

Restraining Order

The Act on the Restraining Order entered into force on 1 January 1999. The purpose of the Act is to prevent crimes and to improve the possibilities to interfere with severe harassment. A restraining order means that in order to protect the life, health, freedom or peace of a person, another person may be ordered not to contact him.

Who can apply for a restraining order ?

Typical cases in which a restraining order may be used include the harassment of a former spouse or co-habiter by contacting him/her, trying to visit him/her as well as situations in which an adult child attempts to extort money from his/her elderly parent. The restraining order can also be used to protect e.g. the witness of a trial. However, a restraining order can be applied for by anyone who justifiably feels himself/herself threatened or harassed by another.

A restraining order cannot be issued to apply to persons living in the same household.



Also a prosecuting, police or social service authority may apply for the order if the person threatened is too afraid to do it himself/herself.

This is what to do:

- if you have been or are about to be subjected to violence or harassment, contact the police
- you can ask the police to issue a temporary restraining order
- if the situation does not call for immediate measures, you can ask the social services for advice or turn to voluntary advisory organisations
- also consider the validity of your evidence and the exact contents of your demands at the trial; if necessary, use expert assistance
- after a restraining order has been issued, think if you can change the locks just to be sure, whether it is necessary also to inform the residential company of the restraining order in order to prevent surprise visits, etc.
- control yourself actively that the restraining order is not violated
- if the restraining order is violated, inform the police immediately
- do not be afraid to act for your own safety and the safety of your family

How do you apply for a restraining order?

If you are in a situation in which you are under a threat and you feel that a restraining order

might help your situation, you will get advice and help for example from social service authorities or voluntary organisations.

You apply for a restraining order either from the police or directly from the District Court in writing or orally. When applying for the order, you have to tell the authorities

- what kind of threat or harassment you have or are about to be subjected to
- who the person or persons are that you feel are threatening or harassing you
- your idea as to whether the harassment will continue or whether there is a future threat of a crime
- whether there are witnesses or other proof in the matter.

It is important that you record all the events as soon as they happen and gather all the possible evidence as well as the contact information of the witnesses to support your application for a restraining order.

If you have been subjected to violence, see a doctor as soon as possible to have your injuries examined.

A temporary restraining order, which will enter into force immediately, can be issued by a civil servant with the right to arrest a person, i.e., a senior policeman or a public prosecutor. In this case the decision will go to the District Court to be reviewed.

Handling of a restraining order in the District Court

In the District Court an application for a restraining order is handled urgently. Like in a criminal case, the matter is handled at a trial, where the account given of the matter is examined and both parties as well as witnesses are heard.

When the District Court issues the order, it always assesses the danger of a crime or harassment case by case. As grounds it uses the circumstances, the person's own experience of a threat as well as the testimony of possible witnesses.

An act of violence that has already taken place can be considered a serious ground, but it is not a prerequisite for a restraining order. Also when a person who feels himself/herself threatened, is harassed for example near his home, at his work or in public places with the purpose of threatening or nuisance for example by following the person without justification, all this can be sufficient grounds to issuing a restraining order. An order may also be issued in cases of continued harassment implemented over the phone, by letter or in another corresponding way.

Sometimes it may be difficult to prove a threat. If the other party does not admit the harassment, it would be good in order to prove it if the harassment could also be noticed by an outsider. Earlier contacts with the police or social workers will support your case. Accounts of the threat may include doctor's certificates, written messages or technical recordings as well as testimony by witnesses, for example by neighbours or co-workers.

Legal assistance at the trial can be obtained from public legal aid counsels, attorneys-at-law and other lawyers. The legal aid office will tell you if you have a possibility to have a counsel at the cost of the State.

The District Court may decide a case relating to a restraining order even if the person against whom the order is applied for refuses to come to court. The restraining order will enter into force as soon as it has been issued.

If the restraining order later on proves to be unnecessary, you can apply to the District Court to have it repealed. The parties cannot mutually agree on the termination of the order.

The contents of a restraining order

A person on whom a basic restraining order has been imposed, may not meet the person protected or otherwise contact or try to contact the person. Nor may he/she follow or observe the person being protected.

An extended restraining order refers to an order forbidding the person also from being in a certain area, for example in the vicinity of the permanent residence, holiday residence or work place of the person being protected or of another comparable place expressly specified in the court order.

The restraining order will be imposed only to the extent necessary in each case to prevent the threat of a crime or other harassment. The order does not prevent a contact for proper reasons. In spite of the order, a contact is allowed if for example a common child suddenly gets ill.

Situations which can be foreseen have to be taken into account already in the decision on the restraining order. For example meetings relating to the visiting rights of children or contacts necessary for the distribution of marital assets can be ordered to take place through the social welfare authorities or in the presence of a third party.

The restraining order is valid during the period ordered by the District Court, a maximum of one year, but this period may be extended, if necessary. An extension requires a request to that effect to the District Court and the handling of that request.

Breach of the restraining order

Breach of a restraining order is a punishable act. The punishment is a fine or imprisonment not exceeding one year. Breach of the order is a crime subject to public prosecution, and it will be taken to court by the public prosecutor.

Restraining orders are entered into a special personal register kept by the police, and in emergency situations the orders can be checked from this register.

The police also supervises these orders and may use force if the order is breached. If for example a person upon whom a restraining order has been imposed continues to harass the person protected, the police called in may take the guilty party to the police station and interrogate him for further measures.

Advice and help in restraining order matters

The following authorities will give you advice and instructions in matters relating to restraining orders:

- the nearest police
- the nearest social welfare worker

The following organisations give advice and instructions in matters relating to restraining orders:

- Crime Victim Telephone, Mon 1 p.m. - 9 p.m. Tue - Fri 5 p.m. - 9 p.m., +358 600 1 6116 (0.62 FIM/min+local telephone fee), Legal advice Tue - Thurs 5 p.m.- 7 p.m., +358 600 1 6117 (0.62 FIM/min+local telephone fee)
- Shelter of Helsinki/Turvakoti ry, tel. +358 9 4777 180
- Shelter of Espoo, tel. +358 9 591 5130

- Shelter of Vantaa, tel. +358 9 874 7911
- Tukinainen Rape Crisis Centre, tel. +358 800 97 899, legal service, tel. +358 800 97 895
- Unioni, Legal Finnish Feminists, tel. +358 9 649 382
- The police EMERGENCY NUMBER 10022

Ministry of Justice, Police Department of the Ministry of the Interior, Ministry of Social Affairs and Health, Office of the Ombudsman for Equality, National Research and Development Centre for Welfare and Health, Helsinki City, Shelter of Helsinki