

European Rule of Law Mechanism: input from Member States

2022 Rule of Law Report; Finland

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I. Justice System

A. Independence

1. Appointment and selection of judges¹, prosecutors and court presidents (incl. judicial review)

Judges: No significant developments.

Nominations in the Supreme Court and the Supreme Administrative Court from 8 March 2021 to 31 December 2021:

- One judge (a justice of the Supreme Court)
- Two judges (justices of the Supreme Administrative Court) of which one were appointed for a fixed term.

Prosecutors: The European public Prosecutor's Office (EPPO) started its operation in June 2021. Provisions on the national nomination process are laid down in the [Act on the European Public Prosecutors Office](#). The Government nominates Finland's candidates for the position of European Prosecutor on the proposal of the Ministry of Justice. The Office of the Prosecutor General shall be given an opportunity to give a statement on the applicants. The Government nominates Finland's candidates for the position of European Delegated Prosecutors on the proposal of the Office of the Prosecutor General.

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

No significant developments.

3. Promotion of judges and prosecutors (incl. judicial review)

No significant developments.

¹ The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

4. Allocation of cases in courts

No significant developments.

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

In 2021 [the Courts Act](#), Chapter 19a, Section 2, Subsection 2, item 5 came to force. It stipulates that: *"The National Courts Administration shall especially: ... 5) decide on matters related to the establishment, termination and transfer of positions and internal recruitment arrangements at the courts, and deal with matters related to the employment relationships of court personnel in so far as these matters do not fall within the competence of a court or some other authority; ... "*

In 2021 the Courts Act, Chapter 19a, Section 6, Subsection 2, item 6 came to force. It stipulates that: *"The board of directors: ... 6) decides, in accordance with the Act on Public Officials in Central Government, on the establishment, termination and transfer of other positions of judge than those of the highest courts; ... "*

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

No significant developments.

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

No significant developments. We refer to the information provided in the written contribution to the 2020 report. Information concerning salaries and paygrades of judges and prosecutors can be found on public websites. More information concerning prosecutors is available [here](#) (in Finnish). More information concerning judges is available [here](#) (in Finnish).

[The register of private interests and extra-judicial activities of judges](#) is a public register maintained by the Legal Register Centre, which contains information on the private interests of judges, expert

members of courts and lay judges of the district court, as well as on the permits granted to judges and referendaries for outside employment and income from outside employment.

8. Independence/autonomy of the prosecution service

No significant developments.

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

No addition to written contribution of 2021.

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

Based on the EU Commission's 2021 Rule of Law Report, the Ministry of Justice organized in November 2021 a seminar to discuss the state of Rule of Law in Finland, and its challenges. The seminar was streamed and open for public. A wide range of representatives, inter alia from the judiciary and the academia, participated as speakers and participants. Opening words by Minister of Justice can be read from [here](#) (in Finnish). See [press release](#) (in Finnish).

The work to improve the public statistics related to the courts (such as the times cases are pending in each court) is in the pipeline of the NCA for 2022. Also, these statistics will be published proactively, on the website of the NCA.

B. Quality of justice²

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

Judges: No significant developments.

Note! Although not listed in the examples, perhaps it is worth saying here that the Finnish courts stayed open throughout the pandemic.

² Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

As an addition to Finland's written contribution in 2021 concerning [legal aid](#):

A research project was initiated in June 2020 to examine the access to legal aid. The final report of the study was published in October 2021. The main result of the [study](#) (in Finnish) was that not all people with low incomes receive legal aid free of charge at the current income limits. In addition, according to the interviews related to the report, there were also some problems concerning people with middle income. Any changes to the conditions for granting legal aid that may be proposed as a result of the study are currently under consideration.

In March 2020, the Ministry of Justice launched a project to examine and assess the possibilities to establish one National Legal Aid and Guardianship Authority. [The draft Act](#) (in Finnish) is now in the public consultation round which will end in February 2022.

The Ministry of Justice has appointed a working group to prepare a proposal for reforming the legislation on legal costs in civil cases. The aim is to improve access to justice by reducing the risk of legal costs in civil cases. The term of the working group will continue until the end of April 2022. More information can be found [here](#) (in Finnish).

In addition, the Ministry of Justice will examine whether it would be possible to create a lighter court procedure for smaller civil cases. An assessment memorandum will be drawn up. More information can be found [here](#) (in Finnish).

The preparation of an on-call legal aid service launched in 2019 is on hold while authorities inquire into the options of funding.

12. Resources of the judiciary (human/financial/material³)

Courts

During 2021, the total number of court staff (judges, referendaries, clerical workers, summoners) has decreased a bit, from 3275 to 3265. However, the courts have received additional funding (EUR 14 million) to clear the Covid 19 backlog. According to the National Court Administration (NCA), this has been used to, for example, process criminal cases the number of which has risen. However, there are still considerably more cases pending than before the Covid-pandemic. The ICT expenditure has increased considerably from 2018 to 2021, even when excluding the case management system projects and other nonrecurring expenses.

³ Material resources refer e.g. to court buildings and other facilities.

In 2021 NCA conducted the budget negotiations with the courts for the second time, and decided on how the resources are divided between the courts. This means that the Ministry of Justice no longer negotiates with the individual courts but with the NCA and on the total budget of the judiciary (including the NCA, the courts, the Judicial Appointment Board and the Judicial Training Board.) This increases the independence of the courts from the executive.

Prosecutors

Partly because of the corona-pandemic the backlog of the Prosecution Authority has increased. In 2020 there were 12 000 open criminal cases but in 2021 already 17 000 open cases. Prosecution Authority reports the criminal cases which have been under consideration of charges over 6 months and over one year. Number of cases have increased significantly (over 6 months: year 2020 3500 cases and year 2021 already 6000 cases; over 12 months: year 2020 600 cases and year 2021 already 1200 cases).

Also the Prosecution Authority has received additional funding for the years 2021 and 2022 to clear the Covid 19 backlog and new prosecutors have been recruited. The number of personnel in the Prosecution Authority in 2021 was 565. The estimated personnel for 2022 is a bit higher 580 because of the additional funding.

A comprehensive report of state of operational conditions of judiciary is currently being drafted (see section other/please specify). The National Court Administration and the Prosecution Authority have expressed their concerns of the insufficiency of the resources.

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

Judges and court staff. Since 1 January 2020 the National Courts Administration, jointly with the Judicial Training Board, is responsible for organizing training to judges and other court staff. Several stakeholders, including court staff, the prosecution service, and universities participate in the planning of the training.

The training strategy was formed in 2020. Training activities aim to provide opportunities to develop skills and competences, and to disseminate information. They also aim to strengthen the legal competence and legal knowledge of the participants, and via them the courts. The training is responding to needs of all the staff groups in the courts. It is intended to be relevant and useable in the work.

The most important tools of training are:

- Impact assessment
- Teaching methods and training of trainers
- Personal competence development plan and
- Networks and culture of learning.

In 2021, the National Courts Administration (NCA) organises approximately 200 training events, and the total number of participants is estimated at 7000. The trainings were organised mainly as remote training, webinars and online learning platforms due to Covid-situation. NCA was able to move most of the planned trainings online, so there were not many cancellations.

The National Courts Administration also cooperates with international and national providers and networks. The main international training cooperation partners are the European Judicial Training Network (EJTN), the Nordic Judicial Training Network (SEND) and the European Academy of Law Trier (ERA) but also Human Rights Education for Legal Professionals (HELP), the European Institute for Public Administration (EIPA). About 60 judges and other court staff participate to international trainings and seminars. Due to Covid-pandemic only 13 judges participated to exchange program and Finland received 12 Judges and 6 AIAKOS judges.

More can be read from [here](#) (in English).

In December 2019, the Ministry of Justice appointed a rapporteur to assess the effectiveness and impacts of the reform concerning the training of judges and the effects of the National Courts Administration on the training of judges. The summary and analysis of a stakeholder consultation can be found [here](#) (in Finnish).

Legal aid and lawyers. No addition to written contribution of 2021. The Ministry of Justice organizes extensive and comprehensive training for the personnel of state legal aid offices. The personnel can also participate educational courses that are organized by other instances. [The Finnish Bar Association](#) provides the advocates with substantial amount of training.

Prosecutors. The Office of the Prosecutor General is responsible for all judicial and other training for prosecutors and personnel of the Prosecution Authority. The purpose of the training program is to maintain and develop professional skills and competences, promote best practices, find better working methods and processes and improve the quality of the work and well-being at work.

The Prosecution districts gather the training needs from their districts and in the Office of the Prosecutor general State Prosecutors will analyse these needs and plan the one-year training programme together with the Training team.

Individual courses are planned and designed by different planning groups, which are composed by State Prosecutors and Specialized Prosecutors and training experts. Planning groups define and decide more precisely the target of the course: its topics, methods and content.

Annually the Training team offers around 60 course days for basic and advanced training and around 70 short-term training (1-3 hours) which translates into about 1.800 participant days.

The main international training cooperation partner is the European Judicial Training Network (EJTN).

14. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic⁴)

Courts

The work on digitalization of the courts continues in all fronts; legislative, technical and practical. As to remote hearing of witnesses, Finnish legislation has for a long time allowed this. Nowadays also remote participation for parties is possible in most cases.

The NCA representing the Finnish Courts strives for not just basic electronic interaction with the users (such as emails, electronic case management system). Instead NCA strives towards a genuinely digital judiciary where the processes within the judiciary are digital and where customers can interact with the courts via e-services interoperable with the case management systems).

The NCA was granted EU-funding (TSI) for a project “Drafting an ICT governance strategy to enable National Courts Administration to further sustainably develop digitalization of the judiciary in Finland”. However, the project is yet to start due to difficulties in procurement.

The project for acquiring and installing more video conferencing equipment to the courts was progressing in 2021. Now most of the court rooms are equipped for remote hearings with videoconferencing system for court to another authority conference (device to device). In addition, the courts can use Skype-for-business for connections other connections. The search for a new data

⁴ Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalisation of justice in the European Union, COM(2020) 710 final and Figures 39 to 47 of the 2021 EU Justice Scoreboard, does not need to be repeated.

secure remote trial tool to replace Skype for Business is continuing but not expected to be ready for use before 2023.

Suomi.fi Messages is a secure way to communicate with public administration. More can be read from [here](#) (in English). However, there are certain limitations in using the service with the courts. It allows for individuals to contact courts in such way that the courts can identify the sender. However, this messaging system is not integrated with the case management systems HAIPA (administrative and special courts) or AIPA (general courts). Instead, the messages arrive to the court registry. Further, the courts are only allowed to send messages via this channel if the recipient has allowed this. Further, this service cannot be used to send documents that must be served verifiably. So, in practice this channel is not used much. Instead, ordinary email is used often when verifiable service is not required, or e-services in cases they are already offered.

HAIPA, the case management system for administrative and special courts, had the citizens' e-service already 2020. In 2021 Board for appeal on social security [sosiaaliturvan muutoksenhakulautakunta], Tax Administration and the Social Insurance Institution of Finland [Kansaneläkelaitos, KELA] were connected to the system. (Finnish Immigration Service was connected already in 2020.) Also, the part-time experts employed by the administrative courts have received their own e-service.

Development project AIPA, the digitalization project and case management system for general courts and prosecutor's offices, continues. Deployment of the system is carried out in stages. By end of 2021 is it already used in summary fines in prosecutor's offices (since beginning of 2017), secret coercive measures in district courts (since spring 2018), petitionary cases (excl. insolvency cases) in all district courts (autumn 2020), and now also large civil cases and precautionary measures (spring 2021). Also, prosecutors, courts of appeal and the Supreme Court have been using the system for handling of documents (but not managing the cases), since spring 2020 in some cases. The first version of the system will be ready in 2022 when the project finishes. The development will continue even after 2022. Summary (undisputed) debt collection cases and insolvency cases, for example, will be included in the system later.

The planning of citizens' e-services compatible with the AIPA system has begun in 2021. The aim is to quickly produce a basic version utilizing the already existing solutions, to allow citizens to interact with the general courts digitally. The development work to improve the service is foreseen to continue even after the initial release.

The NCA's joint research project with HEUNI, University of Turku and University of Tampere on the different aspects of remote participation in criminal cases is ongoing. The results of the questionnaire were/will be presented in a webinar in 1) September 2021, Current issues on the

experiences on remote sessions (University of Turku and HEUNI), 2) November 2021, Technical aspects (postponed), 3) January 2022, interaction in remote sessions (University of Tampere).

Use of video recordings in taking of evidence

Parliament has approved a reform regarding the use of video recordings in taking of evidence in December 2021. In future, examinations in the district court will be recorded on video. If the case goes to appeal, the general rule will be that the video recording from the district court proceedings will be used in the court of appeal and the Supreme Court instead of hearing the witness again in person.

The reform will strengthen the legal protection. This is because replaying an examination from the district court proceedings usually gives a more accurate impression of the witness's observations since a new examination in the court of appeal or the Supreme Court may take place long after the events in question. Another advantage is that crime victims and witnesses often will not need to attend court more than once to give their account of the matter.

The reform is part of the Government Programme and is included as a measure for an objective to strengthen the rule of law and well-functioning judicial proceedings and legal protection.

The reform will come into force once a data system for video recordings has been developed. The Government expects this to happen in the beginning of 2023. The NCA has begun the preparations for its implementation. The Government proposal is available [here](#) and Parliament's Legal Affairs Committee's report [here](#) (both in Finnish and Swedish).

Prosecutors

The work on digitalization of the Prosecution Authority has continued. During the corona pandemic prosecutors have worked mainly remotely according to the instructions of the Prosecutor general. More video conferencing equipment have been acquired and installed to different prosecution districts and offices in order to e.g. be able to attend court hearings remotely. Prosecution Authority also participates the development of project AIPA.

Other projects

The Ministry of Justice and the Legal Register Centre have participated in the implementation of the e-EDES (E-Evidence Digital Exchange System) portal, which enables secure cross-border digital exchanges between the Member States' judicial authorities. The portal will be opened in early 2022.

The Ministry of Justice has continued a project, which implements two language technology-based artificial intelligence tools for automatic anonymization and content description of court decisions

and other official decisions issued by authorities ('Anoppi' project). With the assistance of the new applications, the electronic availability of documents can be improved, for example for the purposes of decision-making and research. This has potential to increase the publication of judgements. Furthermore, the automated annotation tool can be used in the case management systems of courts and legal aid offices. More information can be found [here](#) and [here](#). In addition, the FINLEX legal databases are being reformed, with the aim to publish judgments of all courts in linked open data format. Judgements of the Supreme Courts are already available in machine-readable format as open data in the service data.finlex.fi.

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

Courts

Towards the end of year 2021 the administrative and special courts are moving from the temporary solution built by the National Courts Administration (NCA) to Microsoft Power BI for reporting purposes. The transfer was delayed significantly due to the system provider.

The District Courts will move to the Microsoft Power BI for reporting purposes during 2022. The transfer will be done in stages – when new case types are beginning to be managed in the new AIPA case management system. In the meantime, the temporary solution is used for cases registered in AIPA.

Because the courts currently use both the old and the new case management systems, the reporting is currently done using both old reporting tool (SAP BusinessObjects) and the new reporting tool (Microsoft Power BI). Until the development of the Ministry of Justice's reporting tool covering the whole administrative branch [OM hallinnonalan tietoaalusta -hanke] has reached the stage when all the data can be reported with the new reporting tool (Microsoft Power BI), NCA maintains the temporary reporting combining data from the old reporting tool (SAP BusinessObjects) and the new reporting tool (Microsoft Power BI).

Finland is participating to the project of ENCJ which is working on an EU-wide court user survey.

Legal aid

The state legal aid offices have a case management system for legal aid cases (called Romeo) where legal aid is processed. Everything from drafting a legal aid decision, handling a legal aid case until closing a case, happens in Romeo. All the statistics of the state legal aid offices are received from this

system. There is information available online to the general public on legal aid e-services in both of the national languages (Finnish and Swedish) and also in [English](#).

16. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases

No significant developments came to force.

The Ministry of Justice has appointed a rapporteur and a steering group to assess the effects of the structural reform of district courts that entered into force on 1 January 2019 and the centralisation of summary civil cases that entered into force on 1 September 2019. The report should be finalised by 30 September 2022. More information can be found [here](#) (in Finnish).

Preparations are under way for the establishment of the Unified Patent Court.

C. Efficiency of the justice system

17. Length of proceedings

Courts

To increase efficiency, in the past years some of the Finnish District Courts have established so called “fast action departments” [nopean toiminnan osasto] also known as “noto-departments” where small criminal cases are dealt with quickly and efficiently. Part of the efficient handling is using electronic working methods. The latest to establish such a department, in 2021, was the Helsinki District Court which is the biggest court in Finland.

Already before the corona-pandemic the legislation allowed for participation to a trial and hearing of witnesses remotely and the courts had equipment for remote access. Using the remote connections made it possible to continue with some of the trials also during the covid-pandemic. However, some trials were also cancelled which is not reflected in the increasing length of the proceedings.

Prosecutors

Prosecution Authority has also established a fast action procedure in 2019. Fast action procedure is in use in every prosecution district in order to increase efficiency. Certain designated prosecutors

deal e.g. small and simple criminal cases and restriction of a criminal investigation in co-operation with police and other pre-trial investigation authority.

Also prosecutors have a possibility to attend a trial remotely if a court deems it appropriate and it has been used more during corona pandemic.

According to the current Government Programme, in order to implement criminal liability and speed up the processing times of offences, the resources of the police, prosecutors and courts will be increased so that the length of proceedings of the entire legal process will be shortened. Criminal proceedings will be speeded up by ensuring better cooperation between prosecutors and the police. A working group of the Ministry of Justice is tasked to assess ways to improve the efficiency of the criminal procedure and speed up the processing of criminal cases. The working group will prepare proposals for legislative amendments and also make other proposals for the development of the practices and procedures of the police, the prosecution service and the courts. More information can be found [here](#). The mandate of the working group expired in the end of 2021 and the proposals are to be published in the first months of 2022.

Other

The Ministry of Justice has set up a working group to assess the future development trends of the court system. The working group will also assess the role, organisation and tasks of the courts in the future. In addition, the working group is tasked to assess the regulation on the activities and independence of courts from the perspective of the up-to-datedness and adequacy of the regulation. The working group should also consider legal protection problems and how they should be solved. The working group is not expected to present concrete legislative proposals. The term of the working group runs until the end of June 2022. More information [here](#) (in Finnish).

The Ministry of Justice is also preparing, a report on the administration of justice, the aim of which is to provide decision-makers with comprehensive and up-to-date information on the state of the administration of justice in Finland. The aim of the report is to map the operational condition of the authorities, including prosecution, courts, legal aid, enforcement, criminal sanctions. In the report, the resources of the authorities responsible for the rule of law are viewed as a whole. The report will be submitted to Parliament in autumn 2022.

In January 2021 NCA established a project to look into the possibility of centralizing certain administrative tasks performed by the courts [Keskittämisselvityshanke]. Keeping in mind also the

independence of the courts, the project has identified some tasks that could possibly be transferred to the central administration. These tasks, and their possible transfer, will be looked into in more detail. The project will end in March 2022. The project has also discovered other ideas for development that the NCA will assess separately.

In 2020 the NCA started regular, weekly online meeting to the heads of courts. Although initially begun as a discussion forum related to corona-pandemic this was considered to be such a good forum of changing experiences that they have been continued in 2021, albeit only twice a month.

II. Anti-corruption framework

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

A. The institution frameworks capacity to fight against corruption (corruption and investigation /prosecution)

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

No significant developments since the last reporting period of 2021. The EPPO Council has appointed State Prosecutor Ritva Sahavirta to European delegated prosecutor 1.7.2021 and the nomination process is still going on concerning the other European delegated prosecutor. Finland has appointed Senior Specialised Prosecutor Tuomas Soosalu another EDP.

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

As stated in our previous contributions in 2020 and 2021, Finland does not have a separate anti-corruption agency, and instead several authorities and agencies contribute to anti-corruption work. The prevention of corruption in Finland is a part of wider general policies based on the rule of law and legality.

In Finland, suspected corruption related crimes are investigated and prosecuted in the same manner than other types of suspected crimes, so there are no special criminal processes for corruption related crimes and no specific safeguards in place.

As stated in our previous Rule of Law Report 2021, one of the principles of the Finnish criminal procedure is that the assessment of the charges should be completed separately and independently of the investigative stage. Accordingly, the police authorities fall under a different branch of administration than the National Prosecution Authority. For additional information please see our previous contributions for the Rule of Law Report 2020 and 2021 as well as the related documents (Greco fifth evaluation round report and UNCAC 2nd cycle self-assessment checklist for Finland).

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

As was noted in the previous Rule of Law Report, the first national anti-corruption strategy was adopted on 27 May 2021 accompanied by a detailed Action Plan for the period 2021-2023, in order to combat corruption at the national level in a more systematic and comprehensive way.

The implementation of this comprehensive Action Plan has started well. The latest assessment of the steering group (dated 18.11.2021) indicates that out of the total 77 scheduled measures, the implementation in 45 measures has begun. 14 out of the 45 are well advanced and three of the measures are completed. Please see the attached table for more detailed information regarding the implementation status of the each planned measure. (attachments 1,2)

The preparation and steering group will continue the monitoring of the implementation and reporting on the progress to the Ministerial Working Group on Strengthening the Rule of Law and on Internal Security.

B. Prevention

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

Please see our responses to questions 20 and 27.

Government proposal regarding the amendment to Section 44a of the State Civil Servants' Act (750/1994) was submitted to the Parliament in autumn 2021. The content of the proposal was supplemented compared to last year's report. The amendment to Section 44a also applies to certain posts in the Defence Forces. The related guidance will be updated when legal changes take effect. Link to the proposal:

https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_187+2021.aspx

Code of Conduct for civil servants and persons entrusted with top executive functions, which consolidates existing guidelines, has been published in May 2021. The Swedish language version of the Code was published in December 2021, and the English version will be released in early 2022. Link to the Code of Conduct: <https://julkaisut.valtioneuvosto.fi/handle/10024/163089>

Central government has a digital training platform called eOppiva. A course on civil service ethics has been published on the training platform on 27 March 2019. The course discusses the core administrative values and ethical principles. The course addresses the fundamentals of good governance and professional ethics through practical examples, and it is intended for all government civil servants and employees. The training has been started by 7,365 people, and 6,491 (88%) have completed the course (as at January 4, 2022).

The relevant information on ethics work in central government is also available on the Ministry of Finance website, including a template program for government agencies to hold an ethics day. Link to the website: <https://vm.fi/valtio-tyonantajana/arvot-ja-virkamiesetiikka>

In March 2021, Ministry of Finance set up a working group to prepare a technical whistleblowing channel service for irregularities in the central government. This relates to the implementation of the EU directive on the protection of persons who report breaches of Union Law. The working group issued its final report on 7 July 2021. The Ministry of Finance issued a mandate on 25 May 2021 to the State Treasury to obtain a technical whistleblowing channel solution for the use of government agencies following the proposal of the working group. The State Treasury organised tender competition for a technical whistleblowing channel solution. The introduction of the technical

channel has been prepared during 2021, and the vast majority of government agencies are expected to use the common channel when national law takes effect.

Link to the final report of the working group:

https://api.hankeikkuna.fi/asiakirjat/3476e3a2-b415-4704-b68a-1a451c15bf6b/8bc36a7a-cefa-4b92-b324-bd2a1290720a/JULKAISU_20210707132957.PDF

Link to the State Treasury website on the procurement of the technical whistleblowing channel solution:

<https://www.valtiokonttori.fi/palvelut/julkishallinnon-palvelut/valtion-konsernipalvelut/eu-vaarinkaytoksia-koskeva-ilmoituskanava-valtionhallinnon-virastoille/>

There is a legislative project under preparation on limiting 'revolving doors' as regards Ministers. The aim is to lay down procedures for preventing and avoiding conflicts of interest when a member of the Government moves to other position. The matter has been included in the Government's legislative programme and the Government's proposal is due to be submitted to the Parliament during 2022.

22. General transparency of public decision-making (e.g. public access to information, including possible obstacles related to the classification of information, transparency authorities where they exist, and framework rules on lobbying including the transparency of lobbying, asset disclosure rules, gifts and transparency of political party financing)

The Parliamentary Ombudsman and Chancellor of Justice oversee the application of the Act on Openness of Government activities as part of their general mandate. The supervision focuses to the typically but not exclusively to the adherence of officials to the procedural rules in the Act, while the courts decide on complaints concerning the application of the exceptions on access to documents in the Act.

A working group has been set up to assess the need to revise and modernize the Act on the Openness of Government Activities. The working group has started its work in 2021 and its mandate continues until 30 June 2023 (see more closely answer to question 40). The revision of the law is a key activity of the national anti-corruption strategy.

The Transparency register [report including draft legislation](#) for the register was published in December 2021. The legislative proposal is at the moment for public consultation at

lausuntopalvelu.fi. The Government proposal is scheduled to be handed to the Parliament in April 2022. The Act is intended to enter into force in 2023.

A parliamentary working group is currently examining the development of electoral, party and party funding legislation. The working group will issue its report on 8 February 2022.

The Government is also preparing a legislative proposal on rule-based automated decision-making in public authorities, to be given to the Parliament during 2022. The proposal is intended to include, inter alia, provisions on transparency and accountability. More information can be found [here](#).

Ministry of Finance has updated its guidance on hospitality, benefits and gifts received by civil servants. The updated Guide was published in May 2021. The issue was reported in 2021.

Link to the Guide: [Guidance on hospitality, benefits and gifts by civil servants](#)

Government proposal regarding the amendment to Section 8a of the State Civil Servants' Act (750/1994) has been submitted to the Parliament in autumn 2021. The issue was reported in 2021.

Link to the proposal:

https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_187+2021.aspx

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

The legislation that came into force on 1 July 2021 established wellbeing services counties in Finland. Counties are public law entities responsible for organising health, social and rescue services within its own area from 1 January 2023. The responsibility for organising these services is transferred from municipalities and local government regional authorities to 21 counties except the City of Helsinki. In addition, the joint county authority for the Hospital District of Helsinki and Uusimaa has separately provided responsibility for organising demanding specialised healthcare in its territory. The first county elections will be held on 23 January 2022. The term of office of county councils starts on 1 March 2022 and runs until 31 May 2025. Link to the legislation: [Law on the implementation of social, health and rescue reform and the entry into force of the relevant legislation](#)

In accordance with the Local Government Act (410/2015; <https://www.finlex.fi/fi/laki/ajantasa/2015/20150410>), the Wellbeing County Act (611/2021;

<https://www.finlex.fi/fi/laki/alkup/2021/20210611>) contains provisions on disqualification, communication, asset disclosure, external and internal control.

See also the Finland's answers to the written contribution of the 2020 report

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

The preparations for a legislation on whistleblower protection to implement the EU directive nationally are still ongoing at the Ministry of Justice. The public consultation for the legislative proposal was organized 2.7.2021-27.8.2021. According to the current assessment, the Government proposal for the Act on the protection of reporting persons will be submitted to Parliament at the end of the February or in the beginning of March 2022. The delay is influenced, among other things, by the scope of the EU regulation underlying the draft bill and the very extensive and versatile feedback received during the consultation round.

25. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other).

Please see our previous input to previous Rule of Law Reports 2020 and 2021 related to the high-risk sectors. Regarding to the relevant new measures, see our responses to questions 26 and 27. In addition, Finland has continued implementing National Strategy and Action Plan for Tackling the Grey Economy and Economic Crime for 2020-2023 and its corruption related priority project 1.3 (please see a more detailed description from the Finland's input for the Rule of Law Report 2021). Related to this project, the government introduced a new measure in spring 2021, which includes a drafting of the detailed Guidance for local governments to enhance good governance, prevent and detect corruption and unethical behavior in high-risk sectors. The guidance will be used in the trainings targeted to local governments.

26. Measures taken to assess and address corruption risks in the context of the COVID-19 pandemic

State has supported municipalities through a number of different means. The primary avenues have been increasing state contributions to basic municipal services, increasing municipal corporation tax contributions, grants to medical districts, and state grants to be sought separately. A significant

number of hearings have been held in municipalities and medical districts in relation to different forms of assistance, and aid activities have been continuously developed to better meet the need.

The Local Government Act (410/2015) was temporarily amended due to the pandemic to facilitate the enabling of electronic meetings (<https://www.finlex.fi/fi/laki/alkup/2020/20200292>) and to allow for an extension of the deficit coverage period (<https://www.finlex.fi/fi/laki/alkup/2020/20200883>).

The Local Government Act (410/2015; <https://www.finlex.fi/fi/laki/ajantasa/2015/20150410>) and the Wellbeing County Act (611/2021; <https://www.finlex.fi/fi/laki/ajantasa/2021/20210611>) provide for electronic meeting procedures.

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

Please visit the national anti-corruption strategy and the related action plan for the comprehensive list of measures in order to prevent corruption in public and private sector.

Corruption prevention and anti-corruption training.

One key measure of preventing corruption in the high-risk sectors of corruption is awareness-raising and anti-corruption training. As part of the strategy countering grey economy and financial crime, as well as the national anti-corruption strategy, the Ministry of Justice has organized targeted and tailored trainings for the high-risk sectors during 2021, and plans to continue the trainings in 2022. The risk sectors are considered to be public procurement, political decision-making especially in the local levels, and building sector / planning.

Targeted training focuses on the concept and forms of corruption, especially in the Finnish context, and the risk mapping in the public procurement process as well as the vulnerabilities and possible ethical loopholes in the decision-making processes. Every training session also provides tools to build up or further develop the organizations' integrity and anti-corruption framework.

Since the previous reporting cycle, the Ministry of Justice has organized number of different targeted trainings for the public procurement professionals and internal auditors, as well as civil servants and anti-money laundering professionals. The anti-corruption day seminar held on December 9th reached an audience of 200 persons of which a majority worked in a field relevant to corruption prone areas or in the compliance and anti-corruption sector.

Furthermore, steps to address shortcomings in prevention, detection and prosecution of foreign bribery are continuing. As mentioned in the previous Rule of Law Report, The Ministry of Justice has initiated a study, where the OECD's criticism and present case law related to bribery will be evaluated and analysed. The study will be finalized in the next couple of weeks and the publication seminar will be held on February 8th 2022. Also finalized in the next couple of weeks is the KORPEN research study, which aims to make it easier to identify the connections between bribery and money laundering and to investigate and convict cases in an international business framework. In addition, several other measures in the Anti-Corruption action plan are enhancing Finland's capacity to prevent, detect and prosecute foreign bribery. For more information, please see previous answers and the attached table regarding the implementation status of the measures under the anti-corruption action plan.

Finland commissioned the OECD (Organisation for Economic Co-operation and Development) to conduct a Trust Review and a Civic Space Scan on Finland. Recommendations from both studies were published in 2020.

The aim of the OECD's trust review was to identify opportunities for measures to strengthen trust in government institutions in Finland. OECD gave recommendations to Finland on measuring trust, strengthening responsiveness, more inclusive policy measures, improving transparency and strengthening integrity. OECD's civic space scan included the assessment of laws and practices, civil rights, operating possibilities of the media, change brought about by digitalisation, operating possibilities of civil society organisations, and the participation of citizens and non-governmental organisations. OECD recommendations concerned civil liberties and rights, freedom and rights of the media, operating environment of civil society organisations and civic participation.

A horizontal working group of ministries was set to analyse all the recommendations and to list what work is already going on, and what new work should be started either as new projects or as new parts in existing work areas or projects. Even though the recommendations did not directly focus on prevention of corruption, many of them have linkages. The working groups' recommendations have been in the Permanent Secretaries Group and will most probably be on the agenda in the ministerial group on Data Economy, Digitalisation and Public Governance in the beginning of 2022.

The working group proposes new activities for example in the following areas:

- regular trust measurement
- a public sector wide ethics and integrity programme for the next government term
- combating digital inequality and ensuring data protection and a proposal: Digital service in everyday life Advisory Board should be appointed also during the next government term

- improving the implementation of the Act on the Openness of Government Activities. The proposal was to consider the recommendation as part of current programmes and projects.
- protecting the rights of the Sámi population and a proposal to raise awareness of the history, language and culture of the Sámi people enhancing open and transparent communications to citizens as part of the implementation of the reform of healthcare, social welfare and rescue services.

In the National Public Procurement Strategy 2020

(<https://julkaisut.valtioneuvosto.fi/handle/10024/162418>), one of the eight areas of development is social responsibility: We promote social responsibility through procurement through cooperation between public administration and private and third sectors.

Two measures have been completed concerning social responsibility in December 2021:

- Code of Conduct for contracting entities published to promote social sustainability in public procurement (https://vm.fi/-/hankintayksikoille-laaditut-vastuullisuuden-vahimmaisveloitteet-julkaistu-tavoitteena-edistaa-sosiaalista-kestavyytta-julkisissa-hankinnoissa?languageId=en_US)
- New guide offers tools for public procurement entities in Finland to address the risks of labour exploitation (https://vm.fi/-/uusi-opas-auttaa-huomioimaan-tyoperaiseen-hyvaksikayttoon-liittyvat-riskit-kotimaisissa-julkisissa-hankinnoissa?languageId=en_US)

C. Repressive measures

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

The Ministry of Justice has currently a legislative project under preparation on Trading in Influence. The public consultation of the draft proposal is planned to take place during the year 2022. Furthermore, Ministry of Justice is currently assessing whether the current provisions on offences in office are up to date and the how the provisions could be further developed. No other significant developments. Please see Finland's input for the Rule of Law Reports 2020 and 2021.

29. Data on investigation and application of sanctions for corruption offences⁵, including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

Please see the attached data sheet (attachment 3) regarding Finland's enforcement data on corruption related offences.

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

No significant developments. Please see input for the Rule of Law Reports 2020 and 2021.

31. Information on effectiveness of administrative measures and sanctions, in particular recovery measures and administrative sanctions on both public and private offenders.

No significant developments.

Other

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III. Media freedom and pluralism

C Framework for journalists' protection

A. Media authorities and bodies

32. Measures taken to ensure the independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

⁵ Please include, if available the number of (data since 2019): indictments; first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

No significant developments (for developments concerning permanent support for journalism, Postal Act and the amendment of the Act on the Finnish Broadcasting Company, the see section “Other”).

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

No significant developments.

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

No significant developments.

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

As indicated in 2020.

When the state purchases for example advertisement space, this falls within the category of public procurement. The Act on Public Procurement and Concession Contracts is applied to the procurement, if the threshold values of the Act are exceeded. The Act contains provisions on procedures for competitive tendering and obligations to act, which the public authorities must comply with in their procurements. The principles of non-discrimination, equality, transparency and proportionality form the foundations for the obligations to act. Efforts shall be made to give consideration to adequate transparency and non-discrimination also in procurements falling below the threshold values, having regard to the size and scope of the procurement.

When the state purchases advertisements or other public communications, this activity falls within the scope of public administration. Hence, the Administrative Procedure Act and the legal principles of good administration associated therein must be followed. The aim of these provisions is to contribute to ensuring good and equal administration.

There are no specific rules regulating the transparent allocation of state advertising.

36. Safeguards against state / political interference

The Finnish Broadcasting Company (Yleisradio Oy) is governed by an Administrative Council. Information on the Administrative Council is provided in RoL Report 2020, question 33, and there are no new developments.

Programming licence is needed for digital television or radio broadcasting operations and analogue radio broadcasting operations in accordance with the Act on Electronic Communications Services. The Finnish Broadcasting Company may carry out digital public service television and radio broadcasting referred to in section 7 of the Act on the Finnish Broadcasting Company (1380/1993) without a licence (Act on Electronic Communications Services, Chapter 4, section 22).

License for digital television and radio broadcasting subject to a licence is granted if the applicant fulfils the requirements as listed in the Act (Chapter 4, section 25). The criteria include, inter alia, that the applicant has paid certain required fees and is solvent and has the apparent ability to broadcast regularly according to the programming licence, that there is no apparent reason to suspect certain violations of law and that the applicant has submitted an adequate statement regarding programme distribution management. The license is granted by the Finnish Transportation and Communications Agency Traficom.

There a specific provision for granting a licence for public interest television operations (Chapter 4, section 26). A license for public interest television operations is granted provided, inter alia, that the applicant has paid the application fee required; the broadcasts are freely available; the broadcasts are available throughout Finland with the exception of the Åland Islands Region; the broadcasts contain daily Finnish or Swedish programmes; the broadcasts contain daily news and current affair programmes; the broadcasts contain certain audio-subtitling and subtitling services; and the daily programme broadcasting time is at least 8 hours. In preparing the decision, the Finnish Transportation and Communications Agency Traficom shall, if necessary, consult with the Ministry of Transport and Communications and act in cooperation with it. If there is not adequate transmission capacity for all applicants that meet the requirements or if granting a programming licence could have a significant effect on the general development of the communications market, the licence is granted by the Government.

Programming licenses are provided for a maximum term of ten years (sections 27 and 37).

There are also provisions on temporary programming licenses (Chapter 4, section 28).

The license provider can change the license during its validity period with the license holders consent, and otherwise if changing the license is required given a significant change in the surrounding conditions (section 29).

The license lapses in cases listed under section 31 (Chapter 4) in accordance with the Act. A programming licence granted for television or radio broadcasting ceases to be valid if no regular activity in accordance with the licence has been started within six months from the first date of the licence period or if regular broadcast-ing has been interrupted for a period exceeding 30 days.

The authority who granted the license may cancel the licence in accordance with the Act given conditions listed in section 32 (Chapter 4) are met.

Reasons for cancelling the license may include, inter alia, certain violations of law and certain other situations provided in the Act.

The license holder can relinquish the programming licence fully or in part by notice (Chapter 5, section 33).

Programming licence for analogue radio broadcasting operations are granted if the applicant has paid for the application fee, the applicant is in good financial standing, there is no reason to suspect certain violations of law, and that the provision of the license does not prevent the efficient use of the frequencies provided (Chapter 5, section 36). The license is provided for a maximum of 10 years (Chapter 5, section 37).

37. Transparency of media ownership and public availability of media ownership information, including on media concentration (including any rules regulating the matter)

No significant developments.

Other

Permanent support for journalism

The Ministry of Transport and Communications appointed a media support working group in summer 2020 to consider various solutions for supporting journalism. The working group was composed of experts and representatives from the media sector, and the proposals were published

in a report released on 8 April 2021 (<http://urn.fi/URN:ISBN:978-952-243-611-5>). The working group prepared proposals on forms of support for media. Three forms of assistance were proposed: 1) Editorial production support for media outlets that provide news and current affairs content and cover a wide range of issues that are relevant for democracy to cover the costs of journalistic work and the development of activities and content; 2) Development support both for newly established media companies and for development projects of established media companies, covering operations developing editorial content production and distribution, or introducing new technologies; and 3) Special assistance for community media (citizen media) that could be granted to media producing content that is targeted in particular at audiences of immigrant background, or to media operations that are otherwise ineligible for assistance granted to newspapers or cultural journals that support national minority languages. With respect to the administration of the subsidies, the working group proposed a model where the assistance would be granted by the Finnish Transport and Communications Agency with the assistance of an independent media board. The proposals of the working group can serve as a basis for further preparation should any such support schemes be proposed to be adopted in the future. There are currently no such broader general direct assistance programmes for journalism and the media in Finland as no funding for such purpose has currently been reserved in the government budget. The existing forms of assistance include a lower VAT rate for the press and individual grants, for example to the press or cultural journals.

Postal Act

The Government proposes to amend the Postal Act and to issue a fixed-term distribution aid for the delivery of newspapers, with the framework conditions for the aid being included in the act. Further provisions on distribution aid would be laid down by a Government Decree. The amendment is scheduled to be submitted to parliament in March 2022 at the latest. The draft proposals are based on the final report of the Working Group of State Secretaries (<http://urn.fi/URN:ISBN:978-952-287-871-7>). The purpose of the Government proposal is to secure cost-effective postal delivery in a changing operating environment in which the number of traditional postal items is continuously decreasing. The proposal aims to lighten the legislative obligations imposed on the universal service provider so that the postal services can be implemented efficiently in the future. The current five-day collection and delivery system would be replaced by a three-day system with the distribution aid being available for areas lacking commercial early-morning newspaper delivery and without a comprehensive five-day delivery system. The current procurement procedure imposed on the universal service provider would be

removed from the Postal Act. The proposal would define the constitutional public administrative tasks currently entrusted on the universal service provider and amend the related rules based on a decision by the Deputy Parliamentary Ombudsman. The Act and the Decree would enter into force during the first half of 2022 in order to apply the reduced collection and distribution obligation and pay the distribution aid from the beginning of 2023.

Act on Yleisradio Oy

The Government bill amending the Act on the Finnish Broadcasting Company, YLE ([HE 250/2020 vp](#)) remains in the parliamentary process. The bill was assigned to the Constitutional Law Committee on 2 February 2021 and was approved on 28 September. The bill has been examined in the Transport and Communications Committee. In addition, a citizens' initiative to secure text-based content by YLE ([KAA 8/2021](#)) was submitted to Parliament on 29 November and has been examined jointly with aforementioned the bill.

The legislative action began following a complaint submitted to the European Commission by the Finnish Media Federation in 2017 concerning the text-based content provided by YLE, and its compliance with EU state aid legislation.

A second complaint was submitted by Sanoma Media Finland Ltd. on 23 April 2021 concerning the video-on-demand and electronic learning content provided by YLE. In the reply to the European Commission, the Republic of Finland considers the latter complaint unfounded. In a supplementary reply, Finland noted that it considers the complaint to be based on unfounded assumptions about the market, not taking into account general market trends and the special status of YLE.

38. Rules and practices guaranteeing journalist's independence and safety

The Criminal Code amendment related to the right to bring charges for menace (the government proposal HE 226/2020 vp) has been accepted by the Parliament and came into force on 1 October 2021. Based on that amendment, the public prosecutor has the right to bring charges in offences based on the target's duties in employment or public commission of trust even if the victim is not willing to take the case forward.

The government proposal (HE 7/2021 vp) concerning adding gender to chapter 6, section 5 of the Criminal Code among the motives that constitute grounds for increasing the punishment of any offence is still being considered by the Parliament.

Possible measures based on the report of the rapporteur who evaluated the legislation in relation to hate campaigns (so called targeting or online shaming) are still under the consideration.

In accordance with the current Government's Programme, a working group was appointed in March 2020 to assess broadly the range of ways available to improve the effectiveness of restraining orders, reduce the incidence of violations of restraining orders and improve the safety of victims of intimate partner violence in particular. The report of the working group was published in September 2021. The government proposal is due to be submitted to Parliament in 2022.

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

As indicated in the 2021 report. We propose a more detailed discussion during the country visit.

40. Access to information and public documents (incl. procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities)

In the 2021 report, the update of the Act on Openness of Government Activities, which is the general law regulating access to documents in Finland, was discussed. A working group has been set up to assess the need to revise and modernize the law. The [working group](#) started its work in 2021 and its mandate continues until 30 June 2023. The composition of the working group includes a broad representation from all Ministries, but it also includes members from stakeholders, such as journalists. The working group has not yet presented a proposal on urgent needs to change the legislation. With regard to the perception reported in the 2021 report concerning a trend to interpret more strictly the rules on access to documents specifically by the police, two cases by the Supreme Administrative Court can be mentioned. The cases concerned access to documents requests by journalists to the police in specific criminal cases⁶. The judgments clarify that, with regard to information by the police in specific criminal cases, several exceptions of the Act on Openness on access to documents may be applied simultaneously. The working group continues to assess possible need to reform and clarify the law in this respect.

A technical point on the 2021 report concerns footnote number 110, which refers to the summary of consultation replies to the preliminary assessment on the question of broadening the scope of the

⁶ The decisions can be found at:

<https://www.kho.fi/fi/index/paatokset/vuosikirjapaatokset/1614248370035.html>

<https://www.kho.fi/fi/index/paatokset/vuosikirjapaatokset/1638189426383.html>

Act on Openness. While the identification of a call for better balancing the interest of privacy with the right of access to documents is indeed valid and accurate, the reference seems to be wrong, as the summary does not refer to a call for better balancing of these interests. Most likely the information mostly stems from the information received in the country visit as well as a summary on the application of the GDPR.⁷

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

Statistics on lawsuits or convictions against different professions are not available.

In September 2020, the Rovaniemi Court of Appeal upheld a decision of the district court in which the district court found journalist guilty of criminal defamation of a city councillor in Oulu. In April 2021 the Supreme Court granted the journalist leave to appeal. In January 2022, the Supreme Court repealed the decision of the Court of Appeal and dismissed the charge for defamation. The case covers several significant issues in relation to the freedom of speech, particularly the freedom of the media.

Deputy Prosecutor General charged on 29 October 2021 three journalists of the newspaper Helsingin Sanomat for disclosure of national secrets and attempted disclosure of national secrets. The charges arise from an in-depth article about military intelligence operations published by Helsingin Sanomat in December 2017. The charges of attempt to disclosure, in turn, arise from the fact that the newspaper was set to publish five follow-up articles on the topic in the following days. According to the prosecutor, there is reason to believe that some of the matters discussed in the published article were bound by confidentiality and the follow-up articles posed the same risk.⁸

In Finland, there is no separate legislation aimed specifically at SLAPPs. Such action can be prevented by existing national procedural law provisions. Where a manifestly unfounded action is brought before a Finnish district court, the court may immediately dismiss the action by a judgment, without requesting a response from the defendant. If the unfounded nature of an action becomes apparent only after the action has been examined by the court, the plaintiff will be ordered to pay the defendant's trial costs for the case lost. Thus, the rules on trial costs are one possible precaution against bringing unfounded action to court.

⁷ See page 19 of the summary of replies to the consultation on the application of the GDPR in Finland https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162025/OM_2020_7.pdf?sequence=1&isAllowed=y

⁸ See reply (10 December 2021) to the Council of Europe Platform to promote the protection of journalism and safety of journalists <https://rm.coe.int/finalnd-reply-en-3-helsingin-sanomat-journalists-charged-with-revealin/1680a4e54b>

Other

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IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

42. Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

Implementation of the 2020 Action Plan on Better Regulation continued in 2021. As part of the implementation, the Government continued in 2021 its activities to strengthen the regulatory impact assessments (RIA). The Government-wide network of Impact Assessment Experts commenced its activities and has enhanced inter-ministerial cooperation.

The working group for the renewal of the RIA guidelines extended its mandate until Q1 of 2022. The renewed guidelines will be implemented in the course of 2022 and will cover a wider scope of assessed impacts than the earlier guidelines. The renewed training provided to law drafters has been implemented as planned.

In addition, there are research projects being carried out on ex post assessment of impacts, quality of the legislative process and the impacts of legislation on future generations. These research projects will feed into the Government regulatory policy development.

[The third National Action Plan on Fundamental and Human Rights](#) (2020–2023) supports knowledge-based policy-making and fundamental and human rights impact assessment. Fundamental and human rights indicators have been developed as part of the action plan (see more closely answer to question 47).

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

In 2021, the Government has enacted temporary provisions to the Communicable Diseases Act in order to strengthen the possibilities of local and regional authorities to take proactive and swift measures to prevent the spread of COVID-19. These temporary provisions have included health-secure entry into the country, the Koronavilkku mobile application, restrictions on premises and activities to prevent the spread of infections, and COVID-19 passports, among other matters.

The amendments to the Communicable Diseases Act have been made following the ordinary law drafting procedure but with some modifications (e.g. shorter consultation process and more urgent procedure for preparing amendments due to the pressing situation). These temporary amendments related to the Covid-19 pandemic were adopted by adhering to the normal standards for evaluating restrictions to fundamental and human rights and they were accepted in the ordinary legislative procedure, including the review of the Constitutional Law Committee as well as other Committees of the Parliament. The temporary provisions to the Communicable Diseases Act are usually in force 4-6 months and then, if the provisions are still considered necessary due to Covid-19 pandemic, the Government must submit a new legislative proposal to extend the validity of the temporary provisions taking into consideration e.g. the latest epidemiological information of the Covid-19 situation in Finland and thus the validity and reasoning of the temporary provisions is regularly submitted to the constitutional control of the Constitutional Law Committee as well as to the acceptance of the Parliament.

44. Regime for constitutional review of laws

No significant developments.

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

- Judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic

In the 2021 report, the control and review of emergency regimes and measures by the Chancellor of Justice and by the Parliament (notably the Constitutional Law Committee of the Parliament), was discussed. More information was also provided during and after the country visit. The constitutional

control of emergency regimes and measures (similarly to constitutional control of general laws) is strongly based on the pre-control by the Constitutional Law Committee although e.g. the Emergency Powers Act also includes a provision on the right of appeal (section 130 of the Act).

In March 2021, the Constitutional Law Committee e.g. scrutinized a law proposal which would have imposed extensive restrictions on freedom of movement. Although the Constitutional Law Committee stressed that the objectives of the Government's proposal can be considered very significant, the basic solution of the Government's proposal, in its proposed form and taking into consideration also the epidemiological grounds and other details, was inconsistent with the principle of proportionality and therefore not considered to be absolutely necessary under section 23 of the Constitution. The Government withdrew its proposal on the basis of the Constitutional Law Committee's statement.

As mentioned in the 2021 report, section 23 of the Constitution enables provisional exceptions to basic rights and liberties that are deemed necessary during the state of emergency and these exceptions may be wider than normal restrictions to fundamental and human rights. However, these exceptions under section 23 of the Constitution as well as the Emergency Powers Act must also pass the constitutional pre-control of the Parliament, notably the Constitutional Law Committee as well as the control of the Chancellor of Justice.

In 2021, most of the restrictions imposed because of the Covid-19 pandemic have also been based on ordinary legislation.

In December 2021, the Government decided to launch a comprehensive reform of the Emergency Powers Act. The current Emergency Powers Act entered into force in 2012. It lays down provisions on the powers of the authorities during emergencies. The Act also includes the strict preconditions, which must be met, and the procedure, which must be complied, before the Government may apply the emergency powers which are listed in the Act. The operation of the Emergency Powers Act was explained in more detail during and after the previous country visit. The purpose of the Act is to protect the population and secure its livelihood and the country's economic life in emergency conditions, to maintain legal order, fundamental rights and human rights, and to safeguard the territorial integrity and independence of the nation.

More information about the Finnish emergency legislation can be found [here](#).

- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

As was explained in the 2021 report and further clarified during and after the country visit, the Finnish system, including the use of emergency powers, is strongly based on the pre-control of the Parliament. This means that every action taken during the emergency regimes must be first approved by the Parliament, which includes the constitutional control of the Constitutional Law Committee. The only exception is regulated under section 7 of the Emergency Powers Act according to which the Government may immediately begin to use the emergency powers indicated in a Decree given on the basis of the Act if the Decree cannot be given following the normal procedure of the Emergency Powers Act without seriously compromising the achievement of the purpose of this Act. However, such a decree shall not remain in force for longer than three months and it shall be immediately submitted to the Parliament. If the Decree has not been submitted to the Parliament within one week of its issue, the Decree shall lapse. The Decree shall be repealed if the Parliament so decides.

In addition, the Parliamentary Ombudsman supervises the implementation of the powers by public authorities, including the application of emergency powers.

At the beginning of 2021, Finland saw a considerable increase in the number of COVID-19 cases. On 1 March, the Government declared, in cooperation with the President of the Republic, that the country was in a state of emergency as referred to in section 3, paragraph 5, of the Emergency Powers Act. The state of emergency entered into force immediately. It was the second time that such declaration was made since the beginning of the epidemiological crisis. The specific powers under that Act are adopted through Government decrees, which specify the provisions of the Act that will become applicable. As with every Government proposal, the decrees are scrutinised by the Chancellor of Justice before being adopted. Each decree is immediately submitted to Parliament, which decides whether to apply it or to repeal it in full or in part. Parliament's Constitutional Law Committee plays a significant role in this respect (*ex-ante* constitutionality review).

On 5 March 2021, the Government submitted to Parliament two decrees on introducing specific powers laid down in the Emergency Powers Act. The decrees related, on the one hand, to directing the operations of healthcare and social welfare units (section 86 of the Emergency Powers Act) and compliance with the time limits for non-urgent care (section 88) and, on the other, to communication by the State administration in emergencies (section 106, subsection 1) and decisions on which authority has power in cases of ambiguity (section 107). On 11 March, in accordance with the report of the Constitutional Law Committee, Parliament decided that those decrees could remain in force. However, the Government was requested to make it clearer that the decrees do not apply in the

autonomous region of Åland. The Government modified the decrees accordingly. On 11 March, the decrees entered into force and they were foreseen to remain in force until 30 April.

On 18 March 2021, the Prime Minister's Office made a decision, by virtue of the decree on the application of section 106, subsection 1, of the Emergency Powers Act, on the management and coordination of COVID-19 communications. The decision applied to the Government, its ministries and its subordinate central government agencies and units. The decision stipulated that the Communications Department of the Prime Minister's Office would manage COVID-19 communications within the Government and its ministries. It was foreseen that the decision would remain in force until 30 April or, at the latest, for as long as Finland was in a state of emergency as defined in the Emergency Powers Act.

Towards the end of April 2021, it appeared that the COVID-19 epidemic could be managed using the regular powers of the authorities. The Prime Minister and the President of the Republic discussed ceasing the application of the Emergency Powers Act. On 27 April, the Government declared that the situation in the country no longer constituted a state of emergency under section 3, paragraph 5, of the Emergency Powers Act and issued decrees repealing the decrees on the use of the specific powers under that Act. The specific powers under section 86 and 88 of the Emergency Powers Act were not exercised in practice during the state of emergency that was in effect between 1 March and 27 April 2021.

B. Independent authorities

46. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions⁹

As mentioned in the previous report, the common core document by the Government of Finland to the United Nations treaty bodies was submitted in March 2020. The core document contains a

⁹ Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

description of the Finnish independent organs, such as the overseers of legality, the special ombudsmen, advisory boards and non-governmental organisations.

The budget allocated to the National Human Rights Institution has increased from 6 201 000 euros in 2017 to 7 145 000 euros in 2020 which included 6 new staff members (two for the Human Rights Centre and four for the Office of the Parliamentary Ombudsman). In 2021, the budget was further increased to 7 517 000 euros.

As mentioned in the previous report, the division of labour between the two supreme overseers of legality has been [reviewed](#). As a recent development, a [Government proposal](#) has been given to the Parliament on 21.10.2021.

Government has prepared a draft proposal to establish a special authority agency of the judicial administration to bring together the European Institute for crime Prevention and control, the bankruptcy Ombudsman, the Consumer disputes Board, the Office of the Ombudsman for children, the licensed Attorneys Board, the Safety investigation Authority, the Office of the Equality Ombudsman, the Intelligence Ombudsman, the Office of the Data Protection Ombudsman, the Ombudsman for older people and the Office of the non-discrimination Ombudsman as well as their support and administrative services. The authorities would retain their independence and current mandate at the Agency. The aim of the proposal is to restructure the support and administrative services of public authorities with a small number of employees. The objective is to bring together the operative administrative tasks of 11 special agencies and to strengthen their administrative expert support, which would reduce overlapping administrative work and release resources for the content work of the authorities.

In the longer term, the aim is to improve productivity in the substance activities of each authority when administrative support functions are centralised in the Administrative services Unit, shared government service functions are used more and more, and the authorities can allocate their resources to the performance of their statutory duties. The change would also emphasise the independence of the special agencies and their structural distance from the politically controlled ministry. Draft government bill is on [public consultation](#) until 2 February 2022.

High-level nominations

As regards state of play of nominations for high-level positions for independent authorities there have been following nominations since 1 January 2021:

- According to the Constitution, section 38, the Parliament appoints for a term of four years a Parliamentary Ombudsman and two Deputy Ombudsmen. Mr. Petri Jääskeläinen has been re-elected to serve as a Parliamentary Ombudsman for the period 1 January 2022 – 31 December 2025. Mr Pasi Pölönen has been appointed as a Deputy-Ombudsman for the period 1 October 2021 - 30 September 2025. According to the Parliamentary Ombudsman Act, section 16, after having received the opinion of the Constitutional Law Committee on the matter, the Parliamentary Ombudsman shall choose a substitute for a Deputy-Ombudsman for the term in office of not more than four years. Mr Mikko Sarja has been selected to serve as the Substitute for a Deputy-Ombudsman for the period 1 October 2021 – 30 September 2025.

- According to [the Act on the Ombudsman for older persons](#) (2021/753), section 2, the Ombudsman for older persons is appointed for a term of five years. The Government has appointed Ms Päivi Topo as the first Ombudsman for older persons for the period 15 January 2022 – 14 January 2027. The Ombudsman for older people is an independent and autonomous authority whose task is to promote the realisation of the rights of older people. The Ombudsman for older people monitors and assesses the status and rights of older people, monitors legislation and decision-making, and assesses their impact on older people. The Ombudsman for older people works in connection with the Office of the non-discrimination Ombudsman.

- According to [the Act Governing Parliamentary Officials](#) (1197/2003), section 10, the Auditor General of the National Audit Office of Finland is appointed for a term of six years. In December 2021 the Finnish Parliament elected Mr Sami Yläoutinen as the Auditor General for 1 January 2022 – 31 December 2027. In April 2021, the Parliamentary Office Committee decided to suspend Ms Tytti Yli-Viikari, who acted then as the Director General of the national Audit Office of Finland, from office under section 43, subsection 2, paragraph 1 of the Civil servants' Act and in June 2021 the Parliament plenary session unanimously decided to dismiss her under section 28 § of the Civil servants' Act.

- According to [the Act on the Ombudsman for Equality](#) (2014/1328), section 1, the Ombudsman for Equality is appointed by the Government for a maximum of five years at a time. The term of the current Ombudsman for Equality will end in April 2022. The position has been open to the public and the appointment will be made in early 2022.

- In addition to above, from the beginning of 2022, the non-discrimination Ombudsman will also be the reporting person on violence against women. This is a new task, and it is independent and autonomous. The Rapporteur will monitor violence against women and domestic violence, the functioning of national legislation and the fulfilment of international obligations.

Important decision/opinions from independent bodies/authorities

- The Chancellor of Justice's decisions can be found [here](#).
- The Parliamentary Ombudsman's decisions can be found [here](#).
- The Data protection Ombudsman's decisions and opinions can be found [here](#) and [here](#).

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

In the past two years, the Human Rights Centre has published a [summary](#) of observations of the autonomous and independent actors that supervise and promote the realisation of fundamental and human rights.¹⁰ The Human Rights Centre has been testing its own evaluation and reporting platform since May 2021.

[The third National Action Plan on Fundamental and Human Rights](#), which covers the period 2020–2023, was adopted as a government resolution on 23 June 2021. The objective of the action plan is to ensure that the public authorities meet their obligation to guarantee the observance of fundamental and human rights, as laid down in section 22 of the Constitution of Finland. The action plan serves as an instrument strengthening the monitoring of fundamental and human rights in Finland and in this role, it supports knowledge-based policy-making and fundamental and human rights impact assessment. Fundamental and human rights indicators, which provide a new instrument for monitoring fundamental and human rights in the short term and the long term, have been developed as part of the action plan.

In the selection of indicators, there has been broad-based cooperation in consultation with stakeholders, and special consideration has been given to the recommendations issued to Finland by the bodies monitoring compliance with international human rights treaties, observations of

¹⁰ [Realisation of Fundamental and Human Rights in Finland – observations from 2019](#). Human Rights Centre's Publications 1/2021.

overseers of legality, positions of the Constitutional Law Committee and issues raised in consultations and in discussions of the expert working group.

Under section 108 of the Constitution, the Chancellor of Justice submits an annual report to the Parliament and the Government on his or her activities and observations on how the law has been obeyed.

Similarly, under section 109 of the Constitution, the Parliamentary Ombudsman submits an annual report to the Parliament on his or her work, including observations on the state of the administration of justice and on any shortcomings in legislation. Both of these reports are discussed in the Constitutional Law Committee of the Parliament.

C. Accessibility and judicial review of administrative decisions

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

No significant developments.

49. Judicial review of administrative decisions:

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

No significant developments. There can be some exceptions to the Administrative Judicial Procedure Act (808/2019) in sectoral legislation where justified, e.g. Local Government Act or Environmental Protection Act includes a broader right to appeal.

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

No significant developments.

D. The enabling framework for civil society

51. Measures regarding the framework for civil society organisations (e.g. access to funding, legal framework incl. registration rules, measures related to dialogue between authorities and civil society, participation of civil society in policy development, measures capable of affecting the public perception of civil society organisations, etc.)

The preparations of the appointment of the Advisory Board on Civil Society Policy are currently under way. During the application period (1.6.–20.8.2021 and the additional application period 1.–14.9.2021), the Ministry of Justice received a total of 54 membership applications from the civil society and research organizations. The aim is that the appointment of the Advisory Board would be taken to the Government plenary session early in the year 2022.

Other significant changes to the enabling framework for civil society:

The Ministry of Finance has commissioned two assessments from the OECD: Public trust assessment ([Drivers of Trust in Public Institutes in Finland](#)) and evaluation of civil society's operating conditions ([Civic Space Scan](#)). They were completed in the summer 2021. As part of the Civic Space Scan, [a citizens' panel](#) on freedom of expression was also organized. In both assessments, the OECD gave a significant number of recommendations to Finland concerning a wide range of administrative branches. Minister Paatero appointed a cross-administrative working group to look in to the implementation possibilities of the recommendations. The working group gave its suggestions at the end of October 2021.

On the Prime Minister's proposal, the [Government appointed a fixed-term project \(26.8.2021 - 17.12.2021\)](#) to prepare a proposal for a new funding model regarding activities funded with gambling proceeds from the beginning of 2024. The aim of the new funding model is to ensure that beneficiaries who operated with gambling proceeds receive predictable, stable and sufficient funding that ensures their autonomy. The funding model is based on the report of the working group chaired by Erkki Liikanen titled "The Finnish gambling system in transition - Options for the future" ([Government publications 2021:12](#)).

Gambling proceeds have traditionally been an important public funding source for many CSOs in Finland.

[Developing and digitalising government grant administration](#), i.e. the project for discretionary government grants is continuing (led by the Ministry of Finance). In August 2021 the project appointed a new working group in order to develop government grant activities for civic society organizations. The purpose and task of the working group is to support the ministries acting as government grant authorities in developing and harmonizing the practices concerning government

grants to CSOs in their administrative branches, for example with government agencies and public bodies.

52. Rules and practices guaranteeing the effective operation of civil society organisations and rights defenders

At the moment, associations are regulated by the Associations Act (503/1989). As part of the ongoing reform of the Associations Act, a working group of the Ministry of Justice proposed that smaller associations should have simplified accounting standards. In addition, the working group proposed a new form of action group intended for small-scale association activities and the use of civil activities in the 4th sector. Details of the simplified accounting system will be examined with the Ministry of Economic Affairs and Employment. The adoption of simplified accounting and the form of an action group in the allocation and supervision of public subsidies and the associated status of a non-profit corporation in taxation will be examined with different authorities. A government proposal for the necessary legislative amendments will be submitted in spring 2022.

The Ministry of Justice has actively used European Commission's Rights, Equality and Citizenship (REC) funding programme to support its work on equality and hate speech. Projects have focused for example on the development of data collection and improving capacity of authorities and other stakeholders. Projects focusing on hate speech (such as Facts against Hate and Osaavat) have been implemented in active cooperation with CSO's.

Overall, the National Democracy Programme 2025 will cover the numerous measures related to civil society and participation outlined in the Government Programme of Prime Minister Marin. The programme functions as an umbrella for democracy-related projects to be carried out by different ministries. The Programme gave an [interim report in October 2021](#). A Government Resolution on the promotion of democracy will be prepared in 2022.

E. Initiatives to foster a rule of law culture

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

As was reported in 2021 a specific funding in State budget is allocated to support democracy and the rule of law in third countries. The aim is to strengthen and expand Finland's support for the promotion of democracy and the rule of law as part of Finland's development policy and

development cooperation. With the help of funding, a new actor in the field, the [Rule of law Centre](#) has been established in 2021 to develop Finland's international cooperation on the rule of law and to bring together experts in the field at national and international level. Ms Tuija Brax was appointed in June 2021 as director of the Centre.

As part of the Government's analysis, assessment and research activities, a research project '[The Rule of Law, Finland and the European Union](#)' has been launched in 2021. It established [Helsinki Rule of Law Forum](#) as a research community. As part of the study, the Helsinki Rule of Law Forum organised [a seminar in October 2021](#) (partly online) and will organise another seminar in January 2022. On the basis of the ongoing research, the research community is currently preparing an edited volume with the working title "The Anatomy of Rule of Law: Conceptualizing its Foundations and Protection in the European Union" to be published in English with an international publisher, other publications, and a final report in Finnish submitted by the research group members to the Government of Finland in spring 2022. The study is scheduled for completion in spring 2022.

The Minister of Justice Anna-Maja Henriksson organised a high-level seminar on the Rule of Law in Finland in November 2021. It was based on the Commission's Rule of Law Report (see more closely answer to question *other/please specify* in section one).

The Parliament is also active in questions related to the rule of law. For example, in November 2021 it held a discussion on the rule of law and administration of justice. The issues related to the rule of law has been discussed in connection with various report, e.g. Government Report on Human Rights Policy and [Government Report on EU Policy](#), [Parliament's Grand Committee report on the Government Report on EU Policy](#).

From 1 December 2020 to 30 November 2021, the Ministry of Justice implemented [the Election Pool project](#) to support elections and cooperation between authorities. The project is funded by the EU's Rights, Equality and Citizenship (REC) Programme. Key observations and lessons learned from the Election Pool project are:

- Discuss, coordinate, prepare: effective cooperation and smooth exchange of information between the authorities is the foundation for all preparedness.
- Look around: international cooperation plays a key role in identifying and preparing for different phenomena.

- Raise awareness and ensure commitment: free and fair elections lie at the heart of democracy and safeguarding them is a shared task for all of us.

Other

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Attachments

Attachment 1: Government Resolution on the National Anti-Corruption Strategy and Action Plan 2021–2023

Attachment 2: Status of the implementation of the action plan of the Anti-Corruption Strategy

Attachment 3: Sentences by district court and offence 2010-2020 (district courts and courts of appeal as first court instance)