

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- Academic/research institution
- Business association
- Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☒ Public authority or network of public authorities
- ☐ Other

If "Other", please specify

* Organisation name

[REDACTED]

Main Areas of Work

☒ Justice System

- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

If "Other", please specify

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

[REDACTED]

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

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First name: [REDACTED] Surname: [REDACTED]

Email Address of the organisation (this information will not be published): [REDACTED]

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- x **Anonymous** - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**

x I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated.

Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here *5000 character(s) maximum*

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022^[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

^[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire

separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

Finland

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

The recommendation 1 related to the National Courts Administration (NCA); “*Continue developing initiatives by the National Courts Administration to support the work of courts.*” The NCA has continued its work to support the courts.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review) *(The reference to ‘judges’ concerns judges at all level and types of courts as well as judges at constitutional courts)*

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Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

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Promotion of judges and prosecutors (incl. judicial review)

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Allocation of cases in courts

-

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

-

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

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Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

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Independence/autonomy of the prosecution service

-

Independence of the Bar (chamber/association of lawyers) and of lawyers

-

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

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B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Accessibility of courts (e.g. court/legal fees, legal aid, language) -

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

The funding of the courts is barely sufficient.

One of the core messages of 'Report on the operational conditions of the justice system' (oikeudenhoidon selonteko) published on 17 November 2022 is the need to increase the funding of the courts to a sufficient level. The Report notes that an additional permanent funding of 90 million euros a year is needed to ensure proper functioning of the justice system. The Report can be accessed here: <https://julkaisut.valtioneuvosto.fi/handle/10024/164448>

National Courts Administration estimated that the courts need approximately 30 million additional permanent funding to ensure proper functioning and quality services. In addition, another 8 million per year is needed for the following 3 years to reduce the current backlog.

Similarly, the Legal Affairs Committee of the Parliament has many times called for an increase in the budget of the courts. See, for example,

- Statement LaVL 24/2022 vp, related to the Government Proposal for the state budget for 2023, on 13 November 2022 at https://www.eduskunta.fi/FI/vaski/Lausunto/Sivut/LaVL_24+2022.aspx
- Statement LaVL 18/2022 vp, on 19 May 2022, related to the Government Report on the General Government Fiscal Plan for 2023—2026, at https://www.eduskunta.fi/FI/vaski/Lausunto/Sivut/LaVL_18+2022.aspx
- Statement LaVL 18/2021 vp, related to the Government Proposal for the state budget for 2022, on 14 October 2021, at https://www.eduskunta.fi/FI/vaski/Lausunto/Sivut/LaVL_18+2021.aspx
- Motion for debate on securing and strengthening the conditions for the functioning of the rule of law and justice, KA 5/2021 vp., on 3 June 2021, at https://www.eduskunta.fi/FI/vaski/EduskuntaAloite/Sivut/KA_5+2021.aspx
- Statement LaVL 11/2021 vp, on 3 June 2021, related to the Government Report on the General Government Fiscal Plan for 2022—2025, at

National Courts Administration and the Legal Affairs Committee have both emphasised that the need for permanent additional funding instead of yearly *ad hoc* additions to the budget. The lack of permanent funding results in temporary positions, including for judges. Constant hiring and renewal of short-term contracts require lot of resources, does not attract the best candidates, and most importantly, is poorly reconciled with the requirements of independence of the judge.

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

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Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

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Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

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Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

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C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

The 'Report on the operational conditions of the justice system' notes that the handling times of criminal cases have been on continuous increase in all stages of the process – investigation, prosecution and court. The length of criminal proceedings in district courts has increased from 3.5 months in 2016 to 5.1 months in 2022.¹ Similarly, in courts of appeal the length of criminal proceedings has increased from 5.6 months in 2016 to 6.4 months in 2022.

The Report also notes that in civil cases, the number of contested civil cases handled in the district courts has reduced remarkably. In 2011 a main trial was held in 3 000 contested civil cases but in 2021 the number had dropped to 1 400 cases. At the same time average handling times in district courts have increased in particular in cases where a main hearing is held. In 2011 a contested civil case with main trial took 11,4 months to complete whereas in 2021 it took 18,7 months.

Other - please specify

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¹ (Source: statistics available at <https://app.powerbi.com/view?r=eyJrIjoiOGUwMTUxNWItMGQ1Ni00ZGE4LTlhMzUtODJiNWUwOGNkZGJkIiwidCI6IjdiMTRkZmE0LWMwZmMtNDcyNS05ZjA0LTc2YTQ0M2RIYjA5NSIsImMiOiJh9&pageName=ReportSectionea784f77af9fc2b4499e>)