



## 45<sup>TH</sup> EUROPEAN PRESIDENTS' CONFERENCE 2017 IN VIENNA

### COUNTRY REPORT

#### FINLAND

##### 1. NEW PRESIDENT AND VICE PRESIDENT TO THE BAR IN JUNE 2016

The Delegation of the Finnish Bar Association elected a new President and Vice President of the Bar in June 2016. Our new President is Mr Jarkko Ruohola (former Vice President of the Bar) from Turku, and our new Vice President is Mrs Hanna Räihä-Mäntyharju from Tampere. They both were elected to the June 2018.

##### 2. IMPLEMENTING OF THE FOURTH MONEY LAUNDERING DIRECTIVE

A working group within the Ministry of Finance (which unfortunately had no attorneys at law as members) prepared the implementing of the Fourth Money Laundering Directive year 2015-2016. The new law should have been entered into force in the beginning of 2017, but it will be delayed. The working group finished its work last autumn and sent its proposal to the comments. At the moment the law proposal is in the Finnish Parliament.

As we know, the new directive includes very severe sanctions (for instance 1 million euros' administrative fine) for persons, for instance attorneys at law, who fail to fulfill their tasks and obligations set in the Directive. According to the law proposal, these kind of severe sanctions are considered to be exercising major governmental authority that, according to the Finnish Constitution, cannot be admitted to other entities than authorities, in which respect the role of the Finnish Bar Association is problematic. The proposal suggests that although the Finnish Bar Association would remain as the supervisor of attorneys at law (Advocates) in matters of money laundering, there should be another body to deal with and sanction the breaches of the Directive. The working group has suggested that the authority would be Regional State Administrative Agency.

Finnish Bar Association has strongly protested this suggestion and has argued that this is against all international principles of the independence of profession of attorneys at law, the duties of the attorneys at law to his client etc. The Directive is recognizing this principle but the Finnish proposal is not.

Finnish Bar Association has actively participated in the preparation of the law (although not as a member of the working group) and has closely discussed the key issues of the law with the Ministry of Interior. After these consultations we have achieved, that

- all office inspections to law firms are taken care of by the Finnish Bar Association
- it is up to the Board of the Finnish Bar to submit the findings of the firm inspections to the Regional State Administrative Agency if there has been violations against the Anti-Money Laundering law (not minor violations)

- in every instance the confidentiality rules of attorneys at law are respected

This situation is not ideal, but we think it is the best outcome we can achieve in this situation. Finnish Bar Association will start massive Law Firm inspections during this year in order to fulfill the requirements set for convincing supervision of attorneys at law.

### 3. ATTORNEYS AT LAW –DAY

In January we had our annual and traditional “Asianajapäivä” (Advokatdagen/Attorneys at law Day), where we had around 1 450 participants. The Event was once again fully booked.

### 4. LEGAL ASSISTANCE OF ASYLUM SEEKERS

At the end of year 2015 The Ministry of Justice and the Ministry of Interior launched an urgent bill concerning the Legal Assistance of the Asylum Seekers in Finland. The law came into force last year.

During autumn 2015 Finland received over 30 000 asylum seekers. The bill proposed for instance that

- legal aid for asylum seekers in the asylum interview by the Finnish Immigration Service will be granted only if there are very cogent reasons (for instance the person is a minor, he cannot read or write, he has been traumatized etc.) and in these cases the legal aid shall be provided only by the state legal aid attorneys
- private attorneys at law can be appointed as a legal aid attorney only if the asylum seeker is appealing the decision of the Finnish Immigration Service to the Administrative court
- of private attorneys only attorneys at law (Advocates) and licensed legal aid counsels are allowed to provide legal aid to asylum seekers in legal aid cases.

There has been reports that some persons, who have a legal education, have misused the asylum seekers so, that they have paid to an asylum seeker for instance 50 euros to get the case and then charged the state. In many cases these cases are poorly and unsatisfactorily handled and they have exploited the ignorance of the asylum seekers. The problem has been that there has not been an effective supervision of these service providers. Now when the Bill has entered into force the Finnish Bar Association shall supervise all these service providers (if they are appointed as an attorney by the Officials).

The problem with the first mentioned change is, that attorneys at law (Advocates) have been taken care of these asylum seekers cases almost 100 %. When these cases are all transferred to State Legal Aid Offices, Legal Aid Counsels do not have the same experience and competence to handle these cases. Furthermore there are not enough staff to handle these cases (not in the Legal Aid Offices or in Administrative Courts where they are expecting about 14 000 appeals from the asylum seekers.)

Finnish Bar Association has strongly objected these restrictions and argued that the focus should be in the asylum interviews and with a competent attorney at law (Advocate) assisting in the interview. In these situations there would most likely be less appeals to the courts. The Bar has emphasized that private attorneys at law should be included to those professionals who can provide legal aid also in the asylum interview.

Another law concerning asylum seekers also shortened the time for appeal from the Finnish Immigration Service's decisions or the decision of the Administrative Court. Finnish Bar Association has strongly objected these proposals, but unfortunately the new law has entered into force last year.

## 5. STATISTICS

We had a small raise in the numbers of our Members: from beginning of the year 2017 we have 2155 members (+ 1,4 %). Number of women lawyers is 649 which is about 30 % of our members.

Our members are getting older – 53 % of our members are over 40 years old and 20 % are over 60 years old. Only in Helsinki region we have young attorneys at law (under 40 years old) over 30 %. The situation is quite serious and we are trying to find out the ways to get new attorneys at law and law firms to the areas where attorneys at law are retiring in the near future.

The membership fee year 2017 is:

- membership fee 812 euros
- supervision fee 238 euros

The Legal Aid fee is 110 euros/hour (+ VAT 24 %).



Minna Melender

Secretary General