



Access to justice for children

Country fact sheet: **Finland**¹



Overview

Country size: 338 454 km²

General Population: 5,5 million

Number of Children: 1,03 million

Date of ratification of the Convention on the Rights of the Child:

20 July 1991

Date of abolition of the death

penalty: 1949 (concerning crimes committed during peace time) / 1972 (concerning war time crimes)

Minimum ages

Minimum age of criminal responsibility ("MACR"): 15 years

Age of imprisonment: 15 years, however, an unconditional sentence of imprisonment may be imposed only for weighty reasons for persons under the age of 18 years.

Age until juvenile justice

legislation is applied: 18 years. For the most part, the specific legislation applies to persons aged 15–17 years. Single provisions / statutes apply to persons aged 15–20 years.

Type of legal system

The Finnish legal system is based on a civil law system.

Specialisation of the system

Finland does not have separate specialised courts of law or other child justice institutions such as child prosecution offices or child police stations. Some professionals, including members of the police force, are specially trained to deal with children. Also, government bill 177/2018 (relating to the implementation of EU Directive 2016/800) provides that the Judicial Training Board delivers training for judges and public legal aid officers relating to the treatment and rights of child suspects. Finland has an Ombudsman for Children whose role is to ensure that the status and rights of children are upheld by legislators and society's decision makers.

Child-specific legislation**

- [Constitution of Finland](#) – establishes that everyone is equal under the law and prohibits discrimination based on sex, age, or other grounds. [English version](#).
- [Non-Discrimination Act](#) – aims to promote equality and prohibits discrimination based on age, sexual orientation, and other grounds. [English version](#).
- [Child Welfare Act](#) – contains provisions for the social welfare of children. [English version](#).
- [Criminal Code of Finland \(English\)](#) and the [Criminal Procedure Act \(English\)](#) – provides the legal framework for criminal offences, responsibility and procedure.
- [Criminal Investigation Act](#) – contains provisions governing the investigation stages, including timeliness of investigation and questioning of accused and witnesses. [English version](#).
- The following laws also contain provisions which pertain to children in the justice system: [Act Concerning Clarification of the Situation of a Young Person Suspected of Crime](#), [Act on Court-Annexed Mediation \(English\)](#), [Act on the Publication of Court Proceedings in General Courts \(English\)](#), [Act on the Treatment of Persons in the Custody of the Police](#), [Legal Aid Act \(English\)](#), [Code of Judicial Procedure \(English\)](#), and [Remand Imprisonment Act \(English\)](#).

The [Convention on the Rights of the Child](#) is directly applicable in Finland's justice system.

*** If available, an English translation is provided. Please note that the English translations may not include the most recent amendments and, thus, may not fully correspond with the Finnish law texts.*

¹ The information used to compile this fact sheet is based on the responses to the questionnaire received in November 2019.

Child suspects or accused in criminal proceedings

Implementation of EU Directive 2016/800

The **EU Directive 2016/800** has been implemented in Finnish national legislation. Due to **EU Directive 2016/800**, several amendments have been made and new provisions have been added to different laws. The amended provisions entered into force on 11 June 2019.

Cross-cutting safeguards

- Children between the ages of 15-17 are prosecuted as children. The relevant factor is the age of the child at the time of the criminal act, not at the time of the proceedings. See *Criminal Code, Chapter 3, Section 4*.
- A public defender is appointed when the suspect is under 18 years of age unless it is apparent that he or she has no need for a public defender. The public defender is compensated from State funds. See *Criminal Procedure Act, Chapter 2, Section 1* and *Criminal Investigation Act, Chapter 4, Section 10, Paragraph 3*.
- A child has a right to have their parents or legal guardians present during all stages of the proceedings. An investigator may prohibit the presence of a legal representative during questioning for certain reasons, including if it will hamper the investigation. In such cases, another adult representative may be present during the questioning. In addition, the social welfare authority may send a representative to be present during questioning. See *Criminal Investigation Act, Chapter 7, Sections 14 and 16*, and *Code of Judicial Procedure, Chapter 12, Sections 1 and 2*.
- Trials are normally open to the public. However, the court may decide that oral proceedings shall be held without the presence of the public. A permitted reason may be if a child below the age of 18 years is charged with an offence and closed proceedings would not be in violation of an exceptionally important public interest. See *Act on the Publicity of Court Proceedings in General Courts, Section 15*.
- Equal treatment and the protection from discrimination on certain grounds is guaranteed by the Constitution.
- Other safeguards include the right to appear in person and participate, and the right to appeal.

Special procedural measures

- If the predicted sentence will be more than a fine, the prosecutor must ask the Criminal Sanctions Agency to formulate a sentencing report. The agency assesses the child's social situation, the reason for committing the crime, the risk of reoffending, and the prerequisites to support a child living a crime-free life. See *Act Concerning Clarification of the Situation of a Young Person Suspected of Crime*.
- Children who turn 18 while on remand may still be kept separate from other adult remand prisoners if this is justified considering his or her personal circumstances. A remand prisoner who has attained the age of 18 may be kept with a remand prisoner below the age of 18 only if it is not against the best interest of the remand prisoner below the age of 18. See *Remand Imprisonment Act, Chapter 3, Section 1*.

Diversion and alternatives to detention

- Unconditional sentences of imprisonment shall not be imposed for an offence committed when the child was below 18 years of age unless substantial reasons demand otherwise. Detention and arrest may be used only as a measure of last resort and for the shortest appropriate period of time. See *Criminal Code, Chapter 6, Section 9*.
- Mediation is an alternative to court proceedings. The accused and the victim meet with an independent mediator to discuss the harm caused to the victim and remedial measures. A child must give their consent to mediation in person and their legal representative must also consent. See *Act on Court-Annexed Mediation*.
- "Juvenile punishment" is an option for offences committed by children under 18 years old and requires the child to report for supervision and carry out certain activities. Punishment may also be waived for children below the age of 18 at the time the offence was committed if it is shown the child lacked understanding at the time the act was committed or alternatively, that the act is deemed to be the result of lack of understanding or of imprudence. See *Criminal Code, Chapter 6, Sections 1 and 12*.

Child victims and witnesses in criminal proceedings

Implementation of EU Directive 2012/29

EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime has been transposed into Finnish law.

Cross-cutting safeguards

- Crimes involving underage victims may not be referred to mediation if the victim needs special protection due to the nature of the crime or the victim's age. See *Act on Court-annexed Mediation*.

- The court may, under certain preconditions, appoint an adequately qualified person to support the victim during the criminal investigation and criminal proceedings. See *Criminal Procedure Act, Chapter 2, Section 3*.
- Child victims and witnesses in criminal proceedings may benefit from several additional safeguards, including but not limited to the right to avoid contact with the offender, right to protection of privacy, right to participate, right to appeal, and the right not to be submitted to revictimization.

Focus on status offences

Status offences are generally not criminalized in Finland. For example, school truancy situations are primarily dealt with in the school with parents and possibly a psychologist. Additional behaviours such as running away from home, roaming the streets, and begging are dealt with in the social welfare sector.

Possession of alcohol or tobacco by a child is addressed through the criminal justice sector. A fine may be imposed as a sanction.

Other relevant information

There are a variety of civil organisations working to improve the rights of children in contact with the law. Initiatives of non-governmental organisations (NGOs) include mediation training for professionals working with children and providing legal counselling on child and family law matters to municipal social services and other authorities dealing with child justice. A list of relevant NGOs will be made available upon request.

In Finland, there are several provisions in different laws regarding protection from discrimination. The Constitution of Finland states that everyone is equal before the law, and no one shall be treated differently from others on the grounds of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. Finland also has a specific *Non-Discrimination Act* that aims to generally promote equality and prevent discrimination as well as to enhance the protection provided by the law to those who have been discriminated against. Other protections for vulnerable groups include:

- *Act on Disability Services and Assistance* (to eliminate obstacles and disadvantages caused by disability).
- *Criminal Code* (committing a crime based on the motive of race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or other reason, can result in an increased punishment).
- *Finnish Alien Act* (offers legal protection for aliens and migrants regarding immigration).