

# Income, troubles and legal family formats in Finland

by Aija Valleala <sup>1</sup>

*The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 2 – Income and troubles)

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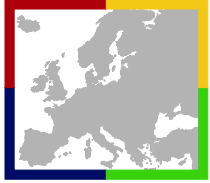


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# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu). There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

## About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

## About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

### The six papers about Finland

The answers concerning Finland can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)):

#### **Formalisation of legal family formats in Finland by Rainer Hiltunen (Section 1)**

#### **Income, troubles and legal family formats in Finland by Aija Valleala (Section 2)**

#### **Parenting and legal family formats in Finland by Aija Valleala (Section 3)**

#### **Migration and legal family formats in Finland by Rainer Hiltunen (Section 4)**

#### **Splitting up and legal family formats in Finland by Rainer Hiltunen (Section 5)**

#### **Death and legal family formats in Finland by Rainer Hiltunen (Section 6)**

So this paper is based on **Section 2 (Income and troubles)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 2.1 Lower income tax**
- 2.2 Social benefits**
- 2.3 Health insurance**
- 2.4 Care between partners**
- 2.5 Care for a parent**
- 2.6 Next of kin**
- 2.7 Domestic violence**
- 2.8 Criminal procedure**
- 2.9 General background regarding income and troubles**

In the following pages of this paper, first the answer to question 2.9 is presented, followed by the answers to questions 2.1 to 2.8.

**2.09 - General background regarding income and troubles (Open question)**

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, family support, etc.) that may be relevant for the understanding of your answers above regarding income and troubles, then please do so here.

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Jurisdiction: **Finland**

Source: **A. Valleala**, "Income, troubles and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-FI-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.01 - Lower income tax**

Can a relationship of this type result in lower income tax than for two individuals without a partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 1993	2015 N/A 0000	2015 N/A 0000	2015 No, but 2002	2015 No, but 1993	2015 No, but 2002
No, but 1989			N/A 0000	No, but 1989	No 1993
? 0000				? 0000	No 1989
					? 0000
<b>References to legal sources:</b> Section 7 and 14 of Income Tax Act(1535/1992).  Section 7 and Chapter 3 of Income and Wealth Tax Act (1240/1988) (replaced by the 1992 Act).		<b>References to legal sources:</b> Section 7 and 14 of Income Tax Act(1535/1992).  Finnish Tax Administration on marriage and divorce: <a href="http://www.vero.fi/en-US/Individuals/Marriage_Divorce">www.vero.fi/en-US/Individuals/Marriage_Divorce</a>		<b>References to legal sources:</b> Section 7 and 14 of Income Tax Act(1535/1992).  Section 7 and Chapter 3 of Income and Wealth Tax Act (1240/1988) (replaced by the 1992 Act).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      In Finland, there is an individual taxation, marriage/registered partnership has a very little impact on taxation.</p> <p>Marriage/registered partnership mainly have an effect on some tax deductions.</p>		<p><b>Explanations and nuances:</b>                      Although the Act only refers to married couples, according to the Finnish Tax Administration, registered partnership is comparable to marriage for tax purposes.</p>		<p><b>Explanations and nuances:</b>                      Cohabiting couples are considered spouses for tax purposes if they have (or have had) a child together, or if they have previously been married/in a registered partnership together. They have to have lived together minimum 1 year.</p> <p>The old Income and Wealth Tax Act contained a similar provision regarding cohabiting couples (provisions that apply to spouses also apply to cohabiting couples if previously married, or have/had a child together). However, this provision would not have been applicable to same-sex cohabiting couples before they had the possibility of being previously in registered partnership (in 2002). Second-parent adoption is not allowed for cohabiting couples and therefore it is unlikely that cohabiting same-sex couples have a child together (= both are legal parents).</p>	

Jurisdiction: **Finland**

Source: **A. Valleala**, "Income, troubles and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-FI-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.02 - Social benefits**

When one partner (long-term unemployed or even never having been employed at all) would be entitled to a basic social benefit, will the income of the other partner then be taken into consideration and will it possibly result in loss or reduction of this entitlement?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1960	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2013	2015 Yes, but 1987	2015 No 0000
			Yes, but 2002	? 0000	
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b> Social Assistance Act (1412/1997) Section 12 of Act on General Housing Allowance (938/2014).</p> <p>Act on Support for Home Care for Children and Private Care (1128/1996).</p> <p>Section 24 of National Pension Act (568/2007).</p> <p>Health Insurance Act (1224/2004).</p> <p>Chapter 7 Section 6 of Unemployment Security Act (1290/2002), amended in 1.1.2013 by 1005/2012, HE 115/2012 (preparatory works, HE is short for hallituksen esitys = government proposal).</p> <p>Laki työttömyyskorvauksesta (Act on Unemployment Benefit) (322/1960) (repealed).</p> <p>Asetus työttömyyskorvauksesta (Decree on Unemployment Benefit) (334/1963) (repealed).</p>		<p><b>References to legal sources:</b> Social Assistance Act (1412/1997).</p> <p>Section 12 of Act on General Housing Allowance (938/2014).</p> <p>Unemployment Security Act (1290/2002).</p> <p>Act on Support for Home Care for Children and Private Care (1128/1996).</p> <p>Section 24 of National Pension Act (568/2007) Health Insurance Act (1224/2004).</p>		<p><b>References to legal sources:</b> Social Assistance Act (1412/1997).</p> <p>Section 12 of Act on General Housing Allowance (938/2014).</p> <p>Unemployment Security Act (1290/2002).</p> <p>Act on Support for Home Care for Children and Private Care (1128/1996).</p> <p>Section 24 of National Pension Act (568/2007).</p> <p>Health Insurance Act (1224/2004).</p> <p>Section 1 of Housing Allowance Act (408/1975) as amended in 1987 by (154/1987) (repealed).</p> <p>Section 46 of Unemployment Security Act (602/1987) as amended in 1987 by (226/1987) (repealed).</p>	



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The social security system is quite complicated and the effect of other partner's income depends on the social benefit. The other partner's income affects the amount of some, but not all, social benefits. For this reason it is not possible to exhaustively indicate the changes in a single timeline.</p> <p>My general impression is that the trend is towards partner's income NOT having an effect on social benefits. For instance in HE 115/2012 (regarding the amendment to the Unemployment Security Act which repealed the effects of the partner's income) it is stated that partner's income not having an effect on social benefits is more in line with the taxation system of Finland (individual taxation) and gender equality.</p> <p>Moreover, it is generally cohabitation and not marriage per se that triggers the effect.</p> <p>For instance the amount of unemployment benefit have been affected by spouses income since the current system was set up in the 1960's. But since 2013 other partner's income does not affect employment benefits anymore (Labour Market Subsidy, Basic Unemployment Allowance). Also, the amount of sickness allowance is not affected by the other partner's income.</p> <p>On the other hand, the other partner's income affects following benefits (not exhaustive):                      income support,                      child home care allowance,                      general housing allowance,                      national pension,                      housing allowance for pensioners,                      widow(er)'s pension.</p>		<p><b>Explanations and nuances:</b>                      Registered partnership is comparable to a marriage when it comes to social benefits.</p>		<p><b>Explanations and nuances:</b>                      See under Marriage.</p> <p>It is cohabitation (for different-sex couples) rather than marriage that triggers the effect of partner's income on social benefits. The other partner's income affects the social benefits of a cohabiting different-sex partner, but not those of cohabiting same-sex partner.</p> <p>I was not able to pinpoint for certain the first time cohabiting different-sex couples were equated with married couples. I would assume that this happened around 1980s and the first mention I was able to find was in the 1987 amendments to the Housing Allowance Act of 1975. Another mention from the same year is in the amendment (226/1987) to the 1984 Unemployment Security Act. An additional section was added in the end of this act explicitly equating couples living in marriage-like circumstances to married couples.</p> <p>Usually, when two persons of different sex live in the same apartment they are automatically considered as a cohabiting couple for the purposes of social benefits unless they prove otherwise (for instance, submitting a floor plan and pictures of their apartment showing that they have separate bedrooms) or unless it is clear that they are not (e.g. a student apartment where there are more than two inhabitants or siblings or cousins living together). For cohabiting same-sex couples this assumption is not made.</p> <p>There is no discussion on how to end this advantage, probably because there are so many same-sex flatmates that it would not be bureaucratically feasible to distinguish those from cohabiting same-sex couples. Rather, the discussion is that the income of one's cohabiting partner (or married spouse) should not affect any social benefits. This also seems to be the trend as the Unemployment Security Act was recently amended so that partner's income does not have an effect on the unemployment benefits anymore.</p>	

Jurisdiction: **Finland**

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Section: **2 - Income and Troubles**

Question: **2.03 - Health insurance**

Is the amount of money that the two partners in this type of relationship would have to pay for (public or private) health insurance, normally smaller than what two individuals without a partner would have to pay?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2005	2015 N/A 0000	2015 N/A 0000	2015 No 2005	2015 No 2005	2015 No 2005
No 1964			No 2002	No 1964	No 1964
			N/A 0000		
<b>References to legal sources:</b> Health Insurance Act (1224/2004).  Health Insurance Act (364/1963) (repealed).		<b>References to legal sources:</b> Health Insurance Act (1224/2004).		<b>References to legal sources:</b> Health Insurance Act (1224/2004).  Health Insurance Act (364/1963) (repealed).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Finnish National Health Insurance (NHI) is part of the Finnish social security system and it covers among others a part of private doctors' fee. (In addition, there is public healthcare provided by the municipalities which is accessible to everyone domiciled in Finland, these have small fees which are not covered by the NHI.)</p> <p>As a rule, all permanent residents of Finland are covered under the NHI scheme. The NHI scheme is publicly funded by healthcare contributions (healthcare payment and earned income contribution payment) that are collected together with tax prepayments from persons aged between 16 and 63. The amount of healthcare contribution is based on gross income. For instance in 2015 healthcare payment for employees was 0,78 % of gross income and earned income contribution payment for employees was 1,32 % of income subject to municipality tax (numbers differ a bit for self-employed, pensioners, etc.).</p> <p>To conclude, in the Finnish public healthcare system the relationship status of individuals does not matter. The system was similar under the previous law.</p>		<p><b>Explanations and nuances:</b>                      See under Marriage.</p>		<p><b>Explanations and nuances:</b>                      See under Marriage.</p>	

Jurisdiction: **Finland**

Source: **A. Valleala**, "Income, troubles and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-FI-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.04 - Care between partners**

In case one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2001	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 Yes 2001	2015 Yes 2001
Yes 1998			N/A 0000	Yes 1998	Yes 1998
No 1971				No 1971	No 1971
No 0000				No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Chapter 4 Sections 7 and 8 of Employment Contracts Act (55/2001).</p> <p>Amendments to the Employment Contracts Act (357/1998) (repealed), HE 37/1998 (preparatory works, HE is short for hallituksen esitys = government proposal).</p> <p>Employment Contracts Act (320/1970) (repealed).</p>		<p><b>References to legal sources:</b>                      Chapter 4 Sections 7 and 8 of Employment Contracts Act (55/2001).</p>		<p><b>References to legal sources:</b>                      Chapter 4 Sections 7 and 8 of Employment Contracts Act (55/2001).</p> <p>Amendments to the Employment Contracts Act (357/1998) (repealed).</p> <p>HE 37/1998.</p> <p>Employment Contracts Act (320/1970) (repealed).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Employees have a statutory right to temporary absence from work if their immediate presence is necessary because of an unforeseeable and compelling reason due to an illness or accident suffered by their family.</p> <p>If it is necessary for an employee to be absent so that they may provide special care for their family member or someone else close to them, the employer must try to arrange the work so that the employee may be absent from work for a fixed period. The employer and the employee shall agree on the duration of such leave and on other arrangements, taking into consideration the employee's needs and the employer's production and service activities.</p> <p>The provisions regarding right to leave were added to the previous act in 1998. According to the preparatory works of the 1998 amendment, a 'family' means persons living as a family in a shared household and their relatives in ascending and descending line.</p> <p>The employer is not required to pay the employee remuneration for the duration of a such family leave.</p>		<p><b>Explanations and nuances:</b>            See under Marriage.</p>		<p><b>Explanations and nuances:</b>            See under Marriage.</p>	

Jurisdiction: **Finland**

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Section: **2 - Income and Troubles**

Question: **2.05 - Care for a parent**

In case the parent of one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2001	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 Yes 2001	2015 Yes 2001
Yes 1998			N/A 0000	Yes 1998	Yes 1998
No 1971				No 1971	No 1971
No 0000				No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Chapter 4 Sections 7 and 8 of Employment Contracts Act (55/2001).</p> <p>Amendments to the Employment Contracts Act (357/1998) (repealed), HE 37/1998 (preparatory works, HE is short for hallituksen esitys = government proposal).</p> <p>Employment Contracts Act (320/1970) (repealed).</p>		<p><b>References to legal sources:</b>            Chapter 4 Sections 7 and 8 of Employment Contracts Act (55/2001).</p>		<p><b>References to legal sources:</b>            Chapter 4 Sections 7 and 8 of Employment Contracts Act (55/2001).</p> <p>Amendments to the Employment Contracts Act (357/1998) (repealed).</p> <p>HE 37/1998.</p> <p>Employment Contracts Act (320/1970) (repealed).</p>	
<p><b>Explanations and nuances:</b>            See 2.04.</p> <p>The parent of one's partner is considered to be 'family or someone else close' as defined in the Employment Contracts Act (2001). According to the preparatory works of the 1998 amendment, a 'family' means persons living in a shared household and their relatives in ascending and descending line.</p>		<p><b>Explanations and nuances:</b>            See marriage.</p>		<p><b>Explanations and nuances:</b>            See marriage.</p>	



Jurisdiction: **Finland**

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Section: **2 - Income and Troubles**

Question: **2.06 - Next of kin**

In case of accident or illness of one partner, is the other partner considered as next of kin for medical purposes (even without power of attorney)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1993	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 Yes 1993	2015 Yes, but 1993
? 0000			N/A 0000	? 0000	? 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Section 9 of Act on the Status and Rights of Patients (785/1992), HE 185/1991.</p>		<p><b>References to legal sources:</b>            Section 9 of Act on the Status and Rights of Patients (785/1992), HE 185/1991.</p>		<p><b>References to legal sources:</b>            Section 9 of Act on the Status and Rights of Patients (785/1992), HE 200/2000, HE 185/1991.</p> <p>LaVM 10/1997 - LA 26/1996, Lakivaliokunnan mietintö 10/1997 vp: Lakialoite laiksi kahden samaa sukupuolta olevan henkilön parisuhteen virallistamiseksi” (rough translation: Report of the Legal Affairs Committee 10/1997 vp on the private member’s bill on the formalisation of the relationship between two persons of the same sex).</p> <p>Report by working group on legislation regarding same-sex partnerships (1999) p. 20  <a href="http://www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1148038256780/Files/cqei3ir.pdf">www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1148038256780/Files/cqei3ir.pdf</a>.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Persons that are entitled to receive medical information in situations mentioned in the Act are the patient's legal representative, close relative or other person closely connected with the patient.</p> <p>According to the preparatory works, close relative means spouse, children, parents and siblings. 'Other person closely connected' can be a cohabiting partner or someone else who lives permanently with the patient.</p>		<p><b>Explanations and nuances:</b>            See under Marriage.</p> <p>Registered partner is equal to a married spouse.</p>		<p><b>Explanations and nuances:</b>            See under Marriage.</p> <p>Same-sex: I have put "yes, but" for since 1993, because although same-sex cohabiting couples did qualify as next of kin for medical purposes as stated in the 1993 Act (785/1992), in practice they were often denied this status.</p> <p>It is not possible to know when exactly they have surely been included in practice as well, because it has been a matter of attitudes in health care institutions rather than a matter of legislation.</p> <p>For instance the report from 1999 mentions (on page 20) that in practice same-sex cohabiting partners have not always been recognized as next of kin, especially if other relatives of the patient have been opposed to that.</p>	

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Section: **2 - Income and Troubles**

Question: **2.07 - Domestic violence**

When one partner uses violence against the other partner, does specific statutory protection apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 Yes 2011	2015 Yes 2011	2015 Yes 2011
Yes 2004			Yes 2004	Yes 2004	Yes 2004
Yes, but 1994			Yes, but 2002	Yes, but 1995	Yes, but 1995
No 0000			N/A 0000	No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Criminal Code.</p> <p>1994: Criminal Code, Chapter 20, amended in 1994 (316/1994); HE 365/1992.</p> <p>1995: Criminal Code, Chapter 21, Section 14, amended in 1995 (578/1995); HE 94/1993.</p> <p>2004: Criminal Code, Chapter 21, Section 17, repealed in 2004 (712/2004); HE 144/2003.</p> <p>2011: Criminal Code, Chapter 21, Section 16, amended in 2011 (1082/2010); HE 78/2010.</p> <p>Act on Restraining Orders (898/1998).</p> <p>2004: Act on Restraining Orders, amended in 2004 (711/2004); HE 144/2003.</p>		<p><b>References to legal sources:</b>                      Criminal Code.</p> <p>2004: Criminal Code, Chapter 21, Section 17, repealed in 2004 (712/2004); HE 144/2003.</p> <p>2011: Criminal Code, Chapter 21, Section 16, amended in 2011 (1082/2010); HE 78/2010.</p> <p>Act on Restraining Orders (898/1998).</p> <p>2004: Act on Restraining Orders, amended in 2004 (711/2004); HE 144/2003.</p>		<p><b>References to legal sources:</b>                      Criminal Code.</p> <p>1995: Criminal Code, Chapter 21, Section 14, amended in 1995 (578/1995); HE 94/1993.</p> <p>2004: Criminal Code, Chapter 21, Section 17, repealed in 2004 (712/2004); HE 144/2003.</p> <p>2011: Criminal Code, Chapter 21, Section 16, amended in 2011 (1082/2010); HE 78/2010.</p> <p>Act on Restraining Orders (898/1998).</p> <p>2004: Act on Restraining Orders, amended in 2004 (711/2004); HE 144/2003.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The amendments in the Criminal Code in 1994 (marital rape was criminalized), in 1995 (the right of the prosecutor to bring charges was extended to assaults that took place in private places), and in 2004 were not special statutory protection of victims of domestic violence per se, although that was the rationale behind the amendments. Rather, they amended the Criminal Code to provide equal protection to victims of domestic violence as to victims of other kinds of violence.</p> <p>In 1995 when the right of the prosecutor to bring charges was extended to assaults, Section 17 in Chapter 21 was added to the Criminal Code. This Section provided that the prosecutor has the right to not bring charges in case of an assault, if the plaintiff, of their own free will, asks that charges are not brought in such case, unless there is an important public or private interest at hand that requires bringing of charges. This Section was later repealed in 2004 in order to more effectively prevent domestic violence. It was considered that the will of the plaintiff was given more weight, than the legislature had originally intended, when deciding whether to bring charges or not.</p> <p>The inside-the-family restraining order (from 2004) and the amendment to the Criminal Code in 2011 can be considered as special statutory protection of victims of domestic violence. The 2011 amendment to the Criminal Code provides that the public prosecutor may bring charges for petty assault only if the injured party reports the offence for the bringing of charges or if the offence was directed at (among others) the offender's spouse/partner or former spouse/partner or other close relative. This amendment was specifically aimed to protect victims of domestic violence.</p>		<p><b>Explanations and nuances:</b>                      See under Marriage.</p>		<p><b>Explanations and nuances:</b>                      See under Marriage.</p>	

Jurisdiction: **Finland**

Source: **A. Valleala**, "Income, troubles and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-FI-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.08 - Criminal procedure**

In case of a criminal prosecution against one partner, can the other partner then refuse to testify against the partner who is being prosecuted?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1949	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 Doubt 1948	2015 Doubt 2000
			N/A 0000		No 1948
<p><b>References to legal sources:</b>                      Chapter 17 Section 20 of Code of Judicial Procedure (4/1734) as amended by in 1949 by (571/1948).</p> <p>Amendments to the Code of Judicial Procedure (732/2015) will enter into force on 1 January 2016 (the new provision is Chapter 17 Section 17).</p>		<p><b>References to legal sources:</b>                      Chapter 17 Section 20 of Code of Judicial Procedure (4/1734).</p>		<p><b>References to legal sources:</b>                      Chapter 17 Section 20 of Code of Judicial Procedure (4/1734).</p> <p>Amendments to the Code of Judicial Procedure (732/2015) will enter into force on 1 January 2016 (the new provision is Chapter 17 Section 17), HE 46/2014.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      A person may not refuse to testify. However, the following need not testify against their will: '(1) a person who is or has been married or is engaged to one of the parties.'</p> <p>(This is a direct quote from the law that applies to both civil and criminal procedure unless there are more specific provisions in Criminal Procedure Act (689/1997).)</p>		<p><b>Explanations and nuances:</b>                      Registered partnership is comparable to marriage in this respect.</p>		<p><b>Explanations and nuances:</b>                      The law does not give a cohabiting partner a right to refuse to testify, unless the cohabitants are considered to be 'engaged' in the sense of section 20. According to the preparatory works to the 2015 amendments to the Code of Judicial Procedure, there is no Supreme Court decision on the matter and the lower courts have taken different stances on the matter. The amendments to the Code of Judicial Procedure that will enter into force on 1 January 2016 will give cohabiting partners the right to refuse to testify.</p>	