



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Finland

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

5255580

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	39582000000
Regional / entity level	

3) Per capita GDP (in €)

31723

4) Average gross annual salary (in €)

34081

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

-

Please indicate the sources for the questions 1 to 4

question 1 - source: Statistics Finland, www.stat.fi - 31 December 2005

question 2 - source: State Budget

question 3 - source: Statistics Finland, www.stat.fi

question 4 - source: Statistics Finland, www.stat.fi

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

221971000

7) Please specify

annual budget allocated to

Supreme Court 7 004 000 €

Supreme Administrative Court 8 503 000 €

other courts 200 564 000 €

Justice expenses 5 900 000 €

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	168417000
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	8042000
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	5900000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	28110000
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	
Other (please specify):	<input checked="" type="checkbox"/> Yes	16934000

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

The budget has increased an average of 10 per cent over the period from the year 2002 to the year 2006. Change in court costs results from the most rapid growth in the costs of rents and salaries.

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions? Please specify:

Charges are collected once the performance has been completed. Payment liability lies with the initiator of the matter (plaintiff or petitioner), on appeal with the appellant, and with other performances with the person ordering the performance. After the consideration of the matter, the District Court collects a charge from the petitioner in a petitionary matter and the plaintiff in a civil matter, the amount of the charge varies depending on the nature of the matter and the court time its consideration has required.

Certain matters are by law free of charge. Such matters include e.g. the adjustment of the debts of private individuals and criminal cases pursued by the public prosecutor in the first court instance

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

33000000

12) Total annual approved budget allocated to the whole justice system (in €)

308395000

13) Total annual approved public budget allocated to legal aid (in €)

55105000

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount		

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

31324000

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Other Minister: Ministry of Finance

Inspection body: National Audit Office of Finland

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for the questions 6, 7, 13 et 16

question 6 - source: the Ministry of Justice

question 7 - source: the Ministry of Justice. The budget includes the items mentioned above. Amount mentioned above is the actual expenditure in the year 2006.

question 13 - source: the Ministry of Justice

question 16 - source: the Ministry of Justice

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

The court charges and other similar payments are waived for a recipient of legal aid.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

If yes, please specify:

Legal aid covers the first attempt to collect outstanding claims by way of distraint. For the second attempt a new legal aid decision is needed.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	83874
Criminal cases	36545
Other than criminal cases	47420

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by

a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		X	
for other than criminal cases?		X	

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

Legal aid is not given if the person has legal expenses insurance that covers the matter in question. Such insurance cover may be included for example in a household insurance policy, a labour union policy or a farming policy. In exceptional cases legal aid may be given for legal costs that exceed the maximum coverage provided by a legal expenses insurance policy.

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?		

	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

3. and 7. Legal aid is not given in clear cases, such as undisputed divorces or simple criminal cases sanctioned with a fine. Even for such cases the legal aid offices offer advice and consultation.

7. Legal aid is granted to persons of low or moderate income. It is also possible that for a person is appointed a public defender. The fee of the public defender is paid by the State. A public defender will be appointed for a suspect of an aggravated offence (where the punishment is no less than 4 months of imprisonment), for a person who has been arrested or detained, for a person under 18 years of age and for a person incapable of seeing to his or her own defence regardless of the income or available means.

In cases where the charge is dismissed, the State has to pay for legal expenses of the defendant. In cases where the judgment is delivered, the court decides whether the defendant must reimburse the defendant's fee partially or entirely to the State.

In criminal cases the complainant is appointed a trial counsel at the expense of the State regardless of the complainant's financial status. This is possible in the following situations:

- complainant is a victim of a sexual crime
- complainant is a victim of violence caused by a close related person
- complainant is a victim of a serious life or health threatening violent crime or a victim of a serious property offence

Naturally the complainant with low or moderate income and available means may receive legal aid and legal counsel in other types of matters as well. In the above-mentioned cases the complainant will be appointed a legal aid counsel at the expense of the State regardless of financial status.

8. If legal aid is granted to a person, the state pays the fee of the attorney in full or in part, depending on the available means of the recipient of legal aid. Legal aid is granted on the basis of the applicant's and his or her spouse's income, expenditures, wealth and maintenance liability.

The applicant must present evidence of his or her financial circumstances and of the matter for which legal aid is being sought.

The legal aid office calculates the applicant's monthly available means. The available means held by the applicant determine whether the applicant is given legal aid for free or against a deductible.

The deductible of a recipient of legal aid may have two components which are calculated in different ways, these components are the basic deductible which is based on the available means of the applicant and the supplementary deductible which is based on funds or deposit and other easily liquidated assets. The basic deductible is calculated as a percentage of the costs of the legal aid, determined on the basis of the applicant's available means as follows:

Single person

- up to EUR 650 : 0 %
- up to EUR 850 : 20 %
- up to EUR 1000 : 30 %
- up to EUR 1200 : 40 %
- up to EUR 1300 : 55 %
- up to EUR 1400 : 75 %

Couple per person

- up to EUR 550 : 0 %
- up to EUR 650 : 20 %
- up to EUR 800 : 30 %
- up to EUR 1000 : 40 %
- up to EUR 1100 : 55 %
- up to EUR 1200 : 75 %

If the applicant has deposited funds or other easily liquidated assets to an amount exceeding EUR 5000, they are used in the calculation of the supplementary deductible. Supplementary deductible consists of 50 per cent of fund on deposit and other easily liquidated assets in so far as these exceed EUR 5000.

9. Legal aid shall not be granted if:

- (1) the matter is of little importance to the applicant

- (2) it would be clearly pointless in proportion to the benefit that would ensue to the applicant
 (3) the pursuit of the matter would constitute an abuse of process or
 (4) the matter is based on an assigned right and there is reason to believe that the purpose of the assignment was the obtainment of legal aid.

10.) Legal aid is granted at the State Legal Aid Offices. The nature and importance of the matter have an effect on what services are covered by legal aid. Legal aid will not be given if the matter is of little importance to the applicant. If an application for legal aid is rejected, the legal aid office will provide appeal instructions to the applicant. A rejected application can be submitted to the court for a hearing. The applicant should deliver the submission to the legal aid office which can also itself rectify the decision. If the legal aid office deems that there is no reason for a rectification, it will forward the matter to the court, which will then decide on the matter. If the court does not grant legal aid, it is possible to appeal.

Please indicate the sources for the questions 24 and 26

question 24 and 26 - source: annual statistics 2006

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.finlex.fi
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.finlex.fi
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	www.oikeus.fi www.om.fi

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

According to Section 18 of Chapter 5 of the Code of Judicial Procedure (4/1734) during the preparation, the court has an obligation to provide information to the parties concerning the estimated timeframe of the proceeding.

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
 No

If yes, please specify:

There is an organisation called Victim Support Finland which offers practical advice and psychological support to victims of crimes or attempted crimes and those closest to them and witnesses of crime. The aid offered by the organisation includes phone services, judicial advice phone services and personal support for victims of crime in local offices.

The service has been funded by the Slot Machine Association as well as by the Ministry of the Interior and the Ministry of Justice. Victim Support Finland is coordinated by the Finnish Red Cross.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 private fund?

If yes, which kind of cases does this procedure concern?

Compensation shall be paid for personal injury or property damage caused by an offence committed in Finland. If the offence has been committed outside of Finland, compensation shall be paid for personal injury only.

A person who has sustained personal injury shall be compensated for medical costs, pain and suffering, invalidity and other permanent handicap, loss of income and maintenance, clothes and other everyday items that have been damaged in connection with the personal injury. (Act on Compensation for Crime Damage (935 / 1973))

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

According to Section 9 of Chapter 3 of the Criminal Procedure Act (689/1997), on the request of the injured party, the public prosecutor who has brought a charge is to pursue the civil claim of the injured party, arising from the offence for which the charge has been brought, as against the defendant in the criminal case, if this is possible without essential inconvenience and if the claim is not obviously ill-founded.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

According to Section 15 of Chapter 1 of the Criminal Procedure Act (689/1997) the injured party may assume the prosecution of a charge which has been abandoned by the public prosecutor or another injured party. According to Section 14 of the same chapter the injured party may bring a charge for an offence only if the public prosecutor has decided not to prosecute.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

the State Treasury, the compensation amount per day of unjustified detention or condemnation is about 100 euros.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

Marjukka Litmala (ed.): Oikeusolot 2004, National Research Institute of Legal Policy publication, 210/2004. (the title translated: Judicial conditions)

Marjukka Litmala (ed.) Law and the Citizen (summary), National Research Institute of Legal Policy publication, 173/2000

Tapio Lappi-Seppälä and Jyrki Tala and Marjukka Litmala and Risto Jaakkola: Luottamus tuomioistuimiin, National Research Institute of Legal Policy publication 160/1999. (the title translated: Trust in courts)

Hannu Niskanen and Timo Ahonen and Ahti Laitinen: Suomalaisten luottamus tuomioistuimiin, The University of Turku 1999 (the title translated: Trust in courts)

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input checked="" type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
 No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

The institutions which receive such complaints have an obligation to respond.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	58
Specialised first instance courts (legal entities)	11
All the courts (geographic locations)	132

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Among the 132 courts : 58 District Courts, 5 Branch offices of District Courts, 50 Auxiliary courtrooms of District Courts, 3 specialised courts, 8 Administrative Courts, 6 Courts of Appeal, The Supreme Court and The Supreme Administrative Court.

Administrative Courts 8

The administrative Courts hear and decide administrative appeals, cases of administrative litigation and other matters assigned to them by statute. They have jurisdiction over local, regional and national State authorities, as well as over municipalities and other public authorities.

Market Court 1

The Market Court has exclusive jurisdiction over cases relating to restrictions of competition and public procurement, as well as cases relating to business practices.

Labour Court 1

The Labour Court deals with and decides disputes concerning collective bargaining agreements and civil service collective agreements, as well as disputes arising from collective bargaining legislation. In the matters within its competence, the Labour Court is the final instance.

Insurance Court 1

The Insurance Court is the special court for social insurance matters. It deals with cases relating to workers' pensions, national pensions, injuries at work, unemployment benefits, injuries in military service, crime injuries, housing support, student support, invalidity support, rehabilitation, child-care support and pensioners' care support. In these case types, the Insurance Court has exclusive jurisdiction in Finland.

High Court of Impeachment 0-1

Special court that hears charges against Ministers (i.e. Members of the State Council), Supreme Court Justices and certain senior civil servants for unlawful conduct in office. It is convened only when necessary.

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

In February 2007 the Ministry of Justice appointed a working group which task is to plan the change in the structure of the District Court network. The task of the working group is to make a proposal for developing the network of the District Courts so that there would be at least 10 judges in every District Court and the number of inhabitants of the

territorial jurisdiction of each Court would be at least around 100 000. The change would mean a reduction of the number of courts from 58 to less than 30. The decisions pertaining to the change in the structure are meant to be made during the second half of the year 2008.

Besides there is a change in the powers of courts foreseen. At the present moment District Courts have jurisdiction over Land register cases but the cases will be transferred under the administrative branch of the National Land Survey of Finland. According to the rough estimation of the Ministry of Justice and National Land Survey of Finland, the change will be executed at the beginning of the year 2010.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	58
a dismissal	58
a robbery	58

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Small claims do not exist as a legal term in Finland. Undisputed civil matters can be dealt with in a summary proceeding.

Please indicate the sources for the question 45

question 45 - source: the Ministry of Justice

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

901

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

There are 3689 lay members in District Courts.

53) Does your judicial system include trial by jury with the participation of citizens? Yes No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)**

2554,4

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes n.a

non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars Yes n.a

staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes n.a

technical staff Yes n.a

Please indicate the sources for the questions 49, 50, 52, 53 and 55

question 49 - source: the Ministry of Justice - 901 (Number of judgeship man-years) (administrative courts 225 man-years (Administrative Courts, Supreme Administrative Court, Market Court and Insurance Court), District Courts 480 man-years, Courts of Appeal 175,4 man-years, the Supreme Court 18,6 man-years and the Labour Court 2 man-years)

question 52 - source: the Ministry of Justice

question 55 - source: the Ministry of Justice - 2554,4 (number of man-years)

(administrative courts 450,3, courts of general jurisdiction and Labour Court 2 104,1 man-years)

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

314

58) Do any other persons have similar duties as public prosecutors?

- Yes
 No

If yes, please specify:

Finnish prosecutors are organised on two tiers. There is the Prosecutor General, who is the supreme prosecutor in Finland. He or she heads the prosecution service. There are also local prosecution units in each administrative district of the State. If a prosecutor has decided not to prosecute, the injured party has the right to self bring a charge for the offence, so as to have the case heard by a court of law.

The Chancellor of Justice of the Government and the Parliamentary Ombudsman may also prosecute or order that charges be brought in matters falling within the purview of their supervision of legality.

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

197

Please indicate the sources for the questions 57 and 59

question 57 and 59 - source: the Annual Report of the Prosecutor General

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

Information has not been changed

(Statistics Finland, www.stat.fi)

Statistics Finland's task is to

- compile statistics and reports concerning social conditions
- collect and maintain data files on society
- provide information service and promote the use of the statistics
- conduct studies and surveys related to statistics

compilation and develop statistical methodology

- develop the national statistical service in co-operation with other Government officials
- participate in Finland's international statistical co-operation and co-ordinate it.

In fact, also the Ministry of Justice collects statistical data regarding the functioning of courts and judiciary via automated case-management systems of courts and different automated statistics systems. These answers are based on the information of these case management systems gathered by the Ministry of Justice. The data of these systems is forwarded to Statistics Finland.)

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
 No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
 number of decisions?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

Please specify:

All Courts of Law maintain statistics of the above mentioned items and convey these to the Court Administration Unit of the Ministry of Justice.

68) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

There are annual negotiations between all courts and the Ministry of Justice. These negotiations are part of the method called "Management by results". Through these negotiations and the method the Ministry of Justice allocates budget funds to the Courts of Law.

69) Concerning court activities, have you defined performance indicators?

- Yes
 No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
 Length of proceedings (timeframes)
 Closed cases
 Pending cases and backlogs
 Productivity of judges and court staff
 Percentage of cases that are treated by a single sitting judge
 The enforcement of penal decisions
 Satisfaction of employees of the courts
 Satisfaction of clients (regarding the services delivered by the courts)
 Judicial and organisational quality of the courts
 The costs of the judicial procedures
 Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes

No

72) Are there performance targets defined at the level of the courts?

Yes

No

73) Please specify who is responsible for setting the targets:

executive power (for example the Ministry of Justice)

legislative power

judicial power (for example a High Judicial Council or a Higher Court)

other

Please specify

Targets are defined in the legislation among others in the Budget approved by the Parliament. Unit-specific targets are defined in the course of annual negotiations between all courts and the Ministry of Justice. These negotiations are part of the method called "Management by results". The targets are defined in the course of negotiations.

74) Please specify the main targets applied:

- the length of proceedings (the hearing of a case in court without undue delay)
- the number of closed cases

75) Which authority is responsible for the evaluation of the performances of the courts:

the High Council of judiciary

the Ministry of Justice

an Inspection authority

the Supreme Court

an external audit body

other?

Other, please specify:

Courts of Law are organisationally under the administration of the Ministry of Justice. Courts are also supervised by the Chancellor of Justice. In matters of law, the Courts are independent. The Ministry does not supervise court decisions.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)? Yes No

If yes, please specify:

In Finland, there are many quality projects. One of the firsts is the Quality Project of the courts in the jurisdiction of the Court of Appeal of Rovaniemi. (The jurisdiction of the Court of Appeal of Rovaniemi is the northernmost of the six appellate jurisdictions in Finland.) In 1999, the courts in the jurisdiction of the Court of Appeal of Rovaniemi launched a project for improvement of quality in adjudication. The quality project covers both civil cases and criminal cases.

The objective of the quality project is to develop the functioning of the courts further and further so that the proceedings meet the criteria of a fair trial, that the decisions are well reasoned and justified, and that the services of the courts are affordable to the individual customers.

The main working method consists of systematic discussions among the judges and also between the judges and stakeholders. The development work is steered by the development committee of the quality project. Normally four working groups for quality are set up for each year. The membership consists of judges from each of the District Courts in the appellate jurisdiction, members of the Court of Appeal, and referendaries of the Court of Appeal. Also prosecutors, private attorneys, public legal aid attorneys and heads of pre-trial investigation may serve as members in the working groups for quality. Each working group for quality is tasked to deal with one of the development themes which have been selected. The reports of the working groups are presented at the Quality Conference, they are discussed, and quality objectives based on the reports are set for the following year. The Report of Quality, containing the final reports, is published every year.

In addition there is a cooperation project between administrative courts. Some topics of the project have related to the quality standards. The reports of the project have discussed the matters like the factors of quality at administrative courts and the collection of information on quality.

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary? Yes No**78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:** civil cases? criminal cases? administrative cases?**79) Do you have a way of analysing waiting time during court procedures?** Yes No

If yes, please specify:

The computer based case management systems provide information about duration of procedures in every single case as necessary. In practice the courts are controlling themselves and the control is based on the sum ups of the performance in a month or in another period.

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

Yes

No

Please specify (including an indication of the frequency of the evaluation):

There are annual negotiations between all courts and the Ministry of Justice. These negotiations are part of the method called "Management by results". (See above 59)
In addition there is another regular evaluation system: the courts of law annually give a report on their functioning. In the annual reports, the courts evaluate their performance, besides the Ministry of Justice comments on the annual reports.

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

Yes

No

If yes, please specify:

The Prosecutor General monitors and evaluates the performance of the prosecution service. Also the Chancellor of Justice and the Ombudsman shall ensure that the courts of law, the other authorities and civil servants, public employees and other persons, when the latter are performing a public task, obey the law fulfil their obligations.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

The Prosecutor General's statutory duties include direction and development of the prosecution service and

supervision of the prosecutors. The monitoring visits of the Prosecutor General form a part of the supervision of the prosecutors. Each prosecution unit receives a visit every other year. Also the complaint procedure is a part of the control. The decisions and conduct of the prosecutors are subject to complaint with the Prosecutor General, who is competent to reopen a case if he or she so decides. The Prosecutor General also monitors prosecutorial practice in penal order matters. The point of the monitoring is to make the Prosecutor General aware of any essential shortcomings or errors in the current penal order system or in the prosecutorial practice relating thereto. Also the training is an important vehicle for the monitoring and evaluation system of the prosecution service.

Please indicate the sources for the the question 70,71, 72 and 76

question 70, 71, 72 and 76 - source: the Ministry of Justice

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

22

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

If possible, number of successful challenges (in a year):

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	1	2	2	
Civil proceedings - Article 6§1 (non-execution)				
Criminal proceedings - Article 6§1 (duration)	2	1	5	

Please indicate the sources for the questions 82 and 84

question 82 - source: the Ministry of Justice - The information is not available from the year 2006. According to a research made by the Ministry of Justice in 1998 in 22 % of judgements in criminal cases the suspect was not actually present or represented.

question 84 - source: the Ministry for Foreign Affairs of Finland

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?

If yes, please specify:

Under the administrative law there are several acts including urgency provisions. When necessary and when it is enacted in a law, the cases are processed urgently, but there are not specific procedures for urgent matters.

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

Pertaining to proceeding of criminal cases there are simplified procedures of two kinds. Firstly, according to the Act on Penal Order Proceedings (692/1993), certain minor and clear offences may be decided by public prosecutor in written proceedings without charging them before the court.

Secondly, according to the chapter 5 A of the Criminal Procedure Act (689/1997) since 1 January 2006, with the consent of the defendant, it has been possible to decide petty offence cases in written proceedings without holding the main hearing.

Undisputed civil matters can be dealt with in a summary proceeding. According to the section 3 of the chapter 5 of the Code of Judicial Procedure (4/1734) if the case relates to (1) a debt of a specific sum, (2) restoration of possession or a disrupted circumstance, or (3) eviction and the plaintiff states that to his/her knowledge the matter is not under dispute, only the circumstances on which the claim is immediately based need be included in the application for a summons as the circumstances on which the application is based. Also, in this event, the evidence referred to in section 2(1)(3) (as far as possible, the evidence that the plaintiff intends to present and what he/she intends to prove with each piece of evidence) need not be included in the application. However, the contract, commitment or other written evidence invoked by the plaintiff shall be clearly indicated.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

The court has the formal authority to decide on dates of hearings etc. but in practice lawyers and the court conclude agreements on such modalities in order to ease the process.

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	90 636	750 936	741 361	100 597
1 Civil (and commercial) litigious cases*	5089	9200	9072	5368
2 Civil (and commercial) non-litigious cases*	36957	188984	183361	42858
3 Enforcement cases	252	1032	951	339
4 Land registry cases**	15742	508116	505667	18149
5 Business register cases**				
6 Administrative law cases	28 636	35 083	33 574	30 145
7 Other	3947	8521	8736	3738
Total criminal cases (8+9)	16818	62796	63573	15993
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation**90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	2 697	3 666	3 976	2 387
1 Civil (and commercial) litigious cases*	2441	2749	3047	2143
2 Civil (and commercial) non-litigious cases*	151	612	619	144
3 Enforcement cases	77	256	257	76
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other	28	49	53	24
Total criminal cases (8+9)	4755	8188	8437	4505

8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	4031	5465	5991	3490
1 Civil (and commercial) litigious cases*	441	1010	1124	324
2 Civil (and commercial) non-litigious cases*	225	274	324	175
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	3095	3793	4006	2866
7 Other	270	388	537	122
Total criminal cases (8+9)	543	1075	1245	373
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	12050	17986	17915	12092
Employment dismissal cases	360	517	513	364
Robbery cases	206	453	471	188
Intentional homicide case	26	88	86	28

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	0	0	243		243 days
Employment dismissal cases	48,8	0	249	410 days	476 days
Robbery cases	38	4	147 days	249 days	360 days
Intentional homicide	66	0	90 days	185 days	342 days

94) Where appropriate, please specify the specific procedure as regards divorce:

he average length of the total procedure has not been calculated, but the average length of proceeding in the highest instance court is available:

Employment dismissal cases 476 days

Robbery cases 360 days

Intentional homicide 342 days

A marriage may be dissolved by a court order (divorce). A divorce can be granted after a reconsideration period of six months or after the spouses have lived separated for the past two years without interruption. When handling a case of divorce, the court does not examine why the spouses or one of them demands divorce nor the personal relationship between the spouses. A divorce case becomes pending in the District Court by written application, which can be made by the spouses together or one spouse alone.

When a divorce is handled at the District Court for the first time, the handling will be postponed until further notice. Thereafter the District Court shall grant the spouses a divorce when the six-month reconsideration period has expired and the spouses together demand or one of them demands that the spouses be granted divorce. A divorce case shall lapse if the demand for the granting of divorce is not made within one year from the beginning of the reconsideration period. If a divorce case has been initiated by a joint application of the spouses, the six-month reconsideration period starts to run when the joint application was submitted to or arrived at the District Court. If, on the other hand, the application is made by one spouse alone, the reconsideration period starts to run when the other spouse has been notified of the application. The District Court attends to the service of the application.

However, the spouses can be granted a divorce immediately without the otherwise obligatory six-month reconsideration period if they have lived separated for the past two years without interruption.

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

The length of proceedings is calculated from the day of the beginning of *lis pendens* until the day when the judicial decision is given. Timeframes are calculated via automated case management system which provides information about the duration of procedures in every single case as necessary.

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

The investigation and clearing up of criminal offences are tasks for the police. An investigation is lead by a police officer, who is under the duty to keep prosecutor informed and to heed the instructions given by him or her. Conversely, a prosecutor has the right, and is under the duty, to direct the investigation in order to secure an appropriate consideration of charges and an expeditious main hearing.

After the conclusion of the investigation the investigation report and its annexes will be brought to the prosecutor, who will then make consideration of charges. A charge is to be brought if there is reason to believe that the suspect probably is guilty. If there is no *prima facie* case or if prosecution is otherwise precluded, e.g. because of the statute limitations, the prosecutor will decide not to prosecute. In addition, the prosecutor may decide not to prosecute even if there is a *prima facie* case, for instance because of the minor significance of the offence or the youth of the offender.

The prosecutor brings a charge by filing a written application for a summons with the registry of the District Court. If so permitted by the court, the prosecutor may bring a charge also by self issuing a summons. The prosecutor must prosecute the case orally before the court. It is the duty of the prosecutor to prove the charge, by procuring

sufficient evidence in support of the charge and by presenting in to the court. After the trial, it is for the court to decide whether to dismiss or uphold the charge, to determine the type and measure of the penalty, and to assess the damages and the other possible sanctions. As is the case with the other parties, also the prosecutor has the right to appeal the judgement of a lower court in a higher instance. In clear cases, the prosecutor is competent to self impose a fine and confiscatory sanction in penal order proceedings. This option is available, if the suspect does not demand that a court hear the case.

97) Does the prosecutor also have a role in civil and/or administrative cases?

Yes

No

If yes, please specify:

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	85716	10730	26368		2305	62596

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Received by the public prosecutor: 85 716 (drunken driving cases (22 919) are included in the number)

Discontinued by the public prosecutor in general: 10 730 cases (26 368 persons)

Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation:

- lack of an established offence: 734 persons
- evidence cannot be obtained: 16 945 persons
- prosecution limitation: 819 persons
- no right to institute criminal proceedings: 1 604 persons
- specific legal situation: 6 215
- other reason: 51 persons

Please indicate the sources for the questions 92 to 94 and question 98

question 98 - source: the Annual Report of Prosecutor General

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

In Finland, judicial training has traditionally been based on practical training in the courts and on the in-service training for judges that the Ministry of Justice provides. At present, a reform of the judicial training system is under way, albeit stalled for a moment.

As the matter now stands, the road to judicial office goes normally through the court system itself, with referendaries with long work experience moving forward to judgeship. At present, the typical career of a judge in Finland proceeds as follows: university degree in law – judicial traineeship at a District Court (one year, general training) – work as a referendary at a Court of Appeal or Administrative Court – possible temporary service as a District Judge, Justice of a Court of Appeal or Administrative Judge – appointment to a tenured judgeship. Accordingly, the training towards a judicial office is obtained through learning by doing.

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

102) Which procedures and criteria are used for promoting judges? (please specify).

Finnish judges excluding judges in city trial courts (raastuvanoikeus) have been appointed by the President of the republic. Before 1993 judges in city trial courts were appointed by County Governor (maaherra). However, since 1993 all Finnish judges have been appointed by the President of the republic. Since 2000 judges have been appointed by the president on the recommendation of the Minister of Justice, as nominated by a Judicial Appointments Board. The Board is expected to promote the recruitment of judges from all walks of legal life, that is, from among referendaries, the civil service, academia and the legal profession. The Judicial Appointments Board is composed mainly of members of the judiciary, but three members come from outside the judiciary. One is a practising lawyer appointed by the Bar Association, another is a prosecutor appointed by the Prosecutor General and the third is an academic appointed by the Ministry of Justice on the recommendation of law faculties.

At times there is a need to appoint a judge for a fixed period of time, this is a task for the Supreme Court and Supreme Administrative Court, respectively, these instances appoint judges to temporary positions for a year or longer. Shorter appointments are normally a matter for the chief of the court in question.

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

All prosecutors have a university degree in law, in addition to which most of them have performed a judicial trainee programme of junior prosecutors. The traineeship period is one year. There is also basic and advanced professional training to prosecutors.

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

The Prosecutor General and the Deputy Prosecutor General shall be appointed by the President of the Republic on the nomination of the Government. The State Prosecutors shall be appointed by the Government on the nomination of the Prosecutor General. The Prosecutor General appoints all other prosecutors.

107) Is the mandate given for an undetermined period for judges ?

- Yes
 No

Are there exceptions? Please specify:

Mandate is given for an undetermined period but there is also a system of temporary judges. They are either debuties or temporary for some period (at times if there is a need to appoint a judge for a fixed period)

108) Is the mandate given for an undetermined period for prosecutors?

- Yes
 No

Are there exceptions? Please specify:

Mandate is given for an undetermined period but there is also a system of temporary prosecutors. They are either debuties or temporary for some period (at times if there is a need to appoint a prosecutor for a fixed period)

109) If no, what is the length of the mandate?

Is it renewable?

for judges

yes, please specify the length

for prosecutors

yes, please specify the length

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

110) Nature of the training of judges.

Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

112) Nature of the training of prosecutors.

Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for			

management functions of the prosecution services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

In Finland, judicial training has traditionally been based on practical training in the courts and on the in-service training for judges that the Ministry of Justice provides. At present, a reform of the judicial training system is under way, albeit stalled for a moment.

The Ministry of Justice is in charge of provision of in-service training to the judges. The Training Unit of the Department of Judicial Administration offers some 300 training days to judges and other legal staff every year. The objective of the in-service training is that the judges would have access to training and self-improvement opportunities in all branches of the legal system and other skills and knowledge useful for judicial work. Thus, in addition to legal subjects, judges are provided e.g. with language training, leadership skills training and IT training. The duration of the in-service training events offered to judges varies on the basis of the needs for training, ranging from brief information sessions to long-term training programmes.

All prosecutors have a university degree in law, in addition to which most of them have performed a judicial trainee programme of junior prosecutors. The traineeship period is one year. There is also basic and advanced professional training to prosecutors.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	50000	34000
Judge of the Supreme Court or the Highest Appellate Court	105000	61000
Public prosecutor at the beginning of his/her career	35000	26000
Public prosecutor of the Supreme Court or the Highest Appellate Instance	63000	41000

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:**117) Can judges combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consultant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

Before being appointed, judge has to make a declaration of his / her interests, assets and liabilities. As referred to in the legislation governing State officials, judges are not allowed to fill secondary occupation without the permission permitted by the court. In theory the combination is possible but in practise it is rare.

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

District Prosecutors shall not act as an attorney or a counsel without the permission of the Office of the Prosecutor General. Secondary occupations not requiring permission shall be notified to the office of the Prosecutor General.

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for the question 114

question 114 - Source: the Collective Bargaining Contract of Civil Servants Salaries, the Ministry of Justice and www.vero.fi (Finnish tax administration)

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

The Chancellor of Justice, along with the Parliamentary Ombudsman, is the supreme guardian of the law in Finland. The Chancellor of Justice supervises authorities' compliance with the law. He also pays particular attention to the observance of basic rights and liberties and human rights. According to the Constitution of Finland, the Chancellor of Justice is charged with supervising that the courts of law, the authorities, civil servants, employees of public corporations and other persons in public posts obey the law in the performance of their duties and fulfil their obligations. The Chancellor of Justice investigates notices and recommendations from various authorities and undertakes further measures where necessary. In practice, the supervision of legality is primarily carried out by ruling on complaints filed with the Chancellor of Justice against the actions of an authority or public official. Anyone, regardless of their citizenship, is entitled to turn to the Chancellor of Justice in a matter that directly concerns him or her, or in any other matter, should the complainant believe that an authority, public official or public body has acted in a manner that violates their rights, or a member of the Bar has neglected his or her responsibilities.

The Chancellor of Justice also investigates matters on his own initiative. For example, news reports in the media or alleged incidents of unlawfulness may lead to an investigation.

Besides the Parliamentary Ombudsman exercises oversight to ensure that public authorities and officials observe the law and fulfil their duties in the discharge of their functions. The aim is to ensure good administration and the observance of constitutional and human rights. Anyone who suspects that a public authority or an official has not observed the law or failed to perform a duty may file a complaint with the Ombudsman. Anyone can complain in a matter concerning him or herself, but a complaint can also be made on behalf of someone else.

In addition, the conduct of the prosecutors (the delay on the decision or the behaviour of the prosecutor) can be subject to complaint to the Prosecutor General, who can reprimand the prosecutor.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

See question 122

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	12	2
1. Breach of professional ethics		
2. Criminal offence		
3. Professional inadequacy		
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of

sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	12	2
1. Reprimand	2	2
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

Disciplinary proceedings initiated - Judges - Total number: 729

1. the Chancellor of Justice: 189 notices from various authorities and 243 complaints investigated
2. the Parliamentary Ombudsman: 297 complaints investigated

Disciplinary proceedings initiated - Prosecutors - Total number : 204

1. the Chancellor of Justice: 69 complaints investigated
2. the Parliamentary Ombudsman: 54 complaints investigated
3. the Prosecutor General: 81 complaints investigated

Reprimand - Judges - Total number: 12

1. the Chancellor of Justice: 9
2. the Parliamentary Ombudsman: 3

Other sanctions - Judges - Total number: 90

1. the Chancellor of Justice: 2 charges, 1 recommendation and 67 opinions
2. the Parliamentary Ombudsman: 3 recommendations and 17 opinions

Other sanctions - Prosecutors - Total number: 5

1. the Chancellor of Justice: 3 opinions
2. the Parliamentary Ombudsman: 2 opinions
3. the Prosecutor General: a few opinions and recommendations

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

1810

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

- Civil cases -

No? an advocate or another person who has a Master's degree in law is allowed to represent a client in the court. (see exceptions below)

The Code of Judicial Procedure Chapter 15 (attorneys)

Section 2

(1) Unless otherwise provided in another Act an advocate or another person who has a Master's degree in law is honest and otherwise suitable and competent may serve as an attorney or counsel provided that he/she is not bankrupt and that his/her legal competence has not been restricted. (259/2002)

(2) The provisions in this Code or in another Act on the right of an advocate to serve as an attorney or counsel apply also to a person who is entitled to practice advocacy in another state in the European Economic Area or in another state with which the European Union and the member states thereof have concluded an agreement on the mutual recognition of the professional qualifications of trial lawyers.

(3) However a direct ascendant or descendant of the party a sibling of the party and the spouse of the party may serve as an attorney or counsel even if he or she has not earned the degree referred to in paragraph (1).

(4) In addition also a person other than one referred to in paragraphs (1) and (3) who is honest and otherwise suitable and competent may serve as an attorney or counsel in the following matters provided that he/she is not bankrupt and that his/her legal competence has not been restricted:

- (1) a matter referred to in chapter 5 section 3
- (2) a petitionary matter which is not in dispute
- (3) a registration matter and
- (4) a Land Court matter.

- Criminal cases - Defendant -

Criminal Procedure Act (689/1997 AMENDMENTS UP TO 260/2002 INCLUDED)

No monopoly of representation.

Chapter 2

Section 1

- (1) A person suspected of an offence has the right to self take care of his/her defence in criminal investigations and in a trial.
- (2) On the request of the suspect a defence counsel is to be appointed for him/her if:
 - (1) he/she is suspected of or charged with an offence punishable by no less than imprisonment for four months or an attempt of or participation in such an offence or
 - (2) he/she is under arrest or in detention.
- (3) A defence counsel is to be appointed to a suspect ex officio when:
 - (1) the suspect is incapable of defending himself/herself
 - (2) the suspect who has not retained a defence counsel is under 18 years of age unless it is obvious that he/she has no need of a defence counsel
 - (3) the defence counsel retained by the suspect does not meet the qualifications required of a defence counsel or is incapable of defending the suspect or
 - (4) there is another special reason for the same.

Section 2

- (1) A person appointed under section 1 or 1a as defence counsel or counsel for the injured party must be a public legal aid attorney or an advocate. If there is no suitable public legal aid attorney or advocate available or there is another special reason for it also another person with the degree of oikeustieteen kandidaatti/juris kandidat who by law is competent to act as an attorney may be appointed as defence counsel or counsel for the injured party. The person to be appointed as defence counsel or counsel for the injured party is to be reserved an opportunity to be heard on the appointment. (260/2002)
- (2) When the suspect or the injured party has self nominated a person meeting the qualifications as defence counsel or counsel for the injured party the nominee is to be appointed unless there are special reasons for the contrary.
- (3) The following are not to be appointed as defence counsel:
 - (1) a person who has advised the suspect in a matter connected with the offence under investigation,
 - (2) a person who is suspected charged with or convicted of an offence which is conducive to reducing his/her credibility as a defence counsel, or
 - (3) a person who is otherwise disqualified as a defence counsel.
- (4) If a defence counsel is appointed for the suspect no attorney is to be appointed for him/her on the basis of the Legal Aid Act (257/2002). If an attorney has been appointed for the suspect on the basis of the Legal Aid Act before the appointment of a defence counsel the attorney is to be appointed as defence counsel. (260/2002)

- Criminal cases - Victim -

Criminal Procedure Act (689/1997, AMENDMENTS UP TO 260/2002 INCLUDED)

No monopoly of representation.

Chapter 2

Section 1a (107/1998)

A court may appoint a counsel for the injured party for criminal investigations and where the injured party has a claim in a case prosecuted by the public prosecutor for the trial:

- (1) in a case relating to a sexual offence referred to in chapter 20 of the Penal Code unless this is for a special reason deemed unnecessary, and

(2) in a criminal case referred to in chapter 21 section 1—6 of the Penal Code if this is to be deemed necessary in view of the relationship between the injured party and the suspect of the offence.

Section 2 (107/1998)

(1) A person appointed under section 1 or 1a as defence counsel or counsel for the injured party must be a public legal aid attorney or an advocate. If there is no suitable public legal aid attorney or advocate available or there is another special reason for it also another person with the degree of oikeustieteen kandidaatti/juris kandidat who by law is competent to act as an attorney may be appointed as defence counsel or counsel for the injured party. The person to be appointed as defence counsel or counsel for the injured party is to be reserved an opportunity to be heard on the appointment. (260/2002)

(2) When the suspect or the injured party has self nominated a person meeting the qualifications as defence counsel or counsel for the injured party the nominee is to be appointed unless there are special reasons for the contrary.

(3) The following are not to be appointed as defence counsel:

(1) a person who has advised the suspect in a matter connected with the offence under investigation,

(2) a person who is suspected charged with or convicted of an offence which is conducive to reducing his/her credibility as a defence counsel, or

(3) a person who is otherwise disqualified as a defence counsel.

(4) If a defence counsel is appointed for the suspect no attorney is to be appointed for him/her on the basis of the Legal Aid Act (257/2002). If an attorney has been appointed for the suspect on the basis of the Legal Aid Act before the appointment of a defence counsel the attorney is to be appointed as defence counsel. (260/2002)

- Administrative cases -

No monopoly of representation. Anyone that is not bankrupt and that legal competence has not been restricted.

130) Is the lawyer profession organised through:

a national Bar?

a regional Bar?

a local Bar?

Please specify:

In addition to the Finnish Bar Association, there are local advocate associations.

Please indicate the source for the question 126

Source: the Finnish Bar Association - ca. 2550: about 1810 of them belonging to the Bar (only members of the bar association are entitled to use the professional titles "asianajaja" or "advokat" ("advocate")). In addition there are actually a big number of practising lawyers who do not belong to the Bar. Law firms employ about 630 associates. Of the advocates, about 130 are public legal advisers. Legal aid offices also employ about 100 legal

advisers who are not members of the Bar Association.

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
 No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
 No

135) Are lawyers fees:

- regulated by law?
 regulated by the Bar association?
 freely negotiated?

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

136) Have quality standards been formulated for lawyers?

- Yes
 No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
 the legislature?
 other?

Please specify (including a description of the quality criteria used):

The Finnish Bar Association has the Code of Conduct.

The Finnish Bar Association is a self-regulatory disciplinary body. Disciplinary matters are dealt with by the Disciplinary Section of the Board of the Finnish Bar Association.

The Functions of the Board include the duty to ensure observance by the members of the Finnish Bar Association of the professional rules of ethics and practice, to investigate breaches of these rules within its own knowledge, to receive, examine and decide upon complaints made against lawyer in respect of alleged breaches of rules of professional conduct and etiquette, and to deal with all related disciplinary matters.

The Disciplinary Board shall impose a disciplinary sanction on the advocate, the disciplinary sanctions are disbarment, monetary penalty, caution and reprimand.

There is no separate Disciplinary Tribunal operating outside, and independently from the Finnish Bar Association.

138) Is it possible to complain about :

- the performance of lawyers?
 the amount of fees?

Please specify:

- The performance of lawyers

A D V O C A T E S A C T
(12 December 1958/496)

Section 7

The Disciplinary Board of the Bar Association considers and decides supervision matters, as well as issues recommendations on fee disputes between an advocate and the client.

If it is found, on the basis of circumstances discovered in the consideration of a supervision matter, that an advocate has violated the provisions of section 5, paragraph 1, the Disciplinary Board shall impose a disciplinary sanction on the advocate, the disciplinary sanctions are disbarment, monetary penalty, caution and reprimand.

If an advocate acts dishonestly or otherwise deliberately violates the interests of another person while practicing advocacy, the advocate shall be disbarred. If there are mitigating circumstances, a monetary penalty or a caution may be imposed instead.

If an advocate otherwise acts in violation of proper professional conduct, a caution or a

reprimand shall be imposed. If the advocate engages repeatedly in conduct or if there are aggravating circumstances, the advocate may be disbarred or a monetary penalty imposed. The provision above in this paragraph applies also if an advocate commits an act detrimental to the reputation of the Bar.

The monetary penalty, payable to the Bar Association, shall be no less than EUR 500 and no more than EUR 15,000, the assessment of the amount of the penalty shall be based on the censurability of the misconduct, the experience of the advocate and the advocate's financial position, so that the penalty is in just proportion to the misconduct.

The Disciplinary Board may decide that a decision on disbarment is to take effect notwithstanding any appeal.

An advocate entered into the EU Register shall be struck from that register under the same conditions that govern the disbarment of an advocate.

- The amount of fees

Advocates Act

Section 7e

A fee dispute shall become pending when the written application of the client or some other customer of an advocate is received at the Office of the Bar Association. If the application contains such shortcomings that the matter cannot be taken up for a decision on the basis thereof, the applicant shall be exhorted to remedy the shortcomings within a set period. At the same time, the applicant shall be advised of the nature of the shortcomings and of the fact that the Disciplinary Board may decline to consider the matter if the applicant fails to heed the exhortation.

The parties to a fee dispute shall be the advocate and the firm to whose account the advocate has acted, as well as the applicant. The advocate and the firm shall be reserved an opportunity to be heard before the case is decided. The applicant shall be reserved an opportunity to comment on the response of the advocate and the firm.

A fee dispute shall be dealt with by a division of the Disciplinary Board, applying written procedure. The division may hold an oral hearing, the parties shall be summoned to the oral hearing.

No recommendation shall be issued if the applicant's right to demand a fee reduction has expired.

A recommendation cannot be compulsorily enforced and it does not have the legal effects of a court judgment.

Section 7f

If the same fee dispute is pending both in a court of law and in the Disciplinary Board, and the customer of the advocate so notifies the court before responding to the substance of the case, the court shall stay the proceedings until such time that the Disciplinary Board has issued its recommendation

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

The Disciplinary Board of the Finnish Bar Association

**140) Disciplinary proceedings and sanctions against lawyers:
Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				444

**141) Disciplinary proceedings and sanctions against lawyers:
Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	59		4	4	27

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

question 140: 444 disciplinary proceeding initiated (year 2006, the number includes all the cases above, not separate statistics per the type of misconduct)

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

Legal aid covers court annexed mediation in full when other requirements are fulfilled.

In criminal conciliation cases legal aid concerns legal advice but usually not the representation in conciliation proceedings.

144) Can you provide information about the number of accredited mediators?

- Yes
 No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

- employment dismissals? yes,
number:
- criminal cases? yes,
number:

Please indicate the source for the question 145

There are not accredited mediators in Finland. The Finnish Bar Association has a mediation service based on their own Mediation rules. 539 advocates have completed the one-day basic training and 250 the two-day advanced session and have been entered to the roll of mediators.

In addition the Arbitration Institute of the Central Chamber of Commerce of Finland promotes as an impartial body the settlement of business disputes by arbitration. The Arbitration Institute appoints arbitrators and administers arbitration proceedings complying with its Rules. In the year 2006, 43 requests for arbitration were submitted to the Arbitration Institute

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

In normal civil proceedings a judge has to promote a settlement and in practice Finnish judges are active mediators during the preparation of a civil case. In civil cases initiated by the large application for summons (regular disputed civil cases) 5798 of cases were settled during the preparation in year 2006. This is 64 % of all decisions (9072).

Act on Court Annexed Mediation in civil cases (663/2005) entered into force on 1 January 2006. According to the Act, disputes can also be mediated at court, as an alternative to civil proceedings. The judge serves as a facilitator of the process. In 2006, 157 civil cases were initiated by the written application for court annexed mediation. 66 of them were concluded during the year, settlement was certified in 44 cases, 6 cases were concluded with settlement otherwise and in 16 cases there was no justification for continuing the mediation.

There is also a mediation service in criminal cases, called Conciliation in Criminal and Civil cases, governed by the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005) which entered into force on 1 January 2006. According to the act, the general management, supervision and monitoring of conciliation services fall within the jurisdiction of the Ministry of Social Affairs and Health. Each State Provincial Office is obliged to arrange conciliation services and ensure that they are available in appropriately implemented form in all parts of the province. Services referred to the act must have been arranged of 1 June 2006. Within the timescale 1 June – 31 December 2006, the number of incoming cases was 3 848. Circa 80 per cent of cases were concluded with settlement. (Before the year 2006, there was a semi-official mediation service in criminal cases in Finland. There was no nationwide model for organisation of this conciliation but the services were offered in 255 municipalities of all 448 municipalities in Finland.)

Family conciliation in Finland is most often offered by the municipal social welfare authorities and the Family Counselling Centres of the Church. There are no regular statistics kept on family conciliation, but some snapshots are available, according to a study in 1991, 27 % of couples seeking divorce had availed themselves of conciliation. Data collected in 1997 indicates that more than 90 % of matters pertaining to the status of a child are dealt with in extra judicial conciliation services.

In addition to mediation services mentioned above there are also many different advisory services which can act as an alternative dispute resolution. Some Finnish examples are municipal consumer advisory service, financial advice and debtors' advice.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

735

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

Q 147 number of enforcement agents

There are 85 bailiffs and 650 associate bailiffs. Enforcement districts are centred either on district enforcement offices or on enforcement sections of unified district offices, one enforcement district normally covers the territory of one or several state local districts. There were 51 such districts in all.

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

Source: the Ministry of Justice - 750: there are 85 bailiffs and 665 associate bailiffs. Enforcement districts are centred either on district enforcement offices or on enforcement sections of unified district offices, one enforcement district normally covers the territory of one or several state local districts. There are 51 such districts in all.

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

The Ministry of Justice is in charge of the general management, control and supervision of the enforcement service. Also the heads of legal administration in the provincial governments have control and supervision functions relating to enforcement. For example, they deal with complaints regarding the conduct of the enforcement authorities. However, neither the Ministry of Justice nor the heads of legal administration have the power to overrule or alter an individual enforcement measure or other measure.

Besides the Chancellor of Justice, along with the Parliamentary Ombudsman, supervises enforcement agents' compliance with the law.

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

There are annual negotiations between the local enforcement authorities and the central administration. These negotiations are part of the method called "Management by results". The quality standards are defined in the course of negotiations. The main standards used are the length of proceedings and the efficiency of the special collecting (e.g. tracing of the benefit proceeds of crime)

Targets defined for the long term are for example the following: reduction of the number of debtors, the reduction of the collection charges.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

question 155 - source: the Ministry of Justice

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

1st: unlawful practices

2nd: excessive cost

3rd: the duration of the liability for debts

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

If yes, please specify:

A new act on execution (the Execution Code (705/2007)) shall enter into force on 1 January 2008. The most essential reforms pertain to the organisation of the enforcement agents and to the limitation period of debts.

159) Is there a system measuring the timeframes of the enforcement of decisions:

for civil cases?

for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics

yes,
number:

Professional inadequacy

yes,
number:

Criminal offence

yes,
number:

Other

yes,
number:

162) Sanctions pronounced against enforcement agents:

Reprimand	<input checked="" type="checkbox"/> yes, number:	1
Suspension	<input type="checkbox"/> yes, number:	
Dismissal	<input type="checkbox"/> yes, number:	
Fine	<input type="checkbox"/> yes, number:	
Other	<input type="checkbox"/> yes, number:	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

question 161 - 223:

Q161 - 1 disciplinary proceeding initiated

- the Chancellor of Justice: 32 complaints investigated
- the Parliamentary Ombudsman: 105 complaints investigated
- provincial Governments: 86 complaints investigated

question 162 - 1 sanction pronounced

1 Reprimand:

- the Parliamentary Ombudsman: 1

29 other:

- the Chancellor of Justice: 2 opinions
- the Parliamentary Ombudsman: 27 opinions

Please indicate the sources for the questions 157 and 160**8. 2. Execution of decisions in criminal matters****8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

Yes

No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

All enforcement agents in Finland are state authorities that belong to the administration of the Ministry of Justice. In criminal cases the Criminal Sanction Agency takes care of enforcement of prison sentences and community sanctions. The Legal Register Centre answers for the enforcement of pecuniary penalties and fixed fines, as well as the collection of damages, debts and payment orders for excess loads awarded to the state.

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

Yes

No

If yes, please specify:

Legal Register Centre assembles reports on enforcement of fines. This report states the amount of fines paid and those to be collected. (www.oikeus.fi/oikeusrekisterikeskus)

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | |
|---|---|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes, number: |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes, number: |
| a public one? | <input checked="" type="checkbox"/> yes, number: |
| other? | <input type="checkbox"/> yes, number and specify: |

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

The notary public working in a local register office handles the notarisation of, amongst other things, signatures, copies of certificates and the authentication of curriculum vitae. In addition he handles protests of bills of exchange, the opening and closing of safe-deposit boxes as well as the monitoring of lotteries.

Please indicate the source for the question 166

question 166 - source: the Ministry of Justice

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

Public notaries are in generic matters under the administration of Ministry of the Interior but in legal matters under the Ministry of Justice.

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.