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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

SECOND COMPLIANCE REPORT

FINLAND

Adopted by GRECO at its 76th Plenary Meeting
(Strasbourg, 19-23 June 2017)

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I. INTRODUCTION

1. The Second Compliance Report assesses the measures taken by the authorities of Finland to implement the recommendations issued in the Fourth Round Evaluation Report on Finland (see paragraph 2), dealing with “Corruption prevention in respect of members of parliament, judges and prosecutors”.
2. The Fourth Round Evaluation Report on Finland was adopted at GRECO’s 59th Plenary Meeting (22 March 2013) and made public on 27 March 2013 ([Greco Eval IV Rep \(2012\) 6E](#)), following authorisation by Finland.
3. The Fourth Round Compliance Report was adopted by GRECO at its 67th Plenary meeting (27 March 2015) and made public the same day, following authorisation by Finland. As required by GRECO’s Rules of Procedure, the authorities of Finland submitted a Situation Report on further measures taken to implement the recommendations. This report was received on 30 September 2016 and served, together with some information submitted subsequently, as a basis for the second Compliance Report.
4. GRECO selected Poland and Sweden to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed for the current report were Ms Alicja KLAMCZYNSKA, on behalf of Poland and Mr Mats JANSSON, on behalf of Sweden. They were assisted by GRECO’s Secretariat in drawing up the Compliance Report.
5. The Second Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member’s compliance with these recommendations.

II. ANALYSIS

6. It is recalled that GRECO addressed eight recommendations to Finland in its Evaluation Report. In the Compliance Report, GRECO concluded that Finland had implemented satisfactorily or dealt with in a satisfactory manner four of the eight recommendations (ii, iii, iv and v). Compliance with the pending recommendations (i, vi, vii and viii) is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i.

7. *GRECO recommended (i) that a Code of Conduct for members of parliament be adopted and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.*
8. It is recalled that in the Compliance Report, this recommendation was partly implemented as the first part of the recommendation (to adopt a code of ethics for MPs) had been implemented, while the second part of the recommendation (training and counselling) remained to be dealt with.
9. The authorities of Finland now report that members of parliament are provided with broad training on different topics at the beginning of each electoral term. With regard to issues relating to the rules, principles and legal provisions concerning the declaration of private interests and gifts, norms related to conflicts of interest and legislation of bribery, MPs were trained at the beginning of the electoral period (5 May 2015) and their assistants and other parliamentary civil servants on 11 June 2015. The authorities also refer to the details of the training methods and material

produced. This training will be continued for all new parliamentarians in the future and at the beginning of each term.

10. In addition to the training sessions, advice on the above-mentioned issues is provided by Parliament's Central Office on a continuous basis. Those providing advice (altogether seven persons) are for the most part lawyers. Advice is given on legal questions as well as concerning practical issues such as the filling out of forms. Advice can be obtained by telephone, e-mail or in person. Furthermore, such information is also available on-line, together with instructions and contact information (Parliament's intranet) and in a slightly briefer form on the extranet (in Finnish, Swedish and English). The authorities submit that the changes have been well received and that MPs have complied with their new obligations to declare.
11. GRECO wishes again to welcome the adoption of a Code of Conduct for members of parliament as well as other new regulations, such as the obligation on MPs to declare private interests (already noted in the Compliance Report). It also welcomes Parliament now having implemented necessary training and counselling on a permanent basis in order to ensure compliance with the requirements of the new regulatory framework which addresses MPs as well as their assistants and other staff of Parliament.
12. GRECO concludes that recommendation i has been implemented satisfactorily.

Corruption prevention in respect of judges

Recommendation vi.

13. *GRECO recommended (i) that the "Ethical Principles for Judges" adopted by the Association of Finnish Judges be communicated effectively to all lay judges and expert members of courts; and (ii) that they be complemented by further measures, including dedicated training, aimed at offering proper guidance on the application of the Ethical Principles and on conflicts of interest and related issues.*
14. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO noted, *inter alia*, that a few of the concerns raised in the current recommendation (mainly the training in respect of "the Ethical Principles for Judges") had been dealt with to some extent within the ordinary framework of training of judges, lay judges and other "stakeholders" of the justice system. Nevertheless, it called for further measures in this respect, for example, written guidelines/explanations or regular practice-oriented training on such matters in addition to the ordinary training provided.
15. The authorities now report that the training unit of the Ministry of Justice has developed training concerning the ethical principles for all new judges. In addition, training programmes for newly appointed chairpersons deal with this theme using different types of case-studies (in addition to the previously more theoretical approach). The various parts of the training programmes for judges deal with typical problems relating to the ethical principles emerging in the everyday work of a judge on a case basis. Approximately 40 judges from district courts and courts of appeal participate in this training each year.
16. In addition to the training starting in 2013 (explained in the Compliance Report), the Ministry of Justice's training unit launched a court training programme in 2015 for trainee district judges: four seven-day training programmes are organised annually, including issues such as disqualification, conduct and ethics of judges. In 2016, the themes related to this training were made into teaching videos and online studies, to reach out to all general courts.

17. The authorities also report that the Office of the Prosecutor General, the Ministry of Justice and the National Administrative Office for Enforcement have produced specialised training to improve the competence, awareness and knowledge to fight corruption within the judicial system, starting as of 2017. Finally, ethical matters relating to judges have also been highlighted in various reports, e.g. by the Helsinki Court of Appeal.
18. GRECO welcomes the manifold measures taken in order to improve awareness and knowledge about the “Ethical Principles for Judges”. It appreciates that the training noted in the Compliance Report has now been complemented by a permanent training programme for various types of judges - trainees, newly recruited judges and judges in chief positions. On-line training is also available for judges of all courts and lay judges. GRECO welcomes the practical case approach taken as an important complement to the rather general guidelines contained in the “Ethical Principles for Judges”.
19. GRECO concludes that recommendation vi has been implemented satisfactorily.
 Recommendation vii.
20. *GRECO recommended that the rules on accessory activities of judges, including arbitration activities in particular, be further developed so as to enhance transparency and to introduce uniform procedures, criteria – and appropriate limits – for granting permission to engage in such activities.*
21. It is recalled that this recommendation was implemented partly in the Compliance Report as draft legislation regulating the outside employment of judges was at an advanced stage, pending before Parliament.
22. The authorities now report that the *State Civil Servants Act* has been amended through Act 566/2015, which entered into force on 1 October 2015. The new law, which has been submitted to GRECO, regulates in Section 18a:
- “Judges and court referenda may not accept or hold an extra-judiciary post as referred to in section 18 unless a court grants permission for this upon application. A secondary occupation permit may not be granted or the purpose of acting as an arbitrator appointed by a party in a dispute in arbitration. Notwithstanding the provisions of section 18(5), the applicant must disclose the information on the parties in the arbitration dispute to the court’s chief judge.*
- Judges and court referenda must declare to the court annually how much they have been paid for extra-judicial activities if the total amount of income from the extra-judicial activities exceeds EUR 10,000. The declaration must indicate the extra-judicial activities in respect of which the income has been paid. In respect of extra-judicial activities other than arbitration, the payer must also be indicated. Notwithstanding the provisions of section 24(1)(23) in the Act on the Openness of Government Activities, the information declared by judges on income is confidential. Judges and court referenda must also notify the court of cessation of extra-judicial activities.”*
23. The authorities also refer to the Act on the Register of Private Interests and Extra-judicial Activities of Judges (Act 565/2015) which entered into force on 1 January 2017, the aim of which is to provide public access to private interests and extra-judicial activities of judges. According to the law, judges are obliged to provide such information to the register which provides public access via an on-line public information network.

24. GRECO takes note of the information provided and is pleased that the new legislation regulates the conditions for accessory activities of judges as well as their obligations to request permission for such activities as well as declarations and disclosure of such activities. The new legislation also provides for public transparency to such information.
25. GRECO concludes that recommendation vii has been implemented satisfactorily.

Corruption prevention in respect of prosecutors

Recommendation viii.

26. *GRECO recommended (i) that a set of clear ethical standards/code of professional conduct (including guidance on conflicts of interest and related issues) be made applicable to all prosecutors and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.*
27. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO was pleased that ethical principles in respect of prosecutors on duty as well as off duty were being established following an inclusive procedure, in which prosecutors from all over Finland had participated. It also commended the authorities on their plans to establish additional guidelines for the principles as well as training.
28. The authorities now report that the Code of Conduct of the Prosecution Service was adopted on 6 October 2016. They also report that the Prosecution Service conducted a survey - the first of its kind - among its entire personnel with the aim of assessing the prevailing state of ethical practices. The response rate was high and a number of written comments were obtained. These were used in the drafting of the manual "Ethics and good practice in the Prosecution Service", which has been endorsed by the Service's senior officials (the Prosecutor General and the Deputy Prosecutor General) and taken into consideration during the ongoing restructuring of the Prosecution Service. The manual provides guidelines on, among other things, equality, fairness, independence, impartiality, transparency and gives guidance on avoiding conflicts of interest as well as regulating issues, such as gifts and benefits, professional competence, communication, confidence etc. The document also emphasises the particular responsibility of supervisors in ethical conduct as well as all prosecutors' responsibilities for ethical behaviour. At the end of the document, examples are provided of everyday ethical situations as a basis for discussion and training materials.
29. The authorities also refer to new training modules established for the basic training of every prosecutor as well as different forms of in-service training. They highlight that following the reforms, ethical norms and professional practices will, to a large extent, be dealt with through case studies and discussions in training sessions, such as the six-month induction programme for new prosecutors, continuous ethical conduct training of prosecutors led by tutors at the local offices, the 15-day basic training programme for prosecutors and ethics-related thematic events organised by the local prosecution offices.
30. GRECO welcomes the measures taken in respect of the current recommendation. It is pleased that ethical principles in respect of prosecutors on duty as well as off duty have been established following an inclusive procedure, in which prosecutors from all over Finland have participated. GRECO also commends the authorities on their thorough preparations leading up to the adoption of guidelines to the Code of Conduct. The Prosecution Service has also included ethical norms and the Code of

Conduct in the various training programmes and has taken a practical approach in this respect by focusing on case-studies in order to bring awareness of difficult situations of conflicts of interest and the like to the prosecutors in a pragmatic way. Finland is to be commended for the dedicated measures taken.

31. GRECO concludes that recommendation viii has been implemented satisfactorily.

III. CONCLUSIONS

32. In view of the foregoing, GRECO concludes that Finland has implemented satisfactorily or dealt with in a satisfactory manner all eight recommendations contained in the Fourth Round Evaluation Report.
33. More specifically, recommendations i, v-viii have been implemented satisfactorily and recommendations ii, iii and iv have been dealt with in a satisfactory manner.
34. As far as members of parliament are concerned, it is noteworthy that only weeks after the adoption of the Evaluation Report a parliamentary working group was established to deal with the recommendations and to consider the concerns raised by GRECO. Commendable changes in the Rules of Procedure of Parliament have enhanced the transparency of possible conflicts of interest in respect of members of parliament. The reporting of outside ties has been made mandatory and subject to public scrutiny and the Parliamentary Office has been made responsible for supervising the reporting mechanism. Moreover, a Code of Ethics for MPs has been adopted, providing further guidance. It is also to be welcomed that Parliament has established training and means of counselling on a permanent basis for the members of parliament.
35. In respect of judges, new legislation regulating accessory activities and reporting obligations has been enacted. The "Ethical Principles for Judges", which are rather general in nature have been complemented with pertinent training programmes at various levels and seniority. The prosecution service has developed ethical principles and a manual thereto, following inclusive procedures, in which prosecutors from all over Finland have participated. This important endeavour has also been complemented with training and awareness activities on a permanent basis.
36. GRECO is pleased to commend the authorities of Finland for the substantial measures taken in order to implement the recommendations. The adoption of the Second Compliance Report terminates the Fourth Round compliance procedure in respect of Finland.
37. Finally, GRECO invites the authorities of Finland to authorise, as soon as possible, the publication of the report, to translate the report into the national language(s) and to make this translation public.