



RULE OF LAW REPORT 2018

FINNISH BAR ASSOCIATION

RULE OF LAW PROGRAMME

To coordinate legal policy work, the Delegation of the Finnish Bar Association has adopted this Rule of Law Programme for 2017–2026. The key aim of the Programme is to define the ways in which the voluntary work of attorneys at law involved in the Bar Association's legal policy work can be integrated into the long-term advocacy work. The guiding principle in the programme is to seek to uphold the rule of law. The independent and impartial role of the Finnish attorneys is regarded particularly important in this regard.

The Finnish Bar Association's legal policy work is guided by a respect for human and fundamental rights and the core values of the attorneys at law. The rule of law programme is updated annually.

The measures section of the Rule of Law Programme is divided into four parts including

- Finnish attorneys at law
- Judicial administration and other actions taken by the authorities
- Legislative drafting and legislative projects
- Legal Aid.

The aim of the Finnish Bar Association is to strengthen and develop the legal policy and advocacy work and for that reason the Bar established during the spring 2018 a new post for legal policy work and recruited a lawyer to the post.

SHORTCOMINGS IN THE AREA OF RULE OF LAW IN FINLAND

There are several shortcomings in the area of fundamental rights that are repetitively raised in the annual report of the Finnish Parliamentary Ombudsman. Among these shortcomings are several topics that also the Finnish Bar Association has raised:

- Lengthy handling times of legal processes and shortcoming in the structural independence of courts
Delayed trials have long been a problem in Finland and has been recognized both nationally and internationally. Despite some legislative reforms that have improved the situation, trials can still be unreasonably prolonged.
The cost of a trial and legal fees may be prohibitive from the perspective of legal rights. The structural independence of courts has been problematic because the administration and court system has been led by the Ministry of Justice. The Parliament has 25.1.2019



approved a new legislation that will establish a new Court Administration Agency. The new agency will be formed by 1.1.2020.

The Ministry of Justice has ordered a research concerning the Finnish Constitution. The Finnish Bar Association proposed, that also the independence and the position of attorneys at law should be recognized in the Finnish Constitution. This amendment would raise attorneys to the same level with the prosecution.

The Finnish Bar Association is doing policy work on legal Aid. We recently sent out a press release stating that there is a need to raise the legal aid fees. Legal aid fees are severely behind compared to any other type of legal advice costs. The Finnish Bar is deeply concerned that the quality of legal aid is deteriorating, and we are not able to find new attorneys to this field. Now many attorneys feel, that taking a legal aid case is partly pro bono work. This affects most vulnerable groups whose legal protection should not be worsened.

The legal protection and legal aid provided to asylum seekers has worsened according to several studies into the topic. The Finnish Bar Association has opposed the changes made into the Alien Act in 2016 and demanded improvement into the current situation.

The Finnish Bar Association has also done legal policy work in the field of data protection, right to respect private and family life and on the other hand also the need to protect the professional confidentiality obligation and privilege. Several proposals have been made for new legislation that undermine the confidentiality obligation of the attorneys. The Finnish bar has also reminded that the right to privacy needs to be respected. Furthermore, several proposals have been made for new legislation granting new rights to authorities to access citizens' most private information without properly analyzing the fundamental rights that are possibly violated. There is often lack of sufficient control and monitoring for these new rights and powers proposed to authorities.