



**LA CHILD**   
Enhancing legal aid for children in conflict with the law

# LEGAL AID FOR CHILDREN IN CONFLICT WITH THE LAW

**National Report on Finland  
May - July 2020**



The project is funded by the Justice program of  
the European Union (2014 -2020)



This research report has been written in the context of the project "Legal aid for children in criminal proceedings: developing and sharing best practices (LA CHILD)", financed by the Justice program of the European Commission. The content of this report does not necessarily reflect the position of the European Commission and thus does not imply in any way its endorsement of the views expressed in this report. If inaccuracies or mistakes are to be found in this document, they can only be attributed to the authors of this report.

© 2020-2021, «LA CHILD » project

INTRODUCTION TO THE PROJECT AND THE QUESTIONNAIRE.....	2
KEY DEFINITIONS: .....	3
PART 1: AUTHORS AND GENERAL INFORMATION .....	4
PART 2: NATIONAL LEGAL AID SYSTEM .....	5
Regulation of legal aid .....	5
Management and administration of legal aid .....	7
Funding of legal aid .....	7
PART 3. RIGHTS OF BENEFICIARIES OF LEGAL AID.....	9
Access to legal aid .....	9
Access to information about legal aid.....	12
Protection of child interests .....	14
PART 4. LEGAL AID PROVIDERS (LAWYERS).....	15
General requirements for legal aid providers.....	15
Education and qualification of legal aid providers (requirements for becoming legal aid providers).....	16
Continuous training .....	17
Specialisation of legal aid providers .....	19
PART 5. QUALITY AND ASSESSMENT OF LEGAL AID.....	20
Legal aid quality standards (guidelines) .....	20
Complaints .....	21
Assessment of legal aid quality.....	21
PART 6. STATISTICS .....	22
PART 7: CASE LAW.....	24

## INTRODUCTION TO THE PROJECT AND THE QUESTIONNAIRE

This national research questionnaire was prepared when implementing the EU co-funded project *Legal aid for children in criminal proceedings: developing and sharing best practices (LA CHILD)*. The Project is implemented by the consortium consisting of *Law Institute of Lithuania (LIL)*, *Defence for Children International (DCI) - Belgium* and *Center of Integrated Legal Services and Practices (CILSP, Albania)*. It started in February 2020 and will end in December 2021.

The Project' s overall objective is to contribute to enhancing protection of procedural rights of children in conflict with the law and to foster coherent implementation of Directive 2016/800 in the EU Member States as regards legal aid to children. For this purpose, the Project will develop common standards, showcase best practices and innovative approaches that can be replicated across the EU as well as organize capacity building activities.

The Project' s activities started with the evaluation of regulation and practices in European States when providing legal aid for children in conflict with the law. This questionnaire is the basis of this research. After having collected the responses, these responses will be analysed by the project researchers and a summarising report will be drafted. The prepared report will identify the main challenges encountered as well as the best approaches to achieving effective and efficient legal aid for children.

Later on, the Project team will draft Guidelines on providing legal aid to children in conflict with the law as well as a 'child friendly' version. In addition, in the end of 2020, an international conference is planned in Vilnius, where experts from different states will share their knowledge and insights. In 2021, tailored practical trainings to lawyers, judges, legal aid board members and social workers will take place in Lithuania, Belgium and Albania. The final stage of this Project will be a roundtable discussion in Brussels where key Project outcomes and best practices will be presented and discussed.

## KEY DEFINITIONS:

**Legal aid** means the provision of legal advice, assistance and representation at the expense of the State on the conditions and in accordance with the procedures established under the national law for persons detained, arrested or imprisoned; for persons suspected or accused of, charged with or convicted of a criminal offence; and for victims and witnesses in the criminal justice process. Legal aid includes legal education, access to legal information and other services provided through alternative dispute resolution mechanisms and restorative justice processes.<sup>1</sup>

**Child** is a human being under the age of 18.

**A child in conflict with the law** is a person who has reached the age of criminal responsibility but not the age of majority (under 18 years old), who is suspected or accused of having committed an offence under his national criminal law.<sup>2</sup> The age that needs to be taken into consideration to determine whether a child is in conflict with the law is the age at the time of committing the offence, not later than that.

**Legal aid provider** means any person who is providing legal aid pursuant to national law.

**Legal aid authority** means the authority established under the national law for the purpose of managing, coordinating and monitoring the provision of legal aid.<sup>3</sup>

---

<sup>1</sup> Model Law on Legal Aid in Criminal Justice Systems. United Nations. Vienna, 2017.: [www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model\\_Law\\_on\\_Legal\\_Aid.pdf](http://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf)

<sup>2</sup> <https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

<sup>3</sup> *Ibid.*

## PART 1: AUTHORS AND GENERAL INFORMATION

1.1. Please list all the names of experts and lawyers who worked on this report.

Contributors from DLA Piper Finland Attorneys Ltd.:

Salla Tuominen, partner (salla.tuominen@dlapiper.com)

Eliel Ahmala, associate (eliel.ahmala@dlapiper.com)

Nicklas Svento, trainee (nicklas.svento@dlapiper.com)

1.2. Please name the country which this report applies to.

Finland.

1.3. Please provide a full list of acronyms used in your report, if any.

EU - European Union

EEA - European Economic Area

Legal Aid Act - The Finnish Legal Aid Act (257/2002, as amended)

1.4. Please explain the methodology used to complete this report and sources that were used (such as internet research, legal database research, case law research) and any limitations that were experienced when undertaking this research (such as lack of enough data, resources, directives, etc.)

The report was completed by reviewing applicable literature and publications obtained as a result of reviewing local legal databases and trusted online sources and consulting local professionals. Sources and references to local law are inserted into the answers where applicable and deemed necessary. Calls were also made to relevant authorities and non-governmental organizations.

## PART 2: NATIONAL LEGAL AID SYSTEM

### Regulation of legal aid

2.1. Please shortly describe the legal framework regulating the legal aid system in your country. (this description should not be longer than half of a page).

The Finnish Legal Aid Act (257/2002, as amended) (hereinafter the “**Legal Aid Act**” ) governs the provision of legal aid in Finland. As per said act, legal aid is provided at the expense of the state to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation.

2.2. Which laws or/and policy documents regulate legal aid? Please describe briefly the objectives and content of regulation of each legal act or policy document.

**The Finnish Legal Aid Act** (257/2002, as amended) is the primary act governing the provision of legal aid in Finland. The government proposal detailing the act’ s background notes states, *inter alia*, that a fair justice system and the effective and efficient access to rights require arrangements which ensure (1) citizens are not forced to take risks that are out of proportion in relation to their financial position and (2) access to qualified legal aid. Over time, the scope of the Legal Aid Act has been broadened to grant the right to state sponsored legal aid to persons with a municipality of residence in Finland and to persons domiciled or habitually resident in another Member State of the European Union or the European Economic Area.

**The Finnish Constitution** (731/1999, as amended) also includes a provision (section 21) on protection under law provides that the guarantees for a fair trial and good governance shall be laid down by a separate act. Subsequently, access to legal aid as part of a fair trial has been codified in the Legal Aid Act.

**The Convention on International Access to Justice** has also been ratified by Finland, and various EU related directives have been transposed nationally, including, for example, the Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-

border disputes by establishing minimum common rules relating to legal aid for such disputes.

2.3. Do those general laws or/and policy documents on legal aid refer to specifics of legal aid to children? Please describe briefly and present the relevant extracts from those documents.

No. The common principle and consensus is that children are entitled to state sponsored legal aid on the same principles as anyone else. Legal aid is granted on the basis of the applicant' s income, expenditures, and maintenance liability – legal guardians' maintenance liability has no bearing on the legal aid available to their child/dependent. It should be, however, noted that a child may not be eligible for public legal aid if they already have access to a guardian' s legal expenses insurance.

2.4. Are there any laws or policy documents specifically addressing legal aid for children adopted in your country? If yes, please describe objectives and content of regulation of these laws or policy documents and provide their texts (if the texts are long, no translation for the texts is requested).

None of this is relevant in this context. Please see answer to question 0 above for clarification on children' s access to legal aid.

2.4 bis. Does your country have a law that specifically regulates or limits access to legal aid for terrorist suspects or perpetrators? Does such a regulation also apply to minors and what does it provide for?

No such law exists. In legal practice, terrorist suspects/perpetrators have received state sponsored legal aid. There is limited case law on this matter, but the legal fees would in most instances be paid by the Finnish State Treasury, which, amongst other things, disburses compensation payments to citizens for military injuries and criminal damage, as well as by insurance companies.

## Management and administration of legal aid

2.5. How the legal aid system is organised nationally, regionally or locally? Who is in charge of the management and oversight? Please describe status and functions of the legal aid authority (legal aid board or similar body) institution.

Legal aid is provided primarily through public legal aid offices as set out in the Finnish Act on Legal Aid Offices (106/1998, as amended). Administratively, public legal aid offices function under specific legal aid and public guardianship districts under the leadership of persons nominated by the Finnish Ministry of Justice. The Ministry of Justice is also responsible for the general oversight of legal aid offices. Additionally, public legal aid attorneys are supervised by the different local districts of the Finnish Bar Association.

The primary function of public legal aid offices is to handle various administrative tasks related to legal aid, including legal aid applications. Public legal aid offices also employ public legal aid attorneys, although publicly paid legal aid can also be provided by private legal professionals in court proceedings under certain circumstances.

2.6. Is there an institution who is working particularly with legal aid for children? Is there a department (division) within the main legal aid institution that is specialised in legal aid for children? If yes please describe in more detail.

No specific institutions exist, although there are various officials and institutions who, along with their other tasks, aim to ensure that children have access to legal aid. This includes, for example, the Finnish ombudsman for children.

There are no specific departments within the public legal aid offices specialized in legal aid for children.

## Funding of legal aid

2.7. How is the legal aid system financed?

The Finnish legal aid system is financed by state funds.

2.8. How are legal aid providers (including lawyers) paid? What are legal aid providers' (lawyers' ) fees for legal aid?

Legal aid providers' fees are set by a government decree. The compensation payable varies depending on the circumstances – hourly compensation is generally set at EUR 110, but minimum compensation is also set depending on the matter at hand (*e.g.* EUR 415 for a criminal case involving oral proceedings). Expenses, such as travel expenses, are also compensated.

Compensation for matters concerning international protection is case-specific, and no hourly compensation is applied.

2.9. Are there any differences between fees provided for legal aid for children compared with legal aid for adults? If yes please describe in more detail.

No.

2.10. Are there different fees for a representation of a child in criminal (juvenile justice) proceedings as compared to representation in civil or administrative cases?

No (save for the exceptions applying to adults and children alike such as for the type of compensation applied to matters concerning internal protection and administrative proceedings related thereto as set out in the answer to questions 0).

## PART 3. RIGHTS OF BENEFICIARIES OF LEGAL AID

### Access to legal aid

3.1. What are the general criteria for accessing legal aid? Who is entitled to legal aid?

As per the Legal Aid Act, legal aid is provided at the expense of the state to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation.

An applicant's income, expenditures, and maintenance liability, which constitutes his or her available means (*i.e.* funds available to him or her per month), are taken into account. When determining the available means, deductions (of EUR 300) are made for each underage child belonging to the applicant's household. The income of a spouse, domestic partner or registered partner of the applicant is taken into account in the calculation, although this does not apply in cases where the spouses are adversaries or have separated permanently due to estrangement. Public legal aid is also provided free of charge to the victims of certain crimes, such as sexual offences.

For example, for a single person with available means of up to EUR 600, legal aid would be free. For a single person with available means of over EUR 1,300, no free legal aid would be available. For single persons falling between the aforementioned sums, legal aid is available against a deductible. Corresponding sums for spouses together would be EUR 1,100 and EUR 2,400 respectively. The amounts are regularly adjusted.

3.2. In which circumstances are children in conflict with the law entitled to legal aid?

Based on the same criteria as adults, which is set out in more detail under our answer to question 0.

3.2bis. Are foreign children entitled to legal aid in your country when they are in conflict with the law (is access to legal aid conditioned by nationality or residency status for children)?

The general rule of the Legal Aid Act is that persons with a municipality of residence in Finland and persons domiciled or habitually resident in another Member State of the European Union or the European Economic Area have the right to state sponsored legal aid. However, as per said act, in addition, legal aid is provided regardless of the above described prerequisites if the matter is to be heard before a Finnish court or if there are special reasons for legal aid to be provided. Legal advice, as a part of legal aid, shall also be provided regardless of above described prerequisites, if the conditions laid down in the Convention on International Access to Justice are met.

3.3. Is legal aid to children in conflict with the law always free or partial payment can be requested?

Payment can be requested subject to the same rules as applied to adults and children can be responsible for payment (see answer to question 0). In practice, persons under the age of 18 likely have limited funds and are thus able to access public legal aid or are alternatively covered by their guardian(s)' legal expenses insurance.

3.4. Can children victims of crime access free legal aid in your country?

Yes, subject to the preconditions explained under the answers to the previous questions.

3.5. Is the representation of a lawyer mandatory for any alleged child offender? In which case and at what point in the proceedings?

In practice, yes. As per the Finnish Criminal Procedure Act (689/1997, as amended), a public defender is to be appointed for a suspect *ex officio* when the suspect has no public defender and is under 18 years of age, unless it is apparent that he or she has no need of a public defender.

3.5bis. Is there a mandatory lawyer participation for children who are suspected or accused of terrorism?

No specific rules concerning terrorism exist, but the same rules as set out in answer to question 0 would apply in such situation.

3.6. Is there a mandatory lawyer participation for children victims of crime provided in your country? In which cases?

No specific provisions exist, but, in practice, local social welfare authorities are always informed and given the right to send their representative to the questionings of a child suspected of a crime.

3.7. If a child benefits from legal aid, can he/she choose his/her lawyer? What is the legal role of the parents in this regard?

Generally the decision regarding the choice of lawyer is made together by the parents and the child. The child's wishes are taken into account based on the child's maturity and age (*i.e.* more weight is given to the wishes of a child who is 17 than a child who is 12). In case the child does not have parents, the legal guardian of the child is in the same position as the parents would be, *i.e.* the decision is made by the legal guardian and the child together.

3.8. If the child benefits from legal aid, can he/she change lawyer during the same proceedings? In which circumstances? What is the procedure? Please explain the answers in more detail.

If the matter at hand is subject to court proceedings, changing a lawyer requires the court's permission. As per the Legal Aid Act, in a matter being heard by the court and a legal aid office in another matter, the court may revoke the appointment of the attorney and appoint a replacement based on the reasoned request of the person receiving legal aid or of the attorney or on its own initiative for a valid reason.

3.9. Does a child have the right to access free interpreter if he/she needs one when meeting with provided lawyer?

Yes, interpreter services are included in the scope of legal aid.

### Access to information about legal aid

3.10. Does the State play a role in giving information to a child regarding legal aid system? Are there any initiatives (media or educational campaigns, etc.) to inform children about the legal aid system?

All Finnish junior high school students (*i.e.* 7<sup>th</sup> to 9<sup>th</sup> graders) take part in lectures on the basics of the Finnish legal system as part of their social studies classes. There is also the Ombudsman for Children, whose role is to ensure that the status and rights of children are upheld by legislators and society's decision-makers. The Ombudsman evaluates how well children's rights are protected in Finland and promotes improvements. The Ombudsman also launches campaigns from time to time. The Ombudsman for Children is an independent and impartial central government authority, whose mandate is provided in the Finnish Act on the Ombudsman for Children (1221/2004). The Ombudsman is placed in the administrative sector of the Ministry of Justice

3.11. Are there any organisations or associations that give information and facilitate a child's right to legal aid?

There are several organisations and associations that give such information and facilitate children's right to legal aid, along their other objectives. Some notable organisations include Victim Support Finland (known by the acronym "RIKU" ) and Rape Crisis Centre Tukinainen. Various government entities (such as ministries) also regularly publish information on the right to legal aid in various formats.

3.12. If a child is deprived of liberty in the context of a criminal proceedings (*e.g.* held on remand at a prison, held at the police station or a hospital etc.) how does he/she receive information on his/her right to legal aid?

Under the Finnish system, the minimum age of criminal responsibility is 15 years of age. No person under 15 can be arrested as such. The Finnish Coercive Measures Act (806/2011, as amended) contains rules on the prohibition of unreasonable arrest. In short, no one may be arrested where it would be unreasonable with regard to the particulars of the case or the age or other personal circumstances of the suspect.

If a person (whether an adult or a child) is suspected of having committed a crime, the Finnish Criminal Investigation Act (805/2011, as amended) requires them to be informed of their right to retain counsel in a criminal investigation. Before a party is to be heard, he or she shall be notified in writing of said right, unless the matter is being considered in a simple criminal investigation

3.13. Is there an obligation to provide the information in child-friendly language?

No specific provisions exist, but rights pertaining to language and the understanding of matters relating to one's person are derived from general conventions such as the European Convention of Human Rights.

3.14. If a child cannot speak the official language of the country, is there an obligation to provide the information in the child's mother tongue or in a language spoken/understood by the child?

Interpretation services are included in the scope of legal aid.

3.15. If the information needs to be translated or an interpreter needs to be provided, who covers the costs for the interpretation/translation?

They are included in the costs of the legal aid.

## Protection of child interests

3.16. Is there a legal mechanism or a rule to address a conflict of interests between the child and his parents (e.g. when a child is a suspect and a parent is a victim)? Is there a legal mechanism or a rule to address a conflict of interests between the child and his lawyer? If yes, please describe in more detail.

Conflict of interest provisions are usually derived from sector-specific legislation, *e.g.* regarding courts, judges, and government officials. There are, for example, specific provisions regarding children when they are recipients or beneficiaries of a will and their parents or guardians are not. In such situation, a trustee is often assigned to the child, if there is the possibility of a conflict of interest between the child and the parents/guardians, and assets that the child receives might for example be kept separate from the parents/guardians. Generally, conflict of interest is a legal maxim, which is recognised by the Finnish legal system and can be decided on a case-by-case basis. The rights and interest of the child are always the leading principles, and in a situation where a conflict of interest would endanger the rights or interest of a child, such rights of the child will prevail over those that are in conflict with them.

3.17. Is the child protection institution involved in criminal proceedings when a child is suspect or accused? In case, please describe in more detail.

Yes, see also our answer to question 0 below. The local social welfare authority shall be informed when a child is suspected or accused of a crime or offence.

3.18. Are experts such as psychologists, social workers, medical staff or others involved in criminal proceedings when a child is suspected or accused? In which cases? Are they paid by the State or by the child or his/her parents?

As per Chapter 7, Section 16 of the Finnish Criminal Investigation Act, when a person under the age of 18 years is suspected in an offence or a criminal act, the local social welfare authority shall be informed of the act and be reserved an opportunity to send its representative to the questioning, unless this is clearly not necessary. The services of the

local social welfare in such matters are paid for by the municipality (which basically means by tax revenue).

## PART 4. LEGAL AID PROVIDERS (LAWYERS)

### General requirements for legal aid providers

4.1. What professionals are entitled to provide legal aid to children in conflict with the law in your country? Please describe the status and functions (duties) of legal aid providers.

The eligibility requirements for the office of public legal aid attorney are a Master's degree in law and adequate experience in advocacy or adjudication. Most public legal aid attorneys hold the title of "trained at the bench" which means that they completed a judicial traineeship at a District Court and obtained a judicial qualification.

Public legal aid attorneys are engaged in advocacy before courts of law; they are under the obligation to observe proper advocacy conduct in their activities. In this respect, they are subject to the disciplinary powers of the Finnish Bar Association. More than half of public legal aid attorneys in Finland are members of the Bar Association. Public legal aid attorneys are independent of any other actors in the performance of their duties.

Legal aid may also be provided by lawyers other than public legal aid attorneys. The applicant may choose between being represented by a public legal aid attorney or a private attorney. A public legal aid attorney is a lawyer who is employed by a public legal aid office. A private attorney may be either an advocate (member of the Bar Association) or other lawyer licensed to assist clients in trials for legal assistance.

4.2. What are the requirements to be a legal aid provider in your country?

See the answer to question 0 above.

4.3; In the legal aid system, is there any type of registration requirement for lawyers who want to represent children in criminal proceedings (with bar association or another body)?

There is no separate registration required for lawyers who wish to represent children in criminal proceedings.

4.4. In your country, are there any legal entities (any associations/organisations) who provide legal assistance to children in criminal proceedings? If yes, can you please provide some information on such legal entity' s activities.

Save the Children Finland (Pelastakaa Lapset), an NGO offers legal counselling on child and family law matters, *e.g.* to municipal social services and other authorities dealing with juvenile justice. The association, specifically its Legal Services, also provides general legal advice to individuals in matters relating *i.a.* to child custody, visiting rights, maintenance and adoption.

#### Education and qualification of legal aid providers (requirements for becoming legal aid providers)

4.5. What are education requirements for legal aid providers?

See 4.1 above.

4.6. Are there any specific requirements for legal aid providers who provide legal aid for children? Are they required to undergo specific trainings (e.g. on juvenile justice, children' s rights, psychology, communication with children, etc.)?

There are no separate requirements for legal aid providers who provide legal aid for children. In general, all attorneys-at-law are subject to an obligation to undergo 18 hours of continuing education each year. In addition to other service providers, the Finnish Bar Association organises training for its members. However, it is up to the attorney-at-law to choose the subject matter of the training he/she wants to participate in.

## Continuous training

4.7. Is there a continuous training on juvenile justice offered/mandated throughout a legal aid provider's (lawyer's) career?

No mandated continuous training on juvenile justice exists. Several institutions, such as non-profits, the local bar association, and universities offer, such training.

As stated in the answer to question 0 above, attorneys-at-law are subject to an obligation to undergo 18 hours of continuing education each year regarding a matter of their choosing. For example, the University of Eastern Finland offered a course relating to children's rights and a Finnish association called Aseman Lapset ry organised two "Street Mediation Training" sessions for professionals working with juveniles in 2019. The training covered for example the basic principle of restorative justice. Save the Children, mentioned in 0 above, also arranges courses for professionals dealing with juveniles in the justice system (mainly for social welfare workers but also private courses for everyone).

There are trainings offered by different non-governmental organization from time to time, but these are not compulsory for the legal aid providers. They are, however, accessible and affordable or free. They do not have to meet a common set of requirements all over the country. Trainings are offered by universities, bar associations, and non-governmental organisations. The trainings are often day sessions/seminars. Contents vary from general children's rights to more specific topics. The lengths depend on the type of training; seminars/day sessions are often a day or two and courses offered by universities can go on for weeks or just over a month. Courses offered by universities are often theoretical and non-governmental organisations can offer more practical courses. They are seldom exclusively legal and often have a more multi-disciplinary orientation, *e.g.* law and psychology. Children do not in general participate in these trainings, but statistics based on questionnaires answered by children might be included.

When answering those questions, please cover the following:

- Is the training mandatory?
- Is the training accessible, affordable and/or free? They are accessible and affordable/free.
- Does the training meet a common set of requirements all over the country?
- Who offers the training? (*e.g.* university, bar association, legal aid administrator, NGOs or other associations, *etc.*)?
- What is the form of the training? (*e.g.* day sessions, evening classes, online, self-training, *etc.*)
- What is the content of the training?
- What is the length of the training offered?
- Is it theoretical and/or practical?
- Is it exclusively legal? Or is it a multidisciplinary training (psycho-socio aspects, how to communicate with children, does the training include a dimension of child support/assistance, *etc.*)? Are other professionals involved in the training?
- Do children participate in the lawyers' training (*e.g.* to share their experiences with the lawyers)? How?
- Are there practical exercises on how to interview or represent children?
- Are specific trainings available for legal aid providers on the rights and needs of some specific categories of children when in conflict with the law (including migrant children, children at risk of trafficking, children accused or suspected of terrorism)?

4.8. Are there any materials (e.g. manuals, self-training tools, reports) that exist at the national level on the role and mission of lawyers who represent children in criminal proceedings?

We have not identified any such “official” documents distributed on a nation level.

## Specialisation of legal aid providers

4.9. Is specialisation on children cases for legal aid providers established in your country? If yes, is the specialisation mandatory? Please describe in more detail.

No. Generally, there is no legal obligation for professionals dealing with children to become specialised nor are there any mandatory training requirements. However, it is stated in the Finnish government bill 177/2018 (relating to the implementation of EU directive 2016/2008) that the local judicial training board is planning training directed at judges and public legal aid officers relating to treatment and rights of child suspects. Also, it is possible for a legal aid provider to inform coordinators if they have a field they have specialised in or focused on, *e.g.* matters regarding children, and then, if possible, cases regarding child offenders are directed to such lawyers.

4.10. Is there a network or a list of specialised legal aid providers (lawyers) available to beneficiaries? Please describe in more detail.

Legal aid providers are assigned to cases by state legal aid offices. They have their internal list of legal aid providers. Legal aid providers may inform the legal aid office of a “specialization” or at least a specific interest in cases regarding children. If possible, cases regarding children are assigned to such legal aid providers. An applicant may ask for a person who would be “specialized” in cases relating to children.

The Finnish Bar Association also maintains lists on attorneys and their areas of expertise. An applicant could contact the Finnish Bar Association ([www.asianajajaliitto.fi/en](http://www.asianajajaliitto.fi/en)) or use their online service, which is dedicated to finding attorneys ([www.findanattorney.fi](http://www.findanattorney.fi)), in order to locate an attorney specialised in children’ s rights.

4.11. If the specialisation exists, what is the role of these lawyers at the different stages of the criminal proceeding? Where is it defined? How does it differ from the role of a lawyer who is not specialised to represent children in criminal proceedings?

As said above, there is no specialization per se but a legal aid provider might inform the state legal aid offices that he or she is interested, keen, or in some way “specialized” in cases relating to children. Specialization in this case is mostly based on the legal aid provider’s own interest, as in that he or she might have studied or taken extra courses specifically relating to children’s rights for example.

## PART 5. QUALITY AND ASSESSMENT OF LEGAL AID

### Legal aid quality standards (guidelines)

5.1. Are legal aid standards (or guidelines) for legal aid (in general) established in your country?

Public legal aid attorneys are engaged in advocacy before courts of law; they are under the obligation to observe proper advocacy conduct in their activities. In this respect, they are subject to the disciplinary powers of the Finnish Bar Association. More than half of public legal aid attorneys in Finland are members of the Bar Association. Public legal aid attorneys are independent of any other actors in the performance of their duties.

The work of a public legal aid attorney requires broad competence in legal matters and good interpersonal and negotiation skills. He or she must be able to express himself or herself clearly both in writing and in spoken word. Ability to withstand stress is also necessary, as the tasks of a public legal aid attorney are variable, often urgent, and normally concern persons who are experiencing a crisis in their life.

5.2. Are there special standards on providing legal aid for children (guidelines on child-friendly legal aid) established in your country? If yes, please describe in more detail and present the text if possible (no translation of the text is required).

The above stated in 0 applies to legal aid providers in general. There are no different standards regarding the provision of legal aid for children.

## Complaints

5.3. What is the procedure for a child/parent/guardian to present complaints about the lawyer' s actions in your country (complaints to the bar, legal aid authority, etc.)?

The Finnish Bar Association supervises public legal aid attorneys. The Disciplinary Board of the Finnish Bar Association deals with disciplinary matters. It is the Disciplinary Board' s duty to investigate breaches of the rules of proper professional conduct and to receive, examine, and decide upon complaints made against lawyers with respect to alleged breaches of the rules of proper professional conduct. The Board cannot take part in the matter itself and cannot interfere with the actual work of an advocate. If a child/parent/guardian wishes to present a complaint, it is directed to the Disciplinary Board of the Finnish Bar Association by a complaint letter (in Finnish or Swedish).

5.4. Can a child make a complaint about his/her lawyer? How?

If a child/parent/guardian wishes to present a complaint, it is directed to the Disciplinary Board of the Finnish Bar Association by a complaint letter (in Finnish or Swedish).

## Assessment of legal aid quality

5.6. How is lawyers work quality assessed in your country?

As stated above, the Disciplinary Board of the Finnish Bar Association supervises all of its members, attorneys-at-law, public legal aid attorneys, and Licenced Legal Counsels. In addition, the Ministry of Justice assesses the quality of the work of public legal aid attorneys.

5.7. Are there any legal aid quality assessment measures (*e.g.* peer review) established and implemented in your country? Please describe in more detail (*e.g.* who are responsible for assessment, what are the procedures and criteria of assessment etc.).

The quality assessment regarding public legal aid attorneys is made by government officials at the Ministry of Justice by customer inquiries (*i.e.* inquiries directed to the receivers of legal aid) and by self-assessment.

5.8. Does such assessment include children cases in criminal proceedings? Are there special rules of procedures for assessment of children cases? Please describe in more details.

The assessment is made on a case-by-case basis and only takes into account the self-assessment of the legal aid provider and customer inquiries. Customer inquiries might include situational questions, e.g. how the case was handled, taking into account, that the client was a child.

## PART 6. STATISTICS

6.1. Please provide the following statistics of the year 2019 (or data of the last year available)

Official statistics regarding Finnish legal aid were discontinued in 2015 due to the lack of funding<sup>4</sup>. The latest information available is from the year 2013 and only contains information regarding the total number of cases for the year 2013 (69,000 cases) and does not specify how many of them regarded children. According to the Public Legal Aid website however, the number of cases per year are around 50,000 and this information is from the year 2018.

- The number of persons who benefited from legal aid.

The legal aid offices handle around a total of 50,000 cases per year. The last precise number is from the year 2013, when 69,000 cases were handled by public legal aid attorneys.

---

<sup>4</sup> [https://www.tilastokeskus.fi/ajk/tiedotteet/2015/uutinen\\_002\\_2015-01-27\\_en.html](https://www.tilastokeskus.fi/ajk/tiedotteet/2015/uutinen_002_2015-01-27_en.html) link to the announcement of the discontinuation, in english.

- The number of children who benefited from legal aid and the number of cases.

No relevant data available.

- The number of legal aid providers (lawyers) in general.

220 (information from December 2018)

- The number of legal aid providers (lawyers) who provided legal aid to children (if available).

No relevant data available.

- Number of complaints about legal aid per year (total, including cases not related to children).

No relevant data available.

- Number of complaints where the beneficiary of legal aid was a child (if available).

No relevant data available.

- If you have data, please provide statistics representing backgrounds of complaint?

No relevant data available.

## PART 7: CASE LAW

7.1. Please present national case law of higher courts for the period 2015-2020 (focusing on appeal and supreme court decisions) dealing with the access to legal aid for children in criminal proceedings (for example cases dealing with difficulties to access legal aid, absence of access to a lawyer etc.). Please discuss 5-10 most important decisions/rulings. If less than 3 cases can be found in this period, please refer to the years 2010-2020.

Please use this table. Attach the full text of decisions (no translation required).

There are no cases dealing with the access to legal aid for children in criminal proceedings from the higher courts of Finland. Most cases regarding legal aid revolve around matters such as the remuneration of the legal aid provider (*i.e.* if it is regarded as too high or not), cases relating to the refusal of legal aid due to the fact that the applicant's income is too high, and similar cases to the previous two.

# LA CHILD

Enhancing legal aid for children in conflict with the law



The project is funded by the Justice Programme of the European Union (2014-2020)

## Coordination of the project



## Project partners



QENDRA E SHËRBIMEVE  
DHE PRAKTIKAVE LIGJORE TË INTEGRUARA  
CENTRE OF INTEGRATED LEGAL SERVICES AND PRACTICES

