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| Study on children's involvement in judicial proceedings – contextual overview for civil justice – Finland July 2014 (Research carried out between March 2013 and October 2013) |



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Abbreviations

CA Competent Authority

CoE Council of Europe

EC European Commission

EU European Union

# Introduction

Introduction and context

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. This report is part of a study ‘to collect data on children’s involvement in judicial proceedings in the EU’ which supports the implementation of the Commission Communication of 15 February 2011 ‘[An EU Agenda for the rights of the child’](http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index_en.htm), which identified the lack of reliable, comparable and official data on the situation of children in the Member States (MS). This deficiency is a serious obstacle to the development and implementation of evidence-based poli­cies and is particularly evident in the context of child-friendly justice and the protection of children in vulnerable situations. Making the justice system more child-friendly in Europe is a key action of the EU Agenda. It is an area of high practical relevance where the EU has, under the Treaties, competences to turn the rights of the child into reality by means of EU legislation. Improved data is crucial to the framing of such legislation.

The objective of this study is:

to establish statistics and collect data based on structural, process and outcome indicators on children involved in civil judicial proceedings for the years 2008-2010 (and 2011 if available) for all 28 EU Member States;

to provide a narrative overview of children's involvement in civil judicial proceedings in the EU. The report describes the situation in each Member State as at 1 June 2012.

* This report examines the safeguards in place for children involved in **civil judicial proceedings**. The [Council of Europe Guidelines on child-friendly justice](http://www.coe.int/t/dghl/standardsetting/childjustice/publicationsavailable_en.asp) serve as a basis for the analysis of the provisions affecting children in civil judicial proceedings in each Member State.

Structure and scope

This report describes the national **civil justice system** insofar as children’s involvement is concerned. If, in addition to general rules in civil judicial proceedings, there are specific rules in the fields of **family and employment law**, the safeguards in place for children involved in judicial proceedings in those two specific sectors will also be described.

**Chapter 2** of this report provides an overview of the Member State’s approach to children’s involvement in civil judicial proceedings. It includes a description of the competent authorities and services.

**Chapter 3** of this report is divided in sections (3.1, 3.2, etc.) according to the different safeguards examined (e.g. the right to be heard, the right to information, etc.). Each of these sections is divided into subsections describing the different rules applying to children according to the different role they may have in a civil judicial proceeding (plaintiff; defendant; witness; other roles).

The table below summarises the type of judicial proceedings applicable to the fields of family and employment law and the competent courts. For the sake of completeness, the table also indicates which sectors are examined in the [overview for administrative justice](http://bookshop.europa.eu/children-in-administrative-judicial-proceedings), i.e. asylum, migration, education, health, placement into care, administrative sanctions, and offences committed by children below the minimum age of criminal responsibility (MACR). In fact, in some countries, civil procedural rules also apply to judicial proceedings in some of these sectors, but in order to ensure a degree of consistency among the overviews on the 29 jurisdictions covered by this study, the breakdown set out in the table below has been applied for each and every country overview.

|  |
| --- |
| **Type of judicial proceedings and court competence per sector[[1]](#footnote-1)** |
|  | **Contextual overview for civil justice** | **Contextual overview for civil justice** | **Contextual overview for administrative justice[[2]](#footnote-2)** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** |
| **Sectors:** | **Family** | **Employment** | **Asylum** | **Migration** | **Education** | **Health** | **Placement in care** | **Administrative sanctions** | **Offences < MACR[[3]](#footnote-3)** |
| **Type of proceeding applying in the sector** | Civil judicial proceedings | Civil judicial proceedings | Administrative judicial proceedings | Administrative judicial proceedings | Administrative judicial proceedings  | Administrative judicial proceedings | Administrative judicial proceedings | Administrative judicial proceedings | Administrative judicial proceedings  |
| **Court(s) competent to decide in the sector** | General district courts | General district courts  | Administrative courts  | Administrative courts  | Administrative courts/insurance court  | Administrative courts  | Administrative courts  | Administrative courts  | Administrative courts  |

# Overview of Member State’s approach to children in civil judicial proceedings and specialised services dealing with such children

## Brief description of judicial system and institutions

Legislative framework

Substantive and procedural civil law provisions that concern children are set out in both general and child-specific legislation.

With respect to family law legislation, child specific rules are set out in the [Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta)[[4]](#footnote-4) (which contains also provisions of the Hague Convention on International Child Abduction), [the Child Maintenance Act](http://www.finlex.fi/fi/laki/ajantasa/1975/19750704?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20elatuksesta)[[5]](#footnote-5), [the Paternity Act](http://www.finlex.fi/fi/laki/kaannokset/1975/en19750700?search%5Btype%5D=pika&search%5Bpika%5D=isyyslaki)[[6]](#footnote-6), [the Code of Inheritance](http://www.finlex.fi/en/laki/kaannokset/1965/en19650040.pdf)[[7]](#footnote-7) and [the Adoption Act](http://www.finlex.fi/fi/laki/kaannokset/2012/en20120022?search%5Btype%5D=pika&search%5Bpika%5D=adoptiolaki)[[8]](#footnote-8). Rules applicable to the legal guardianship of children (e.g. a child should be put under legal guardianship when his/her guardians (usually parents) are not there to look after the child) are set out in [the Guardianship Services Act](http://www.finlex.fi/en/laki/kaannokset/1999/en19990442?search%255Btype%255D=pika&search%255Bpika%255D=laki%20holhoustoimesta)[[9]](#footnote-9).

With respect to labour law, rules applicable to children are contained in [the Young Workers’ Act](http://www.finlex.fi/en/laki/kaannokset/1993/en19930998?search%255Btype%255D=pika&search%255Bpika%255D=laki%20nuorista)[[10]](#footnote-10). Children who are 15 years or older can work and enter into an employment contract in their own right. A child who is 14 years of age can work with the approval of his or her legal representative. In addition to this child specific law, [the Employment Contracts Act](http://www.finlex.fi/fi/laki/kaannokset/2001/en20010055?search%5Btype%5D=pika&search%5Bpika%5D=työsopimuslaki)[[11]](#footnote-11), [the Working Hours Act](http://www.finlex.fi/fi/laki/kaannokset/1996/en19960605?search%5Btype%5D=pika&search%5Bpika%5D=työaikalaki)[[12]](#footnote-12) and [the Annual Holidays Act](http://www.finlex.fi/fi/laki/ajantasa/2005/20050162?search%5Btype%5D=pika&search%5Bpika%5D=vuosilomalaki#L2P8)[[13]](#footnote-13) also contain provisions that apply to child employees.

Civil and commercial law provisions are mostly contained in the general [Contracts Act](http://www.finlex.fi/fi/laki/kaannokset/1929/en19290228?search%255Btype%255D=pika&search%255Bpika%255D=laki%20varallisuusoikeudel)[[14]](#footnote-14), the [Consumer Protection Act](http://www.finlex.fi/en/laki/kaannokset/1978/en19780038)[[15]](#footnote-15) and the [Tort Liability Act](http://www.finlex.fi/fi/laki/kaannokset/1974/en19740412?search%5Btype%5D=pika&search%5Bpika%5D=vahingonkorvauslaki)[[16]](#footnote-16). The provisions contained in these Acts apply to both adults and children. There is no age limit for tort liability in Finland, which implies that children can also be held liable for torts. With respect to property law, the main principle is that children may administer their property earned with work.

Based on the above it can be concluded that Finnish law contains child-specific provisions. In the absence of child-specific provisions, the general rules regulating the rights and obligation of adults in the civil judicial proceedings also apply to children.

Institutional framework

There are no specialised courts for adjudicating cases that involve children. This implies that such cases are heard by general district courts, appeal courts and the Supreme Court[[17]](#footnote-17). These courts are competent to adjudicate on family law, contract law, tort law, and labour law (except for collective disputes) cases.

In some cases the legislation specifies the competent court. For example, cases concerning the return of a child under the Hague Convention on International Child Abduction are dealt with by the Helsinki Appeals Court at first instance[[18]](#footnote-18).

It is noted that certain matters that concern children are subject to judicial administrative proceedings under Finnish legislation. For example, the placing of a child involuntarily under the care of an authority is subject to judicial administrative proceedings. Administrative courts handle administrative cases whereas general district courts handle both civil and criminal cases.

Although adoption is confirmed in civil proceedings, in many adoption cases (excluding generally adoptions within families) a permit for adoption needs to be sought from the Adoption Board first. The decision of the Adoption Board could be appealed to an administrative court, and the decision of an administrative court could be further appealed to the Supreme Administrative Court if it grants the leave to appeal[[19]](#footnote-19).

Except for adoption, the relationship between civil and administrative judicial proceedings in matters concerning children relevant for this report is not regulated in Finnish legislation.

With respect to the relationship between criminal and civil proceedings, the prosecutor can bring claims for damages on behalf of the victim in criminal proceedings, although these claims may also be brought to a court under civil proceedings by the victim. Both proceedings would take place in general district courts[[20]](#footnote-20). If a claim has been presented separately from the criminal proceedings (i.e. is dealt with in civil judicial proceedings) the court may join the cases. The court may also separate the cases[[21]](#footnote-21).

There are no specialist institutions such as family courts in Finland. However, social welfare officials can be involved in matters concerning child custody and visitation rights cases. The role of the social welfare officials in these cases is to map the child’s view, on the basis of which it prepares a report, which is used during the court proceedings[[22]](#footnote-22). Before preparing this report, social workers interview the child. If needed (for instance, if the child has psychological problems or it is believed that the child is being manipulated), the child can also be heard by a psychologist from a family advice centre[[23]](#footnote-23) [[24]](#footnote-24). Following the interview of the child, the psychologist should prepare a professional statement. ~~.~~

The child can also be heard by a court. If that happens, children which are heard by a court are usually older ones, not small children.

In Finland, child custody, parental responsibility and child alimony cases are not always subject to civil proceedings. Disputes can be settled with the agreement of the parties, with the condition that this agreement needs to be confirmed by the child welfare authorities. An agreement on child custody or maintenance which is confirmed by the child welfare authorities is valid and enforceable similar to a final court decision[[25]](#footnote-25). In civil law matters, disputes can also be referred to mediation, which is an alternative to formal court proceedings.

The social welfare officials can also assist a family outside court proceedings by providing family counselling[[26]](#footnote-26), and by providing mediation services in the enforcement phase of the civil proceedings[[27]](#footnote-27).

As noted above, the social welfare officials and courts cooperate in many family law proceedings related to children. In addition, social workers are involved in the mediation project of the ministry of justice as explained in more detail in [Section 3.8](#_Alternatives_to_judicial).

There are no training requirements for judges or lawyers working with children. However, the Ministry of Justice organises child law seminars for qualified judges. In 2011-2012, the Ministry organised specialist training for judges on mediation in child-custody cases and this specialist training is still organised. Judges were chosen amongst those who had experience in children’s rights[[28]](#footnote-28). Judges are not obliged to undertake training but if they act as mediators then they shall undertake the training.

Legislation does not include provisions on regular training for social workers dealing with children although training is provided to them in practice.

When a court orders a report on the child’s situation related to custody proceedings, the report must be drafted by a social worker specialised in child welfare together with a social worker specialised in child-custody. In some cases, for example if the matter is urgent or uncontroversial, social workers can draft the report alone[[29]](#footnote-29).

According to the [Act on Checking the Criminal Background of Persons Working with Children](http://www.finlex.fi/en/laki/kaannokset/2002/en20020504.pdf), in cases concerning work contracts of more than three months, the employer must ask the person for an extract of the criminal record if the work involves the raising, teaching of or caring for or looking after a child or other personal contact with a child in his/her guardian’s absence[[30]](#footnote-30).

Finnish law does not require the regular vetting of persons who deal with children. Judicial training includes some child right topics but there is no regular vetting.

Who wishes to pursue a career as judge usually goes through training. However the training is not mandatory. Such training includes practical tasks, assisting judges as well as leading procedure and deciding cases, which may include child related cases.

The bar exam that needs to be taken in order to qualify as attorney does not include specific rules on children, apart from those included in general procedural rules.

## General approach towards children under civil law: definition of child, principle of evolving capacities, best interests of the child, principle of non-discrimination

Definition of the term ‘child’

In Finland, a child is a person who is under 18 years old. In principle, children are represented in civil proceedings by their legal representatives, as they lack full capacity to act. In practice, typically the parents represent the child.

In principle, in cases concerning persons without full capacity to act, such as children, the legal representative has the right to take actions. As an exception to the general rule, children who are older than 15 years of age can be heard by the court in their own right in some cases. In particular, the child is heard in his/her own right if the dispute concerns matters that he/she can administer in his/her own right (e.g. property that the child has as a result of his/her work) or contracts that he/she can validly conclude (e.g. an employment contract). In disputes that concern personal rights, the child who is older than 15 years is heard in his/her own right, in parallel to his/her legal representative.

Main principles, objectives for children’s involvement in civil judicial proceedings

The starting point for the treatment of children in civil proceedings is Section 6 of [the Constitution of Finland](http://www.finlex.fi/en/laki/kaannokset/1999/en19990731?search%5Btype%5D=pika&search%5Bpika%5D=constitution), in accordance with which children must be treated equally and as individuals (with individual personalities and characteristics), and thus must be allowed to influence matters relating to them to a degree which corresponds with their level of maturity.

The best interests of the child are understood as “the ideal conditions for a child”[[31]](#footnote-31). This principle is further elaborated in legislation on child-custody and welfare.

According to [the Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta)[[32]](#footnote-32) in child-custody cases, the following objectives should be achieved: (1) ensuring the well-being and the balanced development of a child in accordance with his/her individual needs and wishes, as well as close and affectionate relationships in particular with his/her parents; (2) ensuring the good care and upbringing of the child (e.g. secure and stimulating environment, where the child is understood and brought up with gentleness and his/her safety is guaranteed; where the child receives education that corresponds with his/her inclinations and wishes, where he/she is not subject to physical punishment or is otherwise humiliated, etc.), as well as the appropriate supervision and protection of him/her in accordance with his/her age and level of maturity.

It is noted that in child-custody cases, the authorities should not only need to consider the best interests of the child, but also the financial situation of the parties (usually the parents). The financial situation of the parents is taken into account in child maintenance cases when it plays an important role in the proceedings[[33]](#footnote-33).

[The Child Welfare Act](http://www.finlex.fi/en/laki/kaannokset/2007/en20070417.pdf)[[34]](#footnote-34) also includes a list of factors to be safeguarded for a child: (1) balanced development and wellbeing, and close and continuous human relationships; (2) understanding and affection, as well as supervision and care that correspond with his/her age and level of development; (3) education consistent with her/his abilities and wishes; (4) safe environment for the upbringing of the child, and an environment where the physical and emotional freedom of the child is guaranteed; (5) sense of responsibility in becoming independent and grownup; (6) opportunity to become involved in matters affecting him/her and to influence them; and (7) need to take account of his/her linguistic, cultural and religious background.

T[he Adoption Act](http://www.finlex.fi/en/laki/kaannokset/2012/en20120022?search%5Btype%5D=pika&search%5Bpika%5D=adoption%20act) also includes a separate provision on the best interests of the child noting that in all decisions and measures concerning adoption, the best interests of the child must be of paramount consideration. Ensuring that a child grows up in a permanent family, where his/her balanced development and wellbeing are guaranteed, are also specifically mentioned as aims[[35]](#footnote-35).

The principle of the best interests of the child should also be taken into consideration by the authorities while deciding over cases that concern children, even in cases where the principle is not expressly mentioned in legislation[[36]](#footnote-36).

The legal obligation of ensuring the best interests of children is applicable also in cases where the parties are entitled to reach an agreement, e.g. via settlement procedure. This implies that agreements reached by the parties should be checked by the courts to ensure that they are not against the best interests of the child. In practice the court ensures that the best interests of the child are protected by taking a more proactive role in the proceedings, e.g. by asking more questions from the parties.

It should be noted that in divorce cases, the parents may decide to continue acting as the child’s legal representatives despite being divorced. If the parents wish to change this situation, their agreement needs to be confirmed by either a court or a social welfare official. While approving the agreement, the authorities are obliged to take into account the best interests of the child. Same applies to the situation where court decides the question about the legal representative after the application of the other parent that happens usually after divorce.

In disputes that concern child support, the parents are allowed to reach an agreement, with the condition that the court must ensure that the best interests of the child are safeguarded. In these disputes the court plays a leading role and tends to ask more questions from the parties[[37]](#footnote-37).

Social welfare officials have an important role in safeguarding the best interests of the child related to court proceedings on custody, residence and visiting rights since they often hear the child’s views before drafting a report to the court[[38]](#footnote-38).

While determining the best interests of the child, he/she may be heard by the courts and/or social welfare officials. It has been stressed in academic articles that the views and wishes of a child should not be confused with the best interests of the child. When these two are in conflict, the best interests of a child should be of primary consideration[[39]](#footnote-39).

There are no separate provisions for situations that would include more than one child and situations where possible conflict of interests could arise between the two or more children involved.

There are no checklists or protocols in place to determine the child’s best interests.

The evolving capacity of children is reflected in Section 6 of [the Constitution of Finland](http://www.finlex.fi/en/laki/kaannokset/1999/en19990731?search%5Btype%5D=pika&search%5Bpika%5D=constitution), which has been described above. As explained, the child’s opinion and views must be taken into account by the courts and authorities, in accordance with the child’s maturity[[40]](#footnote-40).

Academic literature[[41]](#footnote-41) says that the following rights are manifestations of the principle of ensuring that the informed consent (which is understood in the context of this study are reference to the evolving capacity of the child) of a child is taken into account: 1) the child is allowed to express his views (in the light of his/her age and maturity), 2) the child is informed, 3) the child has the possibility to consider the matter, 4) the child can express his or her will without being forced, persuaded or manipulated[[42]](#footnote-42).

The biological age of the child plays a key role in determining his/her evolving capacity and rights and obligations in the civil proceedings. For example a decision on custody cannot be enforced against the will of a child who is at least 12 years old. The opinions of children younger than six years old are rarely taken into account by the authorities[[43]](#footnote-43).

In addition to the age of the child, it is important to consider whether the child has experience of the matter that is subject to the legal dispute. For example a child can in practice have experience of the way his/her parents exercise their right to stay in contact with him/her (e.g. this experience can be gained while meeting the other parent with whom the child does not live). In such cases, it is more likely that the child has a more reasonable opinion on the matter[[44]](#footnote-44) and thus could be heard.

The human dignity and the freedom and rights of the individual are guaranteed by [the Constitution of Finland](http://www.finlex.fi/en/laki/kaannokset/1999/en19990731?search%5Btype%5D=pika&search%5Bpika%5D=constitution). The Constitution provides that ‘Children shall be treated equally and as individuals’. This implies that regardless of the role of the child in civil judicial proceedings, and his/her age, he/she must be treated with dignity during the civil judicial proceedings. It is noted that also the understanding of the best interests of the child, as explained above especially in relation to [the Child Custody and Right of Access](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta) and [the Child Welfare Act](http://www.finlex.fi/en/laki/kaannokset/2007/en20070417.pdf) contain elements relevant to the treatment of a child with dignity and respect, with care, sensitivity, fairness. The above described rules also ensure that the child’s personal situation, well-being and special needs are taken into account.

[The Non-Discrimination Act](http://www.finlex.fi/en/laki/kaannokset/haku/?search%5Btype%5D=pika&search%5Bpika%5D=yhdenvertaisuuslaki&submit=Search) includes the prohibition of discrimination based on, inter alia, age or disability. The Act is applicable on these grounds in cases concerning employment and education[[45]](#footnote-45).

The Ombudsman for Minorities provides services both to adult and child immigrants, foreigners resided in Finland and ethnic minorities including to Roma[[46]](#footnote-46). The Ombudsman for Minorities can, in cases of ethnic discrimination, promote reconciliation between the parties, request clarification from the suspect of discrimination and if clarification is not provided issue a notice of a potential fine, take or help with taking the case to the National Discrimination Tribunal of Finland or to a court[[47]](#footnote-47). If a person, adult or child (represented by a legal representative or in their own right if at least 15 years of age and in parallel with a legal representative), is discriminated against, then he/she may bring a claim concerning ethnic discrimination to the National Discrimination Tribunal, or to a district court concerning discrimination based on age, ethnic or national origin, nationality, religion, belief, opinion, state of health, disability or sexual orientation in cases related to discrimination by a supplier of work, movable or immovable property, or services, education (and also services when ethnic discrimination is concerned). A claim could also be brought to a district court in cases concerning discrimination based on gender based on [the Act on Equality between Women and Men](http://www.finlex.fi/en/laki/kaannokset/1986/en19860609.pdf)[[48]](#footnote-48).

The [Act on Reception of a Person Applying for international Protection](http://www.finlex.fi/fi/laki/ajantasa/2011/20110746?search%5Btype%5D=pika&search%5Bpika%5D=laki%20vastaanotosta#L5P39)[[49]](#footnote-49) includes provisions on unaccompanied minors, such as provisions ordering them to have legal representation and providing special services for persons in special conditions (e.g. victim of human trafficking or a person who is in a special situation due to his/her health or age)[[50]](#footnote-50).

The Parliamentary Ombudsman and Chancellor of Justice oversee the work of public authorities and officials and handle individual complaints. Upon complaints received from individuals, these bodies may also check the decisions of courts in cases where the suspicion arises of a breach of procedural rules[[51]](#footnote-51). Children’s rights have been central in the work of the Parliamentary Ombudsman’s work and the Ombudsman has carried out investigations on his own initiative as well as on-site inspections[[52]](#footnote-52). Children can file complaints both to the Parliamentary Ombudsman and to the Chancellor of Justice in their own right.

When a child turns 18, he/she can initiate a proceeding for events that happened when he/she was a child if the limitation period has not expired. The length of the limitation period depends on the event itself and on whether the proceedings are based on civil law or criminal law.

# Child-friendly justice in civil judicial proceedings

## The child as an actor in civil judicial proceedings

Child as a plaintiff

Children as explained under [Section 2](#_Overview_of_Member) as a general rule lack full civil capacity to act, which implies that generally they cannot file a lawsuit in their own right. Children who lack full capacity to act, also lack procedural capacity to act, which means that they cannot take procedural actions validly in their own right. Therefore children need to be represented by their legal representatives or guardians (typically by their parents) [[53]](#footnote-53).

Exceptions exist under the general rule, in accordance with which in certain disputes the child can be a fully-fledged party. Children who are at least 15 years old can be heard in their own right and have procedural capacity to act, independently of their legal representative, if the dispute concerns property that the child has earned with his/her work, or if the dispute arose in connection with the employment contract of the child. If a case concerns the personal rights of the child, both the child and the legal representative have independent but parallel rights[[54]](#footnote-54). This means that the child can initiate a proceeding in his/her own right, but his/her legal representative may also decide to do so on behalf of the child. The court hears both the child and his/her legal representative during the civil judicial proceeding.

There are no separate provisions facilitating the filing of a lawsuit for children who can take such procedural action in their own right.

In child support/maintenance cases, the parties are in principle the child and a parent but in practice often the child is not present as a party, and the dispute is between his/her parents[[55]](#footnote-55).

There are cases (e.g. recognition of paternity cases), which could in theory be brought before courts by the child in his/her own right, but in practice despite the legal possibility, the claims for the lawsuit are usually filed by the child welfare supervisor, who is a municipal social worker taking specific care over paternity cases (*lastenvalvoja)*, or by the child’s mother if the child is in the care of his/her mother[[56]](#footnote-56). If the child is at least 15 years of age and is against it, there is no possibility for the child welfare authorities or his/her mother to file a lawsuit for the recognition of paternity. According to the Paternity Act the child welfare authorities should refrain from bringing a recognition of paternity case before a court, if the child is younger than 15 years old, and his/her mother is against bringing the case before the court[[57]](#footnote-57).

If there is a conflict of interest between the child and his/her parents or other legal representative, the court assigns a legal guardian (*edunvalvoja)* for the representation of the child in the proceedings

According to the Guardianship Services Act, this procedure can be initiated by guardianship authorities or parents. If the child in question has attained the age of 15, he/she must be reserved an opportunity to be heard in the process. This happens usually in written proceedings, not orally.

Child welfare officials have the duty to assist a child with the exercise of their rights and when necessary support the child in accessing legal aid and to ensure that a legal guardian is sought for the child when necessary (for example when the child is in a conflict of interest with a custodian)[[58]](#footnote-58).

If the child turns 18 years of age during the proceedings, he/she can become a fully-fledged party to the proceedings[[59]](#footnote-59).

Child as a defendant

There is no age limit for children’s involvement in tort cases. This implies that even a very young child could be sued in a tort case. In these cases the child would be represented by his or her legal representative (in practice custodians who in general are the child’s parents). The age and maturity of the child can be taken into consideration when a court adjudicates.

With respect to disputes other than tort, Finnish legislation does not contain ~~any~~ many reference to children. This implies that children can be sued under Finnish legislation, if the dispute concerns the rights and obligations of which the child can freely dispose (e.g. if the dispute arises in connection with the child’s employment contract, concerns the child’s personal rights, etc.) As regards the rights and obligations of child defendants in civil judicial proceedings, the same rules apply as to plaintiffs. If the matter concerns something that the child can dispose of independently, he/she does not need to be represented by his/her representative. However also in these cases the court may hear the legal representative if the court finds this necessary for the best interest of the child (the legislation here uses the term ‘minor’)[[60]](#footnote-60).

Child as a witness

Children who are younger than 15 years of age can be heard as witnesses only if the court finds it appropriate and if a) the hearing of the child is indispensable for the clarification of the matter and 2) a hearing is not harmful to the child and if in particular the child would not suffer from it and it would not hinder his/her healthy personal development[[61]](#footnote-61). Children below 15 years of age cannot give an oath when heard as witnesses[[62]](#footnote-62). Finnish legislation does not require the child’s legal representative to approve the hearing of the child as a witness.

Children older than 15 years of age can be heard as witnesses in their own right and do not need to be represented.

Under Finnish law, a witness can refuse to testify if by giving testimony he/she would incriminate him/herself or his/her close relative, or would disclose a professional or business secret[[63]](#footnote-63).

Child in any other role

In cases that concern custody and contact, the child is not allowed to file a lawsuit. In such cases the lawsuits are filed by the parents or other custodians. This also implies that in certain disputes the child is not one of the parties to the proceedings, but rather its subject. Despite the fact that the child is not a party to the proceeding, his or her views can be heard by the social services and in some cases also by the court.

As a general rule, children in any other role can be heard regardless of their age.

If the child concerned by the paternity case is at least 15 years old, the declaration of recognition of paternity can be confirmed only if the child accepts it[[64]](#footnote-64).

Finally it is noted that child-protection cases are subject to administrative judicial proceedings in Finland, thus applicable provisions are covered by the Contextual Overview for the administrative phase of this study.

Interim/temporary measures are described under [Section 3.4.](#_Protection_from_harm) of this report.

## Provision of information

### General rules applicable to children involved in civil judicial proceedings regardless of their role

Finnish legislation does not include separate provisions on informing the child of support services, but public officials have the general duty of informing children who are possibly in need of child welfare protection[[65]](#footnote-65) about their services.

Physical and psychological support services can be provided by communal health care and social welfare services to children involved in civil judicial proceedings. Social welfare officials involved in custody cases can also provide information to the child about their services. A child can be a client of the social welfare services in which case the social welfare officials must ascertain the wishes and views of the child in accordance with his/her age and maturity[[66]](#footnote-66). Most often it is the legal representative (in practice a parent) of the child who takes a child to the social welfare authorities and asks for their services.

Finnish law does not require the provision of special information to children who are residents in a different Member State.

There are not much child-friendly materials available which contain information to children involved in civil judicial proceedings.

Child as a plaintiff and defendant

Depending on the extent to which the child possesses civil capacity to act, it is either him/her who receives the information in his/her own right, or it is his/her legal representative who is informed. In principle the child is represented by his/her legal representative (parent/guardian, in practice parent) but in some cases a child who is over 15 years can participate in the proceedings and be informed independently (See above Section [3.1.](#_The_child_as)). Children who act as fully-fledged parties can request information from the courts and authorities in their own right.

The [Act on custody and right of access](file:///C%3A%5CUsers%5C32120%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5C) ~~which~~ requires legal representatives to discuss all relevant decisions with the child if that is possible, taking into consideration the age and maturity of the child[[67]](#footnote-67).

Finnish legislation does not include separate provisions for informing adults or informing children in court proceedings.

It is understood that in cases when the child’s legal representative receives the information and not the child, the provision of information to the legal representative serves as an alternative to providing information to children.

The child also receives information while being heard by the courts. The legal representative of the child (if he/she does not have full capacity to act) and the court are obliged to inform the child of aspects of the civil judicial proceeding such as deadlines, rights and obligations and the right to appeal.

Child as a witness

If a child is heard as a witness, he or she is either invited by subpoena or the court lets the parties invite their own witnesses[[68]](#footnote-68). Subpoenas are served directly on the child, but in practice also the legal representative is notified. Subpoenas do not contain information in a child-friendly manner but in practice the information to the child is given in a child-friendly manner.

Witnesses, including both adult and child witnesses, are informed about their rights and obligations by the court before being heard. There are no legal requirements in place to ensure that information is provided to children in a child-friendly manner.

As explained under [Section 3.1.](#_The_child_as) child witnesses, regardless of their age, can participate in the proceedings in their own right. A child under 15 years of age cannot be asked to take an oath[[69]](#footnote-69).

Child witnesses do not receive information on the legal remedies available, as under Finnish law they cannot file a complaint against the decision of the court.

In general the law does not include separate provisions for informing adults or informing children in court proceedings.

Child in any other role

As explained under 14 years of age, a child can participate in certain judicial proceedings (i.e. custody and visiting rights over the child) in a role other than those of the plaintiff, defendant and witness. The child in these proceedings is heard, typically by the social welfare services and exceptionally by the court.

When a child is heard by social welfare officials in relation to custody proceedings, the official must clearly explain to the child before the hearing that he/she is not obliged to answer the questions[[70]](#footnote-70) and that the information received from him/her will be forwarded to the courts and also to the parents if they are parties to the case.

This is important since the child cannot forbid the interviewer to write down what he/she has said[[71]](#footnote-71). Informing the child of the proceedings is important also in order for the child to be able to give an informed opinion on the matter[[72]](#footnote-72). The provision of information should happen in a language and manner that is understandable to the child[[73]](#footnote-73).

The child may also be heard by the court. The court may invite the child or leave the right to invitation to the parties. The invitation is addressed to the child and contains information about the proceedings. At the beginning of the hearing the court informs the child about his/her rights and the hearing in practice is carried out in the way that the maturity and age of the child are taking into account. The child can be informed about the court decision, if he/she attends the trial when the court communicates to the parties its judgement. Otherwise, the child is not served with a copy of the judgement.

## Protection of the child’s private and family life

### General rules applicable to children involved in civil judicial proceedings regardless of their role

Academic literature states that the challenge, in court procedures involving children, is to balance the principle of the openness of trials with the protection of the child’s private life[[74]](#footnote-74).

Under Finnish law, at least the so-called basic information of court files should be made publicly available as a very strong main rule. Basic information refers to all types of information that makes it possible to identify the parties of a case, such as the parties’ names. Contact details are not considered as basic information under Finnish law. This rule applies equally to children and adults. In either the case where a child is a fully fledged party or in the case where the child is represented by his legal representative, the name of the child would be available through the judgement.

Certain court files are considered as secret if they include sensitive data concerning private life, health (e.g. statements from a psychologist)[[75]](#footnote-75), disability or access to social services. These files can be disclosed in part or in whole if it is necessary for an important private or public interest or if asked by a person who is concerned by the data contained in the files. In practice, the decision over the disclosure of sensitive information is subject to the judge’s discretion. The views of the parties, adults or children, can also be taken into consideration[[76]](#footnote-76) when exercising this discretionary power. If a party (adult or child) to a dispute so requests, certain other documents, such as a maintenance agreement, may also with some provisions be kept confidential[[77]](#footnote-77) . The Court must notify the parties, adults or children, or anyone else present in the court room, such as witnesses or children in other role who are heard, about the fact that certain parts of the court files[[78]](#footnote-78) are confidential. As explained under years old the extent to which child parties can exercise their right to access to court files depends on their procedural capacity to act.

The statutory provision[[79]](#footnote-79) that parties, witnesses, etc. cannot disclose information of which they learned during in camera trials also serves a data protection purpose.

It also protects the personal data of any person involved in the proceeding in the sense that confidential data cannot be used for the benefit of one party or to harm the other. If videos or other such recordings are used as evidence, parties have the right to see them.

Social welfare officials are required to keep information on clients confidential. Information may be disclosed only with the client’s consent. In cases related to children this means either the consent of the child’s legal representative or the consent of the child if he/she can understand the meaning of giving his/her consent[[80]](#footnote-80). That doesn´t apply to court proceedings for example about the custody of the child. If court asks information on the child and the family for the specific case, the authorities are obliged to give the information to the court. Thus the information in the proceedings is confidential and it is given only to the court and the parties.

Public officials, including judges or social welfare officials, are obliged to hold on to confidential information that they learned during the proceedings (e.g. information contained in documents). The document cannot be shown or given or told about to another person[[81]](#footnote-81). Official documents that are to be kept secret include for instance documents containing information on a person’s family life or other comparable personal circumstances[[82]](#footnote-82).

Persons, including children who are older than the minimum legal age of criminal responsibility, who unlawfully disclose information can be subject to criminal liability. [The Finnish Criminal Code](http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf) contains two relevant offence provisions, i.e. the so-called Secrecy Offence, and Secrecy Violation for petty acts[[83]](#footnote-83). If the disclosure of information results in damages, compensation may be claimed under the regime of the [Tort Liability Act](http://www.finlex.fi/en/laki/kaannokset/1974/en19740412?search%5Btype%5D=pika&search%5Bpika%5D=vahingonkorvauslaki)[[84]](#footnote-84). Children whose rights have been breached can initiate a criminal judicial proceeding in their own right by reporting the crime to the police. As referred to above under [Section 3.1.](#_The_child_as), depending on his/her capacity to act, a child can file a civil lawsuit in his/her own right, or on behalf of the child his/her legal representative could file the lawsuit.

It is also noted that under Finnish law it constitutes a crime if someone disseminates information by using mass media or any other mean in a way that breaches someone’s personal rights or private life to an extent that it could cause damage, suffering or contempt[[85]](#footnote-85). As referred to in the Contextual Overview for the criminal phase of this study, children can initiate criminal proceedings in their own right.

According to the Instructions of the Council of Mass Media in Finland, even in cases of public information the right to privacy must be taken into consideration and special attention should be paid to cases when the information concerns a minor[[86]](#footnote-86).

Except for the possibility of appointing a guardian ad litem for the representation of a child whose interests are conflicting with those of his/her parents and the availability of family counselling services, there are no additional measures in place to avoid the adverse consequences of the procedure on the child’s relationship with his/her parents[[87]](#footnote-87).

Child as a plaintiff

The general rules, described above apply.

Child as a defendant

The general rules described above apply.

Child as a witness

The general rules, described above, apply. There are no particular provisions on access to juridical information concerning witnesses.

In civil cases the witnesses are in practice most commonly invited by the parties. The judge presiding the case leads the process and informs the witness of the process including of the right not to testify and his/her right to compensation.

Child in any other role

The general rules, described above apply. Besides the general rules, the provisions below are specific to children in other roles.

When a child is heard by social welfare officials related to a custody or enforcement case, the report that will be sent to the court should in general be drafted so that the child’s own replies are written up, and the report does not consist only of the interpretation of the interviewer. An exception to this could be a situation in which the child has described one of the parents in a way that should be rephrased[[88]](#footnote-88) to protect the child.

In custody cases, the rules applicable to confidentiality apply differently. All information that is deemed to be necessary for the protection of the child’s best interests need to be indicated in the statement prepared by social workers. This statement is submitted to the courts[[89]](#footnote-89).

## Protection from harm and ensuring a child friendly process

### General rules applicable to children involved in civil judicial proceedings regardless of their role

Finnish legislation sets specific deadlines for the courts with respect to child abduction cases. It is only Helsinki court appeal and the Supreme Court which handle the international child abduction cases in Finland.

As regards other procedures that involve children not many specific deadlines are set, however in practice as a strong main rule give strong priority to cases involving children[[90]](#footnote-90). A party (adult or child) to a case can also ask the Court to consider the case urgently if there are very important reasons for this[[91]](#footnote-91).

As noted above in [Section 3.3.](#_Protection_of_the), the constitutional right to privacy can in some cases justify the ordering of in camera proceedings, and in particular the prohibition of the presence of press and public. In particular, a court can order an in camera trial, on request of a party (including a child, who can file the request in his/her own right or through his/her legal representative depending on his/her legal capacity to act) or for some special reason, if delicate information is presented in relation to someone’s private life, disability or access to social services, or if the presentation of certain data would cause severe harm to certain interests protected by secrecy[[92]](#footnote-92).

Considering the aim of protecting children from harm, it is important to note that children, regardless of their role, who are younger than 15 years of age can only be heard if the court finds that appropriate and if a) the hearing is of central significance for the clarification of the matter and 2) the hearing would probably not cause the child suffering or would otherwise be harmful to his/her personal development[[93]](#footnote-93). There are no specific rules regarding the use of harmful images or information during civil proceedings that involve children.

There are no separate provisions in legislation requiring that premises and places where children are heard or are otherwise present (e.g. waiting room) are non-intimidating and child-friendly. However, the hearing of a child who is younger than 15 years can take place outside a court room. In addition, if the person who is heard as witness or in some other role is less than 15 years old, he/she may be heard without being present at court using video equipment or something similar[[94]](#footnote-94).

If a child feels threatened or harassed by another person it is possible to seek a restraining order[[95]](#footnote-95). The application for a restraining order is submitted either to the police or to the District Court, in writing or orally. An application on behalf of the threatened person can be submitted also by the police or a social service authority if the interested person is afraid to submit it himself/herself. Regardless of their age, children cannot submit such an application in their own right; instead their legal representative can file it on their behalf. Civil servants at police may issue temporary restraining orders but permanent restraint orders are issued by District Courts[[96]](#footnote-96).

With respect to the role of support services in protection children from harm, see the description provided under [Section 3.3.](#_Protection_of_the) There are no additional services provided to children in highly conflictual proceedings.

There are no laws in place to ensure that court sessions and other actions during the civil procedure are adapted to the child’s pace and attention span (e.g. regular breaks, provisions on avoiding lengthy hearings, etc.) or any communication difficulties the child may have. In practice these things are taken into account.

Child as a plaintiff

The general rules, described above apply.

Child as a defendant

The general rules, described above apply.

Child as a witness

The general rules, described above apply.

Child in any other role

According to a research conducted in 2006, it takes about eight months on average to adjudicate custody cases. It was noted that in custody cases the preparation of the report by the social welfare officials takes most of the time[[97]](#footnote-97). Child abduction and enforcement of custody cases should be handled urgently[[98]](#footnote-98), and if a child abduction case has not been concluded within six weeks from the filing of the application, the appeal court must clarify the reasons behind the delay either upon request of the applicant or the Ministry of Justice[[99]](#footnote-99).

When a child is heard by social welfare officials in a custody case, this can take place at the home of the child, or in a social welfare office[[100]](#footnote-100). It has also been recommended that when a child is heard for the first time, he/she should be accompanied by both parents[[101]](#footnote-101). Social welfare officials meet the child usually 2-4 times so that the child can feel less pressured and meetings can be carried out both with or without the presence of the parents (if the child is very young this is not always possible) and if possible the child should be accompanied by his/her siblings. When a child is heard by a court, this happens usually outside the trial, for example in the judge’s office. A court hearing can also be arranged outside the court’s premises[[102]](#footnote-102).

When a case concerning the custody of a child has been brought to a court, it can decide on the temporary place of residence of the child and on the exercise of visiting rights. The court can decide also on the temporary custody of the child if there is special reason for this[[103]](#footnote-103). Such a reason could be, for example, if there is a risk of one parent taking the child abroad, or if the parents cannot reach an agreement on matters that would endanger the child’s access to education or necessary health services[[104]](#footnote-104).

If there is reason to believe that a parent would take the child abroad, the bailiff or police can take the child into care immediately if the other parent so requests. This happens very rare and is possible only in urgent cases and must be taken to the court to decide immediately[[105]](#footnote-105).

A court can also decide on temporary child support/maintenance based on judicial practice and provisions of [the Marriage Act](http://www.finlex.fi/en/laki/kaannokset/1929/en19290234?search%5Btype%5D=pika&search%5Bpika%5D=avioliittolaki)[[106]](#footnote-106).

## Protecting the child during interviews and when giving testimony

### General rules applicable to children involved in civil judicial proceedings regardless of their role

Children who are younger than 15 years of age can be heard as witnesses or parties or as children in other roles only if the court finds that appropriate and if 1) the hearing is of central significance for the clarification of the matter and 2) the hearing would probably not cause the child suffering or would otherwise be harmful to his/her personal development[[107]](#footnote-107). Children who are older than 15 years old can be heard by courts. Children below 15 years of age cannot take an oath when heard as witnesses or parties[[108]](#footnote-108).

In practice, the hearing of children by courts is quite rare. With respect to the presence of parents during the hearing of their child as witness or other role, Finnish legislation does not contain any provisions. In practice, however the presence of the child’s parents is accepted. For instance, in a case concerning a child who is under 15 years of age and represented by a custodian as the legal representative, the custodian would in general be present at the proceeding. Child parties who do not have procedural capacity to act are in any case represented by their parents.

Persons involved in civil judicial proceedings, including children, can be provided with interpretation service. The costs of interpretation can in some cases concerning children be paid from the legal aid or from the State but in some cases they are paid by the parties. At the end of the procedure, the courts decide on the bearing of the costs of interpretation, as part of its decision on the legal costs[[109]](#footnote-109).

There are no legal provisions in place to ensure that the number of interviews is as limited as possible and that their length is adapted to the child’s age and attention span. It is noted however that it is a general duty of public officials as well as legal representatives to safeguard the best interests of the child, which in practice suggests that children are heard only as many times as necessary and in a way that takes into account their age and maturity.

There are no legal provisions in place to ensure that information received from children is admitted by the courts as evidence. It is up to the judge to evaluate the information received from children.

Child as a plaintiff

The general rules, described above apply.

Child as a defendant

The general rules, described above apply.

Child as a witness

The general rules, described above apply.

Child in any other role

If the child possesses the necessary age and maturity, his/her views and wishes must be taken into account in custody or visitation cases, even in cases where the parents do not agree with such views[[110]](#footnote-110).

When a child is heard by social welfare officials for a custody case, this must be done in a discreet way and without harming the child’s relation with his/her parents[[111]](#footnote-111). The child should be informed that he/ she is not obliged to answer the questions[[112]](#footnote-112).

If a child is heard by the court in a case concerning custody, he/she is not considered as a witness but rather as subject of the proceedings and can be heard only if he or she agrees[[113]](#footnote-113). The hearing of a child by courts in custody cases or cases related to the exercise of visiting rights is only possible if the information expected from it is necessary for deciding on the case, if the child accepts it and if there is clearly no harm for the child[[114]](#footnote-114).

According to [the Child Welfare Act](http://www.finlex.fi/en/laki/kaannokset/2007/20070417) in a case where it would be necessary to gather information from the child, the hearing may be dismissed if it can be assumed that the hearing would endanger the child’s health or personal development[[115]](#footnote-115).

## Right to be heard and to participate in civil judicial proceedings

Child as a plaintiff and defendant

Children can participate in their own right in civil proceedings that concern the property that they have earned with their work or employment relation. Children can validly enter into an employment contract if they are more than 15 years old. In these cases, the child in his/her own right is entitled to be heard[[116]](#footnote-116).

Children who are at least 15 years old have parallel rights with their custodians to participate in disputes that concern their personal rights, such as cases concerning their right to legal guardianship. This means that both children who are at least 15 years old and their parents may decide on the taking of legal actions and thus would need to be heard.

Child welfare officials have the duty to assist a child with the exercise of their rights and when necessary support the child in accessing legal aid and to ensure that a legal guardian is sought for the child when necessary (for example when the child is in a conflict of interest with a custodian)[[117]](#footnote-117).

The way of communicating information to children, including the communication of court decisions, is described under [Section 3.2](#_Provision_of_information).

Legal provisions regulating the rights and obligations of child parties during the enforcement phase of civil judicial proceedings are described under [Section 3.11](#_Enforcement_of_civil).

With respect to the communication techniques used with children, the previous Sections of this report provide details.

There are no legal requirements in place to remove obstacles for children who would like to access courts in their own right.

There are no special provisions on the right to intervene in civil proceedings by children, thus the general provisions apply. According to the general provisions a third party could bring a claim against either one of the parties to a case or against both of them. The Court can merge these cases. A third party can also under some conditions intervene in the original proceedings without bringing a claim, if he/she has an interest, in other words an intervener can join the proceeding if the matter concerns his/her right and he/she can prove such an interest[[118]](#footnote-118).

Except for cases that concern the recognition of paternity, the fact that children do not possess full procedural capacity and thus cannot initiate or participate in the civil judicial proceedings, does not affect the running of limitation periods. In recognition of paternity cases, the child may file a lawsuit regardless of the lapse of the limitation period within five years from the entry into force of the [Act on the implementation of the Paternity Act](http://www.finlex.fi/fi/laki/ajantasa/1975/19750701)[[119]](#footnote-119). This Act entered into force on 1 October 1981. The Supreme Court has recently ruled on the unconstitutional character of this provision[[120]](#footnote-120), thus this provision is no longer applied in practice.

Child as a witness

Child witnesses can participate in the proceedings in their own right, regardless of their age (see [Section 3.1.](#_The_child_as)). It is not a right for child witnesses to be heard but an obligation. Child witnesses must testify upon receipt of a subpoena served by a court.

The way of communicating information to children, including the communication of court decisions, is described under [Section 3.2](#_Provision_of_information).

Legal provisions regulating the rights and obligations of child witnesses during the enforcement phase of civil judicial proceedings are described under [Section 3.11](#_Enforcement_of_civil)

With respect to the communication techniques used with children, the previous Sections of this report provide details.

Child in any other role

A child who is at least 15 years of age has a right to be heard also in a custody case, even though he or she is not considered as a party[[121]](#footnote-121). Although in general a child’s views are ascertained by social welfare officials, a child can also be heard in the court if there are reasons for that[[122]](#footnote-122).

In adoption cases, the adoption cannot be confirmed without the child’s consent, if the child is at least 12 years of age. A child’s consent is not needed if he/she cannot give it due to illness or disability. The degree of mental disability that excludes the possibility for a child to express his/her views is assessed on a case by case basis. Adoption cannot be confirmed, if it is against the will of a child who is younger than 12 years of age, if the child is considered as mature enough to expressing his or her will[[123]](#footnote-123).

There are no formal instructions or methods for the hearing of children by judges[[124]](#footnote-124). However, a working group of the Ministry of Justice has recently drawn up guidelines which inter alia assess the best ways for the hearing of children. In particular, the guidelines focus on the ways of hearing the child in court mediation, the means of carrying out a conversation with the child and the kind of problems that could arise in connection with the hearing of a child.

In cases concerning the enforcement of orders with respect to the return of a child under the Hague Convention on International Child Abduction, the Helsinki appeals court must seek the views of the child if the age and maturity of the child are such that his/her views should be considered[[125]](#footnote-125). In practice children are heard if they are older than 7 years of age and all children who are at least 12 years of age are heard in all cases[[126]](#footnote-126).

The way of communicating information to children, including the communication of court decisions is described under [Section 3.2](#_Provision_of_information).

Legal provisions regulating the rights and obligations of child witnesses during the enforcement phase of civil judicial proceedings are described under [Section 3.11](#_Enforcement_of_civil).

With respect to the communication techniques used with children, the previous Sections of this report provide details.

## Right to legal counsel, legal assistance and representation

### General rules applicable to children involved in civil judicial proceedings in the roles of a plaintiff and defendant

As a general rule, legal representatives represent the child (except for child witnesses) in civil judicial proceedings. This is the case in particular when the child is younger than 15 years of age. Legal representatives may seek legal assistance for the child. If a child can bring a case on his/her own right, for instance concerning property he/she has earned, he/she may seek legal assistance. There are no provisions for waiving legal assistance and the law does not distinguish between children or adults.

In civil proceedings, legal aid can be sought by those who do not have the means or legal insurance to cover the costs of the proceedings. Legal aid can be provided either free of charge or for a certain amount of money, which is considerably smaller than one would pay for a lawyer[[127]](#footnote-127). The person applying for legal aid must first consult (which means also choosing his/her counsel) a legal aid office or an attorney or lawyer who can fill in the application for legal aid. Legal aid may be granted at the phase of negotiations or during the court proceedings[[128]](#footnote-128). Child parties who possess procedural capacity to act can consult attorneys, lawyers, etc. in their own right. In other cases, the child’s legal representative acts.

Under Finnish law, the participation of legal counsel is not mandatory. If a child plaintiff or defendant decides to request the assistance of a legal counsel, he/she can do so through his/her legal representative. Children who possess procedural capacity to act can mandate a legal counsel in their own right. Children cannot instruct their legal counsel in their own right, unless they have procedural capacity to act. The same rule determines the child’s right to withdraw the mandate for legal counsel.

When the interests of the child and of his/her legal representative are in conflict, the court may appoint a legal guardian (*edunvalvoja*) for the representation of the child.

Child as a plaintiff and defendant

A legal guardian may be appointed in a maintenance case for example if the child is not under the responsibility of any of his/her parents. In these cases the legal guardian may bring the case against the parent of the child[[129]](#footnote-129).

In paternity cases, a child welfare officer (*lastenvalvoja*) can bring both a paternity and maintenance case to a court[[130]](#footnote-130). A communal social welfare officer can also in some cases bring a maintenance case on behalf of the child[[131]](#footnote-131).

Child as a witness

Child witnesses do not need to be represented during the civil judicial proceedings.

Finnish legislation does not exclude the possibility of mandating a lawyer for child witnesses. However in practice it is not a common practice that child witnesses are represented by a lawyer. In theory, child witnesses would be able to mandate a lawyer under the same conditions as child plaintiffs and defendants.

Although the wording of the [Legal Aid Act](http://www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf) is somewhat broad - enabling granting legal aid to persons who need expert assistance in a legal matter - legal aid is in general granted for the costs of legal representation before courts and is in principle not applicable to witnesses[[132]](#footnote-132).

Child in any other role

Literature has pointed out that it is not a legal requirement in Finnish law to appoint a guardian ad litem for the representation of children in civil judicial proceedings. In practice however, it has happened that the court appointed a guardian ad litem for a child, which is understood to be against the legislator’s intention[[133]](#footnote-133). A guardian ad litem could be appointed for the social welfare examination of the custody case, if there is a conflicting interest between the child and his/her parents. In custody cases, the court may decide against the involvement of a guardian ad litem, if due to the big number of officials involved in the proceedings, an additional person would be burdensome for the child[[134]](#footnote-134).

## Alternatives to judicial proceedings

Mediation is the only ADR mechanism available for children, in their role as a plaintiff/defendant, witness and in any other role. Mediation is possible in civil and commercial matters (civil mediation), where mediation is typically court-annexed, which means that the procedure is conducted by judges who in Finnish system act as mediators in other judge´s cases of the general district court. Civil mediation in courts is possible in cases concerning child maintenance, custody or right of access. While carrying out civil mediation the best interests of the child must be guaranteed[[135]](#footnote-135).

Compared to judicial proceedings, mediation in child custody cases is considerably faster (1 month and 9 days on average). The hearing of children in mediation is possible but rare[[136]](#footnote-136) .and it is the main idea of the mediation that the opinions and thoughts of the child would come up from the parents who attend the mediation.

Civil mediation is possible also in other civil disputes, including minor tort cases, conducted in mediation offices. Civil meditation in these cases is applicable only if both parties consent voluntarily. Specifically a child, of any age, must consent personally in cases where he/she is a party. In addition, the legal representative must give his/her consent[[137]](#footnote-137).

Child as a plaintiff and defendant

A party or both parties of a civil judicial proceeding can ask for mediation either before the court proceedings start or during the proceedings. A court (in practice, a judge) can also propose mediation to the parties. Mediation services can be provided by judges (i.e. mediation cases concerning child support/maintenance, custody and the exercise of visiting rights), mediation offices[[138]](#footnote-138), and by the Finnish Bar Association[[139]](#footnote-139) in family mediation cases.

In civil judicial proceedings, judges are obliged to try to reconcile the parties at any stage of the procedure[[140]](#footnote-140). Thus judges can also offer the possibility of mediation to the parties at any stage of the civil judicial proceeding. Just as in the case of civil judicial proceedings, the extent to which the child can participate in mediation, initiate mediation or terminate mediation depends on his/her procedural capacity to act. The applicable rules are described under [Section 3.1.](#_The_child_as)

In their role as a consumer, children can seek guidance and receive assistance from consumer protection authorities who can be contacted in their offices in person, via telephone or internet. Consumer authorities also provide mediation services with respect to disputes between consumers and businesses. Children can seek mediation services in their own right in cases, where the procedure concerns products that they can purchase in their own right. Parents can also turn to consumer authorities, if for instance a child has purchased something that would have required parental authorisation[[141]](#footnote-141). The Consumer Ombudsman may assist in individual civil procedures, also on behalf of children, but participates in individual cases only rarely.

Except for the legal provisions requiring the consent of the child to participate in civil mediation in mediation offices, and the requirement to carry out mediation in courts in cases concerning the status and the rights of the child (to ensure the interests of the child), as well as the provisions on the role of legal representatives, there are no other measures in place to safeguard the child during mediation but in practice safeguarding of the child would be taken into account if the child was in mediation.

Child as a witness

The same rules apply to the involvement of witnesses in mediation as to civil judicial proceedings. Witnesses can be involved in mediation regardless of their age in their own right.

Child in any other role

~~C~~ustody and visitation cases do not necessarily need to be brought before the court. The parties may reach an agreement outside a judicial proceeding, which then needs to be approved by the social welfare authorities. While considering the approval of the parties’ (e.g. parents’) agreements, the social welfare officials must consider the best interests of the child. If the parents cannot reach an unanimous agreement or if there are some other reasons to do so, the wishes of the child should be given due consideration[[142]](#footnote-142) by the social welfare authorities.

Mediation is possible inter alia in divorce cases concerning maintenance, custody or visitation cases. The roles applicable to mediation are set out in [the Marriage Act](http://www.finlex.fi/en/laki/kaannokset/1929/en19290234?search%5Btype%5D=pika&search%5Bpika%5D=avioliittolaki) in accordance with which, while conducting the procedure, the mediator should pay attention to the interests of children. The Act does not include provisions with respect to the hearing of children[[143]](#footnote-143).

With respect to mediation in custody cases, the Ministry of Justice has been carrying out a project to test the advantages of requiring cooperation between judges and social welfare officials (whose cost would be borne by the State.) The main essence of the project is that judges who lead the mediation procedure and act as mediators are assisted by an experienced social worker or psychologist. Considering the voluntary nature of mediation, judges as mediators play a different role in mediation than in judicial proceedings. In other words, judges assist the parties in reaching an agreement, but are not in a position to decide on the subject matter of their dispute. The role of the expert is to provide information on the best interests of a child, the child’s perspective and role in the divorce. In practice, before this project it was uncommon to have an expert involved in mediation mostly due to the costs the parties had to bear. Within the project the cost of experts is covered by the State. The project also aims at providing training for judges dealing with mediation involving children[[144]](#footnote-144). This expert assisted court-connected mediation shall be in force by law in whole Finland during year 2014.

Even though the custody of a child should in principle be agreed by the parents, the court and social welfare officials must also ensure that the agreement of the parents is not contrary to the best interests of the child[[145]](#footnote-145).

## Remedies or compensation exist for violation of rights and failure to act

### General rules applicable to children involved in civil judicial proceedings regardless of their role

The Parliamentary Ombudsman and Chancellor of Justice oversee the functioning of public authorities and officials and handles individual complaints. Any person may turn to these bodies with a complaint against the decisions of courts on the ground that the court breached some procedural rights[[146]](#footnote-146). Children’s rights have been central in the work of the Parliamentary Ombudsman, and the Ombudsman has carried out investigations on his/her own initiative, as well as on-site inspections[[147]](#footnote-147). Children can file a complaint to both the Parliamentary Ombudsman and to the Chancellor of Justice in their own right or through their legal representatives.

Anyone who has suffered damages may claim compensation under the general Tort Liability Act[[148]](#footnote-148).

Child as a plaintiff and defendant

A child party can access legal appeal mechanisms. An appeal can be filed by the child in his/her own right or by his/her legal representative, depending on his/her procedural capacity to act (see [Section 3.1.](#_The_child_as)). Children who cannot participate in civil judicial proceedings in their own right cannot appeal against court decisions in their own right either. This implies that instead of the child, his/her legal representative should file an appeal. Children who can participate in the proceedings in their own right constitute exceptions under the general rule.

Legal provisions regulating appeal procedures are not child-specific, which implies that the same rules apply to children as to adults. In accordance with the general rules, children can appeal against decisions of a district court[[149]](#footnote-149) and an appeals court[[150]](#footnote-150). A decision of an appeals court may be appealed to the Supreme Court only if the Supreme Court grants such possibility.

The courts give instructions on the ways of filing appeals as attachment to their decision. As explained under [Section 3.2.](#_Provision_of_information), children with procedural capacity to act are informed about the court’s decision in their own right, whereas children without procedural capacity receive information from their legal representatives.

If a child receives legal aid, that may also cover the appeal process.

If there is a conflict of interest between a child and his/her parent, the child may be appointed a legal guardian[[151]](#footnote-151) (guardian ad litem), also in appeal procedures.

The child welfare supervisor, who is a municipal social worker taking care specifically of paternity cases (*lastenvalvoja)* may appeal on behalf of the child in a case concerning paternity[[152]](#footnote-152).

Child as a witness

A witness (both adult and child), has a right to receive compensation for the expenses that he/she incurred for participating in court hearings, such as travel expenses, either from State funds (if the party who has named the witness has been granted legal aid) or from the party that has called the witness[[153]](#footnote-153). The child witness can file a compensation claim for these expenses. Child witnesses do not have a right to other types of legal remedies.

Child in any other role

In cases concerning custody or visitation rights the child cannot access a legal appeal. In a Supreme Court case from 2012 it was noted that a child cannot initiate proceedings on custody but could appeal against the decisions of social welfare officials to an administrative court according to the rules of the administrative judicial procedure[[154]](#footnote-154).

There are no other legal remedies available.

## Legal costs

Child as a plaintiff and defendant

Children who receive free legal aid are also free from the payment of court fees. Court fee could also be waived if it is considered unreasonable in that particular case by the authority[[155]](#footnote-155). Legal aid is dependent on the income and property of the applicant. Rules applicable to the provision of legal aid are not specific to children; which means that children can benefit from free legal aid under the same conditions as adults. It is to be noted however that a young child’s age could influence the decision to grant assistance[[156]](#footnote-156). Further provisions applicable to legal aid are described under [Section 3.7](#_Right_to_legal).

The child, regardless of his/her age may be asked to pay the costs of the other party and of the proceeding if he/she loses the case.

Exceptionally and depending on, for example, the nature of the case, the acts of the parties and the status of a party, the court may share the costs equally between the parties or may decide that both parties should cover their own costs[[157]](#footnote-157).

Child as a witness

Child witnesses cannot be subject to the obligation of paying legal costs in Finland.

Child in any other role

Children in other role cannot be subject to paying legal costs in Finland.

## Enforcement of civil court judgements

### General rules applicable to civil judicial proceedings regardless the role of the child

If a child feels threatened or harassed by another person, it is also possible to seek a restraining order[[158]](#footnote-158) during the enforcement phase of the civil judicial proceeding. The application for a restraining order is submitted either to the police or to the District Court, in writing or orally. An application on behalf of the threatened person can be submitted also by the police or a social service authority if the person concerned is afraid to submit it himself/herself. Children cannot submit such an application in their own right; instead their legal representatives can file it on their behalf. Civil servants may issue temporary restraining orders but proper restraint orders are issued by District Courts[[159]](#footnote-159).

Detention cannot be used as a coercive measure under Finnish law during the enforcement phase of civil judicial decisions.

Child as a plaintiff and defendant

Children who can participate in civil judicial proceedings without being represented by a legal representative can receive information about the court decision and its enforceability in their own right. Children who are represented by their legal representatives (for example a child younger than 15 years of age) receive information via their legal representatives.

[The Act on custody and right of access](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta) requires the legal representatives to discuss relevant decisions with the child if that is possible considering the age and maturity of the child[[160]](#footnote-160). There are no provisions on the manner in which a child’s lawyer or guardian should communicate and explain a decision or judgement to a child.

If a decision has been issued against a child defendant concerning for example damages, the enforcement shall take place against his/her property and income if the child is working and has his/her own income. The responsibility of a legal representative (i.e. parent/custodian) is already taken into consideration at the proceedings and it is possible that both the legal representatives and children are partially liable.

Child as a witness

Child witnesses play no role in the enforcement phase of the proceeding.

Child in any other role

The Act on custody and right of access requires the legal representatives to discuss relevant decisions with the child if that is possible considering the age and maturity of the child[[161]](#footnote-161).

A decision concerning custody or the exercise of visiting rights cannot be enforced against the will of a child who is at least 12 years old. Also a younger child’s view could suspend the enforcement if the child is considered as mature enough so that his/her opinion could be taken into consideration[[162]](#footnote-162).

During the enforcement of decisions in custody cases, all actions must be taken as gently as possible and without upsetting the child. Enforcement must be postponed if it cannot be carried out because the child is sick, upset, etc. [[163]](#footnote-163). A court may suspend enforcement if it is contrary to the best interests of the child[[164]](#footnote-164).

In a specific case concerning the enforcement of a decision on the return of two children from Finland to United States (i.e. siblings of 9 and 12 years of age) the Supreme Court ruled that the child’s will could be disregarded if it is against their best interests, or when their will is not based on objective consideration[[165]](#footnote-165). In another case the Supreme Court ruled that a child aged 15 cannot be returned against his/her own will[[166]](#footnote-166).

For the enforcement phase of child-custody cases, the court appoints a mediator who is usually a social worker with the remit of protecting the child’s interests. The social worker has two tasks: to try to mediate between the parties; and to provide the court with information if the mediation attempt fails[[167]](#footnote-167).

In the enforcement of child-custody cases, if there is a reason to believe that a child would be taken abroad, to some other place or if the matter is urgent for some other reason, a court may decide without hearing the other party that the social welfare officials place the child in a State or municipality institution or under proper care (but not under detention), or decide on the putting in place of other precautionary measures such as obliging a party to deposit the child’s passport with the bailiff[[168]](#footnote-168).

Conclusions

Institutional and legal framework

The civil legal system in Finland includes both general and child-specific legislation. All civil cases involving children are adjudicated by general district courts, appeal courts and the Supreme Court[[169]](#footnote-169). These courts hear various cases including family law, contract law, tort law, and labour law cases (e.g. in individual employment disputes). Cases concerning the return of children under the Hague Convention on International Child Abduction are dealt with by the Helsinki appeals court at the first instance[[170]](#footnote-170). Cases concerning the taking of a child into care are dealt with under administrative proceedings. There are no specialist institutions such as family courts but social welfare officials can be involved in matters concerning child custody and right of access cases. The role of the social welfare officials in these cases is to ascertain the child’s views for a report for the court proceedings.

General approach towards children under civil law

A person who is under 18 years of age is considered a child. The starting point for the treatment of children is Section 6 of the Constitution according to which children must be treated equally and as individuals (with individual personalities and characteristics), and should be allowed to influence matters relating to them to a degree which corresponds to their level of personal development. The child has both the rights to participate in the proceedings and also to be protected which latter right can limit the former.

A child as an actor in civil judicial proceedings

In principle, child parties are represented in civil proceeding by their legal representatives (in practice, most often parents). Children who are older than 15 years of age exercise their right to be heard independently but parallel to that of their custodians in matters concerning their personal rights and obligations. Children who are at least 15 years of age exercise independently their right to be heard in cases concerning a matter which they are competent to administer or transaction which they are competent to enter. In other words, children are considered to have procedural capacity in these cases.

In cases such as custody and visiting rights the child is considered as the subject of the case and not the party thereof, thus a child in these cases cannot initiate proceedings. Children can however be heard by social workers and/or by courts also in these proceedings.

Children of all ages can act as witnesses but there are specific provisions in the procedural law about witnesses who are under 15 years old.

Children can also intervene either in their own right (if they have full procedural capacity) or through their legal representative, who are in charge of representing them.

Children can be sued regardless of their age. In tort cases, however the age of the child may lead to the sharing of the liability between the child and parent for the damages caused.

Provision of information to children

Depending on the extent to which the child possesses civil capacity to act, it is either him/her who receives the information in his/her own right, or it is his/her legal representative who is informed. In principle the child is represented by his/her legal representative (in practice often parent) but in some cases a child who is at least 15 years could participate in the proceedings and be informed independently. Children who act as fully-fledged parties can request information from the courts and authorities in their own right.

If a legal representative such as the child’s parent represents the child (for example a child younger than 15 years of age), he/she is obliged to inform the child about all aspects of the proceedings but the child´s age and maturity have to be taken into consideration. Moreover he/she is the person who can request information from the courts and authorities on the child’s behalf.

The child also receives information while being heard from the courts. The legal representative of the child (if he/she does not have full capacity to act) and the court is obliged to inform the child of all aspects of the civil judicial proceeding such as deadlines, rights and obligations and the right to appeal.

A child when heard as a witness is either invited by a subpoena or the court lets the parties invite their own witnesses. Subpoenas are served directly to the child, but in practice also the legal representative is notified. Witnesses, including both adult and child witnesses are informed about their rights and obligations by the court before being heard. Child witnesses under 15 years of age cannot be asked to take an oath.

A child can participate in certain judicial proceedings (i.e. custody and visiting rights over the child) in a role other than those of the plaintiff, defendant and witness. The child in these proceedings is heard, typically by the social welfare services and exceptionally by the court. When a child is heard by social welfare officials in relation to custody proceedings, the official must clearly inform the child before the hearing that he/she is not obliged to answer the questions and that the information received from him/her will be forwarded to the courts and also to the parents if they are parties to the case.

The child may also be heard by the court. The court may invite the child or let the parties invite the child. The invitation is addressed to the child and contains information about the proceedings. At the beginning of the hearing the court informs the child about his/her rights. The child can be informed about the court decision, if he/she attends the trial when the court communicates to the parties its judgement. Otherwise, the child is not served with the copy of the judgement.

Protection of the child’s personal and family life

In practice, classifying data as sensitive is subject to the judge’s discretion. The views of the parties, adults or children, may also be taken into consideration while exercising this discretionary power. If a party, adult or child, to a dispute so requests, some other documents such as an agreement on maintenance may also be kept confidential. Social welfare officials are required to keep information on clients confidential.

Protection from harm and ensuring a child friendly process

Regarding the aim of protecting children from harm, it is important to note that children, regardless of their role, who are younger than 15 years of age can only be heard if the court finds it appropriate and if a) the hearing is of central significance for the clarification of the matter and 2) the hearing would probably not cause the child suffering or otherwise be harmful to his/her personal development.

There are no separate provisions in legislation requiring that premises and places where children are heard or are otherwise present (e.g. waiting room) are non-intimidating and child-friendly. However, the hearing of a child who is younger than 15 years can take place outside a court room. In addition, if the person who is heard as witness or in other role in a court is less than 15 years old, he/she may be interviewed without being present in court using video equipment or something similar.

Protecting the child during interviews

In practice, the hearing of children by courts is quite rare. With respect to the presence of parents during the hearing of their child as witness or other role, Finnish legislation does not contain any provisions. In practice, however the presence of the child’s parents is accepted

Persons involved in civil judicial proceedings, including children, can be provided with interpretation.

There are no legal provisions in place to ensure that the number of interviews is as limited as possible and that their length is adapted to the child’s age and attention span.

Right to be heard and participate in civil judicial proceedings

Children can participate in their own right in civil proceedings that concern the property that they have earned with their work or employment relation. In these cases, the child in his/her own right is entitled to be heard.

Children who are at least 15 years old have parallel rights with their custodians to participate in disputes that concern their personal rights, such as cases concerning their right to legal guardianship.

Child witnesses can participate in the proceedings in their own right, regardless of their age. It is not a right for child witnesses to be heard but an obligation.

On the other hand, in child custody cases, to which children are subjects and not witnesses, children can be heard only if they consent.

Right to legal counsel, legal assistance and representation

As a general rule, legal representatives represent the child (except for child witnesses) in civil judicial proceedings. This is the case in particular when the child is younger than 15 years of age. Legal representatives may seek legal assistance for the child. A child, when bringing a case in his/her own right, for instance concerning property he/she has earned, may seek legal assistance in his/her own right. There are no provisions in place regulating the right of children to waive legal assistance.

Alternatives to judicial proceedings

Mediation is available in various civil matters.

Remedies and compensation exist for violation of rights and failure to act

A child party can access legal appeal mechanisms. An appeal can be filed by the child in his/her own right or by his/her legal representative, depending on his/her procedural capacity to act. Children, who cannot participate in civil judicial proceedings in their own right, cannot appeal against court decisions in their own right either. This implies that instead of the child, his/her legal representative should file an appeal. Children who can participate in the proceedings in their own right constitute exceptions under the general rule.

Legal provisions regulating appeal procedures are not child-specific, which implies that the same rules apply to children as to adults. In accordance with the general rules, children can appeal against decisions of district court and appeals’ court. The decision of an appeals’ court may be appealed to the Supreme Court only if the Supreme Court grants such possibility.

Legal costs

Children who receive free legal aid are also free from the payment of court fees ~~(including stamp duty)~~. The child, regardless of his/her age may be asked to pay the costs of the other party and of the proceeding if he/she loses the case. Exceptionally and depending on, for example, the nature of the case, the acts of the parties and the status of a party, the court may share the costs equally between the parties or may decide that both parties should cover their own costs.

Enforcement of civil court judgements

Children, who can participate in civil judicial proceedings without being represented by a legal representative, can receive information about the court decision and its enforceability in their own right. Children who are represented by their legal representatives (for example a child younger than 15 years of age) receive information via their legal representatives.

Strengths and gaps

According to the Constitution of Finland, children must be treated equally and as individuals and allowed to influence matters relating to them to a degree which corresponds to their level of development. The principle of the best interests of the child should also be taken into consideration by the authorities while deciding over cases that concern children, even in cases where the principle is not expressly mentioned in legislation. Finnish legislation includes a number of specific provisions on children. However, the realisation of these aims and provisions depends also on the skills and training of persons involved such as judges and other public officials as well as lawyers. Even though children’s rights have been discussed somewhat in academic writing there have been no formal guidelines issued. Initiatives such as mediation on child custody cases can be seen as a positive measure combining the know-how of judges with that of social workers and also shortening legal proceedings.

1. List of Legislation
* 22/2012, Adoption Act (*Adoptiolaki/Adoptionslag*)
* 746/2011, Act on Reception of a Person Applying for international Protection (*Laki kansainvälistä suojelua hakevan vastaanotosta / Lag om mottagande av personer som söker internationellt skydd*)
* 394/2011, Act on mediation in civil matters and confirmation of settlements in general courts (*Laki riita-asioiden sovittelusta ja sovittelun vahvistamisesta yleisissä tuomioistuimissa/Lag om medling i tvistemål och stadfästelse av förlikning i allmänna domstolar*)
* 417/2007, The Child Welfare Act (*Lastensuojelulaki* /B*arnskyddslag*)
* 370/2007, Act on the Publicity of Court Proceedings in General Courts (*Laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa /Lag om offentlighet vid rättegång i allmänna domstolar*)
* 162/2005, Annual Holiday Act (*Vuosilomalaki/Semesterlag*)
* 1015/2005, Act on conciliation in Criminal and Certain Civil Matters (*Laki rikosasioiden ja eräiden riita-asioiden sovittelusta/Lag om medling vid brott och i vissa tvister*)
* 21/2004, Non-Discrimination Act (*Yhdenvertaisuuslaki/Lag om likabehandling*)
* 504/2002, Act on Checking the Criminal Background of Persons Working with Children (*Laki lasten kanssa työskentelevien rikostaustan selvittämisestä / Lag om kontroll av brottslig bakgrund hos personer som arbetar med barn*)
* 257/2002, Legal Aid Act (*Oikeusapulaki/Rättshjälpslag*)
* 55/2001, Employment Contracts Act (*Työsopimuslaki/Arvetsavtaslag*)
* 812/2000, Act on the position and rights of the customer of social welfare (*Laki sosiaalihuollon asiakkaan asemasta ja oikeuksista/Lag om kilientens ställning och rättigheter inom socialvården*)
* 442/1999, Guardianship Services Act (*Laki Holhoustoimesta/Lag om förmyndarverksamhet*)
* 731/1999, The Constitution of Finland (*Suomen perustuslaki / Finlands grundlag*)
* 621/1999, Act on the Openness of Government Activities (*Laki viranomaisten toiminnan julkisuudesta / Lag om offentlighet I myndigheternas verksamhet*)
* 898/1998, The Act on the Restraining Order (*Laki lähestymiskiellosta* / *Lag om besöksförbud*)
* 689/1997, Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa/Lag om rättegång i brottmål*)
* 619/1996, Act on Enforcement of Decision on Child Custody and Right of Access (*Laki lapsen huoltoa ja tapaamisoikeutta koskevan päätöksen täytäntöönpanosta/Lag om verkställighet av beslut beträffande vårdnad om barn och umgängesrätt*)
* 605/1996, Working Hours Act (*Työaikalaki/Arbetstidslag*)
* 998/1993, Young Workers’ Act (*Laki nuorista työntekijöistä/Lag om unga arbetstagare*)701/1993, Act on Court Fees and Fees of Certain Judicial Administration Authorities (*[Laki tuomioistuinten ja eräiden oikeushallintoviranomaistan suoritteista perittävistä maksuista](http://www.finlex.fi/fi/laki/alkup/1993/19930701?search%5btype%5d=pika&search%5bpika%5d=tuomioistuinten%20ja%20eräiden%20maksuista%20suoritteista%20annettu%20laki" \l "Pidm2564096)/Lag om avgifter för domstola och vissa justitieförvaltningsmyndighetersprestationer*)
* 609/1986, Act on Equality between Women and Men (*Laki miesten ja naisten välisestä tasa-arvosta / Lag om jämställdhet mellan kvinnor och män)*
* 361/1983, Child Custody and Right of Access Act (*Laki lapsen huollosta ja tapaamisoikeudesta* / *Lag angående vårdnad om barn och umgängesrätt*)
* 710/1982, Social Welfare Act (*Sosiaalihuoltolaki/Socialvårdslagen*)
* 38/1978, Consumer Protection Act (*Kuluttajansuojalaki/Konsumentskyddslag*)
* 704/1975, Child Maintenance Act (*Laki lapsen elatuksesta/Lag om underhåll för barn*)
* 700/1975, Paternity Act (*Isyyslaki/ Lag om faderskap*)
* 412/1974, Tort Liability Act (*Vahingonkorvauslaki/Skadeståndslag*)
* 40/1965, Code of Inheritance (*Perintökaari/Ärvdabalk*)
* 228/1929, Contracts Act (*Laki varallisuusoikeudellisista oikeustoimista/Lag om rättshandlingar på förmögenhetsrättens område*)
* 234/1929, Marriage Act (*Avioliittolaki/Äktenskapslag*)
* 39/1889, The Criminal Code of Finland (*Rikoslaki/Strafflag*)
* 4/1734, Code of Judicial Procedure (*Oikeudenkäymiskaari/Rättegångs balk*)
1. This table provides an indicative summary of competent courts and relevant proceedings. However, please check [Section 2](#section2) for a complete overview of the competent courts or sections/divisions within the competent courts. [↑](#footnote-ref-1)
2. This study on Children’s involvement in judicial proceedings is composed of three contextual overviews i.e. contextual overview for criminal justice, contextual overview for civil justice, contextual overview for administrative justice. The rules applying to judicial proceedings in the sectors of asylum, migration, education, health, placement into care, administrative sanction and offences committed by children below MACR are described in the contextual overview for administrative justice. [↑](#footnote-ref-2)
3. (MACR) Minimum Age of Criminal Responsibility – see [Table 3.1 of the EU Summary of contextual overviews on children's involvement in criminal judicial proceedings](http://bookshop.europa.eu/en/summary-of-contextual-overviews-on-children-s-involvement-in-criminal-judicial-proceedings-in-the-28-member-states-of-the-european-union-pbDS0313659/related/?PublicationKey=DS0313659&CatalogCategoryID=WTQKABsteF0AAAEjKpEY4e5L) on MACR in EU28 as at 1 June 2012. [↑](#footnote-ref-3)
4. The [Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta)  (361/1983) (*Laki lapsen huollosta ja tapaamisoikeudesta* / *Lag angående vårdnad om barn och umgängesrätt*). [↑](#footnote-ref-4)
5. [Child Maintenance Act](http://www.finlex.fi/fi/laki/ajantasa/1975/19750704?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20elatuksesta) (*Laki lapsen elatuksesta/Lag om underhåll för barn*)(704/1975). [↑](#footnote-ref-5)
6. [Paternity Act](http://www.finlex.fi/fi/laki/kaannokset/1975/en19750700?search%5Btype%5D=pika&search%5Bpika%5D=isyyslaki) (*Isyyslaki/Lag om faderskap*)(700/1975). [↑](#footnote-ref-6)
7. [Code of Inheritance](http://www.finlex.fi/en/laki/kaannokset/1965/en19650040.pdf) (*Perintökaari/Ärvdabalk*)(40/1965). [↑](#footnote-ref-7)
8. [Adoption Act](http://www.finlex.fi/fi/laki/kaannokset/2012/en20120022?search%5Btype%5D=pika&search%5Bpika%5D=adoptiolaki) (*Adoptiolaki/Adoptionslag*)(22/2012). [↑](#footnote-ref-8)
9. [Guardianship Services Act](http://www.finlex.fi/en/laki/kaannokset/1999/en19990442?search%5Btype%5D=pika&search%5Bpika%5D=laki%20holhoustoimesta) (*Laki Holhoustoimesta/Lag om förmyndarverksamhet*)(442/1999) Section 7. [↑](#footnote-ref-9)
10. [Young Workers’ Act](http://www.finlex.fi/en/laki/kaannokset/1993/en19930998?search%5Btype%5D=pika&search%5Bpika%5D=laki%20nuorista) (*Laki nuorista työntekijöistä/Lag om unga arbetstagare*)(998/1993). [↑](#footnote-ref-10)
11. [Employment Contracts Act](http://www.finlex.fi/fi/laki/kaannokset/2001/en20010055?search%5Btype%5D=pika&search%5Bpika%5D=työsopimuslaki) (*Työsopimuslaki/Arvetsavtaslag*)(55/2001). [↑](#footnote-ref-11)
12. [Working Hours Act](http://www.finlex.fi/fi/laki/kaannokset/1996/en19960605?search%5Btype%5D=pika&search%5Bpika%5D=työaikalaki) (*Työaikalaki/Arbetstidslag*)(605/1996). [↑](#footnote-ref-12)
13. [Annual Holiday Act](http://www.finlex.fi/fi/laki/ajantasa/2005/20050162?search%5Btype%5D=pika&search%5Bpika%5D=vuosilomalaki#L2P8) (*Vuosilomalaki/Semesterlag*)(162/2005). [↑](#footnote-ref-13)
14. [Contracts Act](http://www.finlex.fi/fi/laki/kaannokset/1929/en19290228?search%5Btype%5D=pika&search%5Bpika%5D=laki%20varallisuusoikeudellisista) (*Laki varallisuusoikeudellisista oikeustoimista/Lag om rättshandlingar på förmögenhetsrättens område*)(228/1929). [↑](#footnote-ref-14)
15. [Consumer Protection Act](http://www.finlex.fi/en/laki/kaannokset/1978/en19780038) (*Kuluttajansuojalaki/Konsumentskyddslag*)(38/1978). [↑](#footnote-ref-15)
16. [Tort Liability Act](http://www.finlex.fi/fi/laki/kaannokset/1974/en19740412?search%5Btype%5D=pika&search%5Bpika%5D=vahingonkorvauslaki) (*Vahingonkorvauslaki/Skadeståndslag*)(412/1974). [↑](#footnote-ref-16)
17. For the respective courts, see [the European Judicial Atlas in Civil Matters](http://ec.europa.eu/justice_home/judicialatlascivil/html/cc_information_en.htm). [↑](#footnote-ref-17)
18. The [Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta) (361/1983) (*Laki lapsen huollosta ja tapaamisoikeudesta* / *Lag angående vårdnad om barn och umgängesrätt*) Section 31. [↑](#footnote-ref-18)
19. [Adoption Act](http://www.finlex.fi/fi/laki/kaannokset/2012/en20120022?search%5Btype%5D=pika&search%5Bpika%5D=adoptiolaki) (*Adoptiolak*i/*Adoptionslag*)(22/2012) Chapter 6. [↑](#footnote-ref-19)
20. [Criminal Procedure Act](http://www.finlex.fi/en/laki/kaannokset/1997/en19970689?search%5Btype%5D=pika&search%5Bpika%5D=laki%20oikeudenkäynnistä%20rikosasio) (*Laki oikeudenkäynnistä rikosasioissa/Lag om rättegång i brottmål*) (689/1997) Chapter 3 Section 1. [↑](#footnote-ref-20)
21. [Criminal Procedure Act](http://www.finlex.fi/en/laki/kaannokset/1997/en19970689?search%5Btype%5D=pika&search%5Bpika%5D=laki%20oikeudenkäynnistä%20rikosasio) (*Laki oikeudenkäynnistä rikosasioissa/Lag om rättegång i brottmål*) (689/1997) Chapter 3 Section 2. [↑](#footnote-ref-21)
22. The [Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta) (361/1983) (*Laki lapsen huollosta ja tapaamisoikeudesta* / *Lag angående vårdnad om barn och umgängesrätt*) Section 15. [↑](#footnote-ref-22)
23. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 262. [↑](#footnote-ref-23)
24. Family centres are bodies that provide complex services to children and their families. They provide inter alia maternal and child health care services, childhood education and other type of care services. See the presentation [‘Family centres in Finland’](http://uit.no/Content/341685/Kekkonen_Marjatta.pdf) by Kekkonen, M., National Institute for Health and Welfare. [↑](#footnote-ref-24)
25. The [Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta) (361/1983) (*Laki lapsen huollosta ja tapaamisoikeudesta* / *Lag angående vårdnad om barn och umgängesrätt*) Section 8; [Child Maintenance Act](http://www.finlex.fi/fi/laki/ajantasa/1975/19750704?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20elatuksesta) (*Laki lapsen elatuksesta/Lag om underhåll för barn*)(704/1975) Section 8. [↑](#footnote-ref-25)
26. [Marriage Act](http://www.finlex.fi/en/laki/kaannokset/1929/en19290234?search%5Btype%5D=pika&search%5Bpika%5D=avioliittolaki) (*Avioliittolaki/Äktenskapslag*)(234/1929) Chapter 5. [↑](#footnote-ref-26)
27. [Act on Enforcement of Decision on Child Custody and Right of Access](http://www.finlex.fi/fi/laki/ajantasa/1996/19960619?search%5Btype%5D=pika&search%5Bpika%5D=laki%20lapsen%20huoltoa%20ja)  (Laki lapsen huoltoa ja tapaamisoikeutta koskevan päätöksen täytäntöönpanosta/Lag om verkställighet av beslut beträffande vårdnad om barn och umgängesrätt (619/1996) Chapter 2. [↑](#footnote-ref-27)
28. Ministry of Justice, [‘Expert assisted mediation of child custody cases experiment in district courts 1 January 2011-31 December 2013’, final report of the Ministry of Justice](http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1369039863066.html) (*Asiantuntija-avusteista huolto-riitojen sovittelua koskeva kokeilu käräjäoikeuksissa*). [↑](#footnote-ref-28)
29. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 209. [↑](#footnote-ref-29)
30. [Act on Checking the Criminal Background of Persons Working with Children](http://www.finlex.fi/en/laki/kaannokset/2002/en20020504.pdf) (Laki lasten kanssa työskentelevien rikostaustan selvittämisestä / Lag om kontroll av brottslig bakgrund hos personer som arbetar med barn) (504/2002). [↑](#footnote-ref-30)
31. [The Child Custody and Right of Access Act](file:///C%3A%5CUsers%5C32120%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5C) (*Laki lapsen huollosta ja tapaamisoikeudesta*/*Lag angåendevådnadom barn och umgängesrätt*)(361/1983) Section 1 and [The Child Welfare Act](http://www.finlex.fi/fi/laki/kaannokset/2007/en20070417?search%5Btype%5D=pika&search%5Bpika%5D=lastensuojelulaki) ([*Lastensuojelulaki*](http://www.finlex.fi/fi/laki/ajantasa/2007/20070417?search%5Btype%5D=pika&search%5Bpika%5D=laki%20lapsen%20huollosta) */ Barnskyddslag)*(417/2007) Section 4. Hirvelä, P, *Criminal Proceeding in cases concerning sexual crimes against children* (*Rikosprosessi lapsiin kohdistuvissa seksuaalirikoksissa*) (WSOYpro, Helsinki, 2006), 228-230. [↑](#footnote-ref-31)
32. [The Child Custody and Right of Access Act](file:///C%3A%5CUsers%5C32120%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5C) (*Laki lapsen huollosta ja tapaamisoikeudesta*/*Lag angående vårdnad om barn och umgängesrätt*) (361/1983) Section 1. [↑](#footnote-ref-32)
33. Information Provided by national authorities in writing. [↑](#footnote-ref-33)
34. [The Child Welfare Act](http://www.finlex.fi/fi/laki/kaannokset/2007/en20070417?search%5Btype%5D=pika&search%5Bpika%5D=lastensuojelulaki) (*Lastensuojelulaki* /B*arnskyddslag*) (417/2007) Section 4. [↑](#footnote-ref-34)
35. [Adoption Act](http://www.finlex.fi/fi/laki/kaannokset/2012/en20120022?search%5Btype%5D=pika&search%5Bpika%5D=adoptiolaki) (*Adoptiolak*i/*Adoptionslag*)(22/2012) Section 2. [↑](#footnote-ref-35)
36. Ministry of Justice, Draft recommendation ‘*Lapsen ääni sovittelussa’*. [↑](#footnote-ref-36)
37. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 132-134. [↑](#footnote-ref-37)
38. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 139. [↑](#footnote-ref-38)
39. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 244. [↑](#footnote-ref-39)
40. [The Constitution of Finland](http://www.finlex.fi/en/laki/kaannokset/1999/en19990731?search%5Btype%5D=pika&search%5Bpika%5D=constitution) (*Suomen perustuslaki / Finlands grundlag*)(731/1999) Section 6. [↑](#footnote-ref-40)
41. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009). [↑](#footnote-ref-41)
42. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 244. [↑](#footnote-ref-42)
43. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 246. [↑](#footnote-ref-43)
44. Aaltonen, A.-K *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 254. [↑](#footnote-ref-44)
45. [Non-Discrimination Act](http://www.finlex.fi/en/laki/kaannokset/haku/?search%5Btype%5D=pika&search%5Bpika%5D=yhdenvertaisuuslaki&submit=Search) (*Yhdenvertaisuuslaki/Lag om likabehandling*) (21/2004). [↑](#footnote-ref-45)
46. Ombudsman for Minorities, [Customer Service](http://www.vahemmistovaltuutettu.fi/en/ethnic_discrimination/help/customer_service). [↑](#footnote-ref-46)
47. Ombudsman for Minorities, [Tasks and Duties](http://www.vahemmistovaltuutettu.fi/en/tasks_and_duties). [↑](#footnote-ref-47)
48. [Act on Equality between Women and Men](http://www.finlex.fi/en/laki/kaannokset/1986/en19860609.pdf) (*Laki miesten ja naisten välisestä tasa-arvosta / Lag om jämställdhet mellan kvinnor och män) (609/1986*). [↑](#footnote-ref-48)
49. [Act on Reception of a Person Applying for international Protection](http://www.finlex.fi/fi/laki/ajantasa/2011/20110746?search%5Btype%5D=pika&search%5Bpika%5D=laki%20vastaanotosta#L5P39)  (*Laki kansainvälistä suojelua hakevan vastaanotosta / Lag om mottagande av personer som söker internationellt skydd*) (746/2011). [↑](#footnote-ref-49)
50. Government Bill [HE 266/2010 vp](http://www.finlex.fi/en/laki/kaannokset/2003/en20030434.pdf). [↑](#footnote-ref-50)
51. Jääskeläinen, P, ‘Judicial review criteria, constraints, and the content (*Tuomioistuinten valvonnan perusteet, rajoitukset ja sisältö*)’ published on the website of the [Parliamentary Ombudsman](http://www.oikeusasiamies.fi/Resource.phx/eoa/english/index.htx); also see the website of the [Chancellor of Justice](http://www.okv.fi/). [↑](#footnote-ref-51)
52. See website of the Parliamentary Ombudsman of Finland, section on [Children’s rights](http://www.oikeusasiamies.fi/Resource.phx/eoa/english/ombudsman/tasks/childrensrights.htx). [↑](#footnote-ref-52)
53. Lappalainen, J. et al., *Procedural law* *(Prosessioikeus)* (WSOY, Helsinki, 2012), 403-404. [↑](#footnote-ref-53)
54. Lappalainen, J. et al., *Procedural law* *(Prosessioikeus)* (WSOY, Helsinki, 2012), 403-404. [↑](#footnote-ref-54)
55. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 141; The supreme court precedents KKO:2003:104 and KKO 2003:105. [↑](#footnote-ref-55)
56. [Paternity Act](http://www.finlex.fi/en/laki/kaannokset/1975/en19750700?search%5Btype%5D=pika&search%5Bpika%5D=isyyslaki) (*Isyyslaki/ Lag om faderskap*) (700/1975) Sections 22 and 24. [↑](#footnote-ref-56)
57. [Paternity Act](http://www.finlex.fi/en/laki/kaannokset/1975/en19750700?search%5Btype%5D=pika&search%5Bpika%5D=isyyslaki) (*Isyyslaki/ Lag om faderskap*) (700/1975) Section 25. [↑](#footnote-ref-57)
58. [The Child Welfare Act](http://www.finlex.fi/fi/laki/kaannokset/2007/en20070417?search%5Btype%5D=pika&search%5Bpika%5D=lastensuojelulaki) (*Lastensuojelulaki / Barnskyddslag)*(417/2007)Section 24. [↑](#footnote-ref-58)
59. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 142. [↑](#footnote-ref-59)
60. [Code of Judicial Procedure](http://www.finlex.fi/fi/laki/kaannokset/1734/en17340004?search%5Btype%5D=pika&search%5Bpika%5D=oikeudenkäymiskaari) (*Oikeudenkäymiskaari/Rättegångs balk*)(4/1734) Chapter 12 Section 3. [↑](#footnote-ref-60)
61. [Code of Judicial Procedure](http://www.finlex.fi/fi/laki/kaannokset/1734/en17340004?search%5Btype%5D=pika&search%5Bpika%5D=oikeudenkäymiskaari) (*Oikeudenkäymiskaari/Rättegångs balk*)(4/1734) Chapter 17 Section 21. [↑](#footnote-ref-61)
62. [Code of Judicial Procedure](http://www.finlex.fi/fi/laki/kaannokset/1734/en17340004?search%5Btype%5D=pika&search%5Bpika%5D=oikeudenkäymiskaari) (*Oikeudenkäymiskaari/Rättegångs balk*)(4/1734) Chapter 17 Section 30. [↑](#footnote-ref-62)
63. [Code of Judicial Procedure](http://www.finlex.fi/fi/laki/kaannokset/1734/en17340004?search%5Btype%5D=pika&search%5Bpika%5D=oikeudenkäymiskaari) (*Oikeudenkäymiskaari/Rättegångs balk*)(4/1734) Chapter 17 Sections 20 and 24. [↑](#footnote-ref-63)
64. [Paternity Act](http://www.finlex.fi/en/laki/kaannokset/1975/en19750700?search%5Btype%5D=pika&search%5Bpika%5D=isyyslaki) (*Isyyslaki/ Lag om faderskap*) (700/1975) Section 16. [↑](#footnote-ref-64)
65. [The Child Welfare Act](http://www.finlex.fi/fi/laki/kaannokset/2007/en20070417?search%5Btype%5D=pika&search%5Bpika%5D=lastensuojelulaki) (*Lastensuojelulaki* /B*arnskyddslag*) (417/2007) Section 25. [↑](#footnote-ref-65)
66. [Act on the position and rights of the customer of social welfare](http://www.finlex.fi/fi/laki/ajantasa/2000/20000812) (*Laki sosiaalihuollon asiakkaan asemasta ja oikeuksista/Lag om kilientens ställning och rättigheter inom socialvården*)(812/2000) Section 10. [↑](#footnote-ref-66)
67. [The Child Custody and Right of Access Act](file:///C%3A%5CUsers%5C32120%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CAppData%5C) (*Laki lapsen huollosta ja tapaamisoikeudesta*/*Lag angåendevådnadom barn och umgängesrätt*)(361/1983) Section 4. [↑](#footnote-ref-67)
68. [Code of Judicial Procedure](http://www.finlex.fi/fi/laki/kaannokset/1734/en17340004?search%5Btype%5D=pika&search%5Bpika%5D=oikeudenkäymiskaari) (*Oikeudenkäymiskaari/Rättegångs balk*)(4/1734) Chapter 17 Section 26 and Chapter 11 Section 2. [↑](#footnote-ref-68)
69. [Code of Judicial Procedure](http://www.finlex.fi/fi/laki/kaannokset/1734/en17340004?search%5Btype%5D=pika&search%5Bpika%5D=oikeudenkäymiskaari) (*Oikeudenkäymiskaari/Rättegångs balk*)(4/1734) Chapter 17 Section 30. [↑](#footnote-ref-69)
70. Aaltonen, A-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 264. [↑](#footnote-ref-70)
71. Aaltonen, A-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 289. [↑](#footnote-ref-71)
72. Aaltonen, A-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 249. [↑](#footnote-ref-72)
73. Aaltonen, A-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 263; Väyrynen 2008 at 35. [↑](#footnote-ref-73)
74. Aaltonen, A-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 275. [↑](#footnote-ref-74)
75. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 277; [Act on the Publicity of Court Proceedings in General Courts](http://www.finlex.fi/en/laki/kaannokset/2007/en20070370?search%5Btype%5D=pika&search%5Bpika%5D=laki%20oikeudenkäynnin%20julkisuudes) (*Laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa /Lag om offentlighet vid rättegång i allmänna domstolar*)(370/2007) Section 9. [↑](#footnote-ref-75)
76. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 278; Government Bill HE 13/2006. [↑](#footnote-ref-76)
77. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 279; [Act on the Publicity of Court Proceedings in General Courts](http://www.finlex.fi/en/laki/kaannokset/2007/en20070370?search%5Btype%5D=pika&search%5Bpika%5D=laki%20oikeudenkäynnin%20julkisuudes)(*Laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa /Lag om offentlighet vid rättegång i allmänna domstolar*) (370/2007) Section 10. [↑](#footnote-ref-77)
78. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 281. [↑](#footnote-ref-78)
79. [Act on the Publicity of Court Proceedings in General Courts](http://www.finlex.fi/en/laki/kaannokset/2007/en20070370?search%5Btype%5D=pika&search%5Bpika%5D=laki%20oikeudenkäynnin%20julkisuudes)(*Laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa /Lag om offentlighet vid rättegång i allmänna domstolar*) (370/2007) Section 18. [↑](#footnote-ref-79)
80. Aaltonen, A.-K., *Child law and child's rights in courts* (*Lapsioikeus ja lapsen oikeus tuomioistuimissa)* (EDITA, Helsinki, 2009), 283-284; [Social Welfare Act](http://www.finlex.fi/en/laki/kaannokset/1982/en19820710?search%5Btype%5D=pika&search%5Bpika%5D=sosiaalihuoltolaki) (*Sosiaalihuoltolaki/Socialvårdslagen*) (710/1982) Section13. [↑](#footnote-ref-80)
81. [Act on the Openness of Government Activities](http://www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf) (*Laki viranomaisten toiminnan julkisuudesta / Lag om offentlighet I myndigheternas verksamhet*) (621/1999) Section 22. [↑](#footnote-ref-81)
82. [Act on the Openness of Government Activities](http://www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf) (*Laki viranomaisten toiminnan julkisuudesta / Lag om offentlighet I myndigheternas verksamhet*) (621/1999) Section 24. [↑](#footnote-ref-82)
83. [The Criminal Code of Finland](http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf) (*Rikoslaki/Strafflag*) (39/1889) Chapter 38 Sections 1 and 2. [↑](#footnote-ref-83)
84. [The Tort Liability Act](http://www.finlex.fi/en/laki/kaannokset/1974/en19740412?search%5Btype%5D=pika&search%5Bpika%5D=vahingonkorvauslaki) (*Vahingonkorvauslaki/Skadeståndslag*) (412/1974). [↑](#footnote-ref-84)
85. Article 24 Section 8 of the [Criminal Code](http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf). [↑](#footnote-ref-85)
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158. The [Act on the Restraining Order](http://www.finlex.fi/fi/laki/smur/1998/19980898?search%5Btype%5D=pika&search%5Bpika%5D=laki%20lähestymiskiellosta) (*Laki lähestymiskiellosta* / *Lag om besöksförbud*) (898/1998). [↑](#footnote-ref-158)
159. See article on the restraining order published on the [website of the Finnish police](http://www.poliisi.fi/poliisi/home.nsf/ExternalFiles/englanti/%24file/englanti.pdf). [↑](#footnote-ref-159)
160. [The Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta) (*Laki lapsen huollosta ja tapaamisoikeudesta*/*Lag angåendevådnadom barn och umgängesrätt*) (361/1983) Section 4. [↑](#footnote-ref-160)
161. [The Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta) (*Laki lapsen huollosta ja tapaamisoikeudesta*/*Lag angåendevådnadom barn och umgängesrätt*)(361/1983) Section 4. [↑](#footnote-ref-161)
162. [Act on Enforcement of a Decision on Right of Access](http://www.finlex.fi/fi/laki/ajantasa/1996/19960619?search%5Btype%5D=pika&search%5Bpika%5D=laki%20lapsen%20huollosta%20ja%20tapaamisoik)  (*Laki lapsen huoltoa ja tapaamisoikeutta koskevan päätöksen täytäntööpanosta/Lag om verkställighet av beslut beträffande vårnad om barn och umgängesrätt*)(619/1996) Section 2. [↑](#footnote-ref-162)
163. [Act on Enforcement of a Decision on Right of Access](http://www.finlex.fi/fi/laki/ajantasa/1996/19960619?search%5Btype%5D=pika&search%5Bpika%5D=laki%20lapsen%20huollosta%20ja%20tapaamisoik)  (*Laki lapsen huoltoa ja tapaamisoikeutta koskevan päätöksen täytäntööpanosta/Lag om verkställighet av beslut beträffande vårnad om barn och umgängesrätt*)(619/1996) Section 3. [↑](#footnote-ref-163)
164. [Act on Enforcement of a Decision on Right of Access](http://www.finlex.fi/fi/laki/ajantasa/1996/19960619?search%5Btype%5D=pika&search%5Bpika%5D=laki%20lapsen%20huollosta%20ja%20tapaamisoik)  (*Laki lapsen huoltoa ja tapaamisoikeutta koskevan päätöksen täytäntööpanosta/Lag om verkställighet av beslut beträffande vårnad om barn och umgängesrätt*)(619/1996) Section 14. [↑](#footnote-ref-164)
165. Supreme Court precedent [KKO:2004:76](http://www.finlex.fi/fi/oikeus/kko/kko/2004/20040076?search%5Btype%5D=pika&search%5Bpika%5D=2004%3A76); Kangas, U., ’KKO:2004:76:lapsen palauttaminen yhdysvaltoihin’, in *KKO: n ratkaisut kommentein 2004:76*. [↑](#footnote-ref-165)
166. Supreme Court precedent [KKO:2009:85](http://www.finlex.fi/fi/oikeus/kko/kko/2009/20090085?search%5Btype%5D=pika&search%5Bpika%5D=lapsen%20palauttaminen). [↑](#footnote-ref-166)
167. [Act on Enforcement of a Decision on Right of Access](http://www.finlex.fi/fi/laki/ajantasa/1996/19960619?search%5Btype%5D=pika&search%5Bpika%5D=laki%20lapsen%20huollosta%20ja%20tapaamisoik)  (*Laki lapsen huoltoa ja tapaamisoikeutta koskevan päätöksen täytäntööpanosta/Lag om verkställighet av beslut beträffande vårnad om barn och umgängesrätt*)(619/1996) Sections 6, 7 and 9. [↑](#footnote-ref-167)
168. [Act on Enforcement of a Decision on Right of Access](http://www.finlex.fi/fi/laki/ajantasa/1996/19960619?search%5Btype%5D=pika&search%5Bpika%5D=laki%20lapsen%20huollosta%20ja%20tapaamisoik)  (*Laki lapsen huoltoa ja tapaamisoikeutta koskevan päätöksen täytäntööpanosta/Lag om verkställighet av beslut beträffande vårnad om barn och umgängesrätt*)(619/1996) Sections 25 and 17. [↑](#footnote-ref-168)
169. For the respective courts, see [the European Judicial Atlas in Civil Matters](http://ec.europa.eu/justice_home/judicialatlascivil/html/cc_information_en.htm). [↑](#footnote-ref-169)
170. The [Child Custody and Right of Access Act](http://www.finlex.fi/fi/laki/ajantasa/1983/19830361?search%255Btype%255D=pika&search%255Bpika%255D=laki%20lapsen%20huollosta) (361/1983) (*Laki lapsen huollosta ja tapaamisoikeudesta* / *Lag angående vårdnad om barn och umgängesrätt*) Section 31. [↑](#footnote-ref-170)