

FINLAND

Child-friendly justice

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1. The child's legal capacity

1.1 Minimum age at which a plaintiff can bring a case to court in their own right

In Finland the minimum age of criminal responsibility is 15.

The minimum age at which a case can be brought to court is the following:

- 18 for family issues
- 15 for employment
- 15 for asylum (according to the general provisions of administrative law children aged 15-17 years of age, inclusive, and the legal representative have independent but parallel rights to bring an asylum case to court)
- 15 for migration issues (according to the general provisions of administrative law children aged 15-17 years of age, inclusive, and the legal representative have independent but parallel rights to bring a migration case to court)
- 15 for education issues (children aged 15+ have the right to appeal decisions to an administrative court in cases concerning religious education and ethics, provision of translation and assistance services, a reprimand, temporary expulsion, student care benefits, school transport, accommodation, and care in cases of accidents)
- 12 for health issues (children aged 12+ have the right to appeal against a decision to order a minor to involuntary mental treatment or to continue treatment or to limit contact)
- 12 for placement in care (children aged 12+ has the right to bring a case court in parallel to the legal representative in matters concerning child welfare, such as taking a child into care.)
- 15 for administrative sanctions (in administrative sanctions proceedings, children aged 15-17, inclusive, have the right to appeal against a decision concerning administrative sanctions in parallel to the legal representative when the matter concerns his or her person or personal benefit or when the matter concerns property or income that he or she administers; otherwise, the right is exercised by the legal representative)

You are also invited to check Sections 2.1.3 (victims) and 2.3.1 (suspects and defendants) of the [contextual overview for criminal justice](#).

Regarding administrative justice, sections 2.1. and 2.5 of the following document [contextual overview for administrative justice](#) .

2. Access to adapted proceedings

2.1 Specialised institutions and competent authorities

2.1.1 Criminal justice

Investigations targeting children are as far as possible assigned to police officers with training or experience in this task (Criminal Investigations Act, Chapter 4, Section 7). Larger police departments (in major cities, such as Helsinki) have units or police officers specializing in investigating crimes against children. As a rule, investigation of crimes against children is in all police departments channeled to investigators who have professional skill and particular competence in investigating this type of crimes.

The Prosecution Service has a system of special prosecutors to ensure expertise in an area of specialization and to maintain and develop the professional skills of prosecutors. There is a group of special prosecutors who are specialized in violence against children and women. They train other prosecutors in their field of expertise.

Reference is also made to Section 1 of the [contextual overview for criminal justice](#)

2.1.2 Civil justice

See section 1.1 Institutional framework of the [contextual overview for civil justice](#). It can be noted also that family law issues are concentrated into one department in some larger courts

2.1.3 Administrative justice

See Section 1.1 of the [contextual overview for administrative justice](#).

To ensure multidisciplinary, when administrative courts handle child welfare cases, a child welfare specialist participates in the proceedings as a member of the court. There are no special family or youth courts in Finland.

Legal representatives ordered for unaccompanied children, based on the Act on Reception of a Person Applying for international Protection (746/2011), might lack training since it is not a requirement. There are also problems related to the independence of the representatives from State migration officials due to the recruitment procedure. (National report Section 1.3)

There is a possibility to have a support person at the court (even in addition to the support of a legal guardian and a lawyer).

Investigations targeting children are as far as possible assigned to officers with training or experience in this task.

The Ombudsman for Children promotes the interest of children and implementation of children's rights on a general level but does not handle individual cases.

2.2 Legal and policy measures in place to avoid undue delay in the handling of cases involving children

2.2.1 Criminal justice

As regards victims and witnesses, see national report Sections 2.1.4, 2.1.8 and 2.2.4 of the [contextual overview for criminal justice](#)

As regards suspects and defendants, see national report Sections 2.3.7, 2.3.11, 3.1.2 and 3.1.3 of the [contextual overview for criminal justice](#)

2.2.2 Civil justice

See [contextual overview for civil justice](#), Section 2.4. Cases involving children, for example child custody and rights of access cases, are prioritised by their nature. Specific deadlines are set in certain legislation. For example under the Act on mediation in civil matters and confirmation of settlements in general courts (394/2011) a hearing in mediation concerning child custody, rights of access and maintenance issues has to be organized without undue delay. Also a six-week time limit is provided for the international child abduction cases.

It is possible ask the Court to consider the case urgently. The court can to take provisional or interim decisions.

2.2.3 Administrative justice

All the matters in which there is a party that is a child, the case must be handled without undue delay.

There are special time limits in which the court or a participant must act (i.e. Child Welfare Act).

A redress mechanism to ensure the implementation of the urgency principle in respect of judicial proceedings involving children: i.e. a right to appeal (child, legal representative or child care authorities), legal aid, compensation for failure to act.

See also [contextual overview for administrative justice](#) Section 1.2.

3. Child-specific support mechanisms and procedures

3.1 Criminal justice

As regards child-specific support mechanisms and procedures, see, in particular, Sections 2.1.3, 2.1.5, 2.1.7 (victims), 2.3.7, 2.3.8 and 2.3.10 (suspects and defendants) of the [contextual overview for criminal justice](#)

However, since the beginning of 2016, also a video-recording of a 15-17 year old victim can be used as evidence in court in cases where the victim is in need of special protection.

3.2 Civil justice

See Sections 1.2., 2.1, 2.4. and 2.5 of the [contextual overview for civil justice](#).

3.3 Administrative justice

See sections 1.1, 1.3., 2.4. and 2.6 of the [contextual overview for administrative justice](#).

Also written evidence of a private nature is used in administrative judicial procedures.

3.4 Multidisciplinary aspects

3.4.1 Coordination of their activities by relevant organisations

3.4.1.1 Criminal justice

As regards victims and witnesses, see Section 2.1.4 and 2.2.4 of the [contextual overview for criminal justice](#)

As regards suspects and defendants, see Section 2.3.7 of the [contextual overview for criminal justice](#)

According to the Criminal Investigations Act the criminal investigation authority shall, when necessary, consult with a physician or other expert on whether investigation measures may be directed at a person under the age of 18 years. (Criminal Investigations Act, Chapter 4, Section 7)

As a rule, interviews with child victims and witnesses are conducted by police officers with training or experience in this task. The interview may also be conducted by a health care professional.

In connection with the University Hospitals of major cities, there are dedicated centers of expertise that specialize in hearing minor victims of a crime. The police work in a close-knit cooperation with these centers.

3.4.1.2 Civil justice

See Section 1.1, pages 7-8 of the [contextual overview for civil justice](#).

3.4.1.3 Administrative justice

See Section 1.1., 1.3. and 2.4.1. of the [contextual overview for administrative justice](#).

A child witness may be heard without the presence of a party or another person, if the court deems that this is appropriate and such hearing is necessary in order to protect the child being heard.

4. Training of professionals

4.1. Training requirements for professionals who are in contact with the child during the proceedings?

4.1.1 Criminal justice

See Section 1 of the [contextual overview for criminal justice](#).

The Ministry of Justice regularly organizes advanced training for judges, court staff and legal aid officers in child psychology, legal psychology, rights of victims, human rights and special needs of victims (children) who have been sexually abused. Also prosecutors may take part in the training.

The Office of the Prosecutor General organizes training for prosecutors that deal with cases of sexual and physical abuse of children. The topics include child development, child psychology and how to conduct an interview with a child.

Training of police officers includes training on child psychology, communication skills and how to conduct an interview with a child. A special qualification as an expert is given to those professionals who have conducted special training carried out by the National Police Board.

4.1.2 Civil justice

See Section 1.1, page 8 of the [contextual overview for civil justice](#).

In addition, it can be noted that in matters relating to family disputes training is organized and funded by various stakeholders: Ministry of Justice, Ministry for Social and Health Affairs, The National Institute of Health and Welfare, municipalities, universities, associations etc. Trainings are optional. They include different topics, for example hearing of children.

The Ministry of Justice regularly organizes advanced training for judges, court staff and legal aid officers in child psychology, legal psychology, rights of victims, human rights and special needs of victims (children) who have been sexually abused. The principles of child friendly justice are taken into account in many training modules organized by Ministry of Justice.

4.1.3 Administrative justice

See Section 1.3. of the [contextual overview for administrative justice](#).

The Ministry of Justice regularly organizes advanced training for judges, court staff and legal aid officers in child psychology, legal psychology, human rights and special needs of victims (children) who have been sexually abused. However, participation in these trainings is not obligatory.

Training of social workers includes training on child psychology, communication skills and how to conduct an interview with a child. Social workers and officials take part practically in all the procedures that deal with child care and welfare.

4.2. Vetting of professionals

4.2.1 Criminal justice

See report Section 1 of the [contextual overview for criminal justice](#)

4.2.2 Administrative justice

See Section 1.3 of the [contextual overview for administrative justice](#).

5. Best interests of the child

5.1 Measures in place to ensure that the child's best interests are a primary or paramount consideration

5.1.1 Criminal justice

See Section 1 of the [contextual overview for criminal justice](#)

5.1.2 Civil justice

See Section 1.2, pages 9-10 of the [contextual overview for civil justice](#).

5.1.3 Administrative justice

See Section 1.2. and 1.3 of the [contextual overview for administrative justice](#)

6. Monitoring and enforcement of decisions in proceedings involving children

6.1 Criminal justice

Please see Section 3 of the [contextual overview for criminal justice](#)

6.2 Civil justice

Please see section 2.11 Enforcement of civil court judgements of the [contextual overview for civil justice](#).

6.3 Administrative justice

Please see section 2.11 Enforcement of administrative court judgments of the [contextual overview for administrative justice](#)

7. Access to remedies

7.1 Criminal justice

Please see Sections 2.1.8, 2.2.8 and 2.3.11. of the [contextual overview for criminal justice](#)

A complaint about the prosecutor's decision not to prosecute can be submitted to the Prosecutor General, who has the right to initiate a new consideration of charges.

7.2 Civil justice

Please see Section 2.9 of the [contextual overview for civil justice](#).

7.3 Administrative justice

Please Section 2.8 of the [contextual overview for administrative justice](#)

A legislative amendment on having to have a leave to appeal in all the child welfare matters when appealing to the Supreme Administrative Court is pending.

8. Family life

8.1 Procedure for adoption, including international adoption.

The provisions on adoption are found in the Adoption Act (22/2012). Translation of the act is available at <http://www.finlex.fi/fi/laki/kaannokset/2012/en20120022.pdf>

The first stage in the adoption process is adoption counselling provided by municipal social welfare organs and Save the Children Finland. Adoption counselling is free of charge for customers. For the purpose of submission of an application for adoption permission and petition for the granting of an adoption, the provider of adoption counselling shall provide a written report on the provision of adoption counselling. The report shall provide the necessary information about those concerned and their circumstances. Based on the report the Adoption Board makes the decision on granting permission for adoption. The adoption of a minor child requires a permission granted by the Adoption Board in domestic as well as in intercountry adoptions. Permission is valid for two years. The applicants may apply extending the validity of the permission.

The adoption permission is not needed if the adoptee is the child of the prospective adopter's spouse or a child who has otherwise already been cared for and brought up by the prospective adopter in an established manner.

As a rule, those adopting from abroad must, in addition to receiving adoption counselling, always apply for intercountry adoption services. Such services are provided by the City of Helsinki Social Services Department, Save the Children Finland and Interpedia.

At the end of the process the adoption shall be granted by judicial decision. Proceedings in a matter concerning the granting of an adoption shall be instituted by a written petition filed with a District Court by the prospective adopter.

The necessary documentation on the fulfilment of the statutory conditions for the granting of the adoption shall be enclosed with the petition for the granting of an adoption.

8.2 Existence of different types of adoption

There is only one type of adoption. Once an adoption has been granted, the adoptee shall be deemed the child of the adoptive parents and not of the former parents.

8.3 Measures in place to ensure that the child's best interests are taken as the paramount consideration

According to the Adoption Act the best interests of the child shall be the paramount consideration in all decisions and other measures concerning the adoption of a minor child.

Particular attention shall be paid in assessments of the best interests of the child to how a child who cannot grow up in his or her family of origin can best be ensured a permanent family as well as balanced development and wellbeing.

8.4 Measures in place to respect the child's right to be heard in adoption cases

The Adoption Act contains several provisions on the child's right to be heard.

Firstly, the social worker responsible for adoption counselling shall personally discuss the adoption with a minor adoptee if this is possible considering his or her age and degree of maturity. The child shall be provided in a manner appropriate for his or her age and degree of maturity with the information about the purpose of, conditions for and legal effects of adoption, as well as the information pertaining to the adoption case in question that can be assumed to be relevant to the child.

Secondly, an adoption may not be granted without the consent of the adoptee if he or she has attained the age of 12 years. The adoptee's consent is, however, not necessary if he or she cannot express his or her will due to an illness or disability.

Moreover, adoption may not be granted against the will of a child who has not attained the age of 12 years if the child is so mature that his or her will can be taken into consideration.

Where there is or may be a conflict between the interests of a minor adoptee and the interests of his or her custodian or guardian during the consideration of a matter concerning the granting of an adoption by a court, the court shall *ex officio* appoint a guardian for him or her to represent his or her interests in the matter.

The court may also decide that a minor adoptee shall have the right to meet his or her former parent or maintain contact with him or her in another manner. In decisions on a matter concerning contact the child's wishes and views shall be taken into consideration having regard to his or her age and degree of maturity.

8.5 Competent authorities for adoption (national/international)?

Adoption counselling is given by the municipal social welfare organs and Save the Children -organization.

The special expert, permission and supervisory authority in adoption matters is the Adoption Board operating under the National Supervisory Authority for Welfare and Health.

An intercountry adoption service is provided by the organizations (service providers) which have been licensed by the Adoption Board. At the moment there are three service providers: City of Helsinki Social Services Department, Interpedia and Save the Children.

The general planning, guidance and supervision of adoption counselling and intercountry adoption services belongs to the Ministry of Social Affairs and Health.

8.6 Possibility for an adopted child to have access to information held by the competent authorities on his or her origins

According to the Adoption Act an adoptee shall, notwithstanding any secrecy provisions, have the right to access information contained in the documents from the organization retaining it. The adopted child shall be provided with the necessary support and guidance in the context of information access.

Access to information may, however, be denied if there are reasonable grounds to believe that access to the information would harm the health or development of the adoptee or other person requesting the information or if access to the information would otherwise be manifestly contrary to his or her best interests or other private interests.

However, where the identity of a former parent is known, information thereof shall always be disclosed to an adoptee who has attained the age of 12 years and, to his or her descendant who has attained the age of 12 years. Information shall also be disclosed to a custodian of a minor adoptee and, to the custodian of his or her minor descendant.