



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

**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 (if possible on 1 January 2011)

5 375 276

#### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	51 745 195 000
Regional / federal entity level (total for all regions / federal entities)	NAP

#### 3) Per capita GDP (in €)

33 608

#### 4) Average gross annual salary (in €)

36 516

#### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

-

#### A.1

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

Statistics Finland, www.stat.fi

Q1: on 31 December 2010

Q4: 3043 €/month

### 1. 2. Budgetary data concerning judicial system

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

#### 6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	243 066 350
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	184 667 056
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	11 967 040
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	8 124 195
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	31 586 338
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education		NA

7. Other (please specify):

 Yes

6 721 721

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

"Other" includes : industrial health services, postage, office supplies, telephone and telecommunications services

**8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

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

**9) Annual income of court taxes or fees received by the State (in €)**

31 284 003

**10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)** NA

792 410 000

**11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	NAP
Judicial protection of juveniles	NAP
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

Other elements included in the budget: enforcement agents and election expenditure, There are also some other (small) offices under the administrative sector of the Ministry of Justice (all included) like Legal Register Centre, Office of the Bankruptcy Ombudsman, Office of the Data Protection Ombudsman, National Council for Crime Prevention, Accident Investigation Board Finland, National Research Institute of Legal Policy and ICT Service Centre for the Judicial Administration.

**12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	58100000	NA	NA

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

Amount 42 937 000

Comment :

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

	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

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

the Ministry of Finance

Inspection body: the National Audit Office of Finland

## A.2

**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

Q6#2#3 : The increase results mainly from the planning and preparation of the implementation of the new data system (new criminal case management system).

Q6#2#4 : All expenses mentioned in Q6#2#4 (interpretation and translation expenses, court mediator expenses, expert expenses, witness's fees borne by state, damages borne by state) have increased considerably.

Q6#2#8 : In both rounds (data 2008 and 2010) all items which not include to the other figures are categorized to the figure "other matters". Round at issue there are less expenses which can not be subsumed under categories 1 to 6. (More detailed clarification is still require

Question 12: Part of the expenses of the legal aid comes from cases which are not heard in the courts.  
Cf CN 06/07

**Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.**

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

#### 16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

#### 17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

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

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

Yes

No

If yes, please specify:

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

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

Granting of legal aid shall release the recipient from liability for the fees and reimbursements for an attorney appointed; the fees and reimbursements arising from the interpretation and translation services required in the consideration of the matter; and handling charges, document charges and the reimbursement of miscellaneous expenses in the authority seized of the main matter; the said charges shall likewise not be collected by other authorities for their measures and documents in so far as necessary for the matter being dealt with.

The compensation for witnesses called by a party receiving legal aid shall be paid from state funds. The other costs of evidence submitted by a party receiving legal aid shall be paid from state funds if the evidence has been necessary for the resolution of the matter.

If a party receiving legal aid, other than the defendant in a criminal matter, has been summoned to the court in person in order to resolve the matter, the compensation for the costs of coming to court shall be paid from state funds.

#### 20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	83703
in criminal cases	37493
other than criminal	46210

cases	
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Comment :

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.**

Accused individuals	Yes
Victims	Yes

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.

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

Yes

No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

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 600 : 0 %
- up to EUR 800 : 20 %
- up to EUR 900 : 30 %
- up to EUR 1050 : 40 %
- up to EUR 1150 : 55 %
- up to EUR 1300 : 75 %

Couple per person

- up to EUR 550 : 0 %

up to EUR 700 : 20 %  
 up to EUR 800 : 30 %  
 up to EUR 1000 : 40 %  
 up to EUR 1100 : 55 %  
 up to EUR 1200 : 75 %

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

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

- Yes  
 No

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

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 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.

**25) Is the decision to grant or refuse legal aid taken by :**

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

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

- Yes  
 No

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

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.

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

**B.1**

**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

**Please indicate the sources for answering the questions 20 and 23**



the Ministry of Justice

2. 2. Users of the courts and victims

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

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

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):  Yes www.finnlex.fi,  
www.edilex.fi
- case-law of the higher court/s? Internet address(es):  Yes www.finnlex.fi,  
www.edilex.fi
- other documents (e.g. downloadable forms, online registration)?  Yes www.oikeus.fi,  
www.om.fi

Comment :

downloadable forms, electronic applications for legal aid, electronic applications for summons, electronic applications for execution, publications of the Ministry of Justice

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- 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.

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

- 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, the state and municipalities. 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.

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

Victims of rape	Yes	Yes	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No

Ethnic minorities	Yes	Yes	No
Disabled persons	Yes	Yes	No
Juvenile offenders	No	Yes	No
Other (e.g. victims of human trafficking)	No	No	No

Comment :

**32) Does your country allocate compensation for victims of crime?**

- Yes  
 No

If yes, for which kind of offences

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))

**33) If yes, does this compensation consist in:**

- a public fund?  
 damages to be paid by the responsible person (decided by a court decision)?  
 a private fund?

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

- Yes  
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

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.

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

- 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.

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

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**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".**

- Yes  
 No  
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, 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

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

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

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The Act on Compensation for Excessive Length of Judicial Proceedings entered into force on 1 January 2010. According to the act a private party is entitled to receive reasonable compensation out of the State funds if the excessive length of judicial proceeding is considered to violate the right of a part to a trial within a reasonable time. The amount of the compensation is 1500 euros for each year during which the proceedings have been delayed for the reason that the State is liable for. The maximum amount of the compensation is 10 000 euros. A claim for compensation must be filed with the court considering the main issue at the latest before the consideration of the subject matter has ended. The act applies to civil and criminal matters considered in general courts of law. The similar act that applies to administrative matters considered in administrative courts shall enter into force in year 2012.

The State Treasury provides compensation for innocent people who have lost their freedom due to the action of authorities. Compensation is not granted if freedom was lost for less than 24 hours. Someone who has been given a travel ban has the same right, as applicable, to obtain compensation for the restriction in their freedom. In 2010 the compensation amount per day of unjustified detention or condemnation was about 100-120 euros if the loss of freedom was no longer than 14 days and about 150 euros if the loss of freedom was more than 2 weeks. Compensation amount mentioned includes compensation for suffering. In addition, a person who has lost his freedom has the right to receive compensation for expenses and loss in earnings or benefits.

#### 38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Päivi Honkatukia: National Research Institute Research Report No. 252  
of Legal Policy Helsinki 2011, Victims in the criminal process: vulnerability, services and treatment  
Marjukka Lasola (ed.) National Research Institute of Legal Policy publication  
Law and the Citizen 2009 – A Survey on Legal Institutions and Access to Justice  
no. 244  
Marjukka Litmala (ed.): Oikeusolot 2004, National Research Institute of Legal Policy  
publication, 210 / 2004. (the title translated: Judicial conditions)  
Hannu Niskanen & Timo Ahonen & Ahti Laitinen: Suomalaisten luottamus  
tuomioistuimiin, The University of Turku 1999 (the title translated: Trust in courts)

#### 39) If possible, please specify:

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

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

Yes

No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	No	No	Yes
Higher court	No	No	Yes
Ministry of Justice	No	No	Yes
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	No	No	Yes

Comment :

The institutions which receive such complaints have an obligation to respond. See also q. 140 The Chancellor of Justice, along with the Parliamentary Ombudsman, is the supreme guardian of the law in Finland.

Questions concerning High Council of the Justice: NAP in Finland

Cases concerning corruption: NA

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	27
42.2 First instance specialised Courts (legal entities)	11
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	82

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Total (must be the same as the data given under question 42.2)	11
Commercial courts	1
Labour courts	1
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Administrative courts	8
Insurance and / or social welfare courts	1
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

Q42.2 and Q43: the answer could also be 11(12). In Finland there are 8 Administrative Courts, 1 Market Court, 1 Labour Court and 1 Insurance Court. Then there is the High Court of Impeachment that hears charges against Ministers (i.e. Members of the State Council), Chancellor of Justice, Parliamentary Ombudsman and Supreme Court Justices for unlawful conduct in office but it is convened only when necessary.

Q42.3 there are altogether 82 courts (geographic locations) : 27 District Courts, 13 Branch offices of District Courts, 23 Auxiliary courtrooms of District Courts, 3 specialised courts, 8 Administrative Courts, 6 Courts of Appeal, The Supreme Court and The Supreme Administrative Court

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

Yes

No

If yes, 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.

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number of courts
a debt collection for small claims	NAP
a dismissal	27
a robbery	27

**Please give the definition for small claims and indicate the monetary value of a small claim:**

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 questions 42, 43 and 45:**

the Ministry of Justice

Q42#1#1 : In the beginning of the year 2010 the network of the District Courts changed, The change meant a reduction of the number of District courts from 51 to 27.

Q42#1#3 : In the beginning of the year 2010 the network of the District Courts changed, The change meant a reduction of the number of District courts from 51 to 27.

Q45#1#2 : In the beginning of the year 2010 the network of the District Courts changed, The change meant a reduction of the number of District courts from 51 to 27. All first instance courts are competent for dismissal and robbery cases.

Q45#1#3 : In the beginning of the year 2010 the network of the District Courts changed, The change meant a reduction of the number of District courts from 51 to 27. (as mentioned in Q44). All first instance courts are competent for dismissal and robbery cases.

### 3. 1. 2. Judges and non-judge staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	967	514	453
1. Number of first instance professional judges	731	380	351
2. Number of second instance (court of appeal) professional judges	193	107	86
3. Number of supreme court professional judges	43	27	16

Comment :

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | | | |

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	46	36	10
1. Number of first instance court presidents	38	29	9
2. Number of second instance (court of appeal) court presidents	6	6	0
3. Number of supreme court presidents	2	1	1

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure NAP  
If possible, in full-time equivalent NAP

Comment :

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

Gross figure  Yes 3 689

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

- Yes  
 No

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

**51) Number of citizens who were involved in such juries for the year of reference:**

NAP

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)  Yes 2285

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars NA

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) NA

4. Technical staff NA

5. Other non-judge staff NA

Comment :

office staff 1479, summoners 272, trainee district judges 130, junior district judges 15, referendaries 389

**53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their**

**status and duties:**

-

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?** Yes No

If yes, please specify:

IT services, partly security, cleaning, office goods supplies

**C.1****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 have been implemented over the last two years**

Q49: There are 3689 lay members in District Courts.

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

the Ministry of Justice

**3. 1. 3. Public prosecutors and staff**

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	372	206	166
1. Number of prosecutors at first instance level	NAP	NAP	NAP
2. Number of prosecutors at second instance (court of appeal) level	NAP	NAP	NAP
3. Number of prosecutors at supreme court level	NAP	NAP	NAP

**Comment :**

Total number includes 353 public prosecutors working in local prosecution offices (193 males and 160 females), the Prosecutor-General (male), the Deputy Prosecutor-General (male) and 17 State Prosecutors (11 males and 6 females).

The prosecutorial organization is a two-tiered structure. It consists of the Office of the Prosecutor General, which is the central authority of the prosecution service, and 13 local prosecution offices (In 2010 there were 15 local offices) with 27 service bureaus.

The Prosecutor-General is the supreme prosecutor and the head of the prosecution service. The Prosecutor-General directs and develops prosecutorial activity by issuing general instructions and guidelines to the prosecutors. He also appoints local prosecutors. The Prosecutor-General may take over a case from a subordinate prosecutor, but he cannot order a subordinate prosecutor to decide the case in any given manner. He can also self decide on the bringing of charges and designate a prosecutor to pursue the case in the courts. The Deputy Prosecutor-General decides the matters in his competence on the same authority as the Prosecutor-General. He also deputises for the Prosecutor-General where necessary. For regular prosecutorial tasks, the Office has State Prosecutors, whose jurisdiction covers the entire country.

Most criminal matters (some 80,000 cases annually) are dealt with by the local prosecution units. The Office of the Prosecutor-General deals mainly with criminal cases with wider significance to society as a whole, a few dozen every year.

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**



	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	17	15	2
1. Number of heads of prosecution offices at first instance level	NAP	NAP	NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	NAP	NAP	NAP
3. Number of heads of prosecution offices at supreme court level	NAP	NAP	NAP

Comment :

the Prosecutor-General (male), the Deputy Prosecutor-General (male) and 15 heads of local prosecution offices (13 males and 2 females)

**57) Do other persons have similar duties to public prosecutors?**

- Yes
- No

Number (full-time equivalent)  
NAP

**58) If yes, please specify their title and function:**

If a prosecutor has decided not to prosecute, the injured party has the right to self bring a charge for the offence, so as to have the case heard by a court of law.  
The Chancellor of Justice of the Government and the Parliamentary Ombudsman may also prosecute or order that charges be brought in matters falling within the purview of their supervision of legality.

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

- Yes
- No

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number  Yes 168

**C.2**

**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 have been implemented over the last two years

Q60 168 in local prosecution offices, in addition, the number of staff (non-prosecutors) in the Office of the Prosecutor General is about 18.

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

The Office of the Prosecutor General

[3. 1. 4. Court budget and new technologies](#)

**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

	the budget		use of the budget	
Management Board	Yes	No	No	Yes

Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	No	Yes	No
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

Comment :

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	100% of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	100% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	100% of courts
Electronic submission of claims	100% of courts
Videoconferencing	100% of courts
Other electronic communication facilities	100% of courts

**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	Yes	Yes

Comment :

According to the Criminal Procedure Act, in criminal cases a preparatory hearing may be arranged by the use of videoconferencing or by telephone if the court deems that this is appropriate. Also in cases concerning imprisonment the defendant may be heard with the use of a videoconference.

In civil, administrative and criminal cases a witness, another person to be heard for probative purposes or a party may be heard in the main hearing without his or her appearance in person with the use of a videoconference or other appropriate technical means of communication, where the persons participating in the hearing have an audio and video link with one another, if the court deems that this is suitable.

### C.3

**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

Q64: Small claims do not exist as a legal term in Finland, but electronic submission of claims for undisputed civil matters is possible

## 3. 2. Performance and evaluation

### 3. 2. 1. Performance and evaluation

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

- Yes  
 No

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

Statistics Finland, www.stat.fi, Postal address: FI-00022 Statistics Finland, 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.

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

- Yes  
 No

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

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

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

If 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 system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

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 and quality indicators (if no, please skip to question 72)**

Yes

No

**71) Please select the 4 main performance and quality indicators that have been defined:**

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

judicial quality and organisational quality of the courts

costs of the judicial procedures

other:

If other, please specify:

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

Yes

No

**73) Who is responsible for setting the targets for each judge?**

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 court (if no please skip to question 77)?**

Yes

No

**75) Who is responsible for setting the targets for the courts?:**

executive power (for example the ministry of Justice)?

- legislative power
- judicial power (for example a High Judicial Council, 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.

**76) Please specify the main targets applied to the courts:**

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

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- 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 quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- 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 that is entrusted with these quality standards?**

- Yes  
 No

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

- in civil law cases  
 in criminal law cases  
 in administrative law cases

**81) Do you monitor 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 overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**

-----  
**This question does not concern the specific evaluation of performance indicators.**

- Yes  
 No

Please specify 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. [Also the Chancellor of Justice and the Ombudsman shall ensure that the courts of law obey the law to fulfil their obligations.]

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

Yes

No

If yes, please give further details:

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 to fulfil their obligations.

**C.4**

**You can indicate below:**

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

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General information

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

NA

**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) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	1	6	3	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	4	8	4	0

**Please indicate the sources:**

the Ministry of Justice

the Ministry for Foreign Affairs of Finland

#### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

Q84: The information is not available from the year 2010. 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.

### 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?

there is no specific procedure

If yes, please specify:

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

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 disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

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.

As regards administrative cases, as a rule Administrative Court shall have a quorum with three legally trained members present. However in many cases Administrative Court shall have a quorum with only two (e.g. income support cases, basic education cases) or one (e.g. traffic supervision cases, some prohibition of execution cases) legally trained members present.

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

- Yes
- No

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. Caseflow management and timeframes of judicial proceedings****90) Comment:**

**The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.**

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.**

**Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	107 120	389 479	391 908	104 691
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	6 431	10 845	10 112	7 164
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	75 952	337 125	340 973	72 104
3. Enforcement cases	350	1 055	1 055	350
4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	19 863	31 397	31 043	20 217
7. Other cases (e.g. insolvency registry cases)	4 524	9 057	8 725	4 856

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

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

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.

**93) If "other cases", please indicate the case categories included:**

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 dealt with by District Courts. The number includes also all the cases dealt with by the Labour Court.

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	15 477	61 629	59 607	17 499
8. Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9. Misdemeanour and / or minor offences cases	NAP	NAP	NAP	NAP

**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

**Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and / or minor criminal 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:

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

When comparing the figures 2008 and 2010, there is a significant difference in the total number of pending cases (other than criminal). Reason for that is that from the beginning of the year 2010 Land register cases were transferred to National Land Survey of Finland in connection with the structural change of district courts network.

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	1 873	3 838	3 880	1 831
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	1 344	2 045	2 102	1 287
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	321	1 175	1 161	335
3. Enforcement cases	72	246	244	74
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	136	372	373	135

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	3 552	7 283	7 557	3 278
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 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.

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10

Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	5 729	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	1 072	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	285	NA
3. Enforcement cases	NA	NA	60	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	3 788	4 587	4 202	4 173
7. Other cases (e.g. insolvency registry cases)	NA	NA	110	NA

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	NA	NA	972	NA
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.

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 among other things 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.

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	12 057	17 287	18 302	11 042
Employment dismissal cases	477	654	630	501
Robbery cases	117	456	371	202
Intentional homicide	17	93	79	31

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]**

	% of decisions	% pending cases	Average length in	Average length in	Average length in	Average total
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	subject to appeal	more than 3 years	1st instance (in days)	2nd instance (in days)	3rd instance (in days)	length of the total procedure (in days)
Litigious divorce cases	0,25	0	242	77	78	NA
Employment dismissal cases	52	0	270	312	189	NA
Robbery cases	51	0	150	222	119	587
Intentional homicide	73	0	111	211	116	494

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

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

When a divorce is handled at the District Court for the first time, the handling will be postponed until further notice. Thereafter the District Court shall grant the spouses a divorce when the six-month reconsideration period has expired and the spouses together demand or one of them demands that the spouses be granted divorce.

A divorce case shall lapse if the demand for the granting of divorce is not made within one year from the beginning of the reconsideration period. If a divorce case has been initiated by a joint application of the spouses, the six-month reconsideration period starts to run when the joint application was submitted to or arrived at the District Court. If, on the other hand, the application is made by one spouse alone, the reconsideration period starts to run when the other spouse has been notified of the application. The District Court attends to the service of the application.

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

**104) How is the length of proceedings calculated for the 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.

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

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "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.

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

Yes

No

If yes, please specify:

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	84 399	9 848	1 137	61 169

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	9 848
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NA

**109) Do the figures include traffic offence cases?**

Yes

No

**D.2****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**

Q91#2#1 : When comparing the figures 2008 and 2010, there is a significant difference in the total number of pending cases, incoming cases and resolved cases (other than criminal). Reason for that is that from the beginning of the year 2010 Land register cases were transferred to National Land Survey of Finland in connection with the structural change of district courts network.

Q91#3#1 : When comparing the figures 2008 and 2010, there is a significant difference in the total number of pending cases, incoming cases and resolved cases (other than criminal). Reason for that is that from the beginning of the year 2010 Land register cases were transferred to National Land Survey of Finland in connection with the structural change of district courts network. (as mentioned in Q96)

Q107: In addition to the cases charged or discontinued by the public prosecutor, there are also cases like restriction of pre-trial investigation, prosecutor's decision and prosecutor's notice. Q108: Total cases which were discontinued by the public prosecutor 9 848: procedural non-prosecution 5 810 cases and sanctionary non-prosecution 4 038 cases.

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

the Ministry of Justice

the Office of the Prosecutor General

the Statistics Finland

## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

In Finland, judicial training has traditionally been based on practical training in the courts and on the in-service training for judges that the Ministry of Justice provides.

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 (general training, one year at a District Court or 6 months at a District Court and 6 months at Administrative Court/Court of Appeal) – 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.

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

**[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].**

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

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

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.

##### 112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

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

See above Q111



**114) Is there a system of qualitative individual assessment of the judges' activity?**

- Yes  
 No

**115) Is the status of prosecution services:**

- Indépendant?  
 Under the authority of the Minister of justice ?  
 Other?

Please specify:

Prosecution service is administratively under the Ministry of Justice but as regards jurisdiction it is independent. The prosecutors in Finland are organised on two tiers. The prosecution service consists of the Office of the Prosecutor-General in Helsinki and of 13 (15 in 2010) local prosecution offices.

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

- Mainly through a competitive exam (for instance, following a university degree in law)  
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)  
 A combination of both (competitive exam and working experience)  
 Other

If "other", please specify:

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

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

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

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

The Prosecutor General

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- Yes  
 No

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

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

See above Q118

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes

No

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

Yes  
 No

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

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

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of probation period (in years)
	NAP

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

Yes  
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? 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)

**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
	NAP

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

NAP

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

NAP

**E.1**

**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. 2. Training**

**5. 2. 1. Training**

**127) Training of judges**

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

**128) Frequency of the in-service training of judges:**

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

**129) Training of public prosecutors**

Initial training	Optional
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

**130) Frequency of the in-service training of public prosecutors**

General in-service training	Annual
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual
In-service training for the use of computer facilities in office	Annual

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).**

**If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP
One single institution for both judges and	NAP	NAP	NAP

prosecutors			
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Comment :

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.

There is also basic and advanced professional training to prosecutors that the Office of the Prosecutor General provides.

## E.2

**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

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

#### 132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	57 250	40 250
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	120 912	73 800
Public prosecutor at the beginning of his/her career	45 048	33 200
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	77 376	51 400

Comment :

#### 133) Do judges and public prosecutors have the following additional benefits?

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

#### 134) If other financial benefit, please specify:

NAP

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

Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes

Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	Yes	Yes
Other function	Yes	Yes

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. 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 any secondary occupation without the permission permitted by the court.

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	Yes	Yes
Other function	Yes	Yes

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

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

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

- Yes  
 No

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

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

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

- Citizens  
 Relevant Court or hierarchical superior  
 High Court / Supreme Court  
 High Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power  
 Other?  
 This is not possible

If "executive power" and/or "other", 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.

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

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

If "executive power" and/or "other", please specify:

See above Q140

The Chancellor of Justice, the Parliamentary Ombudsman

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.

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

See above Q140

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

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

See above Q140 and Q141

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	590	201
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	NA
3. Criminal offence	NA	NA
4. Other	NA	NA

Comment :

Judges (Courts) 590

The Chancellor of Justice: 379 complaints investigated  
the Parliamentary Ombudsman: 220 complaints investigated

Prosecutors: 201

The Chancellor of Justice: 82 complaints investigated  
the Parliamentary Ombudsman: 89 complaints investigated  
the Prosecutor General: 30 complaints investigated

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors
Total number (total 1 to 9)	56	13
1. Reprimand	1	1
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	NA	NA
9. Other	55	12

Comment :

Other sanctions include following:

The Chancellor of Justice: 19 recommendations/opinions, 1 other comment, 1 other measure and 1 matter redressed in the course of investigation

the Parliamentary Ombudsman: 30 opinions, 1 recommendation and 2 matters redressed in the course of investigation

Most of the complaints do not call for any action. In most of the cases no measure is taken, because there is not incorrect procedure found to have been followed or no grounds to suspect incorrect procedure.

(Cf CN 06/07)

### **E.3**

**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**

**Please indicate the sources for answering questions 144 and 145**

The Chancellor of Justice, the Parliamentary Ombudsman and the Office of the Prosecutor General



## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

1 893

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

Yes

No

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

NAP

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

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a 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 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

(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.

**150) Is the lawyer profession organised through? (multiple options possible)**

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

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

- Yes  
 No

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

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

- Yes  
 No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

- Yes  
 No

If yes, please specify:

**F.1**

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

-----  
**Comments for interpreting the data mentioned in this chapter:**

Source: the Finnish Bar Association (and the Ministry of Justice: the number of the public legal advisors)  
Q146: The number of lawyers above (1893) 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 90 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.

## 6. 2. Practising the profession

### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

- Yes  
 No

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

- Yes  
 No

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

- Yes laws provide rules
- Yes standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

**F.2****Useful comments for interpreting the data mentioned in this chapter:**

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

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. 3. Quality standards and disciplinary proceedings****6. 3. 1. Quality standards and disciplinary proceedings****157) Have quality standards been determined for lawyers?**

- Yes
- No

If yes, what are the quality criteria used?

According to Section 5 of the Advocates Act an advocate shall honestly and conscientiously fulfil the tasks entrusted to him and he shall, at all times, observe the rules of proper professional conduct for advocates.

The Finnish Bar Association has the Code of Conduct.

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

- the bar association?
- the Parliament?
- other?

If "other", please specify:

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, warning (caution) and reprimand.

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

**159) Is it possible to file a complaint 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.

**160) Which authority is responsible for disciplinary procedures?**

- the judge  
 the Ministry of justice  
 a professional authority  
 other

If other, please specify:

Disciplinary Board of the Finnish Bar Association

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	477	NA	NA	NA	NA

Comment :

477 disciplinary proceeding initiated, the number includes all the cases above, not separate statistics per the type of misconduct

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	99	71	NA	NA	NA	28

Comment :

Sanctions in 2010 were as follows: 71 reprimands and 28 warnings.

Most of the cases do not call for any action.

### F.3

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

-----

**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

- Yes  
 No

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

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
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

**165) 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.

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

NAP

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

-----

**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)	NAP
1. civil cases	NAP
2. family cases	NAP
3. administrative cases	NAP
4. employment dismissals cases	NAP
5. criminal cases	NAP

Comment :

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
--	-----

Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

**Comment :**

In normal civil proceedings a judge has to promote a settlement and in practice Finnish judges are active mediators during the preparation of a civil case. In civil cases initiated by the large application for summons (regular disputed civil cases) 5798 of cases were settled during the preparation in year 2006. This is 64 % of all decisions (9072). Act on Court Annexed Mediation in civil cases (663/2005) entered into force on 1 January 2006. According to the Act, disputes can also be mediated at court, as an alternative to civil proceedings. The judge serves as a facilitator of the process. In 2006, 157 civil cases were initiated by the written application for court annexed mediation. 66 of them were concluded during the year, settlement was certified in 44 cases, 6 cases were concluded with settlement otherwise and in 16 cases there was no justification for continuing the mediation. There is also a mediation service in criminal cases, called Conciliation in Criminal and Civil cases, governed by the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005) which entered into force on 1 January 2006. According to the act, the general management, supervision and monitoring of conciliation services fall within the jurisdiction of the Ministry of Social Affairs and Health. Each State Provincial Office is obliged to arrange conciliation services and ensure that they are available in appropriately implemented form in all parts of the province. Services referred to the act must have been arranged of 1 June 2006. Within the timescale 1 June – 31 December 2006, the number of incoming cases was 3 848. Circa 80 per cent of cases were concluded with settlement. (Before the year 2006, there was a semi-official mediation service in criminal cases in Finland. There was no nationwide model for organisation of this conciliation but the services were offered in 255 municipalities of all 448 municipalities in Finland.) Family conciliation in Finland is most often offered by the municipal social welfare authorities and the Family Counselling Centres of the Church. There are no regular statistics kept on family conciliation, but some snapshots are available, according to a study in 1991, 27 % of couples seeking divorce had availed themselves of conciliation. Data collected in 1997 indicates that more than 90 % of matters pertaining to the status of a child are dealt with in extra judicial conciliation services. In addition to mediation services mentioned above there are also many different advisory services which can act as an alternative dispute resolution. Some Finnish examples are municipal consumer advisory service, financial advice and debtors' advice.

**G.1**

- 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

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

the Ministry of Justice



## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**169) Do you have enforcement agents in your judicial system?**

- Yes  
 No

**170) Number of enforcement agents**

736

**171) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiffs practising as private professionals under the authority (control) of public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

The administrative structure changed in the beginning of the year 2010. The enforcement organisation consists of the enforcement authorities and the enforcement administration. The National Administrative Office for Enforcement is in charge of operative administration, education, personnel management and supervision of the enforcement services in Finland. The Ministry of Justice has a role in strategic and budgetary planning as well as legislative planning. Subordinate to the central authority are local enforcement authorities.

**172) Is there a specific initial training or examination to become an enforcement agent?**

- Yes  
 No

**173) Is the profession of enforcement agents organised by?**

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

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

- Yes  
 No

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

- Yes  
 No

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

- Yes  
 No

**Please indicate the source for answering question 170:**

Source: The National Administrative Office for Enforcement and the Ministry of Justice

Q170: There are altogether 86 bailiffs and 650 associatebailiffs in 22 district enforcement offices.

Q172: 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.

## 8. 1. 2. Efficiency of enforcement services

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

- Yes  
 No

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

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

If other, please specify:

the National Administrative Office for Enforcement is in charge of the general management, control and supervision of the enforcement service. For example, it deals with complaints regarding the conduct of the enforcement authorities. However, the National Administrative Office for Enforcement has not 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.

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

- Yes  
 No

If yes, what are the quality criteria used?

There are annual negotiations between the local enforcement authorities and the National Administrative Office for Enforcement. 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.

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

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:

See above Q179

the local enforcement authorities and the National Administrative Office for Enforcement (There are annual negotiations between the local enforcement authorities and the National Administrative Office for Enforcement. These negotiations are part of the method called "Management by results". The quality standards are defined in the course of negotiations.)

**181) Is there a specific mechanism for executing court decisions rendered against public authorities,**

**including for supervising such execution?**

- Yes  
 No

if yes, please specify

**182) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

See above Q178. Enforcement agents are organisationally under the administration of The National Administrative Office for Enforcement. The National Administrative Office for Enforcement handles complaints concerning the activities of the enforcement authorities. Enforcement agents are also supervised by the Chancellor of Justice and the Parliamentary Ombudsman.

**183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

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

If other, please specify:

**184) 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.

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- for civil cases?  
 for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who 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

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	207
1. for breach of professional ethics		NA
2. for professional inadequacy		NA
3. for criminal offence		NA
4. Other		NA

Comment :

The Chancellor of Justice: 60 complaints investigated

the Parliamentary Ombudsman: 96 complaints investigated

The National Administrative Office for Enforcement: 51 complaints investigated

**188) Number of sanctions pronounced against enforcement agents.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	22
1. Reprimand	<input checked="" type="checkbox"/> number:	2
2. Suspension	<input checked="" type="checkbox"/> number:	0
3. Dismissal	<input checked="" type="checkbox"/> number:	0
4. Fine	<input checked="" type="checkbox"/> number:	0
5. Other	<input checked="" type="checkbox"/> number:	20

Comment :

The Chancellor of Justice: 1 recommendation/opinion

The Parliamentary Ombudsman: 16 opinions

The National Administrative Office for Enforcement: 2 reprimands and 3 opinions

Most of the complaints do not call for any action. In most of the cases

no action is taken, because there is not incorrect procedure found to have been followed or no grounds to suspect incorrect procedure.

## H.1

**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**

**Please indicate the source for answering the questions 186, 187 and 188:**

the National Administrative Office for Enforcement

The Chancellor of Justice, The Parliamentary Ombudsman

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Execution of decisions in criminal matters

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

- Judge
- Public prosecutor
- Prison and Probation Services

Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The Criminal Sanctions Agency is responsible for the enforcement of sentences in Finland. It operates under the direction of the Ministry of Justice and implements the criminal policy defined by the Ministry. The primary duty of the Criminal Sanctions Agency is to see that the sentences passed by the courts of law are enforced lawfully and safely in Finland. In particular, the Agency's goal is to enhance the safety of society by decreasing sentenced offenders' risk of reoffending.

The Legal Register Centre is responsible for the enforcement of fines and forfeitures.

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

Yes

No

**191) If yes, what is the recovery rate?**

80-100%

50-79%

less than 50%

it cannot be estimated

Please indicate the source for answering this question:

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](http://www.oikeus.fi/oikeusrekisterikeskus))

If, despite the payment order by the Legal Register Centre, a fine has not been settled, the execution officer of the municipality of residence sends his own payment order regarding the matter, after which details of payment are dealt with by the execution officer. If the recovery of a fine in money fails, it is converted into imprisonment. An outstanding fixed fine or fine imposed through summary penal proceedings are not converted into imprisonment.

**H.2**

**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. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

- |  |  |     |
|--|--|-----|
| private professionals (without control from public authorities)?           | <input type="checkbox"/> number            |     |
| private professionals under the authority (control) of public authorities? | <input type="checkbox"/> number            |     |
| public agents?   | <input checked="" type="checkbox"/> number | 136 |
| other?   | <input type="checkbox"/> number            |     |

Comment :

The number of the notaries is not available.

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

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "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.

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

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

If other, please specify:

Public notaries are in generic matters under the administration of Ministry of the Interior but in legal matters under the Ministry of Justice. Authorities are also supervised by the Chancellor of Justice and the Parliamentary Ombudsman.

### I.1

**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. Court interpreters

#### 10. 1. 1. Court interpreters

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

Yes

No

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

Yes

No

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

NAP

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

Yes

No

If yes, please specify (e.g. having passed a specific exam):

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.**

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

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

-  No

Comment :

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 and in a previous phase of the procedure the competent authority was to see to interpretation and translation or the present authority is the first instance in a matter that has been initiated by a public authority; or the person is heard in person. No one shall act as an interpreter or translator if he is in such a relationship with a party or the matter that his credibility may for this reason be compromised. The authority shall see to that citizens of the other Nordic Countries receive the assistance in interpretation and translation necessary for the matters considered by it.

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

the Ministry of Justice



## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

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

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

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

- Yes
- No

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

- Yes
- No

**205) Number of accredited or registered judicial experts (technical experts)**

NAP

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes
- No

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

An expert shall give a detailed account on the findings in his or her investigation and, on the basis of the account, a substantiated statement on the question put to him or her. The statement shall be compiled in writing, unless the court deems there to be reason to allow for its being given orally. When a person is appointed as an expert witness not on the basis of his or her official position or function, the court shall determine the time within which the statement is to be given. An expert witness may not be placed under the obligation to disclose a business or professional secret, unless very important reasons otherwise require.

**207) Are the courts responsible for selecting judicial experts?**

-----  
**If no, please indicate in the "comment" box below which authority selects judicial experts?**

- Yes  for recruitment and/or appointment for a specific term of office
- Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

According to the Section 44 of the Chapter 17 of the Code of Judicial Procedure if, in the consideration of a question which must be ascertained on the basis of special professional knowledge, it is deemed necessary to use an expert witness, the court shall obtain a statement on this question from an agency, a public official or another person in the field or entrust the giving of such a statement to one or more experts in the field who are known to be honest and competent. Before an expert witness is appointed, the parties shall be heard on this. According to the Section 46 of the same chapter if the parties agree on an expert witness, that person shall be used if he or she is deemed to be suitable and there is no impediment to the same. In addition, the court may appoint one expert witness.

According to the Section 40 of the Chapter 7 of the Administrative Judicial Procedure Act the appellate authority may obtain

an opinion from an individual expert on a matter requiring special expertise. If a party calls an expert not appointed by the appellate authority the provisions on the hearing of witnesses shall apply.

**K.1**

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**

the Ministry of Justice

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Reforms

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

**1. (Comprehensive) reform plans**

**2. Budget**

**3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

**4. High Judicial Council**

**5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**

**6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crime and prison system**

**10. Other**

3. 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.

From the beginning of the year 2012 public prosecutors working in the local prosecution offices will be competent to operate anywhere in the country.

6. Administrative Judicial Procedure Act will be reformed.

7. The next reform is the developing of the structure of the network of the district enforcement offices. The number of the district enforcement offices will remain the same (22) but the change will mean a reduction of the number of the service bureaus from 178 to 62.

8. From the beginning of the year 2011, an experiment in a new kind of mediation procedure in child custody cases has been carried out in four District Courts. In this experiment a psychologist or a social worker assists the judge in the mediation process. The experiment will continue until the end of the year 2012.