



Ministry of the Interior  
Finland

08.05.2020

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SMDno-2020-1157

The Office of the High Commissioner for Human Rights (OHCHR)  
European Commission Anti-Torture team  
Laura Auger Perez

Questionnaire request by Anti-Torture Team

### **Reply to the OHCHR questionnaire**

- 1. What are the regional and/or national instruments or policies guiding your country for the regulation of trade in goods used for a) capital punishment b) torture or other cruel, inhuman or degrading treatment or punishment? Please provide examples. Which government department/agency is responsible for monitoring the implementation of such regulations/policies, if any?*

The European Union Regulation 2019/125 (16 January 2019) concerning trade in certain goods, which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment is legally binding and directly applicable in all EU Member States.

In Finland competent authorities in monitoring the Regulation (EU 2019/125) are the Ministry of the Interior, the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs, the Customs, the National Police Board, the Finnish Safety and Chemicals Agency and the Finnish Medicines Agency Fimea.

In addition, the Ministry of the Interior would like to point out that in Finland the Ministry of Justice is the responsibility ministry regarding criminal law and legislation related to punishments and the Ministry of Finance is responsible ministry related to the Customs questions, which means that the Ministry of the Interior can only give insights of its own governance and in this case only on the point of you of the Police area.

- 2. Have there been any investigations, prosecutions and/or convictions for breaches of national regulations on the trade in goods indicated in paragraph 8 of the introduction to this questionnaire? If so, please provide details.*

As far as the Ministry of the Interior is aware of, there has not been any prosecutions nor convictions regarding breaches of the Regulation. The Ministry of the Interior does not have statistical record of investigations related to the matter.

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**3.** *Do you agree with the proposed categorization of goods used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment indicated in paragraph 8 of the introduction to this questionnaire (see above)? If not, which categories would you propose?*

The proposed categories of goods:

- i. goods which have no practical use other than for the purpose of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment,
- ii. goods that could be used not only for the purpose of torture or other cruel, inhuman or degrading treatment or punishment, but also for legitimate purposes,
- iii. goods that could be used for the purpose of capital punishment (products which could be used for the execution of human beings by means of lethal injection).

The Ministry of the Interior agrees that proposed categorization is adequate and comprehensive enough.

**4.** *Please indicate whether you believe there should be an exhaustive list of goods under each category. If yes, should there be a mechanism for regular updating of the lists under each category?*

The list of goods under each of the three categories described above should be as exhaustive as possible. In addition, an "open" category where it is stated and referred "as comparable to such goods" could be considered as an appropriate mean.

**5.** *Should the proposed common international standards prohibit trade in goods which have no practical use other than for the purpose of capital punishment or torture or other cruel, inhuman or degrading treatment or punishment? If not, please provide further explanations.*

Yes, prohibition of trade in goods that has no practical use other than for the purpose of capital punishment or torture etc. is considered essential and important by the Ministry of the Interior. In addition it has an impact on respecting human dignity and human rights.

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**6. Should the proposed common international standards provide for strict control of trade in goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment and goods that could be used for the purpose of capital punishment? If not, please provide justification.**

The Ministry of the Interior highly endorses the strict control of trade in goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment. In addition it has an impact on respecting human dignity and human rights.

**7. What types of activities linked to "import, export and transfer" should the proposed common international standards regulate? Please consider activities such as transit, promotion, technical assistance and training, brokering, sharing technology, manufacturing, production and commercial marketing, among others. Please also provide an explanation for why these activities should be regulated or not.**

Considered activities linked to import, export and transfer could be selling or purchasing goods, supply chain, brokerage services, assistance actions including technical support, training into the use of the regulated goods, promoting i.e advertising such goods.

**8. Please indicate which risk assessment mechanisms and criteria should be considered for the import, export and transfer of a) goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment and b) goods that could be used for the purpose of capital punishment. Please consider, inter alia, the criteria for preventing diversion to third countries.**

a) Regarding goods that have no practical use other than for the purpose of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment, trade should be in principle be prohibited. Exceptions should be considered exclusively and strictly.

b) Regarding the category (ii) and (iii) of goods it would be good to take into consideration imposing an authorization mechanism for activities linked in the "import, export and transfer" referred in question 7 in order to monitor the trade more comprehensively.

**9. Please indicate what you consider to be the most suitable type of international instrument to establish common international standards for regulating goods used for capital punishment or torture or other cruel, inhuman or degrading treatment or punishment. Please provide further explanation.**

The Ministry of the Interior considers a legally binding regulation as an instrument the most suitable controlling and restricting trade in the goods referred.

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Chief Specialist

Aino Salmi

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08.05.2020 at 08:50. Authenticity of the signature can be verified by the  
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