

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

---

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023<sup>[1]</sup> falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

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

## Type of information

---

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

## **A) Legislative developments**

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

## **B) Policy developments**

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

## **C) Developments related to the judiciary / independent authorities**

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

## **D) Any other relevant developments**

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

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

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

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

## **About you**

---

\* I am giving my contribution as

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

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

\* Organisation name

*250 character(s) maximum*

The Office of The Chancellor of Justice

Main Areas of Work

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

If "Other", please specify

Supreme Guardian of the Law including fundamental rights and freedoms and human rights in Finland.

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

*500 character(s) maximum*

<https://oikeuskansleri.fi/etusivu>

Transparency register number

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

\* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan

- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia

- ☐ Fiji
- ☒ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali

- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia

- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Susanna

Surname

Huhtamäki

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

[REDACTED]

**\* Publication of your contribution and privacy settings**

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

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

## Questions on horizontal developments

---

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*



Rule of law is the effective commitment to and practical realisation of a system of governance based on the respect of fundamental rights and freedoms, fairly and transparently enacted legislation and the founding of all rights and responsibilities on such legislation. It also involves strict observance of the law and legal procedures in all use of public power, control of all use of power by law and fair legal procedures, effective access to fair trial by independent courts and tribunals combined with legal certainty and democratic legitimacy of all societal decision-making. In rule of law these qualities are also duly observed in times of crises and emergencies.

Rule of law is weakened and even endangered if legislation is not based on realistic underlying assumptions or fails to protect societies and individuals from security risks while maintaining the essential qualities of commitment to the balanced realisation of fundamental rights, commitment to adherence to law and the law's spirit and fair trial and procedures to control and sanction any abuses of power. The European Union and its citizens and member states currently face a very challenging security situation in the short and long term whereas the current EU legislation does not recognise sufficiently or systematically threats which can even be existential to the Union and certain of its Member States. This situation may undermine the rule of law. A topical example is hybrid operations by a powerful foreign government instrumentalizing migration and abusing asylum procedures; the current EU law on migration and asylum procedures does not, even after the entry into force of the recently agreed Migration and Asylum Pact, provide sufficient protection but rather gives tools to a hostile foreign government hybrid operation against the Union and certain Member States and, hence, against the Union citizens and their legitimate sense and desire for security. The need for an update of some of the international conventions and, in particular EU acts is urgent, otherwise there is a constant need for exceptions and not-so-committed application of EU law or loss of legitimacy and credibility of EU laws. Deficiencies in this respect concern in particular the Asylum Procedure Directive 2013/32/EU and the Pact on Migration and Asylum including the new Asylum Procedures Regulation, and in particular the new Crisis and Force majeure Regulation, which seeks to ensure that the EU is prepared in the future to face situations of crisis, including instrumentalisation of migrants, are a steps in the right direction. These instruments still mainly concern "ordinary" migration and asylum crises and not yet would fully cover hybrid warfare situations. Albeit migration and asylum legislation was cited here as a topical example the need for crisis-proof EU Acts concerns the Union law generically.

A second issue related to Union law is the internal coherence of EU Acts with regards to safeguarding fundamental rights and on the other hand enabling free circulation of information with the purpose of protecting among other things various aspects of security. The GDPR and these specific Union acts create a rather complex web, which also has a significant direct and indirect impact on the laws and practises of the Member States on the protection of fundamental rights. A coherent balance in the Union law supports good realisation of the fundamental rights as a cornerstone of the rule of law.

A worrying trend across several Member States is political rhetoric and action entailing weak commitment to upholding the rule of law and its institutions or reducing the rule of law and/or fundamental rights to a single perspective or narrow political purpose. Constitutional and political conventions including genuine commitment to democratic procedures and respect of democratic institutions and institutions of the rule of law are vital background factors for the functioning of the rule of law. Across the Union more attention should be paid to these underlying commitments to democracy and rule of law.

Finally, increasing attempts are seen across countries to abuse rights and procedures (SLAPPs and other abusive use of the legal system and burdening of administrative procedures). The general principles preventing abuse of rights and procedures and the tools and skills to put these principles into practice are increasingly significant for the maintenance of the rule of law in all institutions of justice and, also in legislation.

## Questions for contribution

---

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

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

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

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

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.**

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

- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

## I. Justice System

---

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

*5000 character(s) maximum*

### A. Independence

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

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*5000 character(s) maximum*

The independence of courts is one of the essential structural prerequisites for legal protection and the fundamental principles of the democratic rule of law. The oversight of legality duty laid down for the Chancellor of Justice in the Constitution essentially safeguards, among other things, the independence of courts of law and other legal protection bodies.

In the oversight of the appointment of judges, the constitutional task of the Chancellor of Justice is to ensure the appropriateness and use of the appointment procedure solely for the purposes approved by law. The oversight of legality of the Chancellor of Justice serves as a guarantee of independence in the appointment procedure of judges. The Chancellor of Justice's oversight of legality also applies to the appointment of prosecutors.

In the appointment of a permanent judge, the proposal is presented by the Government and the decision on the appointment is made by the President of the Republic. The Chancellor of Justice ensures that the proposals submitted by the judicial Appointments Board or the courts and the ministry's presentation are legally correct and appropriate when the Ministry of Justice presents the proposal to the Government. Among other things, the Chancellor of Justice supervises that the Government or the President of the Republic do not exercise their powers in the appointment procedure for purposes that are against the Constitution and other legislation, for example in a manner that endangers the independence of courts of law. (Report of the Chancellor of Justice to Parliament K 17/2021 vp, pp. 104-113).

In 2023, the Deputy Chancellor of Justice drew the attention of the chief judge of the District Court to the justification of the decision to appoint the Director General of the Department and the objectivity of the selection procedure, especially with regard to the interview (OKV/2622/10/2022). Among other things, the decision of the chief judge contained very few comparisons between the applicants for the post of Director of the department and the applicants' previous management experience had not been described equally. Moreover, the interview was conducted in a manner which could give rise to doubts as to the objectivity of the selection process and the equal treatment of candidates.

The position of District Court lay judges as decision-makers is comparable to that of judges. In March 2023, the Chancellor of Justice issued an opinion (OKV/445/21/2023) on the Ministry of Justice's assessment memorandum on the method of selecting lay judges. At present, the local Council elects jurors for the term corresponding to the term of office of the local Council. The memorandum States lay judges must be independent and not act politically.

In his statement, the Chancellor of Justice stated that the memorandum of assessment highlights certain reasonable arguments in favour of changing the selection method of lay judges. Political choice of jurors is a problem of principle that should be solved. The Chancellor of Justice agreed with the view expressed in the memorandum that the participation of lay judges in decision-making can be considered to cause harm to the political neutrality of the judiciary, as required by the independence and impartiality of the judiciary. The Chancellor of Justice shared the view presented in the memorandum of assessment that from the perspective of administrative duties, it is probably easiest for the national Courts Administration to be involved in the selection of lay judges. In the opinion of the Chancellor of Justice, this would not be in conflict with the tasks laid down for the national Courts Administration. If the nomination of candidates were not retained by municipal authorities, it would be most natural for the national Courts Administration to see to the nomination of candidates in the application procedure. As a rule, the Chancellor of Justice did not see any obstacles to the national Courts Administration being able to assume responsibility for the appointment process of lay judges as a whole.

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)

*5000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*5000 character(s) maximum*

Allocation of cases in courts

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

Pursuant to the Constitution, the Supreme Guardians of Law are responsible for overseeing the legality of courts. They also decide to bring charges against a judge for unlawful conduct in office. The Chancellor of Justice supervises the courts on the basis of complaints and notifications from the authorities, and reviews judgments, when the sentence is imprisonment, of the courts of first instance. According to the Act on the prosecution Service, the Chancellor of Justice or the Parliamentary Ombudsman or a prosecutor appointed by them also acts as a prosecutor in offences in office concerning prosecutors. The rationale behind these provisions is to ensure the independence of the courts and other administration of justice.

In the oversight of legality concerning courts of law, the Chancellor of Justice only pays attention to clear procedural errors, misuse of legal discretion and activities that violate fundamental and human rights. The Chancellor of Justice does not intervene or cannot intervene in the decision-making of independent courts within the limits of their powers of action and discretion. The majority of cases in which the conduct of a judge or a prosecutor leads to supervision measures concern activities that endanger the legal protection of the parties or the realisation of criminal liability. Errors are usually due to negligence, which the object of supervision itself admits after becoming aware of it. In most cases, the penalty for non-compliance with the law is paying attention to a lawful procedure or issuing a reprimand. Charges are rarely brought for unlawful conduct by a judge, and in these cases, the question of guilt is decided by an independent court.

A new act on the division of duties between the supreme overseers of legality entered into force in 2022 (330/2022). In its report on the reform (PeVM 3/2022 vp), the Constitutional law Committee considered it justified to examine the need for a comprehensive reform of the supreme oversight of legality. The Committee has considered that the assessment should also cover constitutional provisions that lay down provisions on the powers of overseers of legality and cover, questions concerning the Chancellor of Justice's dual duties as a legal adviser and guardian of the legality of the President of the Republic and the Government, oversight of the legality of the courts with regard to the independence of the judiciary, and the content and guarantees of the independence of the Supreme Guardians of Law. The position of Chancellor of Justice as the legal Adviser to the President of the Republic and the Government referred to in the report of the Constitutional law Committee refers to section 108 (2) of the Constitution on the Chancellor's task of provision of legal information and statements to the President and Government, which is a prior constitutionality and legality review procedure.

On 1.2.2023, the Ministry of Justice appointed a working group on the protection of the rule of law and the development of the judicial system (case NUMBER VN/34680/2022), which aims, among other things, to promote the independence of the administration of justice. By 28.2.2025, the working group must assess the needs to amend the Constitution and other legislation necessary for the strong independence of the judiciary and make proposals for the necessary legislative amendments.

In 2023, it has also emerged in public debate that if political pressure jeopardised the integrity of the Chancellor of Justice, this could also be reflected in the independence of courts (Speech by Kari Kuusiniemi, President of the Supreme Administrative Court, at the Supreme Court day of 7.12.2023, division of powers and defence of the rule of law). One of the reasons for this was the sharp and personalized criticism levelled at the statement of the Deputy Chancellor of Justice by some members of Parliament in the Government parties. The statement concerned the proportionality of the border security measures planned by the Government. Supreme overseers of legality play a very important constitutional role in safeguarding the balance of power and fundamental rights and the rule of law alongside courts of law in the Constitution and constitutional identity of Finland. For this reason criticism that is poorly justified, or aimed at the Chancellor of Justice or the Parliamentary Ombudsman as a person, by the representatives of government or MPs, is problematic from the perspective of guarantees of the rule of law and from the perspective of committing to the guarantees of the rule of law. The critical assessment of the rulings of the Supreme Guardians of Law and courts, on the other hand, is part of the functioning of the democratic rule of law.

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

*5000 character(s) maximum*

Independence/autonomy of the prosecution service

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Defending fundamental and human rights and maintaining the rule of law requires that the legal profession is independent and free from the government and any other public authority. Access to trustworthy, competent and independent legal advice and assistance is a significant element of the right to fair trial. An independent and autonomous legal profession has the right to establish guidelines and regulations for attorneys to follow, as well as to oversee compliance and impose sanctions for non-compliance. A proper supervisory procedure is therefore an essential part of the independence of the legal profession and its protection. The supervisory procedure for attorneys and other legal advisers shall be effective and complaints regarding legal services shall be resolved through an independent process within a reasonable time, and the decisions align with the requirements of good governance.

The requirement of good governance is already included in the Finnish Constitution. The principles of good governance are further detailed in administrative law. The principles of good governance according to administrative law also apply to the Disciplinary Board under the Finnish Bar Association, which primarily oversees attorneys, licensed legal counsels, and public legal aid attorneys, performing a public administrative function. The Chancellor of Justice's responsibilities include ensuring that the Disciplinary Board operates in accordance with administrative law and fundamental rights. The Chancellor of Justice also reviews all decisions made by the Board from this perspective.

One of the principles of good governance is that the reasoning behind the decisions of authorities is clear and understandable. In the case of decisions made by the Disciplinary Board, this principle is particularly emphasized because the complainant, who is almost always the initiator of the case, does not have the right to appeal the decision of the board. It is crucial that a client dissatisfied with legal services receives a clear and well-founded resolution to their complaint. This is also important for the general trust in the legal system. The Chancellor of Justice has the right to appeal decisions made by the Disciplinary Board, except for decisions regarding an attorney's fee. Clear, understandable, and comprehensive justifications for the Board's decisions are therefore essential for the timely consideration of the Chancellor of Justice's appeal and the overall functionality of the appeals system. The Chancellor of Justice can also request the Disciplinary Board to rectify a decision if there is a clear error.

As part of the oversight of the Disciplinary Board, the Chancellor of Justice also participates in training sessions for the board members. The purpose of these training sessions is to improve the quality of the board's decisions. In the latest training session in the fall of 2023, the Chancellor of Justice played a central role. The Chancellor of Justice provided observations on the decisions of the Board and, in particular, highlighted inconsistencies, linguistic ambiguities, and other deficiencies affecting their clarity to enhance the quality of decisions. The consistency and uniformity of decisions were also discussed, which, as the highest legal supervisory authority, the Chancellor of Justice is uniquely positioned to observe, and it is crucial for both complainants' legal protection and the credibility of the system.

During the training session, it was also noted that there are ambiguities and uncertainties related to public

visibility issues concerning attorneys and licensed legal counsels. For instance, there are some differences in the regulations governing attorneys and licensed legal counsels. The relationship between attorneys' confidentiality obligations and the general principle of public access to information concerning authorities in Finland is also tense. The ongoing reform of Act on the Openness of Government Activities hopefully brings clarity to the situation.

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

5000 character(s) maximum

## B. Quality of justice

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

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

5000 character(s) maximum

Resources of the judiciary (human/financial/material)

*(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)*

5000 character(s) maximum

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

5000 character(s) maximum

In 2023, the Deputy Chancellor of Justice carried out judicial review visits to three district courts. During these visits to district courts, the Deputy Chancellor of Justice has selected court training for trainee judges as one of the topics for oversight. The decision made in January 2023, in which the Deputy Chancellor of Justice issued a reprimand to a Trainee Judge who had uncovered confidential address information through negligence (OKV/507/31/2020), contributed to the selection of the topic. The monitoring of court training will continue in 2024 through judicial review visits and as a separate initiative of the Deputy Chancellor of Justice (OKV/1290/70/2023).

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

In 2022, the functionality and development of information systems was the subject of a visit by the Deputy Chancellor of Justice to the national Courts Administration (OKV/2387/71/2022). In 2023, the Deputy Chancellor of Justice continued to monitor this theme through judicial oversight visits to district courts and



courts of appeal. The discussions have revealed criticism of the AIPA information system introduced in general courts. Courts have expressed concerns that the AIPA will also be introduced in criminal matters in 2024. In connection with the courts' information systems, the Deputy Chancellor of Justice has continued to monitor problems related to the distribution of criminal sentences in 2023 (OKV/1503/70/2022). The Deputy Chancellor of Justice will continue to monitor the development of information systems used by courts as a separate initiative (OKV/2521/70/2022).

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)

5000 character(s) maximum

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

5000 character(s) maximum

## C. Efficiency of the justice system

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

Length of proceedings

5000 character(s) maximum

Length of proceedings remain a significant problem and challenge in Finland's justice system. For delays and passivity in the proceedings the main legal remedy available is a complaint to the Chancellor of Justice or the Parliamentary Ombudsman. In 2023 the length of proceedings were one of the discussion themes during the Deputy Chancellor of Justice's inspection visit to the districts courts and appeals court. At the inspection visits it has been pointed out that the resources situation in relation to the number and nature of the cases handled varies from one part of the country to another, which affects the length of court proceedings. In this respect, the situation is worst in the Helsinki metropolitan area.

In 2023, the Deputy Chancellor of Justice issued a decision on the length of court proceedings at the Helsinki Administrative Court (OKV/479/10/2023). The Deputy Chancellor of Justice considered that the processing of the appeal concerning an appointment had been unduly delayed. The proceedings had lasted over two years. In 2023, the Deputy Chancellor of Justice also drew the attention of the Åland Administrative Court to the duty to ensure that environmental and land use planning matters are processed without undue delay (OKV/2113/10/2022).

It should also be noted that the duration of the overall consideration of a matter depends not only on the operations of the courts but also on the operations by the other authorities. In this respect, it is worth mentioning that in 2023 the Deputy Chancellor of Justice issued several decisions concerning undue delays in processing at the Finnish Immigration Service. (OKV/1732/10/2022, OKV/227/10/2022, OKV/3184/10/2021, OKV/3035/10/2021, OKV/2778/10/2021 and OKV/2025/10/2021).

In addition to the courts, in three decisions of the Deputy Chancellor of Justice (OKV/37/10/2023, OKV/2151

/10/2022 and OKV/239/10/2022) the Consumer disputes Board's attention was drawn to the prompt handling of cases. In the first case, the proceedings had lasted 16 months, in the second case almost 2 years and in the third case over 3 years 3 months. In addition, the Office of the data protection Ombudsman was drawn attention to undue delays in processing in cases where the decision had taken over 3 years and 6 months (OKV/2130/10/2022).

Other - please specify

*5000 character(s) maximum*

## II. Anti-Corruption Framework

---

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

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

*5000 character(s) maximum*

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

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

*5000 character(s) maximum*

According to the new Act on the Division of Duties between the Chancellor of Justice and the Parliamentary Ombudsman (330/2022), the oversight of legality in the organization of anti-corruption activities is centralised to the Chancellor of Justice. This is about monitoring the adequacy of structural anti-corruption work and the appropriateness of preventing and combating corruption. In addition, the Office of the Chancellor of Justice maintains and acts as an Centralised external reporting channel in receiving reports referred to in the Act on the protection of persons who report breaches of European Union and national law (1171/2022). The Office of the Chancellor of Justice also prepares an annual report to the European Commission on the number of notifications and the measures taken as a result of them, the funds recovered and the amount of financial damage caused by the breaches. The oversight of legality of the Chancellor of Justice monitors that the competent authorities fulfil their duties in the processing of reports.

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## B. Prevention

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

*5000 character(s) maximum*

The Government submitted to Parliament a proposal for acts on a waiting period related to the duties of a minister (HE 192/2022 vp, 29 september 2022), which also aims to prevent risks associated with the ministers' revolving doors phenomenon and to maintain trust. The proposal was based on the recommendations of the 2018 evaluation report on GRECO as Finland and the decision of the Chancellor of Justice on complaints concerning the conduct of the former Minister (OKV/327/1 /2019, 4 December 2019). In the decision, the Chancellor of Justice considered the proposed type of regulation necessary. At the end of the electoral term in 2023 the proposal was still unfinished in The Parliament and it therefore lapsed. The Government intends to submit the proposal once again in 2024.

The ministers of the current Government have issued a statement of voluntary procedures as they transfer to other position. The Ministers agree to give notice of resignation in advance and follow recommendations on appropriate waiting period before a new assignment. Recommendations on waiting period are issued by the Advisory Body on Civil Service Ethics.

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

*5000 character(s) maximum*

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

*5000 character(s) maximum*

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

*5000 character(s) maximum*

Sectors with high-risks of corruption in your Member State:

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## C. Repressive measures

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

*5000 character(s) maximum*

Efforts to strengthen the criminal justice framework for the fight against corruption have continued. The focus has been on the European Commission's proposal for a Directive of the European Parliament and of the Council on the fight against corruption (COM (2023) 234 final) of May 2023, which would cover all intentional corruption offences. In its communication (U 48/2023 vp), the Government submitted the proposal for a directive to Parliament for the purpose of determining its position in accordance with the provisions of the Constitution of Finland that guarantee Parliament the right to participate in the national preparation of decisions to be made in the European Union. When handling the Government communication in parliamentary committees in September 2023, the Chancellor of Justice submitted to Parliament's legal Affairs Committee a written expert opinion on the matter requested by the Committee (OKV/1807/22/2023). In his statement to the legal Affairs Committee, the Chancellor of Justice examined in more detail, among other things, Article 10 of the proposed directive concerning the trading of influence. The Chancellor of Justice noted that the definition of trading of influence in the proposed directive includes elements that do not seem to fully correspond to the requirements of precision in accordance with the principle of legality. At the same time, the Chancellor of Justice returned to his statement issued in November 2022 (OKV/2506/21

/2022) on the draft government proposal prepared by the Ministry Of Justice (OM021:00/2022), which concerned the withdrawal of Finland's reservation to the Council of Europe Criminal law Convention on Bribery in respect of Article 12 on the abuse of influence and the eventual criminalisation of the abuse of influence referred to in that Article by adding a new section 14c to Chapter 16 of the Criminal Code, which would be titled "trafficking offence of influence".

The Chancellor of Justice stated to the legal Affairs Committee that, as stated in the above-mentioned earlier statement, he supports the objective of enhancing the fight against corruption and the enforcement of criminal liability by criminalising acts of corruption committed by persons "next to power". He also stated that he supports the drafting of the new penal provision in such a way as to enable the withdrawal of Finland's reservation to Article 12 of the said Convention, which has often been renewed. The Chancellor of Justice stated that he considered that finding the essential elements that fulfil the criminalisation obligations of Article 10 of the proposed directive (to be further specified during further preparation) or that fulfil the criminalisation obligations of Article 12 of the said Convention and enable the undisputed withdrawal of Finland's reservation to the said Convention is not quite easy from the perspective of the requirements of punctuality and precision contained in the principle of legality in criminal matters. However, the Chancellor of Justice considered it possible and referred to the observations made in his earlier statement on the new section 14c to be added to Chapter 16 of the Criminal Code contained in the draft proposal referred to therein, as well as to the proposals for further development of the essential elements included in the other statements in favour of the enactment of the new provision issued during the same consultation round.

In October 2023, the legal Affairs Committee stated in its statement to Parliament's Grand Committee on the matter (LaVL 13/2023 vp, p. 6), among other things, that it is positive in itself that the legislative project related to the abuse of influence is proceeding at the EU level. The legal Affairs Committee noted that, as stated in the Government communication and on the basis of the report received by the Committee, the definition of trading of influence in accordance with the proposed directive contains elements that do not seem to fully correspond to the requirements of precision in accordance with the principle of legality. The legal Affairs Committee emphasized that it is very important in the negotiations to ensure that the punishable acts can be defined with the precision required by the principle of legality.

In its statement to the Government in December 2023 (SuVL 11/2023 vp, p. 5), the Grand Committee of Parliament stated, among other things, that the Grand Committee shares the Government's view, like the special committees, that the definition of punishable acts with the precision required by the principle of legality in criminal law must be ensured in the negotiations. At the same time, the Grand Committee noted that according to the report it received, the wording of the criminalisation obligations would seem to be changing in the negotiations in the right direction from the perspective of these punctuality objectives

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

*5000 character(s) maximum*

--

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

5000 character(s) maximum

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

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

### III. Media pluralism and media freedom

---

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

The working group preparing the reform of the Act on the Openness of Government Activities completed its report on 12 December 2023 (reports of the Ministry of Justice 2023:32). The report proposes that a new Act on the Openness of Government Activities be enacted, which contains basic provisions on the objectives and scope of the Act, the concept of a document of an authority, the right to be informed of a document of an authority, the processing of information requests, the obligation of an authority to promote access to information, confidentiality obligations, exceptions to secrecy and the termination of secrecy.

The proposal would expand the scope of application of the Act on the Openness of Government Activities so that the Act would be applied to the performance of a public administrative task regardless of the organisational form, as well as to corporations and foundations controlled by general government and their subsidiaries and subsidiary foundations when they engage in economic activities other than those carried out in a competitive environment on the market. In addition, the proposal will ensure the reconciliation of the protection of personal data and the principle of openness as permitted by the European General Data Protection Regulation through new procedural provisions. In the view of the Chancellor of Justice, the working group's proposal for a new Act on the Openness of Government Activities corresponds to the Commission's Rule of Law Report of 2022 and its recommendation to Finland to ensure that documents are genuinely and more widely available in line with European requirements. The working group's report is currently being circulated for comments.

#### A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

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

5000 character(s) maximum

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

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

*5000 character(s) maximum*

Safeguards against state / political interference, in particular:

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Finland's access to information law, Act on the Openness of Government (621/1999) Activities sets strict timetables for responding to freedom of information requests on access to documents. The Chancellor of Justice and the Deputy Chancellor of Justice have repeatedly drawn attention of the authorities to the binding time limits laid down in the Act on the Openness of Government Activities when responding to a request for information (Finnish Institute for Health and Welfare OKV/66/10/2022, Ministry of Agriculture and Forestry OKV/72/70/2021, ELY Centre for Uusimaa OKV/3553/10/2021, Tukes OKV/1691/10/2022, Regional State Administrative Agency FOR Western and Inland Finland OKV/975/10/2022, Ministry FOR Foreign Affairs OKV/3527/10/2021, Ministry FOR Foreign Affairs OKV/1734/10/2021, Pori basic Social Security OKV /1959/10/2022 and Office OF THE data protection Ombudsman OKV/2582/10/2021).

In the legality control decisions, the authorities have repeatedly drawn attention of the authorities to the fact that when an authority refuses to provide the requested information or documents, it must state the reason for the refusal and ask the person who initiated the matter in writing whether he or she wants a decision that can be appealed against. (City of Oulu OKV/3448/10/2021, City of Kemijärvi OKV/957/10/2022, City of Turku OKV/3411/10/2021, Ostrobothnia wellbeing services county OKV/1631/10/2021, Ministry FOR Foreign Affairs OKV/3527/10/2021, Ministry FOR Foreign Affairs OKV/1734/10/2021 and City of Turku OKV/539/10 /2022). The authorities have also been reminded that no unfounded, unspecified or unreasonably large cost estimates may be presented (Tukes OKV/1691/10/2022).

In addition, the Deputy Chancellor of Justice has drawn attention to the fact that, with regard to the agendas and minutes published by the municipality on its website, confidential matters must also be adequately described (Pielavesi Municipality OKV/926/10/2022).

The Chancellor of Justice has also drawn attention to the fact that the disclosure of personal data should always be treated with caution and considered on a case-by-case basis whether the conditions for providing information are in accordance with the provisions of the Act on the Openness of Government Activities (ministry of Agriculture and Forestry OKV/72/70/2021). Decision OKV/2963/10/2022 concerned whether the confidential identity was revealed in the public report of the district court by combining information. It was stated in the decision that the main purpose of drawing up a public report is to compensate for the lack of information arising from the concealment of a judgment. When preparing a public report, it is essential for the judge to consider what supplementary information he or she can provide. It was stated in the decision that the Act on the Openness of Government Activities does not provide a precise answer to how the court should act in a situation where the identity of the injured party ordered to be kept secret may be identifiable by combining the public report and the information provided by another authority.



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

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

From the perspective of applying the Act on the Openness in the Government Activities, it is also essential that data and information other than traditional official documents are easily and quickly accessible and that the data is also available in accordance with the principles of open data.

In his decision OKV/1691/10/2022, the Deputy Chancellor of Justice stated that Tukes had failed to maintain the pressure equipment register appropriately so that it would be up-to-date and could have disclosed the requested information. In decision OKV/2149/10/2022, attention was drawn to the organisation of information management in the City of Espoo so that the rights of access to information are realised.

In his decision OKV/3527/10/2021, the Chancellor of Justice emphasized to the Ministry for Foreign Affairs that diligent handling of the information management Unit's obligations enables, among other things, the prompt processing of document requests. When fulfilling its obligations laid down in the information management Act concerning the organisation and classification of datasets and the preparation of internal instructions, the information management Unit is able to quickly assign the party responsible for processing a document request and to decide on the publicity of documents related to the preparation by an institution related to its regular operations (such as its key group in the Ministry for Foreign Affairs).

In his assessment of the procedure of the chief physician of epidemic activities in the City of Helsinki (OKV /174/10/2022), the Deputy Chancellor of Justice stated that there were no grounds for considering that the chief physician had acted contrary to the law or his or her obligations only on the grounds that he or she had not referred to scientific sources in the interview in support of the expert views he or she presented.

## IV. Other institutional issues related to checks and balances

---

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

*5000 character(s) maximum*

The new Act on division of duties has now been in force over a year, since 1 October 2022. So far, the experience with the new division of tasks has been promising and positive. Co-operation between the offices of the Chancellor of Justice and the Parliamentary Ombudsman has widened and deepened, the prospects of specialisation are welcomed although at the same time somewhat demanding and the general public has become eventually familiar with the new division of tasks. Complaints are being filed mainly in the right institution without the need to transfer them between the offices. All in all, the reform seems to lead to a better and more efficient use of resources. However, the reform does not change the competencies of the supreme legality overseers, which remain as they are presently established in the Constitution. In practice, the number of complaints handled by the Chancellor of Justice has declined. From now on, the legality oversight of the Chancellor of Justice will concentrate more on issues of structural nature instead of handling individual complaints. We are developing new working methods for own-initiative structural legality

control, such as new ways of gathering information, widening our perspective in the oversight, co-operation with various stakeholders, use of special expertise in certain issues etc. As part of the structural view, the prior constitutionality review of draft Government Proposals and decrees of the Government and the general oversight of the legislative preparation will be one of the core tasks of the Chancellor of Justice. The overall work load of the Chancellor of Justice remains significant and handling of individual complaints will still be a considerable task for the Chancellor of Justice.

## A. The process for preparing and enacting laws

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

[1] This includes also the consultation of social partners

5000 character(s) maximum

Legislative proposals were submitted to the government plenary session for decision at a very short notice during autumn 2023. The urgency of the legislative proposals was caused by the urgency of implementing certain entries in the new Government Programme. These proposals included the so-called social security savings acts related to balancing public finances. Other legislative proposals related to the budget proposal for 2024 were also considered urgent.

The Chancellor of Justice issued a statement to the Ministry of Social Affairs and Health on the drafts of the government proposals concerning the amendment of the Act on Social Assistance with regard to housing costs (OKV/1654/21/2023), the amendment of the Act on General Housing Allowance (OKV/1739/21/2023) and the index adjustments of certain benefits and amounts linked to the national pension index and the cost-of-living index (OKV/1769/21/2023). In addition, the Chancellor of Justice issued a memorandum of the preliminary inspection on the draft government proposal to amend the unemployment Security Act (OV/1744 /23/2023).

In the supervision of the preparation of the acts on savings in social security, attention was paid to whether the legislative proposals had been assessed comprehensively enough from the perspective of the constitutional provisions on fundamental rights and the implementation of international human rights obligations binding on Finland. In addition, the decision-making practice of the Constitutional Law Committee of Parliament had to be taken into account in legislative drafting. When necessary, the draft government proposals were requested to be supplemented in this respect at different stages of the ex ante control of legality.

In his statements, the Chancellor of Justice considered it important that all closely linked legislative proposals are submitted to the Government and Parliament so that there is enough time to examine their dependencies and possible cumulative effects. There should also be enough time to assess alternatives to the regulatory package. In some of the statements mentioned above, the Chancellor of Justice has also paid attention to a very short period of statements and considered this problematic from the perspective of those issuing a statement.

In its statements on the proposed legislation on savings in social security (Constitutional Law Committee statements PeVL 11/2023 vp, PeVL 14/2023 vp, PeVL 16/2023 vp), the Constitutional Law Committee drew the Government's attention to shortcomings in the joint impact assessments of the proposals under consideration by Parliament, especially with regard to fundamental and human rights impacts. The Constitutional Law Committee required the Government to closely monitor the impacts of the proposals and, if necessary, take action to correct the problems observed (incl. PeVL 15/2023). The Constitutional Law

Committee has also drawn attention to compliance with good law drafting practice with regard to the timeframe for issuing statements.

In January 2024, there are several complaints relating to the impact assessments of the proposed savings legislation on social security and the timeframe for issuing statements pending at the Office of the Chancellor of Justice. Consequently, the Chancellor of Justice will assess the bill drafting procedure of the competent ministry afterwards.

With regard to other savings acts, the Chancellor of Justice has issued a statement on the amount of round-the-clock health care providers (OV/1583/21/2023) and a memorandum on the preliminary inspection on the lowering of the age limit for after-care in child welfare (OV/1808/23/2023) and processed a request for a statement on amending the Health Care Act with regard to the care guarantee (OV/1619/21/2023).

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)

*5000 character(s) maximum*

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

*5000 character(s) maximum*

By January 2024, the Government has made a total of five decisions on the temporary closure of border crossing points at Finland's eastern border and on centralising the application for international protection. The decisions were based on irregular entry at Finland's eastern border with Russian Federation following a hybrid operation of a foreign government. Based on the observations and information made by the authorities, it was clear that the entry took place under the influence of foreign authorities or other actors (instrumentalised migration). International crime was also associated with the phenomenon. The phenomenon and the threat of its escalation posed and continues to pose a serious threat to national security and public order in Finland. This is therefore an exceptional, serious and hostile hybrid influencing by a foreign state against Finland and the European Union.

The legal basis for the decisions has been section 16 (698/2022) of the Border Guard Act (578/2005) which entered into force on 15 July 2022. According to the provision, the Government may decide to close a border crossing point or restrict cross-border traffic for a fixed period or until further notice if the closure or restriction is necessary to prevent a serious threat to public order, national security or public health. The Government may also decide to centralise the application for international protection at one or more border crossing points at the Finnish national border if this is necessary in order to prevent a serious threat to public order, national security or public health and in the case of an exceptionally large number of immigrants or information or a justifiable suspicion that the entry is being carried out under the influence of a foreign state or other actor.

Section 16 of the Border Guard Act was enacted with the contribution of the assistance of the Constitutional Law Committee (PeVL 37/2022 vp). According to the Constitutional law Committee, in the event of instrumentalised entry, the state has no legal impediment to deciding on the number of border crossing points or their location. The Constitutional Law Committee considered that, in very exceptional circumstances, a temporary total closure of the border may be possible if such a measure, which is limited to a strictly necessary period of time, can safeguard the appropriateness of the entry procedure. These factors must be taken into account in the decision-making of the authority applying the provision and in the implementation of the provision.

In addition to the Constitution, international human rights obligations binding on Finland, such as the European Convention on Human Rights (Finnish Treaty Series 18 and 19/1990) and the Geneva Refugee Convention (Finnish Treaty Series 77/1968), must be taken into account when considering restrictions on cross-border traffic and international protection. The Charter of Fundamental Rights of the European Union, European Union legislation (especially the procedures Directive, 2013/32/EU) and the case law of the European Court of Human Rights and the European Court of Justice will also be applied.

The proposals for decisions have been prepared by the Ministry of the Interior in broad cooperation with other ministries and authorities. The Chancellor of Justice does not participate in the preparation of decisions, but has assessed the legality of each proposal for a decision as part of the ex ante control of legality. The assessment was carried out from the perspective of compliance with national legislation, European Union legislation and international treaties.

Decisions on border security are about the balance between different fundamental and human rights. The Chancellor of Justice has required the Government to present the grounds for the exceptional circumstances referred to in the statement of Constitutional Law Committee. The Chancellor of Justice has considered it very important that the necessity and proportionality of each decision is justified on the basis of the circumstances and facts (including intelligence information) prevailing at the time. In addition, the Chancellor of Justice has required an assessment of the relationship between the decision and international human rights treaties and EU law. The Chancellor of Justice has also paid attention to appropriately describing available alternatives and impacts of the decisions in the explanatory memorandums. Further, the Chancellor of Justice has urged the Ministry of Interior to examine alternative ways to handle the phenomenon if the current situation continues.

## Regime for constitutional review of laws

*5000 character(s) maximum*

## B. Independent authorities

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

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## C. Accessibility and judicial review of administrative decisions

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

5000 character(s) maximum

Judicial review of administrative decisions:

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

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

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

5000 character(s) maximum

## D. The enabling framework for civil society

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

## E. Initiatives to foster a rule of law culture

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

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

## Contact

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