

## 1. Evaluation of the judicial systems (2016-2018 cycle)



Finland

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**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017**

### **Objective :**

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

### **Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

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## **1.General information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



**001. Number of inhabitants (if possible on 1 January of the reference year +1)**

[ 5503297 ]

Comments

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	55041643000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**003. Per capita GDP (in €) in current prices for the reference year**

[ 38959 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 40416 ]

NA

Comments

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[            ]

Allow decimals : 5

NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: <http://www.stat/>

Q1: on 31 December 2016

**1.1.2. Budgetary data concerning judicial system**

**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.**

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	285425000 [ ] NA [ ] NAP	273337188 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	[ X ] NA [ ] NAP	192126588 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (equipment, investments, maintenance)</b>	[ X ] NA [ ] NAP	16582298 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.</b>	[ X ] NA [ ] NAP	11656558 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	[ X ] NA [ ] NAP	32626220 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>6. Annual public budget allocated to training</b>	[ X ] NA [ ] NAP	947000 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	[ X ] NA [ ] NAP	19398523 [ ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: The amount for justice expenses includes for example fees for translations of court documents and interpretation in court hearings. The implemented budget varies a lot so it is quite impossible to know the correct appropriation beforehand. These variations also explain the differences in the implemented budget for 2014 and 2016.

**007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments:

**008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	( ) Yes ( X ) No
for other than criminal cases	( X ) Yes ( ) No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

**008-1. Please briefly present the methodology of calculation of court taxes or fees:**

- The Court fees has been increased reasently in Finland. The new legislation (Act on Court fees) came in force in the beginning of the year 2016. The Charges collected by courts are the following:

Supreme Court

500

If the decision of a lower court in a criminal case is amended to the advantage of the appellatant, no processing charge is collected.

Supreme Administrative court

500 euros

If the decision of a lower court is amended to the advantage of the appellatant, no processing charge is collected.

Courts of Appeal

Petitionary matter 250 euros

Criminal case 250 euros

If the decision of a lower court in a criminal case is amended to the advantage of the appellatant, no processing charge is collected.

Other matter 500 euros

Administrative Courts

250 euros

If the decision is amended to the advantage of the appellatant, no processing charge is collected.

Market Court

2000 euros.

In a case of public supply the fee depends on the value of the supply. If the value is minimum 1 milj. euros, the fee is 4000 euros. If the value is minimum of 10 milj. euros, the fee is 6 000 euros.

A Private persons fee in Market Court is 500 euros.

Labour Court

2000 euros

A Private persons fee in Labour Court is 500 euros.

Insurance Court

There is no fee in a matter that has been brought to Insurance Court by a Private person and that consern his or her right to a benefit, its amount or claim for its recovery. This means that most of the cases in Insurance Court is handled without a fee. In other cases a private persons fee is 250 euros. Other than a Private person must pay for a fee (500 euros). District Courts

Trial charges

Criminal case and an appeal under the Enforcement Act and the restraining orders 250 euros.If the restraining order is imposed, the charge will not be collected. In a enforcement case the charge is not collected, if the decision of the enforcement authority is changed to the benefit of the appellatant. No charge is collected in criminal cases that are prosecuted by the public prosecutor.

Civil case and land court case 500 e

Non-litigious cases 86 euros. If it is brought to Court electronically 65 euros. If the case is disputed by the defendant, the fee is 250 euros.

Petitionary matter normally 250 euros, but if the matter becomes disputed and is transferred to a hearing, charges as in a civil case. However, in the petitionary matters referred to below the charges are:

Divorce

- a) 200 euros
- b) if the matter transferred to a hearing, charges as in a civil case
- c) continued hearing after the reconsideration period 100 euros

Mediation in civil disputes

- a) if not started 100 euros
- b) if started 250 euros
- c) no charge is collected, if mediation is requested in a pending trial matter, then the fee will be collected according to the type of the case

Bankruptcy

- (a) bankruptcy declaration 300 euros, debtor not adjudicated bankrupt;
  - (b) bankruptcy declaration 650 euros, charged to the bankrupt's estate;
  - (c) when ends in a distribution list 750 euros;
  - (d) when ends otherwise than in a distribution list 300 euros; no charge is collected if the process continues in the form of a public investigation;
  - (e) other bankruptcy matter heard separately 300 euros; no charge is collected in a case concerning imposing of a security measure or coercive measure or certification of an inventory, or other obligation of a debtor, further declaration, or correction or amendment of a confirmed distribution list;
  - (f) in the case of a contested claim: if the matter is referred to court as one in dispute, a charge equal to the one collected on civil disputes is collected from the contesting party
- Corporate restructuring
- (a) hearing where restructuring is denied 300 euros
  - (b) hearing where restructuring is approved 1000 euros
  - (c) other matter heard separately 300 euros

A case handled according to the Act on the Adjustment of the Debts of a Private Individual 250 euros. There is no charge if the case is brought to court by the debtor.

## 008-2. The amount of court fees to commence an action for 3000€ debt recovery:

[ 500 ]

NA

NAP

Comments

## 009. Annual income of court taxes or fees received by the State (in €)

[ 35596248 ]

NA

NAP

Comments

**012. Annual approved public budget allocated to legal aid, in €.**

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	89400000 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments The legal aid expenses have increased. This is due to the 4 % increase made in the legal fees. Also the number of refugees getting legal aid has increased.

**012-1. Annual implemented public budget allocated to legal aid, in €.**

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	89400000 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 23 million) and the expenses paid to private lawyers. Private lawyers were paid EUR 66.4 million as fees and compensations in legal aid matters, which is 24 per cent more than in the previous year. Expenses have grown as the number of clients has grown. In 74 per cent of the 15,600 legal aid decisions made concerning asylum seekers applying for international protection, the applicant was assisted by a private lawyer.

**013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in €</b>	46243000 [ ] NA [ ] NAP	46243000 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences:

**014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):**

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify:

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: The Ministry of Justice

### 1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	925500000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice

system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences:

**015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):**

	Included
Court (see question 6)	( X ) Yes ( ) No <input type="checkbox"/> NAP
Legal aid (see question 12)	( X ) Yes ( ) No <input type="checkbox"/> NAP
Public prosecution services (see question 13)	( X ) Yes ( ) No <input type="checkbox"/> NAP

Comments:

**015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):**

	Included
Prison system	( X ) Yes ( ) No <input type="checkbox"/> NAP
Probation services	( X ) Yes ( ) No <input type="checkbox"/> NAP
Council of the judiciary	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Constitutional court	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Judicial management body	( X ) Yes ( ) No <input type="checkbox"/> NAP
State advocacy	( X ) Yes ( ) No <input type="checkbox"/> NAP
Enforcement services	( X ) Yes ( ) No <input type="checkbox"/> NAP



Notariat	( ) Yes ( X ) No [ ] NAP
Forensic services	( ) Yes ( X ) No [ ] NAP
Judicial protection of juveniles	( ) Yes ( X ) No [ ] NAP
Functioning of the Ministry of Justice	( X ) Yes ( ) No [ ] NAP
Refugees and asylum seekers services	( ) Yes ( X ) No [ ] NAP
Immigration Service	( ) Yes ( X ) No [ ] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( ) Yes ( X ) No [ ] NAP
Other	( X ) Yes ( ) No [ ] NAP

Comments - If "other", please specify:

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: The statistics of the Ministry of Justice

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP

<b>Legal advice</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments

**017. Does legal aid include the coverage of or the exemption from court fees?**

Yes

No

Comments - If yes, please specify:

**018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?**

Yes

No

Comments - If yes, please specify:

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>Legal aid granted for other costs</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

**2.1.2. Quantitative information on legal aid**

**020. (Modified question) Please indicate the number of cases for which legal aid has been granted:**

	<b>Cases brought to court</b>	<b>Cases not brought to court / non-litigious cases</b>
<b>TOTAL</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In other than criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: The public legal aid offices received a total of 50,369 cases (2014: 46734), of which 6,762 were criminal cases and 43,607 other than criminal cases. Of the 50,369 cases dealt with by the legal aid offices 20 per cent were closed with court proceedings.

Private lawyers handled 41,315 legal aid cases, of which 54 per cent were criminal cases and 46 per cent other than criminal cases.

**Q21. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

	Assisted by a free of charge lawyer
<b>Accused individuals</b>	( X ) Yes ( ) No
<b>Victims</b>	( X ) Yes ( ) No

Comments - If yes, please specify:

**Q22. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?**

( X ) Yes

( ) No

Comments

**Q23. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.**

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
<b>Full legal aid for criminal cases</b>	7200 [ ] NA [ ] NAP	5000 [ ] NA [ ] NAP
<b>Full legal aid for other than criminal cases</b>	7200 [ ] NA [ ] NAP	5000 [ ] NA [ ] NAP
<b>Partial legal aid for criminal cases</b>	15600 [ ] NA [ ] NAP	5000 [ ] NA [ ] NAP
<b>Partial legal aid for other than criminal cases</b>	15600 [ ] NA [ ] NAP	5000 [ ] NA [ ] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: The situation has not changed between 2014 and 2016. Legal aid is granted on the basis of the applicant's income, expenditures and maintenance liability, that is, his or her available means.

The available means of the applicant determine whether the applicant is given legal aid for free or against a deductible. Calculation of available means:

Income consists of wages and salary, pension and per diems, as well as child allowances, maintenance support and capital income. Tax withdrawals are deducted from the income. Deductions are likewise made for reasonable housing costs, day-care charges, maintenance support payments, and the scheduled payments in enforcement or debt adjustment proceedings. In addition, a deduction of EUR 300 is made for each underage child that belongs to the applicant's household. Family size affects the income threshold for eligibility and the level of the deductible. The income of the spouse, domestic partner or registered partner of the applicant is taken into account in the calculation of the available means. However, legal aid is determined solely on basis of the applicant's economic standing, if the applicant is being suspected of or accused of committing a crime, or if the spouses are adversaries or have separated permanently due to estrangement.

Single person

- legal aid for free: available means up to EUR 600
- legal aid against a deductible: available means over EUR 600 and up to EUR 1,300
- no legal aid: available means over EUR 1,300

Spouses together

- legal aid for free: available means up to EUR 1,100
- legal aid against a deductible: available means over EUR 1,100 and up to EUR 2,400
- no legal aid: available means over EUR 2,400

The recipient of legal aid is charged a supplementary deductible, if the recipient and his or her spouse have assets more than EUR 5,000. The amount of the supplementary deductible is half of the value of the assets in excess of EUR 5,000. The value of assets is calculated by deducting any debts for the assets from the current value of the assets. The supplementary deductible is used to cover that share of the lawyer's fee and compensation for expenses which remains after the basic deductible has been deducted from the fee and the compensation. The following assets are not taken into account when determining the supplementary deductible: (1) the permanent residence of the family, an ordinary holiday home and a car, if their value is in reasonable proportion to the size and needs of the family; (2) a share in a decedent's estate in so far as the assets of the estate consist of other property than deposits and corresponding assets; (3) property related to business or agricultural activities in so far as the sale of the property would cause significant disadvantage to the business or agricultural activities.

**024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

- Yes
- No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):**

- the court
- an authority external to the court
- a mixed authority (court and external bodies)

Comments

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

- Yes
- No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: Ministry of Justice, 23) Legal Aid Act and Government Decree on Legal Aid

**2.2. Users of the courts and victims****2.2.1. Rights of the users and victims**

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

	<b>Yes, please indicate the internet adresse(s)</b>	<b>No</b>
<b>legal texts (e.g. codes, laws, regulations, etc.)</b>	( X ) <a href="http://www.finlex.fi">www.finlex.fi</a> , <a href="http://www.edilex.fi">www.edilex.fi</a> , <a href="https://www.eduskunta.fi/FI/search/Sivut/vaskiresults.aspx">https://www.eduskunta.fi/FI/search/Sivut/vaskiresults.aspx</a>	( )
<b>case-law of the higher court/s</b>	( X ) <a href="http://www.finlex.fi">www.finlex.fi</a> , <a href="http://www.edilex.fi">www.edilex.fi</a> , <a href="http://korkeinoikeus.fi/fi/index/ennakkopaatokset.html">http://korkeinoikeus.fi/fi/index/ennakkopaatokset.html</a> , <a href="http://www.kho.fi/fi/index/paatosia/vuosikirjapaatokset.html">http://www.kho.fi/fi/index/paatosia/vuosikirjapaatokset.html</a>	( )
<b>other documents (e.g. downloadable forms, online registration)</b>	( X ) <a href="http://www.oikeus.fi">www.oikeus.fi</a> , <a href="http://www.oikeusministerio.fi">www.oikeusministerio.fi</a> , <a href="http://www.suomi.fi">www.suomi.fi</a>	( )

Comments - Please specify what documents and information the addresses for "other documents" include:

**029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

( X ) Yes, always

( ) No

( ) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: According to Section 18 of Chapter 5 of the Code of Judicial Procedure

during the preparation, the court has an obligation to provide information to the parties concerning the estimated timeframe of the proceeding.

**030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

( X ) Yes

( ) No

Comments - If yes, please specify: The Ministry of Justice Finland has published an online-brochure called “Rights of a Crime Victim” in March 2017. The brochure provides information for crime victims on matters which they have the right to be informed about by the authorities. The brochure provides information for example on the support services available for crime victims, legal assistance, possibilities to obtain victim protection, applying for compensations, the right to interpretation and translation of documents, and mediation in criminal matters. The brochure is available in Finnish, easy-to-read Finnish, Swedish, North Saami, English, Estonian, Russian, Sorani, Arabic and Somali. The brochure can be downloaded here:

[https://oikeus.fi/material/attachments/oikeus/tietoarikoksenuhrinoikeuksista2017/6hnIsPe2j/Rights\\_of\\_a\\_Crime\\_Victim.pdf](https://oikeus.fi/material/attachments/oikeus/tietoarikoksenuhrinoikeuksista2017/6hnIsPe2j/Rights_of_a_Crime_Victim.pdf). The Ministry of Justice has also published an online-brochure “If you become a victim of a crime” which contains information on what to do if a person has become a victim of a crime. The brochure is a practical guide introducing the different stages of the criminal procedure. The brochure is available in English, Finnish, easy-to-read Finnish, Swedish, easy-to-read Swedish, North Saami, Russian, Estonian, Somali and Arabic. The brochure and its language versions are available here: <https://oikeus.fi/fi/index/esitteet/josjoudutrikoksenuhriksi.html>

**031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	<b>Information mechanism</b>	<b>Special arrangements in hearings</b>	<b>Other specific arrangements</b>
<b>Victims of sexual violence/rape</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of terrorism</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Minors (witnesses or victims)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of domestic violence</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Ethnic minorities</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Disabled persons</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Juvenile offenders</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: In certain serious offences (such as aggravated assault, rape, human trafficking), the victim has the right, at his or her request, to be notified if the prisoner or remand prisoner is released, escapes or, under certain conditions, exits the prison for some other reason.

The court may appoint a legal counsel and a support person if the case concerns violence in a close relationship, sex offence or a serious offence against the life, health or liberty of the victim. A victim in need of special protection may be heard in court without the presence of the accused and/or the public. The court shall ex officio ensure that the defendant or the injured party receives the interpretation that he or she needs. The court shall arrange for interpretation also when a party uses sign language or when interpretation is necessary due to a sensory or speaking impediment of a party.

A public defender is appointed ex officio to a suspected person under the age of 18 unless it is obvious that he/she has no need for a lawyer. The proceedings may be held “in camera” if the accused person is under the age of 18.

**031-1. Is it possible for minors to be a party to a judicial proceeding:**

( X ) Yes

( ) No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure)

and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.):

**032. Does your country allocate compensation for victims of crime?**

Yes, please specify for which kind of offences: any which has caused damage

No

Comments

**032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

**033. If yes, does this compensation come from:**

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

**034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify:

**036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

Yes

No

NAP

Comments - If necessary, please specify:

**2.2.2. Confidence of citizens in their justice system**



**037. (Modified question) Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	525 <input type="checkbox"/> NA <input type="checkbox"/> NAP	444 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2831796 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	78 <input type="checkbox"/> NA <input type="checkbox"/> NAP	45 <input type="checkbox"/> NA <input type="checkbox"/> NAP	181796 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Wrongful arrest</b>	447 <input type="checkbox"/> NA <input type="checkbox"/> NAP	399 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2650000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

**038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

	National level	Court level
<b>1. (Satisfaction) surveys aimed at judges</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>2. (Satisfaction) surveys aimed at court staff</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>3. (Satisfaction) surveys aimed at public prosecutors</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>4. (Satisfaction) surveys aimed at lawyers</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>5. (Satisfaction) surveys aimed at the parties</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc



<b>7. (Satisfaction) surveys aimed at victims</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>8. Other not mentioned</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: The Institute of Criminology and Legal Policy is a research institute at the University of Helsinki, specialising in research and monitoring of crime and legal policy in Finland. As specified in the law on Institute of Criminology and Legal Policy (13/2004), the tasks of the research institute are:

- to practice independent research on legal policy, with regard to needs of the ministry of justice and society at large;
- to monitor legal policy and crime, to analyze their trends;
- to maintain research databases that are necessary for the research specified in the law.

The institute became part of the Faculty of Social Sciences and the Department of Department of Social Research in January 1 2015. It is the only academic research unit in Finland that specialises in research on crime and legal policy.

Some recent surveys:

- Kyselytutkimus vankeusvangeille sääntelyn toimivuudesta ja vankilaoista (title translated: Survey to prisoners about the functionality of regulation and the conditions in prison)

Katsauksia 6/2015 - Liimatainen, Anu, Rantala, Kati, Paasonen, Jyri & Mäkipää, Leena

- Rikosprosessi väkivaltarikosten uhrien näkökulmasta. (title translated: Criminal procedure from the point of view of victims in violent crimes) Kainulainen, H. & Saarikkomäki, E. 2014 National Research Institute of Legal Policy. (Oikeuspoliittisen tutkimuslaitoksen tutkimustiedonantoja; vol. 126)

- Virve-Maria de Godzinsky & Mikko Aaltonen: KOETTU OIKEUDENMUKAISUUS HALLINTOPROSESSISSA. Helsinki 2013.

Oikeuspoliittisen tutkimuslaitoksen tutkimustiedonantoja 121. National Research Institute of Legal Policy. Research Communications. (title translated: Perceived fairness of trial in administrative matters)

- Virve-Maria de Godzinsky: Lapsen etu ja osallisuus hallinto-oikeuksien päätöksissä (title translated: The Best Interest Of The Child And The Child's Right To Participate In Administrative Court Proceedings), Helsinki 2014.

- Anu Liimatainen & Leena Mäkipää & Kati Rantala: Kysely vankiloiden ja arviointikeskusten henkilökunnalle, OPTL Verkkokatsauksia 42/2014. (title translated: Survey to the personnel of prisons and assessment centers)

- Antti Rissanen & Marjukka Lasola: Julkinen oikeusapu: Yksityisten avustajien toiminta, Helsinki 2014. (title translated: Public legal aid: Activities of advocates and other private sector legal advisers)

#### 040. Is there a national or local procedure for making complaints about the functioning of the judicial system? (for example the handling of a case by a judge or the duration of a proceeding)

Yes

No

Comments

#### 041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
<b>Court concerned</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Higher court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Ministry of Justice</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Council of the Judiciary</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No

**041-1. (Modified question) Please specify further certain aspects of this procedure:**

	<b>Number of complaints</b>	<b>Compensations amount granted to users</b>
<b>Court concerned</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Higher court</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Ministry of Justice</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Council of the Judiciary</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Other external bodies (e.g. Ombudsman)</b>	792 [ ] NA [ ] NAP	[ ] NA [ X ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:  
Ombudsman 415 and Chancellor 377 incoming cases.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

#### 042. Number of courts considered as legal entities (administrative structures) and geographic locations

	<b>Number of courts</b>
<b>42.1 First instance courts of general jurisdiction (legal entities)</b>	27 [ ] NA [ ] NAP
<b>42.2 First instance specialised courts (legal entities)</b>	9 [ ] NA [ ] NAP
<b>42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)</b>	73 [ ] NA [ ] NAP

Comments Some geographic locations of the District Courts have been shut down.

#### 043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
<b>Total (must be the same as the data given under question 42.2)</b>	9 [ ] NA [ ] NAP
<b>Commercial courts (excluded insolvency courts)</b>	1 [ ] NA [ ] NAP
<b>Insolvency courts</b>	[ ] NA [X] NAP
<b>Labour courts</b>	1 [ ] NA [ ] NAP
<b>Family courts</b>	[ ] NA [X] NAP
<b>Rent and tenancies courts</b>	[ ] NA [X] NAP
<b>Enforcement of criminal sanctions courts</b>	[ ] NA [X] NAP
<b>Fight against terrorism, organised crime and corruption</b>	[ ] NA [X] NAP
<b>Internet related disputes</b>	[ ] NA [X] NAP
<b>Administrative courts</b>	6 [ ] NA [ ] NAP
<b>Insurance and / or social welfare courts</b>	1 [ ] NA [ ] NAP
<b>Military courts</b>	[ ] NA [X] NAP
<b>Other specialised 1st instance courts</b>	[ ] NA [X] NAP

Comments - If “other specialised 1st instance courts”, please specify: In Finland there are 6 Administrative Courts, 1 Market Court, 1 Labour Court and 1 Insurance Court. Then there is the High Court of Impeachment that hears charges against Ministers (i.e. Members of the State Council), Chancellor of Justice, Parliamentary Ombudsman and Supreme Court Justices for unlawful conduct in office but it is convened only when necessary.

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

( X ) Yes

( ) No

Comments - If yes, please specify: In Finland is ongoing structural reform of the District Courts in which the number of the courts will be

decreased from 27 to 20. The main target is to merge smaller courts in to bigger units that would be more efficient and profitable and also maintain high quality. At the same time the geographical locations of the District Courts will be decreased from 57 to 36. This means that in addition to the 7 administrative offices that will be shut down, 5 side offices and 13 separate locations for hearing will be closed. Instead the use of video conference, electronic services and other IT-solutions would be increased. Deadline for the new project is 31.12.2018 so that the reform would be in force in the beginning of the year 2019. The government's proposal has been given at January 2017. The handling of the proposal in the parliament is unfinished.

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
<b>a debt collection for small claims</b>	27 [ ] NA [ ] NAP
<b>a dismissal</b>	27 [ ] NA [ ] NAP
<b>a robbery</b>	27 [ ] NA [ ] NAP

Comments Also the handling of the summary proceedings (eg. dept collection cases) is being renewed. The aim is that the handling of the undisputed dept collection cases which are handled in a summary proceeding will be centralized in to at least 8 District Courts instead of the all 27 (in the future 20) District Courts of Finland.

**045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?**

( ) Yes

( X ) No, please give your definition for small claims: Small claims do not exist as a legal term in Finland. Undisputed civil matters can be dealt with in a summary proceeding

Comments According to the Code of Judicial Procedure Chapter 5, Section 3, the definition of the Summary case is following: 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 or her knowledge the matter is not under dispute, only the circumstances on which the claim is immediately based need to be included in the application for a summons as the circumstances on which the application is based. This means that the main thing in evaluation whether the case is handled in a summary or standard procedure is that the case is undisputed, not the value of the case.

**045-2. (New question) Please indicate the value in € of a small claim:**

[ 0 ]

Comments There are no regulations on a specific sum, but usually the value of the plaintiff's interest is relatively low in summary cases.

**C. Please indicate the sources for answering questions 42, 43 and 45:**

Sources: Ministry of Justice and 45: the Code of Judicial Procedure: <http://www.finlex.fi/en/laki/kaannokset/1734/en17340004.pdf>

**3.2. Court staff**

### 3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1068 [ ] NA [ ] NAP	485 [ ] NA [ ] NAP	583 [ ] NA [ ] NAP
1. Number of first instance professional judges	834 [ ] NA [ ] NAP	368 [ ] NA [ ] NAP	466 [ ] NA [ ] NAP
2. Number of second instance (court of appeal) professional judges	184 [ ] NA [ ] NAP	84 [ ] NA [ ] NAP	100 [ ] NA [ ] NAP
3. Number of supreme court professional judges	50 [ ] NA [ ] NAP	33 [ ] NA [ ] NAP	17 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	44 [ ] NA [ ] NAP	34 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP
1. Number of first instance court presidents	37 [ ] NA [ ] NAP	28 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP
2. Number of second instance (court of appeal) court presidents	5 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
3. Number of supreme court presidents	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	[ ] NA [ X ] NAP

<b>In full-time equivalent</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
--------------------------------	--

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

Yes, please give specifications on the types of cases and an estimate in percentage. ....

No

Comments

**049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):**

	Figure
<b>Gross figure</b>	1738 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In full time equivalent</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments lay judges

**049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:**

	Yes	No	Echevinage
<b>in criminal law cases</b>	( )	( )	( X )
<b>- severe criminal cases</b>	( )	( )	( X )
<b>- misdemeanour and/or minor criminal cases</b>	( )	( X )	( )
<b>in family law cases</b>	( )	( X )	( )
<b>in civil cases</b>	( )	( X )	( )
<b>in labour law cases</b>	( )	( X )	( )
<b>in social law cases</b>	( )	( X )	( )
<b>in commercial law cases</b>	( )	( X )	( )
<b>in insolvency cases</b>	( )	( X )	( )

other	( )	( X )	( )
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Comments - If "other", please specify:

**050. Does your judicial system include trial by jury with the participation of citizens?**

( ) Yes

( X ) No

Comments

**050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)**

[ X ] Severe criminal cases

[ ] Misdemeanour cases

[ ] Other cases

Comments In Finland in a criminal case the District Court shall have a quorum with the chairman and two lay judges present. The lay judges take part in the quorum only when a individual offence referred to in the charge, under the circumstances referred to in the charge, is punishable by imprisonment for more than two years (eg. aggravated cases). However in certain aggravated cases the District Court shall have a quorum with only the chairman present. This is the case if the charges refer only to an individual offence which is

- (1) violent resistance to a public official;
- (2) aggravated theft;
- (3) aggravated embezzlement;
- (4) aggravated stealing of a motor vehicle for temporary use;
- (5) aggravated receiving offence;
- (6) aggravated criminal damage;
- (7) aggravated fraud;
- (8) aggravated means of payment fraud;
- (9) an attempt of an offence mentioned in paragraphs (1) – (8)

**051. Number of citizens who were involved in such juries for the year of reference:**

[ ]

[ ] NA

[ X ] NAP

Comments

**052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	2170 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Technical staff</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other non-judge staff</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify: office staff 1473, summoners 248, trainee district judges 136, junior district judges 1, referendaries 312

**053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

**054. Have the courts outsourced certain services, which fall within their powers, to private providers?**

- Yes
- No

Comments

**054-1. (New question) If yes, please specify which services have been outsourced:**

- IT services



- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):office goods supplies

Comments

### C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: The Ministry of Justice

### 3.3. Public prosecution

#### 3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	372 <input type="checkbox"/> NA <input type="checkbox"/> NAP	168 <input type="checkbox"/> NA <input type="checkbox"/> NAP	204 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of prosecutors at first instance level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Number of prosecutors at supreme court level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Number of heads of prosecution offices at first instance level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Number of heads of prosecution offices at supreme court level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above: the Prosecutor-General, the Deputy Prosecutor-General and 11 heads of local prosecution offices

**057. Do other persons have similar duties to public prosecutors?**

Yes, please specify their number (in full-time equivalent):2

No

Comments - If yes, please specify their title and functions:

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

Yes

No

Comments

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

Yes

No

Comments We have four prosecutors specialized in e.g. domestic violence and sexual violence offences (specific crimes against persons) and more than 10 prosecutors who are specializing in these offences.

**060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	134 <input type="checkbox"/> NA	5 <input type="checkbox"/> NA	129 <input type="checkbox"/> NA

Comments

**C2. Please indicate the sources for answering questions 55, 56 and 60**

Sources: Ministry of Justice, The Office of the Prosecutor General

### 3.4. Management of the court budget

#### 3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	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"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court President	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court administrative director	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

### 3.6. Performance and evaluation

#### 3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", 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". 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.

**069. Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

Comments - If yes, please give further details:

**3.6.2. Performance and evaluation of courts**

**070. Do you have, within the courts, a regular monitoring system of court activities concerning:**

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify): .....

Comments

**071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

civil law cases

criminal law cases

administrative law cases

Comments

**072. Do you have an evaluation process to monitor waiting time during court procedures?**

Yes

No

Comments - If yes, please specify:

**073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

Yes

No

Comments

**073-0. (New question) If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-1. Is this evaluation of the court activity used for the later allocation of means to this court?**

Yes

No

Comments

**074. Are there performance targets defined at the level of the court?**

Yes

No

Comments

**075. (Modified question) Please specify the main targets applied to the courts:**

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify): .....

Comments

**076. Who is responsible for setting the targets for the courts?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify): .....

Comments

**077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)**

Yes

No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined:**

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- number of appeals
- other (please specify): .....

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

Comments Courts of Law are organisationally under the administration of the Ministry of Justice. Courts are also supervised by the Chancellor of Justice and the Parliamentary Ombudsman. The higher courts also have a responsibility to monitor other courts' performance. In matters of law, the Courts are independent. The Ministry does not supervise court decisions.

**3.6.3. Court activity and administration**

**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes (please indicate the name and the address of this institution):Ministry of Justice
- No

Comments Statistics Finland no longer collects statistical data regarding the functioning of the courts and judiciary. The Ministry of Justice collects data and publishes the annual operational statistics, see:

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79563/OMTH\\_19\\_2017\\_Tuomioistuinten\\_tyotilastoja.pdf?sequence=1](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79563/OMTH_19_2017_Tuomioistuinten_tyotilastoja.pdf?sequence=1)

**080-1. Does this institution publish statistics on the functioning of each court:**

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- Yes
- No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): The report is intended to the government as a part of the budgetary information as well as to the public.

**081-1. If yes, please specify in which form this report is released:**

- Internet
- Intranet (internal) website
- Paper distribution

Comments

**081-2. (New question) If yes, please, indicate the periodicity at which the report is released:**

- Annual
- Less frequent
- More frequent

Comments Usually the report is produced annually but not allways. The Courts Act which is in force from the beginning of the 2017 requires that the report is released annually.

**082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

- Yes
- No

Comments - If yes, please specify:

**082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

- Yes
- No

Comments - If yes, please specify:

**3.6.4. Performance and evaluation of judges**

**083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes
- No

Comments It is up to each court to decide. In some courts there are targets set for each judge.

**083-1. Who is responsible for setting the targets for each judge?**

- Executive power (for example the Ministry of Justice)
- Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify): .....

Comments

## New node

### 4.Fair trial

#### 4.1.Principles

##### 4.1.1.Principles of fair trial

**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

]

NA

NAP

Comments

**085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes, number of successful challenges in a year NA

No

Comments - Please could you briefly specify: A party can make a claim that the judge hearing the case is partial during the hearings. Another judge will decide on the matter.

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

	Monitoring system
For civil procedures (non-enforcement)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations:

**D1. Please indicate the sources for answering questions in this chapter.**



## 4.2. Timeframe of proceedings

### 4.2.1. General information

#### **087. Are there specific procedures for urgent matters as regards:**

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify:

#### **088. Are there simplified procedures for:**

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

#### **088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: No. A judge may give either oral or written judgement in full length. Written judgement may be given in 30 days.

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

- Yes
- No

Comments - If yes, please specify:

### 4.2.2. Case flow management – first instance

#### **091. (Modified question) First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	128042 [ ] NA [ ] NAP	451430 [ ] NA [ ] NAP	442641 [ ] NA [ ] NAP	136831 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	9530 [ ] NA [ ] NAP	8587 [ ] NA [ ] NAP	10718 [ ] NA [ ] NAP	7399 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	97217 [ ] NA [ ] NAP	393960 [ ] NA [ ] NAP	390607 [ ] NA [ ] NAP	100570 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	97217 [ ] NA [ ] NAP	393960 [ ] NA [ ] NAP	390607 [ ] NA [ ] NAP	100570 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	15553 [ ] NA [ ] NAP	38831 [ ] NA [ ] NAP	30815 [ ] NA [ ] NAP	23569 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	5742 [ ] NA [ ] NAP	10052 [ ] NA [ ] NAP	10501 [ ] NA [ ] NAP	5293 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments In 2016 the number of incoming civil cases decreased and courts were able to deal with pending cases. The number of

administrative cases increased dramatically due to the asylum crisis. Accordingly, more judges were hired to deal with cases and make the procedure more effective. The limits in which cases have to be handled have also been shortened in order to reduce the number of pending cases. To tackle this crisis, a legislative reform decentralized the asylum cases from one administrative court (Helsinki) to three other administrative courts as well. For that reason, statistics show variations as concerns the number of pending administrative law cases in 2016. The number of pending administrative law cases on 1.1.2016 was 20 4775, but due to the decentralization around 5000 cases were transferred from Helsinki to these other courts. In the statistics, these cases do not appear as pending anymore. It is not possible to say how many of them have been resolved, but they are included in the number of resolved administrative law cases.

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. 2.1 Civil (and commercial) non-litigious cases: The number includes summary proceedings (uncontested payment orders), divorce cases and petitions. Enforcement cases: The enforcement belongs to the competence of the enforcement authorities, not to the competence of courts. Cases mentioned here are appeals in execution proceedings in accordance with the Execution Act

2.2.1 From the beginning of the year 2010 Land register cases were transferred to National Land Survey of Finland.

3 Administrative law cases: On appeal, the administrative court reviews the legality of the decision of the authority. The number mentioned in category 3 includes cases dealt with by Administrative Courts, Market Court and Insurance Court.

**093. Please indicate the case categories included in the category "other cases":**

. 4 Other: The number includes land right law cases, temporary procedural remedy cases, adjustment of the debts of a private individual - cases, restructuring of enterprises cases and bankruptcy cases dealt with by District Courts. The number includes also all the cases dealt with by the Labour Court.

**094. (Modified question) First instance courts: number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2)</b>	16204 [ ] NA [ ] NAP	51645 [ ] NA [ ] NAP	51311 [ ] NA [ ] NAP	16538 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences":

### 4.2.3. Case flow management – second instance

097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	1912 [ ] NA [ ] NAP	3069 [ ] NA [ ] NAP	3618 [ ] NA [ ] NAP	1363 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	1606 [ ] NA [ ] NAP	2376 [ ] NA [ ] NAP	2821 [ ] NA [ ] NAP	1161 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	252 [ ] NA [ ] NAP	651 [ ] NA [ ] NAP	741 [ ] NA [ ] NAP	162 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	252 [ ] NA [ ] NAP	651 [ ] NA [ ] NAP	741 [ ] NA [ ] NAP	162 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Administrative law cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Other cases</b>	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP	56 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The number of incoming cases has decreased (for example due to some procedural changes) and the courts have been able to resolve more pending cases.

#### 098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2)</b>	2834 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5524 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5934 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2424 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

#### 4.2.4. Case flow management – Supreme Court

#### 099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
<b>Total of other than criminal law cases (1+2+3+4)</b>	4746 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6195 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6905 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4036 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	549 <input type="checkbox"/> NA <input type="checkbox"/> NAP	999 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1066 <input type="checkbox"/> NA <input type="checkbox"/> NAP	482 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	3916 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4785 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5382 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3319 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	281 <input type="checkbox"/> NA <input type="checkbox"/> NAP	411 <input type="checkbox"/> NA <input type="checkbox"/> NAP	457 <input type="checkbox"/> NA <input type="checkbox"/> NAP	235 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Courts were able to resolve more cases because the number of incoming cases decreased. The Supreme Administrative court got more resources and personnel due to the asylum crisis, but cases from the administrative courts have still not reached the highest instance.

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( X ) Yes, please indicate the number of cases closed by this procedure:NA

( ) No

Comments NA

**100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
<b>Total of criminal law cases (1+2)</b>	532 [ ] NA [ ] NAP	1039 [ ] NA [ ] NAP	1040 [ ] NA [ ] NAP	531 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP

Comments

#### 4.2.5. Case flow management – specific cases

**101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	12384 [ ] NA [ ] NAP	17023 [ ] NA [ ] NAP	18145 [ ] NA [ ] NAP	11262 [ ] NA [ ] NAP
<b>Employment dismissal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	662 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Insolvency</b>	2050 [ ] NA [ ] NAP	2725 [ ] NA [ ] NAP	2852 [ ] NA [ ] NAP	1923 [ ] NA [ ] NAP
<b>Robbery case</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	359 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Intentional homicide</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	20 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	584 [ ] NA [ ] NAP	10418 [ ] NA [ ] NAP	3542 [ ] NA [ ] NAP	7460 [ ] NA [ ] NAP
<b>Cases relating to the right of entry and stay for aliens</b>	1943 [ ] NA [ ] NAP	2223 [ ] NA [ ] NAP	2669 [ ] NA [ ] NAP	1497 [ ] NA [ ] NAP

Comments The number of resolved cases pertaining to intentional homicide has decreased for the period 2014 - 2016. The category "Cases relating to the right of entry and stay for aliens" includes cases concerning deportation, permits of residence and removing from the country.

**101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the**

**right of entry and stay for aliens:**

. In Finland a refugee who has got a declining decision concerning asylum or permit of residence or has been refused the entry has the right to appeal to the Administrative Court. One may appeal further to the Supreme Administrative Court if the court grants a leave of appeal. The Immigration Service will provide legal aid during the process.

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Litigious divorce case</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	245 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	75 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Employment dismissal case</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	330 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	327 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	210 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Insolvency</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	260 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	58 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	165 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Robbery case</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	196 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	216 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	125 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Intentional homicide</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	144 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	225 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	176 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

Comments

**103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):**

. 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.

**104. How is the length of proceedings calculated for the five case categories of question 102?  
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.

**4.2.6. Case flow management – public prosecution**

**105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify): .....

Comments

**106. (Modified question) Does the public prosecutor also have a role in:**

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: No

**107. Cases processed by the public prosecutor - Total number of first instance criminal cases:**

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	80256 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25566 <input type="checkbox"/> NA <input type="checkbox"/> NAP	507 <input type="checkbox"/> NA <input type="checkbox"/> NAP	51427 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The number of discontinued cases during the reference year includes the number of cases in which the prosecutor has waved the charges before trial and restricted the preliminary investigation in a way that the case is not brought to trial. For 2014, only the cases in which the prosecutor has waved the charges before trial have been informed.

**107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
<b>Total</b>	100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Before the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>During the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The possibility of plea bargaining was introduced to the Finnish legal system in the beginning of this year. A defendant can agree to plead guilty to a particular charge in exchange for a more lenient sentence. The prosecutor may also decide not to prosecute for one or for several of the suspected crimes. Plea bargaining can be used if the injured party has no demands in the matter and if he/she agree to plea bargaining. Plea bargaining can be used when a person is suspected of a crime carrying a maximum sentence of six years' incarceration. It cannot be used for crimes like homicide, causing bodily injury and sex offences or when the injured party is a child. Plea bargain is also applicable for white-collar crimes. Legislation regarding plea bargaining was approved in August 2014, and the changes entered into force on 1 January 2015. The aim of the reform was to allocate the resources of the national authorities in a more effective way and to speed up both the pre-trial phase of the criminal process and the court proceedings. The Parliament has required the Ministry of Justice to follow up on and evaluate how the legislation on plea bargaining is being applied and implemented and to provide the Law Committee with a report on how the legislation functions by the end of 2017.

**108. Total cases which were discontinued by the public prosecutor:**

	Number of cases
<b>Total cases which were discontinued by the public prosecutor (1+2+3)</b>	25566 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

### 3. Discontinued by the public prosecutor for reasons of opportunity

NA  
 NAP

Comments The number of discontinued cases during the reference year includes the number of cases in which the prosecutor has waved the charges before trial and restricted the preliminary investigation in a way that the case is not brought to trial. For 2014, only the cases in which the prosecutor has waved the charges before trial have been informed.

### 109. Do the figures include traffic offence cases?

Yes

No

Comments

### D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: The Ministry of Justice, The Office of Prosecutor General

## 5. Career of judges and public prosecutors

### 5.1. Recruitment and promotion

#### 5.1.1. Recruitment and promotion of judges

### 110. (Modified question) How are judges recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): By the Courts themselves or through the Judicial Appointment Board

Comments Despite the many efforts to make the judges career more open to applicants with different backgrounds less than 10 percent of those appointed to the judges office come from outside the judiciary. A new Courts Act that has come into force on 1.1.2017 develops the status and functions of the referendaries and the efficiency of the working practices. The new educational judicial offices (e.g. Assessors) and a Judicial Training Board have been established. Enhanced quality and amount of training is intended to raise the quality of ruling and to make the judges profession more attractive. Judges career would still be open for applicants that haven't participated in the new program, for example for experienced attorneys, prosecutors, tax lawyers, professors etc. The Assessors positions are for 3 years and will sit between working as a referendary/judge for fixed period and becoming a tenured judge in the judge's career path.

### 110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify:

**111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:**

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

**112. Is the same authority (Q111) competent for the promotion of judges?**

- Yes
- No

Comments

**112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

- Yes
- No

Comments - If yes, please specify:

**113. What is the procedure for judges to be promoted? (multiple answers possible)**

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

**113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?**

- Yes
- No

Comments

**114. If yes, please specify the frequency of this assessment:**

- Annual
- Less frequent
- More frequent

**5.1.2. Status, recruitment and promotion of prosecutors**

**115. What is the status of prosecution services?**

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

**115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.**

- Yes
- No

Comments - If yes, please specify:

**116. How are public prosecutors recruited?**

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:**

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

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: The Prosecutor General

**117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes
- No

Comments - If yes, please specify:

**118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

( ) Yes

( X ) No, please specify which authority is competent for promoting public prosecutorssee comment

Comments

### **119. What is the procedure for prosecutors to be promoted? (multiple answers possible)**

[ ] Competitive test / exam

[ X ] Other procedure (interview or other)

[ ] No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): See Q118

### **119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

( ) Yes

( X ) No

Comments - If yes, please specify:

### **119-2. Please indicate the criteria used for the promotion of a prosecutor:**

[ X ] Years of experience

[ X ] Professional skills (and/or qualitative performance)

[ X ] Performance (quantitative)

[ X ] Assessment results

[ X ] Subjective criteria (e.g. integrity, reputation)

[ X ] Other

[ ] No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

### **120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

( ) Yes

( X ) No

Comments

## **5.1.3.Mandate and retirement of judges and prosecutors**

### **121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

( X ) Yes, please indicate the compulsory retirement age:68

( ) No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

### **121-1. Can a judge be transferred (to another court) without his/her consent:**

[ ] For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards): .....

No

Comments According to the Courts Act (1.1.2017) chapter 14 section 2 a judge may be appointed with his or her consent to serve for at most one year at a time as a judge in a court other than the one to which he or she had been appointed, if this is justified due to the nature, extent or number of cases to be considered in the receiving court.

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

NAP

Comments

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:68

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

Comments NAP

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

No

Comments Judges may also be appointed for a fixed term: (1) If the permanent position of judge or a fixed-term position of chief judge is vacant or a judge is unable to attend to his or her duties or is on annual holiday, a judge may be appointed to fill the position for a fixed term. A court may appoint a judge for a fixed term also if this is necessary due to the number or nature of the cases to be considered or if this is necessary for another special reason.

(2) A judge may not be appointed for a fixed term in order to consider an individual case unless there is a compelling need to do so in order to safeguard the trial.

(3) What is provided in respect of the qualifications of corresponding permanent judges, their right to remain in office, and their salary applies also to the qualifications of a judge appointed for a fixed term, his or her right to remain in office for the duration of the term and the grounds for his or her salary.

From 2017 all Chief judges are appointed for a fixed term of seven years at a time. However, the term of a chief judge may not extend beyond the mandatory age of retirement for judges provided in law. The term is renewable.

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

( X ) No, what is the length of the mandate (in years)? .....

Comments

## 5.2. Training

### 5.2.1. Training of judges

#### 127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for management functions of the court (e.g. court president)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments According to the new Courts Act which entered into force on 1.1.2017, every judge has both a right and an obligation to maintain his/her judicial knowledge and train him/herself. However, the legislation does not set any timeframes of how much training a judge has to have per year. The need will be estimated individually.

#### 128. Frequency of the in-service training of judges:

	Frequency of the judges training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in courts</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:



## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
<b>Initial training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for management functions in the courts (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for the use of computer facilities in office</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

### 130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions in office (e.g. Head of prosecution office, manager)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in office</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

### 131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
<b>One institution for judges</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

One institution for prosecutors	[ ]	[ ]	[ ]
One single institution for both judges and prosecutors	[ ]	[ ]	[ ]

Comments From the beginning of the year 2017 the Judicial Training Board will take part in planning the training in co-operation with the ministry.

### 131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	[ ] NA [ X ] NAP
One institution for prosecutors	[ ] NA [ X ] NAP
One single institution for both judges and prosecutors	[ ] NA [ X ] NAP

Comments

### 131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. see above.

## 5.3.Practice of the profession

### 5.3.1.Salaries and benefits of judges and prosecutors

#### 132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	62000 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	130000 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Public prosecutor at the beginning of his/her career	48800 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

<b>Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
--	--	--	--	--

Comments In Finland there are several salary categories for judges. The salary depends also on the experience. A first instance judge has a category of T 11 for which the gross salary is from 4501,79 €/month to 5627,24 €/month depending on his/her experience. A permanent 1st instance judge has usually at least 9 years experience which means the salary is 5177,06 €/month. In Finland we have progressive taxation so the information on net salary is not available.

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
<b>Reduced taxation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Special pension</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Housing</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other financial benefit</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

### 134. If “other financial benefit”, please specify:

NAP

### 135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Arbitrator</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Consultant</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Cultural function</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Political function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Before being appointed, the 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 any secondary occupation without a permission by the court. The information on interests and secondary occupation is registered and available to the public on internet (no economical information).

### 137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. 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.

### 139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?

- ( ) Yes  
( X ) No

Comments - If yes, please specify the conditions and possibly the amounts:

## 5.4. Disciplinary procedures

### 5.4.1. Authorities responsible for disciplinary procedures and sanctions

#### 140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- [ X ] Court users

- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify):Chancellor of Justice
- This is not possible

Comments

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify):Chancellor of Justice
- This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple options possible)**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify):Chancellor of Justice

Comments see Q140

**143. Which authority has disciplinary power over public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor

- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify):Chancellor of Justice

Comments See Q141

### 5.4.2.Number of disciplinary procedures and sanctions

**144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	737 [ ] NA [ ] NAP	165 [ ] NA [ ] NAP
<b>1. Breach of professional ethics</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Professional inadequacy</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Criminal offence</b>	30 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other</b>	707 [ ] NA [ ] NAP	165 [ ] NA [ ] NAP

Comments - If “other”, please specify: The number of initiated cases was 737 from which 30 was criminal offence. The category other includes all the other cases for which exact data on what ground they were initiated is not available. Among the 737 disciplinary proceedings initiated against judges or courts, 404 were before the Chancellor of Justice and 333 before the Parliamentary Ombudsman. However, the number of complaints effectively followed by a sanction was: the Chancellor of Justice: 10, the Parliamentary Ombudsman: 10. In most of the cases no measure is taken.

Total number of disciplinary proceedings initiated against public prosecutors were 165 (The Chancellor of Justice: 91, the Parliamentary Ombudsman: 72, the Prosecutor General: 2) but the number of complaints effectively followed by a sanction was (The Chancellor of Justice: 5, the Parliamentary Ombudsman: 4, the Prosecutor General: 2) . In most of the cases no measure is taken.

**145. Number of sanctions pronounced during the reference year against judges and public prosecutors:**

	Judges	Prosecutors
<b>Total number (total 1 to 9)</b>	20 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP

<b>1. Reprimand</b>	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>6. Position downgrade</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>8. Resignation</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>9. Other</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons.

### **E3. Please indicate the sources for answering questions 144 and 145:**

Sources: Ministry of Justice, Chancellor of Justice Office and Ombudsman Office

## **6.Lawyers**

### **6.1.Profession of lawyer**

#### **6.1.1.Status of the profession of lawyers**

#### **146. Total number of lawyers practising in your country:**

[ 3791 ]

NA

NAP

Comments The number of lawyers indicated for 2012, 2013 and 2014 refers to members of the Finnish Bar Association who are entitled to use the professional titles advokat (advocate). Law firms (firms owned by members of the Bar) employ also associates. Besides, legal aid offices employ also legal advisers who are not all members of the Bar Association. Till 2014, jurists (persons who have a Master's

Degree in law) could offer similar legal services than members of the Bar. From the beginning of the year 2014, only advocates, public legal aid attorneys and counsels who have obtained the license referred to in the Licensed Counsel Act are allowed to represent a client in the court.

In 2016, the total number of lawyers 3,791 includes 2,119 members of the Finnish Bar Association, 1,540 licensed lawyers and 229 public legal aid lawyers (97 public legal aid lawyers are also members of the Finnish Bar Association). Only members of the Finnish Bar Association are entitled to use the professional title “advocate”.

**147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes ( )

No ( X )

Comments

**148. Number of legal advisors who cannot represent their clients in court:**

[ ]

[ ] NA

[ X ] NAP

Comments

**149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil cases</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Dismissal cases</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Criminal cases - Defendant</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Criminal cases - Victim</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Administrative cases</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>There is no monopoly</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers’ monopoly: Public legal aid lawyers, members of the Finnish Bar Association, licensed lawyers and in-house lawyers may represent a client before a court. Also lawyers working for trade unions may represent a client before a labour court and before a district court in cases related to employment relationship.

**149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:**



	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Family member</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Self-representation</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Trade union</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): It is not mandatory to have a lawyer to represent you in court.

According to The Code of Judicial Procedure an applicant, other than a public authority, have to employ the services of a counsel in a case before the Supreme Court that concerns procedural fault or the annulment of a final judgment. Unless otherwise provided in The Code of Judicial Procedure or another Act, an advocate, a public legal aid lawyer or a licensed lawyer may serve as a counsel. A person who is in the employ or public service of a party, who has passed a higher university level examination other than Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted may serve as the counsel of such party. In addition, a person who is in the service of a labour market organization, who has passed a higher university level examination other than that of Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted, may serve as a counsel in a matter concerning or substantially relating to an employment relationship and in Labour Court as the counsel of a party. A public authority the statutory duties of which include serving as counsel in court proceedings may serve as a counsel. A person who is in the service of said public authority, who has passed a higher university level examination other than that of Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted may serve as a counsel. Also a person, who is honest and otherwise suitable and competent for the task may serve as a counsel in the following matters, provided that he or she has reached the age of majority, he or she is not bankrupt and his or her legal competence has not been restricted: (1) in a matter debt adjustment that has not been contested; (2) in a non-contentious civil matter that has not been contested; (3) in a Land Court matter. According to The Criminal Procedure Act a person suspected of an offence has the right to take care of his or her defence in criminal investigations and in a trial. On the request of the suspect, a defence counsel is to be appointed for him or her, if: (1) he or 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 or she is under arrest or in detention. A defence counsel is to be appointed to a suspect ex officio, when: (1) the suspect is incapable of defending himself or herself; (2) the suspect, who has not retained a defence counsel, is under 18 years of age, unless it is obvious that he or 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. A court may appoint a counsel for the injured party for criminal investigations and if 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, unless this is for a special reason deemed unnecessary and (2) in a criminal case, if this is to be deemed necessary in view of the relationship between the injured party and the suspect of the offence. A person appointed as a defence counsel for the injured party must be a public legal aid lawyer or an advocate. If there is no suitable public legal aid lawyer or advocate available or there is another special reason for it, also another lawyer may be appointed as a defence counsel for the injured party.

When the suspect or the injured party has nominated a person meeting the qualifications as defence counsel for the injured party, the nominee is to be appointed unless there are special reasons for the contrary. 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 or her credibility as a defence counsel; or (3) a person who is otherwise disqualified as a defence counsel. If a defence counsel is appointed for the suspect, no counsel is to be appointed for him or her on the basis of the Legal Aid Act. If a lawyer has been appointed for the suspect on the basis of the Legal Aid Act before the appointment of a defence counsel, the lawyer is to be appointed as defence counsel. In administrative courts anyone that is not bankrupt and whose legal competence has not been restricted may act as a counsel.

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify): .....

Comments

**149-2. What are the statuses for exercising the legal profession in court?**

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

- a national bar association
- a regional bar association
- a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

**152. Is there a mandatory general system for lawyers requiring in-service professional training?**

- Yes
- No

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

- Yes
- No

Comments - If yes, please specify:

## **F1. Please indicate the sources for answering questions 146 and 148:**

Sources: Question 146 Ministry of Justice and Finnish Bar Association.

### **6.1.2. Practicing the profession**

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

Yes

No

Comments

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

**156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

### **6.1.3. Quality standards and disciplinary procedures**

**157. Have quality standards been determined for lawyers?**

Yes

No

Comments - If yes, what are the quality criteria used?

**158. If yes, who is responsible for formulating these quality standards:**

the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify:

### 160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify): .....

Comments

### 161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	547 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

### 162. Sanctions pronounced against lawyers.

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	192 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	145 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

4. Fine	1 [ ] NA [ ] NAP
5. Other	35 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. Other includes 1 disbarment and 34 cautions

## 7. Alternative dispute resolutions

### 7.1. Mediation

#### 7.1.1. Details on mediation procedures and other ADR

**163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.**

Yes

No

Comments

**163-1. In some fields, does the judicial system provide for mandatory mediation procedures?**

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: There is mediation in several different fields but it is not mandatory.

**164. Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Family law cases (ex. divorce)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Administrative cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Employment dismissals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criminal cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments In criminal cases, mediation is carried out by the municipalities. It can lead to the conclusion that the prosecutor drops the charges. The settlement for the compensation of the damages can be confirmed as enforceable in the court.

**165. Is there a possibility to receive legal aid for judicial mediation procedures?**

Yes

( ) No

Comments - 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.

**166. Number of accredited or registered mediators who practice judicial mediation:**

[ ]

[ ] NA

[X] NAP

Comments

**167. Number of judicial mediation procedures.**

	Number of judicial mediation procedures
<b>Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)</b>	673 [ ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	204 [ ] NA [ ] NAP
<b>2. Family cases</b>	425 [ ] NA [ ] NAP
<b>3. Administrative cases</b>	[ ] NA [X] NAP
<b>4. Employment dismissal cases</b>	44 [ ] NA [ ] NAP
<b>5. Criminal cases</b>	[X] NA [ ] NAP

Comments - Please indicate the source:

**168. Does the legal system provide for the following alternative dispute resolutions (ADR):**

[ X ] mediation other than judicial mediation

[ X ] arbitration

[ X ] conciliation

[ X ] other ADR (please specify): .....

Comments See Q164

**G1. Please indicate the source for answering question 166:**

Source: Ministry of Justice

## 8.Enforcement of court decisions

### 8.1.Execution of decisions in civil matters

#### 8.1.1.Functioning

#### 169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

#### 170. Number of enforcement agents

[ 595 ]

NA

NAP

Comments The provided figure encompasses 510 enforcement agents (deputy bailiffs) and 85 district bailiffs.

The number has decreased due to structural changes. Currently, a reform is being prepared concerning the organisation of enforcement due to which many of the positions have not been filled during the last few years. In Finland both the district bailiffs and their deputies (here referred to as enforcement agents) serve as bailiffs. A deputy bailiff (enforcement agent) is responsible for the duties that the district bailiff assigns to him/her. The district bailiff ensures that the deputy bailiffs attend to the duties assigned to them in accordance with the law and appropriately and follow the orders given to them. The district bailiffs are the superiors of the deputy bailiffs (enforcement agents) and always lawyers. Some of the enforcement duties are under the sole competence of district bailiffs but most collection duties are carried out by the deputy bailiffs (enforcement agents).

#### 171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

#### 171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

#### 171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Seizure of immovable properties</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Seizure of remunerations</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Seizure of motorised vehicles</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Eviction measures</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Enforced sale by public tender of seized properties</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Other</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP

Comments Attachment of salary, garnishment of tax refunds and business income. Distraint of real property and movable assets.

### **171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?**

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other



Comments In Finland enforcement is most often a matter of collecting judgment debts. Some receivables, such as taxes and certain insurance premiums, can be enforced even in the absence of a judgment. The collection methods used in enforcement include the sending of collection letters, the garnishment of wages and salaries, and the distraint of assets.

**172. Is there a specific initial training or exam to become an enforcement agent?**

Yes

No

Comments

**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

Yes

No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

a national body

a regional body

a local body

NAP

Comments

**174. Are enforcement fees easily established and transparent for the court users?**

Yes

No

Comments

**175. Are enforcement fees freely negotiated?**

Yes

No

Comments

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

Comments

**H0. Please indicate the sources for answering question 170**

Source: The National Administrative Office for Enforcement

## 8.1.2. Efficiency of enforcement services



**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify): The National Administrative Office for Enforcement

Comments

**179. Have quality standards been determined for enforcement agents?**

Yes

No

Comments - If yes, what are the quality criteria used?

**180. If yes, who is responsible for establishing these quality standards?**

a professional body

the judge

the Ministry of Justice

other (please specify): The local enforcement authorities and the National Administrative Office for Enforcement

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

Yes

No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

Yes

No

Comments - If yes, please specify:

**183. What are the main complaints made by 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): .....

Comments

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

- Yes
- No

Comments - If yes, please specify:

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify): .....

Comments

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

Number of disciplinary proceedings initiated
--

<b>Total number of initiated disciplinary proceedings (1+2+3+4)</b>	200 [ ] NA [ ] NAP
<b>1. For breach of professional ethics</b>	[ X ] NA [ ] NAP
<b>2. For professional inadequacy</b>	[ X ] NA [ ] NAP
<b>3. For criminal offence</b>	[ X ] NA [ ] NAP
<b>4. Other</b>	[ X ] NA [ ] NAP

Comments - If "other", please specify: The complaints investigated in 2016: Chancellor of Justice: 60, the Parliamentary Ombudsman: 139 and The National Administrative Office for Enforcement: 1.

### 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	32 [ ] NA [ ] NAP
<b>1. Reprimand</b>	[ X ] NA [ ] NAP
<b>2. Suspension</b>	[ X ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	[ X ] NA [ ] NAP
<b>4. Fine</b>	[ X ] NA [ ] NAP
<b>5. Other</b>	[ X ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: The measures taken: Parliamentary Ombudsman: 28, Chancellor of Justice 3: and The National Administrative Office for Enforcement: 1

Most of the complaints did not call for any action. In most of the cases no action is taken, because there is not incorrect procedure found to have been followed or no grounds to suspect incorrect procedure. If a measure is taken it is usually reprimand or recommendation/opinion of the chancellor or ombudsman.

### H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: The Office of the Parliamentary Ombudsman, The Office of the Chancellor of Justice and The National Administrative Office for Enforcement. Deciplinary proceedings can also take place in local enforcement offices from which there are no statistics.

## 8.2.Execution of decisions in criminal matters

### 8.2.1.Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

## 9.Notaries

### 9.1.Profession of notary

#### 9.1.1.Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
<b>TOTAL</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Private professionals (without control from public authorities)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Private professionals under the authority (control) of public authorities</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Public agents</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Other

NA  
 NAP

Comments - If "other", please specify the status: In Finland there is not a notary system as in other European countries. Notaries do not work in courts and their competences are limited.

**192-1. What are the access conditions to the profession of notary:**

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments

**192-2. (Modified question) What is the duration of appointment of a notary?**

- Limited duration, please indicate it in years: .....
- Unlimited duration

Comments Same as every other public official the notaries are usually appointed for life, but may also under certain conditions be appointed for fixed period of time.

**194. Do notaries have duties (multiple options possible):**

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify): .....

Comments

**194-1. Do notaries have the monopoly when exercising their profession:**

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

**194-2. As well as these activities, what are the other ones that can be carried out by notaries?**

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents

Translations

Signatures

Other

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

Yes

No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries?**

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify):Ombudsman

Comments

**196-1. Is there a system of general continuous training mandatory for all notaries?**

Yes

No

Comments

**11. Please indicate the sources for answering question 192:**

Sources: Ministry of Justice

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**10. Court interpreters**

**10.1. Details on profession of court interpreter**

**10.1.1. Status of court interpreters**

**197. Is the title of court interpreters protected?**

Yes

No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

Yes

No

Comments The new legislation on interpreters came into force on 1.4.2015.

**199. Number of accredited or registered court interpreters:**

[            ]

[ ] NA

[X] NAP

Comments

**200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

Yes

No

Comments - If yes, please specify:

**201. Are the courts responsible for selecting court interpreters?**

[ ] Yes, for recruitment and/or appointment for a specific term of office

[X] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[ ] No, please specify which authority selects court interpreters .....

Comments

**J1. Please indicate the sources for answering question 199**

Sources: Ministry of Justice and legislation on procedure

**11. Judicial experts**

**11.1. Profession of judicial expert**

**11.1.1. Status of judicial experts**

**202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

[X] "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

[X] "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

[ ] "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

[ ] Other (please specify): .....

Comments Legislation relating to hearing witnesses and presenting evidence has been reformed as the amended chapter 17 of the Code of



Judicial Procedure entered into force on 1 January 2016. After that it is possible for the parties to use "law experts" to present a written statement on how the law should be applied in the case at hand. If it is deemed necessary by the court, the law expert can be heard in the main hearing.

**202-1. Are there lists or databases of technical experts registered?**

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

**203. Is the title of judicial experts protected?**

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

**203-1. Does the expert have an obligation of training?**

	Obligation of training
<b>Initial training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Continuous training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**203-2. If yes, does this training concern:**

the proceeding

the profession of expert

other

Comments

**204. Is the function of judicial experts regulated by legal norms?**

Yes

No

Comments

**204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?**

Yes

No

Comments

**205. Number of accredited or registered judicial / technical experts:**

[            ]

NA

NAP

Comments

### 205-1. Who sets the expert remuneration?

- Witnesses and experts have a right to receive reasonable compensation for the costs caused by the hearing and financial loss. Experts also have a right for a reasonable compensation for their work. The party who has called the witness is responsible for paying said compensation, unless the expenses are paid by the state (for example when the prosecutor has called the witness or when the party receives public legal aid; there are separate provisions on remuneration in these cases). If the witness/ expert and the calling party cannot agree on the compensation, the court will decide on the remuneration.

### 206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

### 207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts .....

Comments

### 207-1. Does the judge control the progress of investigations?

Yes

No

Comments

### K1. Please indicate the sources for answering question 205

Sources: Ministry of Justice, legislation on procedure.

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1.Reforms



**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

1. (Comprehensive) reform plans 1 (and 5.)The Ministry of Justice (MoJ) appointed a working group to develop legislation on courts and judges in december 2011. The working group gave its report on 22.4.2014. A new Project was established 1.10.2014 to continue the work of the first working group. Deadline for the new project was 31.12.2015 and the new legislation entered into force at the beginning of the year 2017. The main reforms of the legislation concern courts' personnel and their judicial education and training. The Chief Justices of the courts would be appointed for a fixed period of time (7 years), except the president of the Supreme Court and the president of the Supreme Administrative Court who would still be appointed to their offices permanently. One main change has been made to the status and functions of the referendaries (e.g. judicial staff that prepare the case but does not have the power to decide). Some referendaries positions have been changed to new educational judicial offices e.g. assessors, who will not also prepare the case but also decide it as one member of the panel of judges. One major change is also the establishment of the Judicial Training Board, which will attend to the planning of the training to be arranged for court members, referendaries, draftpersons, court notaries and other personnel in cooperation with the Ministry of Justice and the courts. The aim of the reform has been to increase the efficiency of the working practices in Courts. This reform increases the number of judges in courts at the expense of referendaries. The goal has also been to develop personal training for judges and referendaries more systematically than before. After the reform all legal personnel have a right and a duty to participate in an adequate amount of high quality judicial training every year. The training will be customized for every individual. Everyone will have a personal training programme that would be adjusted year by year during ones whole career in the judiciary. Enhanced quality and amount of training is intended to raise the quality of ruling and to make the judges profession more attractive. New Assessors offices can be established at least in the Courts of Appeal, the Administrative Courts and the Special Courts. The first ones will start 1.9.2017. Appointment will be for a fixed period of 3 years. Assessors will prepare and hear cases in the same way as other judges of the court. Besides working as a judge Assessors will take part in a training programme designed especially for the judge's career. There will be a pre-nomination test and also a final test, but passing the final test will not be a qualification to judges office (not a "Judges Degree" as such). Judges career will still be open for applicants that haven't participated in the new program, for example for experienced attorneys, prosecutors, tax lawyers, professors etc. The Courts Act has been translated to English and you will find it on electronic form on finlex-databank: <http://www.finlex.fi/en/laki/kaannokset/2016/en20160673.pdf>.

2. Budget No

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) The MoJ appointed a working group to reform the structure of District Courts on 28.10.2014 . The working group gave its report on March 2015 and proposed that instead of 27 District Courts there would be 14 or 17 District Courts. A new project was established 31.3.2016 to continue the work of the first working group. The main task of the project is to carry out a structural reform of the District Courts in which the number of the courts will be decreased from 27 to 20. The main target is to merge smaller courts into bigger units that would be more efficient and profitable and also maintain high quality. At the same time the geographical locations of District Courts will be decreased from 57 to 36. This means that in addition to the 7 administrative offices that will be shut down, 5

side offices and 13 separate locations for hearing will be closed. Instead, the use of video conference, electronic services and other IT-solutions would be increased. Deadline for the new project is 31.12.2018 so that the reform would be in force in the beginning of the year 2019. The government's proposal has been given at the end of the year 2016.

At the same time the handling of the summary proceedings is being renewed. MoJ appointed 17.6.2016 a working group to prepare legislation with which the handling of the undisputed dept collection cases which are handled in a summary proceeding will be centralized into at least 7 District Courts instead of the all 27 District Courts of Finland. The government's proposal was submitted at fall 2017.

There is also an ongoing structural reform of the Prosecution service in Finland. On 24th of May 2016, the Ministry of Justice appointed a working group to prepare necessary provisions for a structural reform of the Prosecution service in Finland. A working group was established for a period ending 31.12.2017. The working group consists of members from the MoJ, Prosecutor General's Office and representatives of Prosecutors Association. The main goal for the project is that the Prosecution Service becomes one national Office (divided into five regional units) instead of being divided into 11 separate Prosecutor's Offices. This reform will enable the Prosecutor General to more consistently supervise the unity of the prosecution practices around Finland which is the base for due process and equality of citizens. It will also make easier to centralize administrative functions as well as some criminal proceedings. The number of prosecutors or secretaries are not reduced in this reform and it does not affect the powers of prosecutors. The working group finished its work and delivered its report to the Ministry of Justice on 12th June 2017. The new organization is supposed to start working on 1st April 2018.

The information systems are being built for both General Courts e.g. AIPA (includes police and prosecution) and also for the Administrative Courts e.g. HAIPA. See below 208.1

3.1. Access to justice and legal aid The organisation of legal aid offices has been renewed recently. Since 1 October 2016, legal aid services have been organised into six legal aid and public guardianship districts, which function as agencies. Each district has three to four legal aid offices, and the total number of offices in the entire country is 23. In this structural reform, the responsibility for administrative tasks of the legal aid offices was centralised so that the administrative staff working at the districts attends to them instead of the staff of the legal aid offices. The more centralised organisation serves as a basis for developing uniform practices. On 16 February 2017, the Ministry of Justice appointed rapporteurs to assess whether it would be feasible to further centralise administrative tasks performed by the legal aid and public guardianship districts to a single administrative unit of a national legal aid and public guardianship agency. Furthermore, the rapporteurs are tasked with assessing whether some of the tasks related to the substance of legal aid could be performed or steered at national level. This assessment concerns, for example, legal aid decisions and the provision of legal counselling through various channels. The term of the rapporteurs ends on 29 December 2017.

Another rapporteur appointed by the Ministry of Justice on 2 February 2017 is tasked with examining and observing the practices in the processing of legal aid applications. It has been possible to apply for legal aid electronically since 2010. The case management system for legal aid cases, Romeo, is a national information system used by legal aid offices and courts. The introduction of e-services at legal aid offices has brought significant changes to the procedure for applying for legal aid and the related practices. Thanks to the electronic legal aid application, it is possible to centralise the processing of legal aid decisions to certain legal aid offices agreed upon in performance negotiations. The term of the rapporteur ends on 30 June 2018.

The smaller number of legal aid offices has more and more often led to situations where the office is disqualified from handling a case, and this will happen ever more often in future. Journeys to other legal aid offices with qualified lawyers have become longer and longer. At the same time, the number of private lawyers is assessed to be decreasing in the sparsely-populated areas. In situations with disqualification problems, the primary solution is to provide legal aid as a remote service.

Legal counselling has been developed into a more customer-oriented service that is easier to make use of. Legal advice may be asked for at a legal aid office anonymously through an electronic chat service. A meeting or a telephone appointment with a legal aid office may also be booked online. Moreover, the staff of a legal aid office may be contacted through a remote connection from a home computer or a joint service point or through a mobile device. On 1 July 2016, the Ministry of Justice appointed a follow-up project for the further development of remote services. The objective is to develop and increase the use of remote services and to make remote

services a part of the daily activities of legal aid offices. The project will run until 31 December 2018.

4. High Judicial Council The MoJ appointed a working group which is to prepare a proposal of establishment of a Council of Judiciary. In Finland there is no Council of Judiciary. Instead the tasks that usually belong to such Councils are performed by the Department of Judicial Administration at the MoJ. The mandate period of the working group ended at February 2017. Its task was to prepare a Government's Proposal for the legislation concerning the Council of Judiciary. The aim is that the legislation would be in force during 2019, but the political decision on establishment has yet to be made.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. The number of enforcement agents will be reduced.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities No

7. Enforcement of court decisions No

8. Mediation and other ADR No

9. Fight against crime No

9.1. Prison system The responsibility to organize prisoners' health care was transferred from the Ministry of Justice (The Criminal Sanctions Agency) to the Ministry of Social Affairs and Health in the beginning of 2016. The Prisoners' Health Care Unit now operates under the National Institute for Health and Welfare (THL). The underlying idea of the change was to link prisoners' health care more closely to other health care services and to the general direction and monitoring of the health care services.

9.2 Child friendly justice No

9.3. Violence against partners No

10. New information and communication technologies Project for electronic administration of justice (AIPA) is pending. Main objective is that all functions related to the administration of justice are taken care of electronically in the future. AIPA is an electronic database containing all the documents related to a judicial matter dealt with by the prosecutors, district courts, courts of appeal and the Supreme Court. All the instances with access to the system may use these documents in their work. The main features of AIPA are paper-free work, electronic archiving and electronic cooperation with other authorities. The benefits of the system also include timely exchange of information, as the exchange of information between the authorities, parties and interest groups will be carried out electronically and automatically, and more effective working methods. Electronic trial materials will be at the disposal of all the involved actors whenever they need them, in accordance with their roles and access rights. The data system will be built up and taken into use gradually. The system will be taken into use first in the prosecutor's offices and district courts (summary criminal cases and coercive measures). The objective is to have AIPA fully implemented and running in 2021 (the target has been postponed from 2018). The changes in the working methods are the primary goal, the data system is only a tool. Related to this, the Ministry of Justice has also set a similar Project concerning electronic administration of justice in administrative courts (HAIPA) in July 2014. The main objectives are the same as in AIPA. Timeframe is a bit different so that the target is to have HAIPA fully functioning and running in 2020.

11. Other No