapter 3 and section 12 of chapter 5 of the Coercive Measures Act ⁶⁶ . The decision can be appealed to the district court of the judicial district in which the prosecutor who has made the decision works. However, in practice the sentenced person should not have an interest to appeal, as his/her consent is a prerequisite for the transfer. In this case, the person might wish to appeal against the decision to

⁶¹ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/fi/laki/alkup/2011/20111169>

⁶² Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁶³ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decision (*Laki valvontatoimenpiteitä ja vaihtoehtoisia seuraamuksia Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om alternativa påföljder och övervakningsåtgärder inom Europeiska unionen och om tillämpning av rambeslutet*) 1170/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/fi/laki/alkup/2011/20111170>

⁶⁴ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁶⁵ Finland (2012), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Laki tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande och om tillämpning av rambeslutet*) 620/2012, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/fi/laki/alkup/2012/20120620>

⁶⁶ Finland (2011), Coercive Measures Act (*Pakkokeinolaki/Tvångsmedelslag*) 806/2011, available at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/ajantasa/2011/20110806>, unofficial translation in English available at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/kaanokset/2011/en20110806.pdf>

			impose supervision measures in general. ⁶⁷
Q2.14. Does the suspect/sentenced person have a right to a regular review of the decision on the transfer in the issuing state? If yes, please briefly provide information (e.g. how often he/she can exercise this right)	The sentenced person has the possibly to reinitiate the proceedings of the issue regarding the transfer. ⁶⁸ There is no automatic review.	The sentenced person has the possibly to reinitiate the proceedings of the issue regarding the transfer. ⁶⁹ There is no automatic review.	Yes, the suspected person has the right to review of the decision to impose a travel ban in accordance with section 8 of chapter 5 of the Coercive Measures Act ⁷⁰ . Travel ban has to revoke wholly or partly if the conditions for keeping it in effect have changed. The person who is imposed a travel can bring the decision to court to be reviewed already before the charges have been given.
Q2.15. Is the suspect/sentenced person assisted by legal counsel in the executing state? If yes, please provide details (e.g. is	In exceptional cases, yes. In accordance with section 17 of the 1169/2011 Act on National Implementation of the FD ⁷¹ ,	In exceptional cases, yes. In accordance with section 13 of the 1170/2011 Act on National Implementation of the FD ⁷² , special	In some cases, yes. Section 13 of the Act on National Implementation of the FD ⁷³ stipulates that if the suspected person is in another

⁶⁷ Finland (2012), Government Bill on Implementation of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Hallituksen esitys eduskunnalle tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskeva lainsäädännöksi/Regeringens proposition till riksdagen med förslag till lagstiftning om det nationella genomförandet och tillämpningen av rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande*) HE 63/2012, available in Finnish at (accessed 1 June 2015): <http://www.finlex.fi/fi/esitykset/he/2012/20120063>

⁶⁸ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁶⁹ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁷⁰ Finland (2011), Coercive Measures Act (*Pakkokeinolaki/Tvångsmedelslag*) 806/2011, available at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/ajantasa/2011/20110806>, unofficial translation in English available at (accessed 20 April 2015): <https://www.finlex.fi/fi/laki/kaannokset/2011/en20110806.pdf>

⁷¹ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

⁷² Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decision (*Laki valvontatoimenpiteitä ja vaihtoehtoisia seuraamuksia Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om alternativa påföljder och övervakningsåtgärder inom Europeiska unionen och om tillämpning av rambeslutet*) 1170/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/laki/alkup/2011/20111170>

⁷³ Finland (2012), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Laki tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten*

<p>this legal advice provided face-to-face or over the telephone?)</p>	<p>special reasons would have to exist for appointing a legal counsel for a person who already receives legal counsel in the issuing state. On the other hand, if the person has not been appointed a legal counsel in another member state, he/she has the right to legal counsel in Finland when Finland is the executing state.</p>	<p>reasons would have to exist for appointing a legal counsel for a person who already receives legal counsel in the issuing state. On the other hand, if the person has not been appointed a legal counsel in another member state, he/she has the right to legal counsel in Finland when Finland is the executing state.</p>	<p>member state and has been appointed a legal counsel there, appointing a legal counsel for the person in Finland requires that there are special reason concerning legal protection of the person. If the person has no legal counsel in the other member state, he/she has the right to a legal counsel in Finland if the requirements set in chapter 2 of the Criminal Procedure Act are fulfilled.</p>
<p>Q2.16. Have there been instances where the Member State has refused a transfer based on a pre-determined ground of refusal, as permitted to a varying extent under each FD? If so, please briefly provide details.</p>	<p>No.⁷⁴</p>	<p>No.⁷⁵</p>	<p>No.⁷⁶</p>
<p>Q.2.17. Are there any specific legislative or policy developments regarding the informed consent to the transfer of particular suspects/sentenced persons (such as children or persons with disabilities) in the issuing state? (e.g. the use of healthcare professionals)</p>	<p>No information available.⁷⁷</p>	<p>No information available.⁷⁸</p>	<p>No information available.⁷⁹</p>

kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstifningen i rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande och om tillämpning av rambeslutet) 620/2012, available in Finnish at (accessed 4 June 2015):
<http://www.finlex.fi/fi/laki/alkup/2012/20120620>

⁷⁴ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁷⁵ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁷⁶ Representative from the Ministry of Justice.

⁷⁷ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁷⁸ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁷⁹ Legal Adviser at the Office of the Prosecutor General.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q3. DECISION ON TRANSFER			
Q3.1. Are the following factors considered while deciding on forwarding a judgment or decision in the issuing state?			
<ul style="list-style-type: none"> The likely impact on the social rehabilitation of the suspect/sentenced person? 	<p>Section 11 of the 1169/2011 Act on National Implementation of the FD⁸⁰ stipulates that a prerequisite for the transfer is that it promotes the sentenced person's opportunities to reintegrate into the society. Factors considered are the person's nationality, place of permanent residence, personal situation and other special reasons that are not further defined in the act.</p> <p>According to the Central Administration of the Criminal Sanctions Agency, most of the sentences transferred have been transferred to a member state where</p>	<p>Section 9 of the 1170/2011 Act on National Implementation of the FD⁸² stipulates that a prerequisite for the transfer is that it promotes the sentenced person's opportunities to reintegrate into the society. Factors considered are the person's nationality, place of permanent residence, personal situation and other special reasons that are not further defined in the act.</p>	<p>According to the Government Bill on Implementation of the FD, social rehabilitation does not appear as the main concern when deciding on transfer of supervision measures. Rather, the focus is on equality of suspected persons and on avoiding detention in cases where the suspected person has no place of residence in Finland and thus, cannot be imposed a travel ban.⁸³</p>

⁸⁰ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

⁸² Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decision (*Laki valvontatoimenpiteitä ja vaihtoehtoisia seuraamuksia Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om alternativa påföljder och övervakningsåtgärder inom Europeiska unionen och om tillämpning av rambeslutet*) 1170/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/laki/alkup/2011/20111170>

⁸³ Finland (2012), Government Bill on Implementation of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Hallituksen esitys eduskunnalle tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskeva lainsäädännöksi/Regeringens proposition till riksdagen med förslag till lagstiftning om det nationella genomförandet och tillämpningen av rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande*) HE 63/2012, available in Finnish at (accessed 1 June 2015): <http://www.finlex.fi/fi/esitykset/he/2012/20120063>

	the person resides permanently and where his/her family ties and other social ties are. However, there has also been situation where the person had no permanent place of residence in the country where he/she has been transferred, but was a citizen of that country and has been expelled there. ⁸¹		
<ul style="list-style-type: none"> Fundamental rights implications (such as the right to family life, right to education)? 	Factors considered are the person's nationality, place of permanent residence, personal situation and other special reasons that are not further defined in the act. ⁸⁴	Factors considered are the person's nationality, place of permanent residence, personal situation and other special reasons that are not further defined in the act. ⁸⁵	No information available. ⁸⁶
<ul style="list-style-type: none"> Others? Please specify. 			
Q3.2: While deciding on the transfer, are there any specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation in the issuing state? Please provide any document	Section 11 of the 1169/2011 Act on National Implementation of the FD ⁸⁷ stipulates that a prerequisite for the transfer is that it promotes the sentenced person's opportunities to reintegrate into the	Section 9 of the 1170/2011 Act on National Implementation of the FD ⁸⁹ stipulates that a prerequisite for the transfer is that it promotes the sentenced person's opportunities to reintegrate into	A prerequisite for suggesting a transfer is that the suspected person is a permanent resident of the member state or that he/she requests a transfer to another member state and the transfer is justifiable based

⁸¹ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁸⁴ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁸⁵ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁸⁶ Legal Adviser at the Office of the Prosecutor General.

⁸⁷ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Transfer of Sentenced Persons in the European Union and Application of the Framework Decision (*Laki tuomittujen siirtoa Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om överföring av dömda personer inom Europeiska unionen och om tillämpning av rambeslutet*) 1169/2011, available in Finnish at (accessed 5 June 2015): <http://www.finlex.fi/sv/laki/alkup/2011/20111169>

⁸⁹ Finland (2011), Act on National Implementation of Provisions Belonging to the Legislative Field of the Framework Decision on Supervision of Probation Measures and Alternative Sanctions in the European Union and Application of the Framework Decision (*Laki valvontatoimenpiteitä ja vaihtoehtoisia seuraamuksia Euroopan unionissa koskevan puitepäätöksen lainsäädännön alaan kuuluvien säännösten kansallisesta täytäntöönpanosta ja puitepäätöksen soveltamisesta/ Lag om det nationella genomförandet av de bestämmelser som hör till området för lagstiftningen i rambeslutet om alternativa påföljder och övervakningsåtgärder inom Europeiska unionen och om tillämpning av rambeslutet*) 1170/2011, available in Finnish at (accessed 4 June 2015): <http://www.finlex.fi/laki/alkup/2011/20111170>

containing those criteria/guidelines and specify whether the following factors are considered:	society. Factors considered are the person's nationality, place of permanent residence, personal situation and other special reasons that are not further defined in the act. Otherwise no documented guidelines are available. ⁸⁸	the society. Factors considered are the person's nationality, place of permanent residence, personal situation and other special reasons that are not further defined in the act. Otherwise no documented guidelines are available. ⁹⁰	on the persons personal situation or on other specific reasons. Such reason could be, for instance, that the person has a close connection to the country through family or work. No specific guidelines concerning social rehabilitation are available. Rehabilitation is considered a more relevant criteria when implementing the framework decisions concerning transfer of sentenced persons. ⁹¹
<ul style="list-style-type: none"> Family and social ties (e.g. accommodation, employment or other economic ties, linguistic and cultural links)? 	N/A	N/A	N/A
<ul style="list-style-type: none"> Criminal history and criminal ties? 	N/A	N/A	N/A
<ul style="list-style-type: none"> Humanitarian concerns (i.e. terminal illness of suspect/sentenced person or family members)? 	N/A	N/A	N/A
<ul style="list-style-type: none"> Detention conditions (e.g. issues of overcrowding or availability of courses, such as the <i>Modulos</i> in Spain which has separate units to promote a progressive accountability of inmates) 	N/A	N/A	One of the main aims of transferring alternative measures to another member state is to avoid the use of detention and to reduce the number of non-nationals held in pre-trial detention in Finland. ⁹²

⁸⁸ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁹⁰ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁹¹ Finland (2012), Government Bill on Implementation of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Hallituksen esitys eduskunnalle tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskevaksi lainsäädännöksi/Regeringens proposition till riksdagen med förslag till lagstiftning om det nationella genomförandet och tillämpningen av rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande*) HE 63/2012, available in Finnish at (accessed 1 June 2015): <http://www.finlex.fi/fi/esitykset/he/2012/20120063>

⁹² Finland (2012), Government Bill on Implementation of the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and Application of the Framework Decision (*Hallituksen esitys eduskunnalle tutkintavankeuden vaihtoehtona määrättyjä valvontatoimia koskevan puitepäätöksen kansallista täytäntöönpanoa ja soveltamista koskevaksi*

• Others?			
Q.3.3. Are the following persons/entities consulted in the evaluation of the likelihood of social rehabilitation by the issuing state:			
• Probation agencies or similar entities in the issuing state?	The national authority responsible for probation measures is the same authority that is responsible for transfers, the Criminal Sanctions Agency. ⁹³	The national authority responsible for probation measures is the same authority that is responsible for transfers, the Criminal Sanctions Agency. ⁹⁴	No information available.
• The competent authorities in the executing state?	In situation defined in section 1c of article 4 of the Framework Decision where the consent of the authorities in the executing state is required. ⁹⁵	No information available.	No information available.
• The suspect/sentenced person?	The sentenced person has the right to be heard concerning the decision, but is not specifically consulted in the evaluation.	The sentenced person has the right to be heard concerning the decision, but is not specifically consulted in the evaluation.	No information available.
• The family of the suspect/sentenced persons, especially with regard to child offenders?	Criminal responsibility in Finland starts in 15 years of age and thus, a child offender can be 15-18 years of age. There have been no cases of transferring sentenced persons under 18 years of age either from or to Finland. ⁹⁶	Criminal responsibility in Finland starts in 15 years of age and thus, a child offender can be 15-18 years of age. There have been no cases of transferring sentenced persons under 18 years of age either from or to Finland. ⁹⁷	No information available.
• Any other person/entity?			

lainsäädännöksi/Regeringens proposition till riksdagen med förslag till lagstiftning om det nationella genomförandet och tillämpningen av rambeslutet om övervakningsåtgärder som ett alternativ till tillfälligt frihetsberövande) HE 63/2012, available in Finnish at (accessed 1 June 2015): <http://www.finlex.fi/fi/esitykset/he/2012/20120063>

⁹³ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁹⁴ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁹⁵ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁹⁶ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁹⁷ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

Q3.4. Are there any specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/sentenced persons (such as children or persons with disabilities) by the issuing state?	No information available. ⁹⁸	No information available. ⁹⁹	No information available. ¹⁰⁰
Q3.5. Is additional information, other than that required in the certificate (for which the standard form is given in Annex I of the three FDs), provided to the competent authorities of the executing state while forwarding the judgment or decision? If yes, please specify if pre-sentence reports are forwarded.	The executing state is provided information on conditional release on parol in Finland. Possible statements and documents produced by the sentenced persons are also provided. Pre-sentence reports are not automatically forwarded. ¹⁰¹	The executing state is provided information on conditional release on parol in Finland. Possible statements and documents produced by the sentenced persons are also provided. Pre-sentence reports are not automatically forwarded. ¹⁰²	No information available. ¹⁰³
Q3.6. If pre-sentence reports are forwarded by the issuing state, are they translated to the language of the executing state?	Pre-sentence reports are not forwarded.	Pre-sentence reports are not forwarded.	No information available. ¹⁰⁴
Q3.7. Are there specific measures, as required by Article 4 (6) FD 909, which constitute the basis on which the competent authorities in the executing State have to take their decisions whether or not to consent to the forwarding of the judgement and the certificate (where required)?	According to the Criminal Sanctions Agency ¹⁰⁵ , it implements the sentences in accordance with the Imprisonment Act ¹⁰⁶ and the social rehabilitation of the sentenced person is a central goal of the implementation. Goal of social		

⁹⁸ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

⁹⁹ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁰⁰ Legal Adviser at the Office of the Prosecutor General.

¹⁰¹ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁰² Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁰³ Legal Adviser at the Office of the Prosecutor General.

¹⁰⁴ Legal Adviser at the Office of the Prosecutor General.

¹⁰⁵ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁰⁶ Finland (2005), Imprisonment Act (*Vankeuslaki/Fängelselag*) 23.9.2005/767, available in Finnish at (accessed 11 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2005/20050767>

	rehabilitation is thus an in-built part of usual implementation of sentences in Finland.		
Q3.8. Are there formal and clear rules regarding data protection in the information exchange between:			
<ul style="list-style-type: none"> National authorities (consulted in the evaluation of the likelihood of social rehabilitation) in the issuing state? 	No rules regarding data protection in cases specifically related to transfer of sentenced or suspected persons exist, but there are several general legal provisions on data protection in the information exchange between authorities which apply also in case of transfers. The Act on Processing of Personal Data in Enforcement of Punishments ¹⁰⁷ regulates access to registers of the Criminal Sanctions Agency. The Act on the Openness of Government Activities ¹⁰⁸ is	No rules regarding data protection in cases specifically related to transfer of sentenced or suspected persons exist, but there are several general legal provisions on data protection in the information exchange between authorities which apply also in case of transfers. The Act on Processing of Personal Data in Enforcement of Punishments ¹¹⁰ regulates access to registers of the Criminal Sanctions Agency. ¹¹¹ The Act on the Openness of Government	No rules regarding data protection in cases specifically related to transfer of sentenced or suspected persons exist, but there are several general legal provisions on data protection in the information exchange between authorities which apply also in case of transfers. The Act on Processing of Personal Data in Enforcement of Punishments ¹¹⁴ regulates access to registers of the Criminal Sanctions Agency. ¹¹⁵ The Act on the Openness of Government

¹⁰⁷ Finland (2002), Act on Processing of Personal Data in Enforcement of Punishments (*Laki henkilötietojen käsittelystä rangaistusten täytäntöönpanossa/ Lag om behandling av personuppgifter vid verkställighet av straff*) 24.5.2002/422, available at (accessed 12 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020422>

¹⁰⁸ Finland, the Act on the Openness of Government Activities (*Laki viranomaisten toiminnan julkisuudesta / Lag om offentlighet i myndigheternas verksamhet*) 621/1999, available at (accessed 12 June 2015): <https://www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf>

¹¹⁰ Finland (2002), Act on Processing of Personal Data in Enforcement of Punishments (*Laki henkilötietojen käsittelystä rangaistusten täytäntöönpanossa/ Lag om behandling av personuppgifter vid verkställighet av straff*) 24.5.2002/422, available in Finnish at (accessed 12 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020422>

¹¹¹ Finland (2002), Act on Processing of Personal Data in Enforcement of Punishments (*Laki henkilötietojen käsittelystä rangaistusten täytäntöönpanossa/ Lag om behandling av personuppgifter vid verkställighet av straff*) 24.5.2002/422, available in Finnish at (accessed 12 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020422>

¹¹⁴ Finland (2002), Act on Processing of Personal Data in Enforcement of Punishments (*Laki henkilötietojen käsittelystä rangaistusten täytäntöönpanossa/ Lag om behandling av personuppgifter vid verkställighet av straff*) 24.5.2002/422, available in Finnish at (accessed 12 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020422>

¹¹⁵ Finland (2002), Act on Processing of Personal Data in Enforcement of Punishments (*Laki henkilötietojen käsittelystä rangaistusten täytäntöönpanossa/ Lag om behandling av personuppgifter vid verkställighet av straff*) 24.5.2002/422, available in Finnish at (accessed 12 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020422>

	followed when information is requested or given. On a general level, Personal Data Act ¹⁰⁹ is followed.	Activities ¹¹² is followed when information is requested or given. On a general level, Personal Data Act ¹¹³ is followed.	Activities ¹¹⁶ is followed when information is requested or given. On a general level, Personal Data Act ¹¹⁷ is followed.
<ul style="list-style-type: none"> • Authorities in the issuing and executing state? 	National implementation of the Framework Decision on data protection (2008/977/JHA) is in progress in Finland and it will apply in cooperation between authorities in criminal proceedings. ¹¹⁸	National implementation of the Framework Decision on data protection (2008/977/JHA) is in progress in Finland and it will apply in cooperation between authorities in criminal proceedings. ¹¹⁹	National implementation of the Framework Decision on data protection (2008/977/JHA) is in progress in Finland and it will apply in cooperation between authorities in criminal proceedings. ¹²⁰

¹⁰⁹ Finland (1999), Personal Data Act (*Henkilötietolaki/ Personuppgiftslag*), 523/1999, available at (accessed 1 July 2015): <http://www.finlex.fi/fi/laki/ajantasa/1999/19990523>, unofficial translation in English available at (accessed 1 July 2015): <http://www.finlex.fi/en/laki/kaannokset/1999/en19990523.pdf>

¹¹² Finland (1999), the Act on the Openness of Government Activities (*Laki viranomaisten toiminnan julkisuudesta / Lag om offentlighet i myndigheternas verksamhet*) 621/1999, available in Finnish at (accessed 12 June 2015): www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf

¹¹³ Finland (1999), Personal Data Act (*Henkilötietolaki/ Personuppgiftslag*), 523/1999, available at (accessed 1 July 2015): <http://www.finlex.fi/fi/laki/ajantasa/1999/19990523>, unofficial translation in English available at (accessed 1 July 2015): <http://www.finlex.fi/en/laki/kaannokset/1999/en19990523.pdf>

¹¹⁶ Finland (1999), the Act on the Openness of Government Activities (*Laki viranomaisten toiminnan julkisuudesta / Lag om offentlighet i myndigheternas verksamhet*) 621/1999, available in Finnish at (accessed 12 June 2015): www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf

¹¹⁷ Finland (1999), Personal Data Act (*Henkilötietolaki/ Personuppgiftslag*), 523/1999, available at (accessed 1 July 2015): <http://www.finlex.fi/fi/laki/ajantasa/1999/19990523>, unofficial translation in English available at (accessed 1 July 2015): <http://www.finlex.fi/en/laki/kaannokset/1999/en19990523.pdf>

¹¹⁸ Representative from the Ministry of Justice.

¹¹⁹ Representative from the Ministry of Justice.

¹²⁰ Representative from the Ministry of Justice.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q4. VICTIMS			
Q4.1. Do the victims have the right to receive the following information regarding the transfer from the issuing state:			
<ul style="list-style-type: none"> The decision to transfer 	No, the victims have no automatic right to receive information regarding the transfer.	No, the victims have no automatic right to receive information regarding the transfer.	No information available. ¹²¹
<ul style="list-style-type: none"> The status of the transfer 	No, the victims have no automatic right to receive information regarding the transfer.	No, the victims have no automatic right to receive information regarding the transfer.	No information available. ¹²²
<ul style="list-style-type: none"> Other? Please specify. 			
Q4.2. Is there any procedure in place to provide this information as issuing or executing state? If yes, please specify:	No, information is not automatically provided.	No, information is not automatically provided.	No information available. ¹²³
<ul style="list-style-type: none"> Is the information provided upon request of the victim? 	Not automatically. In every case it will be assessed individually whether there are legal grounds to provide information to the person requesting for it. The victims have no specific right to receive	Not automatically. In every case it will be assessed individually whether there are legal grounds to provide information to the person requesting for it. The victims have no specific right to receive	No information available. ¹²⁶

¹²¹ Legal Adviser at the Office of the Prosecutor General.

¹²² Legal Adviser at the Office of the Prosecutor General.

¹²³ Legal Adviser at the Office of the Prosecutor General.

¹²⁶ Legal Adviser at the Office of the Prosecutor General.

	information on the transfer upon request. ¹²⁴	information on the transfer upon request. ¹²⁵	
<ul style="list-style-type: none"> Who responsible for providing this information? 	The official who has the information is responsible for providing it. In case of a register, the registrar makes the decision on whether the information can be provided. ¹²⁷	The official who has the information is responsible for providing it. In case of a register, the registrar makes the decision on whether the information can be provided. ¹²⁸	No information available. ¹²⁹
<ul style="list-style-type: none"> Is it a verbal or written communication? 	Both are possible. If the registrar refuses the request to provide information, the person requesting for information has the right to receive the decision in writing with instructions how to appeal. ¹³⁰	Both are possible. If the registrar refuses the request to provide information, the person requesting for information has the right to receive the decision in writing with instructions how to appeal. ¹³¹	No information available. ¹³²
Q4.3. Do the victims have the right to be heard concerning the transfer (in the state you are describing, as issuing or executing state)? (e.g. through submitting an oral or written response)	The victims have no right to be heard concerning the transfer. ¹³³	The victims have no right to be heard concerning the transfer. ¹³⁴	No information available. ¹³⁵

¹²⁴ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹²⁵ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹²⁷ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹²⁸ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹²⁹ Legal Adviser at the Office of the Prosecutor General.

¹³⁰ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹³¹ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹³² Legal Adviser at the Office of the Prosecutor General.

¹³³ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹³⁴ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹³⁵ Legal Adviser at the Office of the Prosecutor General.

Q4.4. Do the victims have any other rights concerning the transfer (in the state you are describing, as issuing or executing state)? Please specify.	No. ¹³⁶	No. ¹³⁷	No information available. ¹³⁸
Q4.5. Do the victims have access to translators/interpreter in order to be kept fully informed of the transfer (in the state you are describing, as issuing or executing state)?	No, in principle the Criminal Sanctions Agency has no obligation to organise interpretation services to a person requesting information. ¹³⁹	No, in principle the Criminal Sanctions Agency has no obligation to organise interpretation services to a person requesting information. ¹⁴⁰	No information available. ¹⁴¹
Q4.6. Do the victims have the right to be informed of the suspect/sentenced person's release (in the state you are describing, as issuing or executing state)?	The governor of the prisoner considers, based on section 4 of chapter 19 of the Imprisonment Act ¹⁴² , whether information on the sentenced person's release is given to the victim. This is done in cases where, based on the behaviour or threats made by the prisoner, it is reasonable to believe that the prisoner would commit an offense that threatens life, health or freedom of the victim.	N/A	N/A

¹³⁶ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹³⁷ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹³⁸ Legal Adviser at the Office of the Prosecutor General.

¹³⁹ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁴⁰ Lawyer from the Legal Unit/Central Administration Unit of the Criminal Sanctions Agency.

¹⁴¹ Legal Adviser at the Office of the Prosecutor General.

¹⁴² Finland (2005), Imprisonment Act (*Vankeuslaki/Fängelselag*) 23.9.2005/767, available in Finnish at (accessed 11 June 2015): <https://www.finlex.fi/fi/laki/ajantasa/2005/20050767>