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2022 Rule of Law Report Country Chapter on the rule of law situation in Finland

Accompanying the document

**Communication from the Commission to the European Parliament, the Council, the
European Economic and Social Committee and the Committee of the Regions**

2022 Rule of Law Report The rule of law situation in the European Union

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ABSTRACT

The perceived independence of the Finnish justice system continues to be at a very high level. The National Courts Administration continues to organise platforms for information exchanges between courts and plans to expand its activities in order to further support courts in their work. Implementation and development of a case management system for courts continues, as does the development of a reporting tool. Courts received additional funding to clear the backlog from the COVID-19 pandemic, but the overall level of resources and length of proceedings in complex cases are viewed as insufficient by stakeholders.

Finland continues to be perceived as one of the least corrupt countries in the EU and the world. A comprehensive National Anti-Corruption Strategy and its Action Plan 2021-2023 are currently being implemented. As part of the implementation of the strategy, the legal framework to criminalise corruption and bribery offences is being reviewed, and a draft proposal on the criminalisation of trading in influence is expected to be finalised in the first half of 2022. There is good cooperation between authorities in charge of the investigation and prosecution of corruption and the number of prosecutions of corruption-related offences has gone up. The State Civil Servants' Act was amended to strengthen post-employment restrictions and asset declarations for senior management posts in the central government. A revision to limit 'revolving doors' and prevent conflicts of interests for Ministers is still ongoing, while the Government sent a proposal for a transparency register to the Parliament in June 2022. The draft legislation on whistleblower protection aimed at transposing the EU Directive is under preparation and should be sent to Parliament in September 2022.

Finland generally offers a free and protected environment for journalists and media professionals. Media regulatory authorities are operating independently. The self-regulatory council has been dealing with a rising number of complaints about journalistic ethics. The independence of public service media is guaranteed by legislative safeguards. In addition, there is an unwritten practice requiring parliamentary consensus for any legislative changes concerning the public service media law. The Government has introduced changes in the Criminal Code to facilitate the prosecution of unlawful threats and targeting of vulnerable victims, such as freelance journalists. Steps are also being taken to reform the Act on the Openness of Government Activities to extend the constitutionally guaranteed right of access to public documents by enforcing compliance and covering more information.

Stakeholders are involved in the legislative process in a meaningful, but not systematic manner. The Government continues to implement the Action Plan on Better Regulation and commenced works on a reform of the emergency powers act. The reform to clarify the tasks of the Chancellor of Justice and the Ombudsman was adopted by the Parliament. The Government works on a proposal to establish a Special Authority Agency of the Judicial Administration, which would provide administrative support to several independent bodies providing rights protection. It has also initiated preparations of a new funding model of civil society organizations with a view to provide them with stable and predictable financing and protect their autonomy. A new Advisory Board for Civil Society Policy, which is a platform for the promotion of interaction between public authorities and civil society, was appointed by the Government.

RECOMMENDATIONS

It is recommended to Finland to:

- Continue developing initiatives by the National Courts Administration to support the work of courts.
- Continue to strengthen the criminal legal framework on corruption, in particular by the adoption of legislation on trading in influence.
- Continue efforts to implement the new National Anti-corruption Strategy and Action Plan 2021-2023, including by starting the implementation of all planned measures.
- Continue the reform of the Act on the Openness of Government Activities to ensure effective and wider access to documents taking into account the European standards on access to official documents.

I. JUSTICE SYSTEM

The Finnish justice system is composed of the ordinary judiciary, with 20 district courts, 5 courts of appeal and the Supreme Court, as well as the administrative judiciary with 6 regional administrative courts and the Supreme Administrative Court. There are three specialised courts¹. The independent National Courts Administration is in charge of the administration of courts, including management of budgets, buildings and ICT systems². The independent Judicial Appointments Board³ prepares proposals for appointments of judges to the Government, while proposals for Supreme Court and Supreme Administrative Court judges are made by these courts themselves⁴. Judges are formally appointed by the President of the Republic⁵. The National Prosecution Authority is an independent state authority⁶, led by a Prosecutor General, who is appointed by the President on the proposal of the Ministry of Justice and can be dismissed or suspended by the Government⁷. The Finnish Bar Association⁸ is an independent body tasked with the supervision of professional activities of attorneys⁹. Disciplinary proceedings against lawyers¹⁰ are conducted by the Disciplinary Board, an independent supervisory body functioning alongside the Finnish Bar Association¹¹. Finland participates in the European Public Prosecutor's Office (EPPO)¹².

Independence

The level of perceived judicial independence in Finland continues to be very high both among the general public and companies. Overall, 88% of the general population and 87% of companies perceived the level of independence of courts and judges to be 'fairly or very good' in 2022¹³. According to data in the 2022 EU Justice Scoreboard, the level remains consistently very high for both the general public and companies since 2016. Both figures

¹ The Market Court, the Labour Court and the Insurance Court. CEPEJ (2021), Study on the functioning of judicial systems in the EU Member States.

² Courts Act, Chapter 19a, National Courts Administration.

³ It has twelve members – nine judges from different levels of courts, proposed by the judiciary, and three non-judge members (one lawyer, one prosecutor, one member representing legal research and education). All members are appointed by the Government for a five year term.

⁴ All judges of the Supreme Court and Supreme Administrative Court participate to the selection. Courts Act, Chapter 11, Section 7.

⁵ Only one candidate is proposed per vacancy. While the proposal is non-binding, in practice, it is almost always followed, with only one exception each for ordinary court judges (in 2000, the year the Judicial Appointments Board was established) and for Supreme Court judges (in the 1970s).

⁶ Act on the National Prosecution Authority (32/2019), Chapter 1, Section 2.

⁷ The decision to dismiss can be appealed to the Supreme Administrative Court.

⁸ Advocates Act (496/1958).

⁹ There are three types of legal professionals tasked with provision of different types of legal services: attorneys, public legal aid attorneys and licensed legal counsels.

¹⁰ The Disciplinary Board also conducts disciplinary proceedings against two other types of legal professionals, public legal aid attorneys and licensed legal counsels.

¹¹ The Disciplinary Board is composed of a Chair and eleven Members, six of which, in addition to the Chair, are attorneys elected by the supreme decision-making body of the Bar Association. The remaining members, two of which are licenced legal counsels and three of which are lawyers, are appointed by the Government on the proposal of the Ministry of Justice after the Ministry has requested an opinion of the Bar Association on the eligibility of candidates; Sec. 7a of the Advocates Act.

¹² One European delegated prosecutor was appointed on 1 July 2021, the nomination process for the other European delegated prosecutors is still ongoing. Input from Finland for the 2022 Rule of Law Report, p. 17.

¹³ Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

have increased in comparison to 2021 (83% for the general public and 83% for companies). The level for general public increased also in comparison to 2016, while the level for companies is the same as in 2016 (80% for the general public and 87% for companies).

The National Courts Administration continues to facilitate information exchanges and intends to expand its other activities to support courts in their work¹⁴. The National Courts Administration (NCA), created in 2020, is tasked with strengthening the structural autonomy and independence of the courts and reinforcing the quality of the administration of justice, thus allowing courts to focus on their key functions instead of administrative tasks¹⁵. During the COVID-19 pandemic, the NCA started holding regular meetings with heads of courts, which has developed into an established practice. The NCA organises bi-weekly meetings with heads of courts¹⁶, regular meetings with heads of administrations at courts, the Finnish Bar Association, and also runs a number of networks to discuss specific issues, such as ICT or data protection¹⁷, in which the courts have the opportunity to exchange information with one another and with the NCA. The NCA also intends to undertake several other projects, such as the improvement of public statistics related to courts¹⁸; it has established cooperation with universities and research institutions¹⁹, but lacks sufficient resources²⁰. Stakeholders have expressed their appreciation for the work of the NCA, welcoming its open and transparent communication and noting that its efforts helped to establish closer connections among courts²¹. It was reported that the NCA respects the independence of courts²².

Quality

Projects to improve the digitalisation of the justice system continue. As noted in the 2021 Report²³, the authorities have been undertaking a number of projects to further digitalise the justice system. The biggest among these is the development of two complex case management systems, and the introduction of a new, digital working method they support: one system for administrative courts and another for general courts ('HAIPA' and 'AIPA' respectively), managed by the NCA. The HAIPA system was finalised in 2020²⁴, and development still continues to improve its features. The AIPA system is being implemented in phases²⁵ and its roll-out is expected to continue until June 2023²⁶. Some stakeholders

¹⁴ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 3.

¹⁵ For more information on the establishment and structure see the 2020 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 2 and the 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 3.

¹⁶ Input from Finland for the 2022 Rule of Law Report, p. 17.

¹⁷ Information received in the context of the country visit to Finland from the National Courts Administration.

¹⁸ Input from Finland for the 2022 Rule of Law Report, p. 6.

¹⁹ Information received in the context of the country visit to Finland from the National Courts Administration.

²⁰ Information received in the context of the country visit to Finland, cf. also Input from Finland for the 2022 Rule of Law Report, p. 9.

²¹ Information received in the context of the country visit to Finland from the Supreme Administrative Court, the Finnish Bar Association, the Supreme Court, the Parliamentary Ombudsman, the Chancellor of Justice and the Association of Judges.

²² Information received in the context of the country visit to Finland from the Supreme Court.

²³ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 4.

²⁴ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 4.

²⁵ Civil cases are already handled by the system, but not criminal cases yet.

²⁶ Information received from the Ministry of Justice and the National Courts Administration.

welcomed the introduction of the systems²⁷, while others noted shortcomings, such as the lack of access by lawyers to the system²⁸, and at times serious technical issues²⁹. The Ministry of Justice continues to develop a reporting tool for courts and other authorities³⁰, which is intended to increase the comprehensibility of information and to produce a more detailed situational picture³¹. The development of the tool is expected to be finalised by the end of 2022³².

The authorities continue to explore possibilities of making justice more accessible³³. The costs of judicial proceedings are considered to be high, which may hinder access to justice³⁴. In this context, the Ministry of Justice initiated a research project in June 2020 to examine access to legal aid³⁵, which resulted in a publication of a study in October 2021, concluding that free legal aid is not available to all people with low incomes³⁶. The Government has reflected on the possibility of making changes to the system³⁷, and progressed with the initiative to create a central National Legal Aid and Guardianship Authority³⁸ to centralise the administration of legal aid³⁹ and a draft act was prepared by the Ministry of Justice. However, the further action of implementation has been postponed until further notice⁴⁰. It is also examining the possibilities to reform the legislation on legal costs in civil cases⁴¹ and to create a special court procedure for small claims civil cases⁴². Stakeholders welcomed the initiatives⁴³, but noted that the issue of costs of proceedings, which is closely connected also to the length of proceedings, will require a more complex solution⁴⁴.

The courts received special funding to clear the backlog caused by the COVID-19 pandemic, but there are questions about the level of resources. In 2021, the courts

²⁷ Information received in the context of the country visit to Finland from the Supreme Administrative Court, the Supreme Court and the Chancellor of Justice.

²⁸ Contribution from the Finnish Bar Association for the 2022 Rule of Law Report p. 14.

²⁹ Contribution from the European Association of Judges for the 2022 Rule of Law Report, p. 30. See also 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 4.

³⁰ Input from Finland for the 2022 Rule of Law Report, p. 8.

³¹ Information received in the context of the country visit to Finland from the Ministry of Justice.

³² Information received in the context of the country visit to Finland from the Ministry of Justice.

³³ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 5.

³⁴ Contribution from the Finnish Bar Association for the 2022 Rule of Law Report p. 12; Contribution from the National Human Rights Center for the 2022 Rule of Law Report, p. 12; Contribution from Demla for the 2022 Rule of Law Report, p. 11; Contribution from the Chancellor of Justice for the 2022 Rule of Law Report p. 2.

³⁵ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 5.

³⁶ Input from Finland for the 2022 Rule of Law Report, p. 8.

³⁷ Input from Finland for the 2022 Rule of Law Report, p. 8; information received in the context of the country visit to Finland from the Ministry of Justice.

³⁸ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 5.

³⁹ Legal aid is provided by public legal aid attorneys in Legal aid offices, however due to limited resources some cases are assigned to other lawyers (attorneys and licensed legal counsels, cf. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, footnote 9) for fees that are reportedly very low, which leads to further problems with access to legal aid; Contribution from the Finnish Bar Association for the 2022 Rule of Law Report p. 12.

⁴⁰ Input from Finland for the 2022 Rule of Law Report, p. 8.

⁴¹ A working group prepared a proposal in May 2022, which was then sent for public consultation; input from Finland for the 2022 Rule of Law Report, p. 8.

⁴² The Ministry of Justice is currently preparing an assessment memorandum; input from Finland for the 2022 Rule of Law Report, p. 8.

⁴³ Information received in the context of the country visit to Finland from the Chancellor of Justice.

⁴⁴ Contribution from the Chancellor of Justice for the 2022 Rule of Law Report pp. 2-3.

received additional funding (EUR 14 million, which corresponds to approximately 5 % of the budget for courts⁴⁵) to help alleviate the backlog created during the COVID-19 pandemic⁴⁶. The extra funding was welcomed by the stakeholders, but its effect was not immediate, as recruiting new judges for temporary posts supported by this funding took time⁴⁷. Stakeholders however reported that an overall lack of financial resources, judges and court staff remains an important issue⁴⁸. In 2020, the total expenditure on courts was 0.24 % GDP, which is low according to the information contained in the EU Justice Scoreboard⁴⁹. The Ministry of Justice is currently preparing a report on the operational conditions, including the state of resources of courts and of other state authorities. The report is expected to be submitted to the Parliament in autumn 2022⁵⁰.

Efficiency

The justice system continues to perform efficiently, but efficiency decreased in 2020, and length of proceedings in complex cases is considered as problematic. The clearance rate for litigious civil and commercial cases has decreased from 100 % in 2019 to 94% in 2020⁵¹, while the clearance rate for administrative cases has slightly decreased from 100% in 2019 to 99% in 2020⁵². The number of pending cases per 100 inhabitants, however, continues to be low for civil and commercial cases and average for administrative cases⁵³. The estimated time to resolve litigious civil and commercial cases is average⁵⁴. However, stakeholders note that while there are efficient processes to expediently resolve certain types of cases such as small claims or undisputed criminal matters⁵⁵, the length of proceedings is problematic especially in more complex cases⁵⁶.

II. ANTI-CORRUPTION FRAMEWORK

In Finland, several authorities work alongside the Police, the National Bureau of Investigation and the Prosecution Service to monitor, detect and prevent cases of corruption. These authorities include the Financial Intelligence Unit (FIU)⁵⁷, the National Audit Office of Finland (NAOF), the Finnish Competition and Consumer Authority (FCCA) as well as the Parliamentary Ombudsman⁵⁸ and Chancellor of Justice⁵⁹. The Ministry of Justice's Department of Criminal Policy and Criminal Law continues supervising anti-corruption

⁴⁵ Excluding the Supreme Court and the Supreme Administrative Court, which have separate budgets.

⁴⁶ Input from Finland for the 2022 Rule of Law Report, p. 8; information received from the National Courts Administration.

⁴⁷ Information received in the context of the country visit to Finland from the National Courts Administration.

⁴⁸ Contribution from the Finnish Bar Association for the 2022 Rule of Law Report p. 13, Contribution from the National Human Rights Center for the 2022 Rule of Law Report, p. 12; Contribution from the European Association of Judges for the 2022 Rule of Law Report, pp. 2, 24, 34.

⁴⁹ Figure 35, 2022 EU Justice Scoreboard.

⁵⁰ Input from Finland for the 2022 Rule of Law Report, p. 16.

⁵¹ Figure 12, 2022 EU Justice Scoreboard.

⁵² Figure 13, 2022 EU Justice Scoreboard.

⁵³ Figures 15-16, 2022 EU Justice Scoreboard.

⁵⁴ In 2020, the estimate time was 300 days for first instance courts, 210 days for second instance courts and 127 days for third instance courts. Figure 8, 2022 EU Justice Scoreboard.

⁵⁵ Information received in the context of the country visit to Finland from the National Courts Administration.

⁵⁶ Contribution from the Chancellor of Justice for the 2022 Rule of Law Report pp. 4-5; Contribution from the Finnish Bar Association for the 2022 Rule of Law Report p. 15.

⁵⁷ The Financial Intelligence Unit: <https://poliisi.fi/en/money-laundering>.

⁵⁸ The Parliamentary Ombudsman of Finland: <https://www.oikeusasiamies.fi/en>.

⁵⁹ The Chancellor of Justice: <https://www.okv.fi/en/>.

efforts and coordinating the anti-corruption network involving representatives of several ministries, police, trade unions and civil society⁶⁰.

The perception among experts and business executives is that Finland is one of the least corrupt countries in the world. In the 2021 Corruption Perceptions Index by Transparency International, Finland scores 88/100 and ranks 1st in the European Union and globally⁶¹. This perception has been relatively stable over the past five years⁶². The 2022 Special Eurobarometer on Corruption shows that 17% of respondents consider corruption widespread in their country (EU average 68%) and 10% of respondents feel personally affected by corruption in their daily lives (EU average 24%)⁶³. As regards businesses, 24% of companies consider that corruption is widespread (EU average 63%) and 15% consider that corruption is a problem when doing business (EU average 34%)⁶⁴. Furthermore, 46% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 34%)⁶⁵, while 48% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 29%)⁶⁶.

The implementation of the National Anti-Corruption Strategy and its 2021-2023 Action Plan has started and is showing progress. As noted in the 2021 Rule of Law Report, a first National Anti-Corruption Strategy was adopted in May 2021⁶⁷. The strategy includes a time-limited Action Plan with clear and measurable objectives that expands on six development areas for combating and preventing corruption⁶⁸. Progress in meeting the relevant measures of the Action Plan is overseen by the preparation and steering group led by the Ministry of Justice, which reports to the Ministerial Working Group on Internal Security and Strengthening the Rule of Law⁶⁹. The latest assessment of the steering group concluded that since June 2022, 65 of the 79 planned measures started to be implemented, out of which nine actions have already been completed and 22 actions are well advanced⁷⁰.

⁶⁰ Anti-corruption.fi website https://korruntorjunta.fi/en/combating-corruption-in-finland#network_

⁶¹ Transparency International (2022), Corruption Perceptions Index 2021, pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁶² In 2017 the score was 85, while, in 2021, the score is 88. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

⁶³ Special Eurobarometer 523 (2022). The Eurobarometer data on citizens' corruption perception and experience is updated every second year. The previous data set is the Special Eurobarometer 502 (2020).

⁶⁴ Flash Eurobarometer 507 on Businesses' attitudes towards corruption in the EU (2022). The Eurobarometer data on business attitudes towards corruption as is updated every second year. The previous data set is the Flash Eurobarometer 482 (2019).

⁶⁵ Special Eurobarometer 523 on Corruption (2022).

⁶⁶ Flash Eurobarometer 507 on Businesses' attitudes towards corruption in the EU (2022).

⁶⁷ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7.

⁶⁸ These areas are: the cooperation between anti-corruption bodies, awareness raising, increased transparency and exposure of corruption, development of anti-corruption legislation and promotion of research on corruption and its prevention. Government Resolution on the National Anti-Corruption Strategy and Action Plan 2021-2023, p.10.

⁶⁹ Government Resolution on the National Anti-Corruption Strategy and Action Plan 2021-2023.

⁷⁰ National Anti-Corruption Action Plan 2021-2023 - The assessment of the implementation by 24.2.2022- Input from Finland for the 2022 Rule of Law Report, p. 18 and its attachments 1 and 3 and written information received from Finnish authorities in the context of the country visit to Finland.

The Ministry of Justice has started work on the criminalisation of trading in influence. While the Finnish legal framework criminalises corruption and bribery offences, trading in influence remains unregulated⁷¹. Previous attempts to criminalise trading in influence led to long discussions in Parliament without any result⁷². The Ministry of Justice is currently preparing a legislative proposal on trading in influence⁷³, which is expected to be finalised before the summer⁷⁴ and submitted to public consultation by the end of 2022⁷⁵. The Ministry of Justice is also planning to analyse whether the Criminal Code provisions on bribery offences in public office are up-to-date or in need of further reforms⁷⁶. The Ministry of Justice is still looking into the possibility of extending the liability of offences in office to cover municipal and state majority-owned companies⁷⁷.

There continues to be good cooperation between authorities in charge of the investigation and prosecution of corruption, although there are no specialised anti-corruption units within the police and prosecutor's office. In Finland, corruption related crimes are investigated and prosecuted following the same procedures and safeguards as other types of criminal offences. Supporting the investigations of complex corruption by the National Bureau of Investigation (NBI)⁷⁸, the FIU receives and analyses reports of suspicious transactions linked to corruption and other financial crimes and delivers an assessment to the relevant authorities⁷⁹. When the FIU identifies suspected high-level corruption, the investigation is transferred to the NBI⁸⁰. Within the police, resources remain adequate to handle economic crime investigations, including corruption and bribery⁸¹. While police investigations are subjected to their own process and administration⁸², they cooperate and share information with the National Prosecution Authority at the national and regional levels, which continues to work well⁸³. The preliminary investigative Act on the National Prosecution Authority sets good grounds for this cooperation, and assigns to the prosecutor the authority to bring charges to a district court after a completed investigation⁸⁴.

⁷¹ GRECO Fifth Evaluation Round - Evaluation Report, para 12, p. 7.

⁷² 2020 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 5.

⁷³ Target 5.1.1 Assessment of criminalisation and necessary amendments, Government Resolution on the National Anti-Corruption Strategy and Action Plan 2021-2023, p. 42.

⁷⁴ Information received from Ministry of Justice in the context of the country visit to Finland.

⁷⁵ As reported by authorities in the latest assessment of the implementation. Input from Finland for the 2022 Rule of Law Report, p. 25.

⁷⁶ Input from Finland for the 2022 Rule of Law Report, p. 25. Chapter 30 of the Criminal Code of Finland (39/1889), business offences; 2020 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 5.

⁷⁷ Target 4.3.22 Examine the possibility of extending liability for acts in office to cover municipal and state majority-owned companies in Government Resolution on the National Anti-Corruption Strategy and Action Plan 2021-2023, p. 41. This exercise was supposed to be carried out in 2020 and 2021.

⁷⁸ The National Bureau of Investigation continues developing methods for detecting and investigating corruption and oversees the investigation of high-level corruption, which often requires more complex processes. Information received from NBI and national prosecutor in the context of the country visit to Finland.

⁷⁹ The Financial Intelligence Unit: <https://poliisi.fi/en/money-laundering>.

⁸⁰ Information received from NBI in the context of the country visit to Finland.

⁸¹ Information received from NBI and national prosecutor in the context of the country visit to Finland: the number of police investigations of economic criminal offences, including corruption, amounted to 400 in 2021 and 87 cases where investigated by the NBI.

⁸² Act on Police Administration.

⁸³ Information received from NBI and National Prosecutor in the context of the country visit to Finland; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 6.

⁸⁴ Ministry of Justice. Act on the National Prosecution Authority (32/2019).

The number of prosecutions of corruption-related offences has gone up. As reported last year,⁸⁵ there are six prosecutors specialised in corruption offences and 19 specialised in prosecuting offences committed in office. There are also specialised financial crime prosecutors who often handle bribery offences in all prosecution districts⁸⁶. During 2021 the number of corruption and bribery cases reported to the police increased⁸⁷. This is mainly due to a high-profile case involving several high-level officials of the National Audit Office, who were found guilty of fraud and misconduct in public office⁸⁸. This case required extra resources, provided by the allocation of temporary resources to support the prosecution of complex cases⁸⁹. In 2021, the prosecution service received 90 corruption cases from the police. During that year, the prosecution service decided on 68 cases, out of which charges were brought in 56 cases, and 19 cases were dismissed⁹⁰. This represents an exponential increase from the average of ten cases that are prosecuted per year, as reported last year⁹¹. While convictions for corruption offences are quite limited in Finnish criminal courts⁹², the increase of prosecutions may change this in the near future.

A political decision continues to be required for the investigation and prosecution of important categories of high-level corruption. As reported last year, investigations of corruption by members of the Government follow a different procedure than normal corruption investigations⁹³. It is for a Parliamentary Committee to bring Members of the Government suspected of unlawful conduct in office, including corruption, to the High Court of Impeachment⁹⁴. Only then, the Member of the Government can be held accountable in the high-level court. As noted by GRECO, depriving the prosecutor in charge of the case of the power to request the opening of an inquiry could be an obstacle to the proper functioning of the criminal justice system. The special process provides the minister with notice of a potential criminal investigation and raises the risk of losing evidence and losing track of the criminal assets during this procedural stage. Besides, a Parliamentary Committee, by definition a political body, could be influenced in its work by political considerations⁹⁵.

Government efforts to enhance detection and exposure of foreign bribery continue. Since 2021, trainings for criminal investigators, prosecutors and judges on the application of foreign bribery offences have been conducted⁹⁶. The Government published in February 2022 a comprehensive study on corruption in international business, including foreign bribery⁹⁷. A

⁸⁵ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 6.

⁸⁶ The National Prosecution Authority. *Prosecution districts*, <https://syyttajalaitos.fi/en/prosecution-districts;2020> Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 6.

⁸⁷ Input from Finland for the 2022 Rule of Law Report; Information received from National Prosecutor in the context of the country visit to Finland.

⁸⁸ See Yle (2022), 'National Audit Office dismisses as Director General'.

⁸⁹ Information received from national prosecutor in the context of the country visit to Finland.

⁹⁰ Information received from national prosecutor in the context of the country visit to Finland.

⁹¹ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 5.

⁹² According to the 2009-2020 legal statistics, only individuals have been convicted in county courts for corruption offences. Corruption in international business, Current state of regulation, application practice and training and needs for change, p. 18 (Government Office, Helsinki 2022).

⁹³ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7.

⁹⁴ The Constitution of Finland, 11 June 1999, including amendments up to 817/2018, Chapter 10, Section 114; <https://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>; Input from Finland for the 2021 Rule of Law Report, p. 20.

⁹⁵ GRECO Fifth Evaluation Round – Compliance Report, para. 39-41.

⁹⁶ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7.

⁹⁷ Corruption in international business, Current state of regulation, application practice and training and needs for change (Government Office, Helsinki 2022).

set of recommendations was also prepared on law enforcement, evidence issues, liability of legal persons and training⁹⁸. In particular, the study calls for legislative amendments on bribery and to align the law with international standards. The study also emphasises the need to develop further training and more support on evidence requirements in connection to bribery offences to enhance enforcement.

The State Civil Servants' Act was amended to strengthen asset declarations and post-employment rules. As reported last year⁹⁹, rules on ethics and conflicts of interests in the public administration have been harmonised for civil servants and persons entrusted with top executive functions, excluding Ministers¹⁰⁰. In addition, a Government proposal¹⁰¹ has been issued to amend rules on recruitment¹⁰², post-employment restrictions¹⁰³ and declaration of interests provided in the State Civil Servants' Act. The proposal was submitted to the Parliament in autumn 2021¹⁰⁴ and adopted in May 2022. As reported last year¹⁰⁵, one amendment introduces a cooling-off period of 12 months for civil servants occupying senior management posts in the central government¹⁰⁶. Another amendment concerns the regime for declarations of interests by persons holding top executive functions in the central government, including special advisers of ministers¹⁰⁷. The aim is to lay down uniform requirements as to the information, which must be included in the declarations. Entering into force in June 2022, this reform is in line with GRECO recommendations on the need to ensure that declarations are accurate, standardised and timely¹⁰⁸.

Work on the transparency register, launched in 2020, is progressing, while lobbying remains unregulated. In December 2021, the parliamentary steering group and the expert working group submitted a report for a transparency register act to the Ministry of Justice¹⁰⁹. While lobbying remains unregulated¹¹⁰, the proposed Transparency Register Act will oblige those engaged in influencing activities to register in the electronic transparency register and to report their activities by means of a biannual activity report¹¹¹. The objective of the register is to provide citizens and the targets of lobbying a more comprehensive overview of actors influencing decision-makers at the state level¹¹². The current proposal is being drafted and is

⁹⁸ Corruption in international business, Current state of regulation, application practice and training and needs for change, pp. 236-246 (Government Office, Helsinki 2022).

⁹⁹ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 7.

¹⁰⁰ Finnish Government (2021), Code of conduct for officials (*Virkamieseettinen toimintaohje*).

¹⁰¹ Government proposal HE 187/2021 vp for a law amending the State Civil Servants' Act (Act on Public Officials in Central Government).

¹⁰² Article 6b of the State Civil Servants' Act.

¹⁰³ Article 44a of the State Civil Servants' Act.

¹⁰⁴ Input from Finland for the 2022 Rule of Law Report, p. 19.

¹⁰⁵ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

¹⁰⁶ Article 44a of the State Civil Servants' Act.

¹⁰⁷ Article 8a of the State Civil Servants' Act. The amendment also aims to extend the special advisers of ministers to the scope of Article 8a of the State Civil Servants' Act in accordance with GRECO's recommendation for action.

¹⁰⁸ GRECO Fifth Evaluation Round – Compliance Report, recommendation v, paras 32-34.

¹⁰⁹ Transparency register legislation: Report of the Parliamentary Steering Group and the Expert Working Group.

¹¹⁰ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

¹¹¹ Transparency register legislation: Report of the Parliamentary Steering Group and the Expert Working Group.

¹¹² Transparency register legislation: Report of the Parliamentary Steering Group and the Expert Working Group.

to be subject to consultation from 27 June to 22 August 2022, before being sent to Parliament in the autumn of 2022¹¹³.

A legislative proposal on limiting ‘revolving doors’ for Ministers is still under preparation. As reported in previous years¹¹⁴, there is an ongoing legislative project to regulate procedures for preventing conflicts of interest when a Member of the Government changes positions. Ministers are not subject to the ‘revolving door’ restrictions of the State Civil Servants’ Act, instead they follow the Advisory Board for Civil Service Ethics recommendation to inform about their intention to take upon new duties after their appointment as ministers¹¹⁵. The proposal was planned to be submitted to the Parliament in spring 2021 but has been postponed to the second half of 2022¹¹⁶.

A legislative proposal to amend the legislation on political parties and electoral funding is still under preparation. The parliamentary electoral working group composed in 2020¹¹⁷ issued a report in February 2022 examining the need to amend the electoral, party and party funding legislation¹¹⁸. The report proposes several amendments to the Act on a Candidate’s Election Funding, including clarifying the funding that exceeds campaign costs and strengthening supervisory powers related to post election disclosures¹¹⁹. The report also suggested to strengthen the supervisory work of the National Audit Office, in charge of overseeing political party financing¹²⁰, by allowing it to impose conditional fines¹²¹. The current proposal is being drafted and is to be subject to consultation in summer 2022 before being sent to Parliament in the autumn of 2022¹²².

A draft bill on protection of whistleblowers should be sent to the Parliament in September 2022. The draft law aims at transposing the EU Whistleblowing Directive¹²³ and extending protection to persons reporting corruption and economic related crimes¹²⁴. The law was expected to enter into force in December 2021¹²⁵, but its intended submission to the Parliament was postponed to September 2022¹²⁶. Finland does not currently have a dedicated whistleblower protection office and the draft law envisages that reports coming from external individuals should be received by the Chancellor of Justice’s Office, which will forward the report to the assigned investigative units¹²⁷. The working group to prepare a technical

¹¹³ Written information received from Finnish authorities in the context of the country visit to Finland.

Information about the legislative process <https://oikeusministerio.fi/hanke?tunnus=OM033:00/2019>.

¹¹⁴ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

¹¹⁵ 2020 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

¹¹⁶ Information received from the Prime Minister’s Office in the context of the country visit to Finland.

¹¹⁷ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 8.

¹¹⁸ This legislation includes: Election Act, the Act on Political Parties, the Act on a Candidate’s Election Funding and, if necessary, any other legislation regarding political activities; Input from Finland for the 2022 Rule of Law Report, p. 21.

¹¹⁹ Parliamentary election working group (2022) Final report.

¹²⁰ The National Audit Office’s report to Parliament on the oversight of the funding of political parties in 2021 was published on 23 February 2022.

¹²¹ The possibility of introducing a campaign account in connection with parliamentary elections, elections to the European Parliament and presidential elections could be examined. Final report of the parliamentary electoral working group provided by the Finnish authorities

¹²² Input from Finland for the 2022 Rule of Law Report, p. 21.

¹²³ Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law.

¹²⁴ Written information received from Finnish authorities in the context of the country visit to Finland.

¹²⁵ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10.

¹²⁶ Input from Finland for the 2022 Rule of Law Report, p. 22.

¹²⁷ Written information received from Finnish authorities in the context of the country visit to Finland.

whistleblowing channel service for irregularities in the central government including government agencies, set up in line with the implementation of the EU Whistleblowing Directive by the Ministry of Finance in March 2021¹²⁸, published its final report in July 2021. Since then, the State Treasury has continued the work to introduce the technical whistleblowing channel service¹²⁹.

While corruption has not been identified as an increased risk during the COVID-19 pandemic, a government initiative is seeking to reinforce transparency of decision-making in the management of the pandemic. The Chancellor of Justice called on the Ministry of Social Affairs and Health to improve the transparency of decision-making on the management of the epidemic¹³⁰. In April 2022, the Ministry replied that relevant statements and memorandums that related directly to the decision-making have been published as soon as their publication was possible, and that the government's proposals and decrees have been prepared in accordance with the relevant government's guidelines¹³¹.

III. MEDIA PLURALISM AND MEDIA FREEDOM

In Finland, freedom of expression is protected by the Constitution, guaranteeing also the right of access to public documents. Finland requires media service providers to make publicly accessible information concerning their ownership structure. The tasks and powers of the Finnish Transport and Communications Agency (Traficom), the media regulatory authority, are ensured by law, as are the mandate and monitoring of the public service media¹³². Legislation has been adopted to transpose the revised Audiovisual Media Services Directive¹³³.

The media regulatory authority Traficom has been subject to pre-planned staff reductions¹³⁴. However, the authority considers the overall impact limited and reports no new risk concerning a further reduction of resources¹³⁵. In turn, the National Audiovisual Institute, another independent media body with more specialist functions¹³⁶, reports that their resources have remained stable, but they have been operating with a limited budget for a long

¹²⁸ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10.

¹²⁹ Written information received from Finnish authorities in the context of the country visit to Finland.

¹³⁰ Chancellor of Justice (2022), Press statement, Chancellor of Justice Tuomas Pöysti: Improving transparency in decision-making regarding the management of the coronavirus epidemic; Written contribution from the Chancellor of Justice in the context of the country visit to Finland, pp. 15-16.

¹³¹ Written contribution received from Finland in the context of the country visit.

¹³² Act on Yleisradio Oy (*Laki Yleisradio Oy:stä*) 1380/1993.

¹³³ Directive (EU) 2018/1808 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities. Finland ranks 2nd in the 2022 Reporters without Borders World Press Freedom Index compared to 5th in the previous year.

¹³⁴ As announced in the 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 10.

¹³⁵ Information received from Traficom in the context of the country visit.

¹³⁶ Besides classifying audiovisual programmes for the purpose of the protection of minors, the National Audiovisual Institute has a statutory duty (the Act on the National Audiovisual Institute 1434/2007) to promote media education.

period of time¹³⁷. No developments have been reported regarding the authorities' independence, which the MPM 2022 considers to continue to carry a low risk¹³⁸.

The number of complaints filed at the Finnish Council for Mass Media has risen significantly. The self-regulatory council reports that complaints about journalistic ethics are rising considerably for two years in a row. The body attributes this to increased awareness of and trust in the complaint mechanism among citizens, coupled with a rise in COVID-19 related complaints. The Council has anyway managed to reduce the length of complaint handling procedure due to state funding and reallocation of funds, which were made possible by savings brought about by general travel restrictions affecting the Council's staff caused by the pandemic¹³⁹.

In Finland, there are no specific rules regulating the fairness and transparency of state advertising. When the state purchases advertisement space exceeding pre-determined threshold values, the public procurement procedures¹⁴⁰ apply. The principles of non-discrimination, equality, transparency and proportionality form the foundations for the procurement obligations. Consideration may also be given to adequate transparency and non-discrimination for purchases under the threshold values, having regard to the size and scope of the procurement¹⁴¹. When the state purchases advertisements or other public communications, this activity falls within the scope of public administration, where the Administrative Procedure Act¹⁴² and the legal principles of good administration apply¹⁴³. Stakeholders do not consider the fairness of state advertising to be an issue because the amounts allocated are generally rather small but information in this field is only available upon specific request¹⁴⁴.

Restrictions for media ownership and concentration are limited. Privately owned digital television broadcasters and digital and analogue radio companies must obtain a licence to operate. The detailed procedures for operating licenses are provided for in the Act on Electronic Communications Services¹⁴⁵. If there is not enough technical capacity or the granting of the licence could have a significant effect on the communications market, the decision to grant a licence is made by the Government instead of Traficom, based on considerations of the overall market situation. There are no quantitative rules for market entry or operation. News media concentration in Finland is very high¹⁴⁶.

The independence of public service media is regularly monitored and subject to safeguards. The members of the Administrative Council of Yleisradio Oy (The Finnish Broadcasting Company – Yle) are elected by the Parliament in its first session of the electoral term for a four-year mandate. Their term of office begins as soon as the election has been

¹³⁷ Information received from the National Audiovisual Institute in the context of the country visit.

¹³⁸ 2022 Media Pluralism Monitor, country report for Finland, p. 10.

¹³⁹ Information received from the Finnish Council for Mass Media in the context of the country visit; 'Number of complaints rose and processing accelerated in 2021', <https://www.jsn.fi/uutiset/kanteluiden-maara-nousi-ja-kasittely-nopeutui-vuonna-2021/>.

¹⁴⁰ Act on Public Procurement and Concession Contracts 1397/2016.

¹⁴¹ Input from Finland for the 2022 Rule of Law Report, p. 27.

¹⁴² Administrative Procedure Act 434/2003.

¹⁴³ Input from Finland for the 2022 Rule of Law Report, p. 27.

¹⁴⁴ Information received from The Finnish Media Federation (Finnmedia) and the Union of Journalists in Finland in the context of the 2022 country visit to Finland.

¹⁴⁵ Act on Electronic Communications Services 917/2014.

¹⁴⁶ 2022 Media Pluralism Monitor, country report for Finland, p. 13.

completed and continues until new members of the Administrative Council are elected. The members consist of incumbent MPs in equal proportion to the seats in the Parliament which must have expertise in the fields of science, art, education, business and economics, as well as representatives of different social and language groups. The MPM 2022 notes that although the public service media is under indirect political control, politicians' attempts to influence it are rare¹⁴⁷. The members of the Administrative Council choose annually for a one-year mandate the Board of Directors, which is composed of external experts and which, elects, among others, the company's management and answers for the productivity of the operations. The public service media reports on its activities annually to the Parliament and Traficom, conducts an external audit on its independence¹⁴⁸ and holds monthly meetings to discuss possible sources of undue influence¹⁴⁹. In Finland, the long-standing unwritten practice is to require a consensus of all parties in the Parliament for any political decisions concerning the law governing the public service media¹⁵⁰. The public service media's provision of text-based services, which was not previously defined in law, has generated complaints among certain stakeholders concerning the public service media possibly overstepping its remit, and has led to a recent reform of the legislation requiring the online text content published by the public service media to be more closely linked to its audio or video content¹⁵¹.

Preparations to reform the Act on the Openness of Government Activities continue. The working group appointed by the Ministry of Justice has not yet presented any proposal for an urgent change of the legislation¹⁵², but preparations for the reform to extend the constitutionally guaranteed right of access to public documents by enforcing compliance and covering more information are ongoing and stakeholders have been actively involved¹⁵³. There have been a few court cases regarding access to public documents, including the withholding of COVID-19-related documents from the media¹⁵⁴, which have resulted in access rights being eventually given. In 2021, the Supreme Administrative Court delivered two judgments concerning access to public documents, which clarify that with regard to information held by the police in specific criminal cases, several exceptions of the Act on Openness of Government Activities may be applied simultaneously¹⁵⁵. The MPM 2022 identifies a medium risk score concerning the protection of right to information due to

¹⁴⁷ 2022 Media Pluralism Monitor, country report for Finland, p. 23.

¹⁴⁸ See Yleisradio Oy's annual reports here: <https://yle.fi/aihe/about-yle/annual-reports>.

¹⁴⁹ Information received from Yleisradio Oy in the context of the country visit.

¹⁵⁰ Ibid; Kari Eerik Karppinen (2017), Finland: Maintaining the fragile consensus.

¹⁵¹ Input from Oikeuspoliittinen yhdistys Demla ry – Legal Policy Association in Finland for the 2022 Rule of Law Report; Input from Finland for the 2022 Rule of Law Report, p. 31; Sanoma (2021); Act amending Section 7 of the Act on Yleisradio Oy (*Laki Yleisradio Oy:stä annetun lain 7 §:n muuttamisesta*) 159/2022.

¹⁵² As reported in the 2021 Rule of Law Report, the Working Group was appointed to assess the need to revise and modernise the current law, including the sufficiency of its scope and possible shortcomings and to provide solutions.

¹⁵³ Information received from the Ministry of Justice, the Finnish Media Association, the Union of Finnish Journalists and the Finnish Council for Mass Media in the context of the country visit.

¹⁵⁴ Helsingin Sanomat (2022), 'The Prime Minister's Office's decision to withhold documents from the coronavirus coordination group violated the law'.

¹⁵⁵ Supreme Administrative Court, judgment of 26 February 2021, 5198/1/19, *KHO:2021:26*, ECLI:FI:KHO:2021:26; Supreme Administrative Court, judgment of 1 December 2021, 20208/2021, *KHO:2021:170*, ECLI:FI:KHO:2021:170.

instances where access to documents and information held by officials has been delayed or denied because of either misinformed or wilfully unlawful practice¹⁵⁶.

Protection of journalists from threats has been strengthened. The Criminal Code amendment, which was being prepared in 2021¹⁵⁷, has entered into force in October 2021¹⁵⁸. It allows public prosecutors in certain cases to bring charges on the victim's behalf for threats where the victim has a justified reason to believe that their personal safety or property or that of someone else is in serious danger. This amendment has been welcomed by stakeholders, as it also covers threats against journalists and other vulnerable victims including freelance journalists, and can step-up intervention in online shaming and other threats¹⁵⁹. A few months after the adoption of the amendment, the Supreme Court delivered a high-profile judgment¹⁶⁰ upholding the charge that a journalist had been subjected to unlawful persecution by another person. Its reasoning refers to the challenges faced by journalists in the modern society, including through online harassment, relying on the case-law of the European Court of Human Rights and international recommendations related to the protection of journalists¹⁶¹. The case has been widely regarded as a positive development for the protection of journalists in Finland¹⁶².

The Government and law enforcement authorities are addressing further challenges to the safety of journalists. Preparatory work on other initiatives addressing the harassment of journalists online mentioned in the 2021 Rule of Law report is still ongoing¹⁶³. Since the previous Rule of Law report, two new alerts have been published for Finland in the Council of Europe's platform to promote the protection of journalism and safety of journalists¹⁶⁴. The first one concerns criminal charges brought against three journalists for allegedly revealing and intending to reveal state secrets in their reporting. The case and its implications on the limits of freedom of expression have been widely discussed in public¹⁶⁵. The second alert concerns harassment of media workers during a protest held in Helsinki in February 2022¹⁶⁶. The Finnish police has sought to prevent similar incidents by entering into a discussion with all the major media on security during demonstrations, issuing recommendations ahead of major demonstrations and maintaining a helpline for media¹⁶⁷.

¹⁵⁶ 2022 Media Pluralism Monitor, country report for Finland, p. 10.

¹⁵⁷ 2021 Rule of Law report, Country Chapter on the rule of law situation in Finland, p. 11.

¹⁵⁸ Act 698/2021 amending Chapter 25, Section 9 of the Criminal Code.

¹⁵⁹ Contribution from the Council for Mass Media for the 2022 Rule of Law Report.

¹⁶⁰ Supreme Court, judgment of 18 February 2022, R2020/680, ECLI:FI:KKO:2022:8.

¹⁶¹ Ibid.

¹⁶² Yle (2022) 'Johan Bäckman's stalking conviction provides the means to intervene in targeting, says Professor – Head of the Journalists' Association: Jessikka Aro could not be silenced'.

¹⁶³ Addressing hate speech directed towards female journalists and strengthening restraining orders as referred to in the 2021 Rule of Law report, Country Chapter on the rule of law situation in Finland, p. 11.

¹⁶⁴ Council of Europe, Platform to promote the protection of journalism and safety of journalists, Finland.

¹⁶⁵ Committee to Protect Journalists (2021) Finland charges 3 investigative journalists with revealing state secrets; Input from Human Rights Centre the 2022 Rule of Law Report, Finnish Union of Journalists; Information received from the Union of Finnish Journalists and the Council for Mass Media in Finland in the context of the 2022 country visit to Finland.

¹⁶⁶ At least five Finnish journalists and media workers were attacked during a 'convoy' protest held on 4 February 2022 against restrictions to mitigate the COVID-19 pandemic and the increase in energy prices.

¹⁶⁷ Information received from the Finnish police in the context of the country visit.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Finland is a unicameral, parliamentary democracy, in which legislative proposals may emanate from the Government or Parliament (although in practice most laws are based on Government proposals). In the absence of a Constitutional Court, *ex ante* constitutionality review is carried out by the Chancellor of Justice, who is attached to the Government, and the Constitutional Law Committee, a parliamentary committee¹⁶⁸ that assesses the constitutionality of proposals submitted to Parliament. Moreover, all courts can carry out *ex post* constitutionality review in concrete cases¹⁶⁹. The Chancellor of Justice, the Human Rights Centre and the Parliamentary Ombudsman play an important role in the system of checks and balances.

The legislative process is transparent and the involvement of stakeholders is meaningful, but not systematic. The obligation for public authorities to promote public participation in decision-making is stipulated in the Constitution¹⁷⁰. The right to information about legislative processes is further developed in the Act on the Openness of Government Activities¹⁷¹. The legislative process is further specified in several guidelines of the Government¹⁷². Stakeholders may be involved in several stages of that process, with public consultations lasting at least six weeks (eight weeks for extensive projects)¹⁷³. Stakeholders involved in the legislative initiatives of the Government assess that the legislative process is very transparent¹⁷⁴. However, it was also reported that in practice some stakeholders do not have the resources to participate and their experiences are therefore not sufficiently taken into account¹⁷⁵. An OECD report from June 2021 on civic space highlighted that the efforts by authorities to enhance opportunities for meaningful engagement is commendable, but noted that non-governmental actors were not systematically invited to participate¹⁷⁶. The Government is currently preparing a resolution on the Finnish democracy policy, which will also holistically address the participation of the civil society¹⁷⁷.

The implementation of the Action Plan on Better Regulation continues. The Action Plan on Better Regulation, adopted by the Government in August 2020 and described in the 2021

¹⁶⁸ The committee is made up of members of Parliament and regularly hears independent experts on constitutional law.

¹⁶⁹ According to Section 106 of the Constitution if in a case before a court, the application of an act would be in evident conflict with the Constitution, the court of law shall give primacy to the Constitution.

¹⁷⁰ Art. 14 of the Constitution.

¹⁷¹ Act No. 21.5.1999/621, Act on the Openness of Government Activities.

¹⁷² The Legislative Drafting Process Guide, <http://lainvalmistelu.finlex.fi/en/>, Guidelines on Government Proposals, <http://helo.finlex.fi/>, Impact Assessment Guidelines, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/76118/omju_2008_4.pdf?sequence=1, Consultation guidelines, <http://kuulemisopas.finlex.fi/ohje/kuulemisohje/>.

¹⁷³ The Legislative Drafting Process Guide, <http://lainvalmistelu.finlex.fi/en/>.

¹⁷⁴ Information received in the context of the country visit to Finland from the Finnish Bar Association, Finnish Media Association, Union of Finnish Journalists, Council for Mass Media in Finland, Transparency International Finland, National Courts Administration, Supreme Court, National Human Rights Centre, Demla, and Amnesty International.

¹⁷⁵ Contribution from the Human Rights Center for the 2022 Rule of Law Report p. 19.

¹⁷⁶ OECD (2021), Civic Space Scan of Finland, p. 150.

¹⁷⁷ Public consultation of the resolution is to be opened in June 2022. The resolution will be based on the findings of the National Democracy Programme 2022, <https://oikeusministerio.fi/en/national-democracy-programme-2025>. Follow-up information received from the Finnish authorities.

Rule of Law Report¹⁷⁸, aims to further improve the quality and transparency of the legislative drafting process¹⁷⁹. Several planned projects, such as the development of an internal digital portal to collect information for law drafters, has been finalised, while others, such as preparation of new guidelines for impact assessment¹⁸⁰, are still ongoing¹⁸¹.

On 1 January 2022, Finland had nine leading judgments of the European Court of Human Rights pending implementation¹⁸². At that time, Finland's rate of leading judgments from the past 10 years that remained pending was at 60% and the average time that the judgments had been pending implementation was 11 years and 11 months¹⁸³. The oldest leading judgment, pending implementation for 17 years, concerns the protection of private and family life in relation to the lack of proper safeguards for the implementation of search and seizure measures¹⁸⁴. On 1 July 2022, the number of leading judgments pending implementation remains nine¹⁸⁵.

The Government started preparing a reform of the Emergency Powers Act following calls for a review. As noted in the 2021 Rule of Law Report¹⁸⁶, the majority of measures enacted to address the COVID-19 pandemic were based on temporary amendments of ordinary legislation, usually the Communicable Disease Act, while emergency powers under the state of emergency¹⁸⁷ were used to a lesser extent. Neither the Emergency Powers Act, nor the Communicable Disease Act, were perceived to be sufficiently fit for the pandemic¹⁸⁸. The Emergency Powers Act provides primarily for military crises and serious economic disruptions¹⁸⁹. The Communicable Disease Act does not take into account situations where the capacity of the healthcare system is threatened and powers designed to prevent the spread of a disease are focused on public activities¹⁹⁰. Several bodies, including the Chancellor of Justice and the Constitutional Law Committee, called for a reform of the acts¹⁹¹. In December

¹⁷⁸ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 13. The Action Plan is composed of four main areas: legislative planning and drafting skills, interaction and communication, impact assessment, and utilisation of technology and digitalisation.

¹⁷⁹ Contribution from the Ministry of Justice for the 2022 Rule of Law Report.

¹⁸⁰ Input from Finland for the 2022 Rule of Law Report, p. 34.

¹⁸¹ Information received in the context of the country visit to Finland from the Ministry of Justice.

¹⁸² The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

¹⁸³ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2022. See the Contribution from the European Implementation Network for the 2022 Rule of Law Report, p. 40.

¹⁸⁴ Judgment of the European Court of Human Rights of 27 September 2005, *Petri Sallinen and Others v. Finland*, 50882/99, pending implementation since 2005.

¹⁸⁵ Data according to the online database of the Council of Europe (HUDOC).

¹⁸⁶ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, pp. 12-13.

¹⁸⁷ The last state of emergency ended on 27 April 2021 and this state has not been declared since. Input from Finland for the 2022 Rule of Law Report, p. 38; Information received in the context of the country visit to Finland from the Ministry of Justice.

¹⁸⁸ Contribution from the Chancellor of Justice for the 2022 Rule of Law Report p. 10.

¹⁸⁹ Contribution from the Chancellor of Justice for the 2022 Rule of Law Report p. 10.

¹⁹⁰ Contribution from the Chancellor of Justice for the 2022 Rule of Law Report p. 11.

¹⁹¹ Contribution from the Chancellor of Justice for the 2022 Rule of Law Report pp. 9-10; Information received in the context of the country visit to Finland from the Ministry of Justice; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, pp. 13.

2021, the Government decided to launch a comprehensive reform of the Emergency Powers Act¹⁹² and appointed a working group¹⁹³ for this purpose. The Government also intends to conduct a reform of the Communicable Diseases Act. The legislative schedule for this project has not been specified so far¹⁹⁴.

A law aiming to clarify the division of powers between the Chancellor of Justice and the Parliamentary Ombudsperson has been adopted by the Parliament¹⁹⁵. In 2018, the Government initiated a project to reduce overlaps in the tasks of the two supreme guardians of legality in Finland, the Chancellor of Justice and the Parliamentary Ombudsman. A draft law, which aims to clarify the division of tasks between the two institutions¹⁹⁶ was submitted to the Parliament on 21 October 2021¹⁹⁷, and adopted on 19 April 2022¹⁹⁸. The Chancellor of Justice and the Parliamentary Ombudsperson continue to support the reform¹⁹⁹.

The Government proposed to establish a new agency to provide administrative support to independent bodies. Beside the A status accredited National Human Rights Institution, constituted by the Parliamentary Ombudsman, the Human Rights Centre and its Delegation²⁰⁰, Finland has several other specialised ombudspersons²⁰¹ and other institutions tasked with protection of fundamental rights. As many of these institutions have a small number of employees, some of the tasks related to their administration and resources²⁰² are currently performed by the Ministry of Justice²⁰³. The Government has prepared a draft act to establish a new Special Authority Agency of the Judicial Administration to take over the provision of support for these authorities²⁰⁴. The competences of the bodies would not be changed²⁰⁵. The draft act is intended to be submitted to the Parliament in 2023²⁰⁶. Furthermore, the Human Rights Centre has prepared a proposal on strengthening the cooperation of fundamental and human rights structures, based on the Centre's study showing that the structures are fragmented and with partially overlapping tasks, which can create confusion for their users²⁰⁷. Apart from fragmentation, the Human Rights Centre reported on concerns about a lack of resources²⁰⁸.

¹⁹² Input from Finland for the 2022 Rule of Law Report, p. 36.

¹⁹³ Information received in the context of the country visit to Finland from the Ministry of Justice.

¹⁹⁴ Written information received from the Finnish Government in the context of the country visit to Finland.

¹⁹⁵ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 14.

¹⁹⁶ The draft law does not change the mandates of the institutions.

¹⁹⁷ Input from Finland for the 2022 Rule of Law Report, p. 39.

¹⁹⁸ The law will enter into force on 1 October 2022.

¹⁹⁹ Contribution from the Chancellor of Justice for the 2022 Rule of Law Report p. 1; cf. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 14.

²⁰⁰ 2020 Rule of Law Report, Country Chapter on the rule of law situation in Finland, p. 13.

²⁰¹ The bankruptcy Ombudsperson, the Ombudsperson for children, the Equality Ombudsperson, the Intelligence Ombudsperson, the Data Protection Ombudsperson, the Ombudsperson for older people and the non-discrimination Ombudsperson.

²⁰² Tasks related to accounting, human resources and financial administration.

²⁰³ Information received in the context of the country visit to Finland from the Ministry of Justice.

²⁰⁴ Apart from the seven Ombudspersons, the Authority would support also the Safety investigation Authority, the licensed Attorneys Board, the Consumer disputes Board and the European Institute for crime Prevention and control.

²⁰⁵ Information received in the context of the country visit to Finland from the Human Rights Centre and the Ministry of Justice.

²⁰⁶ Information received in the context of the country visit to Finland from the Ministry of Justice.

²⁰⁷ Information received in the context of the country visit to Finland from the Human Rights Centre.

²⁰⁸ Information received in the context of the country visit to Finland from the Human Rights Centre.

The Government has initiated projects to improve the model of funding of civil society organisations. The civil society space in Finland is considered to be open²⁰⁹. The two principal sources of state organised funding for civil society organisations in Finland are proceeds from gambling²¹⁰ and public funding from the Ministries²¹¹. The funding from the proceeds of gambling is granted on a yearly basis, but this does not allow them to develop long term plans²¹². The funding from Ministries is fragmented and lacks a centralised system for applications and systematic evaluation²¹³. A 2021 report from the OECD on civic space recommends adopting a more transparent and comprehensive approach to funding²¹⁴, and to develop a holistic strategy to support civil society organisations in the long term, while also protecting their autonomy²¹⁵. In response to the OECD report, the Minister of Local Government appointed a working group to explore the possibilities of implementing the recommendations. The working group provided its input in October 2021²¹⁶, which is now being considered by relevant Ministries. A project led by the Ministry of Finance to create uniform, digitalised government grant processes is ongoing²¹⁷. The Government also launched a project for the preparation of a proposal for a new model of funding from proceeds from gambling, with the aim to give civil society organisations a stable and sufficient funding²¹⁸, which was finalized in February 2022²¹⁹. A new Advisory Board on Civil Society Policy, a platform for the promotion of interaction between public authorities and civil society, was appointed by the Government on 27 January 2022²²⁰, after the term of office of the previous Board ended in February 2021²²¹.

The authorities have launched several initiatives to promote the rule of law in public debate. In November 2021, the Minister of Justice organised a high-level seminar to discuss the state of the rule of law in Finland and the independence of the Finnish judicial system on the basis of the 2021 Rule of Law Report²²². The Ministry of Justice contemplates to turn the seminar into a yearly event²²³. A research community Helsinki Rule of Law Forum has been established, funded by the Government and organised by the University of Helsinki²²⁴.

²⁰⁹ Rating by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

²¹⁰ The Lotteries Act grants the exclusive right to provide gambling services in Finland to a state agency Veikkaus, and stipulates that its proceeds shall be used for listed public purposes. Act No, 1047/2001 on Lotteries.

²¹¹ OECD (2021), Civic Space Scan of Finland, p. 112; Information received in the context of the country visit to Finland.

²¹² OECD (2021), Civic Space Scan of Finland, p. 111.

²¹³ OECD (2021), Civic Space Scan of Finland, pp. 111, 113.

²¹⁴ OECD (2021), Civic Space Scan of Finland, pp. 171-172.

²¹⁵ OECD (2021), Civic Space Scan of Finland, p. 173. See also Franet (2022), Country research - Legal environment and space of civil society organisations in supporting fundamental rights - Finland, part 3.1.

²¹⁶ Input from Finland for the 2022 Rule of Law Report, p. 43.

²¹⁷ Input from Finland for the 2022 Rule of Law Report, p. 43 - 44. For information about the project see <https://vm.fi/en/improving-the-administration-of-discretionary-government-grants>.

²¹⁸ Input from Finland for the 2022 Rule of Law Report, p. 43.

²¹⁹ Written information received from the Finnish Government in the context of the country visit to Finland.

²²⁰ Input from Finland for the 2022 Rule of Law Report, p. 43; information received in the context of the country visit to Finland from the Ministry of Justice.

²²¹ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Finland, pp. 13-14.

²²² Information received in the context of the country visit to Finland from the Ministry of Justice.

²²³ Information received in the context of the country visit to Finland from the Ministry of Justice.

²²⁴ Helsinki Rule of Law Forum, Analysing the Rule of Law in the European Union, <https://www2.helsinki.fi/en/researchgroups/helsinki-rule-of-law-forum>.

Among others, the Forum has published a study on the Rule of Law in the European Union and Finland²²⁵ in May 2022.

²²⁵ Raitio Juha, Rosas Allan, Pohjankoski Pekka (2022), The rule of law in the European Union and Finland.

Annex I: List of sources in alphabetical order*

* *The list of contributions received in the context of the consultation for the 2022 Rule of Law report can be found at https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en.*

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Annex II: Country visit to Finland

The Commission services held virtual meetings in March 2022 with:

- Amnesty International Finland
- Anti-corruption Cooperation Network
- Chancellor of Justice
- Council for Mass Media in Finland
- Demla
- Financial Intelligence Unit
- Finnish Association of Judges
- Finnish Bar Association
- Finnish Media Association
- Helsinki Police Department
- Human Rights Centre
- Ministry of Economic Affairs and Employment
- Ministry of Finance
- Ministry of the Interior
- Ministry of Justice
- Ministry of Transport and Communications
- Ministry of Social Affairs and Health
- National Audiovisual Institute
- National Bureau of Investigation
- National Courts Administration
- National Prosecution Authority
- Parliamentary Ombudsman
- Police of Finland
- Prime Minister's Office
- Supreme Administrative Court
- Supreme Court
- Traficom
- Transparency International Finland
- Union of Finnish Journalists
- Yleisradio Oy

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International
- Article 19
- Civil Liberties Union for Europe
- Civil Society Europe
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- Human Rights Watch
- ILGA Europe

- International Federation for Human Rights (FIDH)
- International Press Institute
- Open Society European Policy Institute (OSEPI)
- Osservatorio Balcani e Caucaso Transeuropa
- Philea
- Reporters Without Borders
- Transparency International Europe