



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 26 May 2005

Website of the Conference:
<http://www.coe.int/prosecutors/>

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CONFERENCE OF PROSECUTORS GENERAL OF EUROPE
6TH SESSION

organised by the Council of Europe
in co-operation with the Prosecutor General of Hungary

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House of Parliament
Hotel Margitsziget Termál

RECOMMENDATION REC (2000) 19
RECENT DEVELOPMENTS IN FINLAND

by the Office of the Prosecutor General of Finland

5.d.

The salary system of the prosecutors is undergoing a reform. At present, a prosecutor's salary is determined on the basis of the salary class of the prosecutor's position and the amount of supplements based on experience and exceptionally also some other factors. The Ministry of Justice and the prosecutors' union are currently in negotiations about a system where the salary would be determined on the basis of four elements: 1) a portion based on the demands of the position, 2) a portion based on experience, 3) a portion based on the evaluation of the personal performance of the prosecutor, and 4) certain supplements based e.g. on postgraduate studies and special skills. In recent years, such performance-based salary systems have been on the increase also for State officials.

7.a.

On the initiative of the Prosecutor General, there has been discussion within the Finnish prosecution service relating to the values pertaining to and directing our operations. The discussion was inclusive, all personnel groups participated. At that time, the three main values of the service were defined. These are *Justice*, *Competence*, and *Job Satisfaction*. We are now in the process of designing operational models where these values can be included into the everyday management and other work in the service.

8.

The challenge of specialisation has in Finland been met by setting up a system of "key prosecutors". Under the system, we have selected ten case categories, such as drug offences and economic crime, for which a number of local prosecutors have been designated. They specialise either as full-time or part-time key prosecutors in their chosen category, prosecuting cases also outside of their own district, if necessary. In addition, they train and advise other prosecutors in their areas of expertise.

23.

In Finland, the police and the prosecutors operate independently and belong to the administrative sectors of two separate Ministries. Both in view of the scarcity of the resources society can allocate for the realisation of criminal liability and the special characteristics of Finnish criminal procedure it is necessary to ensure effective police-prosecutor co-operation. In order to improve this co-operation over and above the current level, the Prosecutor General and the National Police Commissioner have during the current year together launched a major development project, with the intention that the implementation of the development work plan drawn up within the project will begin already this autumn.

32.

The Parliament of Finland is currently considering a legislative bill (HE xx/2005) which would legalise the use of anonymous testimony in respect of the most serious types of crime.

36.a.

In Finland, the regional and especially the local administrative structures of the State have traditionally been based on relatively small unit sizes. The increased productivity requirements regarding State finances have called for a critical assessment of these structures. For all that, structural reform has proven to be a politically sensitive question. While we wait for the inevitable reform to finally happen, the Finnish prosecution service has been organised on the basis of practical inter-unit co-operation arrangements, with the participation of all units except Helsinki. In this manner, there are de facto 17 prosecution units in Finland, even though the formal number is much higher.

37.

Six Finnish prosecutors have been designated as key prosecutors in international affairs (see point 8 above). In addition to these, the Office of the Prosecutor General has assigned three lawyers (one State Prosecutor and two Administrators) for international affairs on a full-time basis. These officials serve also as contact points within the European Judicial Network (EJN). It is their task to promote the use of direct contacts in international inter-authority co-operation. Every prosecutor in Finland has constant access to a computerised directory of EJN contact points and every prosecutor has also been trained to take direct contacts to the appropriate instances. Already before the establishment of the EJN, direct contact had become a customary form of co-operation among the Nordic Countries. In addition to these avenues, the prosecutors have been advised to establish direct contacts also in the context of Eurojust and the International Association of Prosecutors.

38.

See point 37.

a) The delivery of documents is effected either by e-mail, telefax or post, depending on the nature of the information requested and on the procedure indicated by the requesting state. Procedural issues are settled through direct channels of communication or correspondence.

b) Such directories exist among the Nordic Countries and among the states of the Baltic Judicial Area (the Nordic Countries, the Baltic States, Germany, Poland and Russia); in addition, the EJM contact point directory is in use.

c) The Finnish Prosecutor General meets the supreme prosecutors of the Nordic Countries and the Baltic Sea region regularly once a year. In addition, he meets the supreme prosecutors of the EU Member States once a year under the auspices of Eurojustice and of the CPGE, as well as biannually in the conference of supreme prosecutors and presidents of the supreme courts. In addition, the Finnish Prosecutor General has for a long time been participating in the annual conferences of the International Association of Prosecutors, where he has had the opportunity to confer with prosecutors from dozens of countries. Moreover, Finnish prosecutors have regular meetings with their colleagues e.g. from Sweden, Estonia and Russia.

d) Finnish prosecutors receive training in international inter-authority co-operation in the context of the basic training and advanced training modules for prosecutors, in the regional meetings of prosecutors and especially in the context of the specialised training of the key prosecutors in international affairs.

e) At present, there are two Finnish prosecutors serving as liaison magistrates: One has been posted in Tallinn, Estonia, since 2000, and the other in St Petersburg, Russia, since 2003. Both are expatriate officials sent by the Ministry of Justice of Finland and deal not only with criminal matters, but also with civil matters between Finland and the host country. Practical experience shows, however, that most of their work involves the enhancement of co-operation in criminal matters and that their closest co-operation links are with prosecutors.

f) At present, it is mainly the local prosecution units that provide language training for their staff, if there is sufficient interest.

g) In Finland, every prosecutor has a personal desktop computer with access to the World Wide Web and e-mail.

h) A Finnish representative is always sent to the conferences arranged by the co-operation partners referred to above. The Finnish prosecution service has mainly been arranging Nordic and Baltic region conferences, as well as bilateral meetings with Sweden, Norway, Estonia and Russia.

39. a) See above points 37, 38 c, d, e and h.

b) See above points 37 and 38 d.

According to the Finnish Act on International Mutual Assistance in Criminal Matters, a request for assistance can be sent directly to the competent Finnish authority, which is then self entitled to send a response to the requesting state in accordance with the preferred procedural forms.