



# FINLAND

## SNAPSHOT

**€67.7  
MILLION**

ANNUAL LEGAL AID  
BUDGET FOR CIVIL  
AND CRIMINAL

**€12**

PER CAPITA

**€694**

AVERAGE AMOUNT  
SPENT PER  
CRIMINAL CASE

Overall budget for legal aid services has been maintained at a similar level since the 1990s.

## OUTLINE OF THE LEGAL AID SYSTEM

### HOW IS IT ORGANISED?

The Finnish Constitution guarantees the right to legal aid and the Legal Aid Act regulates its organisation. The Public Legal Aid Office, which reports to the Ministry of Justice, is responsible for providing legal aid services across the country. In 2010 there were 60 legal aid offices organised into six legal aid districts, ensuring even geographical coverage across the country. However, there is a plan to downsize to 27 offices which could hinder access for certain communities. Finland has a "dual" system, whereby criminal legal aid services can be provided by private lawyers as well as by public lawyers employed by the legal aid offices. Legal aid is organised through one of the legal aid offices, whether the applicant is using a public or a private lawyer.

### HOW IS IT FINANCED?

The overall budget for legal aid services in the country has been maintained at a similar level since the 1990s. In 2014, the overall legal aid budget for civil and criminal matters was €67.7 million, also expressed €12 per capita or 0.03% of GDP. There is no official data available on what percentage of that is spent on criminal cases, but Finland spends approximately €694 per case on criminal legal aid.

The standard remuneration for legal aid lawyers is €110 + 24% VAT per hour. If a lawyer requires any special expertise for a particular case, then a higher remuneration rate can be applied (maximum of 20% more). Lawyers can bill a maximum of 80 hours per case and this can be extended by the courts in special circumstances.

### HOW IS IT MONITORED?

The Legal Aid Office manages and collects data on the legal services provided. The Finnish Bar Association generally monitors the quality of work done by public and private defence counsel, and it can issue disciplinary sanctions.

### ELIGIBILITY

Finland has fairly generous eligibility criteria, with approximately 75% of people being eligible for full or partial legal aid.

All people who are residents of Finland can apply for legal aid. Foreigners who enter the criminal justice system as suspects are usually eligible for legal aid as well. In criminal cases, there are wide categories of people who automatically qualify for legal aid without any means or merits test being applied. This includes people under the age of 18, people charged with an offence with a punishment of at least 4 months imprisonment, arrested or detained people, and people incapable of defending themselves.



# LEGAL AID IN: FINLAND

## MAJOR ISSUES WITH LEGAL AID

**Some concerns about limiting access** to legal aid services in rural areas.

**Waiting time** on the decision of whether or not to grant legal aid and waiting time to see a legal aid lawyer may adversely affect a suspect's decision to request legal aid.

**Decreasing legal aid budget** may negatively impact eligibility and provision of good quality legal aid services.

*We thank Satu Saarensola, district court judge, Pirkanmaa District Court, Tampere, for expert assistance with this paper.*

## MEANS AND MERITS TEST

Under the means test, people receive assistance on a sliding scale depending on their level of income. For example, full legal aid is available to single people with a monthly income of less than €600/month. Partial legal aid, which can range from 20%-75% of the costs, is available to single people earning under €1300/month. If the suspect lives with a partner, full legal aid will be available if their combined income is less than €1,100/month, and partial legal aid is available if it is under €2,400/month. Taking into account an average salary, full or partial legal aid is available to around 75% of the population.

There is a sort of merits test, in that legal aid is not available for 'simple' criminal cases. The Legal Aid Office or a court decides whether a case is 'simple' on a case-by-case basis. Generally offences such as drunk driving and larceny, where the potential penalty is no more severe than a fine, will be denied legal aid.

## THE REALITIES OF ACCESS TO LEGAL AID

### ACCESS TO LEGAL AID DURING INVESTIGATIVE STAGE

Under the Criminal Procedure Act, the pretrial authority must immediately inform suspects of their right to counsel when they have been apprehended, arrested or remanded in custody. The pre-trial authority must also inform the suspect of their right to apply for legal aid and help the suspect contact a lawyer by showing them a list or roster of lawyers who work in the area and who are available 24 hours a day. Defence lawyers have a right to attend investigations and police questioning, as well as request additional pre-trial investigative measures that may potentially influence the outcome of a case. Meetings between a lawyer and a suspect cannot be restricted or monitored.

As noted above, most people qualify for full or partial legal aid. However the waiting time for a decision about whether a person qualifies for legal aid is 1-2 days, and then they may have to wait further before the legal aid lawyer can meet with them. In the early stage of proceedings, suspects may choose not to request legal aid due to uncertainty about whether it will be free or whether they will have to make a partial or full contribution to it.

### QUALITY OF LEGAL AID AND EFFECTIVE CRIMINAL DEFENCE

Public legal aid attorneys are appointed by the Minister of Justice and must have a Masters in Law and adequate experience in advocacy and adjudication. They are under an obligation to observe the rules of proper professional conduct for advocates in their activities. Remuneration of legal aid lawyers is monitored by the Bar Association to ensure that it is reasonable and in accordance with the Bar Association guidelines. An adequate level of hourly pay, and the right to bill up to 80 hours per case and apply for further hours in complex cases, impacts positively on the quality of representation. There is generally a positive view among the public and lawyers of the quality of legal aid services.



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