



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Finland

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

5300484

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

	Amount
State level	45782727000
Regional / entity level	

3) Per capita GDP (in €)

34769

4) Average gross annual salary (in €)

34512

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

questions 1, 3, 4 Statistics Finland, www.stat.fi
question 2 Ministry of Finance, www.vm.fi

Q1: 31 December 2007

Q4: 34512 (2876/month) These data derive from Statistics Finland's Structure of Earnings statistics, which cover all employer sectors. Monthly earnings for total hours worked are only calculated for full-time wage and salary earners. Besides earnings for regular working hours, the earnings also include pay for any possible overtime and additional work but not one-off pay items.

1. 2. Budgetary data concerning judicial system

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

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

256277000

7) Please specify

Supreme Court 7697000

Supreme Administrative Court 9332000

Other Courts 224005000
Justice expence 6299000
Computerisation 8944000

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	183400000
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	8944000
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	6299000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	29350000
Annual public budget allocated to investments in new (court) buildings		NA
Annual public budget allocated to training and education		NA
Other (please specify):	<input checked="" type="checkbox"/> Yes	28284000

Comment :

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

- Yes
 No

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

The budget has increased an average of 10 per cent over the period from the year 2004 to the year 2008. Change in court costs results from the most rapid growth in the costs of rents and salaries.

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

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions? Please specify:

Charges are collected once the performance has been completed. Payment liability lies with the initiator of the matter (plaintiff or petitioner); on appeal with the appellant; and with other performances with the person ordering the performance. After the consideration of the matter, the District Court collects a charge from the petitioner in a petitionary matter and the plaintiff in a civil matter; the amount of the charge varies depending on the nature of the matter and the court time its consideration has required. Certain matters are by the law free of charge. A beneficiary of legal aid is free from payment liability. Certain parties are likewise free from payment liability. These include authorities in the ambit of the Ministry of Justice, the police, other authorities pursuing pre-trial investigations, the prosecutors and the enforcement authorities. The following petitionary matters are handled free of charge: 1) a matter according to the Act on the enforcement of a decision on child custody and right of access 2) a matter according to the Coercive Measures Act 3) a matter handled by the initiative of a court or the notification of another authority

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

34000000

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

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount 748428000

Comment :

Figure included budgets of ministry of justice, courts, legal aid, prosecution, prison administration and enforcement authorities.

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

Please provide comments to explain the figure provided under question 13:

. Amount 56600000

Comment :

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NA	NA

Comment :

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

Yes

No

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

Please provide comments to explain the figure provided under question 16:

Amount 38906310

Comment :

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

Yes

No

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

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
Judicial Council	NAP	NAP	NAP	NAP
Courts	Yes	No	Yes	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

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

the Ministry of Finance
the National Audit Office of Finland

You can indicate below:

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

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

The Ministry of Justice, The Office of the Prosecutor General

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

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

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

According to the Legal aid Act legal aid shall be given at the expense of the state to a person who needs expert assistance in a legal matter and who for lack of means cannot self pay the expenses of having the matter dealt with. Legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses of the consideration of the matter.

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

- Yes
 No

If yes, please specify:

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

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

- Yes
 No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	85327
in criminal cases	37785
Other than criminal cases	47542

Comment :

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

be assisted by a free of charge (or financed by public budget) lawyer? Yes No**26) Does your country have an income and asset test for granting legal aid:**

	Yes	Amount in €
for criminal cases	X	
for other than criminal cases?	X	

Comment :

Legal aid is granted to persons of low or moderate income. It is also possible that for a person is appointed a public defender. The fee of the public defender is paid by the State. A public defender will be appointed for a suspect of an aggravated offence (where the punishment is no less than 4 months of imprisonment), for a person who has been arrested or detained, for a person under 18 years of age and for a person incapable of seeing to his or her own defence regardless of the income or available means. In cases where the charge is dismissed, the State has to pay for legal expenses of the defendant. In cases where the judgment is delivered, the court decides whether the defendant must reimburse the defendant's fee partially or entirely to the State.

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

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

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

Legal aid is granted on the basis of the applicant's and his or her spouse's income, expenditures, wealth and maintenance liability. The applicant must present evidence of his or her financial circumstances and of the matter for which legal aid is being sought. The legal aid office calculates the applicant's monthly available means. The available means held by the applicant determine whether the applicant is given legal aid for free or against a deductible. The deductible of a recipient of legal aid may have two components which are calculated in different ways; these components are the basic deductible which is based on the available means of the applicant and the supplementary deductible which is based on funds or deposit and other easily liquidated assets. The basic deductible is calculated as a percentage of the costs of the legal aid, determined on the basis of the applicant's available means as follows:

Single person

- up to EUR 700 : 0 %
- up to EUR 900 : 20 %
- up to EUR 1100 : 30 %
- up to EUR 1300 : 40 %
- up to EUR 1400 : 55 %
- up to EUR 1500 : 75 %

Couple per person

- up to EUR 600 : 0 %
- up to EUR 700 : 20 %
- up to EUR 850 : 30 %
- up to EUR 1100 : 40 %

up to EUR 1200 : 55 %

up to EUR 1300 : 75 %

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

Yes

No

Please provide comments to explain the answer under question 27:

Legal aid shall not be granted if:

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

(2) it would be clearly pointless in proportion to the benefit that would ensue to the applicant;

(3) the pursuit of the matter would constitute an abuse of process; or

(4) the matter is based on an assigned right and there is reason to believe that the purpose of the assignment was the obtainment of legal aid.

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

the court?

an authority external to the court?

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

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

Yes

No

Please specify:

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

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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

You can indicate below:

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

Q23: Legal aid covers the first attempt to collect outstanding claims by way of distraint. For the second attempt a new legal aid decision is needed.

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

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

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

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

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

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

If legal aid is granted to a person, the state pays the fee of the attorney in full or in part, depending on the available means of the recipient of legal aid. Legal aid is granted on the basis of the applicant's and his or her spouse's income, expenditures, wealth and maintenance liability. The applicant must present evidence of his or her financial circumstances and of the matter for which legal aid is being sought.

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

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

Single person

- up to EUR 700 : 0 %
- up to EUR 900 : 20 %
- up to EUR 1100 : 30 %
- up to EUR 1300 : 40 %
- up to EUR 1400 : 55 %
- up to EUR 1500 : 75 %

Couple per person

- up to EUR 600 : 0 %
- up to EUR 700 : 20 %
- up to EUR 850 : 30 %
- up to EUR 1100 : 40 %
- up to EUR 1200 : 55 %
- up to EUR 1300 : 75 %

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

Legal aid shall not be granted if:

- (1) the matter is of little importance to the applicant;
- (2) it would be clearly pointless in proportion to the benefit that would ensue to the applicant;
- (3) the pursuit of the matter would constitute an abuse of process; or

(4) the matter is based on an assigned right and there is reason to believe that the purpose of the assignment was the obtainment of legal aid.

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

Please indicate the sources for answering the questions 24 and 26

The Ministry of Justice

2. 2. Users of the courts and victims

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

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

- | | | |
|---|---|--|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.finlex.fi ,
www.edilex.fi |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.finlex.fi ,
www.edilex.fi |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.oikeus.fi ,
www.om.fi |

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

- Yes
 No

If yes, please specify:

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

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

- Yes
 No

If yes, please specify:

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

The service has been funded mainly by the Slot Machine Association and the state. Victim Support Finland is run in cooperation by The Federation of Mother and Child Homes and Shelters, The Finnish Association for Mental Health, Mannerheim League of Child Welfare, The Finnish Red Cross, Finnish Federation of Settlements, The Feminist Association Union and Church council.

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

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	Yes	Yes	Yes	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	Yes	Yes	Yes	No
Ethnic minorities	Yes	No	Yes	No
Disabled persons	Yes	Yes	Yes	No
Juvenile offenders	No	No	Yes	No
Other	No	No	No	No

Comment :

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

- Yes
 No

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

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

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

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

A person who has sustained personal injury shall be compensated for medical costs, pain and suffering, invalidity and other permanent handicap, loss of income and maintenance, clothes and other everyday items that have been damaged in connection with the personal injury. (Act on Compensation for Crime Damage (1204/2005))

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

Yes

No

If yes, please specify:

Delegation for personal injury matters assembles reports on judicial practise related to compensations awarded by courts. Delegation also states recommendations of the amount of compensation.

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

Yes

No

If yes, please specify:

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

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

Yes

No

If yes, please specify:

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

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

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

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

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

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

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

(Satisfaction) surveys aimed at judges

(Satisfaction) surveys aimed at court staff

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

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

Marjukka Lasola (ed.): Oikeusolot 2009, National Research Institute of Legal Policy publication, 244/ 2009.(LAW AND THE CITIZEN 2009, Survey on Legal Institutions and Access to Justice)

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

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

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

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

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	Yes
Surveys at court level	No	Yes

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

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external organisations (e.g. Ombudsman)	No	No

Comment :

The institutions which receive such complaints have an obligation to respond. See also q. 126

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	51
Specialised first instance Courts (legal entities)	11 (12)
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	131

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

Q45, All teh courts: 131 (51 District Courts, 11 Branch offices of District Courts, 50 Auxiliary courtrooms of District Courts, 3 specialised courts, 8 Administrative Courts, 6 Courts of Appeal, The Supreme Court and The Supreme Administrative Court)

Administrative Courts 8

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

Market Court 1

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

Labour Court 1

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

Insurance Court 1

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

High Court of Impeachment 0-1

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

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

Yes

No

If yes, please specify:

The judicial districts of the district courts will change on 1 January 2010. From the beginning of the year 2010, there will be 27 district courts in Finland. The judicial districts of the new district courts will mainly follow the boundaries of the regions. In connection with the structural change, a registry of district court will be closed down in 15 localities in the beginning of 2010 and in 15 more localities later. Altogether 34 registries will remain in the district courts. Court sessions will still be held in 75 localities.

The purpose of the structural change is to offer district courts better opportunities for high quality operations. In larger courts, judges have an opportunity to specialise in certain branches of law and to improve their expertise in demanding matters.

Simultaneously, the amount of administrative work can be decreased. In addition, Land register cases will be transferred to National Land Survey of Finland in connection with the structural change.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	NAP
a dismissal	51
a robbery	51

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

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

Please indicate the sources for answering the questions 45 and 48:

the Ministry of Justice

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 921

Comment :

Administrative Courts 242, District Courts 478, Courts of Appeal 180, Supreme Court 19, Labour Court 2

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

--	--

gross figure	nap
if possible, in full time equivalent	

51) Please provide comments to explain the answer under question 50:

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	X	3689

Comment :

There are 3689 lay members in District Courts.

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

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

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

NAP

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 2514

Comment :

office staff 1654, 268 summoners, 164 trainee district judges, 25 junior district judges, 403 referendaries

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

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

NAP

- 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	NAP
- 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)	NAP
- technical staff	NAP

Comment :

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

NAP

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number . 329

Comment :

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

- Yes
 No

If yes, please specify:

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

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

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number . 174

Comment :

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	Yes	No	No	Yes
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	Yes	No
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

62) You can indicate below:

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

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

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

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

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

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

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	Yes	No	No	No
Special Website	Yes	No	No	No
Other electronic communication facilities	Yes	No	No	No

66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

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

Statistics Finland, www.stat.fi

Statistics Finland's task is to

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

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

You can indicate below:

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

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

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

- Yes
 No

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

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

Please specify:

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

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

- Yes
 No

Please specify:

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

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
 No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are treated by a single sitting judge
 enforcement of penal decisions
 satisfaction of employees of the courts
 satisfaction of clients (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- Yes
 No

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

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court
 other

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
 No

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

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court)
 other

If other, 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". The targets are defined in the course of negotiations. (see above 69)

76) Please specify the main targets applied

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

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

- High Council of judiciary
 Ministry of justice
 inspection authority
 Supreme Court
 external audit body
 other

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

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
 No

If yes, please specify:

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

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

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

There is also quality project of the courts in the jurisdiction of the Court of Appeal of Helsinki. Quality Project consists of working methods of two kind: cooperation with the University of Helsinki and working groups. Working groups for quality are set up for each year. The membership consists of judges from District Courts, members of the Court of Appeal, referendaries of the Court of Appeal, prosecutors and lawyers. Each working group for quality is tasked to address to one of the development themes which have been selected. The reports of the working groups are presented at the conference called "Day of Jurisdiction"

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

79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
 No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
 criminal cases?
 administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

- Yes
 No

If yes, please specify:

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

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

Yes

No

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

There are annual negotiations between all courts and the Ministry of Justice. These negotiations are part of the method called "Management by results". (See above 69)
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.

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

Yes

No

If yes, please specify:

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

You can indicate below:

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

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

The information is not available from the year 2008. 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.

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

Yes

No

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

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	8(civ&crim)	2	0
Civil proceedings - Article 6§1 (non-execution)	NA	0	0	0
Criminal proceedings - Article 6§1 (duration)	NA	* see above	1	0

4. 2. Timeframes of proceedings

4. 2. 1. General information

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

civil cases?

criminal cases?

administrative cases?

Please specify:

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

As regards criminal cases, if a defendant under 18 years of age is charged with an offence which under the circumstances referred to in the charge is subject to a penalty more severe than imprisonment for six months the main hearing is to take place within 30 days of the time when the criminal case became pending. If the defendant is in detention, under a travel ban or suspended from public office, the main hearing is to take place within two weeks of the time when the criminal case became pending.

88) Are there simplified procedures for:

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

Please specify (for example if you have introduced a new law on simplified procedures):

Pertaining to proceeding of criminal cases there are simplified procedures of two kinds. Firstly, according to the Act on Penal Order Proceedings (692/1993), certain minor and clear offences may be decided by public prosecutor in written proceedings without charging them before the court. Secondly, according to the chapter 5 A of the Criminal Procedure Act (689/1997) since 1 January 2006, with the consent of the defendant, it has been possible to decide petty offence cases in written proceedings without holding the main hearing.

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

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

- Yes
- No

If yes, please specify:

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

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

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	93279	642751	635813	100217
1 Civil (and commercial) litigious cases*	5625	9703	9399	5929
2 Civil (and commercial) non-litigious cases*	45927	268554	255592	58889
3 Enforcement cases	314	1038	1014	338
4 Land registry cases**	14780	327020	329182	12618
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	23239	28369	32931	18677
7 Other	3454	8067	7755	3766
Total criminal cases (8+9)	14589	65244	63575	16258
8 Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour and / or minor offences cases	NAP	NAP	NAP	NAP

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

2 Civil (and commercial) non-litigious cases: The number includes summary proceedings (uncontested payment orders), divorce cases and petitions

3 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

4 Land registry cases: Legal confirmations of possession of real estate and mortgages are included in the number

6 Administrative law cases: On appeal, the administrative court reviews the legality of the decision of the authority. The number mentioned in category 6 includes cases dealt with by Administrative Courts, Market Court and Insurance Court.

7 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

Total criminal cases (8+9): The classification of cases between severe criminal law cases and misdemeanour cases is not in statistical use in Finland. In addition to criminal cases mentioned above there are cases as follows:

No. of pending cases on 1 Jan. '08

No. of incoming cases

No. of decisions
on the merits

No. pending cases on 31 Dec. '08

Other criminal cases (e.g. driving ban, protection order, prohibition of engaging in business)

456

4453

4420

489

Coercive means cases

2063

8355

6761

3657

Conversion imprisonment for non-payment of fines cases

-
15413
15413
-

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	1889	3918	3890	1917
1 Civil (and commercial) litigious cases*	1638	2790	2802	1626
2 Civil (and commercial) non-litigious cases*	144	747	713	178
3 Enforcement cases	67	248	239	76
4 Land registry cases**				
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases				
7 Other	40	133	136	37
Total criminal cases (8+9)	3723	11539	11688	3574
8 Criminal cases (Severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour and/or minor offences cases	NAP	NAP	NAP	NAP

Comment :

2 Civil (and commercial) non-litigious cases: The number includes petitions.

3 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

7 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

Total criminal cases (8+9): The classification of cases between severe criminal law cases and misdemeanour cases is not in statistical use in Finland.

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	3562	5999	5399	4162
1 Civil (and commercial) litigious cases*	369	985	987	367
2 Civil (and commercial) non-litigious cases*	203	274	280	197
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	2874	4298	3734	3438
7 Other	116	442	398	160
Total criminal cases (8+9)	409	1220	1210	419
8 Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

6 Administrative law cases: Cases mentioned in category 6 are dealt with by the Supreme Administrative Court, cases mentioned in other categories are dealt with by the Supreme Court.

Cases mentioned in category 7 are following:

Case categories No. Pending cases on 1 Jan. '08

No. of incoming cases

No. of decisions

No. pending cases on 31 Dec. '08

Insurance cases

53

257

233

77

Land right law cases

63

152

133

82

Petitions for a pardon

0

33

32

1

Total criminal cases (8+9): The classification of cases between severe criminal law cases and misdemeanour cases is not in statistical use in Finland.

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	11955	18286	18226	12015
Employment dismissal cases*	435	622	586	471
Robbery cases	173	456	446	183
Intentional homicide	28	97	98	27

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	0	0	8,1 month	0	8,1 month
Employment dismissal cases*	53,6	0	8,3 month	12,2 month	
Robbery cases	52,9	3	4,3 month	8,8 month	
Intentional homicide	78,3	0	3,1 month	7,2 month	

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

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.

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

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

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

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

Please specify:

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

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

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

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

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

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

- Yes

No

Please specify:

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	85610					65744

Comment :

- 1) discontinued in general: 10 364 cases (27 037 persons)
- 2) drunken driving cases (22 919) are included in the number (received by the public prosecutor)

You can indicate below:

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

Please indicate the sources for answering the questions 90 to 95 and 100:

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

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

Other, please specify:

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

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

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

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

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

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

104) Which procedures and criteria are used for promoting judges? Please specify.

Since 2000, Finnish judges have been appointed by the President of the republic on recommendation from the Minister of Justice, as advised by a Judicial Appointments Board. The Board is expected to promote the recruitment of judges from every walk of legal life, that is, from among referendaries, the civil service, academia and the legal profession. The Judicial Appointments Board is composed mainly of members of the judiciary, but three members come from outside the judiciary. One is a practising lawyer appointed by the Bar Association, another is a prosecutor appointed by the Prosecutor General and the third is an academic appointed by the Ministry of Justice.

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

105) How are prosecutors recruited?

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

Other, please specify:

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

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

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

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

- Yes
- No

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

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

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

See above q.107 The Prosecutor General and the Deputy Prosecutor General shall be appointed by the President of the Republic on the nomination of the Government. The State Prosecutors shall be appointed by the Government on the nomination of the Prosecutor General. The Prosecutor General appoints all other prosecutors.

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

- Yes
- No

Are there exceptions? Please specify:

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

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges		

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

- Yes
- No

Are there exceptions? Please specify:

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

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors		

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

- for judges? Yes
- for prosecutors? Yes

You can indicate below:

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

5. 1. 2. Training

114) Nature of the training of judges. Is it compulsory?

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

115) Frequency of the training of judges

	Annual	Regular	Occasional
--	--------	---------	------------

Initial training	No	Yes	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	Yes	Yes
In-service training for management functions of the court (e.g. court president)	No	Yes	Yes
In-service training for the use of computer facilities in the court	No	Yes	Yes

116) Nature of the training of prosecutors. Is it compulsory?

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

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	No	No	No
General in-service training	No	No	No
Specialised in-service training (specialised public prosecutor)	No	No	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	No

You can indicate below:

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

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

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

training towards a judicial office is obtained through learning by doing.

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

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	53000	37000
Judge of the Supreme Court or the Highest Appellate Court	114500	70000
Public prosecutor at the beginning of his/her career	45200	33000
Public prosecutor of the Supreme Court or the Highest Appellate Instance	72000	48000

Comment :

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

120) If other financial benefit, please specify:

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	Yes	No
Research and publication	Yes	Yes	No
Arbitrator	Yes	Yes	No
Consultant	Yes	Yes	No
Cultural function	Yes	Yes	No

Other function	Yes	Yes	No
----------------	-----	-----	----

122) If other function, please specify:

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

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	Yes	No
Research and publication	Yes	Yes	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	Yes	Yes	No
Other function	Yes	Yes	No

124) 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.

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

- Yes
 No

If yes, please specify:

Please indicate the source for answering the question 118**5. 2. 2. Disciplinary procedures****126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

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

the complainant believe that an authority, public official or public body has acted in a manner that violates their rights, or a member of the Bar has neglected his or her responsibilities.

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

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

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

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

See above q.126

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

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

Comment :

total/ judges: 1. the Chancellor of Justice: 335 complaints investigated
2. the Parliamentary Ombudsman: 235 complaints investigated

total / prosecutors: 1. the Chancellor of Justice: 127 complaints investigated
2. the Parliamentary Ombudsman: 89 complaints investigated

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)		
1. Reprimand	7	1
2. Suspension		

3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other	1	

Comment :

Reprimand/ judges:

1. the Chancellor of Justice: 6
2. the Parliamentary Ombudsman: 1

Reprimand/ prosecutors:

1. the Chancellor of Justice: 1

Other/ judges:

1. the Chancellor of Justice: 1 charge, 37 recommendations and opinions
2. the Parliamentary Ombudsman: 9 recommendations and opinions

Other/ prosecutors:

1. the Chancellor of Justice: 2 recommendations and opinions
2. the Parliamentary Ombudsman: 9 recommendations and opinions

You can indicate below:

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

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

1825

The number of lawyers above means members of the Finnish Bar Association who are entitled to use the professional titles "asianajaja" or "advokat" ("advocate"). Law firms (firms owned by members of the Bar) employ about 630 associates.

Of the advocates, about 130 are public legal advisers. Legal aid offices also employ about 100 legal advisers who are not members of the Bar Association.

In addition there are actually a big number of jurists (persons who have a Master's Degree in law) who may offer similar legal services than members of the Bar.

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
- No
- Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

NAP

133) Do lawyers have a monopoly of representation in (multiple options are possible):

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

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

An advocate or another person who has a Master's degree in law is allowed to represent a client in the court. (see exceptions below)

The Code of Judicial Procedure Chapter 15 (attorneys),
Section 2

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

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

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

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

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

Criminal Procedure Act (689/1997; AMENDMENTS UP TO 260/2002 INCLUDED)
Chapter 2

Section 1

(1) A person suspected of an offence has the right to self take care of his/her defence in criminal investigations and in a trial.

(2) On the request of the suspect, a defence counsel is to be appointed for him/her, if:

- (1) he/she is suspected of or charged with an offence punishable by no less than imprisonment for four months or an attempt of or participation in such an offence; or
- (2) he/she is under arrest or in detention.

(3) A defence counsel is to be appointed to a suspect ex officio, when:

- (1) the suspect is incapable of defending himself/herself;
- (2) the suspect, who has not retained a defence counsel, is under 18 years of age, unless it is obvious that he/she has no need of a defence counsel;
- (3) the defence counsel retained by the suspect does not meet the qualifications required of a defence counsel or is incapable of defending the suspect; or
- (4) there is another special reason for the same.

Section 2

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

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

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

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

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

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

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

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

Chapter 2

Section 1a (107/1998)

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

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

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

Section 2 (107/1998)

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

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

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

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

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

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

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

In administrative courts anyone that is not bankrupt and whose legal competence has not been restricted may act as a counsel.

134) Is the lawyer profession organised through?

a national bar?

a regional bar?

a local bar?

Please specify:

Please indicate the source for answering the questions 130 and 132:

Finnish Bar Association

6. 1. 2. Training

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

Yes

No

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

Yes

No

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

Yes

No

If yes, please specify:

6. 1. 3. Fees

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

Yes

No

Please provide comments to explain the answer under question 138

The lawyer is obliged to estimate his/her fee to the client

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

Fees are regulated by the Bar only through the code of conduct for advocates which states that the lawyer's fee must be reasonable

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

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

- the bar association?
 the legislature?
 other?

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

The Finnish Bar Association has the Code of Conduct.

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

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

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

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

142) Is it possible to complain about

- the performance of lawyers?
 the amount of fees?

Please specify:

A D V O C A T E S A C T
(12 December 1958/496)
Section 7

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

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

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

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

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

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

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

Section 7e

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

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

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

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

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

143) Which authority is responsible for disciplinary procedures

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

Please specify:

Disciplinary Board of the Finnish Bar Association

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				401

Comment :

401 disciplinary proceeding initiated (year 2008, the number includes all the cases above, not separate statistics per the type of misconduct)

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	55			2	32

Comment :

Sanctions in 2008 were as follows:

Reprimand 55

Caution 31

Fine 2

Disbarment 1

You can indicate below:

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

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

Yes

No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	Yes	Yes	Yes	No
Family law cases (ex. Divorce)	Yes	Yes	Yes	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	Yes	Yes	Yes	No
Criminal cases	No	No	Yes	No	No

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

Yes

No

If yes, please specify:

Legal aid covers court annexed mediation in full when other requirements are fulfilled. In criminal conciliation cases legal aid concerns legal advice but usually not the representation in conciliation proceedings.

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

NA

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	NAP
family cases?	NAP
administrative cases?	NAP
employment dismissals?	NAP
criminal cases?	NAP

Please indicate the source for answering the question 150:

Q149: There are not accredited mediators in Finland. The Finnish Bar Association has a mediation

service based on their own Mediation rules. In addition the Arbitration Institute of the Central Chamber of Commerce of Finland promotes as an impartial body the settlement of business disputes by arbitration. The Arbitration Institute appoints arbitrators and administers arbitration proceedings complying with its Rules.

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

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

In normal civil proceedings a judge has to promote a settlement and in practice Finnish judges are active mediators during the preparation of a civil case. In civil cases initiated by the large application for summons (regular disputed civil cases) 3708 of cases were settled during the preparation in year 2008. This is 43 % of all decisions (8586). Act on Court Annexed Mediation in civil cases (663/2005) entered into force on 1 January 2006. According to the Act, disputes can also be mediated at court, as an alternative to civil proceedings. The judge serves as a facilitator of the process.

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

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

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

You can indicate below:

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

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

734

154) Are enforcement agents (multiple options are possible):

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

Please specify their status and powers:

Q153: There are altogether 84 bailiffs and 650 associate bailiffs in 22 district enforcement offices.

Q155: There is not a specific initial training to enter the profession but the following qualifications shall be required for enforcement agents: the bailiff must have earned a Master's degree in law.

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

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

- Yes

- No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

the Ministry of Justice

8. 1. 2. Supervision**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
 No
 Not applicable

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

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

Please specify:

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

In addition the Chancellor of Justice, along with the Parliamentary Ombudsman, supervises authorities' (including enforcement agents) compliance with the law.

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

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

criteria used?

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

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

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

Yes

No

if yes, please specify

163) Is there a system for monitoring the execution?

Yes

No

If yes, please specify

Enforcement agents are organisationally under the administration of the Ministry of Justice. Enforcement agents are also supervised by the Chancellor of Justice and the Parliamentary Ombudsman.

8. 1. 3. Complaints and sanctions

164) What are the main complaints of users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all?

non execution of court decisions against public authorities?

lack of information?

excessive length?

unlawful practices?

insufficient supervision?

excessive cost?

other?

Please specify:

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

Yes

No

If yes, please specify:

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

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

for civil cases?

for administrative cases?

167) 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 sits:

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input type="checkbox"/> number:	224
for breach of professional ethics		NAP
for professional inadequacy		NAP
for criminal offence		NAP
Other	<input type="checkbox"/> number:	224

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input type="checkbox"/> number:	12
Reprimand	<input type="checkbox"/> number:	
Suspension	<input type="checkbox"/> number:	
Dismissal	<input type="checkbox"/> number:	
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	12

You can indicate below:

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

Q168: The Chancellor of Justice: 48 complaints investigated

the Parliamentary Ombudsman: 78 complaints investigated
Provincial Governments: 98 complaints and claims for damages investigated
Q169: The Parliamentary Ombudsman: 12 recommendations and opinions

The enforcement organisation consists of the enforcement authorities and the enforcement administration. The Ministry of Justice is in charge of the general management, control and supervision of the enforcement service. Besides the heads of legal administration in the provincial governments have control and supervision functions relating to enforcement. The administrative structure will change in the beginning of the year 2010. The organisation of enforcement service will consist of a two-tier structure. Most of the enforcement tasks of the Ministry of Justice and the provincial governments will be transferred to a national central authority called National Administrative Office for Enforcement. Subordinate to the central authority are local enforcement authorities.

Please indicate the source for answering the questions 167, 168 and 169:

The Ministry of Justice

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) Is there a judge who is in charge of the enforcement of judgments?

Yes

No

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

Authority entrusted with the enforcement of judgements: Criminal Sanctions Agency.

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

Yes

No

If yes, please specify:

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

You can indicate below:

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

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

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

Comment :

174) Do notaries have duties:

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

Please specify:

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

Please indicate the source for answering the question 173

9. 1. 2. Supervision

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

- Yes
 No

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

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

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. Authorities are also supervised by the Chancellor of Justice and the Parliamentary Ombudsman.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NAP

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

Yes and no: In civil cases according to Section 2 of Chapter 4 of the Code of Judicial Procedure a party who does not speak Finnish, Swedish or Sami and that wants interpretation or translations shall take care of this himself or herself at his or her own expense, unless the court, with consideration to the nature of the case, orders otherwise. However, the court shall ensure that citizens of other Nordic countries receive the interpretation and translation assistance that they require in cases considered by the court.

In criminal cases according to Section 2 of Chapter 6A of the Criminal Procedure Act a party who does not speak Finnish, Swedish or Sami has a right to interpretation at state's expense.

In administrative cases according to Section 77 of Chapter 14 of the Administrative Judicial Procedure Act the authority shall see to interpretation and translation if the person does not know the language used in the authority or cannot make himself understood for reason of a sensory or speech defect.

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

In the beginning of the year 2010 the network of the District Courts changed, The change meant a reduction of the number of courts from 51 to 27. For the foreseeable future the next reform is the developing of the structure of the Court of Appeal network and the Administrative Court network.