CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

FOURTH SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 29347/95
by T.K.
against Finland

The European Court of Human Rights (Fourth Section), sitting on 13 September 2001 as a Chamber composed of

Mr G. RESS, *President*,
Mr A. PASTOR RIDRUEJO,
Mr L. CAFLISCH,
Mr J. MAKARCZYK,
Mr I. CABRAL BARRETO,
Mrs N. VAJIĆ,
Mr M. PELLONPÄÄ, *judges*,

and Mr V. BERGER, *Section Registrar,*

Having regard to the above application introduced with the European Commission of Human Rights on 3 April 1995 and registered on 22 November 1995,

Having regard to Article 5 § 2 of Protocol No. 11 to the Convention, by which the competence to examine the application was transferred to the Court,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant is a Finnish citizen, born in 1960 and resident in Haparanda (Sweden). She is represented by Ms Anu Suomela of the Association for Family Rights in Finland (*Perheen Suojelun Keskusliitto PESUE r.y.).* The respondent Government are represented by Mr Arto Kosonen, Director in the Ministry for Foreign Affairs.

A. The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant is a mother of four. Her oldest daughter A., born in 1983, was placed in public care from September 1985 to June 1987 on account of the applicant's mental problems. The care was terminated after sole custody of A. had been granted to her father S.

At the beginning of the events of relevance to the application, the applicant's sons N. and J., born in 1987 and 1991 respectively, lived with the applicant and her partner R. N.'s father is P. and J.'s father is R.

Between February and April 1993 the Social Welfare Office of Tornio, having received an indication under the Child Welfare Act (*lastensuojelulaki, barnskyddslag* 683/1983), on several occasions attempted to interview the applicant and R. and to verify their home conditions. As the applicant refused social officials access into her home and refused to allow N. and J. to undergo expert examinations, the Social Welfare and Health Board (*sosiaali- ja terveyslautakunta, social- och hälsovårdsnämnden*), on 12 May 1993, decided to place them in public care pursuant to section 16 of the Child Welfare Act.

The Board considered that the applicant was suffering from mental problems which had taken the form of "deviating behaviour" and difficulties in her personal relations. For over a year the Board had received information about the family which had given rise to concerns. The applicant had been "abandoning" J., stating that he was not her son but R.'s. She had also been threatening J. and was suspected of not feeding him properly. Because of her strong personality the whole responsibility for the children's upbringing had been placed on her. She and R. had not been co-operating with the social authorities. A home helper had only managed to control to some extent "the chaos" in their home. They had turned down an offer to place J. in a day care centre and had brought N. to day care only irregularly. N.'s short-term stay in a foster home with the applicant's consent had not been appropriate, since that home had been located in the same town as the applicant's home. The applicant had also taken N. home before his planned three-month stay had come to an end. The Board expressed the hope that the applicant would seek treatment.

According to the applicant, the information on which the Board's findings were based had not been submitted by persons qualified to assess her mental health. Two opinions were submitted by physicians who had allegedly never examined her. Some opinions were allegedly based on information provided by a social worker without the applicant's knowledge and consent. A further opinion was submitted by an official of the Board who had not examined those involved either.

The care orders were not enforced immediately. The applicant and R. appealed to the County Administrative Court (*lääninoikeus, länsrätten*) of Lapland.

At the relevant time the applicant had sole custody of N., who was spending his summer holidays with his father P. in Tampere. The social authorities told P. not to return N. to the applicant after the holidays. Thereafter his public care was implemented in his father's home.

On 3 September 1993 the County Administrative Court, without holding an oral hearing, rejected the applicant's and R.'s appeal against the care orders. They appealed further to the Supreme Administrative Court (*korkein hallinto-oikeus, högsta förvaltningsdomstolen*).

On 16 September 1993 J. was forcibly removed from the applicant's arms in their home with a view to implementing the care order. Following an observation period in a hospital J. was placed in the SOS Children's Village at Yli-Tornio. The applicant's complaint about the enforcement manner did not lead to charges being brought by the Public Prosecutor.

On 12 October 1993, the applicant and R. requested the Social Welfare and Health Board to revoke the public care orders. This was refused on 17 November 1993. On 11 November 1994 the County Administrative Court rejected the applicant's appeal without holding an oral hearing. She did not appeal further to the Supreme Administrative Court.

In a decision of 21 January 1994 a social welfare officer refused to provide the applicant with a copy of her client records, since they also contained information concerning third persons. The official noted that the applicant's counsel had studied the records in the Social Welfare Office. The official scheduled a further appointment when the applicant could read the records in the Office.

On 2 March 1994 the Social Welfare and Health Board apparently ordered that the documents in question could be released to the applicant as the information relating to third persons had been deleted.

On 30 March 1994 the Social Welfare and Health Board adopted a care plan for J. It further rejected the applicant's request for access to documents relating to her daughter A.'s taking into care in 1985, since that material was in the possession of the social authorities in Mäntsälä, which the applicant could petition directly. In her appeal the applicant, *inter alia*, questioned the continued public care of the children and the collection of information supporting such care. Her appeal was rejected by the County

Administrative Court on 11 November 1994 but the court did afford her an opportunity to study the documents relating to her daughter A.'s taking into care in 1985. The applicant did not appeal further in so far as this was possible (with the exception of the terms of the care plan).

Meanwhile, when returning home in August or September 1994 a few days before the applicant was about to give birth to her fourth child she saw an ambulance waiting for her in her yard. Expecting to be placed in compulsory psychiatric care, she had her partner R. drive her to Sweden, where she gave birth on 4 September 1994. She returned to Finland shortly thereafter but later moved back to Sweden.

On 6 October 1994 the Supreme Administrative Court rejected the applicant's appeal against the County Administrative Court's decision of 3 September 1993 after having obtained written observations from the Social Welfare Board. The applicant was also able to submit a rejoinder

At the Social Welfare Board's request the District Court (*käräjäoikeus, tingsrätten*) of Tampere, on 29 June 1995, transferred the custody of N. from the applicant to N.'s father P. The applicant did not attend the court hearing, though duly summoned.

A further request by the applicant to have the public care orders concerning N. and J. revoked, alternatively to have the access restrictions alleviated, was rejected by the Social Welfare and Health Board on 4 October 1995. Her appeal was rejected by the County Administrative Court on 8 March 1996 after an oral hearing where R. was also heard. The court noted the applicant's lack of co-operation which had rendered it impossible for the social authorities to ascertain the alleged improvement in the home conditions. Nor had any other evidence of such improvement been adduced. The County Administrative Court also upheld the care plan adopted by the Social Welfare and Health Board on 23 August 1995 in respect of J. It urged the Board to specify the support measures necessary for improving the home conditions, but this again required co-operation between the social authorities and J.'s parents (i.e. the applicant and R.).

The applicant apparently did not appeal to the Supreme Administrative Court against the decision to uphold the care order.

On 22 May 1996 the Social Welfare and Health Board terminated N.'s public care, noting that he was in the sole custody of his father P. As regards J., the Board noted that the applicant and R. had failed to show up to any of the recent meetings scheduled for discussing his care plan. On 28 May 1996 the number of meetings between J. and his parents and sister was reduced from one per week to one per month. R. was allowed one further monthly visit. This restriction was extended on 30 October 1996. Reference was made, *inter alia*, to the applicant's threats against staff at the SOS Children's Village (including a threat to blow up one employee's car), her assault of a social welfare worker and her refusal to return A. to her father

after a visit. Moreover, the applicant had failed to communicate the family's new address to the authorities.

B. Relevant domestic law

The relevant legislation is outlined in the Court's judgment in *K. and T. v. Finland* ([GC], no. 25702/94, §§ 94-136, ECHR 2001). Those provisions of particular relevance to the present case are described below.

According to section 16 of the Child Welfare Act, the Social Welfare Board shall take a child into care and provide substitute care for him or her if (a) the child's health or development is seriously endangered by lack of care or other conditions at home, or if the child seriously endangers his or her health and development by abuse of intoxicants, by committing an illegal act other than a minor offence, or by any other comparable behaviour, (b) the measures of assistance in open care are not appropriate or have proved to be inadequate; and (c) foster care is considered to be in the best interests of the child. Foster care shall be provided without delay where it is needed and is in the best interests of the child (section 9, subsection 2). The care order must be forwarded to the administrative court for approval if a party opposes it and in certain other circumstances (section 17, subsection 2).

If a child is in imminent danger for a reason stated in section 16 or is otherwise in need of an urgent care order and substitute care, the Social Welfare Board may take him or her into care without submitting the decision to the administrative court for approval (section 18). An emergency care order expires within 14 days of the decision unless a normal order under section 17 is requested during that period. Such an order must be made within 30 days, or on special grounds within 60 days of the emergency order.

The child's custodians, biological parents and *de facto* carers shall be heard in respect of a proposed public care order and be notified of the decision taken (section 17, subsection 1, of the Child Welfare Act, as amended by Act no. 139/1990). The hearing procedure is governed by the Administrative Procedure Act (*hallintomenettelylaki, lag om förvaltningsförfarande* 598/1982). Under section 15 of the said Act a party shall be afforded the opportunity to reply to any claims put forward by others as well as to any evidence that may affect a decision to be taken. The Administrative Procedure Act does not lay down any minimum period of time which a party shall have at his or her disposal for preparing such a reply. A matter may be decided without a preceding hearing of a party *inter alia* if such a hearing would be manifestly unnecessary, would jeopardise the purpose of the decision or if the decision cannot be postponed. Section 17 of the Administrative Procedure Act requires that the competent

authority duly investigate the matter before it and ensure the equality of the parties.

According to section 47 of the Social Welfare Act (*sosiaalihuoltolaki, socialvårdslag* 710/1982), a decision made by the Social Welfare Board is enforceable regardless of an appeal (a) if the decision requires immediate implementation; (b) if, for reasons due to the arrangement of social welfare, the enforcement of the decision cannot be delayed; or (c) when the Social Welfare Board has ordered the decision to be enforced at once.

According to section 24 of the Child Welfare Act, a child who is being cared for outside his or her original home shall be ensured those important, continuous and secure human relations which are important for his or her development. The child is entitled to meet his or her parents and other close persons and to keep in touch with them (subsection 1). The Social Welfare Board shall support and facilitate the child's contacts with his or her parents and other close persons (subsection 2).

According to section 25 of the Child Welfare Act and section 9 of the Child Welfare Decree, the Social Welfare Board or the director of a children's home may restrict the right of access of a child in foster care to its parents or other persons close to him or her if (a) such access clearly endangers the development or safety of the child; or if (b) such a restriction is necessary for the safety or security of the parents, or the children or staff in the children's home. The restriction shall be limited in time. It shall mention the persons whose rights are being restricted, the kind of contacts concerned by the restriction and the extent of the restriction.

The care plan to be drawn up in respect of a child in public care shall mention (a) the purpose and objectives of the placement; (b) what kind of special support will be organised for the child, for the persons in charge of the child's care and upbringing and for the child's parents; (c) how the child's right of access to its parents and other persons close to the child will be organised; and (d) how after-care is going to be organised. According to section 4 of the Child Welfare Decree, the care plan shall be elaborated in co-operation with those involved.

Under the Social Welfare Act (*sosiaalihuoltolaki, socialvårdslag* 710/1982) social welfare officials may not, without the consent of the person concerned or that of, for instance, his or her custodian, disclose personal and family information obtained in the performance of their duties. This duty of confidentiality does not prevent officials from disclosing information to those entitled to obtain it for the performance of their official duties (section 57). Thus the social welfare authorities are entitled to obtain, from a public body such as a municipal care centre, any material required for the performance of their duties (section 56). The confidentiality of patient records, as stipulated in the Act on the Status and Rights of Patients (*laki potilaan asemasta ja oikeuksista, lagen om patientens ställning och rättigheter* 785/1992), may thereby be waived (section 13 of the said Act).

A refusal to disclose information requested under section 56 of the Social Welfare Act constitutes an offence (section 58).

The Child Welfare Act obligates the authorities to provide social welfare authorities with information not only in accordance with Section 56 of the Social Welfare Act but also actively and on their own initiative. According to section 40 of the Child Welfare Act, certain officials are under a duty to notify the social authorities immediately whenever a child appears to be in evident need of child welfare measures. Others may also notify the Social Welfare Board of similar suspicions.

COMPLAINTS

1. The applicant complains that her, N.'s and J.'s right to respect for their private and family life under Article 8 of the Convention was violated on account of the children's placement in public care. The public care was allegedly planned without her and R.'s knowledge and the two children were not properly heard either. Confidential material was disclosed so as to enable physicians to submit an opinion. One of them was biased to submit an opinion on account of his position as an official of the Social Welfare and Health Board. The opinions were founded merely on social workers' allegations and rumours and the applicant was allegedly unable to obtain the complete material presented to the Board. She was, for no reason, stigmatised as mentally ill and there was no evidence to support the Board's view that the children had not received proper care. After the issuing of the care orders the authorities did their utmost to sever the ties between the applicant and the children. The access restrictions were unjustified and not in accordance with the law. Finally, the applicant was allegedly harassed by the social authorities prior to giving birth to her fourth child in September 1994.

2. The applicant further complains under Article 6 of the Convention that no oral hearing was ever held before the administrative courts.

THE LAW

1. The applicant has first complained that her, N.'s and J.'s right to respect for their private and family life was violated on account of the children's placement in public care and the authorities' attempt to sever the ties between her and the children through excessively rigid access restrictions. Furthermore, the applicant was allegedly harassed by the social authorities prior to giving birth to her fourth child in September 1994.

These grievances fall to be considered under Article 8 of the Convention which reads, as far as relevant, as follows:

> "1. Everyone has the right to respect for his private and family life,...
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

The Government consider that the applicant failed to exhaust domestic remedies in so far as she complains about the refusal to terminate the public care of N. and J. For example, she could have appealed to the Supreme Administrative Court against the County Administrative Court's decision of 8 March 1996. Furthermore, in so far as she complains about insufficient access to the material presented to the Social Welfare and Health Board, she failed to appeal to the County Administrative Court against the Board's decision of 2 March 1994, whereby it had ordered that information relating to third persons be deleted from the documents to be released to her. She also failed to request a higher prosecutor to review the Assistant Rural Police Chief's decision not to press charges against the officials involved in enforcing the care order concerning J. Finally, she could have instituted proceedings for damages against the officials.

In the alternative, the Government consider the whole complaint manifestly ill-founded. The interference with the applicant's right to respect for her family life was based on various provisions of the Child Welfare Act and the related Decree which are intended to protect the best interests of children. The public care orders were grounded on a number of reports by social welfare officials, doctors and others. Although there were no abnormalities in the children's physical health, their home conditions were found to seriously endanger the children's stable development, their overall health and even their lives. The material on file also included documents concerning the taking into public care of the applicant's oldest child A. in 1985 at the age of two. According to a psychiatric opinion issued at the time, the applicant had been suffering from serious mental problems already for a longer period. This opinion was supported by several documents issued in 1996, including a report by the Social Welfare Board dated 19 August. The applicant was found to be very focused on the children's and her own death; she endangered J.'s health by giving him sleeping pills, exposing him to accidents, and neglecting his overall care. The social authorities' attempts to investigate the family situation and consider appropriate measures of assistance had been met by the applicant's constant, and occasionally violent, refusal to co-operate. Her negative attitude to authorities had also manifested itself in other matters.

The Government further consider that the applicant was given ample opportunity to familiarise herself with the material underlying the care orders, the only exception being the names of third parties mentioned therein. In the beginning of 1993 she declined, however, to attend any of the meetings proposed by the Social Welfare Office. Even after the Enforcement Office had notified her, in April 1993, of the care order preparations and of her possibility to study the documents, she had almost one month at her disposal to react, the care orders having been issued only on 12 May 1993. In the appellate proceedings she did make use of her right to comment on the submissions of the Social Welfare Board. In sum, she was sufficiently involved in the decision-making process. Although the children could not be heard prior to the care orders due to their young age, they were later examined in a hospital clinic and in family welfare clinic respectively.

The Government further allude to the applicant's threatening and even violent behaviour towards staff at the SOS Children's Village. She also failed to co-operate with N.'s and A.'s fathers P. and S., not attending negotiations concerning access rights and not returning A. to her father after the 1996 summer holidays. As a result A.'s whereabouts remained unknown to S. until she was located by the authorities one month later.

N.'s public care was terminated in May 1996 and he is now leading a stable family life with his father P. J.'s development has been positive as he adapted himself to a calmer life in the SOS Children's Village.

The Government conclude that the public care of N. and J. was proportionate to the legitimate aims pursued and necessary in a democratic society as required by Article 8 § 2.

As for the manner of enforcing the care orders, the Government recall that N.'s public care was ultimately implemented in the home of his father P. In light of the applicant's previous behaviour, the social welfare officers coming to fetch J. from her home were accompanied by a mental health care officer who remained with the applicant after J. had been forcibly removed from her arms. At that moment, however, she had not been breast-feeding the child and J. had not been particularly shocked by the incident.

The disclosure of confidential information pertaining to the applicant and her children was covered by provisions of the Child Welfare Act and the Social Welfare Act under which the social authorities were entitled to obtain *ex officio* any material of relevance to a public care matter. As the applicant had declined the social authorities' proposal that she undergo psychiatric examinations and treatment and as the conditions for her compulsory mental care had not been at hand, the material obtained by the Social Welfare Board had to be forwarded for assessment by child psychiatrist M.N. This expert was likewise under an obligation to respect the confidential character of the documents. In these circumstances and for the purposes of Article 8 § 2 the Government consider that the disclosure in question was lawful,

pursued the same legitimate aims as the care proceedings and was necessary in pursuit of those aims.

The applicant maintains her complaints. Her stigmatisation as a dangerous, mentally ill social outcast and the resultant care orders were never grounded on tenable evidence but on ill-founded rumours, suspicions and far-reaching conclusions which became "facts" as soon as they had been entered in the social welfare officials' records. By way of example, the 1985 reference to the applicant's mental problems emanated from a social worker, whereas the psychologist consulted by the applicant had given her a very positive diagnosis. It was not for the applicant to prove, in the care proceedings regarding N. and J., that she did not suffer from such problems. If the authorities considered her dangerous to her children, of which there was no proof either, she should have been detained under the Mental Health Care Act for an assessment of her mental state. As conceded by the Government, the children's health and nutrition did not differ from the ordinary. The only information about their home conditions which was relied on in the care proceedings emanated from the home helper. The applicant also denies having hidden A. from her father S.

When the applicant felt she no longer needed to keep N. in a foster family as a temporary measure of open-care assistance, this was taken as a ground for ordering the child's compulsory care. The authorities then unlawfully placed N. with his father P. without even consulting the applicant, at the time N.'s sole custodian. The applicant maintains that J. was removed from her arms as she was breast-feeding him. The severe access restrictions sought to estrange N. and J. from their biological parents.

The applicant further contests having had access, during the ensuing proceedings, to the full documentation underlying the care orders. It was only provided to her in connection with the Government's observations to the Court, by which time the names of the various sources and even the names of the officials who had signed different documents had been removed. This rendered it impossible for her to verify whom the material concerned and who had produced it.

The Court will leave aside the Government's preliminary objections, since the application is in any case inadmissible for the following reasons.

The Court recalls that the mutual enjoyment by parent and child of each other's company constitutes a fundamental element of family life and that domestic measures hindering such enjoyment amount to an interference with the right protected by Article 8 (see, amongst others, the aforementioned K. and T. v. Finland judgment, § 151). The taking of a child into care should normally be regarded as a temporary measure, to be discontinued as soon as circumstances permit, and any measures implementing temporary care should be consistent with the ultimate aim of reuniting the natural parent and the child. In this regard a fair balance has to be struck between the interests of the child in remaining in the public care

and those of the parent in being reunited with the child. In carrying out this balancing exercise, the Court will attach particular importance to the best interests of the child, which may override those of the parent (*ibid*., § 178).

An interference with a right guaranteed by Article 8 constitutes a violation of this provision unless it is "in accordance with the law", pursues an aim or aims that are legitimate under paragraph 2 of Article 8 and can be regarded as "necessary in a democratic society". The Court must also determine whether, having regard to the particular circumstances of the case and notably the importance of the decisions to be taken, the applicants were involved in the decision-making process, seen as a whole, to a degree sufficient to provide them with the requisite protection of their interests (see, e.g., the W. v. the United Kingdom judgment of 8 July 1987, Series A no. 121, p. 29, § 64, and the McMichael v. the United Kingdom judgment of 24 February 1995, Series A no. 307-B, p. 55, § 87).

In the present case the placement of the applicant's children N. and J. in public care no doubt interfered with her right to respect for her family life. The Court finds no indication, however, that this interference was not based on the Child Welfare Act or did not aim at protecting the health and rights of the children. Neither can the Court find that the social welfare authorities or the administrative courts overstepped their margin of appreciation in issuing the public care orders as well as implementing and upholding them.

The Court places particular weight on the applicant's and her partner R.'s consistent refusal to co-operate with the social authorities by enabling them to assess the family conditions and its possible need of assistance. It also notes the applicant's and R.'s repeated failure to attend meetings with a view to revising the care plan for J.

In these circumstances the Court, moreover, does not find that the access restriction issued were such as to lack justification under Article 8 § 2 of the Convention.

In view of the above the Court concludes that the Finnish authorities could reasonably consider it justified to place the applicant's children N. and J. in public care. Nor has it been shown that the implementation of that care was as such in violation of Article 8. Accordingly, the interference with the applicant's rights can be considered proportionate to the legitimate aim pursued and thereby "necessary in a democratic society". To sum up, the interference has been justified under Article 8 § 2 of the Convention.

As recalled above, Article 8 also guarantees to parents the right to be involved, as fully as possible, in the decision-making, not least in a matter of such magnitude as involves the removal of their children from their care. In this respect the Court notes that the applicant was able to comment on the Social Welfare Board's submissions to the administrative courts in the proceedings following the original care orders. It is true that the only oral hearing before a tribunal was that held by the County Administrative Court on 8 March 1996 in connection with the applicant's request to have the care

orders revoked. Article 8 cannot, however, be interpreted as requiring in every situation a hearing before a "tribunal" within the meaning of Article 6 § 1 of the Convention.

The Court notes from the Government's observations that certain material underlying the care orders was apparently not formally released to the applicant by the Social Welfare and Health Board until 2 March 1994, and with the restriction that third persons had been deleted from the documents to be released to her. Although by that time she had already filed her appeal with the Supreme Administrative Court, previously her counsel had been able to study the client records drawn up in the Social Welfare Office.

In these circumstances the Court cannot conclude that the applicant was insufficiently involved in the decision-making leading up to the placing of her children N. and J. in public care and the confirmation of those care orders by the administrative courts.

Neither does the Court find that the manner in which the care order in respect of J. was enforced or the social authorities' alleged harassment of the applicant prior to giving birth to her fourth child in September 1994 disclose any appearance of Article 8.

Finally, the Court considers that the Social Welfare Board's disclosure to M.N. of certain confidential material was likewise not in violation of this provision. The possibility for a social welfare authority to forward such material for expert assessment was provided for by section 57 of the Social Welfare Act and there is no indication that the material was disclosed in violation of the secrecy obligation applicable to the authorities, officials and experts involved in the case.

Accordingly, there is no indication of a violation of Article 8 in this respect either.

It follows that this part of the application must be rejected as being manifestly ill-founded within the meaning of Article 35 § 3 of the Convention.

2. The applicant further complains that no oral hearing was held before any of the administrative courts. She invokes Article 6 § 1 of the Convention which reads, as far as relevant, as follows:

> "In the determination of his civil rights and obligations ... , everyone is entitled to a ... public hearing ... by an independent and impartial tribunal ... "

The Government submit that this complaint is also manifestly ill-founded. The applicant did not request an oral hearing before the County Administrative Court or the Supreme Administrative Court, thereby unequivocally waiving her right under Article 6 § 1. The Government further recalls its reservation to this provision, according to which the

applicant had no right to an oral hearing before either appellate court at the relevant time.

The Court notes that the instrument of ratification of the Convention deposited by the Finnish Government on 10 May 1990 contained a reservation, according to which Finland could not guarantee a right to an oral hearing *inter alia* before a County Administrative Court and the Supreme Administrative Court, in so far as the then Finnish laws did not provide such a right. This reservation was withdrawn in respect of the administrative courts as from 1 December 1996, whereas the court proceedings in the focus of the present grievance came to an end prior to that date.

The Court notes that an oral hearing was held by the County Administrative Court on 8 March 1996. Having regard to the terms of the reservation, however, Finland was under no Convention obligation to afford the applicant that or any other oral hearing before an administrative court. The Court has already considered the absence of such hearings at the relevant time compatible with the Convention and a consequence of the operation of a valid reservation (see the Helle v. Finland judgment of 19 December 1996, *Reports of Judgments and Decisions* 1997-VIII, pp. 2925-2926, §§ 44 and 47).

It follows that this part of the application is incompatible *ratione materiae* with the provisions of the Convention pursuant to Article 35 § 3 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Vincent BERGER
Registrar

Georg RESS
President