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**Consultative Council of European Judges  
(CCJE)**

**The role of judges in the enforcement of judicial decisions, in their  
relationships with other state functions and/or other actors**

**QUESTIONNAIRE**

**Including the answers given by Finland**

**The role of judges in the enforcement of judicial decisions, in their relationships with other state functions and/or other actors**

**QUESTIONNAIRE**

**A) IN CIVIL AND ADMINISTRATIVE MATTERS**

1. Is the authority responsible for the enforcement specified in the law or in the constitution?

Yes, The National Administrative Office for Enforcement under the Enforcement Code

Please specify

No

2. What are the competences of the judge in the enforcement procedure?

➤ He is responsible for the enforcement

Yes

No

➤ He has others competences as regards enforcement

Yes

No

If yes, please specify

There is a possibility to appeal to a Court of law against the Bailiff's decisions. Depending on the nature of the case, also remedies of administrative nature can be possible.

3. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No

4. Do the parties have to make a new application for the decision to be enforced?

Yes. After the Court's judgment an application for enforcement has to be made if the judgment is not voluntarily complied with.

No

5. Shall this new application end with a judicial decision ?

- Yes, given by the Bailiff.  
 No

6. Is the judge working with other actors involved in the enforcement procedure?

- Yes  
Please specify which actors  
 No

7. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

- Yes  
 No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

- Yes  
 No

➤ Others competences?

- Yes  
 No

If yes, please specify

8. What is the training of the person responsible for the enforcement if it is not a judge?

Senior District Bailiff: Higher Law Degree from a University (comprising of 300 study points), the same as a judge has to have completed

District Bailiff: Lower Law Degree (comprising of 180 study points) from a University or other suitable Degree or graduation from a high school (gymnasium).

9. Can the parties appeal if the decision is not enforced within a reasonable time?

- Yes  
 No, but administrative complaints can be made. However, administrative authorities cannot order a schedule for the enforcement proceedings but only pay attention to the undue delay and its reasons.

If yes, what are the sanctions of this appeal?

10. What are the powers of the judge to speed up the enforcement?  
See above
11. What are the powers of the judge to force the enforcement?  
See above
12. What are the powers of the judge to protect the rights of parties and of third parties in the enforcement?  
If appeal is made, actions and decisions taken by the Bailiff can be reversed.
13. In your country, what are the main obstacles to the enforcement of decisions?  
In general, the situation is considered to be quite satisfactory. A failure in the enforcement is usually caused by lack of means of the person in question, or that he cannot be caught by the authorities.
14. According to you, what main changes are needed to improve the effectiveness of the enforcement proceedings in your country?  
See above # 13
15. Are the enforcement procedures similar for civil and administrative matters?  
 Yes  
 No  
If not, please clarify the differences.

B) IN CRIMINAL MATTERS
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16. Is the authority responsible for the enforcement of sentence specified in the law or in the constitution?  
 Yes, Criminal Sanctions Agency and Legal Register Centre under the Imprisonment Act and the Fines Collection Act  
 No
17. What are the competences of the judge in the enforcement of sentences:  
➤ He is responsible for the enforcement?  
 Yes  
 No

➤ He has others competences as regards enforcement?

Yes. In some cases, an appeal can be made to a Court of law. Also an administrative demand for rectification or other administrative legal remedies, including an appeal to an Administrative Court can be resorted to. See below under #21, 23, 24 and 26.

No

If yes, please specify

18. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No

19. Is the judge working with other actors involved in the enforcement of sentences?

Yes

Please specify which actors

No

20. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

Yes

No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

Yes

No

➤ Others competences?

Yes

No

If yes, please specify

21. What are the powers of the judge to protect the rights of detainees and of third parties in the enforcement?

In general terms, if an appeal is made or administrative legal remedies (like complaint to the Warden) are used, the situation can be corrected for the benefit of the detainee or the third party. Any detailed answer cannot be given as the cases can be of a very different nature.

22. What are the powers of the judge as regards the alternative solutions to prison?

If a person has been convicted to prison by a binding decision of a Court of law, no alternative solutions to prison can be later ordered by a judge.

23. What are the powers of the judge as regards the implementation of sentences (arrangement of sentence, conditional release, etc.) ?

If a person is convicted to prison, the enforcement may be suspended in the judgment within the limits given in the criminal law. Also some other modalities may be given in the judgment, such as solitary confinement. - If a prisoner's release from prison is postponed by the authorities, which is made possible in certain conditions determined in law, an appeal can be made to a Court of law.

24. What are the powers of the judge as regards the effective payment of fines?

If the person ordered to pay fines refuses to pay, he can be sentenced to prison by a Court of law on the initiative of the enforcement authorities.

25. What are the main reasons for complaints concerning the rights of detainees?

In general, living conditions in prisons

26. Who is responsible in your country, for complaints about living conditions in prison? What is the procedure for processing such complaints?

Administrative complaints to higher officials, like the Warden or the Criminal Sanctions Agency. The Imprisonment Act includes rules concerning also appeal to Administrative court. The Parliamentary Ombudsman also deals with this kind of complaints and makes inspections in prisons on his own initiative.

27. In your country, what are the main obstacles to the enforcement of sentences?

In general, sentences can be enforced without any major obstacles.

28. According to you, what main changes are needed to improve the effectiveness of the enforcement of sentences in your country?

See above # 27.

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