



Name of Country and Jurisdiction:

Finland

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Finland, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Finland for an authority to grant a divorce/ dissolution?



1. What forms of legally recognized relationships are available?



| LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE | GEOGRAPHY | LAW | AVAILABLE TO SAME-SEX COUPLE? |
|---|-----------|---|-------------------------------|
| Marriage | Finland | Marriage Act (234/1929) Act Amending the Marriage Act (156/2015) | Yes |

Finland's Act on Registered Partnerships (950/2001), which took effect in 2002, recognized registered partnerships only for same-sex couples, but as of March 1, 2017, these relationships may no longer be formed. Couples who entered into registered partnerships before this date may convert their relationships into marriages.

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2. What are the requirements to be able to enter into the above relationship?

A

(i) Geographic requirements:

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|----------------------------|--|
| Marriage | At least one spouse must be a Finnish citizen or a resident of Finland; otherwise, the marriage must be permissible under the law of Finland and the law of the state where the spouses are habitually resident. |

(ii) Other substantive eligibility requirements:

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|----------------------------|---|
| Marriage | <p>The parties must:</p> <ul style="list-style-type: none"> • Be at least 18 years of age; • Not be subject to another marriage or a registered partnership with a third party that is still in force; and • Not be related. |

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3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

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|---------|---|
| (a)–(c) | Not applicable; registered partnerships can no longer be formed in Finland. |
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|---------------------------------|---|
| Marriage/Registered partnership | If a person is currently married or in a registered partnership, he or she cannot enter into a second marriage. |

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5. When a couple comes to Finland, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

A

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|---------------------------------|---|
| Marriage/Registered partnership | Finland recognizes marriages and registered partnerships that are valid in the state where the marriage took place or the partnership was recognized. |

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6. How can each form of relationship be dissolved? What is the residency requirement or other link to Finland for an authority to grant a divorce/ dissolution?

A

| FORM OF LEGAL RELATIONSHIP | REQUIREMENTS |
|----------------------------|--|
| Marriage | Both a marriage and a registered partnership shall be dissolved when one partner dies or is declared dead or when the union is dissolved by court order. |
| Registered partnership | <p>The dissolution of both relationships is governed by the Marriage Act's provisions on divorce.</p> <p>The Marriage Act provides that the spouses shall have the right to a divorce after a reconsideration period.</p> <p>However, the spouses shall have the right to a divorce <i>without</i> a reconsideration period if:</p> <ul style="list-style-type: none"> • They have lived separated for the past two years without interruption; • The spouses are each other's direct descendant or ascendant, siblings, or half-siblings; • Their marriage was concluded while a former marriage was still in force; or • Their registered partnership was concluded while another marriage or registered partnership was still in force and had not yet been dissolved. <p>The reconsideration period shall begin on the date when the joint petition of the spouses for the dissolution of the marriage is filed with the court or the court registry or when the petition of one spouse is served on the other. After a reconsideration period of at least six months, the spouses shall be granted a divorce upon their joint request or upon the request of one of them. The request shall be made within one year of the beginning of the reconsideration period.</p> |

■ Sources:

Primary

- Act on Registered Partnerships (950/2001), available in English at <http://www.finlex.fi/en/laki/kaannokset/2001/en20010950.pdf>.
- Marriage Act (234/1929), available in English at <http://www.finlex.fi/en/laki/kaannokset/1929/en19290234.pdf>.
- Act Amending the Marriage Act (156/2015).
- Adoption Act (22/2012), available in English at <http://finlex.fi/fi/laki/kaannokset/2012/en20120022.pdf>.

Secondary

- Open Society Foundations, *Case Watch: European Court Defers to States on Same-Sex Marriage*, <http://www.opensocietyfoundations.org/voices/case-watch-european-court-defers-states-same-sex-marriage>.
- Local Register Offices, *Marriage*, <http://www.maistraatti.fi/en/Services/marriage>.