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## Mediation in EU countries

### Finland

Rather than going to court, why not try to solve your dispute through mediation? This is an alternative dispute resolution (ADR) measure, whereby a mediator assists those involved in a dispute to reach an agreement. The government and justice practitioners of Finland are aware of the advantages of mediation.

#### Who to contact?

The general management, guidance and supervision of mediation in criminal and certain civil cases are the responsibility of the Ministry of Social Affairs. Health state provincial offices must ensure that mediation services are available and appropriately implemented in all parts of the country.

You can find information on mediation on the [National Institute of Health and Welfare \(THL\)](#) website.

Mediation services annexed to a court are managed by the District courts. District Courts may decide upon initiating mediation in civil disputes. The purpose of mediation is to help the parties to a dispute find a solution that is acceptable to both parties. Results achieved by mediation are therefore generally based more on what is reasonable under the given circumstances than on the strict application of the law. Further information on District courts is available from the [Finnish Ministry of Justice website](#). A [brochure on judicial mediation](#) is also available.

#### In which area is recourse to mediation admissible and/or the most common?

Mediation is used in both civil matters and criminal matters.

Mediation is most commonly used in civil disputes, particularly in minor civil cases. However, all civil disputes need not to be subjected to court-connected mediation. Consumer disputes, for instance, may be handled by a consumer adviser and the **Consumer Complaints Board**. However, for criminal matters, there is a specific procedure for mediation.

Civil matters and disputes submitted to general courts may be mediated as set out in the statute on court-annexed mediation (Act 663/2005). The objective of court-annexed mediation is the amicable settlement of disputes. The preconditions for court-annexed mediation are that the matter is amenable to mediation and that the mediation is appropriate in view of the claims of the parties. One or both of the parties to a dispute may make a written application before going to court. The application must be filed in writing, indicating the subject matter of the dispute and how the positions of the parties diverge. In addition, grounds must be supplied as to why the matter is amenable to mediation.

Conciliation (mediation) may also be used in civil cases in which at least one of the parties is a natural person. Civil cases, other than those involving claims for damages based on a crime, may, however, be referred to conciliation only if the dispute is of a minor nature, taking into account the subject and the claims put forward in the case. What the statute provides on conciliation in criminal cases applies, as appropriate, to conciliation in civil cases.

Conciliation may be carried out with parties that have personally and voluntarily expressed their agreement to conciliation. They must be capable of understanding its meaning and the solutions arrived at through the conciliation process. Thus, before parties agree to conciliation, they must have their rights in relation to conciliation and their position in the conciliation process explained to them. Each party has the right to withdraw its agreement at any time during the conciliation process.

Underage persons must give their agreement to conciliation in person. In addition, an underage person's participation in conciliation requires agreement by his/her custodian or other legal representatives. Legally incompetent adults may participate in conciliation if they understand the meaning of the case and give their personal agreement to the process.

Conciliation may be used for crimes that are assessed as eligible for conciliation, taking into account the nature and method of the offence, the relationship between the suspect and the victim and other issues related to the crime as a whole. Crimes involving underage victims must not be referred to conciliation if the victim needs special protection because of the nature of the crime or because of his/her age.

Mediation offices receive mediation requests and co-operate with various authorities throughout the mediation process. Each mediation case is assigned to a voluntary mediator chosen by professionals working at the mediation office. Mediators undertake mediation cases and related practicalities in co-operation with the mediation office. The office staff guides and supervises the mediators in their work.

#### Are there specific rules to follow?

In criminal matters, conciliation may be carried out only between parties that have personally and voluntarily expressed their agreement to conciliation and are capable of understanding its meaning and the solutions arrived at in the conciliation process. In civil matters (court-annexed mediation) the commencement of mediation requires the consent of all parties.

In Finland, there is a national code of conduct for mediators, with sectoral codes of conduct for mediators (e.g. by area of specialisation such as family law mediators, medical, construction).

#### Information and training

A brochure on court-annexed judicial mediation is available from the website of the [Finnish Ministry of Justice](#).

The National Institute for Health and Welfare (THL) organises training for mediators.

The institute also compiles statistical information on mediation in criminal and civil cases, monitors and conducts research on mediation activities, and coordinates development efforts in the field. This work is supported by the **Advisory Board on Mediation in Criminal and Civil Cases**.

#### What is the cost of mediation?

Mediation in criminal cases is a non-chargeable service. It allows the victim of a crime and the offender to meet through an impartial mediator to discuss the mental and material damage caused to the victim and agree on measures to redress the harm (Act 1016/2005).

Mediation involves lower costs than a trial for the parties concerned. Each party pays only his or her own costs and is not obliged to pay the costs of the opponent. If the parties so wish, they may engage a legal adviser. It is also possible for a party to apply for legal aid at a legal aid office.

In judicial mediation, a judge of the district court acts as mediator. Indeed, mediation in disputes is one of the ordinary tasks of a judge. If the case requires specific knowledge in some area, the mediator may, with the agreement of the parties, engage an assistant whose fee is paid by the parties.

A fee is charged for judicial mediation, as for all other matters handled by a court.

#### Is it possible to enforce an agreement resulting from mediation?

[Directive 2008/52/EC](#) allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable. Member States shall inform the Commission of the courts or other authorities competent to receive requests.

Finland has not yet communicated this information.

**Related Links**

[brochure on judicial mediation](#), [Website on mediation \(The National Institute for Health and Welfare \(THL\)\)](#)

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