

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

* Organisation name

250 character(s) maximum

Finnish Bar Association

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

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

500 character(s) maximum

The Finnish Bar Association is a statutory public entity that approves new attorneys-at-law, manages the roll of attorneys and supervises their professional activities as well as acts as an anti-money laundering authority within the Finnish system. Only the members of the Bar Association are entitled to use the title of "Asianajaja" (attorney-at-law or attorney) in Finland. The official website of the Bar Association is found at <https://asianajajaliitto.fi/en/>

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

110038846474-18

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania

- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica

- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☒ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia

- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda

- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam

- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

* 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.

- ☐ 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.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ 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

The Finnish Bar Association highlights threats that may restrict fundamental and human rights and rule of law. One of the key aspects of the fulfilment of the principle of rule of law is ensured through an independent bar and attorneys who can carry out their professional duties without fear of reprisal, hindrances, intimidation, or harassment by governmental authorities or any other actors.

The Bar Association is concerned that the positive state of the rule of law both in global/European context and in national context shouldn't be taken for granted. As a pan-European phenomenon, the Finnish Bar Association also wants to bring a perspective on the status of lawyers to the current debate on the independence of the judiciary. Strong legislative and constitutional instruments are needed to ensure the realization and fulfilment of the principle of rule of law, through the protection of the independence and fundamental principles of profession of lawyers (such as attorney-client-privilege). In Finland, the Bar Association considers it necessary that the status of attorneys-at-law would be protected in the Constitution.

In the European level the Finnish Bar Association strongly supports the initiative by the Council of Europe to create a new binding legal instrument on the profession of lawyers within the members states. The recent judgement of the Court of Justice of the European union in the case C-694/20 (Orde van Vlaamse Balies and Others) also highlights the need for a similar instrument on European level that would acknowledge the fundamental principles of the profession of lawyer within the European regulatory framework as such. In the referred case (and also earlier legal practice) the Courts have referred and confirmed that the article 7 of the Charter of Fundamental Rights of the European Union protects the confidentiality of all correspondence between individuals and affords strengthened protection to exchanges between lawyer and their clients. The Court also states in the said judgement that the specific protection afforded to lawyers' legal professional privilege is justified by the fact that lawyers are assigned a fundamental role in a democratic society, that of defending litigants and further states that the said role requires that any individual is able to seek advice freely from his or her lawyers, a principle recognized in all member states. The Finnish Bar association sees that this right should be registered and protected within the European legislation/regulatory framework as such.

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.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☒ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

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)

3000 character(s) maximum

The structural independence of courts in Finland has been problematic in the past because the administration and court system were led by the Ministry of Justice, but as of 1 January 2020, an independent National Courts Administration started its work and has been in operation for two years. The Bar Association has been in favor of setting up a National Courts Administration for several years and considers this to be a significant development. The Bar Association has actively co-operated with the National Courts Administration regarding current themes of legal policy.

The government proposal on transparency register is currently being considered by the parliament. In addition, there is an ongoing process on strengthening the legal framework for trading in influence. The Act on the Openness of Government Activities will be renewed, and a preparation of the reform is in progress.

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)

3000 character(s) maximum

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)

3000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

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)

3000 character(s) maximum

The independence of judges, courts and the National Courts Administration but also prosecutors and attorneys should be improved by amending the Constitution, which has been under a recent debate. The need to amend the Constitution should be included into the programme of the government after the parliamentary elections of 2023.

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)

3000 character(s) maximum

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

3000 character(s) maximum

Independence/autonomy of the prosecution service

3000 character(s) maximum

The Bar Association underlines that attention should be paid to independence more generally from the perspective of the general public, and for all practical planning, in order to maintain the trust of general public towards the judicial system. In some cases, prosecutors and judges both are located within the same courthouse as a result of renovations, sharing the same canteen and the door leading to the courtroom etc. The same also applies to the digital tools and E-services.

From a citizen's point of view, this is potentially problematic especially if it seems that attorneys-at-law are not in equal position in terms of making decisions regarding these facilities and systems. It is necessary to ask whether the equality of arms is properly implemented for example in such a situation.

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

3000 character(s) maximum

The Finnish Bar Association is a statutory public entity that approves new attorneys-at-law, manages the roll of attorneys and supervises their professional activities as well as acts as an anti-money laundering authority. Only the members of the Bar Association are entitled to use the title of “Asianajaja” (attorney-at-law).

In the Finnish context the term “lawyer” (direct translation: “juristi”) refers to a person who holds the degree “Master of Laws” or equivalent (recognized by the Finnish National Agency for Education). All lawyers can work as legal consultants advising on general legal matters as there is no monopoly for attorneys-at-law in Finland. Three different groups of legal professionals are capable representing their clients at Courts of Law; attorneys-at-law, public legal aid lawyers and licensed legal counsels.

The status of the Finnish Bar Association is based on the Finnish Advocates Act (496/1958) The delegation of the Bar decides on the by-laws and the Ministry of Justice ratifies them. The by-laws will be published in the Statutes of Finland.

Attorneys-at-law are not mentioned in the Constitution whereas for instance, judges and prosecutors are. Finnish attorneys-at-law do not enjoy specific constitutional status.

The Finnish Advocates Act entered into force in 1959. It aimed to increase the efficiency of the qualifications required to practice the profession of attorney-at-law and to take their profession under supervision. The professional title of attorney-at-law is protected by the Advocates Act.

All attorneys-at-law, public legal aid lawyers and licensed legal counsels must follow relevant professional and ethical standards. The biggest differences regarding the three types of lawyers are related to the scope of their supervision and experience required.

The Advocates Act imposes certain requirements on attorneys-at-law also acting as a guarantee of quality and professional conduct as security and safeguard for clients. In addition to the Ethical Code of Conduct and other instructions given as self-regulatory by the Delegation of the Bar Association, the Advocates Act imposes a wide general obligation of professional secrecy about their clients' affairs to attorneys-at-law. Violation of this duty of professional privilege is punishable under the Criminal Code of Finland.

The Bar Association is under the supervision of the Chancellor of Justice as a public authority. The Chancellor has supervisory authority over attorneys as regulated in the Advocates Act. This includes the right to institute proceedings against an attorney in the disciplinary board of the Bar and to demand actions from the Board of the Bar Association towards an attorney, if the Chancellor sees that they have no right to act as an attorney-at-law. Both attorneys and the Board of the Bar Association are obliged by law to provide the required information and explanations to the Chancellor that are necessary to fulfil the said duties.

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

3000 character(s) maximum

In the previous Rule of Law consultation, the Bar Association raised concerns whether the importance and role of an independent Bar Association and profession of lawyer is understood well enough by the general public and relevant governmental authorities. This concern is still highly relevant in 2022. It seems that not all relevant authorities have the required knowledge and understanding on the fundamental principles and function that the independent Bar Association and profession of lawyer fulfils in relation to the realization of the principle of rule of law within Finland and in the European Union. This is also applicable to the perception of the general public.

In practice this appears through a constant pressure to abolish or diminish the self-regulation of attorneys-at-law, which is not seen as the institutional safeguard of the independence of the profession, as it should and is, noted both in the international recommendations and legal practice, but rather as an inconvenience or obstacle for the objectives set by the authorities.

In many cases of the legislative processes and discussions with other authorities, the Bar Association has had the need to clarify and ensure the basic principles, the rule of law-relation and functionality and the proper interpretation and consideration of the legal professional privilege as such. The Finnish bar considers it a worrying development that without its active participation the Legal professional privilege may not have been properly considered or interpreted while preparing such legislative proposals.

E.g. The Bar Association has had the need to clarify and provide detailed explanations related to its function and role regarding the realization of the principle of rule of law, and the relevant international conventions, legislation and recommendations and legal practices in recent conversations with some of the highest general legality supervisors in Finland. In addition, the Bar Association has presented objections and clarifications towards other governmental authorities that have misinterpreted or neglected to consider the before-said principles and/or the Finnish Advocates Act as a whole.

The AML regulations recognize the status of Bars and Law Societies. However, after the implementation of the 4th AML directive in Finland, the Regional State Administrative Agency acts as the authority which imposes the punishments to the members of the Finnish Bar Association despite the FBA's role as a self-regulator and independent supervisor of attorneys-at-law. During the year 2022, the issue was under discussion, but it seems that there is no willingness to change the legislation towards independence and self-regulation of attorneys in this field.

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)

3000 character(s) maximum

The cost of a trial and legal fees may be prohibitive from the perspective of legal rights. The Finnish Bar Association has suggested a work reform for legal proceedings to tackle the cost issue including e.g. process planning and scheduling, focus on preliminary handling of matters, evaluation of evidence, use of interim decisions, and review of cost distribution between parties.

The amount of the legal aid fee is a particularly important matter for the provision of services outside urban centers. The fee is far behind the median hourly bill for lawyers, which at worst leads to problems in accessing legal aid. The amount of the fee is mentioned on the Government report on administration of justice and repair needs have been presented.

If the party to the proceeding cannot afford to get the legal help they need, it can be covered for them with public funds. In these situations, legal aid can be provided by public legal aid lawyers, licensed legal counsels or attorneys-at-law. However, the income limit to receive this support is low and leaves middle-income households without. At the individual level, fear of high costs can prevent access to justice.

According to a study conducted by the University of Eastern Finland, approximately 91% of persons receiving legal aid covered by public funds did not have legal expenses insurance. In addition, the insurance terms exclude some of the case categories. Therefore, public legal aid is an important way to ensure equality in access to justice. The unequivocal observation of the same study is that the income limits for legal aid should be raised to better reflect the income level of the population.

Resources of the judiciary (human/financial/material)

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

3000 character(s) maximum

The resources of the judiciary and safeguarding the rule of law have been considered some of the most relevant legal policy themes in Finland in recent years. A government report on the state of the administration of justice has been published in 2022. The report describes the changed operating environment of the administration of justice, chronic lack of resources, and the effects of these on the realization of every legal protection.

The report has acknowledged the scarcity of the financial resources, which has continued throughout the 21st century. It is notable that the report takes into account, for example, the backlog of legal aid fees and the income limits of public legal aid, which have a key impact on the availability of legal protection.

The Bar Association and other authorities have called for more effective measures to safeguard the resources of the judiciary. Scarce resources have caused e.g., delays of trials and hampered the development of digitalization as well as implementing the new practices to speed up trials.

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

3000 character(s) maximum

The delegation of the Finnish Bar Association has given instructions regarding the continuous professional training of attorneys-at-law in Finland. The instructions are binding towards the members of the Bar Association and require them to complete at least eighteen (18) hours of continuous professional education per calendar year. The aim of the instruction is to secure and maintain the professional ability of attorneys-at-law.

For example, during year 2022 the Finnish Bar Association organized 36 different training events. These included various topics related to the topical substance-law issues in many fields, mediation, entrepreneurship skills, digitalization & AI and other professional skills. In addition to we hosted 26 online based training courses for attorneys-at-law.

The Members of the Bar are may also attend any other professional trainings or organize them “in-house” as long as the training events meet the criteria of continuous professional training set in the instructions issued by the Bar Delegation.

It must be also stated that the abovementioned is only referring to the attorneys-at-law (Members of the Finnish Bar Association). Other lawyers/legal professionals are not bound the self-regulatory instructions of the Bar Association and we do not monitor or collect data on their continuous professional education.

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)

3000 character(s) maximum

The main issue regarding the use of digital technology and e-comms in the judicial system is the lack of legal portal/judicial e-service that would allow citizens, attorneys, and other legal representatives to monitor their /their clients pending cases and the procedural information related to these cases. I.e. there is no access to the journals of any courts in Finland.

The recent developments in this field (especially the ordinary courts and prosecutors’ offices case- and document management system project AIPA, and the administrative courts system HAIPA) and the chosen approach in this regard, largely ignores the abovementioned need for a comprehensive and multi-interface-based e-service. This is of course also a matter of access to justice, equality of arms and fair trial. All parties and actors that take part in judicial proceedings should be included when developing and defining systems that are meant for information and document sharing between the parties and the Courts of Law. In addition, the information that should be included also includes the information systems of the police and preliminary investigation authorities. E.g., if a certain matter is pending in the preliminary investigative phase or if there is an administrative decision related to the case, this should also be visible to all parties in the judicial e-service system. There is a need of an unified platform to look at all pending cases despite where the case is handled or in which stage that is.

Overall, the technical capabilities and possibilities created by the development in the field of digitalization should be both developed and utilized over the boundaries of administrative sectors and industries – this requires both cooperation and coordination.

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)

3000 character(s) maximum

Please see the previous answer. Currently, there is no transparency – also all statistics are published separately and manually.

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

3000 character(s) maximum

There have been no major changes on this matter since the last Rule of Law consultation.

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

3000 character(s) maximum

Lengthy handling times of legal processes and delayed trials have been problem in Finland for a long time and have been recognized both nationally and internationally. Despite some legislative reforms that have improved the situation, trials can still be unreasonably prolonged.

The Finnish Bar Association has suggested a work reform for legal proceedings to tackle the cost issue including e.g., process planning and scheduling, focus on preliminary handling of matters, evaluation of evidence, use of interim decisions, and review of cost distribution between parties.

Other - please specify

3000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

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

3000 character(s) maximum

As mentioned, the government proposal on transparency register is currently being considered by the parliament. There has been ongoing discussion about the scope of the register and the definition of improper lobbying activities. The Bar Association has been involved in the discussions among with other stakeholders and it supports the establishment of the register.

Finland has received recommendations from GRECO and European commission in connection of the last Rule of Law report, that suggest criminalizing trading in influence. There is an ongoing process on strengthening the legal framework on this matter. The Bar Association supports all appropriate actions against corruption and sees this matter connected with the question of defining of inappropriate lobbying that has been evaluated in connection with the transparency register legislation.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

3000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Please notice what has been previously said regarding the transparency register.

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

The implementation directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 is still ongoing in Finland. The Finnish government proposition to Parliament has been accepted during the fall of 2022 and it is expected that the legislation will enter into force during early 2023.

The Finnish Bar Association has provided a detailed statement during the legislation process highlighting some of the issues that are mainly related to the proposed scope of application of the national legislation. The current scope of the proposal is formed in a way that according to the practical experience of the Bar Association limits the most common user cases of whistleblowing channels (shortcomings/defects related to working life such as inappropriate behavior etc.) out of the scope of the national legislation. This could potentially lead to a situation where some organizations would have to continue running separate parallel "whistleblowing channels" to acknowledge these matters.

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

3000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

3000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

3000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

3000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

IV. Other institutional issues related to checks and balances

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

3000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] This includes also the consultation of social partners

3000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

The control of the constitutionality of laws in Finland can be characterized as preliminary, abstract, and parliamentary. The Constitutional Law Committee plays a key role in evaluating the constitutionality of legislation. According to the Constitution, the Constitutional Law Committee issues statements on the constitutionality of legislative proposals and other matters brought for its consideration, as well as on their relation to international human rights treaties. The Bar Association has recommended giving the courts more power to interpret the constitutionality of laws to improve ex-post evaluation of legislation.

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

3000 character(s) maximum

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

3000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

3000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

3000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

3000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

The most significant step is the government report on the state of the administration of justice published by the Ministry of Justice. The Bar Association highlights that the future of the administration of justice cannot be viewed only from the point of view of the courts and the prosecutor's office. On a structural level attorneys-at-law are part of the administration of justice as they ensure that the legal protection of individuals and communities is realized in legal proceedings.

Strong legislative and constitutional instruments are needed to ensure the rule of law, through the protection of the legal profession. In Finland, the Bar Association considers it necessary that the status of attorneys-at-law should be protected in the Constitution as the status of judges and prosecutors is. The need to reform the constitution to strengthen the independence of justice administration actors has been recognized in the government report. It has not yet been determined whether the reform would also apply to attorneys-at-law.

The Bar Association has proposed some updates to the Advocates Act, which entered into force in 1959. There have been several individual changes to the Act, making it inconsistent and difficult to interpret as a whole. The most important matter in the reform work would be to clarify the lawyers' supervision system to ensure the highest possible quality of legal aid. The reform was discussed – yet not carried out in this parliamentary term. The need for comprehensive reform is significant and urgent.

The Bar Association has suggested a work reform for legal proceedings to tackle the cost issue including e.g. process planning and scheduling, focus on preliminary handling of matters, evaluation of evidence, use of interim decisions, and review of cost distribution between parties.

Other - please specify

3000 character(s) maximum

Contact

rule-of-law-network@ec.europa.eu

