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CEPEJ (2006)  
**Version finale**

**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

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**FINLAND/FINLANDE**



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 15 September 2005

**CEPEJ (2005) 2 REV 2**

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting (Strasbourg, 15 – 17 June 2005) and  
approved by the Committee of Ministers on 7 September 2005  
(936<sup>th</sup> meeting of the Ministers' Deputies)**

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## REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY:

National correspondent

First Name – Name

Position

Organisation

E-mail

Telephone

I. Demographic and economic data

I. A. General information

- |  |                             |
|--|-----------------------------|
| <b>1. Number of inhabitants</b>  | <b>5 236 611</b>            |
| <i>Source Population Register Centre</i>   |                             |
| <b>2. Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level</b> |                             |
| State level  | <b>36 320 000 000 euros</b> |
| Regional / entity level  |                             |
| <i>Source State Budget</i>   |                             |
| <b>3. Per capita GDP</b>   | <b>28 646 euros</b>         |
| <i>Source Statistics Finland</i>   |                             |
| <b>4. Average gross annual salary</b>  | <b>33 000 euros</b>         |
| <i>Source State Budget</i>   |                             |

I. B. Budgetary data concerning judicial system

- |   |                          |
|---|--------------------------|
| <b>5. Total annual budget allocated to all courts</b> | <b>211 636 000 euros</b> |
| <i>Source the Ministry of Justice</i>                 |                          |

**Please specify:**

--

- 6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:**

**Yes**

**Amount**

▪	Salaries?	X	164 923 000 euros
▪	IT?	x	8 318 000 euros
▪	Justice expenses borne by the State?		€

Source the Ministry of Justice

7. Annual public budget spent on legal aid 52 129 000 euros

Source the Ministry of Justice

8. If possible, please specify: N.A.

▪	the annual public budget spent on legal aid in criminal cases	€
▪	the annual public budget spent on legal aid in other court cases	€

Source

9. Annual public budget spent on prosecution system 33 022 000 euros

Source the Ministry of Justice

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	Yes	No	Yes	Yes
Other ministry. Please specify	Yes Ministry of Finance	No	No	No
Parliament	No	Yes	No	No
Supreme Court	Yes	No	No	Yes
Judicial Council	-	-	-	-
Courts	No	No	No	Yes
Inspection body. Please specify.	No	No	No	No
Other. Please specify	-	-	-	-

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system

## II. Access to Justice and to all courts

### II. A. Legal aid

**11. Does legal aid concern:**

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes

Other (Yes/No).  
Please specify

**12. Number of legal aid cases:**

- total 79 494
- criminal cases 27 410
- other than criminal cases 52 084

Source the Ministry of Justice

**13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?**

Yes  No

**14. Does your country have an income and asset test for granting legal aid:**

- |                                  |    |            |
|----------------------------------|----|------------|
|                                  | No | Yes/Amount |
| ▪ for criminal cases?            |    | 1400 euros |
| ▪ for other than criminal cases? |    | 1400 euros |

Source the Ministry of Justice

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

Yes  No

**16. If yes, is the decision taken by:**

- |  |                                     |
|--|-------------------------------------|
|  | Yes                                 |
| ▪ the court?   | <input checked="" type="checkbox"/> |
| ▪ a body external to the court?                      | <input type="checkbox"/>            |
| ▪ a mixed decision-making body (court and external)? | <input checked="" type="checkbox"/> |

**17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

- |                                  |                                     |                                     |
|----------------------------------|-------------------------------------|-------------------------------------|
|                                  | Yes                                 | No                                  |
| ▪ for criminal cases?            |                                     | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> |                                     |

If yes, are there exceptions? Please specify:

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No

Yes  Please specify:

Legal expenses insurance is generally included in home insurance. It compensates expenses of the insured as stated in the insurance policy and is possibly limited by a deductible clause. It applies in civil and non-contentious civil cases and also in some criminal cases.

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

- |                              | Yes                                 | No |
|------------------------------|-------------------------------------|----|
| ▪ criminal cases?            | <input checked="" type="checkbox"/> |    |
| ▪ other than criminal cases? | <input checked="" type="checkbox"/> |    |

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

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

- |  | Yes                                 | No |
|--|-------------------------------------|----|
| ▪ legal texts (e.g. codes, laws, regulations, etc.)?   | <input checked="" type="checkbox"/> |    |
| Internet address(es): <a href="http://www.finlex.fi">www.finlex.fi</a> , <a href="http://www.eduskunta.fi">www.eduskunta.fi</a> , <a href="http://www.om.fi">www.om.fi</a> |                                     |    |
| ▪ case-law of the higher court/s?  | <input checked="" type="checkbox"/> |    |
| Internet address(es): <a href="http://www.finlex.fi">www.finlex.fi</a>   |                                     |    |
| ▪ other documents (for examples legal forms)?  | <input checked="" type="checkbox"/> |    |
| Internet address(es): <a href="http://www.oikeus.fi">www.oikeus.fi</a>   |                                     |    |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes  No

If yes, please specify:

According to the Code of Judicial Procedure (chapter 5 section 18) the Court has to provide information on the foreseeable timeframe.

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

Yes  No

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

	<b>Information mechanism (Yes/No)</b>	<b>Hearing modalities (Yes/No)</b>	<b>Procedural rights (Yes/No)</b>	<b>Other (Yes/No). Please specify</b>
Victims of rape	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	-
Victims of terrorism	<b>No</b>	<b>No</b>	<b>No</b>	-
Child/Witness/Victim	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	-
Victims of domestic violence	<b>Yes</b>	<b>No</b>	<b>Yes</b>	-
Ethnic minorities	<b>Yes</b>	<b>No</b>	<b>No</b>	-
Disabled persons	<b>Yes</b>	<b>Yes</b>	<b>No</b>	-
Juvenile offenders	<b>No</b>	<b>No</b>	<b>Yes</b>	-
Other	-	-	-	-

**24. Does your country have compensation procedure for victims of crimes?**

Yes  No

**25. If yes, does this compensation procedure consist in:**

- a public fund?
- a court order?
- private fund?

Yes  
x

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

Compensation shall be paid for personal injury or property damage caused by an offence committed in Finland. If the offence has been committed outside of Finland, compensation shall be paid for personal injury only.  
A person who has sustained personal injury shall be compensated for medical costs, pain and suffering, invalidity and other permanent handicap, loss of income and maintenance, clothes and other everyday items that have been damaged in connection with the personal injury. (Act on Compensation for Crime Damage (935 / 1973))

**27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?**

No



Yes  Please specify:

**II. B.2. Confidence of citizens in their justice system**

28. Is there a system for compensating users in the following circumstances:

- |                                    |     |    |
|------------------------------------|-----|----|
|                                    | Yes | No |
| ▪ excessive length of proceedings? |     | x  |
| ▪ wrongful arrest?                 | x   |    |
| ▪ wrongful condemnation?           | x   |    |

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

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

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes x                  No

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

**Marjukka Litmala (ed.):** Oikeusolot 2004, National Research Institute of Legal Policy publication, 210 / 2004.

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

**Tapio Lappi-Seppälä & Jyrki Tala & Marjukka Litmala & Risto Jaakkola:** Luottamus tuomioistuimiin, National Research Institute of Legal Policy publication 160/1998

**Hannu Niskanen & Timo Ahonen & Ahti Laitinen:** Suomalaisten luottamus tuomioistuimiin, The University of Turku 1999

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	Yes	Yes
Surveys at court level	No	Yes

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes x                  No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
--	--------------------------------	--

Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of Justice	-	-
Other external organisations (e.g. No Ombudsman)		No

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

The institutions which receive such complaints have an obligation to respond

**III. Organisation of the court system**

**III. A. Functioning**

**33. Total number of courts (administrative structure):**

- **first instance courts of general jurisdiction**                      **63**  
*Source the Ministry of Justice*
- **specialised first instance courts**    **11 (12)**  
*Source the Ministry of Justice*

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

<p><b>Administrative courts 8</b></p> <p>On appeal, the administrative court reviews the legality of the decision of the authority.</p> <p><b>Labour Court 1</b></p> <p>Interpretation / Application of the Employment Contracts Act, State Civil Servants Contracts Act and other such acts, and disputes arising from collective bargaining agreements for civil servants and other workers.</p> <p><b>Market Court 1</b></p> <p>Matters covered by Consumer Protection Act, Consumer Ombudsman Act, Securities Markets Act, questions of marketing and contractual terms, and infringements of the Restrictive Trade Practices Act.</p> <p><b>Insurance Court 1</b></p> <p>Court of law for the social welfare matters assigned to its jurisdiction, for example disputes arising from different kinds of sickness and accident insurance, and appeals against decisions made by the Pension Appeal Board, Accident Insurance Appeal Board and Unemployment Appeal Board.</p> <p><b>High Court of Impeachment 0-1</b></p> <p>Special court that hears charges against Ministers (i.e. Members of the State Council), Supreme Court Justices and certain senior civil servants for unlawful conduct in office. It is convened only when necessary.</p>
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34. **Total number of courts (geographic locations)** **83**  
*Source the Ministry of Justice*

35. **Number of first instance courts competent for a case concerning:**

- **a debt collection for small claims** **63**

**Please specify what is meant by small claims in your country:**

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

- **a dismissal** **63**
- **a robbery** **63**

36. **Number of professional judges sitting in courts** **875**  
*(present the information in full time equivalent and for permanent posts)*

*Source the Ministry of Justice*

37. **Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

- *gross figure* **-**
- *if possible, in full time equivalent* **-**

*Source the Ministry of Justice*

**Please specify:**

38. **Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs** **3700**

*Source the Ministry of Justice*

**Please specify:**

There are 3689 lay members in District Courts and some expert and interest members in some administrative and special courts.

In addition there are about 8 land engineers in permanent posts in the District Courts that hear land cases (mostly land parcelling cases).

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

No

Yes  **For which type of case(s)?**

**If possible, number of citizens who were involved in such juries for the year 2004?**

40. **Number of non-judge staff who are working in courts** 2586  
(present the information in full time equivalent and for permanent posts)

Source the Ministry of Justice

41. **If possible, could you distribute this staff according to the 3 following categories:**

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: N.A.
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):  
N.A
- technical staff: N.A

42. **In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):**

No   
Yes  Number of staff

43. **Number of public prosecutors** 330  
(present the information in full time equivalent and for permanent posts)

Source Annual Report of the Prosecutor General

44. **Do you have persons who have similar duties as public prosecutors?**

No   
Yes  **Please specify:**

Finnish prosecutors are organised on two tiers. There is the Prosecutor General, who is the supreme prosecutor in Finland. He or she heads the prosecution service. There are also local prosecution units in each administrative district of the State. If a prosecutor has decided not to prosecute, the injured party has the right to self bring a charge for the offence, so as to have the case heard by a court of law.  
The Chancellor of Justice of the Government and the Parliamentary Ombudsman may also prosecute or order that charges be brought in matters falling within the purview of their supervision of legality.

45. **Is the status of prosecutors:**

- independent within the judiciary?  Yes
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

46. **Number of staff (non prosecutors) attached to the public prosecution service** 210  
(present the information in full time equivalent and for permanent posts)

Source Annual Report of the Prosecutor General

47. **Who is entrusted with the individual court budget?**

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	Yes (the Ministry of Justice)	No	No	Yes
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	No (only in some bigger courts; yes)	No
Head of the court clerk office	No	No	No	No
Other. Please specify	-	-	-	-

**48. In general, do the courts in your country have computer facilities?**

Yes  No

**49. What are the computer facilities used within the courts?**

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	x			
	Electronic data base of jurisprudence	x			
	Electronic files	x			
	E-mail	x			
	Internet connection	x			
Administration and management	Case registration system	x			
	Court management information system	x			
	Financial information system	x			
Communication between the court and the parties	Electronic forms	x			
	Special Website	x			
	Other electronic communication facilities	x			

Source the Ministry of Justice

**50. Is there a centralised institution which is responsible for collecting statistical data**

**regarding the functioning of the courts and judiciary?**

No

Yes

**Please specify the name and the address of this institution:**

Statistics Finland, [www.stat.fi](http://www.stat.fi)

Statistics Finland's task is to

- compile statistics and reports concerning social conditions
- collect and maintain data files on society
- provide information service and promote the use of the statistics
- conduct studies and surveys related to statistics compilation and develop statistical methodology
- develop the national statistical service in co-operation with other Government officials
- participate in Finland's international statistical co-operation and co-ordinate it

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

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your judicial system**

**III. B. Monitoring and evaluation**

**51. Are the courts required to prepare an annual activity report?**

Yes

No

**52. Do you have a regular monitoring system of court activities concerning the:**

- |                              | Yes                                 | No |
|------------------------------|-------------------------------------|----|
| ▪ number of incoming cases?  | <input checked="" type="checkbox"/> |    |
| ▪ number of decisions?       | <input checked="" type="checkbox"/> |    |
| ▪ number of postponed cases? | <input checked="" type="checkbox"/> |    |
| ▪ length of proceedings?     | <input checked="" type="checkbox"/> |    |
| ▪ other?                     |                                     |    |

**Please specify:**

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

**53. Do you have a regular evaluation system of the performance of the court?**

No

Yes

**Please specify:**

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

54. Concerning court activities, have you defined:

- performance indicators? Yes  No

Please specify the 4 main indicators for a proper functioning of justice:

economy, efficiency, length of proceedings (the hearing of a case in court without undue delay)

- targets? Yes  No

Please specify who is responsible for setting the targets:

- executive power? Yes
- legislative power?
- judicial power?
- other?

Please specify:

Please specify the main objectives applied:

Source

55. Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary? Yes
- the Ministry of justice?
- an Inspection body?
- the Supreme Court?
- an external audit body?
- other?

Please specify:

Courts of Law are organisationally under the administration of the Ministry of Justice.  
Courts are also supervised by the Chancellor of Justice.

56. Does the evaluation system include quality standards concerning judicial decisions?

- No
  - Yes
- Please specify:

In matters of law, the Courts are independent. The Ministry does not supervise court decisions.

Source the Ministry of Justice

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- Yes
- No

- **civil cases?**
- **criminal cases?**
- **administrative cases?**

**58. Do you have a way of analysing queuing time during court procedures?**

No  
 Yes  **Please specify:**

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

**59. Do you monitor and evaluate the performance of the prosecution services?**

No  
 Yes  **Please specify:**

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

\*\*\*

**You can indicate below:**

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

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

**IV. Fair trial**  
**IV. A. Fundamental principles**

**60. Is there in your judicial system:**

- **a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?**  
 Yes  No
- **the right to have reasons given for all prisons sentences?**  
 Yes  No
- **for all cases, an effective remedy to a superior jurisdiction?**  
 Yes  No

▪ **Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented?** The information is not available from year 2004. According to a research made by the Ministry of Justice in 1998 in 22 % of judgements in criminal cases the suspect was not actually present or represented.

*Source the Ministry of Justice*

**61. Is there a procedure to effectively challenge a judge if a party consider he/she is not**



impartial?

No

Yes

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

62. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)	-	-	-	-	2	-	-	-	-	1
	Article 6§1 (duration)	-	-	-	-	-	-	-	1	-	-
	Article 6§2	-	-	-	-	-	-	-	-	-	-
	Article 6§3a	-	-	-	-	-	-	-	-	-	-
	Article 6§3b	-	-	-	-	-	-	-	-	-	-
	Article 6§3c	-	-	-	-	1	-	-	-	-	-
	Article 6§3d	-	-	-	-	1	-	-	-	-	1
Article 6§3e	-	-	-	-	-	-	-	-	-	-	
Civil proceedings	Article 6§1 (equity)	-	-	-	-	-	-	2	2	-	3
	Article 6§1 (duration)	-	-	-	-	-	-	-	1	-	-
	Article 6§1 (non execution only)	-	-	-	-	-	-	-	-	-	-

Source [www.coe.int](http://www.coe.int)

#### IV.B. Timeframes of proceedings

##### IV. B. 1. General

63. Are there specific procedures for urgent matters in:

▪ civil cases?

Yes No

▪ criminal cases?

x

▪ administrative cases?

x

x

64. Are there simplified procedures for:

▪ civil cases (small claims)?

Yes No

▪ criminal cases (petty offences)?

x

▪ administrative cases?

x

x

**Virhe. Kirjanmerkkiä ei ole määritetty.**

65. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes  x

No

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

No

x

Yes

Please specify:

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

#### IV. B. 2. Civil and administrative cases

##### 67. Total number of civil cases in courts (litigious and not litigious):

**Please specify the main types of cases:**

155 014 civil cases in District Courts, 144 146 of them are applications for summary proceedings (undisputed claims) .

21 157 administrative cases in Administrative Courts

Source the Ministry of Justice

##### 68. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

	Civil cases	Administrative cases	Divorce	Employment dismissal
Incoming cases	9460	21157	17663	-
Decisions on the merits	9715	21214	17832	569
Percentage of decisions subject to appeal in a higher court				
Total number (1st instance)	24,62	17,5	0,1	54,6
Pending cases by 1 January 2005	5682	14764	10311	420
Percentage of pending cases of more than 3 years	4	-	0	0,7
Average length (from date of lodging of court proceedings*)	1st instance 231 days	282 days	240 days	264 days
	2nd instance 370 days	324 days	-	380 days
	Total procedure			

\* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

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

A marriage may be dissolved by a court order. 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. A divorce case becomes pending in the District Court by written application.

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. However the spouses can be granted a divorce immediately without the obligatory six-month

reconsideration period if they have lived separated for the past two years.

Source , Statistics Finland, the Ministry of Justice

**IV. B. 3. Criminal cases**

**69. Please describe the role and powers of the prosecutor in the criminal procedure:**

	Yes	No
▪ to conduct or supervise police investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ to conduct investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ when necessary, to demand investigation measures from the judge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to charge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to present the case in the court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to propose a sentence to the judge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to appeal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to supervise enforcement procedure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ to end the case by dropping it without the need for a judicial decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other significant powers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Please specify:**

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

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

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

After the trial, it is for the court to decide whether to dismiss or uphold the charge, to determine the type and measure of the penalty, and to assess the damages and the other possible sanctions. As is the case with the other parties, also the prosecutor has the right to appeal the judgement of a lower court in a higher instance.

In clear cases, the prosecutor is competent to self impose a fine and confiscatory sanction in penal order proceedings. This option is available, if the suspect does not demand that a court hear the case.

**70. Does the prosecutor also have a role in civil and/or administrative cases?**

No  
Yes

**Please specify:**

--

**71. Functions of the public prosecutor in relation to criminal cases– please complete this table:**

		<b>Total number of 1st instance criminal cases</b>
Received by the public prosecutor		88 000 (cases in 2004)
Discontinued by the public prosecutor	In general	26 000 (persons in 2004)
	Because the offender could not be identified	
	Due to the lack of an established offence or a specific legal situation	
Concluded by a penalty, imposed or negotiated by the public prosecutor		3 700 (persons in 2004)
Charged by the public prosecutor before the courts		67 000 (cases in 2004)

*Source the Annual Report of the Prosecutor General*

**72. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		<b>Criminal cases</b>	<b>robbery cases</b>	<b>ntentional homicides</b>
Incoming cases		67298	512	90
Judicial decisions		66533	377	90
Convicted persons				
		54018	319	78
Acquitted persons		3486	49	9
Total number (1st instance)	Percentage of decisions subject to appeal in a higher court	12,40%	46,00%	98,00%
	Pending cases by 1 January 2005	17380	182	39
Percentage of pending cases of more than 3 years		6,00%	8,00%	0,00%
Average length*(from the date of official charging)	1st instance decision	78 days	147 days	126 days
	2nd instance decision	255 days	215 days	272 days
	Total procedure	-	-	-

\* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

*Source Statistics Finland, the Ministry of Justice*

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

## V. Career of judges and prosecutors

### V. A. Appointment and training

73. Are judges initially/at the beginning of their carrier recruited and nominated by:
- a body composed of members of the judiciary?  Yes
  - a body composed of members external to the judiciary?  Yes
  - a body composed of members of the judiciary and external to the judiciary?  Yes
74. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:
- a body composed of members of the prosecution system?  Yes
  - a body composed of members external to the prosecution system?  Yes
  - a body composed of members of the prosecution system and external to the prosecution system?  Yes
75. Is the mandate given for an undetermined period for:
- |                | Yes                                 | No                       |
|----------------|-------------------------------------|--------------------------|
| ▪ judges?      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ prosecutors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Are there exceptions ? Please specify:**

Mandate is given for an undetermined period but there is also a system of temporary judges and prosecutors. They are either deputies or temporary for some period.

**If no, what is the length of the mandate:**

- of judges?
- of prosecutors?

**Is it renewable?**

- | Yes                      | No                       |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of the selection and nomination procedure of judges and prosecutors**

Appointments to tenured positions in the judiciary shall be made by the President of the Republic on the basis of a draft decision submitted by the Government. For the purpose of filling positions in the judiciary, (other than President of the Supreme Court, Justice of the Supreme Court, President of the Supreme Administrative Court or Justice of the Supreme Administrative Court) there is an independent Judicial

Appointments Board, whose task is to make a reasoned proposal on an appointment to a position in a judiciary. The proposal shall be delivered to the Government.

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

**76. Nature of the training of judges:**

		Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes			
	Highly recommended	No			
	Optional	No			
General in-service training	Compulsory	No	Annual	Yes	
	Highly recommended	Yes	Regular	Yes	
	Optional	Yes	Occasional	No	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory	No	Annual	No	
	Highly recommended	Yes	Regular	Yes	
	Optional	Yes	Occasional	Yes	
In-service training for specific functions (e.g. head of court)	Compulsory	No	Annual	No	
	Highly recommended	Yes	Regular	Yes	
	Optional	Yes	Occasional	Yes	

**77. Nature of the training of prosecutors:**

		Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes			
	Highly recommended	No			
	Optional	No			
General in-service training	Compulsory	No	Annual	No	
	Highly recommended	Yes	Regular	Yes	
	Optional	No	Occasional	No	
Specialised in-service training	Compulsory	No	Annual	No	
	Highly recommended	Yes	Regular	Yes	
	Optional	Yes	Occasional	Yes	

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of of your training system for judges and prosecutors**

There is not yet a comprehensive system of initial training, but there is a system of in-service training. 90-95 % of judges have attended a continuation training session each year (there is an opportunity for continuation training to all judges).

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

#### V. B. Practice of the profession

- 78. Gross annual salary of a first instance professional judge at the beginning of his/her career**  
50 000 euros

*Source Salary Grade T 11, the Ministry of Justice*

- 79. Gross annual salary of a judge of the Supreme Court or of the highest appellate court**  
105 000 euros

*Source the Ministry of Justice*

- 80. Gross annual salary of a public prosecutor at the beginning of his/her career**  
35 000 euros

*Source The Collective Bargaining Contract of Civil Servants Salaries*

- 81. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court**

63 000 euros (the Prosecutor General)

*Source The Collective Bargaining Contract of Civil Servants Salaries*

- 82. Do judges and public prosecutors have additional benefits?**

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit (If yes, please specify)	No	No

- 83. Can judges or prosecutors combine their work with any of the following other professions?**

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	x			x		
Research and publication	x			x		
Arbitrator	x					x
Consultant	x					x
Cultural function	x					x
Other function to specify	x					x

In theory the combination is possible but in practise it is rare.

- 84. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the**

delivering of judgments?

No  
Yes

Please specify:

**V. C. Disciplinary procedures**

**85. Types of disciplinary proceedings and sanctions against judges and prosecutors:**

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number		
	Breach of professional ethics (Yes/No) If yes, please specify the number	No	No
	Professional inadequacy (Yes/No) If yes, please specify the number	No	No
	Criminal offence (Yes/No) If yes, please specify the number	No	No
	Other (Yes/No) If yes, please specify	Yes	Yes
	Total number	4 (in 2004)	8 (in 2004)
Types of sanctions	Reprimand (Yes/No) If yes, please specify the number	Yes 4	Yes 8
	Suspension (Yes/No) If yes, please specify the number	No	No
	Dismissal (Yes/No) If yes, please specify the number	No	No
	Fine (Yes/No) If yes, please specify the number	No	No
	Other (Yes/No) If yes, please specify	No	No

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**



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

## VI. Lawyers

**86. Number of lawyers practising in your country** **1700** (Total number of the members of the Bar Association and Public Defenders. However in addition of those already mentioned there are actually a big number of practising lawyers who do not belong to the Bar. A rough estimation of the number of these lawyers is around 1000)

Source The Finnish Bar Association, the Ministry of Justice

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

Yes  No

**88. Do lawyers have a monopoly of representation:**

	Monopoly (Yes/No)	If no, possible representation by (Yes/No)
Civil cases*	No	Member of family Yes
		Trade Union Yes(Master of Laws)
		NGO Yes(Master of Laws)
		Other Yes (in undisputed and in non-contentious civil cases)
Criminal cases*	Defendant	No
		Member of family Yes
		Trade Union Yes(Master of Laws)
		NGO Yes(Master of Laws)
	Victim	No
		Member of family Yes
		Trade Union Yes(Master of Laws)
		NGO Yes(Master of Laws)
Administrative cases*	No	Other Yes(Master of Laws)
		Member of family Yes
		Trade Union Yes
		NGO Yes
		Other Yes

\* If appropriate, please specify if it concerns first instance and appeal.

**89. Is the lawyer profession organised through?**

- a national bar?
- a regional bar?
- a local bar?

Yes

Please specify:

The Finnish Bar Association is an organisation pertaining to public law, which is regulated by the Act on Advocates of 1958. Only members of the bar association are entitled to use the professional titles "asianajaja" or "advokat" (advocate).

90. Is there a specific initial training or examination to enter the profession of lawyer?

Yes  No

91. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes  No

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

No   
Yes  Please specify:

93. Can users establish easily what the lawyers' fees will be?

Yes  No

94. Are lawyers fees:

	Yes
▪ regulated by law?	
▪ regulated by Bar association?	<input checked="" type="checkbox"/>
▪ freely negotiated?	<input checked="" type="checkbox"/>

95. Have quality standards been formulated for lawyers?

Yes  No

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

	Yes
▪ the bar association?	<input checked="" type="checkbox"/>
▪ the legislature?	<input checked="" type="checkbox"/>
▪ other? <input type="checkbox"/> Please specify:	

97. Is it possible to complain about :

▪ the performance of lawyers?	No
	Yes <input checked="" type="checkbox"/> Please specify:

The complaint can be made to the disciplinary board of the Finnish Bar Association.

▪ the amount of fees? Yes  No

**98. Disciplinary proceedings and sanctions against lawyers:**

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	Yes 62
	Professional inadequacy	No
	Criminal offence	Yes 1
	Other	No
Type of sanctions	Reprimand	Yes 62
	Suspension	No
	Removal	Removal from the Bar Association 1
	Fine	No
	Other	No

**99. Who is the authority responsible for the disciplinary procedures:**

- a professional body? Yes  
 **Please specify:**

The control system of Finnish advocates is based on a law. The Board of the Finnish Bar Association is obligated to supervise members of the Association and intervene if a member does not adhere to proper professional conduct of an advocate. Supervisory matters are governed by a board consisting of both advocates and non-advocate members. Advocates are also supervised by the Chancellor of Justice.

- the judge?
- the Ministry of justice?
- other?  **Please specify:**

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar

**100. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:**

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	Yes
	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	Yes
	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No
Employment dismissals	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	Yes
	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No
Criminal cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	Yes
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No

**101. Can you provide information about accredited mediators?**

There are not accredited mediators in Finland. The Finnish Bar Association has a mediation service based on their own Mediation rules. 438 advocates have completed the one-day basic training and 212 the two-day advanced session and have been entered to the roll of mediators.

**102. Can you provide information about the total number of mediation procedure concerning:**

- civil cases? **N.A.**
- family cases?

- **administrative cases?**
- **employment dismissals?**
- **criminal cases?**

*Source*

**103. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)?  
Please specify:**

In normal civil proceedings a judge has to promote a settlement and in practice Finnish judges are active mediators during the preparation of a civil case. In civil cases initiated by the large application for summons (regular disputed civil cases) 6043 of cases were settled during the preparation (in year 2004). This is 68 % of all decisions (8903).

A new Act of court annexed mediation in civil cases shall enter into force on 1 January 2006. According to the Act disputes can also be mediated in court, as an alternative to civil proceedings. The judge would serve as a facilitator of the process.

There is also a semi-official mediation service in criminal cases, called Conciliation in Criminal and Civil cases. There is no nationwide model for organisation of this conciliation but the services are offered in 255 municipalities of all 448 municipalities in Finland. In the Conciliation in Criminal and Civil cases there are about 4 500 cases in a year and about 60-80 % of cases are ended with a settlement.

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

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

\*\*\*

***You can indicate below:***

- ***any useful comments for interpreting the data mentioned above***
- ***the characteristics of your system concerning ADR***

**VIII. Enforcement of court decisions**

**VIII. A. Execution of decisions in civil matters**

**104. Are enforcement agents:**

- **judges?**

Yes

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

Please specify their status:

105. **Number of enforcement agents** There are 88 bailiffs and 670 associate bailiffs in 65 local bailiffs offices  
*Source* the Ministry of Justice

106. **Is there a specific initial training or examination to enter the profession of enforcement agent?**

Yes  No

107. **Is the profession of enforcement agent organised by?**

Yes

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

108. **Can users establish easily what the fees of the enforcement agents will be?**

Yes  No

109. **Are enforcement fees:**

Yes

- regulated by law?
- freely negotiated?

110. **Is there a body entrusted with the supervision and the control of the enforcement agents?**

No

Yes  **Which authority is responsible for the supervision and the control of enforcement agents:**

Yes

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Please specify:

The County Administrative Board controls and supervises the Local Bailiffs Offices.  
 Also the Ministry of Justice controls the activities of enforcement agents.

111. **Have quality standards been formulated for enforcement agents?**

No

Yes  **Who is responsible for formulating these quality standards?**

The Ministry of Justice

Source the Ministry of Justice

112. What are the main complaints of users concerning the enforcement procedure:

	Yes	No
▪ no execution at all?		x
▪ lack of information?		x
▪ excessive length?		x
▪ unlawful practices?	x	
▪ insufficient supervision?		x
▪ excessive cost?		x
▪ other?		x

Source the Ministry of Justice

113. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No   
Yes  Please specify:

114. Is there a system measuring the timeframes of the enforcement of decisions :

	Yes	No
▪ for civil cases?	x	
▪ for administrative cases?	x	

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

	Yes
▪ between 1 and 5 days	
▪ between 6 and 10 days	x
▪ between 11 and 30 days	
▪ more: please specify	

Source the Ministry of Justice

116. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	Yes 3
	Professional inadequacy	No
	Criminal offence	No
	Other	No
Sanctions	Reprimand	No
	Suspension	No
	Dismissal	No
	Fine	No

Other

Yes, advice 3

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in civil matters**

**VIII. B. Enforcement of decisions in criminal matters**

**117. Is there a judge who has in charge the enforcement of judgments?**

Yes  Please specify his/her functions and activities (e.g. Initiative or control functions):

No  Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

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

**118. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

No   
Yes  Please specify:

Legal Register Centre assembles reports on enforcement of fines. This report states the amount of fines paid and those to be collected. The latest available report is from year 2003.  
(Legal Register Centre; [www.oikeus.fi/oikeusrekisterikeskus](http://www.oikeus.fi/oikeusrekisterikeskus))

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**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters**



**IX. Notaries**

119. Is the status of notaries:

Yes      Number

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

     205

Please specify:

Source the Ministry of the Interior

120. Do notaries have duties:

Yes      No

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

       
        
        
     

If yes, please specify:

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

121. Is there a body entrusted with the supervision and the control of the notaries?

No

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

Yes

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

x

Please specify:

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

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system of notaries**

There are 205 state officials working as a notary public. 115 of them are district registrars working in local register offices. 90 of them are police commissioners of the population register districts that can ex officio act as a notary public. All notaries public have a university degree in law.

\*\*\*\*\*

**122. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:**