

Draft Opinion of the CCPE "Independence, accountability and ethics of prosecutors"

Main problematics in Finland

The situation in Finland is stable in the sense of the draft opinion. There is a widely understood and accepted consensus about the independence of the prosecutors. The Prosecutor General may decide to take a case from a prosecutor and consider the charges him/herself, but this happens very rarely. It would usually mean that the prosecutor has surpassed the boundaries of his/her deliberation. Even Prosecutor General may not interfere with the separate acts of the prosecutor in dealing with the case (unless he decides to take the entire case).

The independence of the prosecutor is not problematic in theory or in practice in Finland. The Prosecutor General is appointed for life by the President of the Republic. The resources to Prosecution service come through Ministry of Justice, but this is not considered a problem.

The prosecutor is always accountable for his/her decision. Even if they have sought advice from another public official, the final responsibility belongs to the prosecutor. We have not found problems in this regard.

To enhance the ethics of prosecutors we have issued "Ethic guidelines of the prosecution service". The subjects in it are mainly the same we suggest might be included in the CCPE Opinion (see below). Our guidelines were issued quite recently. Now we are striving to remind people about the guidelines in their daily work. This however is not so easy, because it demands constant work. We are trying to involve this subject in discussions when receiving new colleagues and other co-workers into the Prosecution service (also already in the job interviews) and in the yearly discussions between subordinate and superior.

Last year an internal inspection of procurement activities in the entire Prosecution service of Finland was conducted due to a suspicion of inappropriate acquisition of training services. No systematic problems or reasons to carry out changes were discovered.

Some suggestions to recommendations

- Everyone shall be treated equally regardless of who or what they are.
- The decisions shall be made with independence, impartiality, objectivity, free from influence of other people. Should there be a suspicion of bias, the case/decision must be forwarded to someone else bearing in mind how the action looks when observed by the public.
- Prosecutors will keep secret facts that must be kept secret, don't try to acquire information they are not entitled to, and will not cover from the public matters it should be informed about. Any duty to secrecy will continue to exist even after ending the service.
- Being funded by the taxes prosecutors will work cost efficiently and giving good service to the public.
- Prosecutors will make note of the feedback they get and try to develop their working methods.
- Prosecutors are active in gathering new information and new skills to continue in being professionals. The superiors will take care that necessary training is provided.
- Prosecutors are available to colleagues, superiors and public but also give the others the space to do their work.
- Colleagues and other coworkers will be treated with respect; no harassment, racism, discrimination or other inappropriate behavior is allowed.

- Communication shall be appropriate, calm and clear. The reasoning of decisions shall be open and comprehensive. The main rule of administration shall be openness bearing in mind the restrictions of publicity stipulated by law.
- Social media should be used in accordance with the demands of the position of prosecutor. An etiquette for activities in social media should be introduced and implemented in each Prosecution service.
- In every situation when prosecutors are offered a present or a benefit, they shall contemplate whether accepting it might compromise their integrity. The present or benefit can only be of low monetary value. Rules stating when a present or benefit may be accepted and what would be the maximum monetary value need to be introduced.
- Prosecutors shall behave inside and outside professional circles in a way that will not undermine the trust for the Prosecution service.

- All the principles in ethic guidelines should be part of the everyday work. Everyone must know and understand the rules. There should be a system to make sure the principles are followed.