

Brussels, 24.7.2024
SWD(2024) 826 final

COMMISSION STAFF WORKING DOCUMENT

**2024 Rule of Law Report
Country Chapter on the rule of law situation in Finland**

Accompanying the document

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

2024 Rule of Law Report

The rule of law situation in the European Union

{COM(2024) 800 final} - {SWD(2024) 801 final} - {SWD(2024) 802 final} -
{SWD(2024) 803 final} - {SWD(2024) 804 final} - {SWD(2024) 805 final} -
{SWD(2024) 806 final} - {SWD(2024) 807 final} - {SWD(2024) 808 final} -
{SWD(2024) 809 final} - {SWD(2024) 810 final} - {SWD(2024) 811 final} -
{SWD(2024) 812 final} - {SWD(2024) 813 final} - {SWD(2024) 814 final} -
{SWD(2024) 815 final} - {SWD(2024) 816 final} - {SWD(2024) 817 final} -
{SWD(2024) 818 final} - {SWD(2024) 819 final} - {SWD(2024) 820 final} -
{SWD(2024) 821 final} - {SWD(2024) 822 final} - {SWD(2024) 823 final} -
{SWD(2024) 824 final} - {SWD(2024) 825 final} - {SWD(2024) 827 final} -
{SWD(2024) 828 final} - {SWD(2024) 829 final} - {SWD(2024) 830 final} -
{SWD(2024) 831 final}

ABSTRACT

The perceived independence of the Finnish justice system continues to be very high. A working group follows up on the report on the assessment and future development trends of the court system, envisaging conclusions in 2027. Some steps have been taken on a reform of the appointment process of lay judges. A Government Report on the Administration of Justice contributed further to discussions on the most pressing issues in the justice system. The system of legal fees sparked a debate amongst stakeholders. A National Legal Services Authority will be operational in 2025 with the aim to provide more consistent and high-quality legal aid. A case management system for general courts is expected to be fully implemented in 2024. Resources for the justice system have been increased, while structural shortages remain.

The perception among experts and business executives is that Finland is one of the least corrupt countries in the world. The Ministry of Justice has started the work on the new anti-corruption Action Plan for 2024-27. The legislative proposal on trading in influence has been put on hold, and a decision on whether to revise the bribery legislation remains outstanding. No decision has been taken to further strengthen the integrity and accountability framework for Ministers, with no dedicated Code of Conduct in place. The Transparency Register Act entered into force, establishing an electronic transparency register and upgrading the lobbying framework. Two pending proposals on limiting ‘revolving doors’ for Ministers and on developing transparency in electoral and party funding legislation are expected to be submitted to Parliament by autumn 2024. Public procurement, urban and land use planning have been identified as high risk sectors for corruption, while various initiatives seek to address corruption risks in public procurement.

Certain changes to the tasks and structures of the national regulatory authorities for the media are underway and their resources remain stable. The ethical rules for the press are being reviewed, and the self-regulatory Finnish Council for Mass Media continues to deal with a rising number of complaints related to journalistic ethics. The Government has published a research report with recommendations on media concentration and diversity of media content in Finland. The Government is examining potential legislative amendments regarding public service media. Some further progress has been made concerning the right of access to information, with the government continuing to examine a possible reform on the Act on the Openness of Government Activities. Online harassment incidents have been documented within the context of journalists’ political reporting. The framework for the protection of journalists has remained strong.

Stakeholders have reported a change in the practice of public consultations, resulting in shortened periods. The National Human Rights institutions proposed legislative amendments to further strengthen their position. The framework for civil society remains open, while stakeholders have reported on a hardening debate in relation to their role.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2023 Rule of Law Report, Finland has made:

- Significant progress on the recommendation to continue to follow-up on the report on the assessment and future development trends of the court system, and some progress on progressing with the reform of the appointment of lay judges, taking into account European standards on judicial independence.
- No further progress on adopting legislation on trading in influence and some progress on continuing to take steps to propose a revision on the criminal offence of foreign bribery.
- No progress on strengthening the integrity and accountability framework applicable to ministers and other persons entrusted with top executive functions by adopting a code of conduct for them.
- Some further progress on advancing with the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Finland to:

- Continue the work of the working group ‘Rule of Law Guarantees and Development of the Judicial System’ with a view to strengthen the independence of the justice system and increase the quality of legal protection.
- Reform the appointment of lay judges, taking into account European standards on judicial independence.
- Adopt legislation on trading in influence and propose a revision on the criminal offence of foreign bribery.
- Strengthen the integrity and accountability framework applicable to ministers and other persons entrusted with top executive functions by adopting a code of conduct for them.
- Further advance with the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

I. JUSTICE SYSTEM

The Finnish justice system is composed of the ordinary judiciary, with 20 district courts, 5 courts of appeal and the Supreme Court, as well as the administrative judiciary with 6 regional administrative courts and the Supreme Administrative Court. There are three specialised courts¹. The independent National Courts Administration is in charge of the administration of courts, including management of budgets, buildings and ICT systems². The independent Judicial Appointments Board³ prepares proposals for appointments of judges to the Government, while proposals for Supreme Court and Supreme Administrative Court judges are made by these courts themselves⁴. Judges are formally appointed by the President of the Republic⁵. The National Prosecution Authority is an independent state authority⁶, led by a Prosecutor General, who is appointed by the President on the proposal of the Ministry of Justice and can be dismissed or suspended by the Government⁷. The Finnish Bar Association⁸ is an independent body tasked with the supervision of professional activities of attorneys⁹. Disciplinary proceedings against lawyers¹⁰ are conducted by the Disciplinary Board, an independent supervisory body functioning alongside the Finnish Bar Association¹¹. Finland participates in the European Public Prosecutor's Office (EPPO).

Independence

The level of perceived judicial independence in Finland continues to be very high among both the general public and companies. Overall, 83% of the general population and 91% of companies perceived the level of independence of courts and judges to be 'fairly or very good' in

¹ The Market Court, the Labour Court and the Insurance Court. CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States.

² Courts Act, Chapter 19a, National Courts Administration.

³ It has twelve members – nine judges from different levels of courts, proposed by the judiciary, and three non-judge members (one lawyer, one prosecutor, one member representing legal research and education). All members are appointed by the Government for a five-year term.

⁴ All judges of the Supreme Court and Supreme Administrative Court participate to the selection. Courts Act, Chapter 11, Section 7.

⁵ Only one candidate is proposed per vacancy. While the proposal is non-binding, in practice, it is almost always followed, with only one exception each for ordinary court judges (in 2000, the year the Judicial Appointments Board was established) and for Supreme Court judges (in the 1970s).

⁶ Act on the National Prosecution Authority (32/2019), Chapter 1, Section 2.

⁷ The decision to dismiss can be appealed to the Supreme Administrative Court.

⁸ Advocates Act (496/1958).

⁹ There are three types of legal professionals tasked with provision of different types of legal services: attorneys-at-law, public legal aid attorneys and licensed trial counsels.

¹⁰ The Disciplinary Board also conducts disciplinary proceedings against two other types of legal professionals, public legal aid attorneys and licensed trial counsels.

¹¹ The Disciplinary Board is composed of a Chair and eleven Members, six of which, in addition to the Chair, are attorneys-at-law elected by the supreme decision-making body of the Bar Association. The remaining members, two of which are licenced trial counsels and three of which are lawyers, who shall be non-members of the bar association, are appointed by the Government on the proposal of the Ministry of Justice after the Ministry has requested an opinion of the Bar Association on the eligibility of candidates; Sec. 7a of the Advocates Act.

2024¹². The perceived judicial independence among the general public has decreased in comparison with 2023 (86%), as well as with 2020 (84%). The perceived judicial independence among companies has increased in comparison with 2023 (88%) as well as in comparison with 2020 (85%)¹³.

A working group follows up on the report on the assessment and future development trends of the court system, envisaging conclusions in 2027. The 2023 Rule of Law Report recommended Finland to ‘continue to follow-up on the report on the assessment and future development trends of the court system, [...], taking into account European standards on judicial independence’¹⁴. In February 2023, a working group on ‘Rule of Law Guarantees and Development of the Judicial System’ was established¹⁵ to follow up on the report on the assessment and future development trends of the court system of October 2022¹⁶. The overarching goal of this working group is to further strengthen the independence of the administration of justice and to promote the provision of high-quality legal protection and a user-oriented approach in the administration of justice¹⁷. The working group has started its work and is organised into six subgroups, with a broad representation of experts, officials, and members of the judiciary¹⁸. In October 2023, a working plan was adopted for the years 2023 until 2027¹⁹. In order to properly assess the necessary constitutional and other legislative changes required to ensure the strong

¹² Figures 51 and 53, 2024 EU Justice Scoreboard and Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

¹³ 82% of the companies in Finland are either fairly or very confident that their investments are protected by the law and courts in the Member State. Only 4% of the surveyed companies see the quality, efficiency or independence of justice as one of the main reasons for concern about investment protection in the country. Figures 55 and 56, 2024 EU Justice Scoreboard.

¹⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 2.

¹⁵ Decision of the former Finnish Government of 1 February 2023, No. VN/34680/2022-OM-12. Page two of the decision refers to the tasks of the working group, where point 5 foresees the working group to ‘assess the need for amendments to the Constitution and other legislation, as it deems necessary to ensure strong independence of the judiciary and make proposals for legislative changes’.

¹⁶ This report is also known as ‘Memorandum of the working group of administration of justice’. The report proposes, among other changes, a revision of the Constitution to introduce safeguards against undue political influence, laying down the maximum number of Supreme Court Judges in the Constitution, as well as a compulsory retirement age of judges. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 5. Input from Finland for the 2024 Rule of Law Report, p. 7.

¹⁷ Input from Finland for the 2024 Rule of Law Report, p. 8. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 5. Some of the challenges in the agenda stem also from the Report on Administration of Justice.

¹⁸ The six subgroups are as follows: 1. Crime and handling of criminal cases, as well as punishments and their enforcement; 2. Handling of civil cases, mediation and alternative dispute resolution methods; 3. Administrative law matters and special court matters; 4. Legal advice and assistance; 5. Enforcement and operation of the National Enforcement Authority; 6. Administrative, personnel and training matters. Ministry of Justice (2023), Decision No VN/34680/2022. Input from Finland for the 2024 Rule of Law Report, p. 7, Information received from the Ministry of Justice, Supreme Court, Supreme Administrative Court, Finnish Association of Judges, and Finnish Bar Association in the context of the country visit to Finland. Written contribution from the Finnish Bar Association for the 2024 Rule of Law Report, p. 11.

¹⁹ Input from Finland for the 2024 Rule of Law Report, p. 7. Information received from the Ministry of Justice and the National Courts Administration in the context of the country visit to Finland. Finnish Government (2023), Working Plan of the Working Group ‘Rule of Law Guarantees and Development of the Judicial System’ (*Työsuunnitelma, Oikeuslaitostyöryhmä vuosille 2023-2027*).

independence of courts and judges, in January 2024 the working group established a separate ‘Independence working group’ to conduct this assessment and make proposals. This new working group particularly focuses on the current constitutional provisions regarding the number of judges in the highest courts, judges' right to remain in office, the appointment process for judges, and judicial misconduct.²⁰ These objectives are welcomed by stakeholders, who are broadly represented in the working group²¹. The plan of the working group foresees the process to be split in phases and is expected to present its conclusions in 2027²². Considering that a follow-up process to the report on the assessment and future development trends of the court system has been put in place, there has been significant progress on this part of the recommendation made in the 2023 Rule of Law Report.

Some progress has been made on a reform of the appointment process of lay judges, which is being discussed in the framework of the working group. The 2023 Rule of Law Report recommended Finland to ‘continue to follow-up on the report on the assessment and future development trends of the court system, including the reform of the appointment of lay judges, taking into account European standards on judicial independence’²³. As already reported in the 2023 Report, lay judges, who participate in certain non-criminal cases²⁴, as well as in serious criminal cases, where the maximum penalty of an offence is more than two years of imprisonment²⁵, are currently appointed by political parties, with the number of lay judges each party may appoint corresponding to the outcome of the local elections²⁶. Following the publication of the assessment report on the procedure for selecting lay judges by the Ministry of Justice in February 2023, the Ministry is currently evaluating alternatives to the current selection procedure,

²⁰ Ministry of Justice (2024), Decision No. VN/1886/2024-OM-2 of 12 February 2024, and also as stated in a press release of the Ministry of Justice on 23 April 2024 ‘The work for the independence of judiciary continues’. Information received from the Supreme Court in the context of the country visit to Finland. Finnish Government (2024), Revised decision on the subgroup on the independence of the judiciary from February 2024.

²¹ For example, the chair of the Board of Directors of NCA, who is also a judge of the Supreme Court, presides the main Working Group; The Presidents of the Supreme Court and Supreme Administrative Court are presiding some of these subgroups. During the setting up of the Working Group and its subgroups, a suggestion to amend Article 106 of the Constitution (to give courts more flexibility in constitutional matters) was made. However, the Ministry of Justice has eventually abandoned this suggestion and is seen as a missed opportunity by many stakeholders. Information provided in the context of the country visit to Finland by the Finnish Bar Association and the Supreme Court. The President of the Supreme Court stated in a press release that he regrets the decision not to strengthen the independence of the judiciary, as quoted in Helsingin Sanomat (2024).

²² The working plan envisages evaluation of alternative measures and come up with an options paper in autumn 2024, make proposals for legislative amendments by the end of 2026, including possible amendments to the Constitution; consulting with experts and updating the options paper based on the consultations by the beginning of 2027; presenting the options paper with proposed measures, including a plan for their implementation, by the end of 2027. Working plan pp. 6, 9, 10. Input from Finland for the 2024 Rule of Law Report, p. 7. Information provided in the context of the country visit to Finland by the NCA, the Finnish Bar Association, the Chancellor of Justice and the Supreme Court.

²³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 2.

²⁴ So-called land law matters, which deal with disputes arising from real estate transactions; information provided at the website of the Finnish judiciary, <https://oikeus.fi/tuomioistuimet/en/index/asiat/riita-asiat/landcourtcases.html#udet/whatmattersaredealtwithbythedistrictcourt.html#>.

²⁵ In a panel of one professional judge and two lay judges. See CEPEJ Evaluation Report 2022 – Country Profile Finland, p. 49.

²⁶ There are no lay judges in appeal courts, administrative courts, the Supreme Court or specialised courts. Assessment report on the procedure for selecting lay judges by the Ministry of Justice, p. 8.

however, with no clear timeline²⁷. This matter is discussed also in the framework of the working group on ‘Rule of Law Guarantees and Development of the Judicial System’. While there is a general consensus on the need to amend the selection procedure of lay judges, some stakeholders call for the institute of lay judges to be entirely abolished²⁸. In view of the foregoing, overall, some progress has been made on this part of the recommendation addressed in the 2023 Rule of Law Report.

Quality

The Government Report on the Administration of Justice has contributed to the discussions on the most pressing issues in the justice system. The 2023 Rule of Law Report highlighted the adoption of a Report on the Administration of Justice (hereafter ‘the report’) in November 2022, offering a comprehensive overview of the current state of the administration of justice in Finland²⁹. The key issues identified in the report concern the length of proceedings, the high cost of trials, and the underfunding of the justice system³⁰. The findings of this report were the basis for an increase in the resources allocated to the judiciary³¹. The challenges outlined in the report are also taken into account by a working group set up in September 2023 by the Ministry of Justice and the Ministry of Education and Culture to conduct a comprehensive assessment of legal education³². Parliament mandated the Government to promote legislative amendments presented in the report, but also to issue a written report by the end of 2023 and a comprehensive report by September 2026³³.

The system of legal fees sparked a debate amongst stakeholders. The Ministry of Justice received an assessment report on the effects of the Act on Court Fees, which is in force since 2016³⁴. This report concluded, among others, that while the current system of court fees does not hinder access to justice, in some cases court fees might be inappropriately high and suggests

²⁷ Input from Finland for the 2024 Rule of Law Report, p. 8. The commitment to amend the procedure of selection of lay judges is also stated in the Government programme, adopted in June 2023, p. 209. Input from Finland for the 2024 Rule of Law Report, p. 7. Information received by the Ministry of Justice in the context of the country visit to Finland.

²⁸ Information provided in the context of the country visit to Finland by the Finnish Association of Judges, National Courts Administration, and Parliamentary Ombudsperson. The National Courts Administration explained that there is broad consensus within the judiciary that the current system of participation of lay judges is not working as it should, despite the long-standing tradition.

²⁹ Ministry of Justice, Government report on administration of justice.

³⁰ The report, p. 3; Input from Finland for the 2023 Rule of Law Report, p. 5. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 6.

³¹ Input from Finland for the 2024 Rule of Law Report, pp. 9, 10. Information provided in the context of the country visit to Finland by the Finnish Bar Association.

³² Input from Finland for the 2024 Rule of Law Report, p. 11. The challenges taken into account are notably the anticipated retirements, regional disparities, and the impact of digitalisation. The project is expected to be finished by July 2024.

³³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 6. Input from Finland for the 2024 Rule of Law Report, p. 28.

³⁴ Input from Finland for the 2024 Rule of Law Report, p. 9. The Legal Affairs Committee of the Parliament kept monitoring the effects of this reform and for that reason the Ministry of Justice commissioned an assessment that was conducted by the University of Eastern Finland. Additional input from Finland for the 2024 Rule of Law Report.

lowering the court fees in certain respect³⁵. Stakeholders consider that the legal fees are prohibitive in terms of access to courts³⁶. The Report on the Administration of Justice notes that the level of legal aid fees paid for private practitioners should be increased³⁷. In this light, the Bar Association has suggested a reform to tackle the cost issue, including by reviewing the cost distribution between the parties³⁸. The widened courts' discretion in allocating legal costs in civil cases has been in place since May 2023, as indicated in the 2023 Rule of Law Report³⁹. Evaluations on the impact of this reform are currently ongoing⁴⁰.

A National Legal Services Authority will be operational in 2025 with the aim to provide more consistent and high-quality legal aid. The Government aims to improve the conditions for providing more consistent and high-quality legal aid, public guardianship, financial and debt counselling services by establishing a National Legal Services Authority ('the Authority')⁴¹. The Authority will consist of a central administration and legal aid and public guardianship offices. The aim of this Authority will be to enable a more efficient and coherent development, equally distributed availability of services, as well as a better resourcing of activities⁴². It will become operational on 1 January 2025⁴³.

The case management system for general courts is expected to be fully implemented in 2024. The gradual deployment of the case management and digitalisation system for the general courts ('AIPA') is ongoing and is expected to be fully operational in June 2024, with certain steps to follow at a later stage, such as the inclusion of insolvency cases⁴⁴. The prosecution offices will also transition to AIPA, where it is expected to be fully implemented by 2025⁴⁵. The corresponding system for the administrative courts ('HAIPA'), finalised since 2020, is already used by all staff in courts, including judges⁴⁶, with stakeholders noting room to make further use of the potential to

³⁵ Input from Finland for the 2024 Rule of Law Report, p. 9.

³⁶ Information received from the Supreme Court and the Finnish Bar Association in the context of the country visit to Finland.

³⁷ The Report on the Administration of Justice, p. 49 Written contribution from the Finnish Bar Association for the 2024 Rule of Law Report p. 14. The amount has not been increased since 2014, while the private practitioners handle around 80 % of the criminal cases. Information received from the Finnish Bar Association in the context of the country visit to Finland.

³⁸ Written contribution from the Finnish Bar Association for the 2024 Rule of Law Report, p. 15. The bearing of costs by the losing party was also raised as an issue by the Supreme Court. Information received from Supreme Court and Finnish Association of Judges in the context of the country visit to Finland.

³⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7.

⁴⁰ Information received from the Ministry of Justice in the context of the country visit to Finland. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7.

⁴¹ Government Programme, p. 211. Input from Finland for the 2024 Rule of Law Report, p. 9. Information received from the Ministry of Justice in the context of the country visit to Finland. Currently, there are six legal aid and public guardianship districts. The Act No. 1133/2023 Coll., on the National Legal Services Authority, was approved by the Parliament on 24 November 2023 and will enter into force on 1 January 2025.

⁴² Input from Finland for the 2024 Rule of Law Report, p. 9. Act No. 1133/2023 Coll., on the National Legal Services Authority 1: 2.

⁴³ Ministry of Justice (2023), Decision No. VN/24741/2023 of 21 September 2023 on the establishment of the National Legal Service Authority.

⁴⁴ Input from Finland for the 2024 Rule of Law Report, p. 11. For further information, see 2021, 2022 and 2023 Country Chapters on the rule of law situation in Finland, p. 3 (for 2021), p. 4 (for 2022) and pp. 6-7 (for 2023).

⁴⁵ Information received from the Ministry of Justice in the context of the country visit to Finland.

⁴⁶ Input from Finland for the 2024 Rule of Law Report, p. 11.

extract data from the system, including to assess the workload⁴⁷. The reform of the use of video recordings in taking of evidence, adopted in 2022, will come into force once a data system for video recordings has been developed, as expected in 2025⁴⁸. Stakeholders welcomed the introduction of the AIPA system, while also considering it to be only a minimal solution, indicating clear room for further development⁴⁹. Overall, according to the 2024 EU Justice Scoreboard, Finland mostly has procedural rules for the use of digital technology in place⁵⁰ as well as electronic communication tools in courts and prosecution services⁵¹, while digital solutions to initiate and follow proceedings in civil, commercial, and criminal cases⁵² and online publication of judgments could be improved⁵³. A new portal for attorneys and other legal representation was expected to be operational by the end of 2023. However, no further developments have taken place in that regard⁵⁴.

Resources for the justice system have been increased, while structural shortages remain. The Report on the Administration of Justice concluded in 2022 that approximately EUR 90 million in permanent annual additional funding would be needed to secure appropriate operating conditions and to achieve the objectives set for the administration of justice⁵⁵, with approximately one third of this amount to be allocated to the courts⁵⁶. As of 2024, based on these conclusions, additional permanent funding was allocated to the courts, and other funding is planned for the next years⁵⁷. This resulted also in a significant increase in human resources – approximately 100 new judges and court staff⁵⁸. Stakeholders welcomed this additional funding and considered it as an important

⁴⁷ Information received from the Supreme Administrative Court in the context of the country visit to Finland.

⁴⁸ Ibidem, pp. 11-12.

⁴⁹ Information received from the Supreme Court in the context of the country visit to Finland. The Finnish Association of Judges reported practical issues with the use of the AIPA system in civil cases during the past three years and has rather pessimistic views on its future usage also in criminal cases. The complaint by the Association of District Court Judges filed to the National Audit Office (reported in the 2023 Rule of Law Report, country chapter on the rule of law situation in Finland, p. 7), regarding the use of finances for the AIPA system, has still not been decided upon. Information provided by the Finnish Association of Judges in the context of the country visit to Finland.

⁵⁰ In particular for administrative cases, and also to a large extent for civil, commercial and criminal cases. Figure 43, 2024 EU Justice Scoreboard.

⁵¹ Figures 45-46, 2024 EU Justice Scoreboard.

⁵² E.g. digital solutions enabling the clients in civil or commercial cases to access the electronic file of their closed or ongoing cases, or in the criminal cases the possibility for the defendant to access their ongoing case electronically. Figures 47-48, 2024 EU Justice Scoreboard.

⁵³ Figure 49, 2024 EU Justice Scoreboard.

⁵⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7. Contribution from the Finnish Association of Judges, p. 16.

⁵⁵ The Report on the Administration of Justice, p. 5. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

⁵⁶ Information received from the Finnish Bar Association, Supreme Court in the context of the country visit to Finland.

⁵⁷ In 2024, EUR 19.4 million for the courts and 30 million for the administration of justice in general. In 2025, the increase for the administration of justice is planned to be EUR 65 million. Input from Finland for the 2024 Rule of Law Report, pp. 9-10. Information on the increase of the resources for the judiciary received from the National Courts Administration, Supreme Court, Supreme Administrative Court in the context of country visit to Finland. See on that matter also Figure 34, 2024 EU Justice Scoreboard.

⁵⁸ Input from Finland for the 2024 Rule of Law Report, p. 10. Information received from the National Courts Administration, Supreme Court in the context of country visit to Finland.

step⁵⁹. At the same time, they reported that there are still shortages, notably as regards securing permanent positions for judges⁶⁰, funds to cover the increased costs for the use of digital technology⁶¹, as well as the increased costs of the renting of the courts' premises⁶². Stakeholders also reported that the supporting staff working at courts remains underfunded⁶³. [placeholder for a review of the salary system] The human resources at the public prosecution service have slightly increased and are expected to increase further⁶⁴. This has also had a positive effect on the number of pending cases in 2023, which decreased compared to previous years, and estimations for 2024 indicate a similar trend⁶⁵.

Efficiency

The justice system performs overall efficiently, though stakeholders see some room for improvement as regards the length of proceedings. The estimated time to resolve litigious civil and commercial cases at first instance has seen a further slight increase and remains at an average level (327 days in 2022 compared to 305 days in 2021), while the clearance rate remains stable at 100%⁶⁶. In administrative cases, the average time to resolve cases has slightly decreased (281 days in 2022 compared to 296 in 2021), while the clearance rate has further improved (104% in 2022 compared to 102% in 2021)⁶⁷. Certain challenges exist regarding the average length of proceedings in specific areas of EU law, such as competition law (805 days in 2022) and EU trademarks (681 days in 2022), while Finland performs well in bribery cases (186 days)⁶⁸. Following also the findings of the 2022 Report on the Administration of Justice, which had identified the length of proceedings as one of the key issues in the justice system⁶⁹, stakeholders continue to consider there

⁵⁹ Information received from the NCA, Supreme Court, the Finnish Association of Judges in the context of the country visit to Finland.

⁶⁰ Information received from the Finnish Association of Judges. They reported that in the district court in Helsinki, for example, one third of judges' functions on non-permanent positions, which they perceive as posing the risk of interference with their independence.

⁶¹ Information received from the NCA in the context of the country visit to Finland.

⁶² Information received from the NCA in the context of the country visit to Finland. The high level of premises expenditure and their growth is also noted in the Input from Finland for the 2024 Rule of Law Report, p. 10. The Finnish Bar Association reported the trend of judges and prosecutors sharing the same premises, regardless of separated entrances, as potentially interfering with the independence of both bodies. Contribution from the Finnish Bar Association for the 2024 Rule of Law Report, p. 12.

⁶³ Information received from the Finnish Association of Judges, Supreme Court, Supreme Administrative Court. Stakeholders have generally agreed that the salaries of the administrative staff are uncompetitive.

⁶⁴ Input from Finland for the 2024 Rule of Law Report, p. 10. Information received from the National Prosecution Authority in the context of the country visit to Finland.

⁶⁵ While at the end of 2022 there were cca 18 900 open cases, in 2023 there were cca 17 300. The goal for 2024 is 16 400 and the status up till 22. 3. 2024 was 17 060. Input from Finland for the 2024 Rule of Law Report, p. 10. Information received from the National Prosecution Authority in the context of the country visit to Finland.

⁶⁶ Figures 6 and 11, 2024 EU Justice Scoreboard.

⁶⁷ Figures 8 and 12, 2024 EU Justice Scoreboard.

⁶⁸ Figures 17, 19 and 23, 2024 EU Justice Scoreboard.

⁶⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation, pp. 8-9.

is room for improvement in this respect⁷⁰. A number of the measures related to increasing resources and reforming the procedural code aim to expedite judicial proceedings⁷¹.

II. ANTI-CORRUPTION FRAMEWORK

The monitoring, detection, and prevention of cases of corruption in Finland relies on multiple bodies and authorities. Alongside the Police, the National Bureau of Investigation (NBI) and the Prosecution Service, relevant authorities are the Financial Intelligence Unit (FIU)⁷², the National Audit Office of Finland (NAOF), the Finnish Competition and Consumer Authority as well as the Parliamentary Ombudsman⁷³ and Chancellor of Justice⁷⁴. The authority in charge of planning and coordinating anti-corruption activities is the Ministry of Justice's Department of Criminal Policy and Criminal Law, including by coordinating the anti-corruption network which brings together representatives of several ministries, police, trade unions and civil society⁷⁵.

The perception among experts and business executives is that Finland is one of the least corrupt countries in the world. In the 2023 Corruption Perceptions Index by Transparency International, Finland scores 87/100 and ranks 2nd in the European Union and globally⁷⁶. This perception has been relatively stable over the past five years⁷⁷. The 2024 Special Eurobarometer on Corruption shows that 18% of respondents consider corruption widespread in their country (EU average 68%) and 6% of respondents feel personally affected by corruption in their daily lives (EU average 27%)⁷⁸. As regards businesses, 18% of companies consider that corruption is widespread (EU average 65%) and 14% consider that that corruption is a problem when doing business (EU average 36%)⁷⁹. Furthermore, 48% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)⁸⁰, while 63% of companies

⁷⁰ Contribution from the Finnish Bar Association for the 2024 Rule of Law Report, p. 17 and Contribution from the Chancellor of Justice for the 2024 Rule of law Report, p. 18, with the latter noting specific challenges at the Helsinki District Court. Information received from the Finnish Association of Judges, Supreme Court, in the context of the country visit to Finland.

⁷¹ Input from Finland for the 2024 Rule of Law Report, p. 12.

⁷² Financial Intelligence Unit: <https://poliisi.fi/en/money-laundering>.

⁷³ Parliamentary Ombudsman of Finland: <https://www.oikeusasiamies.fi/en>.

⁷⁴ Chancellor of Justice: <https://www.okv.fi/en/>.

⁷⁵ The dedicated website of the government on anti-corruption (anti-corruption.fi) details the relevant bodies involved in the fight against corruption, as well as their tasks.

⁷⁶ Transparency International, Corruption Perceptions Index 2023 (2024). The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁷⁷ In 2019 the score was 86, while, in 2023, the score is 87. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); has been relatively stable (changes from 1-3 points) in the last five years.

⁷⁸ Special Eurobarometer 584 on Citizens' attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

⁷⁹ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 507 (2022).

⁸⁰ Special Eurobarometer 584 on Citizens' attitudes towards corruption in the EU (2024).

believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)⁸¹.

The Ministry of Justice has started work on the new anti-corruption Action Plan for 2024-2027. The Ministry of Justice expects to complete the final implementation report of the National Anti-Corruption Strategy and 2021-2023 Action Plan by July 2024⁸². In March 2024, the Ministry of Justice received the mandate from the Government to develop the new 2024-2027 Action Plan, which will be based on the already established anti-corruption strategy⁸³. The Ministry of Justice has committed to involve civil society in designing the new Action Plan, aiming to finalise it by the end of 2024⁸⁴. Anti-corruption policy for the police, which was recommended by GRECO⁸⁵, was published on 19 March 2024⁸⁶. On 14 June 2024, the National Police Board published the implementation plan of the Anti-corruption policy of the Police⁸⁷. The anti-corruption action plan for the border guard entered into force in November 2023. Additionally, the tax administration's tailor-made anti-corruption policy has been suggested by the authorities as a best-practice model for public sector organisations⁸⁸.

The national proposal for legislation on trading in influence is currently on hold with a view to align with EU level legislation currently under negotiations, and consequently there has been no further progress to adopt legislation. The 2023 Rule of Law Report recommended to Finland to 'adopt legislation on trading in influence [...]'⁸⁹. As already reported in previous years, the Ministry of Justice prepared a draft proposal on criminalising trading in influence, which underwent public consultation in November 2022⁹⁰. However, the draft proposal did not advance

⁸¹ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

⁸² Information received from the Ministry of Justice in the context of the country visit to Finland. The Action Plan of the Anti-Corruption Strategy for 2021–2023 included 79 actions. As of March 2024, 76 of the 79 planned measures started to be implemented. Only 3 actions remain 'non-started', one of which regards manipulation of sport competitions.

⁸³ Information received from the Ministry of Justice in the context of the country visit to Finland. The key priorities of the strategy remain the same: reinforcement and clarification of the official structures for preventing and combating corruption and improvement of cooperation between the parties involved; raising awareness of corruption; increasing transparency; promoting the exposure of cases of corruption; examination of the functioning of legislation relevant to the prevention of corruption, and the development of legislation; and promotion of research related to corruption and its prevention.

⁸⁴ Information received from the Ministry of Justice in the context of the country visit to Finland. Starting from the end of March 2024, the Ministry of Justice expects that the overall designing process would take from three to four months. Following the publication of the report, the Ministry of Justice will organise a webinar to present the results of the Action Plan. Written contribution from the Finnish authorities in the context of the country visit to Finland.

⁸⁵ GRECO Fifth Evaluation Round – Second Compliance Report, recommendation vii, p. 9.

⁸⁶ Police of Finland (2024), Police Anticorruption Policy.

⁸⁷ Written contribution from the Finnish authorities in the context of the country visit to Finland. The National Police Board has drafted the Police Anticorruption Policy in February 2024.

⁸⁸ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 17.

⁸⁹ Ibidem, p. 2. In the 2023 Rule of Law Report, the Commission concluded that some progress was made on the recommendation.

⁹⁰ Both the National Police Board the National Bureau of Investigation expressed themselves in favor of the proposal, as it would play an important role in the fight against cross-border corruption crime. See Draft proposal to criminalise the offence of trading influence. Summary of the opinion (2023). 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, pp. 10-11; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

to parliamentary proceedings due to the Parliamentary elections in spring 2023. The National Prosecution Authority was overall satisfied with the proposal, although some of its concerns were not taken into account⁹¹. The Ministry of Justice has in the meantime indicated its preference to wait for the finalisation of the current discussion at European level on the proposal for a directive combating corruption, before adopting at national legislation⁹². Therefore, as the national proposal on trading in influence did not advance, no further progress has been made on this part of the recommendation made in the 2023 Rule of Law Report.

There has been some progress on revising the criminal offence of foreign bribery, as the Ministry of Justice is still to decide on the revision of the offence. The 2023 Rule of Law Report recommended to Finland to ‘[...] continue to take steps to propose a revision on the criminal offence of foreign bribery’⁹³. The Ministry of Justice has not yet decided on the opportunity of further amending the Criminal Code provisions on bribery offences. The pending decision has been noted in previous reports⁹⁴, and by the OECD, which underlined the need for Finland to enforce its foreign bribery offence, including by addressing concerns about its definition⁹⁵. In February 2022 the Government had published an independent study on corruption in international business, covering also foreign bribery, which noted the need to further develop the legislative framework⁹⁶. The Ministry of Justice commissioned in the second half of 2023 a new independent study⁹⁷. The Ministry of Justice still has to decide on amending the legislation on bribery on the basis of this latest study, which has been published on 31 May 2024⁹⁸. Overall, as a second study was launched on the opportunity to revise the provisions on bribery offences, some progress has been made on this part of the recommendation made in the 2023 Report.

⁹¹ Information received from the National Prosecution Authority in the context of the country visit to Finland. In particular, the prosecutors mentioned an unnecessary increased burden in collecting evidence when it comes to intermediaries in trading in influence.

⁹² Information received from the Ministry of Justice in the context of the country visit to Finland. Proposal for a Directive of the European Parliament and of the Council on combating corruption, COM(2023) 234 final.

⁹³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 2.

⁹⁴ See the 2022 Rule of Law Report, p. 8. The assessment – which will also cover the possibility of extending liability for acts in office to municipal and state majority-owned companies – was supposed to be carried out already in 2020 and 2021. Government Resolution on the National Anti-Corruption Strategy and Action Plan 2021-2023, p. 41.

⁹⁵ The OECD Working Group on Bribery expressed serious concerns on the lack of foreign bribery enforcement in Finland, which date back to the OECD Phase 4 evaluation report in 2017. It is recommended to Finland to revise the foreign bribery offence to remove significant deficiencies that could impede its effective enforcement.

⁹⁶ Government Office (2022), Corruption in international business, Current state of regulation, application practice and training and needs for change. The study shows that there is a need to develop the supply of education as well as legislation and application practice. As recommended in the study, the Ministry committed to continue the trainings for criminal investigators, prosecutors, and judges on the application of foreign bribery offences. As reported last year (2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 9), the trainings started in 2021.

⁹⁷ The study is currently with the Ministry of Justice to be revised. Input from Finland for the 2024 Rule of Law Report, p. 6. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, pp. 9-10. Information received from the Ministry of Justice in the context of the country visit to Finland.

⁹⁸ Information received from the Ministry of Justice in the context of the country visit to Finland. See also Finnish Government (2024), Need to develop the bribery criminal code.

Cooperation between the police and prosecution continued smoothly⁹⁹, with a strengthening of resources for police and prosecution allowing them to efficiently perform their tasks. Police resources on prevention and investigation of corruption have been strengthened in the framework of the National Anti-Corruption Strategy and 2021-2023 Action Plan¹⁰⁰. The Police considers the current level of resources and expertise to deal with anti-corruption cases as adequate¹⁰¹. The Police benefits from the support of external experts and specific trainings for the National Bureau of Investigation (NBI), local police stations and the Financial Intelligence Unit (FIU) on how to identify corruption cases¹⁰². Its objectives focus on enhancing public trust and identifying corruption risks in the police. There are six prosecutors specialised in corruption offences and 19 specialised in prosecuting offences committed in office¹⁰³. Specialised financial crime prosecutors often handle bribery offences in all prosecution districts¹⁰⁴, while junior prosecutors are involved in corruption cases to assist higher-level prosecutors. As for the cooperation with the EPPO, cooperation is good¹⁰⁵. The number of prosecutions of corruption offences is stable. In 2023, 40 corruption cases were received by the prosecutor and 25 were decided¹⁰⁶. By the same year, the number of corruption cases pending a decision of the prosecutor was 15, of which 3 had been opened for over 12 months¹⁰⁷. Compared to 2022 – with prosecution service receiving nine corruption cases from the police – data are reported to be stable on the average of ten cases prosecuted per year¹⁰⁸.

There has been no progress on the integrity framework for Ministers and top executive functions, with Ministers still not covered by the Code of Conduct, pending a political decision. The 2023 Rule of Law Report recommended to Finland to ‘strengthen the integrity and accountability framework applicable to ministers and other persons entrusted with top executive functions by adopting a code of conduct for them’¹⁰⁹. A Code of Conduct for civil servants and top executive functions is in place since 2021, which however does not apply to Ministers¹¹⁰. The

⁹⁹ Information received from the national prosecutor and police in the context of the country visit to Finland.

¹⁰⁰ Input from Finland for the 2024 Rule of Law Report, p. 14. Of these two additional police officers, one was assigned to the NBI financial team, the other to the FIU. In 2024, two more police officers are expected to be assigned to the NBI investigation division to investigate corruption offences.

¹⁰¹ Information received from National Police Board and NBI in the context of the country visit to Finland. The Police does not foresee upcoming discussions to establish a separate and dedicated unit to corruption. Within the NBI, one national coordinator is responsible for the fight against corruption, and two detectives are charged with anti-corruption tasks.

¹⁰² Information received from the NBI in the context of the country visit to Finland.

¹⁰³ Written input from the Ministry of Justice following the country visit of Finland.

¹⁰⁴ Written contribution from the National Prosecutor Authority in the context of the country visit in Finland.

¹⁰⁵ The 2023 EPPO Annual Report does not refer corruption cases for Finland.

¹⁰⁶ Written input from the Ministry of Justice following the country visit of Finland.

¹⁰⁷ Written contribution from the Finnish authorities in the context of the country visit to Finland.

¹⁰⁸ According to the data for years 2010-2019, received in the context of the 2021 country visit to Finland from the national prosecutor, the average annual number of cases of prosecuted corruption and economic crime offences has remained relatively stable over the ten-year reporting period with an average of ten cases per year. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10, in 2022 data were reported to have returned to the average of ten cases prosecuted per year.

¹⁰⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 2.

¹¹⁰ The Code aims to give a comprehensive view and standard on integrity and is complemented by the constitutional basis and the supervision of the Chancellor of Justice. Finnish Government (2021), Code of conduct for officials. The Code of Conduct on Civil Service Ethics was issued in 2021. It targets senior officials in central government,

Minister's Handbook aims to give an oversight of the organisation and functioning of the government, including on legality issues, ministerial responsibilities, and principles of good governance, which was revised in spring 2023¹¹¹. Still, a dedicated Code of Conduct would address other sensitive integrity related areas, currently not covered in the Ministers' Handbook¹¹². A background memorandum was published by the Ministry of Justice in August 2022¹¹³, describing the state of the regulation on ministerial responsibilities. The memorandum has not yet been discussed in Parliament¹¹⁴. As previously noted¹¹⁵, the personal scope of the Code of Conduct for civil servants and top executive officials could be further expanded to apply explicitly to Ministers, as also recommended by GRECO¹¹⁶. No concrete timeline has been fixed to discuss the adoption of a Code of Conduct for ministers¹¹⁷. Overall, as Ministers are not covered by a dedicated Code of Conduct, there has been no progress on the implementation of the recommendation made in the 2023 Rule of Law Report.

The Transparency Register Act entered into force, establishing an electronic transparency register and upgrading the lobbying framework. The Transparency Registry Act – which entered into force on 1 January 2024 – lays down the obligation to register influencing activities

including special advisers, who are since then also subject to financial disclosure requirements. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 9.

¹¹¹ Legal and political responsibility of ministers, ministers' declaration of private interests, disqualification including example cases concerning ministers, receiving hospitality, benefits and gifts as a minister, ministers' commitment to actions when transferring to other duties, principles of good governance, openness of administration, non-disclosure and prohibition on the use of information, insider matters, civil servants' obligations and liability for acts in office.

¹¹² GRECO Fifth Evaluation Round – 2nd Compliance Report, recommendation i, paras. 17, 96. Investigations of corruption by members of the Government follow a different procedure than normal corruption investigation. The Minister's Handbook is generic and no enforcement mechanism is in place. The website of the Ministry of Finance contains declarations of private interests of senior management in central government and of special advisers to ministers. However, there is no centralised statistical monitoring of declarations of interest, and these are not verified in a specific process. It is the duty of a civil servant to correct and supplement any changes and shortcomings in the information contained in the declaration of private interests (State Civil Servants' Act, section 8a). In addition, the authority concerned is responsible for keeping the published information up to date (State Civil Servants' Act, section 8d).

¹¹³ Finnish Government (2022), Background note on legal ministerial responsibility and the request for permission to prosecute a Member of Parliament.

¹¹⁴ Information received from the Ministry of Justice in the context of the country visit to Finland. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 12. Input from Finland for the 2023 Rule of Law Report, p. 20.

¹¹⁵ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, pp. 13-14.

¹¹⁶ GRECO noted the issue as a potential obstacle to the effective functioning of the criminal justice system. GRECO Fifth Evaluation Round – 2nd Compliance Report, recommendation iv and v, paras. 28-41. GRECO Fifth Evaluation Round – Compliance Report, para. 39-41. The Ministry of Finance and the Ministry of Justice have jointly prepared an integrity training course for senior civil servants. According to the Ministry of Justice, this is the first time that Finland offers dedicated integrity and anti-corruption training to top civil servants. The course is also recommended for mid-level management. The digital eOppiva course consists of seven modules: (1) role of top management in fostering good governance and fighting corruption, (2) foundations of good administration, (3) corruption prevention, (4) conflict of interests, (5) stakeholder cooperation, (6) emerging ethical questions, and (7) way forward.

¹¹⁷ Information received from the Prime Minister's Office in the context of the country visit to Finland.

and related professional advice by legal persons and private traders¹¹⁸. Civil society organisations welcomed the legislation as an important step forward¹¹⁹. As of 2024, lobbying activities targeted at Parliament and ministries must be reported to the Transparency Register, which is managed by the National Audit Office. The Government will monitor the functioning of the Transparency Register and evaluate the relevant legislation towards the end of the government term (2026-2027)¹²⁰. The Ministry of Justice is working on a communication and training campaign: the new transparency register has also been included as a specific topic in the e-learning course for the top executive functions. In connection with the register, an advisory board appointed according to law by the National Auditing Office, involving the Ministry of Justice, the Ministry of Finance, the National Audit Office, variety of register users, representatives of those subject to the reporting obligation and representatives of academia, drafted recommendations on good practices on lobbying which were published in June 2024¹²¹. However, the framework for lobbying relies on multiple acts and administrative guidelines, and there is still no comprehensive legislation dedicated to lobbying¹²².

Work on the proposal on limiting ‘revolving doors’ for Ministers has been resumed and is expected to be submitted to Parliament by August 2024. After some delays¹²³, a legislative proposal on limiting ‘revolving doors’ for ministers was submitted to the Parliament in September 2022¹²⁴. However, the discussion on the proposal did not progress when the parliamentary session ended in spring 2023¹²⁵. A new legislative initiative is now included in the 2024 Government legislative plan, and is still pending discussion within the Prime Minister’s office. The proposal is estimated to be submitted to Parliament by August 2024¹²⁶. The new text was drafted according to the previous proposal¹²⁷, which aimed to establish procedures to prevent and avoid conflicts of interest when a member of the Government moves to another position for a period of up to 12 months¹²⁸.

¹¹⁸ Input from Finland for the 2024 Rule of Law Report, p. 16. Transparency Register Act (430/2023).

¹¹⁹ Information received from Transparency International in the context of the country visit to Finland.

¹²⁰ Input from Finland for the 2024 Rule of Law Report, p. 16.

¹²¹ Information received from the Ministry of Justice in the context of the country visit to Finland.

¹²² There is currently no separate legislation related to lobbying apart from the new Transparency Register Act. The regulation of lobbying relies on different provisions, such as the Civil Servant’s Act (750/1994), the Act on the Openness of Government Activities (621/1999), and the Administrative Procedure Act (434/2003), as well as on administrative guidelines. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 13; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

¹²³ The proposal was originally planned to be submitted to Parliament in spring 2021. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 11.

¹²⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 13.

¹²⁵ Written input from the Ministry of Justice following the country visit of Finland. In accordance with the Finnish Constitution, consideration of the proposal will lapse at the end of the parliamentary term in April 2023. The proposal was as at the expert consultation stage in Parliament. To finalise the proposal on limiting ‘revolving doors’ for Ministers is one of the objectives of the new draft Government Programme.

¹²⁶ Information received from the Prime Minister’s Office in the context of the country visit to Finland.

¹²⁷ Input from Finland for the 2024 Rule of Law Report, p. 15.

¹²⁸ Information received from the Prime Minister’s Office in the context of the country visit to Finland. In practice, the proposal aims to postpone for 12 months the commencement of the new post for a Minister (or former Minister, as the proposal would apply also to former ministers within 12 months after their resignation).

The Government proposal to develop transparency in electoral and party funding legislation is expected to be submitted to Parliament in autumn 2024. The Ministry of Justice has been working on amendments to the transparency in electoral and party funding legislation. The Government's proposal – which was submitted to Parliament in November 2022 – did not progress when the parliamentary session ended in spring 2023¹²⁹. The plan to amend the legislation is now included in the 2024 Government legislative plan, and the legislative proposal is intended to be submitted to Parliament in autumn 2024¹³⁰. The new proposal builds upon the previous one, and aims to improve the provisions and practices for the disclosure of electoral and party funding¹³¹. The previous provision to strengthen the right of the NAOF to monitor candidates' election funding declarations is no longer included in the new draft¹³². In the 2023 parliamentary elections, the National Audit Office (NAOF) was responsible to oversee compliance with the obligation to disclose election campaign funding and election campaign costs: all the 273 persons subject to the disclosure obligation filed the election funding disclosure referred to in the relevant legislation, i.e. a disclosure of the funding and costs of their election campaign¹³³.

The Ministry of Justice aims to raise awareness on the Whistleblower Act. The national law aiming at transposing the whistleblower protection directive entered into force in January 2023. In September 2023, the Ministry of Justice started a training project on whistleblower directive to ensure that both public sector and private sector organisations have the necessary knowledge and understanding of the Whistleblower Act¹³⁴. Citizens can report misconducts through different channels to authorities (National Audit Office, Tax Administration, and Financial Supervisory Authority) or electronically to the police¹³⁵.

¹²⁹ Parliamentary communication (SS 87/2022 vp) - Termination of Parliament's work, lapsed matters and Parliament convening. Finnish Parliament (2023), Government proposal to Parliament for acts amending the Act on Candidates' Election Funding, the Parties Act, Sections 112 and 143 I of the Election Act and Section 10 of the Act on the Citizens' Initiative, No HE 254/2022 vp; Information received from the Ministry of Justice in the context of the country visit to Finland.

¹³⁰ Information received from the Ministry of Justice in the context of the country visit to Finland. Prime Minister's Office, A strong and committed Finland – Programme of Prime Minister Petteri Orpo's Government 20 June 2023, pp. 215-216. The aim to amend the Candidate's Election Funding Act, Parties Act, the Electoral Act and the Citizens' Initiatives Act. Input from Finland for the 2024 Rule of Law Report, p. 16.

¹³¹ The proposal aims to amend the Candidate's Election Funding Act, the Electoral Act and the Citizens' Initiatives Act.

¹³² Information received from the Ministry of Justice in the context of the country visit to Finland. Input from Finland for the 2023 Rule of Law Report, p. 17. A parliamentary working group was established to develop voting and electoral practices (expected to close activities on 31 December 2025). The working group will also examine the role of the NAOF and the opportunity to intensify its supervisory work. It will also evaluate the possibilities to make amendments to the Act on the election funding of candidates regarding that the National Audit Office would be given the opportunity to intensify its supervisory work with conditional fine.

¹³³ As laid down in the Act on a Candidate's Election Funding (273/2009). NAOF (2023), Report on the oversight of election campaign funding in the 2023 parliamentary elections. A total of 162 disclosers supplemented or modified the information in their disclosure after it was filed. The National Audit Office did not receive any complaints concerning the election funding disclosures in connection with the 2023 parliamentary elections.

¹³⁴ Input from Finland for the 2024 Rule of Law Report, p. 17. The training project is funded by the EU Internal Security Fund.

¹³⁵ Anti-Corruption.fi, Report corruption. Reports coming from external individuals are received by the Chancellor of Justice's Office. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 11.

Public procurement and urban and land use planning are considered high risk sectors for corruption, while various initiatives seek to address corruption risks. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 14% of companies in Finland (EU average 27%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹³⁶. The Ministry of Justice published the Municipal Government Anti-Corruption Report in December 2022, which identified public procurement as a high-risk sector for corruption¹³⁷. Other risk sectors include urban and land use planning, and specialised procurement (such as ICT, medicines and medical supplies). Following up to these identified areas, an anti-corruption training for municipal office holders was organised in spring 2023¹³⁸. Through external funding, the Ministry of Justice aims to develop a regular situational report which would provide work on awareness raising and training projects, such as national data analysis on corruption cases¹³⁹. The project aims also to develop an online course on anticorruption for prosecutors, judges and police officer.

III. MEDIA PLURALISM AND MEDIA FREEDOM

In Finland, freedom of expression is protected by the Constitution, which also guarantees the right of access to public documents¹⁴⁰. The tasks and powers of the Finnish Transport and Communications Agency (*Traficom*), the media regulatory authority, are enshrined in law¹⁴¹, as are the mandate and monitoring of the public service media¹⁴².

Certain changes to the tasks and structures of the national regulatory authorities are underway and their resources remain stable. Since the publication of the 2023 Rule of Law Report, the national regulatory authority Traficom has received slightly more human resources, due to its designation as the Digital Service Coordinator and new tasks under the Digital Services Act and the European Accessibility Act¹⁴³. It is also managing a temporary state subsidy for the

¹³⁶ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). This is 13 percentage points below the EU average.

¹³⁷ Input from Finland for the 2024 Rule of Law Report, p. 17. In 2022, procuring entities were provided with a procedural guide to tackle the grey economy in public procurement to provide information on how to identify grey economy, including corruption.

¹³⁸ Input from Finland for the 2024 Rule of Law Report, p. 17. Training for elected municipal counselors took place in January 2024.

¹³⁹ Information received from the Ministry of Justice in the context of the country visit to Finland. The Ministry of Justice aims to repeat the analysis every two years. The analysis will include inter alia how many corruption cases are open, how many led to convictions, which sectors are concerned. The project will last for c. 24 months. The Ministry of Justice expects to recruit project officers by autumn 2024, including a communication specialist.

¹⁴⁰ Finland continues to rank 5th in the 2024 Reporters Without Borders World Press Freedom Index for the third year in a row.

¹⁴¹ Act on the Transport and Communications Agency 935/2018.

¹⁴² Act on Yleisradio Oy (Laki Yleisradio Oy:stä) 1380/1993; According to European Parliament's Flash Eurobarometer: News & Media Survey 2022, Finland is the Member State where citizens demonstrate by far the highest trust in public TV and radio stations (incl. online).

¹⁴³ Information received from Traficom in the context of the 2024 country visit to Finland; Input from Finland for the 2024 Rule of Law Report, p. 20; Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act); Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services.

distribution of newspapers¹⁴⁴. There are no new tasks for the second national regulatory authority, the National Audiovisual Institute. However, a working group appointed by the previous government has proposed clarifications and technical improvements on the legislation concerning age limits that would fall within the remit of the National Audiovisual Institute¹⁴⁵. Potential next steps in the national legislative process are still pending. Additionally, the National Audiovisual Institute is expected to merge with another institution, the Arts Promotion Centre Finland, through a reform process that aims to strengthen the quality of the two institutes' services, operations, and governance without affecting their tasks¹⁴⁶. Both Traficom and the National Audiovisual Institute reported to have stable resources amidst political pressure to reduce funding in the future¹⁴⁷. No developments have been noted regarding the authorities' independence and the MPM 2024 finds a very low risk in this field¹⁴⁸.

The ethical rules for the press are being reviewed, and the self-regulatory Finnish Council for Mass Media continues to deal with an increasing number of complaints related to journalistic ethics. The project to review the ethical rules for the press referred to in the 2023 Rule of Law Report¹⁴⁹ is progressing. The renewed rules were published in spring 2024 together with a guidebook on their application and will become applicable as of October 2024¹⁵⁰. The purpose is, among others, to take account of changes brought by the digital environment and to make the rules easier to use¹⁵¹. In the meantime, the self-regulatory Council reports that complaints alleging violation of journalistic ethical rules in journalistic content have continued to increase for four consecutive years, partly driven by the proliferation of clusters of complaints. This has resulted in longer processing periods¹⁵².

The Government has published a research report with recommendations on media concentration and diversity of media content in Finland. The findings of the independent study published in March 2024 show that when it comes to news media, two groups of companies dominate well over half of the press sector – with impacts particularly at regional and local level – whereas radio and TV have evolved towards increased competition¹⁵³. Since 2000, the number

¹⁴⁴ Information received from Traficom in the context of the country visit to Finland; Traficom (2024) Information on state aid for the distribution of newspapers.

¹⁴⁵ Information received from the National Audiovisual Institute in the context of the country visit to Finland; Ministry of Education and Culture (2023) Clarifications and technical improvements proposed to the Law on Audiovisual Programmes.

¹⁴⁶ Information received from the National Audiovisual Institute in the context of the 2024 country visit to Finland; Ministry of Education and Culture (2023) Education Governance 2023 Reform Project, Steering Group; Ministry of Education and Culture (2023) Progress on the reform of the educational administration – Five agencies would carry out tasks in the administrative area of the OKM at the beginning of 2026.

¹⁴⁷ Information received from Traficom and the National Audiovisual Institute in the context of the country visit to Finland.

¹⁴⁸ 2024 Media Pluralism Monitor, country report for Finland, p. 15.

¹⁴⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 17.

¹⁵⁰ The Council for Mass Media in Finland (2024) The journalist guidelines have been updated; The Council for Mass Media (2024) The journalist guidelines' application guide was published.

¹⁵¹ Information received from the Council for Mass Media in Finland and the Finnish Media Federation in the context of the 2024 country visit to Finland; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 17 Council for Mass Media in Finland (2023), Annual Report for 2023, pp. 3, 16.

¹⁵² Information received from the Council for Mass Media in Finland in the context of the country visit to Finland, Council for Mass Media (2024) Annual Report for 2023, pp. 4-5.

¹⁵³ Finnish Government (2024) Media concentration and diversity of media content in Finland, pp. 163-164.

of journalists working in newspapers has fallen by one third¹⁵⁴. The report recommends, among other things, to adapt the national legislation in view of the requirements of the European Media Freedom Act, and endorses broad debates about the criteria for media concentrations that impact media pluralism¹⁵⁵. Since the 2023 Rule of Law Report, there have been no regulatory changes concerning transparency of media ownership or restrictions to media ownership and media concentrations are assessed under competition law only. MPM 2024 considers that media market pluralism continues to be an area of very high risk driven by the extensive combined market share of the largest media owners¹⁵⁶.

The Government is examining potential legislative amendments regarding the public service media. The new Government Programme envisages strengthening the Finnish Broadcasting Company's (Yle) independence and editorial neutrality¹⁵⁷. To this end, a parliamentary working group has been examining the need to amend the existing legislation and is estimated to submit its report during summer 2024¹⁵⁸. As stated previously, the long-standing unwritten practice in Finland is to require a consensus of all parties in the Parliament for any political decisions concerning the law governing public service media¹⁵⁹. In this context, the public service media would welcome further safeguards for their independence¹⁶⁰. The MPM 2024 continues to report a low risk regarding the independence of public service media but takes note of recent incidents where the public service media's editorial line has been openly challenged by politicians¹⁶¹.

Some further progress has been made concerning the right of access to information, with the government continuing to examine a possible reform on the Act on the Openness of Government Activities. The 2023 Rule of Law Report recommended Finland to 'advance with the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents'¹⁶². Following the extension of its mandate, the dedicated working group appointed in 2021 by the Ministry of Justice published its final report in December 2023, proposing to make the Act on the Openness of Government Activities more effective. The report proposes, inter alia, to clarify the provisions on the handling of requests for information, while reconciling the protection of personal data with the principle of openness. It also suggests expanding the scope of application of the Act to private parties responsible for certain public administrative duties and

¹⁵⁴ Ibidem, p. 19,163.

¹⁵⁵ Ibidem, p. 174-179.

¹⁵⁶ 2024 Media Pluralism Monitor, country report for Finland, p. 18.

¹⁵⁷ Finnish Government (2023), A strong and committed Finland – Programme of Prime Minister Petteri Orpo's Government 20 June 2023 (2023:60), p. 128.

¹⁵⁸ Input from Finland for the 2024 Rule of Law Report, p. 20; Finnish Government (2023), Parliamentary Working Group on the Public Service Mission and Financing of Broadcasting.

¹⁵⁹ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 14.

¹⁶⁰ Information received from Yleisradio Oy in the context of the 2024 country visit; Helsingin Sanomat (2024) Halla-Aho accuses Yle to be leaning 'very strongly' to the left and calls for funding to be cut.

¹⁶¹ 2024 Media Pluralism Monitor, country report for Finland, p. 26; According to the European Parliament's Flash Barometer: News & Media Survey 2023, Finland continues to be the Member State where citizens demonstrate by far the highest trust in public TV and radio stations (incl. online).

¹⁶² 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 2. In the 2023 Rule of Law Report, the Commission concluded that 'some progress' had been made on the 2022 recommendation.

corporations or foundations controlled by a public body¹⁶³. These recommendations have been supported by media stakeholders and journalists¹⁶⁴. The next steps in the legislative process will be decided by the Government after analysing all the stakeholder input received in the relevant public consultation¹⁶⁵. In the meantime, the Chancellor of Justice has been drawing attention of public authorities to the binding time limits for responding to access to documents requests, the need to provide reasons for any refusal to provide documents and the prohibition of unfounded, unspecified, or unreasonably large cost estimates¹⁶⁶. At the same time, journalists reported having more difficulties than before to secure interviews and receive information from politicians and public authorities¹⁶⁷. The MPM 2024 finds that Finnish officials sometimes tend to err on the side of non-disclosure rather than openness¹⁶⁸. Overall, some further progress has been made on the recommendation addressed in the previous years.

Online harassment incidents have been documented within the context of journalists' political reporting. Since the publication of the 2023 Rule of Law Report, the Council of Europe's platform to promote the protection of journalism and safety of journalists¹⁶⁹ has registered two new alerts. Furthermore, the Mapping Media Freedom platform has registered further incidents – most involving intimidation or threatening of journalists online in the context of their political reporting activities¹⁷⁰. The MPM 2024 considers online harassment to be an increasing phenomenon for Finnish journalists¹⁷¹. An appeal concerning the criminal conviction of journalists for the disclosure of a state security secret and for intending to disclose other state secrets reported in the 2023 Rule of Law Report is ongoing¹⁷². In the meantime, the Supreme Administrative Court passed a ruling in December 2023, stating that when an employer (in this case, a media company) covered journalists' costs of a criminal procedure based on their published article, the financial compensation for these costs deriving from the court proceedings was to be accounted as part of their taxable income¹⁷³. Concerns have been expressed by media stakeholders about the

¹⁶³ Ministry of Justice (2023) The Working Group proposes a reform of the Act on the Openness of Government Activities; Input from Finland for the 2024 Rule of Law Report, p. 19.

¹⁶⁴ Ministry of Justice (2024) Updating the Act on the Openness of Government Activities (OM083:00/2020) Responses by the Union of Journalists, Sanoma Media Finland Oy, the Association of Investigative Journalism and the Finnish Media Federation to the public consultation on the working group's report.

¹⁶⁵ Information received from the Ministry of Justice in the context of the country visit to Finland.

¹⁶⁶ Contribution from The Office of the Chancellor of Justice for the 2024 Rule of Law Report, p. 24.

¹⁶⁷ Union of Journalists (2023), Access to information for journalists difficult: politicians and officers avoid interviews.

¹⁶⁸ 2024 Media Pluralism Monitor, country report for Finland, p. 13.

¹⁶⁹ Council of Europe, Platform to promote the protection of journalism and safety of journalists, Finland.

¹⁷⁰ European Centre for Press and Media Freedom, Mapping Media Freedom, 25 alerts in total. One of the cases concerned online insults of a female journalist by certain right-wing Members of the Parliament and subsequent threats addressed to the journalist by the politicians' supporters. The Government notes that the police has initiated a criminal investigation of the matter.

¹⁷¹ 2024 Media Pluralism Monitor, country report for Finland, p. 13.

¹⁷² 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 18; Input from Finland for the 2024 Rule of Law Report, p. 22.

¹⁷³ SAC 2023:116 of 11 December 2023.

judgment's potential deterrent effects on the work of investigative journalists, with calls to amend the relevant legislation¹⁷⁴.

The framework for the protection of journalists has remained strong. The MPM 2024 regards Finland as a free and well protected environment for journalistic media, the legal framework being well-developed and in tune with international treaties¹⁷⁵. The previously planned amendments to criminal law concerning targeting, which refers to systemic harassment of a person in the form of mass actions on online platforms because of his or her work or social duties, have been abandoned¹⁷⁶. While the aim was to improve the effectiveness of prosecutions, the relevant public consultation indicated considerable challenges including difficulties in defining targeting and restrictions arising from the protection of freedom of expression¹⁷⁷. These concerns were echoed by media stakeholders and journalists, deeming that the identified problems could be better addressed through different measures¹⁷⁸. On the other hand, new legislation successfully entered into force in October 2023, aimed at making restraining orders more effective¹⁷⁹. Finally, the new Government programme envisages an action plan for victim policy aimed at securing the funding of support services for crime victims and improving the position of victims in criminal proceedings, helping also journalists¹⁸⁰.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Finland is a unicameral, parliamentary democracy, in which legislative proposals may emanate from the Government or Parliament (although in practice most laws are based on Government proposals). *Ex ante* constitutionality review is carried out by the Chancellor of Justice, who is attached to the Government, and the Constitutional Law Committee, a parliamentary committee¹⁸¹ that assesses the constitutionality of proposals submitted to Parliament¹⁸². Moreover, all courts can

¹⁷⁴ Information received from Finnish Media Federation, Union of Journalists and the Council of Mass Media in Finland in the context of the country visit to Finland; <https://www.mapmf.org/alert/31102>; Union of Journalists (2023) SCA's judgment is a threat to freedom of expression, Council of Mass Media in Finland (2023) Tax legislation should be reformed; 2024 Media Pluralism Monitor, country report for Finland, p. 12.

¹⁷⁵ 2024 Media Pluralism Monitor, country report for Finland, p. 11.

¹⁷⁶ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 18.

¹⁷⁷ Input from Finland for the 2024 Rule of Law Report, p. 21.

¹⁷⁸ Information received from Finnish Media Federation, Union of Journalists, and the Council of Mass Media in Finland in the context of the country visit to Finland.

¹⁷⁹ Ministry of Justice (2023) Enhancing the restraining order. This could potentially tackle in part online hate campaigns.

¹⁸⁰ Finnish Government (2023) A strong and committed Finland – Programme of Prime Minister Petteri Orpo's Government 20 June 2023 (2023:60), p. 217; Input from Finland for the 2024 Rule of Law Report, p. 21.

¹⁸¹ The committee is made up of members of Parliament and regularly hears independent experts on constitutional law.

¹⁸² The *ex ante* legal scrutiny of draft legislation for its compliance with the Constitution of Finland and the international human rights obligations is a standard part of the regulatory process. The Finnish regulatory oversight body, the Finnish Council of Regulatory Impact Assessment reviews the impact assessments of law proposals. The Chancellor of Justice reviews all the law proposals passed to the Government plenary before they are adopted. This duty is based on section 108 of the Constitution according to which the Chancellor shall oversee the lawfulness of the official acts of the Government. In the performance of his or her duties, the Chancellor of Justice monitors the implementation of basic rights and liberties and human rights. At the Parliament, the Constitutional Law Committee has a constitutional duty to issue statements on the constitutionality of legislative proposals and other matters brought into its consideration, as well as on their relation to international human rights treaties.

carry out *ex post* constitutionality review in concrete cases¹⁸³. The Chancellor of Justice, the Human Rights Centre, the Human Rights Delegation and the Parliamentary Ombudsman (the latter three constituting the national human rights institution) play an important role in the system of checks and balances, while the Non-Discrimination Ombudsman and the Equality Ombudsman function as the equality body.

Stakeholders reported a change in the practice of public consultations, resulting in shortened periods. The rules on stakeholder consultations in the law-making process are laid down in the Government's internal guidance¹⁸⁴. The guidance stipulates that there should be a consultation period of between six to eight weeks for stakeholders to provide their comments on legislative proposals, and limiting such periods must be duly reasoned and justified¹⁸⁵. However, stakeholders have reported a recent trend of much shorter consultation periods (for example five days), which has not enabled them to respond in depth¹⁸⁶, especially when it comes to significant reforms¹⁸⁷. Different approaches were also noted across ministries¹⁸⁸. The Chancellor of Justice has stated that four of the proposals made by the Ministry of the Interior since 2024 have provided for short consultation periods¹⁸⁹ without a justified reason¹⁹⁰. As reported in the 2023 Report, the guidelines on impact assessment in law drafting and guide on fundamental and human rights impact assessment are in place since 2022¹⁹¹. Also, Government's common principles for the monitoring and ex-post evaluation of legislation were adopted in May 2023 and a project was initiated to update governmental guidelines on stakeholder engagement in law drafting, with a view to be adopted in fall 2024¹⁹². Despite the rules in place, stakeholders have pointed to the lack of

¹⁸³ According to Section 106 of the Constitution if in a case before a court, the application of an act would be in evident conflict with the Constitution, the court of law shall give primacy to the Constitution.

¹⁸⁴ Information provided in the context of the country visit to Finland by the Finnish Bar Association, Human Rights Centre. While the guidance does not constitute a legally binding instrument, it has been, according to the Parliamentary Ombudsman, traditionally respected. Information provided in the context of the country visit to Finland by the Parliamentary Ombudsman.

¹⁸⁵ ENNHRI input p. 10. Additional written contribution from the Finnish Bar Association. Information provided in the context of the country visit to Finland from the Human Rights Centre.

¹⁸⁶ Information provided in the context of the country visit to Finland by the Finnish Bar Association, Human Rights Centre, Demla, Amnesty International Finland and the Parliamentary Ombudsman. These stakeholders have reported that the notable change has occurred after the new Government took up the office.

¹⁸⁷ These relate for example to draft laws on the border control, asylum processes, and the revision of the social security system. The reform to the social security system was criticized by Human Rights Centre, see Human Rights Centre (2023), Opinion of the Human Rights Centre on the report of the Parliamentary Committee on Social Affairs and Health in case HE 75/2023 vp (*Ihmisoikeuskeskuksen lausunto eduskunnan sosiaali- ja terveystoimikunnalle asiassa HE 75/2023 vp.*). Information provided in the context of the country visit to Finland by the Human Rights Centre, Parliamentary Ombudsman and the Finnish Bar Association.

¹⁸⁸ Information provided in the context of the country visit to Finland by the Advisory Board for Civil Society Policy. During the present Government term, 203 consultations on draft laws have been organised at Lausuntopalvelu.fi, which constitutes circa 60% of the bills issued. According to the data from the platform Lausuntopalvelu.fi, the average consultation time in the dates between 12 June 2023 to 2 July 2024 was 35 days, the median consultation time was 39 days, and the consultation time range was 3-87 days.

¹⁸⁹ The consultation periods varied from two weeks to four weeks and five days. The Chancellor of Justice concluded that the reasons provided by the authorities for the deviation from the standard practice could not be accepted.

¹⁹⁰ Decision of the Chancellor of Justice OKV/608/20/2024. Additional written input of the Finnish Bar Association.

¹⁹¹ 2023 Rule of Law Report Country Chapter on the rule of law situation in Finland, p. 19.

¹⁹² Input from Finland for the 2024 Rule of Law Report, p. 23. Additional written input from Finland for the 2024 Rule of Law Report. Information provided in the context of the country visit to Finland by Parliamentary Ombudsman.

meaningful human rights impact assessments in practice¹⁹³. The Constitutional Law Committee of the Parliament has issued statements drawing attention to the shortened periods for the consultation of the public, as well as the insufficient human rights assessments on several proposals¹⁹⁴.

On 1 January 2024, Finland had two leading judgments of the European Court of Human Rights pending implementation, a significant decrease of seven compared to the previous year¹⁹⁵. At that time, Finland's rate of leading judgments from the past 10 years that remained pending was at 25% (compared to 50% in 2023) and the average time that the judgments had been pending implementation was 10 years and 2 months (compared to 12 years and 11 months in 2023)¹⁹⁶. The improvement in data is influenced by the closure of 7 cases in 2023 that had been pending implementation between 9 and 18 years. As regards the respect of payment deadlines, on 31 December 2023 there were no cases awaiting confirmation of payments (the same as in 2022)¹⁹⁷. On 1 July 2024, the number of leading judgments pending implementation had decreased to one¹⁹⁸.

The National Human Rights institutions propose legislative amendments to strengthen their position. The budgetary situation of the National Human Rights institutions, which consist of the Parliamentary Ombudsman, the Human Rights Centre (HRC) and the Human Rights Delegation¹⁹⁹, which are accredited with A-Status²⁰⁰, was reported as satisfactory²⁰¹ and the budget of both the Parliamentary Ombudsman and the HRC has increased in 2024²⁰². The cooperation within the National Human Rights institutions, but also between them and the Chancellor of

¹⁹³ Contribution from ENNHRI for the 2024 Rule of Law Report, p. 10. Information provided in the context of the country visit to Finland by the Human Rights Centre, Demla and Amnesty International Finland.

¹⁹⁴ Statements of the Parliamentary Constitutional Law Committee Nos. 11/2023, 14/2023, 15/2023, 16/2023. Information received from the Constitutional Law Committee of the Parliament in the context of the country visit to Finland. To be noted that in Finland, only 7% of the surveyed companies perceive the frequent changes in legislation or concerns about quality of law-making process as a reason for the lack of confidence in investment protection. Figure 56, 2024 EU Justice Scoreboard.

¹⁹⁵ The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

¹⁹⁶ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See the Contribution from the European Implementation Network for the 2024 Rule of Law Report, p. 3.

¹⁹⁷ Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17th Annual Report of the Committee of Ministers – 2023, p. 137.

¹⁹⁸ Data according to the online database of the Council of Europe (HUDOC).

¹⁹⁹ Contribution from ENNHRI for the 2024 Rule of Law Report, p. 6.

²⁰⁰ Accreditation by the UN Global Alliance of National Human Rights Institutions (GANHRI).

²⁰¹ Information received from the Chancellor of Justice and the Human Rights Centre in the context of the country visit to Finland. It was, however, also reported that other human rights institutions, namely the Ombudsperson for children, are operating with limited resources, which was also referred to by the UN Committee on the Rights of the Child. Information received from the Parliamentary Ombudsman in the context of the country visit to Finland.

²⁰² However, budget cuts are expected for 2025-2027. Contribution from ENHRI for the 2024 Rule of Law Report, p. 7. Information received from the Parliamentary Ombudsman, Chancellor of Justice in the context of the country visit to Finland.

Justice, as well as with other human rights institutions, is reported to work well²⁰³. To further strengthen the position of the National Human Rights institutions and to address recommendations of the UN GANHRI Sub-Committee on Accreditation, in March 2023 the Parliamentary Ombudsman and the HRC proposed some changes in legislation²⁰⁴. The amendments would clearly stipulate that the structure of the three institutions constitute one NHRI²⁰⁵, and would introduce the right of the HRC to submit its report directly to Parliament, which can be currently done only by the Parliamentary Ombudsman²⁰⁶.

The framework for civil society remains open, but stakeholders and civil society organisations have reported on a hardening debate in relation to their role. The civil society space continues to be rated as ‘open’²⁰⁷. As noted in the 2023 Report, a new model of funding of civil society organisations (CSOs), is in place since January 2024. This model introduced funding of CSO activities from the government income, instead of from gambling proceeds²⁰⁸. An evaluation of the impact of the new system is yet to come. However, the Advisory Board for Civil Society Policy already noted that the new redistribution of funding from the Government, together with the Government’s plans to restrict funding for civil society in the coming years, might create a difficult situation for the CSOs²⁰⁹. The Government plans to reduce excess regulation in response to calls for a reduction of administrative burden that CSOs reportedly face²¹⁰, and to explore opportunities to enhance fundraising activities for CSOs²¹¹. The Government has adopted a Civil Society Organisations Strategy (2024-2027) in June 2024. With the help of the strategy, the Government will promote independent fund-raising activities by CSOs, develop government grant activities concerning CSOs and dismantle bureaucracy that burdens them. A cross-administrative working group will coordinate the implementation of the strategy in the Government, and a separate monitoring group will ensure the quality of its implementation²¹². Human rights actors, as well as CSOs, have raised concerns about the recent polarisation of the public debate, and the rise in hate speech and smear campaigns targeting them, especially those actively engaged in societal debates as part of their duties²¹³. Stakeholders reported that LGBTI CSOs and

²⁰³ Information received from the Chancellor of Justice, Parliamentary Ombudsman, HRC in the context of the country visit to Finland.

²⁰⁴ Amendments to the Parliamentary Ombudsman Act.

²⁰⁵ NHRI in Finland comprises of the HRC, Human Rights Delegation and the Parliamentary Ombudsman. Currently, the structure of NHRI is not clearly stipulated.

²⁰⁶ Contribution from ENHRI for the 2024 Rule of Law Report, pp. 5, 6. Information received from the Human Rights Centre and Parliamentary Ombudsman in the context of country visit to Finland.

²⁰⁷ Rating given by Civicus, Finland. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

²⁰⁸ 2023 Rule of Law Report, Country Chapter on the Rule of Law Situation in Finland, p. 21.

²⁰⁹ Information received from the Advisory Board for Civil Society Policy in the context of the country visit to Finland.

²¹⁰ Information received from the Advisory Board for Civil Society Policy in the context of the country visit to Finland.

²¹¹ Input from Finland for the 2024 Rule of Law Report, p. 27.

²¹² Ministry of Justice (2024) Press release of 6 June 2024 ‘The Civil Society Organisations Strategy outlines the development of the operating conditions of non-governmental organisations’ (*‘Kansalaisjärjestöstrategia linjaa kansalaisjärjestöjen toimintaedellytysten kehittämistä’*).

²¹³ Contribution from ENNHRI for the 2024 Rule of Law Report, pp. 7, 19-20. A case of political criticism aimed at the deputy Chancellor of Justice, who issued an opinion on the Governments proposal related to the closure of the Eastern border, sparked a strong reaction from human rights institutions, CSOs, and also from the Supreme Administrative Court. Information received from the Parliamentary Ombudsman, Chancellor of Justice, Demla, Amnesty International Finland in the context of the country visit to Finland. Increased occurrence of hate speech

communities are especially targeted by hate speech and harassment²¹⁴. They also noted a recent increase in criticism towards the judiciary and its powers, but no serious interference in the independence or decision making of judges was reported²¹⁵.

and smear campaigns towards civil society and human rights actors, as well as journalists, was reported also by the Human Rights Centre in the context of the country visit to Finland.

²¹⁴ FRA Report 2024 country chapter for Finland, p. 20 et seq. See also a joint statement of human rights organisation LGBTI Rights in Finland – Seta on increased harassment and hate crimes: LGBTI Rights in Finland – Seta (2023), Joint statement – attacks and hate speech against gender and sexual minorities must be stopped (*Yhteislausunto: Hyökkäykset ja vihapuhe sateenkaari-ihmisiä kohtaan saatava loppumaan!*).

²¹⁵ Information received from the Chancellor of Justice, Supreme Administrative Court in the context of the country visit to Finland.

Annex I: List of sources in alphabetical order*

* The list of contributions received in the context of the consultation for the 2024 Rule of Law report can be found at https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation_en.

Advisory Board for the Finnish Transparency Register (2024), Good lobbying practice, <https://avoimuusrekisteri.fi/en/perustietoa/hyva-edunvalvontatapan>.

Centre for Media Pluralism and Media Freedom, *Monitoring Media Pluralism in the Digital Era in the year 2023 (2024) Country report: Finland*.

Council for Mass Media (2024), Annual Report for 2023 (*Julkisen Sanan Neuvoston Toimintakertomus 2023*), https://jsn.fi/wp-content/uploads/2024/03/JSN_toimintakertomus-2023.pdf.

Council for Mass Media (2024), The journalist instructions have been updated (*Journalistin ohjeet on uudistettu*), <https://jsn.fi/journalistin-ohjeet-on-uudistettu/>.

Council for Mass Media (2024), The journalist guidelines' application guide was published (*Journalistin ohjeiden soveltamisopas julkistettiin*), <https://jsn.fi/journalistin-ohjeiden-soveltamisopas-julkistettiin/>.

Council of Europe, *Platform to promote the protection of journalism and safety of journalists*.

Council of Mass Media in Finland (2023), Tax legislation should be reformed (*JSN: Verolainsäädäntöä on syytä muuttaa*), <https://jsn.fi/jsn-verolainsaadantaa-on-syyta-muuttaa/>.

European Centre for Press and Media Freedom, *Mapping Media Freedom*, <https://www.mfrr.eu/monitor/>.

European Commission (2023), *2023 Rule of Law Report, Country Chapter on the rule of law situation in Finland*.

European Commission (2022), *2022 EU Justice Scoreboard*.

European Commission (2024), *2024 EU Justice Scoreboard*.

European Parliament (2023), *Flash Eurobarometer: News & Media Survey 2023*.

Finnish Government (2022), *Report on the Administration of Justice*, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164448/VN_2022_67.pdf?sequence=1&isAllowed=y.

Finnish Government (2023), *A strong and committed Finland – Programme of Prime Minister Petteri Orpo's Government 20 June 2023 (2023:60)*, <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/165044/Programme-of-Prime-Minister-Petteri-Orpos-Government-20062023.pdf?sequence=4>.

Finnish Government (2023), *Parliamentary Working Group on the Public Service Mission and Financing of Broadcasting (Yleisradion julkisen palvelun tehtävää ja rahoitusta arvioiva parlamentaarinen työryhmä)*, <https://valtioneuvosto.fi/hanke?tunnus=LVM038:00/2023>.

Finnish Government (2023), *Working Plan of the Working Group 'Rule of Law Guarantees and Development of the Judicial System' (Työsuunnitelma, Oikeuslaitostyöryhmä vuosille 2023-2027)*, https://api.hankeikkuna.fi/asiakirjat/52fe87c3-0732-48ef-b3a9-38db769912e0/0f32fd02-cbc0-4115-9e8d-f1abddfa7fb3/SUUNNITELMA_20231018131934.PDF.

Finnish Government (2023), *Government Programme*, <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/165044/Programme-of-Prime-Minister-Petteri-Orpos-Government-20062023.pdf?sequence=4>.

Finnish Government (2024), Media concentration and diversity of media content in Finland (*Median keskittyminen ja mediasisältöjen moninaisuus Suomessa*) prepared by Lehtisaari, K, Grönlund M, Hellman, H, Ranti, T, Suikkanen, R, (2024:6), https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/165517/VNTEAS_2024_6.pdf?sequence=1&isAllowed=y.

Finnish Government (2024) *Revised decision on the subgroup on the independence of the judiciary from February 2024*.

Finnish Government (2024), *Need to develop the bribery criminal code*; <https://julkaisut.valtioneuvosto.fi/handle/10024/165674>.

Government Office (2022), *Corruption in international business, Current state of regulation, application practice and training and needs for change*.

GRECO (2018), *Fifth Evaluation Round – Evaluation Report on Finland on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*.

GRECO (2020), *Fifth Evaluation Round – Compliance Report on Finland on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*.

GRECO (2022), *Fifth Evaluation Round – Second Compliance Report on Finland on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*.

GRECO (2023), *Fifth Evaluation Round – Second Compliance Report on Finland on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*.

Helsingin Sanomat (2024), Halla-Aho accuses Yle to be leaning ‘very strongly’ to the left and calls for funding to be cut (*Halla-aho syyttää Ylen olevan ”erittäin voimakkaasti” kallellaan vasemmalle ja vaatii rahoituksen leikkaamista*), <https://www.hs.fi/politiikka/art-2000010108179.html>.

Helsingin Sanomat (2024), (*Korkeimman oikeuden presidentti harmittelee hallituksen hitautta: ”Palovakuutus syytä ottaa hyvällä säällä”*), <https://www.hs.fi/paivanlehti/25042024/art-2000010381663.html>.

Human Rights Centre (2023), Opinion of the Centre for Human Rights on the report of the Parliamentary Committee on Social Affairs and Health in case HE 75/2023 vp. (*Ihmisoikeuskeskuksen lausunto eduskunnan sosiaali- ja terveysvaliokunnalle asiassa HE 75/2023 vp.*), <https://www.eduskunta.fi/FI/vaski/JulkaisuMetatieto/Documents/EDK-2023-AK-39035.pdf>.

LGBTI Rights in Finland – Seta (2023), Joint statement – attacks and hate speech against gender and sexual minorities must be stopped (*Yhteislausunto: Hyökkäykset ja vihapuhe sateenkaari-ihmisiä kohtaan saatava loppumaan!*), <https://seta.fi/2023/06/26/yhteislausunto-hyokkaykset-ja-vihapuhe-sateenkaari-ihmisia-kohtaan-saatava-loppumaan/>.

Ministry of Education and Culture (2023), Education Governance 2023 Reform Project, Steering Group (*Sivistyshallinto 2030 -uudistushanke, ohjausryhmä*) (OKM034:00/2023), <https://okm.fi/en/project?tunnus=OKM034:00/2023>.

Ministry of Education and Culture (2023), Progress on the reform of the educational administration – Five agencies would carry out tasks in the administrative area of the OKM at the beginning of 2026 (*Sivistyshallinnon uudistus etenee – OKM:n hallinnonalalla tehtäviä hoitaisi vuoden 2026 alusta viisi virastoa*), <https://okm.fi/-/sivistyshallinnon-uudistus-etenee-okm-n-hallinnonalalla-tehtavia-hoitaisi-vouden-2026-alusta-viisi-virastoa>.

Ministry of Justice (2023), Enhancing the restraining order (*Lähestymiskiellon tehostaminen*), <https://oikeusministerio.fi/hanke?tunnus=OM015:00/2020>.

Traficom (2024), Information on state aid for the distribution of newspapers (*Tietoa sanomalehtijakelun valtionavustuksesta*), <https://traficom.fi/fi/viestinta/posti/tietoa-sanomalehtijakelun-valtionavustuksesta>.

Transparency Register Act (430/2023), [430/2023 - Directory of legislative amendments - FINLEX ®](#).

Union of Journalists (2023), Access to information for journalists difficult: politicians and officers avoid interviews (*Journalistien tiedonsaanti vaikeutunut: poliitikot ja viranhaltijat välttelevät haastatteluja*), <https://journalistiliitto.fi/fi/journalistien-tiedonsaanti-vaikeutunut-poliitikot-ja-viranhaltijat-valttelevat-haastatteluja/>.

Union of Journalists (2023), SCA's judgment is a threat to freedom of expression (*Journalistiliitto: KHO:n päätös on uhka sananvapaudelle*), <https://journalistiliitto.fi/fi/journalistiliitto-khon-paatos-on-uhka-sananvapaudelle/>.

Annex II: Country visit to Finland

The Commission services held virtual meetings in March 2024 with:

- Advisory Board for Civil Society Policy
- Amnesty International Finland
- Anti-corruption Cooperation Network
- Chancellor of Justice
- Council for Mass Media in Finland
- Demla
- Financial Intelligence Unit
- Finnish Association of Judges
- Finnish Bar Association
- Finnish Media Association
- Human Rights Centre
- Ministry of Finance
- Ministry of the Interior
- Ministry of Justice
- Ministry of Transport and Communications
- National Audiovisual Institute
- National Bureau of Investigation
- National Courts Administration
- National Police Board
- National Prosecution Authority
- Parliamentary Constitutional Law Committee
- Parliamentary Ombudsman
- Supreme Administrative Court
- Supreme Court
- Traficom
- Transparency International Finland
- Union of Finnish Journalists
- Yleisradio Oy

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe

- Democracy Reporting International
- European Centre for Non-Profit Law
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation
- International Press Institute
- Irish Council for Civil Liberties
- JEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU