

The Rule of Law
Report 2023:
Input of Finland

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Summary

Justice system: In line with the recommendation, the National Courts Administration has continued developing its work to support the work of courts. Regular online meetings with the management of the courts have continued and similar meetings have been introduced to the HR Secretaries and Network of preparedness. The NCA is also developing a tool for measuring the workload of the courts. The government gave its first ever Report to the parliament on the Administration of Justice in November 2022. The report provides a comprehensive and concise overview of the current state of the administration of justice in Finland and its operating conditions and development trends. In the Report the length of the proceedings and the high cost of trials were identified as a key problems regarding legal protection. In January 2023, the Parliament approved a reform that aims to increase the courts' powers to reach a just and balanced decision on allocation of legal costs in civil cases.

Anti-corruption framework: As recommended by the Commission, work has progressed concerning the legislative proposal on trading in influence. The draft proposal is being revised according to the feedback received from the public consultation, which ended in November 2022. Due to the forthcoming parliamentary elections, the proposal is expected to proceed to the Parliament during the second half of 2023. In line with the recommendation subjected to Finland, efforts to implement the Anti-corruption Strategy and Action Plan have been continued accordingly. Out of 79 actions 13 have been completed, 27 are well-advanced and 9 actions remain to be started. The implementation period of the Strategy has been extended until the end of 2023. Preparations for a new strategy are starting in 2023. The national law on whistleblower protection entered into force in 01.01.2023. Further, a Government proposal on limiting 'revolving doors' as regards Ministers was submitted to Parliament in September 2022. Amendment to State Civil Servant's Act concerning the post government waiting period agreement entered into force 01.06.2022.

Media pluralism: In line with the recommendation on continuing the reform of the Act on Openness, work on the reform has progressed. A working group set up to reform the Act presented a proposal on urgent changes to the legislation, which was submitted to the Parliament in the end of 2022. The overall reform of the Act continues in 2023 in accordance with the mandate of the working group. The Government adopted a resolution concerning Finnish democracy policy in the 2020s outlining inter alia measures to safeguard a diverse media environment and an inclusive conversational culture. Consideration are ongoing on making "targeting" a separate offence by including a specific provision on the matter in the Criminal Code. An amendment to the Act on the Finnish Broadcasting Company, related to a complaint submitted to the European Commission by the Finnish Mass Media Federation in 2017, has entered into force in August 2022.

Other institutional issues related to checks and balances: Implementation of the Government Action Plan on Better Regulation continued throughout 2022. An implementation report will be prepared in 2023. The Emergency Powers Act was amended in July 2022 in urgent procedure for constitutional enactment to ensure that state of emergency can be declared also in a case of serious hybrid influencing. Moreover, comprehensive reform of the Emergency Powers Act started in autumn 2022 with a view of submitting a proposal on a new Emergency Powers Act to the Parliament in the autumn of 2025. Needs for the overall reform of the Communicable Disease Act have also been identified. Timetable for the reform will be decided in the next parliamentary term. New funding model regarding the activities of the civil society funded with gambling proceeds was finalised in the beginning of 2022. Relevant legislative changes to accommodate the new model are underway. A National Dialogue Model stemming from the "best practices" of the Covid-19 crisis was developed in 2022 with the civil society actors. The idea is to provide an opportunity for the citizens to come together and share their experiences and to build trust in the nation's ability to steer through crisis.

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

Recommendation 1: Continue developing initiatives by the National Courts Administration to support the work of courts.

The National Courts Administration (NCA) has continued the twice a month, online, meetings with the management of the courts. As this has turned out to be fruitful practice, similar online meetings are also established with the HR Secretaries for tackling practical issues and Network for preparedness, which is tasked to make sure courts are prepared for crisis and disruption. The NCA also continued to build the networks with other actors in the chain of justice such as prosecutors and Legal Register Centre. As the Covid-pandemic has calmed down, NCA has also for the first time been able to participate to physical meetings with its cooperation partners outside of Finland such as the Nordic Network, ENCJ and Council of Europe's CEPEJ-committee. The NCA also arranged the meeting of Baltic Forum (meeting of the Judicial Councils from Baltic states) and assisted in arranging the International Association for Court Administration (IACA) conference on "[People-centered Justice in the New Normal](#)", both in Helsinki.

The NCA continued the development of the case management systems for administrative and special courts (HAIPA) and for general courts (AIPA). The NCA participated to the development of the new system for managing administrative issues in the courts, HILDA, which was introduced. It has received good feedback from the courts.

The project looking into the possibility of centralizing certain administrative tasks performed by the courts ended in 2022. It did not lead to centralization of tasks but instead during this work it was noted that the courts need even more support in their administrative work. In result, the NCA continued to develop support functions for the courts.

The first ever strategy of the NCA was published at the end of 2021. The work to update the strategy of the judiciary begun in 2022. The work is organised by the NCA and done together with the courts. This work will continue in 2023.

The NCA commissioned a study concerning well-being at work in courts from the Institute of Occupational Health.

The NCA has participated in the work of the first ever Report on the Administration of Justice (see more closely section *other*) by inter alia providing research and calculations on the needs of the courts.

A. Independence

2. Appointment and selection of judges⁴, prosecutors and court presidents (incl. judicial review)

Judges: No significant developments.

Nominations in the Supreme Court and the Supreme Administrative Court from 1 January 2022 to 31 December 2022:

- one justice of the Supreme Court, previously appointed for a fixed term, was appointed to permanent position. One justice was first appointed for a fixed term of 1.6.2022–31.12.2027 and later to a permanent position. One justice was appointed for a fixed term of 1.1.2023 – 31.10.2027.
- two justices of the Supreme Administrative Court, previously appointed for a fixed term, were appointed to permanent position, and one justice was appointed for a fixed term of 20.8.- 31.12.2022.

Nomination in the Prosecution Authority: the new Prosecutor General was appointed in May 2022 and started in the position in October when the former Prosecutor General retired.

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

No significant developments.

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

No significant developments.

5. Allocation of cases in courts

The new case management system for general courts (AIPA) still under development does not have an automated case allocation system. The case management system for Administrative and Special Courts (HAIPA) has a “coarse-level technical readiness” for automated distribution of cases. However, this feature is not sophisticated enough to rely only on it. So, currently it is used in some courts to distribute cases for preparation to secretaries and referendaries. It is not used for distributing cases to judges.

6. 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)

There have been no developments in the structure or the nomination or dismissal process of the Board of Directors of the National Courts Administration. The changes in Board’s personnel have gone smoothly - there were no issues in selecting or nominating a new representative.

7. 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)

Courts: The NCA regularly organises trainings on rule of law and for example training for junior judges (asessori) and for new judges (uudet puheenjohtajat) that include elements of ethical behaviour of judges. In addition, the training material for lawyers doing their one year in-bench-training in courts (notaari) includes a video on ethics.

Prosecutors: No significant developments.

8. 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

No significant developments.

9. Independence/autonomy of the prosecution service

No significant developments.

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

No addition to written contribution of 2021.

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

On 17 November 2022, the government gave its first ever Report on the Administration of Justice to the Parliament (see more closely section *other*). Parliament held a general debate on the report on 2 December and will continue assessing the report and its findings in order to prepare the parliament's opinion to the report in 2023.

A working group set up by the Ministry of Justice published its report in October on the assessment and future development trends of the court system (see more closely section *other*).

The NCA has worked to improve public statistics related to the courts (such as the times cases are pending in each court). The NCA has started to publish, proactively, statistics on the website of the NCA, see [here](#) and [here](#). The NCA continued to develop the work of the Network of Media Judges. More [here](#).

The first ever strategy of the NCA was published at the end of 2021. It emphasises the independence of the judiciary – also from the NCA. More [here](#). (See also answer to question 1).

B. Quality of justice

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

In January 2023, the Parliament approved a reform that aims to increase the courts' powers to reach a just and balanced decision on allocation of legal costs in civil cases. It will enter into force in May 2023. The Government proposal can be found [here](#) (in Finnish) and [here](#) (in Swedish). The Ministry of Justice has commissioned a study on the effects of the law that came into force in 2017 on court fees. The study will be published in 2023. In addition, the Ministry of Justice is examining whether it would be possible to introduce a simplified court procedure for smaller civil cases (small claims procedure). An assessment memorandum was published in January 2023.

Courts: The Report on the Administration of Justice (see section *other*) recognises the problem of high expenses of a trials that may have a negative effect to the accessibility of courts.

Finnish and Swedish are official languages in Finland. The Report of the working group assessing the future trends of the court system (see more closely section other) noted that the proportion of trials in Swedish has diminished during the last decade. It is likely that this observation will require some further studying.

As an addition to Finland's written contributions in 2021 and 2022 concerning legal aid: In March 2020, the Ministry of Justice launched a project to examine and assess the possibilities to establish one National Legal Aid and Guardianship Authority. This project has been suspended due to lack of funding.

A research project was initiated in June 2020 to examine the access to legal aid. Any changes to the conditions for granting legal aid that may be proposed as a result of the study are still under consideration. The preparation of an on-call legal aid service launched in 2019 is still on hold while authorities inquire into the options of funding.

13. Resources of the judiciary (human/financial/materials)

The Report on the Administration of Justice (see also section other) concludes that securing appropriate operating conditions for the administration of justice and achieving the objectives set for the administration of justice require a total of approximately EUR 90 million in permanent annual additional funding. The Government's budget proposition 2023 for the Ministry of Justice is ca. 1,1 billion euros. Compared with the budget 2022, there is an increase of ca. 42 million euros (expenses of parliamentary and other elections excluded because they are not annual.)

Courts: The NCA monitors the performance of the courts and drafts performance agreements with each individual court. It also decides on the allocation of the appropriations to the courts (and Boards) in accordance with the approved budget. The administration conducts studies and assessments concerning the performance of the courts.

The NCA is developing a tool for measuring the workload of the courts. This tool is useful when distributing resources between courts. The work of the working group reviewing the "weighting coefficient" continues until May 2023. The aim is to have the new "weighting coefficient" validated in time to be used in budget and performance negotiations of the courts' in 2023 (for the budget year of 2024). The working group will produce a final report that will also look more widely into economic indicators of the courts.

The courts have received more additional funding (EUR 4 million) to clear the Covid 19 backlog. Funding was targeted for the second half of year 2022 and year 2023, because there are still considerably more cases pending than before the Covid-pandemic.

The courts also have received additional funding (EUR 2,5 million) to shorten the processing times for water and environmental issues and to help transition to the green economy by giving more resources to deal with related environmental issues.

Prosecutors: Partly because of the corona-pandemic the backlog of the Prosecution Authority has increased. In 2020 and 2021 there were over 17 000 open cases but year 2022 the estimation already 19 000 cases. Prosecution Authority reports the criminal cases which have been under consideration of charges over 6 months and over one year. Number of cases have increased significantly (see table below).

Cases under consideration over 6 month	2020	2021	2022 (estimation)

	3500	4700	4800
Cases under consideration over 12 months	2020	2021	2022 (estimation)
	600	1200	2000

The Prosecution Authority has also received additional funding for the years 2021 and 2022 to clear the Covid-19 backlog and new prosecutors have been recruited. The number of personnel in the Prosecution Authority in 2021 was 558. The estimated personnel for 2022 is somewhat higher, 584, due to the additional funding. For 2023, the estimation of the number of personnel is even higher, 613.

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

In June 2022, the Ministry of Justice appointed a rapporteur to assess the effectiveness and impacts of the reform concerning the training of judges and the effects of the National Courts Administration on the training of judges. A report is expected in October 2023. This is the second part of an evaluation that was required by the Finnish Parliament. The first evaluation report was submitted to the Parliament in 2020. The Government Action Plan for Combating Violence Against Women (2020-2023) includes several measures to increase training of justice professionals on violence against women and its effects. Also training measures are included in the Action Plan against Trafficking in Human Beings (2021-2023) as well as in the Action Plan for Combating Racism and Promoting Good Relations between Population Groups (2021-2023).

The entry into force of the new legislation on sexual offences has been accompanied by providing training for the police, prosecutors and judges and by increasing the resources of the relevant actors in the criminal justice system. See more [here](#).

Judges: No significant structural developments.

In 2022, the NCA organised approximately 150 training events, and the total number of participants is estimated close to 3 000. The trainings were organised partly remote, partly as hybrid and partly as face-to-face training, and as webinars and online learning platforms. Covid-19 had still some effect on the number of trainings organised and the number of staff participating.

The NCA continues to cooperate with international and national providers and networks. About 90 judges and other court staff participate to international trainings and seminars. 37 judges participated to exchange programs. Finland received 20 Judges, 6 AIAKOS judges and 13 other court staff.

In addition to its own training activities in 2021-2022 NCA also participated in an EU-funded project called "Tools and Support" managed by the Ministry of Justice developing the Finnish Network of the EJM Civil Justice Network. The project organised 2 seminars and 5 information sessions.

In 2022 NCA participated in planning of three big projects that will start in 2023;

- 1) Project with EIPA 2023-2026; *Update on EU judicial cooperation instruments*, aims to organize hands-on trainings on the flagship instruments of EU judicial cooperation in both civil and criminal law. The

overall objective of the project is to contribute to the effective and coherent application of EU law, especially with regard to the implementation of mutual recognition instruments in the field of judicial cooperation by increasing the correct and consistent understanding of the case law of the Court of Justice of the European Union (CJEU).

- 2) Project with ERA 2023-2025 on training of court staff and bailiffs in cross-border civil and criminal law procedures, aims to update of the standardised training packages developed under the past court staff training projects, develop of a stand-alone e-tool for legal English in criminal law matters and organise of a series of pan-European legal training events on specific aspects of cross-border civil and criminal law matters offered at both introductory and advanced level and organise of a series of language training events.
- 3) Project with Ministry of Justice 2023-2024 on “Strengthening the Finnish Network for Cooperation in Criminal Matters” will contribute to the efficient and consistent application of the EU acquis relating to judicial cooperation in criminal matters (EAW, EIO, ESO) as well as the use of videoconferencing. The project has a two-pronged approach: 1) to strengthen the National Network in Finland by improving its structure and working methods and knowledge of Contact Points, and 2) to increase the capacities and skills of practitioners in cross-border cooperation by offering training on the selected instruments and tools, and certain other topics.

Legal aid and lawyers. No addition to written contribution of 2022. The Ministry of Justice organizes extensive and comprehensive training for the personnel of state legal aid offices. The personnel can also participate educational courses that are organized by other instances. The Finnish Bar Association provides the advocates with substantial amount of training.

Prosecutors: No significant developments.

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

Use of video recordings in taking of evidence

In addition to our written contribution to the 2022 report: a reform regarding the use of video recordings in taking of evidence has been approved in January 2022. In future, examinations in the district court will be recorded on video. If the case goes to appeal, the general rule will be that the video recording from the district court proceedings will be used in the court of appeal and the Supreme Court instead of hearing the witness again in person.

The reform will come into force once a data system for video recordings has been developed. The Government expects this to happen in 2024. The NCA has begun the preparations for its implementation.

Courts:

Development project AIPA, the digitalization project and case management system for general courts and prosecutor’s offices, continues. There has been a slight delay in the project and foreseen to be ready in spring 2023. The development will continue even after. Summary (undisputed) debt collection cases and insolvency cases, for example, will be included in the system later. The planning of citizens’ e-services compatible with the AIPA system continues. NCA has acquired some additional funding for this. The EU-

funded (TSI) project “Drafting an ICT governance strategy to enable National Courts Administration to further sustainably develop digitalization of the judiciary in Finland” started in June 2022. The project is still ongoing and scheduled to be finalised in September 2023.

The project for acquiring and installing more video conferencing equipment to the courts is almost finalised – all but a couple of the court rooms are now equipped for remote hearings with videoconferencing system for court to another authority conference (device to device). These videoconferencing systems can be joined from outside the courts with Skype for Business. The search for a new data secure remote trial tool to replace Skype for Business is continuing in cooperation with the Legal Register Centre.

The NCA’s joint research project with HEUNI (The European Institute for Crime Prevention and Control, affiliated with the United Nations), University of Turku and University of Tampere on the different aspects of remote participation in criminal cases was finalised. The presenting of the results of the questionnaire continued in 2022, for example by organising jointly with the University of Tampere a webinar for judges on interaction in the court room. More specifically the topics covered included; what is meant by interaction in the court room and what effects it has, to what in particular should attention be paid, how can the judge improve good interaction, what are the expectations and challenges in leading the process, how does the interaction in a remote trial differ from a face-to-face trial, feedback from the users, and finally, “what works”.

Prosecutors: Work on digitalization of Prosecution Authority continues. COVID-19 restrictions have been revoked, but remote working is still preferred practice. Current equipment supports remote working including court hearings. Development of AIPA continues in cooperation with the NCA.

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

Courts:

NCA participates on the Cooperation Network for the Statistics for the Justice and Criminal Matters. The Network aims at improving the statistics and their availability (as an example, the statistics related to violence against women and children). NCA conveys the information from the Network to the development team for AIPA case management system.

The NCA and Legal Register Centre have continued to work together also in providing statistical information and answering to requests from outside the judiciary. The cooperation works well.

The transfer of the District Courts to use the Microsoft Power BI only for reporting is still in progress – this is dependent on when each new case type is beginning to be managed in the new AIPA case management system. In the meantime, the temporary solution is used.

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

Prosecutors:

Prosecution Authority uses two different case management systems to manage criminal cases. Case data is loaded to different reporting tools (SAP BusinessObjects, Microsoft Power BI). Case data is transformed in to reports for the management for the decision-making.

Legal aid: No significant developments.

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

Preparations are still under way for the establishment of the Unified Patent Court, and its office in Helsinki. Otherwise no significant developments. In June 2022, the NCA has made an initiative to close three venues (Salo, Kauhava and Utsjoki) under district courts of Varsinais-Suomi, Etelä-Pohjanmaa and Lappi. The initiative is still under consideration in the Ministry of Justice.

C. Efficiency of the justice system

18. Length of proceedings

The Report on Administration of Justice identifies length of proceedings as a key problem regarding legal protection. One of the main aims of the report is to shorten the time the proceedings take. As it is the tasks of independent courts to handle cases according to the applicable laws, the Report does not set any time limits to types of cases. As concrete steps the Report suggests streamlining processes, improved administration, ensuring the emphasis is in the first instance courts and appealing is more of an exception, and finally, better ICT management.

The NCA has noted that the lower clearance rate by courts does not necessarily mean that the courts would have been less effective in their work. In part, this is a result of incoming cases becoming more difficult. For example, there are more cases with several hearing days, more interpretation, cases with connections abroad, and so on. As a concrete example; in courts of appeal, in year 2021 the main trial lasted over 8 hours in 335 cases. This is 25% more than last year (2020: 268). One could summarise that small cases are dealt with extremely swiftly. Large cases are allocated the resources and time they require. The resource situation has led to the middle size, non-urgent cases having to wait for their turn.

As reported in 2022, a working group of the Ministry of Justice was tasked to assess ways to improve the efficiency of the criminal procedure and speed up the processing of criminal cases. The report of the working group was published in the first months of 2022 ([Rikosprosessin tehostaminen: Työryhmän mietintö – Valto](#)). The report included proposals for legislative amendments, such as speeding up the process of criminal offences against children, which is already approved by the Parliament ([HE 144/2022 vp \(eduskunta.fi\)](#)). Some of the legislative amendments, such as developing cooperation between prosecutors and criminal investigation authorities, are still under review.

A new working group was appointed on 30 September 2022 as a follow-up to the afore-mentioned work. The working group was tasked to assess ways to streamline criminal investigation and criminal proceedings throughout the criminal process chain. The aim is to improve the efficiency of the criminal procedure, speed up the criminal proceedings and improve cooperation between the authorities. Concrete proposals

of these both working groups will be examined as a whole when the term of the working group ends on 30 March 2023. More information can be found [here](#).

Other – please specify

Government published a [report on the Administration of Justice](#) (in Finnish) in November 2022. The report provides a comprehensive and concise overview of the current state of the administration of justice in Finland and its operating conditions and development trends. The field of administration of justice is broad. This Report focuses on the activities of the court system, the National Prosecution Authority, the National Enforcement Authority, the Prison and Probation Service, the public legal aid and guardianship districts, the Legal Register Centre, the Consumer Disputes Board and the Non-Discrimination and Equality Board.

The insufficiency of budget appropriations allocated for the administration of justice and the operating conditions of actors in the field have given rise to significant concerns already for a longer time and, despite significant increases in appropriations during the current parliamentary term, the situation remains unsatisfactory. Key problems regarding legal protection include the excessive length of legal proceedings and the high cost of trials. At the same time, the personnel is overburdened.

The Government Report sets medium-term objectives for achieving reasonable quality in the administration of justice. It also presents proposals for measures to ensure sufficient resources for the administration of justice, to improve the internal structures and processes, and to improve the availability of legal services and customer service. Securing appropriate operating conditions for the administration of justice and achieving the objectives set for the administration of justice require a total of approximately EUR 90 million in permanent annual additional funding.

A working group set up by the Ministry of Justice published its report in October on the assessment and future development trends of the court system. See [Report](#) (in Finnish only). According to the report, in the past, efforts to respond to changes in the operating environment of courts have been made through different development measures, such as structural reforms. However, they have failed to adequately respond to key challenges in the administration of justice (insufficient resources and the long duration of judicial proceedings). The three key objectives defined by the working group are 1) strong independence, 2) high-quality legal protection and 3) user-orientation. These objectives form the foundation of the administration of justice and are closely interlinked. The measures necessary to implement the objectives partly overlap and help achieve several goals.

II. Anti-corruption framework

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

In the 2022 Rule of law report, Finland received two recommendations regarding the anti-corruption framework, progress on these recommendations is described below:

2) Continue to strengthen the criminal legal framework on corruption, in particular by the adoption of legislation on trading in influence

The legislative proposal by the Ministry of Justice on trading in influence was in public consultation round with the deadline of 25.11.2022. The revised proposal incorporating the feedback gathered from the consultation process will be ready by March 2023. Bearing in mind the forthcoming parliamentary elections

in April 2023, the proposal will be ready to be given to the new parliament most likely during the second half of 2023.

The Ministry of Justice is currently assessing the national provisions on offences in public office in Chapter 40 of the Criminal Code and the possible needs to amend them. Also, the question, among others, on whether these crimes should cover municipal and state majority-owned companies may be assessed in the course of this work.

3) Continue efforts to implement the new National Anti-corruption Strategy and Action Plan 2021-2023, including by starting the implementation of all planned measures.

The National Anti-Corruption Strategy and Action Plan 2021 – 2023 has progressed and out of the 79 actions 13 have been completed, 27 are well-advanced and 9 actions remain with the status of not started. This implementation status is based on the fourth reporting round and the meeting of the preparation and steering group in October 2022. (Chart on the implementation status attached).

The Ministerial Working Group on Internal Security and Strengthening the Rule of Law outlined in September 2022 that the implementation period for the anti-corruption strategy is extended until the end of 2023 and during 2023 the preparation for the next strategy may start.

The national law on whistleblower protection entered into force on 1 January 2023. During 2023, the implementation of the whistleblower protection legislation will start. Ministry of Justice has applied for external funding to carry out a training project on the national whistleblower law. The decision on funding will be received in February 2023. With possible external funding, the Ministry of Justice aims to carry out a national data analysis and regular situation report on corruption. See a policy brief on the national indicators [here](#).

To mention some examples of actions to be carried out in 2023, in accordance with the OECD recommendations and the study “Bribery in international business – the current state and reformation needs in regulation, application, and education” the education / training for the courts will be planned and implemented during 2023. Link to the study (in Finnish) [here](#).

The anti-corruption policy of the Border Guard is planned to be finalized in the beginning of 2023 and the Police Board plans to implement an anti-corruption strategy during 2023. These measures are based on the GRECO recommendations. The Customs published their anti-corruption strategy in December 2022. In the spring 2022 Finland has signed the UNCAC Coalition’s Transparency Pledge and during 2023 aims to increase the transparency of the UNCAC process as well as the progress of the national anti-corruption strategy, especially via the website www.anticorruption.fi

Please see the follow-up and compliance reports of the OECD and GRECO as well. The onsite-visit for the 2nd cycle review of the UNCAC is planned for mid-March 2023 (tbc).

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

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

No significant developments since the last reporting period of 2022. Both GRECO (5th round) and OECD (4th round) have been evaluating the implementation of the recommendations given to Finland. GRECO 2nd compliance report will be published in January 2023.

In accordance with the action plan of the national anti-corruption strategy, the resources of the Police and the National Bureau of Investigation have been strengthened from the second half of 2022 until the end of January 2023 (possible continuation) with altogether 4 officers. Two positions have been allocated to the criminal investigation division (financial crime), one position to financial intelligence unit (FIU), and one to the Helsinki Police Department. Cooperation with the municipal and private sector will be developed in order to make the economic conditions for criminal activities more difficult.

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

No significant developments since the last reporting period of 2022.

For additional information, please see our previous contributions for the Rule of Law Report 2021 and 2022 as well as the related documents (Greco fifth evaluation round report 2nd compliance report published in January 2023,) and UNCAC 2nd cycle self-assessment checklist for Finland)

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators. Please refer to our answer on question 19.

The aim is to safeguard the continuation of strategic anti-corruption work and to propose the inclusion of a new anti-corruption strategy to the forthcoming Government Programme (2022 – 2025).

With regard to the current national anti-corruption strategy, the preparation and steering group will continue the monitoring of the implementation of the strategy and reporting on the progress to the Ministerial Working Group on Internal Security and Strengthening the Rule of Law during 2023. Also, the Anti-Corruption Cooperation Network (period of the current network is 2022 – 2025) will continue its work and, inter alia, focus on awareness-raising activities (anticorruption.fi) and visioning the possible future anti-corruption strategy.

B. Prevention

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

A legislative project on limiting 'revolving doors' as regards Ministers is underway. The aim is to lay down procedures for preventing and avoiding conflicts of interest when a member of the Government moves to other position. The Government's proposal was submitted to the Parliament in September 2022. The act is intended to enter into force in June 2023. Link to the Parliament's webpages regarding the proposal: https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_192+2022.aspx

Referring to the reporting of 2022, the amendment to section 44a of the State Civil Servants' Act (750/1994) concerning the post government employment waiting period agreement entered into force on 01.06.2022. At the same time, instructions on the matter were updated.

Link to the State Civil Servants` Act (750/1994): <https://finlex.fi/fi/laki/ajantasa/1994/19940750>

Link to the instructions: [Instructions on post government employment waiting agreement](#)

Measures to enhance integrity have been continued as part of the implementation tasks of the National Public Procurement Strategy. This strategy has been drawn up as part of the “ProcureFinland” programme. The programme has defined eight common goals to develop the effectiveness of public procurement. Measures that enhance integrity and their application are at the center, especially in the common goal concerning social sustainability. Implementation is carried out in a network of procurement operators consisting of actors from the public and private sectors.

The Finnish Government’s digital training portal (www.eOppiva.fi) contains two ethics courses published in 2019, namely “Introduction to civil service ethics” (only in Finnish, <https://www.eoppiva.fi/koulutukset/johdanto-virkamiesetiikkaan/>) and “Civil service ethics in practice” (only in Finnish, <https://www.eoppiva.fi/koulutukset/virkamiesetiikkaa-kaytannossa/>). The first one is open for anyone to study. The latter is intended for state employees. Both courses have been included, for example, in the joint induction material intended for new Government employees. In this context, The Finnish Institute of Public Management, HAUS, has organised separate “Good governance” discussion events for students in central government traineeships.

In the extensive “human-centric training” carried out by HAUS last year, ethics was strongly involved in the planning, implementation and procurement of public services. Ethics was also an essential part of two training courses on Whistleblowing reporting channels. Furthermore, ethics is also a central theme in the context of digitalisation and artificial intelligence, and the eOppiva.fi service, for example, contains content related to this.

24. 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)

The Ministry of Justice has prepared amendments to develop transparency in electoral and party funding legislation. The aim of the preparation was to refine the provisions and practices for the disclosure of electoral and party funding, in order to ensure that the declarations provide a correct picture of external funding resulting from potential tie-ups and strengthening the right of the National Audit Office to monitor candidates' election funding declarations. The Government's proposal (HE 254/2022 vp) to Parliament to amend the Candidate's Election Funding Act, Parties Act, Sections 112 and 143l of the Electoral Act and Article 10 of the Citizens' Initiatives Act was issued on 10 November 2022. The amendments presented are intended to enter into force on 1 July 2023. Read more [here](#).

The Government proposal (HE 98/2022 vp) for the Transparency Registration Act is currently under consideration by the Parliament. The Transparency Registry Act would lay down the obligation to register for influencing activities and related professional advice by legal persons and private traders. The controller would be the National Audit Office. The aim of the Transparency Register is to improve the transparency of decision-making, combating ineffective influence and strengthening public confidence. The Transparency Registry Act is scheduled to come into full effect on January 1, 2024. Read more [here](#).

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

Update to the reporting on 2022: The first county elections were held on 23 January 2022. The term of office of county councils started on 1 March 2022 and runs until 31 May 2025.

Please see the 2nd compliance report of Finland on the GRECO 5th evaluation round and follow-up on the recommendations concerning persons entrusted with top executive functions (PTEF's).

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption. The government proposal (HE 147/2022 vp) on whistleblower protection was given to the Parliament on 19.9.2022. Parliament has adopted the law and it enters into force on 1.1.2023. The content of the law is based on the EU Directive on Whistleblower Protection, but the scope of the national law is wider than in the Directive. Bribery offences are covered by the new law. As stated in our response to question 19, the Ministry of Justice has applied for external funding (EU/Internal Security Fund) for a large awareness raising and training project for target groups for more than 1,5 years. Target groups are public and private sector organizations and citizens.

Link to the proposal HE 147/2022 vp on Finlex Data Bank (Finlex):

<https://www.finlex.fi/fi/esitykset/he/2022/20220147>

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

Please see our previous input to previous Rule of Law Reports 2020 and 2021 related to the high-risk sectors. Regarding to the relevant new measures, see also our response to question 28.

Finland has continued implementing National Strategy and Action Plan for Tackling the Grey Economy and Economic Crime for 2020-2023 and its corruption related priority project 1.3 (please see a more detailed description from the Finland input to Rule of Law Report 2021). Within this project a report titled "Combating Corruption in Local Government – Steps Towards Good Governance" was published in 13.12.2022. Currently the report is available in Finnish [here](#), the English translation will be available by the end of January 2023.

The Ministry of Justice has continued to organize targeted and tailored trainings for the high-risk sectors of corruption during 2022 (as part of the National Strategy and Action Plan for Tackling the Grey Economy and Economic Crime and the National Anti-Corruption Strategy). Targeted training focuses on the concept and forms of corruption, especially in the Finnish context, and the risk mapping in the public procurement process as well as the vulnerabilities and possible ethical loopholes in the decision-making processes. Every training session also provides tools to build up or further develop the organizations' integrity and anti-corruption framework.

Some of the risk sectors identified are public procurement and political decision-making especially in the local level. During spring 2022, Ministry of Justice organized two tailored training sessions for the procurement

department of HUS (Helsinki and Uusimaa Hospital District) and a training session for the external audit of HUS in the autumn 2022.

Training for the local government was organized in collaboration with the Association of Municipalities in the beginning of 2022. Tailored trainings will continue in 2023 in relation to the recently published guide – [Combating Corruption in Local Government – Steps Towards Good Governance](#).

As part of the national anti-corruption strategy, the aim is to increase awareness of corruption among parties receiving significant government grants. Within this measure the Ministry of Economic Affairs and Employment has organized trainings on countering fraud for the stakeholders who grant the funds for example from the EU regional and structural fund.

The aim is to make the procurement process of public procurement more transparent and supportive of healthy competition; in this context, anti-corruption measures will also be promoted through cooperation between the Government and stakeholders as part of the “Procurement Finland” -operational program. For example, a training session for major contracting entities is planned in early 2023.

A draft amendment to the Procurement Act is currently under consideration by the Parliament, which would bring into force stricter mandatory exclusion criteria for a tenderer for certain environmental offences. In addition, the exclusion of subcontractors where they are subject to mandatory exclusion criteria is specified. The Act is scheduled to come into force during the second half of 2023.

[28. Any other relevant measures to prevent corruption in public and private sector](#)

An anti-corruption guideline to the government agencies was published in 9.12.2022 and a training session for public officials, especially the managers of ministries and government agencies will be organized in January 2023.

In December 2022, the Ministry of Justice organized as part of the International Anti-Corruption Day – two seminars. First seminar on 8.12.2022 was about the role of civil society and the media in anti-corruption work – an online seminar that gathered up to 100 participants. The second seminar, 13.12.2022, was the publication of the local government anti-corruption guide, including a panel discussion with representatives from municipalities, academia, civil society and internal audit. The hybrid event gathered in total 90 participants, majority of which worked in the municipalities.

The work has continued on implementing the recommendations put forward by the OECD to Finland in the Trust Review and a Civic Space Scan on Finland. The report of the horizontal working group on the implementation was on the agenda of the ministerial group on Data Economy, Digitalisation and Public Governance in the January of 2022. Since then the implementation has continued and the status of the implementation has been reported to the OECD in August 2022. Regarding the regular trust measurement, Finland has committed to the OECD’s next comparative Trust survey and the data will be collected by the Statistics Finland in 2023.

The Ministry of Finance has proposed public sector wide ethics and integrity programme for the next government term in the Ministry of Finance’s review that looks at the starting points for economic and governance policy for the upcoming parliamentary term. The Ministry published the review on 8.12.2022.

In order to prevent corruption, the production of guidelines and training has continued as part of the implementation of the National Procurement Strategy. This strategy has been drawn up as part of the “ProcureFinland” programme. The programme includes eight common goals to improve the effectiveness of public procurement. The implementation of the strategy is carried out in a network of procurement operators consisting of actors from the public and private sectors. One of the measures relating to the common goal concerning economic sustainability is the prevention of the grey economy, where the purpose is to increase competence and knowledge of the required obligations and related explanations in public procurement.

The Ministry of Finance has been active in implementing the Council of Europe’s 12 principles of Good Democratic Governance. Particularly principles 4 (openness and transparency), 6 (ethical conduct) and 12 (accountability) are valid to the scope of this evaluation.

The working group has been preparing a recommendation on the use of these principles in local, regional and central level. It is likely that this recommendation will be accepted by the plenary of the European Committee on Democracy and Governance (CDDG) in April 2023. After that, national translation of the recommendation and informing/training relevant sectors will take place.

(See: <https://www.coe.int/en/web/good-governance/12-principles>)

C. Repressive measures

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

Please refer to our answer on question 19.

The national provisions on confiscation have been regularly updated, the latest amendments being from 2020 and 2016. The next amendment is likely to take place in the next few years when the directive on asset recovery and confiscation, which is currently being negotiated in the EU, will be implemented. The proposal for a directive (COM(2022) 245 final) includes, inter alia, an obligation for the Member States to adopt a national strategy on asset recovery and update it at regular intervals.

30. Data on investigation and application of sanctions for corruption offences⁹, including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

Please find attached the data sheet regarding Finland’s enforcement data on corruption related offences.

31. 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)

Ministry of Justice has set up a project to analyse the current legal framework on ministerial responsibilities. A background memorandum was prepared to this end and made available on-line in late August 2022; it describes: (i) current state of regulation on legal ministerial responsibility and its background; (ii) current state of the legislation on the request for prosecution by Members of Parliament and the background to the regulation; (iii) description of arguments in favour of preserving the current state of affairs presented in public debate and the proposed needs for regulatory evaluation; (iv)

description of proposals for regulatory assessment needs presented in public debate and in judicial debate;
 (v) description of relevant regulation in comparative law. The memorandum awaits further discussion in Parliament. Information on the project [here](#) (in Finnish) and the background memo.

(See the 2nd compliance report on GRECO 5th evaluation round recommendation vi. Unofficial translation of the background memo (by DeepL) is available if necessary)

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

No new information.

Other – please specify

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III. Media freedom and pluralism

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

In the 2022 report, a recommendation was given to Finland to 4) continue the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

In 2022, the working group that was set up to reform the Act continued its work. The mandate of the working group continues until 30 June 2023 on the overall reform of the Act. The work has progressed well and according to plan. The working group has now presented a proposal on urgent needs to change the legislation in 2022. The proposal ([HE 273/2022 vp](#)) was sent for consultation and it was eventually given to the Parliament in the end of 2022. The proposal concerns access to certain documents drafted in criminal proceedings. It aims to clarify the secrecy exceptions that concern documents in criminal proceedings. Moreover, it aims to balance privacy and access to documents in a slightly new manner so that it would be possible to gain a bit more information on criminal proceedings, while also maintaining the privacy of the parties involved in the proceedings. The relevant committees in the Parliament have started to handle the proposal and hearings in Committees are expected in January 2023. The Constitutional Committee of the Parliament will scrutinize the proposal. The overall reform of the Act continues in 2023 in accordance with the mandate of the working group.

A. Media authorities and bodies

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

The Government resolution of the Finnish democracy policy in the 2020s (adopted on 3.11.2022) outlines also measures to safeguard a diverse media environment and an inclusive conversational culture. Read more [here](#) (see more on the resolution in question 57).

With the implementation of the Audiovisual Media Services Directive, there has been an increase in the media monitoring tasks. However, the funding of the Finnish Transport and Communication Agency (Traficom) has not been adjusted to reflect this.

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

No significant changes.

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

No significant changes.

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

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

Please see input to 2022 Rule of Law Report, no significant developments.

38. 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 licences, company operation, capital entry requirements, concentration, and corporate governance

The Finnish Broadcasting Company (YLEisradio Oy) is governed by an Administrative Council. Information on the Administrative Council was provided in the input for the Rule of Law Report 2020, question 33, and there are no new developments.

The Finnish Broadcasting Company is committed to self-regulative measures that ensure editorial independence.

The Act on Using the Freedom of Speech in Mass Communication (see English translation here [460/2003](#)) provides more detailed regulations on using the freedom of speech, which is protected in the Finnish Constitution, in mass communication. When applying the law, communications may not be interfered with more than is necessary, taking into account the importance of freedom of speech in a democratic state, governed by the rule of law. This law applies both to private sector actors and to the Finnish Broadcasting Company.

The fourth Article of the Act concerns the responsible editor and their tasks. According to the Article, the publisher must appoint a responsible editor for the periodical publication and online publication. The task of the responsible editor is to lead and supervise the editorial work, to decide on the content of the periodical publication, online publication or program, and to take care of the other tasks stipulated for them in the Act. There are no new developments.

Programming licence is needed for digital television or radio broadcasting operations and analogue radio broadcasting operations in accordance with the Act on Electronic Communications Services. Information on

the programming license was provided in the input for the Rule of Law Report 2022, question 36 and there are no new developments.

39. 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
Finland has implemented the amendments to the EU's Audiovisual Media Services Directive mainly in the Act on Electronic Communication Services as reported in the input for Rule of Law Report 2021, question 33. On the basis of the Act, audiovisual media content providers shall make publicly accessible information concerning their ownership structure.

The Article 5 of the Act on Using the Freedom of Speech in Mass Communication (460/2003) concerns the obligation to provide information about the publisher. According to the Article publication, periodical publication and online publication must contain information about the publisher and about the responsible editor. Same regulation also applies to operator of a program activity. Everyone has the right to receive information about the responsible editor.

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

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

The question currently being considered is whether so-called targeting, i.e. systematic harassment of a person in the form of mass actions in electronic communication network because of his or her work or social duties, should be made a separate offence. According to a Ministry of Justice memorandum published at the beginning of September 2022, there are grounds for that. Targeting is an activity that seriously endangers the fundamental rights of the target persons and the functioning of a democratic society. A new Criminal Code provision could protect also journalists. The consultation for the memorandum lasted until the end of October 2022. The consultation showed that there are still many issues to be considered, such as the possibilities to restrict the exercise of freedom of expression through criminal law and the possibilities to achieve a comprehensive, exactly defined Criminal Code provision. In the near future, it will be assessed whether it is justified to prepare a government proposal for Parliament. The memorandum can be found [here](#) (in Finnish, the summary is also in Swedish).

In Finland, national law guarantees high protection of journalistic sources. According to the Act on Using the Freedom of Speech in Mass Communication (460/2003), the creator of a message made available to the public, as well as the publisher and operator of the program, have the right not to reveal who provided the information contained in the message. The publisher and the operator of the program also have the right not to reveal the identity of the author of the message.

In addition, there are provisions supporting the protection of sources in the legal framework. In Finland, source protection can only be breached in a trial that concerns a crime that can result in imprisonment for six years or a more severe punishment. In the preliminary investigation, the source protection cannot be violated. There are no new developments.

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

No significant changes.

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

On access to information and public documents, please refer to our answer on question 33.

43. 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

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

On legislation concerning SLAPPs, please refer to our written contribution of 2022.

The Supreme Court of Finland delivered two high-profile cases at the beginning of 2022 in which freedom of speech and press played a significant role. In the first case, the Supreme Court dismissed the defamation charges against a journalist and, in the second case, the Supreme Court upheld the charge that a journalist had been subjected to persecution.

These decisions are significant especially from two perspectives: firstly, the Supreme Court argued the cases by taking into consideration the context and challenges, such as online harassment, that journalists face in the modern society and, secondly, the Court widely used international sources, notably the ECHR but also other international recommendations, in its analysis to enhance the protection of journalists.

The decisions of the Supreme Court can be found [here](#) and [here](#).

As mentioned in the 2022 report, charges were brought against three journalists of the newspaper Helsingin Sanomat for disclosure of national secrets and attempted disclosure of national secrets. At this moment, the case is pending in the District Court of Helsinki and the Court is expected to deliver its decision in 2023.

Other – please specify

Act on Yleisradio Oy

An amendment to the Act on the Finnish Broadcasting Company has entered into force on 01.08.2022. The legislative action began following a complaint submitted to the European Commission by the Finnish Media Federation in 2017 concerning the text-based content provided by YLE, as indicated in Rule of Law Report 2022.

Postal Act

As indicated in Rule of Law Report 2022, the government has proposed to amend the Postal Act and to issue a fixed-term distribution aid for the delivery of newspapers. The Government proposal amending the Act ([HE 58/2022 vp](#)) was submitted to the parliament on 21.04.2022. The proposal remains in the

parliamentary process. Due to the prolongation of the parliamentary proceedings, the schedule has been refined so that the law would enter into force in the fall of 2023. However, the proposed regulations regarding state aid for newspaper distribution would enter into force as soon as possible.

Permanent support for journalism

The Ministry of Transport and Communications appointed a media support working group in summer 2020 to consider various solutions for supporting journalism. The working group appointed by the Ministry of Transport and Communications published a report in April 2021, as indicated in Rule of Law Report 2022. There are no new developments.

IV. Other institutional issues related to checks and balances

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

N/A

A. The process for preparing and enacting laws

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

The implementation of the Government Action Plan on Better Regulation continued throughout the reporting year. An implementation report will be prepared in 2023.

New developments in 2022 included the publication of Updated Regulatory Impact Assessment Guidelines that include instructions for the regulatory impact assessment on economic, environmental and other human and societal impacts. The guidelines were adopted by the Permanent Secretaries of all ministries in October 2022. The guidelines are available in Finnish and Swedish (English version will be available in early 2023), [here](#) and a press release in English [here](#).

In addition, the Ministry of Justice published in November 2022 Guide on Fundamental and Human Rights Impact Assessment in Law Drafting to help in recognizing and assessing the impacts for the enjoyment of fundamental and human rights. This guide is available [here](#) (in Finnish, Swedish version to be published in January 2023).

The Government has commissioned a research project for developing quality indicators for the regulatory drafting process. The research addresses different aspects of a good-quality regulatory process including stakeholder consultations, impact assessments, evidence-informed decision-making, transparency and other topics. The report will be published in early 2023 and can later be found [here](#).

The National Courts Administration has followed closely the needs of the judiciary and communicated those needs to the Ministry of Justice. The reform of the land courts could be mentioned as an example.

46. 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)

The Emergency Powers Act was amended in July 2022. The main purpose of the amendment was to ensure that a state of emergency can be declared if necessary in case of serious hybrid influencing against Finland.

The amendment was enacted in the urgent procedure for constitutional enactment that requires a majority of 5/6 of the Parliament.

A comprehensive reform of the Emergency Powers Act has also started in autumn 2022. A working group and a parliamentary monitoring committee have been appointed to prepare the reform. The working group consists of representatives from all the Ministries and from The Office of the President of the Republic, and of independent experts on constitutional law. All elected parliamentary groups are represented in the parliamentary committee. The government proposal for a new Emergency Powers Act is set to be given at the latest in fall 2025.

47. Regime for constitutional review of laws

No significant developments.

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

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

The section 48a of the Communicable Diseases Act on protecting the social and health care clients and patients from Covid-19 disease expired on 31.12.2022.

Regarding the overall reform of the Communicable Diseases Act (1227/2016), the Ministry of Social Affairs and Health is preparing a memorandum, which describes the needs for reform for the Communicable Diseases Act. The government will decide the timetable for the reform in the next parliamentary term.

The measures taken in the context of COVID-19 pandemic have subsequently been scrutinized by the administrative courts and by the supreme oversees of legality. The decisions of the above-mentioned authorities have dealt with e.g. quarantine orders, restrictions on assembly or the instructions given by the public authorities during the pandemic. Some of the complaints have been dismissed by the administrative courts but the courts have also annulled the decisions taken by the authorities during COVID-19 pandemic.

In 2022, the Supreme Administrative Court has delivered two decisions in relation to the measures taken in the context of COVID-19 pandemic. In the first case, the Administrative Supreme Court dismissed the complaint against the Government's degrees and, in the second case, the Administrative Supreme Court considered that the Regional State Administrative Agency had sufficient grounds to consider that the restriction on assembly was necessary and that the restriction's impact on freedom of assembly protected under section 13 of the Finnish Constitution was acceptable and proportional.

The decisions of the Supreme Administrative Court's decision can be found [here](#) and [here](#).

In addition to the post-control of the COVID-19 measures by the courts and the supreme oversees of legality, the COVID-19 measures and the legal framework are increasingly being analysed by researchers in various research projects that are currently ongoing. One example of these kinds of research projects by the academy is JuRe (*Just Recovery from Covid-19? Fundamental Rights, Legitimate Governance and Lessons Learnt*) which explores the ways in which the political, legal and administrative systems can guarantee that the post-pandemic recovery happens in a fair and justified manner. The project involves different universities in Finland who carry out this project in cooperation with different ministries and other public authorities as stakeholders. More information about this project can be found [here](#).

B. Independent authorities

49. 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

The Act on the Division of Duties between the Chancellor of Justice and the Parliamentary Ombudsman was adopted by the Parliament on 19 April 2022, with amendments proposed by the Constitutional Law Committee of the Parliament. The Act entered into force on 1 October 2022. The Act regulates the division of duties between the Parliamentary Ombudsman and the Chancellor of Justice without limiting the powers of either of them regarding the legality control, which is ultimately based on the Constitution.

The government proposal to establish a special authority agency of the judicial administration has not yet been submitted to Parliament, but it is to be submitted to the new Government for consideration.

High-level nominations

As regards state of play of nominations for high-level positions for independent authorities there have been following nominations since 01.01.2022:

- According to the Constitution, section 38, the Parliament appoints for a term of four years a Parliamentary Ombudsman and two Deputy Ombudsmen. Mr Petri Jääskeläinen has been re-elected to serve as a Parliamentary Ombudsman for the period 1 January 2022 – 31 December 2025. Ms Maija Sakslin has been re-elected to serve as a Deputy-Ombudsman for the period 1 April 2021 - 31 March 2026.
- According to the Data Protection Act (1050/2018), section 11, Deputy Data Protection - Ombudsman is appointed for a term of five years. Ms Annina Hautala was appointed by the government in July 2022 as Deputy Data Protection Ombudsman (as of 1 August 2022).

Important decision/opinions from independent bodies/authorities

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

The Human Rights Centre, its Human Rights Delegation and the Office of the Parliamentary Ombudsman together form the Finnish National Human Rights Institution (NHRI). The National Human Rights Institution is an independent and autonomous institution and its funding is included in budget of the Parliament of Finland. The funding is granted by Parliament. The budget allocated to the National Human Rights Institution has increased in the last years: 6 201 000 euros in 2017, 7 145 000 euros in 2020, 7 517 000 euros in 2021, and 8 087 000 euros in 2022.

HRC's [report](#) on national fundamental and human rights actors and its recommendations have been noted by the Government. The need for possible measures will be given due consideration.

50. [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.](#)

As reported in the written contribution of 2022 the third National Action Plan on Fundamental and Human Rights, which covers the period 2020–2023 and focuses on the monitoring of fundamental and human rights, was adopted as a government resolution on 23.06.2021. Fundamental and human rights indicators, which provide a new instrument for monitoring fundamental and human rights in the short term and the long term, have been developed as part of the action plan. In 2022, the first monitoring round has commenced. Indicator data is currently being gathered and the first monitoring round is planned to be completed in 2023 and its results published on a public website. The aim is to provide systematic data on the realization of rights and thus support knowledge-based policy-making as well as fundamental and human rights impact assessment.

Additionally, as a part of the action plan, a research project will be conducted on the legal and ethical conditions for the collection of personal data disaggregated by protected characteristics in Finland. The project is needed in order to improve monitoring of the realization of fundamental and human rights and, in particular, in order to detect structural inequality. The aim is to provide overall assessment of the legal framework on the collection of disaggregated and sensitive personal data and to provide recommendations on how to improve the collection of such data. This project is under preparation at the Ministry of Justice and will be finished in 2023.

Also, key findings of the annual reports of the Chancellor of Justice and the Parliamentary Ombudsman have been noted and discussed in the Ministry of Justice.

The Human Rights Centre has developed its own evaluation and reporting platform and is using it to monitor selected fundamental and human rights issues.

[C. Accessibility and judicial review of administrative decisions](#)

51. [Transparency of administrative decisions and sanctions \(incl. their publication and rules on collection of related data\)](#)

The Government submitted the Parliament a legislative proposal on rule-based automated decision-making in public authorities in September 2022. The proposal includes, inter alia, rules on transparency and accountability. More information can be found [here](#).

52. [Judicial review of administrative decisions:](#)

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

No significant developments.

53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation
No significant developments.

D. The enabling framework for civil society

54. 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)
The Parliament is at its final stages in discussing a legislative draft to amend the Associations Act (HE 200/2022 vp). The amendments would firstly provide further possibilities to delegate the governing board's duties with regard to accepting new members to the association and/or receiving notifications of resignation from members. Secondly, the draft would clarify the act with regard to the governing board's possibility to make decisions without organizing a formal meeting. Thirdly, the draft aims to allow the rules of an association to contain provisions to the effect that the members can elect the governing board or its members without a meeting, i.e. in separately organised votes, by post, or using data connection or some other technical means; this possibility could be used to organize a federation vote on the election of the governing board of the federation or its members (a federation vote would allow a vote to private individuals who are members of the association or of its member associations either directly or indirectly). Lastly, the draft would facilitate the activities of small scale associations by offering them a possibility to organize their accounting in a lighter and more flexible way than provided in the national Accounting Act (further provisions about the simplified accounting standards would be adopted via a Government decree). This possibility is much needed in practice, as the requirements of the national Accounting Act set an unnecessary administrative burden to small scale actors. More information [here](#).

55. 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.
The Ministry of Justice implements together with different partners a range of projects to promote non-discrimination.¹ For example, there was a wide media campaign against racism in the “All in for Equality” - project, see more [here](#). In addition, there are projects focusing on coordinating the national work against hate crimes, the development of hate crime reporting and data collection, improving the capacity of the police, prosecutors and judges to act against hate crimes and hate speech. In the projects, training has been offered and material has been produced to support work against hate crimes and hate speech, see more [here](#).

The Government has started drafting legislation on a humanitarian visa, which could be granted to, for example, human rights defenders and journalists at risk.

¹ The All in for Equality -project, the Drivers for Equality project and the Osaavat (Cabable) project, all financed by the European Commission's Rights, Equality and Citizenship (REC) Programme, equality and hate crimes monitoring as part of the fundamental and human rights indicator framework of the third National Action Plan 2020–2023, and the Action Plan Against Racism and for Promoting Good Relations (2021-2023).

56. 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)

The Ministry of Finance has continued its project that aims to improve government grant activities with stakeholders. Previously mentioned working group on CSO-issues led by the Ministry of Justice, has prepared a report that presents means to further support civil society organizations via public funding. The report focuses on, how government grant activities could enable fundraising and empower civil society organizations to gather voluntary financial contributions. The outlook review in the report discusses risks concerning autonomy of civil society organizations in the face of changes in the operating environment. The outlook review highlights shared understanding in order to guarantee civil society organizations' autonomy in the future as well. The draft report is due to be opened on public consultation at the beginning of year 2023.

As an update to the input for 2022 report, the group appointed by the Government to prepare a proposal for a new funding model regarding activities funded with gambling proceeds from the beginning of 2024 completed their work on 08.02.2022. Under the Lotteries Act (current model), Finnish gambling company's (Veikkaus Oy) proceeds promote sports and physical education, science, art, youth work, health and social wellbeing and horse breeding and equestrian sports. In the new funding model, Veikkaus Oy's proceeds are recognised as revenue to the state in the form of universal coverage without earmarking the intended use. The activities, which are currently funded with Veikkaus Oy's proceeds, will be financed from universal government income. The level of government grant funding will be decided by political decision in the general government fiscal plan for the coming four years. The annual level of appropriations proposed for the government grant funding in the budget proposal will be decided on in the budget discussions and eventually by the Parliament (memorandum on the new funding model (in Finnish) [here](#)). Relevant legislative changes falling into the field of four different ministries to accommodate the new funding model are underway. In November 2022, the Government submitted to the Parliament following legislative proposals; a proposal (HE 255/2022 vp) on relevant changes to the Lotteries Act (Ministry of the Interior), a proposal (HE 282/2022 vp) on relevant changes to several laws (including the Youth Act) in the field of Ministry of Education and Culture, as well as a proposal (HE 282/2022 vp) on the financing of associations and foundations in the social and health sector prepared by the Ministry for Social Affairs and Health, and finally a proposal (HE 260/2022 vp) on the funds granted to horse breeding and to the promotion of equestrian sports (Ministry of Agriculture and Forestry). These are intended to enter into force as of 01.01.2024.

Link to Parliament's website regarding the proposal prepared by the Ministry of the Interior:

https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_255+2022.aspx

Link to Parliament's website regarding the proposal prepared by the Ministry of Education and Culture's proposal:

https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE_282+2022.aspx

Link to Parliament's website regarding the proposal prepared by the Ministry for Social Affairs and Health:

https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_269+2022.aspx

Link to Parliament's website regarding the proposal prepared by the Ministry of Agriculture and Forestry:

https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_260+2022.aspx

57. 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.)

The Advisory Board for Civil Society policy KANE has started its fourth four-year term. The tasks of the Advisory Board include promoting the interaction between administration and civil society and enhancing the operating conditions for civil society. It consists of representatives of civil society, research, business sector, ministries and other public agencies. The Advisory Board published its strategy with a purpose to clarify the areas of change and objectives concerning the state and future of civil society, the promotion of which will constitute the core of the work to be done by the Advisory Board on Civil Society Policy (KANE) in the coming years. The new strategy emphasizes autonomous and vibrant civil society for all by 1) safeguarding and strengthening the autonomy and dynamism of associations and other civil society actors, 2) developing interaction and partnership between public administration and civil society and 3) promoting equal participation for all. Read more [here](#) (in English).

The Government Resolution on Finnish democracy policy in the 2020s was adopted in 03.11.2022. The Resolution sets out six key goals for Finland's long-term democracy policy. The goals concern the functioning and safety of the electoral system; equal participation rights and open government; democracy education, human rights education and media education; inclusive media and a culture of open discussion; the operating conditions of civil society; and Finland's international democracy work. Key proposals for the subsequent implementation of the Resolution are listed under each goal. A broad range of stakeholders were consulted during the preparation of the Resolution. The Resolution was prepared by an intersectoral preparation and coordination group of the National Democracy Programme 2025 and it was discussed by the Ministerial Working Group on Internal Security and Strengthening the Rule of Law. Read more [here](#).

The Ministry of Finance jointly with civic society actors and the Prime Minister's Office and representatives of municipalities has developed a National Dialogue Model. During 2022 this model was piloted in Democracy Defense Dialogues and in Immigration dialogues. The latter was organised by the Ministry of the Interior. The National Dialogues will start in beginning of 2023. In the National Dialogues the individual dialogue discussions can be organised by Civil Society Organisations and other actors on the society. The Dialogues were originally set up as a rapid and creative response to the Covid-19 crisis and is the unique co-operational effort of national government and various agents of civil society. Starting in mid-April 2020, the dialogues provided the opportunity for citizens to come together to share their experiences, learn from one another, and build trust in the nation's ability to steer through the crisis. From the very beginning, particular attention has been paid to inviting the participation of people from different demographic groups, especially individuals in vulnerable circumstances. All dialogues are documented and then used to build a comprehensive overall view, which is published and utilized in different ways by the national government, municipalities, and agents of civil society. In beginning of 2022 a group was set up to draft the permanent model of the Finnish National Dialogues based on the experience of the Lockdown Dialogues.

The Ministry of Social Affairs and Health (MSAH) involves civil society in decision-making in number of ways. For example, during the preparation stages, the MSAH can organize round table discussions, which offer civil society the opportunity to influence to content of preparation. In May 2022, the MSAH organized a discussion session on the poverty action plan, and in September 2022 on social security as a human right.

Representatives of civil society are also often involved in various working groups, as well as in the extended formations of EU sub-committees (more on the Finnish EU coordination system [here](#)).

In the preparation of the legislation, the MSAH follows the Ministry of Justice's instructions on public consultations. Thus, the non-governmental organizations and representatives of civil society have the opportunity to give their official statement on the matter during these consultations as well.

Finland has also specific Advisory Boards for minority groups. For instance, the Advisory Board for the Rights of Persons with Disabilities operates under MSAH. The Board is the national coordinating mechanism for the UN Convention on the Rights of Persons with Disabilities. See more on the Board [here](#).

Finland has also National Advisory Board on Romani Affairs. The Government appoints the Advisory Board for three years at a time. The Advisory Board includes a chairperson, a vice-chairperson and a maximum of 16 other members. Half of the members represent the Roma population; the other half represent the administrative sectors. See more on the tasks of the Board from [here](#).

The Ministry for Foreign Affairs (MFA) has regular dialogue with civil society on issues related to human rights, democracy and the rule of law, including through [Advisory Board for International Human Rights Affairs](#). Appointed in 2020, the current Advisory Board consists of representatives of all parliamentary groups and different civil society organisations working in the field of human rights. The Advisory Board plays an important role particularly in monitoring the implementation of Finland's international human rights policy and issuing related recommendations.

The Government's Human Rights Report (2021) outlines in detail Finland's cooperation, policy on and support to civil society and human rights defenders. The MFA has also recently updated its [national guidelines on supporting human rights defenders](#) (in Finnish). In this process, the MFA engaged closely with the Advisory Board for International Human Rights Affairs and its working group on human rights defenders.

During Finland's membership in the UN Human Rights Council 2022-2024, the Ministry for Foreign Affairs has consulted Finnish civil society actors before each regular session of the Council. In addition, the MFA has organized working level meetings to consult civil society on a number of Finnish priority topics relevant for the work of the Council.

The MFA also briefs the Advisory Board for International Human Rights Affairs prior to and after each regular session of the Council. A representative nominated by the Advisory Board is also included as an independent expert (since summer session of 2022) in the delegation of Finland to the regular session of the Council. The Advisory board is an independent expert body appointed by the Government and operating under the MFA.

It is planned that a youth delegate is to be included in the Finnish delegation as an independent expert, when youth issues are considered at a regular session of the UN Human Rights Council. A youth delegate is regularly included in the Finnish delegation to the meetings of the UN General Assembly each autumn.

In March 2022, Finland organized in cooperation with the International Service for Human Rights and Norway a side-event on supporting women human rights defenders in conflict and post-conflict situations. Finland has also cooperated with civil society on various other events, including on rights of persons with disabilities and the right to health of intersex persons, and taken into account civil society views on a number of issues that the Human Rights Council acts upon.

Civil society plays a crucial role also in the Universal Periodic Review, which is conducted under the auspices of the Human Rights Council. In preparing for Finland's fourth periodic review on 09.11.2022 the Government cooperated closely with the Finnish civil society at large. Delegation of Finland included two representatives from the civil society.

The MFA consults every autumn civil society organizations as regards the work of the UN General Assembly and the Finnish priorities in the UN more broadly.

Civil society is also given the opportunity to participate in the Government's periodic reporting on the implementation of international human rights treaties.

E. Initiatives to foster a rule of law culture

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

The government gave its first ever Report on the Administration of Justice to the Parliament on 17.11.2022. Parliament held a general debate on the report on 02.12.2022 and will continue assessing the report and its findings in order to prepare the parliaments opinion to the report in 2023. See more closely pillar 1, section *other*.

As part of the Government's analysis, assessment and research activities, a research project 'The Rule of Law, Finland and the European Union' was launched in 2021 and [the study](#) (in Finnish) was finalized and published in May 2022. The research project studied the concept, significance, and breaches of the rule of law from the perspective of the law of the European Union (EU). The study has been undertaken using methods of a contextual jurisprudence. Based on the findings of the study, EU law posits the rule of law as a binding obligation which must be understood in the broader context of the Union's values and which obligates both the Union and the Member States in a similar manner. The study was conducted by the University of Helsinki.

The Ministry of Justice organized a panel discussion in August on the future of democracy and the rule of law in Europe. The panel discussion was part of the programme of the Europe Forum held in Turku on 24-26 August. See more [here](#).

The Rule of Law Centre organized its first annual Rule of Law Day on 27.10.2022.

The rule of law was one of the key topics of the annual conference of the Finnish Bar association organized in May 2022.

The Ministry of Justice organized a seminar in November 2022 to discuss the state and future of democracy from a Finnish and international perspective. The programme of the event can be seen [here](#).

Other – please specify

The Ministry of Justice's Democracy Prize's theme for year 2022 was resilience of democracy and rewarding activities by the civil society that have improved opportunities for participation, increased trust in society and reduced inequality. Finnish Centre for Easy Language was awarded the prize worth 10 000 euros. Right, current information and easy to understand language have special significance for how well democracy can withstand crises. In addition, two honours were awarded on the themes of promoting equality in sports and childrens' culture. The decision was made by an independent jury. Read more [here](#).

In November 2022, the Ministry of Justice published a report examining the Finnish electoral system from the perspective of resilience, i.e. crisis resilience and preparedness. The report provides an overall picture of how different phenomena can influence the conduct of elections. See more [here](#).

The Rule of law Centre (established in 2021) continued its work to develop Finland's international cooperation on the rule of law. The work of the Rule of law Centre focuses on promoting the rule of law in developing countries.