

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^[1] 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

Suomen Asianajajaliitto - The Finnish Bar Association

Main Areas of Work

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

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

500 character(s) maximum

The Finnish Bar Association is an entity founded by public law that accepts new attorneys-at-law, supervises and regulates the activities of all attorneys-at-law, and participates in the development of legislation and legal conditions, defending fundamental and human rights and the rule of law. Additionally the Finnish Bar Association is also responsible for the professional ethics supervision of licensed trial counsels and public legal aid attorneys when they are acting as legal counsel.

Transparency register number

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

110038846474-18

* Country of origin

Please add the country of origin of your organisation

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

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

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

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

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

First name

Niko

Surname

Jakobsson

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

* Publication of your contribution and privacy settings

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

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

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 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

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

The Bar Association repeats its concern that the mainly positive state of the rule of law both in European context and in national context shouldn't be taken for granted and active measures should be put in place in order to safeguard the independence of all actors of administration of justice - this includes also lawyers. We repeat our view that strong legislative and constitutional instruments are needed to ensure the realization and fulfilment of the principle of rule of law, through the protection of the independence and fundamental principles of profession of lawyers (such as attorney-client-privilege). In Finland, the Bar Association considers it necessary that the status of attorneys-at-law, an independent Bar Association and attorney-client-privilege would be added and protected in the national Constitution.

In the European level the Finnish Bar Association continues to strongly support the initiative and ongoing process by the Council of Europe to create a new binding legal instrument on the profession of lawyers within the members states of the Council of Europe. We also highlight, that the recent judgements of the Court of European union (such as in the case C-694/20, Orde van Vlaamse Balies and Others) highlights the need for a similar instrument as well as larger consideration of the core principles of independence of lawyers and attorney-client-privilege while preparing legislation on European level as often these principles are disregarded or not well understood by politicians. The Finnish Bar Association sees, that the best way to ensure the proper consideration of the said fundamental principles would be to have them protected within the European regulatory framework as such and not just relying on the case law of CJEU and international instruments and ECHR.

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

The Act on the Openness of Government Activities is currently under renewal process and a preparation of the reform continues in 2024. The Finnish Bar Association is working to ensure that the special legislation such as the attorney-client-privilege as regulated in the Finnish act on attorneys should be taken into consideration during the legislative reform process.

The Finnish Act on Transparency Register which entered into force 1.1.2024. The act includes paragraphs which obligate also lawyers to report their activities partially – Lawyers are obliged to report any/all activity which may be considered lobbying. Taking into account the case CJEU C-694/20 (Orde van Vlaamse Balies & others), the reporting requirements threaten the legal professional secrecy as lawyers are required to reveal existence of their client relationships without consent from client. According to the understanding of the Bar Association this is contradictory to the judgement of CJEU in the above referred case (paragraph 79).

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

N/A

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

N/A

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

N/A

Allocation of cases in courts

5000 character(s) maximum

N/A

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

The independence of judges, courts and the National Courts Administration but also prosecutors and lawyers should be improved by amending the Constitution, which has been under a debate on recent years. The working group for the said purpose has been established and the Bar Association is represented in the working group.

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

N/A

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

N/A

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

The Bar Association repeats and emphasizes that from a citizen's point of view, this is potentially problematic especially if it in any way may seem that attorneys-at-law and lawyers, representing citizens, are not in equal position with prosecutors in terms of making decisions regarding the facilities and ICT systems. It is necessary to ask whether the equality of arms is properly implemented for example in such a situation.

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

5000 character(s) maximum

Background information on the Finnish system and its legal agents

The Finnish Bar Association is a organisation founded by public law that accepts new attorneys-at-law, supervises and regulates the activities of all attorneys-at-law, and participates in the development of legislation and legal conditions in Finland, defending fundamental and human rights and the rule of law. Additionally, the Finnish Bar Association is also responsible for the professional ethics supervision of licensed trial counsels and public legal aid attorneys when they are acting as legal counsel.

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

Independence of the Bar Association and legal representatives in Finland

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

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

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

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

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

Finnish Bar Association is actively advocating for legislative changes where the scope of attorney-client privilege would be more clearly stated, and the position of independent supervisory body and profession of attorneys-at-law would be secured in constitutional level.

The Bar is represented in working groups that are established to monitor the follow-up and actions on the first ever report on state of judiciary and to assess the independence of judiciary as a whole. According to the understanding of the Bar association, this assessment also includes the assessment of the status of an independent Bar Association as a regulatory and supervisory authority as well legislative safeguards regarding the the independence of the profession as such.

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

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

5000 character(s) maximum

In the previous Rule of Law consultations, the Bar Association has multiple times raised concerns whether the importance and role of an independent Bar Association and profession of lawyer is understood well enough by the general public and relevant governmental authorities. As also reported in last years ROL report contribution, the Bar Association still has an active need to clarify and ensure, that the basic principles, the rule of law-relation and functionality, the proper interpretation and consideration of the legal professional privilege as such, and role and status of the Bar as an independent regulatory body founded by public law, which is not a representative organization of lawyer's interest, are properly considered and understood. In most cases this role is understood and respected by the authorities, but in some cases, this is only due to the constant active efforts made by the Bar association.

The guarantees regarding the confidentiality of the lawyer-client relationship are generally well respected by government officials and executives where the legislation is clear. However, in areas, where there is a legislative contradiction or conflict of norms, the subject leads to constant debates and active clarification requirements for the Bar Association. This is mostly related to legislation on taxation, ambiguities in national legislation on anti-money laundering (the national legislation obliges lawyers to reveal their client-relationships in some cases) and competition legislation, where the Bar association notes that it is currently not possible for attorneys to challenge the decision of the national competition authority on which materials are deemed falling into the scope of legal professional privilege in any reasonable way.

What has been stated herebefore regarding the lack of understanding and knowledge regarding the role of an independent bar association founded by public law also often applies to the general attitude and perception towards the Bar association while acting in its role as a public authority, in for example in connection with legislative projects and working groups.

As stated before, the Bar Association is actively advocating for legislative changes where the scope of attorney-client privilege would be more clearly stated, and the position of independent supervisory body founded by public law as well as the independence of the profession of attorneys-at-law would be secured in constitutional level.

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

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

The Finnish Bar Association has brought up on a national level its serious concern about the level of legal aid fee's payable to private practitioners and the fact that these fees have not been raised in any way (even regular indexations) since 2014. The Bar Association has a concern, that the level of legal aid fees paid to private practitioners is not sufficient when compared to the cost of providing such services, and that this could lead to decreased access to justice especially in the rural areas in Finland. Simultaneously with the custom that the travel time is not compensated as a fee, it may not be feasible for private practitioners to take on legal aid cases in the same scale than they have done historically.

The Bar Association sees this as a worrying development as the Finnish legal aid system heavily relies on private lawyers taking on legal aid cases from which they are compensated as regulated. More information regarding the matter can be found on the first ever Governmental report on administration of justice published in 2022, but it can be stated that especially that especially in criminal cases majority of defence cases are currently handled by private lawyers.

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

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

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

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

The Finnish Government elected in the spring 2023 allocated additional resources into the judicial system starting from 2024 and it remains to be seen, whether the increase in personnel and other resourcing will be sufficient to shorten the case-handling times and clear the backlog caused by the covid-19 pandemic. However it is still unclear where the capable and experienced workforce in order to fulfil the positions created by increased financing will be taken.

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

5000 character(s) maximum

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

For example, during year 2023 the Finnish Bar Association organized 47 different training events (both in person and online). These included various topics related to the topical substance-law issues in many fields, practical courtroom skills, human trafficking, child-crime related matters as well as digitalization & AI and other professional skills. In addition to we provided training for over almost 1000 attorneys and lawyers via online training tools and in cooperation with national universities.

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

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

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

5000 character(s) maximum

In the last two years the Bar association has reported in the ROL report consultation that more attention should be paid towards the independence of all actors within the Judicial system and a more general perspective of the general public should always be taken into account in regards of the practical planning of courthouses and e-services and digital justice systems. In order to maintain the trust of general public the independence of prosecutors, judges and attorneys should always be considered both separately and from a reciprocal perspective with each other as independent and separate actors.

Regretfully the Bar association has to state, that at least before the end of 2023, no positive development regarding the availability of e-services and digital tools available to parties in judicial proceedings has been made. This mainly concerns the case management system of the Finnish courts (AIPA and its equivalent for the administrative courts side HAIPA). It is still not possible for lawyers to gain the same access and visibility to case via e-services as it is for the prosecutors. The Bar association still sees this as a problem for the realization of the principle of equality of arms as, especially in criminal procedure, the defence should have the same access and visibility than prosecution.

The lack of access for lawyers in the judicial case management systems was already noted by the EC in its 2023 ROL report as a shortcoming (Country chapter for Finland, p. 7).

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

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

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

5000 character(s) maximum

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

C. Efficiency of the justice system

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

Length of proceedings

5000 character(s) maximum

As already stated in last years ROL report contribution, lengthy handling times of legal processes and delayed trials have been problem in Finland for a long time and have been recognized both nationally and internationally. Despite some legislative reforms that have improved the situation, trials can still be unreasonably prolonged.

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

The Finnish Government elected in the end of spring 2023 allocated additional resources into the judicial system starting from 2024 and it remains to be seen, whether the increase in personnel and other resourcing will be sufficient to shorten the case-handling times and clear the backlog caused by the covid-19 pandemic.

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

As reported in last years contribution by the Bar Association, the government proposal on transparency register was being considered by the parliament and there was an ongoing discussion about the scope of the register and the definition of improper lobbying activities. As an end result, the Finnish Act on Transparency Register which entered into force 1.1.2024. The act includes paragraphs which obligate also lawyers to report their activities partially – Lawyers are obliged to report any/all activity which may be considered lobbying. Taking into account the case CJEU C-694/20 (Orde van Vlaamse Balies & others), the reporting requirements threaten the legal professional secrecy as lawyers are required to reveal existence of their client relationships without consent from client. According to the understanding of the Bar Association this is contradictory to the judgement of CJEU in the above referred case (paragraph 79).

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

N/A

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

5000 character(s) maximum

N/A

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

N/A

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

N/A

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

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

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

N/A

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

N/A

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

N/A

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

5000 character(s) maximum

N/A

C. Repressive measures

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

5000 character(s) maximum

N/A

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

N/A

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

N/A

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

N/A

Other - please specify

5000 character(s) maximum

N/A

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

N/A

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

N/A

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

N/A

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

5000 character(s) maximum

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

5000 character(s) maximum

N/A

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

N/A

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

N/A

Other - please specify

5000 character(s) maximum

N/A

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

N/A

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

N/A

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

N/A

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

5000 character(s) maximum

N/A

Regime for constitutional review of laws

5000 character(s) maximum

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

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

Regarding the initiatives last year was a significant step up as the government published its first ever report on the state of the administration of justice published. The Bar Association continues to highlight that the future of the administration of justice cannot be viewed only from the point of view of the courts and the prosecutor's office. On a structural level attorneys-at-law are part of the administration of justice as they ensure that the legal protection of individuals and communities is realized in legal proceedings.

We repeat our view, that strong legislative and constitutional instruments are needed to ensure the rule of law, through the protection of the legal profession. In Finland, the Bar Association considers it necessary that the status of attorneys-at-law should be protected in the Constitution as the status of judges and prosecutors is. This need to reform the constitution to strengthen the independence of justice administration actors has been recognized in the government report. According to the view of the Bar Association this tasks also includes the assessment of the independent Bar Association and the profession of lawyers as such.

Other - please specify

5000 character(s) maximum

Contact

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