

## NATIONAL REPORT



**Victims of Crime  
Implementation Analysis  
of Rights in Europe**



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Victims of Crime  
Implementation Analysis  
of Rights in Europe

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### DISCLAIMER

All views expressed in the present report are those of the authors and not of the European Commission. Most findings of the report are based on the research conducted by national researchers, between June 2018 and March 2019, and any inaccuracies in the interpretation of national results lays with the authors of the present report only. Additional support research, in particular regarding international experiences, was conducted by the authors of the present report.

The findings compiled in the present report represent, to the best of authors' abilities, the current situation of the practical implementation of the EU Victims' Rights Directive. Given its scope and ambition, authors are aware that some elements may be inaccurate or out of date. However, it was still important to offer the first overall picture, even if incomplete, of the practical implementation of the Directive, to inform future work of Victim Support Europe, its members and the policy initiatives at the EU and national level. Future efforts will be plan to improve the findings and provide a more detailed analysis of key rights defined in the Directive.

# TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
INTRODUCTION	9
BASIC OVERVIEW OF THE LEGAL FRAMEWORK	11
EVALUATION OF PRACTICAL IMPLEMENTATION	14
ARTICLE 2 - Definitions	14
ARTICLE 3 - Right to understand and be understood	16
ARTICLE 4 - Right to receive information from the first contact with the competent authority	19
ARTICLE 5 - Rights of victim when making a complaint	22
ARTICLE 6 - Right to receive information about their case	24
ARTICLE 7 - Right to interpretation and translation	27
ARTICLE 8 - Right to access victim support services	30
ARTICLE 9 - Support from victim support services	35
ARTICLE 10 - Right to be heard	40
ARTICLE 11 - Rights in the event of a decision not to prosecute	42
ARTICLE 12 - Right to safeguards in the context of restorative justice services	44
ARTICLE 13 - Right to legal aid	48
ARTICLE 14 - Right to reimbursement of expenses	50
ARTICLE 15 - Right to the return of property	51
ARTICLE 16 - Right to decision on compensation from the offender in the course of criminal proceedings	52
ARTICLE 17 - Rights of victims resident in another member state	54
ARTICLE 18 - Right to protection	58
ARTICLE 19 - Right to avoid contact between victim and offender	60
ARTICLE 20 - Right to protection of victims during criminal investigations	61
ARTICLE 21 - Right to protection of privacy	63
ARTICLE 22 - Individual assessment of victims to identify specific protection needs	65

ARTICLE 23 - Right to protection of victims with specific protection needs during criminal proceedings	68
ARTICLE 24 - Right to protection of child victims during criminal proceedings	72
ARTICLE 25 - Training of practitioners	76
ARTICLE 26 - Cooperation and coordination of services	80
GOOD PRACTICES	83
GAPS, CHALLENGES, AND RECOMMENDATIONS	87
CONCLUSION	91
REFERENCES	93
Appendix 1 – Contact list of interviewed professionals	100

## EXECUTIVE SUMMARY

The Directive 2012/29/EU, commonly known as the Victims' Directive, establishes minimum standards on the rights, support and protection of victims of crime. It also constitutes the core of the European Union's legislative package aiming to guarantee that all crime victims have access to information, support and protection.

Member States were required to transpose the Directive into national legislation but need to guarantee its correct implementation in practice as well. Hence, the main focus of this report is the assessment of the practical implementation of the Victims' Directive in Finland.

Before the Directive entered into force, the requirements of the Directive were, to a large extent, already covered by the existing Finnish legislation. The Directive was transposed into the national legal framework through the pre-existing legislation and by introducing amendments to ten different acts. Even though the position of crime victims has been relatively strong in Finland before the Directive, the findings of the present study suggest that the amendments to the national legislation as well as measures adopted to put the requirements of the Directive into practice have strengthened victims' position and promoted fulfilment of victims' rights in criminal proceedings. Nevertheless, this study also detected shortcomings that need to be addressed to ensure that victims of crimes can fully exercise their rights provided for by the Directive.

Regarding the **rights to information and support**, the most common shortcomings seem to be related to provision of information and access to support services. Although competent authorities and NGOs have made notable efforts to make information on victims' rights available there is still need to develop practices to ensure that victims will receive adequate information that meets their individual needs and circumstances. Since the judicial authorities have often limited possibilities to ensure that victims are sufficiently informed in every phase of criminal proceedings, the roles of trained support persons and legal counsels are essential. Therefore, it is vital to ensure, as a minimum, that victims are aware of their rights and possibilities to receive support and legal aid from the very beginning of the proceeding. Nevertheless, due to inconsistent referral practices and insufficient knowledge on legal assistance, many victims are at risk of remaining without the support and advice necessary to be able to fully exercise their rights. Moreover, because of the lack of qualified interpreters, the **right to interpretation** is not always guaranteed in practice in remote areas and for lesser-used languages.

Although State funded specialised **support services** for victims of sexual violence have been established recently, there is still need for widening the network of low threshold services for victims of various forms of sexual abuse across the country. These services also should be

developed further to be able to better respond to the diverse needs of victims. Furthermore, there are victim groups whose support needs are not met appropriately in the view of their particular circumstances. Especially women with disabilities or immigrant background who have been exposed to diverse forms of violence as well as undocumented migrants are likely to face various barriers to accessing support and protection that meets their needs. Although a number of measures have been taken in recent years to improve the position of these particularly vulnerable victim groups, much remains to be done to ensure them equal treatment and access to rights they are entitled to.

**Victims of human trafficking** are in a particularly vulnerable position since their access to support depends on their legal status in the criminal justice system. Many of them do not seek support or report the situation to the police due to the considerable risks that the criminal proceeding might constitute to their safety. Individuals who are not identified as victims of human trafficking are excluded from the government's assistance system and are also at risk of being deported from Finland. In addition, the shortage of competent interpreters hampers access to many other rights and is likely to undermine the position of victims, who in many respects are already in a particularly vulnerable position.

Concerning victims' **right to protection**, there are a number of measures available under the national law to protect victims from further victimisation during criminal proceedings. Nonetheless, availability of these measures depends on how accurately victims' protection needs are identified by police officers who are responsible for assessing such needs. The findings of this study indicate, however, that although in some police departments the individual assessment of victims' specific protection needs have been adopted as an integral part of criminal investigation procedure there appears still to be local variation in how systematically this procedure is carried out.

Another matter of concern seems to be **mediation** in intimate partner violence cases. Especially the increased number of domestic violence cases referred to mediation in recent years has raised concerns that the best interests of victims, particularly regarding safety issues, are not considered adequately.

Moreover, there is need to develop policies and procedures to identify various forms of **gender-based violence** and to respond accurately to specific needs of protection of victims who are subjected or threatened of being exposed to such violence.

When it comes to **training** on victims' rights and needs, it has been organised, for the most part, on a voluntary basis, and there seems to be still a large number of judicial authorities lacking adequate training. Thus, there is a need to develop systematic and continuing training schemes on victim-sensitive approach for judicial practitioners who work directly with victims. Moreover,

on-the-job training should be provided to police officers who participate in criminal investigations involving crime victims. Furthermore, professionals working in the health and social sector who are likely to come into contact with crime victims should receive adequate training on victims' rights and available support services.

Besides gaps and challenges, this study also identified welcomed good practices regarding the practical implementation of the Victims' Directive. Among the most notable developments in recent years have been increased **State funding** allocated to victim support services as well as public service obligation issued to Victim Support Finland. Increased and stable financing has enabled long-term planning and development of general support services. It has also improved geographical coverage of support services and allowed developing of services to better meet the needs of various groups of victims across the country.

Strengthened official status of **Victim Support Finland** stemmed from the public service obligation has reinforced the conditions for collaboration and knowledge sharing between authorities and victim support specialists in national and local level. Participation of NGOs in multi-agency working groups appointed by various ministries, in drafting legislative and practical implementation of the Directive, have facilitated networking and collaboration between multiple actors in the field of victim support. Furthermore, NGOs active participation in diverse national and local cross-administrative and multi-professional working groups and networks have created favourable conditions for collaboration and knowledge sharing between NGOs and judicial authorities.

Regarding victims' **right to protection**, it is worth to highlight child-friendly investigation practices which are carried out by highly skilled police officers with specialised training. Working in pairs has also proven its worth and has become an increasingly adopted working model in criminal investigations involving child victims<sup>1</sup>.

This study also recognised promising **multi-agency working** models which bring together actors with various institutional backgrounds. By enabling knowledge sharing between agencies from different professional fields, such working models are likely to create conditions that allow making best possible use of the expertise of each professional and taking victims' needs and specific circumstances comprehensively into consideration.

An example of a successful cooperative working model is the Multi-agency Risk Assessment Conference (MARAC) where participants of a multi-agency team share information to support victims of intimate partner violence and to increase their safety. The MARAC model also involves an assessment tool for identifying individuals that are in a high risk of being subjected to severe abuse. In recent years, this model has been widely adopted by municipalities across the country.

<sup>1</sup> Working in groups or in pairs is a vital source of peer support in coping with emotional distress which is known to be common among professionals who deal with traumatised individuals. Challenging situations with clients are also easier to manage in collaboration with other professionals.

Many victim support organisations provide their staff work counselling to support their professional growth and occupational well-being. Since work counselling and peer support are essential means of preventing vicarious trauma and maintaining employees' ability to meet their clients' needs, it should be available for all professionals who encounter victims with traumatising experiences in their daily work.

## INTRODUCTION

The present report aims to give an overview of the practical implementation of the Victims' Directive in Finland. The report has been drawn up as a part of VOCIARE project<sup>2</sup>. The findings presented in this report are obtained through three research tools: desk research, a national online survey as well interviews with practitioners and administrative officials.

The first steps taken were a legislative analysis and a mapping of competent authorities and organisations. To assess how the Victims' Directive has been implemented in practice, it is vital to know more about national legislation and how the Directive was transposed into national law. The desk research was carried out by exploring national legal and policy instruments, administrative documents, research literature, statistics, submissions of civil society actors, media reports as well as studies and reports dealing with topics related to victims' rights. Regarding the transposition of the Directive, the main sources of information have been a correlation table on the transposition of the Victims' Directive<sup>3</sup> and the Government Proposal to Parliament for a law on amending the Criminal Investigation Act and some other related laws<sup>4</sup>.

The online survey consisting of closed-ended and open-ended questions was directed at practitioners working directly with victims (e.g. victim support practitioners, police officers, prosecutors, judges, court staff) as well as representatives of relevant administrations<sup>5</sup>. The survey was carried out from 17 May to 31 May 2018 and in total 100 persons replied to it. The biggest groups of respondents represented were the police (n=44), victim support practitioners (n=30) and court staff (n=20). Other respondents (n=6) represented prosecutors, legal counsels, legal specialist, mediation services and researchers<sup>6</sup>.

The interviews provided background information and served as an additional source of information to the desk research and the survey. Between April and August 2018, a total of 16 interviews were conducted with experts representing the police, prosecutors, judges, the Ministry of Justice,

<sup>2</sup> Victims of Crime Implementation Assessment of Rights in Europe; The project is coordinated by the Victim Support Europe, and it is co-funded by the European Commission. The overall aim of the project is to assess and improve the implementation of the Victims' Directive in participating Member States. For more information about the project visit the official website of the Victim Support Europe organization: <https://victimsupport.eu/about-us/our-projects/vociare/>.

<sup>3</sup> Ministry of Justice 2015.

<sup>4</sup> HE 66/2015 vp Hallituksen esitys eduskunnalle laiksi esitutkintalain muuttamisesta ja eräiksi siihen liittyviksi laeiksi

<sup>5</sup> The survey was translated into Finnish and invitations with an Internet link to the survey was submitted by using mailing lists obtained from relevant stakeholders as well as via organisations (police departments, district courts, courts of appeal, Victim Support Finland) which forwarded the invitation to their staff members.

<sup>6</sup> The results of the survey are presented as percentages of the selected answer options for each question. The reported percentages are based on observation units where respondents have not chosen answer options "I don't know" or "neither/nor". In other words, whenever also these answer options have been available, only responses in which a respondent has taken a position to the question concerned have been included in the reporting of the results. Therefore, the number of observations varies question by question throughout the report.

victim support professionals and educational institutions<sup>7</sup>. The focus of the interviewees varied according to the professional background and expertise of each informant.

Regarding its structure, the report starts with an overview of the Victims' Directive and its transposition into the national law as well as the criminal proceedings and a victim's role in these proceedings. The subsequent sections explore the current situation regarding the practical implementation of each article of the Directive as well as their transpositions into the national law. The two final chapters provide summaries of good practices as well as gaps and challenges in the practical implementation of the Directive. The concluding section provides a summary of the main findings of the report and conclusions.

## BASIC OVERVIEW OF THE LEGAL FRAMEWORK

The Victims' Directive was adopted on 25 October 2012 by the European Parliament and the Council, and the Member States were required to transpose the Directive into national law until 16 November 2015<sup>8</sup>. The Directive was transposed into the Finnish law for the most part through the pre-existing legislation and amendments into ten different acts<sup>9</sup>. On the whole, the Directive was transposed into 29 different acts<sup>10</sup>. The main transposing acts are the Criminal Investigation Act (hereinafter CIA), the Criminal Procedure Act (hereinafter CPA) and the Code of Judicial Procedure (hereinafter CJP).

The most significant amendments to the national legislation concerned criminal investigation authorities' obligation to inform victims of their rights and the requirement to carry out an individual assessment to identify victims' protection needs. Moreover, police officers' duty to request victims' consent for submission of their contact details to a victim support service was extended. The legislation was also amended in such a way that in cases of certain crimes<sup>11</sup> under investigation, the victim has the right to be notified, upon request, that the offender has been released or escaped from (remand) prison. Furthermore, amendments to the national law also extended victims' right to receive translations of documents. The European Commission was informed about the implementation of the Directive on 29 January 2016 and the legislative amendments transposing the Directive entered into force on 1 March 2016.

In order to better grasp how the Victim's Directive is being implemented in Finland and to what extent victims' rights are being upheld, a few considerations regarding the Finish criminal proceedings are necessary.

<sup>8</sup> All Member States, with the exception of Denmark, opted into the Directive system.

<sup>9</sup> HE 66/2015 vp.; Government Proposal to the Finish Parliament for a law on amending the Criminal Investigation Act and some other related laws was drafted based on the proposal of the working group appointed by the Ministry of Justice, and it was submitted to the Finish Parliament 15 October 2015. The amended acts are Act on Conciliation in Criminal and Certain Civil Cases 1015/2005, Act on Openness of Government Activities, 621/1999, Act on Processing of Personal Data by the Criminal Sanctions Agency, 1069/2015, Act on Publicity of Court Proceedings in General Courts 370/2007, Act on Treatment of Persons in Police Custody, 841/2006, Code of Judicial Procedure 4/1734, Criminal Investigation Act 805/2011, Criminal Procedure Act 689/1997, Detention Act 768/2005, Imprisonment Act 767/2005

<sup>10</sup> Correlation table of the Ministry of Justice.

<sup>11</sup> rape, sexual abuse, manslaughter, murder, killing, trafficking in human beings, hostage-taking, stalking as well as aggravated assault, invasion of domestic premises, deprivation of liberty and robbery including also preparation or participation in attempt of such crimes.

<sup>7</sup> See Appendix. Almost all informants (except a lecturer in legal interpreting) had years of experience in dealing with crime victims. Some of the judicial professionals had previous experience of volunteering work in the field of victim support. An informant from THL answered by email, which also included answers he had received from some professionals of mediation offices.

## Criminal proceedings and the role of the victim

In Finland, a **victim**, if she/he so wishes, always has the **status** of a party to the criminal proceedings. A victim can either be a party to a criminal proceeding or be heard for the purpose of collecting evidence. If the prosecutor has dropped the charges, the victim has the right to the so-called secondary prosecution. She/he also has the right to participate in the proceedings and to be informed at various stages of the criminal proceedings. Alongside a prosecutor, a victim may present his/her own claims and participate in legal assessment of an offence.

The criminal proceedings have **three** main **phases: the pre-trial investigation phase, the consideration of charges** and the **trial phase**<sup>12</sup>.

The criminal proceedings starts with a **pre-trial investigation**, usually conducted by the police<sup>13</sup>. The pre-trial investigation may be carried out either on the basis of a report of an offence or where there is other reason<sup>14</sup> to suspect that an offence has been committed. An offence can be reported to a police patrol at the crime scene, at a police station, through the Internet or by telephone. If there is, a reason to suspect that an offence has been committed, the police or another criminal investigation authority<sup>15</sup> has to conduct a pre-trial investigation.

Most offences are subject to public prosecution, i.e. the police have to investigate them, and the public prosecutor can bring charges, even if the victim does not claim punishment<sup>16</sup>. Offences that the police can investigate only if the victim demands that the offender has to be punished, are called complainant offences<sup>17</sup>. If a victim of a complainant offence withdraws his/her demand for punishment during the pre-trial investigation, the police will close the investigation.

During this stage, it is determined whether an offence has actually occurred and who are the parties. Moreover the circumstances of the offence, the evidence, the damages inflicted and the victim's claim for compensation will be examined. The police may close a pre-trial investigation if the investigation shows that no offence has been committed.

When the criminal investigation is completed, the record of the pre-trial investigation<sup>18</sup> will be submitted to the public prosecutor for **consideration of charges**. During this stage, the prosecutor evaluates whether there is cause for bringing a charge for a suspected offence. The consideration

<sup>12</sup> The procedural rules are established by CIA and CPA.

<sup>13</sup> The head of the investigation is usually a police officer, but in some cases it may also be a prosecutor or a specified official in the Customs Office, the Defence Forces or the Frontier Guard.

<sup>14</sup> e.g. on the basis of an anonymous tips or the police's own observations.

<sup>15</sup> Finnish Border Guard and Finnish Customs

<sup>16</sup> For instance, assault and rape are subject to public prosecution also when they have been taken place at home or when an offender is a family member. Likewise, domestic violence is always subject to public prosecution.

<sup>17</sup> Such offences are, for example, breach of domestic peace, defamation and petty theft.

<sup>18</sup> The record consists of the minutes and materials collected in the course of the investigation.

of charges results either in a prosecution or in a decision not to prosecute<sup>19</sup>. If there is sufficient evidence that an offence was committed, the prosecutor will press charges and bring the case to the court. The prosecutor can withdraw the decision not to prosecute if there is new evidence, which shows that the decision has been based on incomplete or erroneous information. A victim has a so called "secondary right" of prosecution. Hence, if the prosecutor has waived charges, the victim has the right to prosecute the offence and bring the case before the court. She/he may also file a complaint to the Prosecutor General who may take up the case for re-assessment the charge.

In the **trial phase**, during proceedings at the district court, a prosecutor presents the charge, and the defendant responds to it. At a victim's request, the prosecutor must present his/her claim for damages in the trial on his/her behalf<sup>20</sup>. A prosecutor bears the burden of proof, in other words, she/he must prove that the defendant has actually committed the act(s) described in the charge. The prosecutor and the defendant may call witnesses to testify and present written evidence to prove their case. During the trial, the court examines the evidence and either convicts the defendant or declares him/her not guilty. If one of the parties appeals against the judgment, the case will be considered by a court of appeal.

All the above considered, in Finland, a victim can participate in the various phases of the criminal proceedings in different degrees, i.e. having different obligations and attributions, depending on the role he/she assumes in the proceedings. During the entire procedure, however, victims have various rights enshrined in the Victims' Directive. The following pages will examine the implementation of these rights in the national law as well as practical aspects of the implementation in order to shed light on the current situation of victims in the Finish criminal justice system.

<sup>19</sup> Before making her/his decision, the prosecutor can discuss the case with the victim. However, this option is applied very rarely.

<sup>20</sup> Unless the claim is not obviously ill-founded or if it would significantly impair the prosecution of the case.

# EVALUATION OF PRACTICAL IMPLEMENTATION

## ARTICLE 2 - DEFINITIONS

*For the purposes of the Directive a 'victim' is a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a family members (the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim) of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.*

Article 2 is transposed into the CPA, the CIA, the CJP and the Act on Conciliation in Criminal and Certain Civil Cases<sup>21</sup>. To refer to a person affected by a crime, the Finnish legislation uses the term 'person who owns the case' (*asianomistaja*) which is translated as 'injured party'. The scope of the term 'injured party' is broader than the definition of 'victim' in the Directive. Besides persons who have suffered direct harm, it covers natural and legal persons who have been harmed or threatened by a criminal offence without suffering personal damage<sup>22</sup>.

The family members of the person whose death has resulted from a criminal offence also enjoy the rights of an injured party. These rights belong primarily to the deceased person's spouse and children. Parents and siblings have the right to bring a charge if one or more of those who have

21 CPA ch 1, s 17 subs 1; CIA ch 4, ss 7, 8; ch 9, s 4; CJP ch 17, s 24, subs 3; Act on Conciliation in Criminal and Certain Civil Cases (1015/2005) s 1, subs 1; HE 66/2015 vp p.14; LaVM 4/2015 vp p.5

22 Correlation table on the transposition of the Victims' Right Directive 2012/29/EU; The definition of victim as spelt out in the Directive was not included in national law, as it would have narrowed the definition of 'injured party' provided in existing legislation. There is no general legal definition for 'injured party', but it is used consistently in the CIA, the CPA and the CJP. As the Finnish law doesn't include an explicit definition of 'injured party', its legal definition is based on the case-law and judicial literature. According to the most widely used definition, the position of an injured party can be based on 1) a violation of a person's legally protected interest and 2) on a civil claim resulting directly from an offence.

the primary right are suspected of the offence in question. The Directive's provisions regarding family members can be applied when necessary, to family members like unmarried couples, same-sex couples and same-sex marriages referred in paragraph 2(1)(b).

As for child victims, specific provisions of the Directive are applied to persons under the of 18 years. By affording child victims special treatment during criminal proceedings, the Finnish legislation implies that they are seen as a victims with special protection needs<sup>23</sup>. According to the CIA the victim's personal circumstances and the nature of the offence are seen as potential indicators that might constitute grounds for specific protection needs during criminal proceedings<sup>24</sup>.

23 CIA ch 4, ss 7-8; In the criminal investigation, a person under the age of 18 years shall be treated in the manner required by his or her age and level of development. For further information, see below the section related to Article 24 of the Victims' Directive.

24 CIA ch 11, s 9a, Simanainen 2016; These indicators are further specified in the form designed for individual assessment of specific protection needs. For further information on the individual assessment, see below the section related to Article 22 of the Victims' Directive.



## ARTICLE 3 - RIGHT TO UNDERSTAND AND BE UNDERSTOOD

*Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings. Communications with victims should be provided in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim, including (but not limited to) any disability. Victims should, in principle, be allowed to be accompanied by a person of their choice in the first contact.*

Article 3 is transposed into the CIA and the CPA<sup>25</sup>. Parties of a criminal proceeding have the right to use the language they understand and speak sufficiently. Interpretation shall be provided throughout criminal proceedings from the first contact to the competent authority<sup>26</sup>. The criminal investigation authorities, the prosecutors and the courts shall ensure that the victim receives the interpretation that he/she needs. Interpretation has to be provided also when the person has a hearing, speaking or visual impairments. On request, the victim shall be provided with a translation of the document if this is necessary to safeguard her/his rights<sup>27</sup>.

In communications with the victim, particular attention shall be paid to her/his personal characteristics such as age, physical or mental disability and language throughout the proceedings. When necessary, those close to the victim and a physician shall be consulted regarding the questioning. Victims under the age of 18 years shall be treated in the manner required by their age and level of development<sup>28</sup>. The victim has the right to be accompanied by a person of her/his choice at different stages of criminal proceedings including the first contact with a competent authority<sup>29</sup>.

25 CIA ch 4, ss 7, 12-14; ch 7 ss 5, 14, 12; CPA ch 6a, s 2-3; ch 7 s 12

26 CIA ch, 4 ss 12, 13; CPA ch 6a, ss 2, 3

27 CIA ch 4, s 13; CPA ch 1, s 9; ch 6a, s 3; These documents include confirmation of a reported offence, decisions to discontinue the criminal investigation and not to prosecute and a judgment as well as any notifications about time or place of a hearing. In some cases, only a part or a summary of the document may be translated. Interpretation and translations shall be provided free of charge.

For further information on right to translation and interpretation, see below the section related to Article 7 of the Victims' Directive.

28 CIA ch 4 s 7; To the extent possible, investigation measures involving minors shall be assigned to investigators particularly trained in this function.

29 CIA ch 7 s 12; CPA ch 2 s 3; provided that this does not hamper successful investigation.

In October 2015, the Ministry of Justice appointed a working group to advance further victims' rights to receive information and to understand and to be understood<sup>30</sup>. This working group drafted a brochure "Rights of a crime victim". The printable brochure is intended to be handed out to victims and to be used by police officers and other criminal investigation authorities in their communication with crime victims. The Ministry of Justice has also issued a brochure "If you become a victim of a crime" which includes practical guidance for victims of crimes. Both brochures are available in Finnish national languages (Finnish, Swedish, Sami), easy-to-read versions in Finnish and Swedish, and currently in 5-6 foreign languages<sup>31</sup>. In addition, the latter mentioned brochure has been published in the Finnish sign language<sup>32</sup>.

According to some informants, victims have sometimes difficulties to understand language and terminology used by the authorities. The results of the VOCIARE-survey are in line with this observation. Less than half (44%) of the respondents agreed and two fifths (41%) disagreed with the statement that all authorities use language that is easy to understand<sup>33</sup>. More than one quarter (28%) of the respondents disagreed with the statement that the entire communication is made easy to understand<sup>34</sup>.

According to the respondents of the survey, the problems with understanding are related to the lack of qualified and reliable interpreters, use of language and terminology which victims do not understand and lack of clarification of terms and rights. Moreover, victims' ability to receive and understand provided information might be limited as a result of a traumatic experience or due to anxiety and the tension caused by the foreign situation and environment (interrogation, trial)<sup>35</sup>.

Due to various challenges concerning victims' rights provided under Article 3, victim support professionals often have a vital role in giving advice and explaining practical issues regarding criminal proceedings. However, according to a large majority (85%) of the respondents of the survey, victims are accompanied by a person of their choice only sometimes, rarely or never<sup>36</sup>. As reasons used for refusal of accompanying person, the respondents mentioned haste, inappropriateness of an accompanying person (e.g. disruptive behaviour, endangering of impartiality, party or a witness of the case), underestimation of a victim's need for support and the sensitive nature of the case. Moreover, victims are not always adequately informed of their right to an accompanying person.

30 See Article 4 for further information.

31 Arabic, English, Estonian, Russian, Somali, Sorani; The brochures are available on the website of the Ministry of Justice. For further information, see below the section related to Article 4.

32 The video in sign language can be watched on the YouTube channel of the Ministry of Justice: [https://www.youtube.com/watch?v=uuDIUJ8ArSg&list=PLBOD3s07Ie2wMR6gz9UHl8iiJe\\_S-E7Nm](https://www.youtube.com/watch?v=uuDIUJ8ArSg&list=PLBOD3s07Ie2wMR6gz9UHl8iiJe_S-E7Nm); For further information on the brochure, see below the section related to Article 4.

33 agreed partly 37%, disagreed partly 34%, n=100

34 disagreed partly 24 %, 62% agreed, n=100

35 See also Honkatukia 2011.

36 sometimes 40%, rarely 43%, never 2%, n=88

A large majority of the respondents of the survey reported that information is adapted to be understood often or always by people with visual impairments (84%) and persons who do not speak the language (81%). Roughly three quarters (74-77%) of the respondents evaluated the situation correspondingly concerning children as well as people with hearing impairments or intellectual disabilities<sup>37</sup>. The respondents considered illiterate people to be the most disadvantaged group in this respect as two thirds (67%) estimated that information is adapted to be understood by them often or always<sup>38</sup>.

<sup>37</sup> children n=74, people with hearing impairments n=65, intellectual disabilities n=59, blind n=43, persons who do not speak the language n=89

<sup>38</sup> sometimes 22%, rarely 11%, n=45;

## ARTICLE 4 - RIGHT TO RECEIVE INFORMATION FROM THE FIRST CONTACT WITH THE COMPETENT AUTHORITY

*Member States shall ensure that victims are offered, without unnecessary delay, from their first contact with a competent authority, information about the type of support the victims can obtain and from whom; the procedures for making a formal complaint; how and under what conditions they can obtain protection, access legal advice and legal aid; access to compensation; entitlement to interpretation and translation; special measures if they are resident in another Member State; contact details for communications about their case; available restorative justice services; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.*

Article 4 is transposed into the CIA and the Act on Conciliation in Criminal and Certain Civil Cases (ACCCC)<sup>39</sup>. Before the implementation of the Directive, the CIA comprised several provisions concerning pre-trial investigations authorities' obligations to inform victims of their rights. The pre-trial investigation authority must, before a questioning, notify the person of her/his position in the criminal investigation, the right to request the presence of a credible witness and to retain a legal counsel of his/her own choice in a criminal investigation and in which situations a legal counsel or a support person may be assigned to him/her<sup>40</sup>. Moreover, the victim must be informed about his/her rights in respect of language<sup>41</sup>, the right to compensation<sup>42</sup> and the possibility of mediation<sup>43</sup>.

To implement paragraph 4(1)<sup>44</sup> of Article 4, the pre-trial investigation authority's obligation

<sup>39</sup> CIA ch 4 ss 9, 10, 12, 13, 18; ch 7 s 10; ch 11 s 9; ACCCC s 13 subs 3.

<sup>40</sup> CIA ch 4 s 9 subs 1; CIA ch 4 s 10; ch 7 s 10 subs 1 (818/2014), 3; Under the CIA ch 4 s 10, the criminal investigation authority shall with consideration to the offence under investigation and other relevant circumstances, ensure that the right of a party to retain counsel is in fact fulfilled when he or she wants this or when the ensuring of due process requires this.

<sup>41</sup> CIA ch 4 s 12, 13 subs 3.

<sup>42</sup> CIA ch 11 s 9 subs 2; The criminal investigation authority shall also notify the victim of the right to compensation and as necessary advise him/her in applying for compensation.

<sup>43</sup> ACCCC s 13 subs 3: The requirement to inform the victim of the available restorative justice services in the first contact with authorities is not transposed into national law. Instead, the police or the prosecuting authority must inform the parties of the possibility of mediation when they consider that the case is suitable for mediation.

<sup>44</sup> Points 4(1)(a), (c)-(f) and (k) of paragraph 4(1).

to provide information was extended by adding a new section into the CIA<sup>45</sup>. Under this new section, victims must be informed<sup>46</sup> about available support services and means of protection, as well as about the rights concerning a legal counsel and a support person<sup>47</sup>, interpretation and translations<sup>48</sup>, reimbursement of costs and making a claim for compensation. Moreover, the victim must be notified of the right to be informed of the processing of the matter, the time and place of the court hearing and any judgment given<sup>49</sup>. Requirement concerning provision of information on about available procedures for making complaints<sup>50</sup> is not transposed into national law.

In October 2015, the Ministry of Justice appointed a working group to promote the practical implementation of victims' right to receive information and to understand and to be understood. The working group was mandated to prepare a proposal about measures for developing the authorities' communications for crime victims. It was also meant to assess at which stage and how much information should be provided to a victim and by which authority. Attention was also to be paid to the development needs of information flow between administrations. The report of the working group<sup>51</sup> includes a proposal on how the communications with crime victims should be developed in practice by the authorities.

Moreover, the working group issued a brochure "Rights of a crime victim". Among other things, the brochure comprises information on victim support services, legal assistance, victim protection, compensations, mediation and the right to interpretation and translations of documents. The printable leaflet is intended to be handed out to crime victims and to be used by the police and other criminal investigation authorities in their communication with crime victims. The brochure may also be used and distributed by the courts, victim support services and other agencies working with victims. Currently, besides Finnish national languages<sup>52</sup> the brochure is available in six foreign languages<sup>53</sup>.

The Ministry of Justice have also issued a brochure "If you become a victim of a crime". It is a practical guide introducing the different stages of the criminal procedure. Besides Finnish national languages the brochure is currently available in five foreign languages<sup>54</sup>. In addition, the brochure has been published in the Finnish sign language<sup>55</sup>. Furthermore, a guide "Children as

45 CIA ch 4 s 18 paras 1-6, 8-9.

46 CIA ch 4 s 18; without unnecessary delay, and in the depth that is required, especially considering the characteristics of the injured party and the nature of the crime.

47 CPA ch 2; including free of charge legal aid and counsel under the conditions set in the Legal Aid Act.

48 Under the conditions set out in CIA ch 4 s 13 and CPA ch 6a s 3.

49 CIA ch 4 s 18 para 9; This paragraph implements paragraph 4(1)(i).

50 Paragraph 4(1)(h) of Article 4.

51 Sarimo & Salmi 2016.

52 Finnish, Swedish, Sami and easy-to-read versions in Finnish and Swedish.

53 Arabic, English, Estonian, Russian, Somali, Sorani; The brochure and its language versions are available here: <https://oikeus.fi/fi/index/esitteet/tietoarikoksenuhrinoikeuksista.html>

54 Arabic, English, Estonian, Russian, Somali; The brochure and its language versions are available here: <https://oikeus.fi/fi/index/esitteet/josjoudutrikoksenuhriksi.html>

55 The video in Finnish sign language can be watched on the YouTube channel of the Ministry of Justice [https://www.youtube.com/watch?v=uuDIUJ8ArSg&list=PLBOD3s07Ie2wMR6gz9UHI8iiJe\\_S-E7Nm](https://www.youtube.com/watch?v=uuDIUJ8ArSg&list=PLBOD3s07Ie2wMR6gz9UHI8iiJe_S-E7Nm)

crime victims" is aimed for parents and guardians of child victims of violent and sexual offences. The guide provides information on the criminal proceedings, advice for parents and guardians on how to support their child as well as basic information on practical arrangements during the criminal investigation and the trial<sup>56</sup>.

The observations of the present report indicate that there is a need to further development of the practical implementation of Article 4 to make sure that victims' right to receive information is properly enforced in practice. For example, due to absence of uniform policies and guidance, the brochure on victims rights has not been distributed to victims as it was initially intended to be used<sup>57</sup>.

Moreover, roughly half (52%) of the respondents of the VOCIARE-survey reported that victims receive full or most of the information required by the Directive upon first contact with a competent authority. Another half (48%) of the respondents reported that victims receive partial or little information<sup>58</sup>. Besides, many informants reported that victims are not always aware of their rights regarding a support person, legal aid and compensation for damages. For example, some informants had witnessed situations in which a victim in need of and entitled to legal assistance has arrived at a trial without a legal counsellor.

A victim is able to use his/her rights only if she/he is aware of these rights and knows how they can be actualised in different stages of a criminal proceeding. As some informants pointed out, information should be given in various stages of the criminal proceedings since victims' ability to receive, understand and remember all relevant information might be impaired due to traumatic experience and for other reasons<sup>59</sup>. Moreover, due to various challenges victims might face regarding understanding, support persons and legal counsels are often in a crucial role in ensuring that the victim is able to understand, remember and use all essential information adequately to be able to enjoy fully the rights granted under the Victims' Directive. Therefore, specific attention should be given to ensure that victims are adequately and timely informed about their right to support services and legal assistance.

56 The guide also includes answers to the most typical questions that parents usually are concerned about as well as information about where to find help and support. The guide is currently available in Finnish and Swedish <https://oikeus.fi/fi/index/esitteet/lap-sirikoksenuhrina.html>

57 Ruuskanen & Sarimo 2018, p. 28; A committee appointed by the Ministry of Justice has given proposals for further development of these practices.

58 full 12%, most 40%, partial 32%, little 16% information, n=100

59 See also Honkatukia 2011.

## ARTICLE 5 – RIGHTS OF VICTIM WHEN MAKING A COMPLAINT

*Member States shall ensure that victims receive written acknowledgement of their formal complaint. Where they do not understand or speak the language of the competent authority, they should be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance. The acknowledgement should be translated free of charge where the victim doesn't speak the language.*

Article 5 is transposed into CIA<sup>60</sup>. Victims are entitled to report an offence in a language that they understand. When necessary, the authorities have the obligation to arrange linguistic assistance free of charge<sup>61</sup>. People with hearing, speaking and/or visual impairments, or who need interpretation due to other disabilities also have the right to interpretation. The victim has the right to receive a written confirmation of the crime she/he has reported to the police. A confirmation of the report shall be translated free of charge.

Although the rights provided under Article 5 are fully transposed in the national legislation, the findings of the present study indicate that these rights are not always respected in practice. Some informants reported that police officers don't always give a written acknowledgement of reported crime to victims. Sharing this view, half (49%) of the respondents of the survey indicated that victims receive a written acknowledgement of their complaint only sometimes, rarely or never<sup>62</sup>.

According to some interviewees, the actual implementation of the right to linguistic assistance depends on each police officer's ability to assess the linguistic capacities of the victim. They also believe that not all police officers are sufficiently aware of the rights provided under Article 5. The findings of the survey are in line with these views. More than half (56%) of the respondents considered that making a complaint in one's own language is enabled only sometimes, rarely

60 CIA ch 3 s 1; ch 4 ss 12, 13

61 For further information, see above the section related to Article 3 of the Victims' Directive.

62 sometimes 30%, rarely 16%, never 3%, n=73; Another half (51%) of the respondents estimated that this applies always (18%) or often (33%).

or never<sup>63</sup>. Furthermore, more than one third (35%) of the respondents reported that making a complaint through receiving linguistic assistance is enabled only sometimes or rarely<sup>64</sup>.

63 sometimes 28%, rarely 23%, never 3%, n=79; Less than half (44%) of the respondents (n=79) believed that it is the case always (15%) or often (29%).

64 sometimes 26%, rarely 9%, n=74; 65% of the respondents reported that this possibility is available always (30%) or often (35%).

## ARTICLE 6 - RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

*Member States shall ensure that victims are notified without unnecessary delay of their right to receive information related to criminal proceedings: any decision not to proceed with or to end an investigation or not to prosecute the offender; the time and place of the trial, and the nature of the charges against the offender; of any final judgement in a trial and of information about the state of the criminal proceedings, in accordance with their role in the criminal justice system; about the reason which led to the above mentioned decisions; notification in case the person remanded in custody, prosecuted or sentenced concerning the victim is released from or has escaped detention.*

Paragraphs 6(1)-(3) of Article 6 are transposed into three different acts<sup>65</sup>. The national law concerning these paragraphs apply to all victims who are parties to the proceedings. Complying with paragraphs 6(1)-(2), an investigating authority must, without unnecessary delay, taking into account the personal characteristics of the victim and the nature of the crime, notify the victim of the right to be informed of decision to end or not to proceed with an investigation or decision not to prosecute<sup>66</sup>, the time and place of the trial, the nature of the charges against the offender<sup>67</sup>, any judgment given in the matter<sup>68</sup> and the state of the criminal proceedings<sup>69</sup>. Authorities must give written and reasoned decisions on matters concerning criminal investigation, prosecution and judgements as specified in paragraphs 6(1)(a) and 6(2)(a) of Article 6<sup>70</sup>.

Furthermore, the criminal investigation authority shall, as possible, notify the victim on the measures that are to be taken on the basis of an offence under investigation. In addition, if the victim has suffered loss as a result of an offence for which he/she would evidently be entitled to compensation, the criminal investigation authority must notify her/him of the right to

65 CIA, CPA, Act on the Publicity of Court Proceedings in General Courts APCP (370/2007).

66 CIA ch 4, s 18, para 7.

67 CIA ch 4, s 18, para 9; CPA ch 5 s 15 subs 4.

68 CIA Ch 4, s 18, para 9; CPA ch 11, s 12.

69 CIA ch 4, s 15; ch 11 s 9; APCP s 12.

70 CIA ch 11, s 1, CPA ch 11, s 4, s 12.

compensation and as necessary, advise him/her in applying for compensation<sup>71</sup>.

Paragraph 6(4) is not explicitly transposed. However, the provisions transposing Article 6 concern authorities' obligations to notify victims' of their right to receive information which implies that victims' wishes to receive information shall be respected unless this does not jeopardise their procedural rights.

Paragraphs 6(5)-(6) are transposed into seven different acts<sup>72</sup>. Notification about a prisoner's release or departure from prison may be provided to the victim, if there is a risk that the offender will commit an offence against life, health or liberty of the victim or a person close to her<sup>73</sup>. Moreover, legislation was amended in such a way that in cases of certain offences, a pre-trial investigation authority must inform victims of the right to receive a notification of the offender's release or escape from detention or prison<sup>74</sup>. If the victim has requested such a notification, the authorities have an obligation to inform him/her without undue delay about the offender's release or an escape<sup>75</sup>. Under a new provision of the Imprisonment Act, the court must inform the Criminal Sanctions Agency of the victim's request to be notified of the offender's release or escape<sup>76</sup>. Provisions concerning secrecy and personal data processing were enacted into three different acts<sup>77</sup>.

The finding of the VOCIARE-survey suggest that the requirements of Article 6 are not always respected in practice. Almost one third (31%) of the respondents of the survey reported that victims are informed of their right to receive information about their case only sometimes, rarely or never<sup>78</sup>. However, almost all (91%) the respondents reported that victims receive information often or always when they request it<sup>79</sup>.

Some interviewees raised issues concerning victims' right to be notified of the release or escape of an offender. The findings of the survey echo these views. Firstly, close to half (46%) of the

71 CIA ch 11 s 9.

72 Act on the Openness of Government Activities (621/1999), Act on the Processing of Personal Data by the Criminal Sanction Agency (1069/2015), Act on the Publicity of Court Proceedings in General Courts (370/2007), Act on the Treatment of Persons in the Custody of the Police (841/2006), CIA, Detention Act (768/2005), Imprisonment Act (767/2005).

73 Imprisonment Act ch 19, s 4 subs 2; This notification may be done without the victim's request. A notification may also be given to a person against whom the prisoner has a restraining order granted on the basis of Act on Restraining Orders or a protection measure that has been registered in the police database.

74 CIA ch 4 s 19: This obligation applies if the prisoner has been convicted of offences as follows: (aggravated) rape, coercion into a sexual act, sexual abuse, manslaughter, murder, killing, aggravated assault (or preparation of), aggravated invasion of domestic premises, aggravated deprivation of liberty, (aggravated) trafficking in humans, hostage-taking (or preparation of), stalking, aggravated robbery (or preparation of/attempts of/participation in such a crime).

75 Imprisonment Act ch 19 s 4 subs 2; Detention Act ch 2 s 2; ch 16 s 1 subs 2; Act on the Treatment of Persons in the Custody of the Police ch 16 s 2 subs 2; The notification shall not be against the victims' will.

76 Imprisonment Act ch 2, s 1a; Detention Act ch 2, s 2.

77 Act on the Openness of Government Activities s 11 subs 2 para 7a; s 24 subs 1 para 31b; Act on the Processing of Personal Data by the Criminal Sanction Agency (1069/2015) s 1 para 10; s 31 subs 1; Act on the Publicity of Court Proceedings in General Courts (370/2007) s 9 subs 1 para 5; s 12 subs 2 para 1.

78 sometimes 20%, rarely 10%, never 1%, n=85; More than two thirds (69%) indicated that victims are informed of their right to receive information about their case always (34%) or often (35%).

79 always 56 %, 36%, n=90.

respondents indicated that victims are informed about their right to be notified of the release or escape of the offender only sometimes, rarely or never<sup>80</sup>. Secondly, more than one quarter (28%) of the respondents reported that victims are notified, upon request, of the release or escape of the offender only sometimes or rarely<sup>81</sup>.

Regarding victims' right to be informed about an offender's release or escape, one problem seems to result from the absence of procedures to ensure that the authorities responsible for notifying the victim have up-to-date contact information of the victim<sup>82</sup>. Probably the most notable issue, however, is the absence of an information system, which could enable effective and timely information sharing between the authorities. This fault prevents real-time transmission of information between the administrations. A possible remedy to these problems might be the ongoing Data Bank Project (AIPA)<sup>83</sup>, which aims to design an electronic system for administration of justice. AIPA is an electronic database which contains all the documents related to a judicial matter dealt by the prosecutors and courts. The project will create an information system to enhance and unify the processes of referral and document management and to enable electronic co-operation between different authorities. The exchange of information between authorities will be timely, and all relevant documents will be at the disposal of all involved actors.

80 sometimes 28%, rarely 17%, never 1%, n=72; More than half (54%) of the respondents reported that victims are informed about their right to be notified of the release or escape of the offender always (22%) or often (32%).

81 sometimes 21%, rarely 7%, n=68. Less than two thirds (72%, n=68) reported that victims are notified, upon request, of the release or escape of the offender always (41%) or often (31%).

82 One informant told about a case in which the court ordered in the main hearing, once the victim had left the courthouse after hearing, that the defendant shall be immediately released because the prerequisites for keeping him in remand no longer existed. Although the victim had requested to be notified of the offender's release, the court could not inform her about the release before the order was executed. Thus, for this kind of situations, there ought to be procedures in place to ensure that the victim will be informed in due time before the offender is released.

83 Appointment decision 14.11.2014, Ministry of Justice <https://oikeusministerio.fi/hanke/-/hankesivu/hanke?tunnus=OM007%3A00%2F2015>

## ARTICLE 7 - RIGHT TO INTERPRETATION AND TRANSLATION

*Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings are provided, upon request, with interpretation at least during any interviews or questioning and with translation of information essential to the exercise of their rights in criminal proceedings in accordance with their role. Victims may challenge a decision not to provide interpretation or translation.*

Article 7 is transposed into the CIA and the CPA. The victim has the right to use the language she/he masters in all situations related to the criminal proceedings. Interpretation shall be provided ex officio from the beginning of a pre-trial investigation at the expense of the State<sup>84</sup>. The criminal investigation authorities, prosecutors and courts have the responsibility to ensure that the party receives the **interpretation** that he/she needs. Interpretation shall also be arranged for victims with hearing, speaking and/or visual impairments. A person who has the skills required for the task, is honest and is otherwise suitable for the task may serve as interpreter<sup>85</sup>. If the court considers it to be appropriate, interpretation may be arranged by using video conferencing or other suitable means of communication<sup>86</sup>.

On request, the victim shall be provided with **translation** of certain key documents within a reasonable time<sup>87</sup>. Translations shall be provided free of charge. An oral translation may be provided unless safeguarding of the legal rights of the victim requires written translation. The victim may challenge the decision not to provide interpretation or translation through an administrative complaint or refer the matter to the prosecutor. Refusals by the court can be appealed according to CPA<sup>88</sup>.

84 CIA ch 4 ss 12-13; CPA ch 6a s 2 subs 3.

85 CIA ch 4 s12 subs 4; The criminal investigation authority shall appoint a new interpreter if legal safeguards for the party require this or for other serious reason.

86 CPA ch 6a s 2 subs 5.

87 CIA ch 4 s 13; CPA ch 1 s 9(2); ch 6a s 3; These documents include a confirmation of the report of an offence, decisions to discontinue the criminal investigation or of another document essential in the case. From the prosecutor, the victim may obtain a translation of a decision not to prosecute and at the court of a judgment and notifications concerning the time and place of the trial. In some cases, only a part or a summary of the document may be translated.

88 Administrative and Procedure Act ch 8a s 53a; CPA ch 11 s 13(2).

Findings of this study indicate that although victims' right to interpretation and translation is well established in the national law, these rights are not always guaranteed in practice<sup>89</sup>. Around large cities, the availability of interpretation and translation services appears to be, in general, at an appropriate level. However, due to lack of competent interpreters this is not always the case particularly in remote and in sparsely populated regions. For example, in Northern Finland, where there are tourists with various languages, reporting a crime has been delayed because there has not been any competent interpreter available. For the same reason, victims have not been always able to report a crime before returning to their home country<sup>90</sup>. Moreover, it is not always possible to ensure high-quality interpretation in ad hoc situations, for example in crime scenes, where urgent interpretation is needed.

Especially in rare languages, it may be difficult to find a competent interpreter. Interpreters have acquired their skills in a variety of ways, and it has been difficult to specialise in legal interpretation due to lack of training possibilities.<sup>91</sup> Moreover, particularly in cases involving victims from minor ethnic groups and minorities, it is sometimes difficult to find an interpreter who doesn't have common acquaintances with the victim.

The interviewees also brought up issues concerning selective, biased or otherwise inaccurate interpretation. One informant with experience of helping victims of trafficking in human beings explained that it is often difficult to find skilled and reliable interpreters for their clients. Like some other informants, she had witnessed several situations where interpreters had not respected the norms of professional conduct. Some interviewees mentioned cross-cultural differences as a source for misunderstandings and inaccurate interpretation.

The results of the VOCIARE survey confirm the observations from the interviews and desk research as described above. More than half (55%) of the respondents of the survey reported that the lack of availability of interpreters is one of the main problems concerning victims' right to interpretation. Poor quality of interpretations was considered to be among the main problems by 44% of the respondents. Less than one third (30-32%) of the respondents considered the risk of interpreter bias, provision of interpretation in a language other than the victim's own language (32%), not addressing victim's vulnerability and falsely assuming that victims understand the language of the proceedings well enough (30%) to be among the main problems. One fifth (21%) of the respondents considered that availability of interpretation only under limited circumstances (conditional to active participation) is one of the main problems. Some respondents<sup>92</sup> mentioned that interpreting services are not provided to avoid delays in proceedings. Two respondents indicated that interpreting services are not free of charge, and one respondent stated that interpretation should be available at the State's expense also when victims are dealing with

89 A number of parallel findings were obtained through desk research, interviews and the survey.

90 Informant from victim support services.

91 Oikeustulkkien rekisterin perustamista selvittävän työryhmän muistio.

92 n=8.

victim support services.

A large majority (88%) of the respondents of the survey reported that translations are provided free of charge<sup>93</sup>. One quarter (24-25%) of the respondents reported that false assumptions that victims understand the language of the proceedings well enough and that translations are not available in a timely manner, are among the main problems concerning translations. More than one fifth (22%) of the respondents thought that one of the main problems is that information is not deemed essential for translation. Lack of availability of translators was reported by 16 respondents.

In the view of the above, it can be concluded, that one of the main issues concerning the right to interpretation is the lack of competent and reliable interpreters. To address the increased need for competent interpreters, some Finnish universities and other educational institutions have developed, in cooperation with the Finnish National Agency for Education, training programs on legal interpreting. In 2015, a specialised vocational certificate in legal interpretation which is not tied to any particular languages was added into the Finnish education system. The training is aimed to experienced interpreters who already have, to a large extent, the required expertise of the field<sup>94</sup>.

In the University of Helsinki, there is a possibility to complete a master's degree in translation and interpreting by specialising in legal interpretation. Moreover, a new university-level training program on legal interpretation starts in fall 2018. Completion of the said training provides the opportunity to apply to the Register of Legal Interpreters which was founded in 2016<sup>95</sup>. The purpose of the Register is to help people to find an interpreter that is sufficiently qualified to act as an interpreter in legal matters. The Finnish National Agency for Education maintains the Register and a search provider. The client contacts directly an interpreter. The Register has currently 42 interpreters for 12 languages<sup>96</sup>.

Moreover, a network of NGOs has planned to establish a pool of qualified interpreters by providing training for experienced and reliable interpreters to strengthen their expertise on the specific aspects of human trafficking. Availability of interpretation services has been promoted also by increased use of technical solutions like interpreting via telephone or video conference. Some informants noted, for example, that interpretation via phone has become increasingly widespread particularly in ad hoc situations in crime scenes where possibilities to obtain high-quality interpretation services are often minimal.

93 With limitations 11%, n=66.

94 The training is based on the EU Directive 2010/64/EU, which obliges to ensure the quality of legal interpretation and the availability of qualified interpreters.

95 Act on the Register of Legal Interpreters 2015/1590. [https://www.oph.fi/koulutus\\_ja\\_tutkinnot/oikeustulkkierekisteri](https://www.oph.fi/koulutus_ja_tutkinnot/oikeustulkkierekisteri)

96 Arabic, Chinese, English, Estonian, German, Kurdish/Sorani, Persian, Russian, Somali, Swedish, Thai, Turkish.

## ARTICLE 8 - RIGHT TO ACCESS VICTIM SUPPORT SERVICES

*Member States shall ensure that victims have access to confidential victim support services, free of charge, before, during and for an appropriate time after criminal proceedings. Member States shall facilitate the referral of victims, by the competent authority that received the complaint to victim support services. Member States shall take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. Member States shall ensure that access to any victim support service is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.*

### Victim support services in Finland

Finland has one victim support organisation for all victims of crime and multiple organisations which provide support for specific groups of victims. Support services are delivered mainly by NGOs. Part of these services are funded and/or organised by the State.

Victim Support Finland (*Rikosuhripäivystys*, hereinafter VSF) provides services for all victims as well as their family members and friends<sup>97</sup>. VSF provides its services by phone, online and at local service points<sup>98</sup>. Anonymous contacts are possible. Information about VSF's services and additional support is available on the VSF's website. In addition to Finnish official languages (Finnish, Swedish) VSF's website is also available in English. In addition, basic information is available in 20 foreign languages<sup>99</sup>. VSF's youth website includes information targeted to young people and people working with young people, as well as tests, games and videos.

<sup>97</sup> VSF started its operations in 1994. The aim of VSF is to improve the position of victims of crime, their loved ones and witnesses in criminal cases by producing low threshold support and guidance services. The support services are based on professionally managed voluntary work. VSF is an organisation based on a cooperation agreement and its operations are coordinated nationwide by the Finnish Association for Mental Health. The number of VSF's staff members is currently around 60 and the number of volunteers above 500. VSF's national steering group has representatives from all the implementing organisations. In addition, there are expert members from the Ministry of Justice, Ministry of Social Affairs and Health and the National Police Board.

<sup>98</sup> VSF has currently 31 service points across the country which are mainly open during office hours. In 2018, VSF expanded its operations by starting a new service point in Åland.

<sup>99</sup> Albanian, Arabic, Bengali, Chinese, English, Estonian, Farsi/Dari, French, Hindi, Kurdish/Kurmandzi Kurmanji, Nepali, Punjabi, Romanian, Russian, Somali, Spanish, Thai, Turkish, Urdu, Vietnamese <https://www.riku.fi/en/other+languages/>

In Finland, there are multiple organisations which provide support for specific groups of victims. Most of these services are provided by NGOs. Shelter services are also funded by the State. The specialised support services are delivered by NGOs as well as private and public service providers. More detailed information about these services are provided in the next chapter (Article 9). State-funded services are available for victims of domestic and sexual violence and victims of trafficking in human beings.

The Assistance System for Victims of Human Trafficking is an authority responsible for helping people who may have become victims of trafficking in human beings, their underage children and the persons assisting with the investigation. The Assistance System's services are based on law, and it is funded and organized by the government<sup>100</sup>. Victims of human trafficking are entitled to assistance and protection irrespective of their residence status in Finland. The person admitted to the Assistance System is considered as a potential victim of trafficking. After this, she/he may be officially identified as a victim of human trafficking<sup>101</sup>.

The number of the Assistance System's clients has been increasing in recent years. At the end of June 2018, 379 individuals were within the system's services<sup>102</sup>. The number of the clients' children was 80, and 40 individuals had entered the Assistance System as minors. Of the new clients 29 cases concerned sexual exploitation<sup>103</sup>, 28 labour exploitation and 11 forced marriage<sup>104</sup>.

### Funding of victim support services

The profits from gambling industry has previously been the main source of funding for victim support services in Finland<sup>105</sup>. From January 2016 the Finnish Government started funding victim support services from the state budget<sup>106</sup>. State funding has been reinforced by introducing a victim surcharge, which is a fee collected from people convicted of offences<sup>107</sup>. The proceeds of the surcharge are channelled to VSF and the 24-hour helpline Nollalinja through granting discretionary government transfers.

<sup>100</sup> Act on the Reception of Persons Applying for International Protection and on Identifying and Assisting Victims of Trafficking in Human Beings (746/2011); The Assistance System has been helping victims of trafficking since 2006. The service operates nationwide, and it is coordinated by the Joutseno reception centre. Both Finnish citizens and nationals of other countries can receive help. Municipalities are responsible for providing support for victims of trafficking who are their official residents. In such cases, the Assistance System coordinates assistance efforts and provides advice on how to best assist the victim.

<sup>101</sup> After this, she/he may be officially identified as a victim of human trafficking. This can be done by a pretrial authority, the Finnish Immigration Service or the Assistance System.

<sup>102</sup> Ihmiskaupan uhrien auttamisjärjestelmä. Puolivuosikatsaus 1.1.-30.6.2018.

<sup>103</sup> According to estimates, the number of victims of sexual exploitation may actually be considerably higher.

<sup>104</sup> Ihmiskaupan uhrien auttamisjärjestelmä; Eight persons were victims of exploitation that indicated some other type of human trafficking, such as forced criminal activity.

<sup>105</sup> The Finnish gambling industry is operated by a limited liability company Veikkaus Oy which is fully owned and operated by the Finnish State.

<sup>106</sup> Ivankovic & Altan 2017; The reason for this change was a view that financing directly from the State budget would better reflect the spirit of the Victims' Directive.

<sup>107</sup> Under the Act on Victim Surcharge (669/2015) which came into force 1 December 2016, an offender over 18 years who has been convicted of an offence where the maximum sentence is imprisonment, must pay the victim surcharge fee of 40 or 80 euros depending on the severity of the crime. Legal persons, such as companies, sentenced to a corporate fine must pay the victim surcharge of amount EUR 800.



In December 2017, the Ministry of Justice issued a public service obligation to VSF for providing general victim support services during the years 2018-2027. Thus, VSF's funding will be secured for the next ten years, even if the level of funding is settled separately each year on the basis of an application<sup>108</sup>. While funding from the State budget currently covers the majority of operational costs of VSF, funding for development operations is still secured by the Funding Centre for Social Welfare and Health Organisations (STEA<sup>109</sup>) and EU.

Apart from the public funded specialised support services<sup>110</sup>, the other specialised services have received funding from STEA, municipalities and the Ministry of Justice. The National Program 2014-2020 of the Internal Security Fund-Police includes projects aimed to develop support of crime victims<sup>111</sup>.

### Referral to support services

Finland has not explicitly transposed Article 8. However, provision concerning referral to support services is laid down under the CIA. If the victim is assessed to have specific protection needs<sup>112</sup>, or her/his personal circumstances or the nature of the crime so requires, an investigating authority must ask the victim's consent for passing her/his contact details to a victim support organisation. If the victim gives her/his consent, the police must send his/her contact details to a victim support provider without undue delay<sup>113</sup>. The National Police Board has also provided guidelines on referral to support services<sup>114</sup>. Moreover, the court may appoint a support person for a victim if the case concerns intimate partner violence, sex offence or a serious offence against the life, health or liberty<sup>115</sup>.

The findings of the present report suggest that although some police units have well established referral procedures, there seems to be considerable differences between police units in this respect. Sharing the view of the interviewees, half (49%) of the respondents of the survey reported that victims are referred to victim support services by the competent authorities only *sometimes, rarely or never*<sup>116</sup>. These findings might be explained by the fact that there are still number of police officers who are not familiar with available support services. Moreover, it seems that the

108 In 2018, the operations were granted nearly EUR 4 000 000 of government aid. VSF's regional offices also acquire local funding from e.g. the municipalities. Funding at a national level is applied for and administered via the Finnish Association for Mental Health.

109 STEA manages the funding granted for projects which are non-profit by nature and promote health and wellbeing, from the gaming revenue of Veikkaus Oy.

110 24-hour helpline Nollalinja (victims of domestic violence), Seri Support Center (victims of sexual abuse) and the Assistance System for Victims of Human Trafficking

111 Correlation table on the transposition of the Victims' Right Directive 2012/29/EU

112 CIA ch 11 s 9a; The authority investigating the crime must assess whether the victim is, during criminal investigation or during trial, in need of special protection. For further information, see below the section related to Article 22 of the Victims' Directive.

113 CIA, ch 4 s 10 subs 3.

114 Rikoksen kohteeksi joutuneen ohjaaminen palveluihin (2020/2012/1916).

115 CPA ch 2 ss 3, 3a; CIA, ch 4 s 10(3); ; The head investigator or the public prosecutor shall submit a request to the court for the appointment of a support person for the victim. A support person can be anyone, for example, a friend of a victim. VSF provides trained support persons free of charge. Support persons are allowed to be present during questionings and trial, but their presence may be restricted in some situations.

116 always 31%, often 40%, sometimes 31%, rarely 8%, never 10%, n=100.

obligation concerning referral is not well known among police officers<sup>117</sup>.

Absence of consistent referral policies also concerns social and healthcare services and legal counsels. In healthcare settings, reasons for ineffective referrals seem to be the lack of knowledge about support services and the absence of clear guidelines on processing of personal data<sup>118</sup>.

### Successes and shortcomings

The observations of this report suggest, that strengthened financial basis and the increased funding have resulted in considerable improvements in terms of availability of support services. The number of VSF's clients has increased considerably, and the geographical coverage of services has improved by establishing new service points<sup>119</sup>. Moreover, increased resources has enabled long-term development of the services. Accessibility of services has been enhanced, for example, by visitor operations by which the services are delivered to places where victims of crimes are likely to visit, namely police stations, courts and shelters. Geographical coverage of VSF's services has improved also by introducing a model of video-mediated assistance. Many interviewees also indicated, that accessibility of support services has improved in recent years<sup>120</sup>.

Geographical coverage of support services for certain groups of victims has been improved by establishing the nationwide 24-hours helpline for victims of sexual abuse and domestic violence. Many support providers also deliver online and helpline services during certain days and hours. Shelters for victims of domestic violence are accessible 24 hours a day. Outreach work and community based work carried out by Pro-tukipiste are examples of activities through which certain hard-to-reach groups, like victims of trafficking in human beings can be reached.

Various support service providers have made efforts to develop their communication to meet better victims' ability to receive and understand information. For instance, VSF and some other NGOs have applied visual communication means like pictures, animations and videos in order to enhance the transferring of the information to their clients and interest groups<sup>121</sup>. Moreover, many NGOs provide information and services in several different languages.

Notwithstanding the notable developments regarding the accessibility to support services, they do not reach all victims equally. Especially needs of some vulnerable groups, such as women

117 See also Ruuskanen & Sarimo 2018.

118 Interviewee from victim support services.

119 Annual report of VSF 2017; Besides the interviewees, this observation is supported by the number of VSF's clients and customer contacts which have increased significantly in the recent years. In 2017, the number of clients increased by 51% from the previous year. The number of customer contacts increased with 43% from 44 000 to 62 800. The total amount of clients in different services was 12 700, when the corresponding figure in 2016 was 8 400. The number of support contacts was 4 700, with an increase of 31%. Moreover, a survey carried out in January 2018 suggests that the reputation of VSF has also increased markedly from 2016.

120 For example, some informants considered that availability of support person has been improved. According to the district court judge, accompanying support person in trials has become more common in cases of sexual and domestic violence. Moreover, attitudes towards the presence of support persons in trials have become more positive among judges.

121 As an example of an organisation which have been utilised visual communication is Pro-tukipiste <https://pro-tukipiste.fi/en/frontpage/>

with disabilities, old people, victims of trafficking in human beings as well as some minorities, should be given more consideration. According to many NGO's<sup>122</sup>, provision of specialist services depends on local circumstances and does not treat all victims equally.

Victims of trafficking in human beings are in a particularly disadvantaged position<sup>123</sup>. The Assistance System does not reach all victims of trafficking, and many of them are left without the services to which they would be legally entitled<sup>124</sup>. Lack of knowledge of one's rights and mistrust of authorities are likely to constitute a barrier to seeking support and assistance. Many victims of human trafficking are afraid to go to the police because of intimidations against themselves or their family members. Moreover, many of them do not receive services which they would urgently need since the access to the Assistance System is strongly linked to the criminal proceedings<sup>125</sup>.

In criminal proceedings the status of the victim of human trafficking is often uncertain. Investigation practices of trafficking in human beings vary across the country and between different police departments. Whether the case is identified as human trafficking depends, among other things, on the ability of investigators to interpret the characteristics of trafficking<sup>126</sup>. Moreover, due to the specific circumstances of these crimes, it is often difficult to gather sufficient evidence for a conviction. Therefore, the charges might be rejected or they might change, for instance, to procurement. Then, the victim's status in criminal proceedings might change from injured party to witness. Furthermore, besides being excluded from the Assistance System, the victim is at risk of losing his/her right to a residence permit and to be deported from Finland<sup>127</sup>.

122 NGO Parallel Report 2018; For example, 24-hour helpline (Nollalinja) for victims of domestic violence and the Seri Support Center for victims of sexual violence have not been able to reach women with an immigrant background. Moreover, the condition for receiving services from the Seri Center, is that the victim seeks services within 30 days of an offence. Since the threshold for seeking help is often high for victims of sexual violence, this limitation undermines particularly the most vulnerable victims' possibilities to access support.

123 Koskenoja et al. 2018: The report was prepared as part of the Government's analysis, assessment and research activities (VN TEAS) for 2017. The Non-Discrimination Ombudsman issued her recommendations based on the report to the Finnish Parliament in April 2018.

124 The situation is particularly challenging in municipalities, where the social and healthcare services are not familiar with the provisions of the Reception Act on assistance for victims of human trafficking, and the trafficking victims' special status as beneficiaries of services is not realised. In municipalities where human trafficking is a more familiar phenomenon, the victims are assisted with a high standard of professional ethics, but still the victims of human trafficking do not always receive the services to which they would be legally entitled.

125 Koskenoja et al. 2018: This link results from the legislation and the application thereof.

126 Council of Europe's Group of Experts on Action Against Trafficking in Human Beings (GRETA); Finnish authorities have been criticised for failing to identify especially victims of sexual exploitation.

127 Koskenoja et al. 2018; The Report Of The Non-Discrimination Ombudsman To The Parliament 2018.

## ARTICLE 9 - SUPPORT FROM VICTIM SUPPORT SERVICES

*Victim support services shall, as a minimum, provide: a) information, advice and support relevant to the rights of victims; b) information about or direct referral to any relevant specialist support services in place; c) emotional and psychological support; d) advice relating to financial and practical issues arising from the crimes; e) advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. Specialist support services shall develop and provide: a) shelters or any other appropriate interim accommodation for victims; b) targeted and integrated support for victims with specific needs such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships.*

VSF provides all types of services required under Article 9(1). VSF's trained support persons assist victim at the different stages of criminal proceedings according to their needs. They provide psychological support, offer practical advice and help victims to obtain further help. They can also accompany the victim to a police station and a trial<sup>128</sup>. Moreover, a support person can assist the victim in applying for a restraining order, on compensation matters and when acquiring an attorney. VSF's legal telephone service provides advice on issues concerning, for example, criminal proceedings and compensation for damages.

### Shelters

Before 2015, **shelter services** were funded by municipalities and partly by customer payments. The Shelter Act<sup>129</sup>, which entered into force in 2015, transferred the financial responsibility for shelter services to the State. The purpose of the Act is to guarantee high-quality and comprehensive shelter services to victims of intimate partner violence<sup>130</sup>. Shelter services

128 Support persons are allowed to be present during questionings and trial, but their presence may be restricted in some situations.

129 The Act on Compensation Payable to Shelter-Service Provision from State Funds (1354/2014).

130 The Government Decree on the Prerequisites for the Provision of Shelter Services (598/2015) defines the qualifications and skills of the personnel.

are provided by the public sector and NGOs. The National Institute for Health and Welfare is responsible for the overall coordination of the shelter services in cooperation with the shelters belonging to the shelter network<sup>131</sup>.

Besides 24-hours secured housing, shelters for victims of **domestic violence** offer immediate crisis help, psychosocial support, advice and counselling in acute situations. The service is mainly offered to persons and families suffering from intimate partner violence (IPV) or threat of such violence. The shelter services are free of charge. The shelters coordinate and cooperate with the necessary services of the home municipality of the victim, such as child protection, social welfare and housing services. The majority of the shelters are suitable for disabled persons.

Federation of Mother and Child Homes and Shelters provides shelter services for persons who have been exposed to violence or threat of violence in their families or intimate relationships and need support to survive the situation and a temporary place to live in. Services include telephone counselling, online service, opportunity to discuss with an expert in anti-violence work, guided peer support groups and supportive housing services.

**Immigrant women and their children** from all over the country have access to Shelter Mona (Turvakoti Mona) maintained by the Multicultural Women's Association. The shelter is located at a secret address. In addition of housing, the shelter provides psychosocial support, peer support in a group and advice on available services<sup>132</sup>. However, these people are also welcomed into other shelters.

National quality recommendations for shelter services given by a working group appointed by the director general of the National Institute for Health and Welfare (THL), define the content of shelter services and describe the goals, processes and quality criteria of client work<sup>133</sup>. Together with the service providers, THL has also drafted a joint development program for shelter services for 2016–2019. The objective of the program is to develop shelters to an easily accessible and well-known service among professionals and citizens. The program also aims to ensure that the shelters have skilled workers and uniform working models and that the quality and effectiveness of the service are monitored, and additional services are arranged for the client after the shelter period.

The number of clients in shelters has increased over the last years. In 2015 shelters across the country could accommodate in total 118 families at a time and in 2017 they could accommodate

131 Shelters for Victims of Domestic Violence 2017 <http://urn.fi/URN:NBN:fi-fe2018060125076>

132 Multicultural Women's Association (MONIKA) is a central organisation of immigrant women's associations, which promotes and offers services to immigrant women and children who have been subjected to violence. [https://monikanaiset.fi/wp/wp-content/uploads/Crisis-Center-Monika\\_Shelter-Mona-Mona\\_esite\\_englanti\\_2018.pdf](https://monikanaiset.fi/wp/wp-content/uploads/Crisis-Center-Monika_Shelter-Mona-Mona_esite_englanti_2018.pdf)

133 National Institute for Health and Welfare 2013: Turvakotipalvelujen kansalliset laatusuosituksset; The aim of these recommendations is to unify and develop shelter services so that they are accessible to all victims of intimate partner violence and domestic violence irrespective of their residence and income level. [https://www.julkari.fi/bitstream/handle/10024/110192/URN\\_ISBN\\_978-952-245-924-4.pdf?sequence=1](https://www.julkari.fi/bitstream/handle/10024/110192/URN_ISBN_978-952-245-924-4.pdf?sequence=1)

143. In 2017, there were in total 23 shelters for victims of domestic violence in Finland. The number of clients grew by 42% compared to 2015<sup>134</sup>.

Poor geographical coverage and insufficient number of shelters have impaired the availability of shelter services in several regions across the country<sup>135</sup>. Establishing more shelters regionally is one of the goals of the Action Plan for the Istanbul Convention for 2018–2021<sup>136</sup>. Since the State took over the responsibility for the shelters in 2015, the geographical coverage of the shelter network has started to improve due to the increased and stable funding<sup>137</sup>. However, although the number of family places has been grown from 123 to 185 in three years, it is still less than half of the recommendation of the Council of Europe, according to which there should be 550 family places in Finland<sup>138</sup>. Therefore, representatives of several NGOs consider that the government's funding remains insufficient to meet the required number of family places<sup>139</sup>.

Moreover, at the moment, the Sami women, who belong to a linguistic minority, have no access to shelters and services according to their needs in Northern Finland. In some cases, the closest shelter may be situated several hundred kilometres from a victim's home which is likely to constitute an obstacle for receiving immediate help and security<sup>140</sup>. The NGOs have also paid attention to the fact that in Finland, the average time that a victim stays in a shelter is short from an international perspective<sup>141</sup>.

Furthermore, one interviewee raised an issue regarding victims of IPV who delay seeking shelter due to their concern for their pets' safety. Since clients are not allowed to take their pets along to shelters, concern about their safety might play a crucial role in decision about leaving or staying

134 Turvakotipalvelut 2017 <http://urn.fi/URN:NBN:fi-fe2018060125076>; In 2017, there were a total of 65 729 days of residence in shelters, and on average one customer stayed in a shelter for 15 days which is slightly less than in 2015, when the clients stayed in the shelter on average for 18 days. The shelters had altogether 4 333 clients of whom 52% were adults and 94% women.

135 For example, in 2016, clients were referred to another shelter, sometimes hundreds of kilometres from their home, for nearly 2000 times due to lack of space; see article:

[https://yle.fi/uutiset/osasto/news/too\\_few\\_domestic\\_violence\\_shelters\\_1200\\_victims\\_denied\\_placement\\_last\\_year/9019291](https://yle.fi/uutiset/osasto/news/too_few_domestic_violence_shelters_1200_victims_denied_placement_last_year/9019291)

136 Ministry of Social Affairs and Health 2017; The Action Plan 2018–2021 is related to the Istanbul Convention, which entered into force in Finland on 1 August 2015. The Convention encourages the parties involved to apply the Convention to all victims of domestic violence, paying particular attention to women and girls as victims of gender-based violence. In Finland, the Convention is also applicable to men and boys exposed to domestic violence. The Action plan was drawn up by the Committee for Combating Violence against Women and Domestic Violence (NAPE), which is the coordinating body required under Article 10 of the Istanbul Convention. The intersectoral committee operates in connection with the Ministry of Social Affairs and Health [https://stm.fi/en/arkkiveli/-/asset\\_publisher/istanbulin-sopimuksen-toimeenpanosuunnitelma-valmis-vuosille-2018-2021](https://stm.fi/en/arkkiveli/-/asset_publisher/istanbulin-sopimuksen-toimeenpanosuunnitelma-valmis-vuosille-2018-2021)

137 The funding of shelter operations was EUR 11.6 million in 2015 and 2016. In 2017, the state funding rose to EUR 13.6 million and in 2018 to EUR 17.6 million. Additional funding will also be granted for the shelter activities for the year 2019.

138 Kelly & Dubois 2008; National Institute for Health and Welfare 2017: Shelters for Victims of Domestic Violence. Statistical Report 15/2018, 1st June 2018: In 2018, the number of shelters for victims of domestic violence will rise to 27 and the number of family places will rise to 179. [http://www.julkari.fi/bitstream/handle/10024/136435/Turvakotipalvelut\\_2017\\_raportti\\_FINAL%2c%20FI%2c%20SV%2c%20EN%201.6.2018\\_.pdf?sequence=1&isAllowed=y](http://www.julkari.fi/bitstream/handle/10024/136435/Turvakotipalvelut_2017_raportti_FINAL%2c%20FI%2c%20SV%2c%20EN%201.6.2018_.pdf?sequence=1&isAllowed=y)

139 NGO Parallel Report on the implementation of the Istanbul Convention in Finland. May 2018

140 Baseline report by the Government of Finland on measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, p. 56 <https://rm.coe.int/baseline-report-fin-land-2018/16807c55f2>

141 NGO Parallel Report on the implementation of the Istanbul Convention in Finland. May 2018

in a violent relationship<sup>142</sup>. Therefore, shelter staff should offer victims an opportunity to discuss concerns about their pets, and arrangements for pets should be included in safety planning for women attempting to leave an abusive relationship. In Finland, there is currently one shelter with possibility to accommodate victims with pets<sup>143</sup>.

### Targeted and integrated support for victims with specific needs.

**Finland's first Seri Support Center** (*Seri-tukikeskus*<sup>144</sup>) started in May 2017 in the Helsinki University Women's Hospital<sup>145</sup>. The Center provides victims of sexual violence with comprehensive low-threshold services in the so-called acute phase, within one month of the experienced sexual violence. The services are available for persons over the age of 16, regardless of their gender<sup>146</sup>. The service involves forensic examination, medical treatment and psychosocial support. Clients will also be given information on victim support services and, if they wish, assistance in starting the legal process. Reporting an offence is not required, even though it is encouraged. The services are available on weekdays between 8:00 and 18:00, and the helpline is open 24-hours. In emergency situations outside the office hours, on-call health care professionals will see the patient and forensic medical samples are also taken. The first Seri Support Center serves Metropolitan area residents, and it functions as a model for support centers that will be established in other municipalities in Finland later on<sup>147</sup>.

Rape crisis centre Tukinainen provides support and guidance for victims of sexual violence and/or abuse and their families and friends. It has local service points in three cities. Women's Line (Naistenlinja) offers guidance and support for women and girls concerned about violence. Service is available online and by telephone. Nollalinja ("zero line") is a nationwide free of charge 24-hour helpline for anyone who has been exposed to violence or a threat of violence in a close relationship<sup>148</sup>. It is also available for family members of victims and for professionals who need advice in their work with clients. Nollalinja's professionals are experienced healthcare and social service specialists. The service is available in Finnish, Swedish and English. Nollalinja is the State's specialised service which is funded by the fees from victim surcharge<sup>149</sup>.

142 e.g. Ascione et al. 2007, Faver & Strand 2003, Fitzgerald 2005, Flynn 2000, Simmons & Lehmann 2007; A growing body of research indicates that abusive partners might use threats and actual harm to pets as a means of coercing and controlling their partner. It also has been found that victims of IPV are likely to return home sooner if they fear that their partner could hurt their pets. Family pets may serve as significant sources of emotional support and psychological buffer to the traumatic experiences resulted from victimisation. They can also provide a sense of safety for children in an otherwise unsafe environment.

143 Turvakotien tarve on ennätyslukemissa (The need for shelters is record high – fear of the fate of a pet can affect the decision) <https://yle.fi/uutiset/3-10279309>

144 The Finnish name "Seri-tukikeskus" of the center comes from the Finnish word SEksuaaliRIkos meaning sexual crime.

145 The background of establishing the Seri Support center lies in the Istanbul Convention which was ratified in Finland in 2015. The Convention obliges Finland to establish support centers for people who have experienced sexual assault. The support center was founded by the National Institute for Health and Welfare in collaboration with Women's Hospital.

146 Victims under the age of 16 are treated at the paediatric emergency clinics.

147 Action Plan for the Istanbul Convention for 2018-2021; The Ministry of Social Affairs and Health has supported the preparatory work and provided funding for the project. The activities

148 The service was established in December 2016 and it is one of the low-threshold services the Istanbul Convention demands of its member states. The service is organised by the National Institute for Health and Welfare and the service provider is Setlementti Tampere Association.

149 Victim surcharge is a fee collected from people convicted of offences. For further information, see the section above related to Article 8.

MONIKA – Multicultural Women's Association provides low threshold services, legal advice and shelter for immigrant women and children who have been exposed to violence. Crisis Center Monika (Kriisikeskus Monika) provides a low-threshold service with the possibility of receiving help anonymously. Services include psycho-social support, guidance, peer support groups and supportive housing. Pro-tukipiste provides low threshold social and health services for people involved in sex work and for victims of trafficking in human beings. The service points are located in the Metropolitan area and two other major cities.

Suvanto – For a Safe Old Age Help provides peer support and legal advice for elderly people who have been subjected to violence and mistreatment. The Finnish Association for Mental Health provides help in different crisis situations<sup>150</sup>. Moreover, HUOMA - Association of families and friends of homicide victims provides peer support for families and friends of homicide victims.

The Assistance System for Victims of Human Trafficking is an authority responsible for helping people who may have become victims of trafficking in human beings, their underage children and the persons assisting with the investigation<sup>151</sup>. Clients in the Assistance System are provided advice and guidance, social and health care services, a reception allowance or income support, safe accommodation, legal assistance as well as interpretation and translation services. If the client so wishes, assistance will be provided for a voluntary return to her/his homeland. The police must inform victims about these services and guide them in seeking these services<sup>152</sup>.

150 e.g. bullying at school or workplace, different forms of violence, traumatic crises.

151 The Assistance System is responsible for helping victims who have no municipality of residence in Finland.

152 A website maintained by the Assistance system brings together information about human trafficking and anti-trafficking activities in Finland. <http://www.ihmiskauppa.fi/en>

## ARTICLE 10 – RIGHT TO BE HEARD

*Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.*

Article 10 is transposed into the CPA and the CIA<sup>153</sup>. As the existing national law already complied with the requirements of Article 10, there was no need to amend the national legislation to meet the requirements provided under this article.

The police shall conduct questioning and other measures requested by a party if such measures may affect the clarification of the matter under investigation and if they do not result in unreasonable expenses given the nature of the matter<sup>154</sup>. With the permission of the investigator, a party and his/her legal counsel may, present questions to the person being questioned in order to clarify the matter<sup>155</sup>.

A person under the age of 18 shall be treated in the manner required by his/her age and a level of development. To the extent possible, investigation measures directed at minors shall be assigned to investigators particularly trained in this function. When necessary, the criminal investigation authority shall consult a physician or other expert on whether investigation measures may be directed at a person under the age of 18 years<sup>156</sup>. In the case of an underage person, a guardian or other legal representative exercises their right to speak. Minors who have reached the age of 15 have the simultaneous right with their legal representative to speak on matters that concerns themselves<sup>157</sup>.

The victim has the right to endorse a charge brought by the prosecutor or another injured party and present new circumstances in support of the charge. Regardless of whether the victim has exercised the right to be heard in the case, he/she may lodge an appeal against a decision made in the case<sup>158</sup>. In a main hearing the victim may present his/her claims and the reasons for

153 CPA, CIA.

154 CIA ch 3 s 7.

155 CIA ch 7 s 17; A party also has the right to request that the investigator presents questions to the person being questioned about aspects necessary to clarify the matter.

156 CIA ch 4 s 7.

157 CJP ch 12 s 1.

158 CPA ch 1 s 14 subs 3.

them. Moreover, she/he may present evidence and his/her closing arguments including, where necessary, his/her opinion on the guilt of the defendant and the sanction for the offence. A victim may also be heard for witness purposes<sup>159</sup>.

The findings of the present study indicate that a clear majority of the participants of the study, including the interviewees and respondents of the survey, are of the view that victims' right to be heard is well respected in practice in the Finnish criminal justice system. Almost all (96%) respondents<sup>160</sup> of the survey believed that victims are heard and enabled to provide evidence during criminal proceedings always (70%) or often (26%). Nearly all (94-96%) respondents<sup>161</sup> indicated that the right to be heard is *not limited* in certain phases of the proceedings or by the role of the victim in the proceedings. Almost all (99%) respondents also shared the view that in hearings with child victims their age and maturity is taken into due account often or always<sup>162</sup>.

159 CPA ch 6 s 7.

160 n=96.

161 n=84-86.

162 always 56%, often 43%, sometimes 1 %, n=93.

## ARTICLE 11 – RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

*Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to review of a decision not to prosecute. Where the role of the victim will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute. Member States also need to ensure that victims are notified of their right to receive, and that they receive sufficient information to decide whether to request a review.*

The victim has the possibility to bring the case to the court by using the secondary right for prosecution. In such a situation, if charges are rejected, the victim is responsible for his/her own and the defendant's trial costs which in some cases may rise considerably high. Naturally, such risk of costs is likely to discourage many victims to continue with the proceedings. Of course, it is essential, that the victim is well informed of such a risk before making any decision.

Article 11 is transposed into the CPA<sup>163</sup>. A victim has a **“secondary right” of prosecution**<sup>164</sup>. Hence, if a prosecutor has waived charges, a victim has the right to prosecute the offence and bring the case before the court. The decision to waive prosecution is to be made, and service of the decision is to be given to the injured party early enough so that s/he has time to prepare and bring a charge in accordance with the secondary right of prosecution<sup>165</sup>. Reasons shall be given for the decision to waive charges. The reasons shall indicate the circumstances and the evidence as well as the assessment of evidence and the legal conclusions on which the decision is based<sup>166</sup>.

The victim can make an **administrative complaint** against a decision not to prosecute<sup>167</sup>. The Prosecutor General has the right to reopen the case for a review of the charges<sup>168</sup>. Although in most cases complaints to the Prosecutor General are not succeeding, there have been successful complaints that have resulted in re-opening the case and new consideration of charges<sup>169</sup>. However, one interviewee<sup>170</sup> pointed out that sometimes appealing against a prosecutor's decisions to waive charges has been very challenging, because justifications given for a decision have been rather ambiguous.

163 CIA ch 11 s 1; CPA ch 1 ss 9, 11.

164 CPA ch 1 s 14.

165 CPA ch 1 s 9.

166 CPA ch 1 s 6.

167 Administrative Procedure Act 434/2003, ch 2 s 10.

168 CPA ch 1 s 11.

169 Statistics received from the Prosecutor General; Also some interviewees reported about cases that had been re-opened by the Prosecutor General.

170 The informant had diverse experience of assisting victims of crime and working as a prosecutor specialised in criminal matters.

## ARTICLE 12 - RIGHT TO SAFEGUARDS IN THE CONTEXT OF RESTORATIVE JUSTICE SERVICES

*Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Member States shall facilitate the referral of cases, as appropriate to restorative justice services.*

Article 12 is transposed into the Act on Conciliation in Criminal and Certain Civil Cases (ACCCC), the CPA and the Criminal Code. According to the ACCCC, conciliation in criminal cases means a free of charge service in which the offender and the victim are provided the opportunity to meet confidentially in the presence of an independent mediator, to discuss the psychological and material harm caused to the victim and, on their own initiative, to agree on measures to redress the harm<sup>171</sup>. In Finland, **victim-offender mediation** is a public service provided by local mediation offices, and it is carried out by volunteer lay mediators supervised by professionals of mediation offices<sup>172</sup>.

Complying with paragraphs 12(1)(a)-(b) of Article 12<sup>173</sup>, mediation is **based on informed and voluntary consent**, which may be withdrawn at any stage. Mediation is conditional on the suspect confirming the course of events in its main features, and it shall not be undertaken if it is against the victim's interest. In principle, any offence which is assessed as suitable for mediation can be mediated. The **suitability for mediation** must be evaluated considering the nature and circumstances of the crime, the relationship between the suspect and the victim and other issues related to the crime as a whole<sup>174</sup>. Only the police or the prosecutor has the right to propose mediation if the crime involves violence against at the offender's spouse, child, parent or another comparable near relation. Mediation must be interrupted if a party withdraws consent or if there is a reason to suspect that the agreement has not been given voluntarily.

171 ACCCC s 1 para 1; In this report the term mediation is used as a synonym for conciliation.

172 ACCCC ch 1(4); ch 2(10); Mediator is a trained volunteer who handle mediation duties under the supervision of the mediation office; Professionals of mediation offices are responsible of supervising and monitoring of mediators work.

173 ACCCC ss 2, 3(1), 13 para 2, 19(1); Before agreeing to mediation, the parties must be informed of their rights and their position in the mediation process. Crimes involving underage victims must not be referred to conciliation if the victim needs special protection. If a crime cannot be referred to conciliation, damages caused by it must not be referred to conciliation either.

174 Typical cases in mediation are property crimes, criminal damage and assaults. Mediation in criminal and civil cases. Crimes involving underage victims must not be referred to conciliation if the victim needs special protection. If a crime cannot be referred to conciliation, damages caused by it must not be referred to conciliation either.

Complying with paragraph 12(1)(d) and 12(1)(e)<sup>175</sup>, the agreement reached by parties on a voluntary basis is considered in any further criminal proceedings, and it can be grounds for waiving prosecution or reducing or waiving punishment. Discussions during the mediation are confidential, and mediators are bound by secrecy obligation. In accordance with paragraph 12(2), when the police or prosecuting authority assesses that a case at hand is suitable for mediation, they must inform the parties about this possibility and refer them to mediation<sup>176</sup>.

The Ministry of Social Affairs and Health leads, steers and monitors mediation services in criminal and civil cases at the national level. The National Institute for Health and Welfare (THL) is responsible for organising, coordinating and developing mediation services across the country<sup>177</sup>. To ensure high-quality and uniform mediation services across the country, the THL has launched a programme for the development of mediation services for 2016-2020. The Advisory Board on Mediation in Criminal Cases, appointed by the Government, monitors and promotes mediation activities and development<sup>178</sup>.

Regarding the practical implementation of Article 12, the increasing number of cases referred to mediation indicates that access to mediation has been facilitated effectively by the competent authorities<sup>179</sup>. Moreover, the suitability of cases is assessed in various stages of the mediation process<sup>180</sup>. Before referring the case to mediation, referring authorities conduct an initial screening by checking the relevant facts like the history of violence, substance abuse and seriousness of the offence. Following this, professionals of mediation offices undertake more in-depth assessment to determine whether the conditions for mediation are fulfilled<sup>181</sup>. If mediation is initiated conditions for mediation are assessed throughout the mediation process by mediators. At the beginning of the mediation process, the participants are informed, among other things, about support- and follow-up services. One interviewee<sup>182</sup> who had positive perception of outcomes of mediation emphasised importance of good cooperation between actors involved in dealing with these cases.

An important practice to safeguard victims from repeat victimization is to organise preliminary

175 CPA ch 1 s 8(1); Criminal Code ch 6 s 6 para 3, s 12 para 4; ACCCC s 1 para 1; s 18 para 1; ss 20-21.

176 ACCCC s 13; Mediation may be proposed by the suspect, the victim, the police or prosecuting authority or some other authority. If the suspect or the victim is underage, his/her guardian or other legal representative has the right to propose mediation. If the suspect or the victim of the crime is underage, the information on the possibility of conciliation must also be given to his/her guardian or other legal representative. In cases involving a legally incompetent adult, the information must always be given to both the person him/herself and the person looking after his/her interests.

177 THL also supervises the mediation offices, organises training for their personnel and coordinates development of mediation services.

178 The Advisory Board has appointed a working group to review the current practices of mediation in cases of domestic and intimate partner violence.

179 Mediation in Criminal and Civil Cases 2017; In 2017, 14 471 criminal cases were referred to mediation The mediation procedure started in 61% of the criminal cases and an agreement was made in 79% of them. <http://urn.fi/URN:NBN:fi-fe2018062726501>

180 Flinck 2013.

181 Flinck 2013; Also the Head of Development from THL, and professionals of mediation offices whose answers were passed on by the informant, reported about adoption of practices aimed to safeguard victims from repeat victimisation. After the mediation, the mediation office informs the referring authorities on the results of the mediation.

182 Prosecutor.

meetings separately with both parties before the actual mediation session(s)<sup>183</sup>. This preparatory meeting is important for victims, as it provides them with an opportunity to discuss their expectations and to consider whether they wish to attend in mediation sessions with the offender.

The Legal Affairs Committee has stated that cases involving recurring IPV should not be referred to mediation<sup>184</sup>. However, mediation is widely used in IPV cases in Finland. Almost half (48%) of all criminal and civil cases referred to mediation were violent crimes, of which one third (34%) concerned IPV. The number of these cases has doubled from around 1000 cases in 2010 to almost 2500 cases in 2017<sup>185</sup>. Using mediation in IPV cases has provoked considerable debate in Finland. Those having critical views have raised concerns about possible adverse effects resulting from revictimisation, safety issues and power imbalance. The specific dynamics typical for certain types of IPV creates particular challenges and risks that may be difficult to manage during mediation process. Therefore, cases including repetitive violence should not be mediated<sup>186</sup>.

Supporting the critical views as described above, research on mediation of IPV suggest that mediation of IPV cases comprise considerable challenges and risk of negative outcomes to the victim<sup>187</sup>. Studies have also shown, however, that victims of IPV can benefit from participating in mediation<sup>188</sup>. Therefore, advocates of mediation emphasise that every IPV case is unique and needs to be assessed appropriately. As all victims should be given the possibility to participate mediation, victims of IPV must not be categorically excluded from participating mediation.

Given the above, it seems that there is a need for further knowledge about mediation involving IPV. To address these concerns, evaluation of mediation practices and clarification of guidelines on mediation of cases involving IPV and violence against women is included in the Government Action Plan for Gender Equality 2016-2019. Also, more specific criteria for referring clients to mediation will be created, and possible needs for legislative amendments will be assessed<sup>189</sup>.

183 Flinck 2013; Sambou & Slögs 2013; Pre-meetings are organised in IPV cases and often also in cases involving other intimate or multicultural relationships and minors.

184 LaVM 13/2005 vp - HE 93/2005 vp; Also, according to the National Police Board and the Government Action Plan for Gender Equality, mediation of IPV should be initiated only after careful consideration.

185 This is partly explained by the fact that petty assault is no longer a complainant offence following the revision of the Criminal Code in 2011. In 2017, one third (34%) of all violent crimes referred to conciliation concerned intimate partner violence.; Mediation in Criminal and Civil Cases 2017.

186 E.g. Amnesty International 2018, NGO Parallel Report on the implementation of the Istanbul Convention in Finland 2018; Especially many NGOs and human rights organisations have been critical of the use of mediation in IPV cases. Mediation is perceived as an inappropriate approach to deal with IPV since violence should not be considered as a private matter. Moreover, the basic idea behind mediation is that it takes place between two equal persons. However, in IPV various forms of power and violence are often intertwined. Mediation of IPV has been criticised also because it reduces offenders accountability by labelling offence as conflict.

187 e.g. Honkatukia 2011, 2015, Iivari 2010; Sambou & Slögs 2016.

188 e.g. Iivari 2010; Sambou & Slögs 2016.

189 The Advisory Board on Mediation in Criminal Cases has appointed a working group to review the current practices and guidelines on mediation in domestic violence cases. The final report of the working group will be completed by spring 2019.

Observations of referrals of cases involving repetitive IPV to mediation as well as referrals without asking the victim's consent have prompted criticism<sup>190</sup>. The findings of the survey echo the critical views as only one third (33%) of the respondents<sup>191</sup> indicated that there are sufficient safeguards in place to protect victims from secondary and repeat victimisation, intimidation and retaliation. Two thirds (67%) of the respondents<sup>192</sup> reported that victims are not protected from secondary and repeat victimisation or intimidation or not at all. However, due to the small number of respondents these results should be interpreted with caution.

Moreover, the findings of this study suggest that many professionals and authorities are unfamiliar with restorative justice services. This view was confirmed by the interviews and the respondents of the survey of whom three quarters (60%) reported that they don't know whether these services exist in Finland<sup>193</sup>. As the interviews indicated, this could be explained by the fact that many people are not familiar with the term "restorative justice".

190 e.g. interviewee from victim support organization; NGO Parallel Report on the implementation of the Istanbul Convention in Finland 2018.

191 n=24; Only 24 out of 33 respondents who in the previous question answered that restorative justice services are available in Finland, took a view to this question.

192 n=16; Since 60 respondents chose the option "I don't know" and 7 the option "no" it indicates that most respondents were not aware of the existence of these services, or the term restorative justice was unfamiliar to them.

193 7% of the respondents reported that RJ services are not available in Finland.



## ARTICLE 13 - RIGHT TO LEGAL AID

*Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings.*

Article 13 is transposed into the Legal Aid Act (LAA) and the CPA. Legal aid is provided partially or entirely at the expense of the State to persons who need legal assistance and who are unable to meet the costs of proceedings as a result of their economic situation. Legal aid covers provision of legal advice, the necessary measures and assistance in trial<sup>194</sup>. It is provided to persons with a municipality of residence in Finland and persons domiciled or habitually resident in another Member State of the EU or the European Economic Area.<sup>195</sup> In matters pending abroad, legal aid covers the costs of legal advice<sup>196</sup>.

For victims of intimate partner violence, sex offence or a serious offence against the life, health or liberty, the court may appoint a legal counsel for the criminal investigation, and when the victim has claims in a case in which the prosecutor has brought charges, for the criminal proceedings. In that case, the State pays a counsel's fee regardless of a victim's income<sup>197</sup>.

The state has a network of legal aid offices where legal aid is provided by public legal aid attorneys. Legal aid can also be provided by an advocate and other lawyer licensed to assist clients in trials<sup>198</sup>. If legal aid is granted, the state pays the fee of the attorney in full or in part, depending on the available means of the recipient of legal aid. The work of the attorney can be compensated for a maximum of 80 hours. However, in special cases the court may grant a dispensation from this limit.

Legal aid can be applied for at any stage of the proceedings and it can be applied for at legal aid offices or via the e-services of the judicial administration<sup>199</sup>. The right to legal aid generally depends on a victim's economic situation. Legal aid is provided to persons whose available means

and assets do not exceed the amount determined by a government decree<sup>200</sup>. However, legal aid is usually not granted if the applicant has a legal expenses insurance that covers the matter in question<sup>201</sup>.

The expenses to be collected from the recipient of legal aid consist of the deductible and the legal aid charge. The legal aid charge amounts to EUR 70, and it is collected from all applicants except those who are entitled to legal aid free of charge, that is, without a deductible. The available means of the applicant determine whether she/he is given legal aid for free or against a deductible.<sup>202</sup>

According to some informants, especially regarding middle-income wage earners, of concern is the fact that due to the fairly tight income criteria only the most low-income persons are entitled to legal aid. Consequently, although many middle-income persons cannot afford legal assistance, they are considered too well-off to meet the financial criteria for legal aid. In such situations the risk of expenses might increase considerably a threshold of seeking redress and consequently, become a major barrier to accessing justice.

194 LAA s 1; In addition, court charges and other similar payments are waived for a recipient of legal aid.

195 LAA s 2; Legal advice, as a part of legal aid, shall be provided also if the conditions laid down in the Convention on International Access to Justice (Treaty Series of the Statutes of Finland 47/1988) are met. Legal aid is provided regardless of prerequisites mentioned above if the matter is to be heard before a Finnish court or if there are particular reasons for legal aid to be provided.

196 LAA ch 3 s 23; For especially weighty reasons, the Ministry of Justice may grant more extensive legal aid than determined in subsection 1. In such cases, the Ministry of Justice determines the necessary fees and compensations to be paid from state funds.

197 CPA ch 2 ss 1a, 10.

198 LAA ch 1 s 8.

199 [www.oikeus.fi/oikeusapu](https://oikeus.fi/oikeusapu)

200 LAA ch 1 s 3; Legal aid is granted on the basis of the applicant's income, expenditures, wealth and maintenance liability.

201 LAA ch 1 s 3, 3a: Applicants are provided legal aid notwithstanding any restrictions arising from their available means, if they prove that they cannot pay the cost of proceedings, because the cost of living is higher in the EU or EEA Member State of their domicile or habitual residence than in Finland.

202 LAA ch 1 s 3; the Government Decree on Legal Aid ss 5-6; The percentage of a deductible depends on the monthly available means of the applicant. When the monthly available means of a single person exceed EUR 1 300 (spouses together EUR 2 400), legal aid will not be granted. When the monthly available means of a single person is less than EUR 600 (spouses together EUR 1 100) legal aid is provided for free.

<https://oikeus.fi/en/index/esitteet/oikeusapu/mitaoikeusapuhakijallemaksaa.html>

## ARTICLE 14 - RIGHT TO REIMBURSEMENT OF EXPENSES

*Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in the relevant criminal justice system.*

Article 14 is transposed into the State Compensation for Witnesses Act (SCWA)<sup>203</sup>. Victims and witnesses summoned to court can have the right to reimbursement of travel expenses and financial loss from State funds. A witness has the right to reimbursement also when she/he is heard by telephone or video-conference. A party and his/her lawful representative who has been ordered or summoned to appear before the court in person to clarify the case has the right to the same reimbursement as a witness. If a witness, a party or his/her lawful representative who receives reimbursement of expenses requires an escort to appear before the court, also the escort shall be awarded compensation on the grounds laid down in the SCWA<sup>204</sup>.

Reimbursement of expenses may cover travel costs (per diem allowance and accommodation) and financial loss (including loss of earnings)<sup>205</sup>. The maximum amount reimbursed for travel expenses and living expenses is the amount that would be compensated to public officials<sup>206</sup>. The reimbursement is paid by a bank transfer or for a particular reason in cash for a person who is present in the court<sup>207</sup>. A person entitled to reimbursement has the right to receive an advance payment for travel costs and also for living expenses if this is deemed justified given the nature of the case and the circumstances of the person entitled to the compensation<sup>208</sup>.

203 SCWA ss 1, 3.

204 SCWA s 4.

205 SCWA ss 5-7: financial loss includes e.g. loss of earnings, wages paid to a substitute and to a home attendant or childminder and other substantive loss incurred by arriving in court.

206 The amount of reimbursements are established by the Government Decree on State Compensation for Witnesses; The maximum amount reimbursed for financial loss is EUR 80.

207 Government Decree on State Compensation s 8.

208 SCWA ss 11-13; Information on the right to an advance and on the procedure to be followed in securing such an advance shall be provided in connection with the summons. An advance shall be requested from the chief of police of the municipality or from the civil servant appointed by the chief of police. A decision shall be given immediately upon the request, establishing the amount to be granted as an advance. Notice of the decision shall be sent without delay to the court to which the person receiving the advance is to travel.

## ARTICLE 15 - RIGHT TO THE RETURN OF PROPERTY

*Member States shall ensure that recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings.*

The right to return of property is transposed into three sections of the Coercive Measures Act<sup>209</sup>. A property that is seized in the course of criminal proceedings will be returned to the victim as soon as it is no longer necessary. Confiscation shall be rescinded also if no charges are brought for the underlying offence within four months of the confiscation. A court may extend the period of confiscation by at most four months at a time, if the prerequisites for confiscation continue to exist<sup>210</sup>. The interviewees assumed, that a victim's property is always returned as soon as it is no longer necessary to keep it for investigation or evidence. In most cases, the property is returned during the investigation phase.

209 Coercive Measures Act (806/2011) ch 7 ss 1, 14, 23.

210 For special reasons related to the nature of the criminal case in question and its clarification, the confiscation may be extended by at most one year at a time or a decision made that the confiscation shall remain in force for the time being.

## ARTICLE 16 - RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER IN THE COURSE OF CRIMINAL PROCEEDINGS

*Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.*

Article 16 is transposed into the CPA and the Criminal Code. When a charge is brought for an offence, a civil claim arising from the offence may be heard in connection with the charge. On the victim's request, the prosecutor has to claim for damages on his/her behalf in the course of the criminal proceedings, if this is possible without essential inconvenience and if the claim is not obviously unfounded<sup>211</sup>. This so-called adhesion procedure<sup>212</sup> is beneficial for the victim; when the civil claims are examined in connection with the criminal proceedings the evidence provided by the prosecutor may also be used as grounds for the victim's civil claim. Moreover, when the victim doesn't need to claim damages separately, she/he avoids the risk of costs incurred from civil proceedings<sup>213</sup>. Therefore, victims' claims for compensation are usually processed as part of the criminal proceedings<sup>214</sup>.

Complying with paragraph 16(2), the offender's attempts to prevent or remove the effects of the offence may constitute a ground for reducing the punishment. This provision also applies to compensation paid by an offender<sup>215</sup>. If the court has obliged the offender to pay damages, the victim may either agree on the arrangements with the offender or let an enforcement officer recover the compensation. Compensation may also be obtained from the State Treasury, an

211 CPA ch 3 ss 1, 3, 9; The victim shall make the request for pursuing his/her civil claim in the criminal proceedings during the criminal investigation or to the prosecutor. If a civil claim has been made in connection with the hearing of the charge, the court may order that the claim is to be heard in accordance with the provisions on civil procedure.

212 In the adhesion procedure damages based to the offence, that otherwise would be pursued in separate civil proceedings, may be presented as a part of the criminal proceedings.

213 In civil proceedings, litigation costs may increase considerably high for the losing party who is liable also for the opposing party's expenses.

214 CIA ch 11 s 9; CIA ch 1 s 2; If the victim has suffered loss as a result of an offence, for which he/she would evidently be entitled to compensation, the criminal investigation authority shall notify her/him of the right to compensation and as necessary shall advise him/her in applying for compensation. The victim's claims shall be clarified in the criminal investigation if she/he has requested the prosecutor to pursue his/her claim for damages in the criminal proceedings.

215 Criminal Code ch 6 s 6(3); HE 44/2002 vp.

insurance company or the Social Insurance Institution of Finland. The possibilities to receive compensation vary from case to case.

**State-funded compensation** for damages caused by the offence is granted by virtue of the Act on Compensation for Crime Damage, and it is applied for at the State Treasury. The State pays compensation mainly for personal injuries. These include, for example, medical expenses, permanent disadvantage and compensation for pain and suffering. In some cases, compensation can also be received for mental suffering. Receiving compensation usually requires that the victim has claimed for compensation in a court. Compensation may be applied for even if the judgment is not yet final.

Upon requests, the victim may receive an advance compensation, if the processing of the case for compensation is delayed at the State Treasury for a reason that is outside the control of the applicant, and he/she is entitled to a significant amount of compensation. If the crime has not been settled or an offender has not been caught, the State may pay compensation without the judgement of the court. Compensation must be applied for within three years from the date of the final judgment. If the case has not been heard by a court, compensation must be applied for within ten years of the commission of the offence.

The state-funded compensation is subsidiary, which means that all other received compensations are deducted from the State compensation. The victim can, however, apply for compensation directly from the State Treasury without first having to try to claim the payment from the offender. The average processing time for applications is 6-8 months<sup>216</sup>. The State Treasury's compensation decision may differ from the court's verdict. This may occur in particular concerning compensation for pain and suffering, permanent harm or mental suffering. If the State Treasury has not paid all the compensation ordered by the court, the victim can have the remaining amount recovered from the offender via an enforcement agency.

According to an audit conducted in 2015 by the National Audit Office of Finland<sup>217</sup>, no significant deviations from regulations and guidelines were found regarding the granting and payment of compensation for crime victims by the State Treasury. The compliance audit report concludes that the State Treasury has, as a rule, granted compensations in accordance with amounts sentenced by courts<sup>218</sup>.

216 State Treasury: Crime damages.

[http://www.statetresury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages](http://www.statetresury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages)

217 The National Audit Office of Finland (NAOF) is the auditor of central government finances. The role and duties of the NAOF are laid down in the Constitution of Finland. The NAOF operates in affiliation with Parliament.

218 Valtiontalouden tarkastusvirasto 2015; The exceptions were cases in which the compensation for suffering ordered by the court had exceeded the limits provided under the Act on Compensation for Crime Damage. In these cases, any deviation from the court decision was duly justified. Under the Compensation Act, compensation paid for suffering may not exceed 3,600 euros. Compensation paid to a victim of a sexual crime for suffering may not exceed 9,500 euros. Compensation paid to a victim under 18 years old of a sexual crime for suffering may not exceed 16,200 euros.

## ARTICLE 17 – RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

*Member States shall ensure that authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed. The authorities of the Member State where the criminal offence was committed shall be in a position: a) to take a statement immediately after the complaint is made to the competent authority; b) to have recourse to video conferencing and telephone conference calls for the purpose of hearing victims who are resident abroad.*

*Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.*

*Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.*

Article 17 is transposed into the CIA and the Act on the Implementation of the Provisions of the Convention on Mutual Assistance in Criminal Matters between the Member States of the EU and on the Application of the Convention. In Finland, prior to the Directive, there has been a practice of “de auditu” (by hearing) -procedures, which means that when the victim has provided the information necessary for deciding on the charges and for the trial and cannot provide further

information to clarify the matter, it is not necessary for the victim to be questioned or to be present during the following proceedings<sup>219</sup>.

The criminal investigation authority has the obligation to record without delay the report of an offence that comes to its attention by reporting or by another manner<sup>220</sup>. A party may give his/her statement through an attorney, by telephone or by other means of communication if the investigator regards that this would not cause inconvenience or compromise the reliability of the investigation. Also written accounts are accepted to supplement the statement<sup>221</sup>.

The criminal investigation authority may investigate an offence committed in another Member State of the EU if Finnish law may be applied to the offence and if conduct of the criminal investigation in Finland is appropriate in view of investigative reasons and the determination of criminal liability. If that is not the case, the report and request of the victim shall be delivered to the competent authority of the Member State in which the offence had been committed if the victim could not have reported the offence and presented his/her requests in the state of commission or, in the case of a serious offence, he/she did not want to do so<sup>222</sup>.

EU Council Directive 2004/80/EC established a system of cooperation to facilitate access to compensation of victims of crimes in cross-border situations. The system of cooperation ensures that a crime victim can always turn to the authority in his/her Member State of residence if she/he has become the victim of a violent offence in a Member State other than that of residence. The compensation is paid by the competent authority of the Member State in whose territory the crime was committed. The system eases any practical and linguistic difficulties that arise in cross-border situations. The compensation is granted under the laws on compensation paid for crime damage which are in force in the country in which the crime was committed<sup>223</sup>.

The provisions incorporated in the system enable effective cooperation between the authorities and allow the crime victim to obtain the necessary information to claim compensation. In Finland, the competent cooperation authority is the State Treasury. The State Treasury will assist the applicant in the completion of the application form, give advice on how to obtain the supporting documents and transmit the application to the authorities of the Member State in which the crime was committed. Where necessary, the State Treasury will have the documents translated into the language approved by the authorities of the country of commission. All services that the State Treasury provides in connection with an application for compensation for crime damage in cross-border situations in the EU are free of charges to the applicant<sup>224</sup>.

219 CIA ch 7 s 2; This applies to all victims regardless their country of residence.

220 CIA ch 3 s 1.

221 CIA ch 7 s 1.

222 CIA ch 3 s 8; Prerequisites for delivery are that 1) the criminal investigation authority does not investigate the offence on the basis of subsection 1, and 2) the injured party could not have reported the offence and presented his or her requests in the state of commission or, in the case of a serious offence, he or she did not want to do so.

223 Compensation for damage caused by violent intentional crime in the territory of the European Union: [http://www.statetrea-sury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages/Damage\\_caused\\_via\\_crime\\_in\\_another\\_EU\\_country](http://www.statetrea-sury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages/Damage_caused_via_crime_in_another_EU_country)

224 *ibid.*

## Mutual Legal Assistance

Whenever a witness or a party to criminal proceedings is resident in a foreign country, mutual legal assistance (hereinafter MLA) is required. A Finnish authority grants MLA as provided for under the Act and the Decree on International Legal Assistance in Criminal Matters<sup>225</sup> or as agreed with a foreign country. The Act contains provisions on requesting assistance from a foreign state.<sup>226</sup> A request for MLA may concern, for instance, delivery of documents, hearing a party, witness or an expert, procuring evidence, criminal records or taking up prosecution as well as other assistance, which may be needed in criminal proceedings<sup>227</sup>.

The Ministry of Justice acts as the Central Authority in accordance with the 1959 Convention<sup>228</sup>. The Central Authority transmits requests to Finnish authorities for execution of measures. The National Bureau of Investigation plays a significant role in MLA. Requests to foreign States are forwarded following an applicable agreement<sup>229</sup>.

Information about victims' rights and practical issues on a criminal proceedings, legal aid and support services is available in several languages on the website of the Ministry of Justice (see Article 3). Besides two official languages (Finnish, Swedish, also plain languages) the police provide information for victims on their website in two official minority languages (Finnish Sign Language, Sami) and in six foreign languages<sup>230</sup>. VSF delivers services for victims residing in other countries. VSF's website contains basic information for victims of crime in 20 foreign languages<sup>231</sup>.

VSF is a member of Victim Support Europe (VSE). The member organisations of VSE cooperate to provide support for residents in other state. Victims are referred to victim support services in their country of residence. However, the number of these cases is not very high.

Regarding practical implementation of Article 17, almost two thirds (64%) of the respondents<sup>232</sup> of the survey reported that competent authorities are in a position to take a statement

225 Act (4/1994) and Decree (13/1994) on International Legal Assistance in Criminal Matters

226 The obligation of a foreign state to grant assistance is conditioned on applicable international agreements and the domestic legislation of that state.

227 Mutual legal assistance, Ministry of Justice <https://oikeusministerio.fi/en/mutual-legal-assistance>

228 In accordance with the 1959 Convention requests are forwarded to the Central Authority of the foreign state (usually the Ministry of Justice) who in turn transmits them to a competent authority for execution.

229 Following the entry into force of the MLA 2000 Convention in the EU service of judicial documents by post and direct contacts between the competent authorities have become the main rule. Competent authorities consist of police and prosecution authorities and courts of law. Using direct contacts requires that the authorities know where to send their requests. EJN has made available a search tool (Atlas) to help pinpoint a competent authority in a Member State. Atlas can be found on EJN web site <https://www.ejn-crimjust.europa.eu/ejn/> Certain provisions of the MLA 2000 Convention, such as service of judicial documents and procuring evidence, are also applied between the Member States and Norway and Iceland. The Protocol to the MLA 2000 Convention provides for requesting information on bank accounts.

230 Arabic, English, Estonian, Russian, Somali, Sorani [https://www.poliisi.fi/crimes/victims\\_of\\_crime](https://www.poliisi.fi/crimes/victims_of_crime)

231 Albanian, Arabic, Bengali, Chinese, English, Estonian, Farsi/Dari, French, Hindi, Kurdish/Kurmandji Kurmanji, Nepali, Punjabi, Romanian, Russian, Somali, Spanish, Thai, Turkish, Urdu, Vietnamese; In addition, many other NGOs provide information in foreign languages in their websites.

232 n=36

immediately after a victim resident in another Member State makes a complaint always (19%) or often (44%). Three fifths (60%) of the respondents<sup>233</sup> indicated that competent authorities have sufficiently means for hearing victims who are residents abroad. Almost all (91%) respondents<sup>234</sup> reported that victims who are residents in Finland are granted always or often the right to make a complaint to the Finnish authority if they are unable to do so in the Member State where the crime was committed. A clear majority (85%) of the respondents<sup>235</sup> considered that victims who are residents in another Member State are not treated differently from national victims. However, the lack of linguistic assistance and competent interpreters as described earlier in this report <sup>236</sup>, might become the most significant problem that victims who are resident in another Member State are likely to face.

233 n=58

234 n=64, always 77%, often 14%

235 n=51

236 see Articles 5 and 7.

## ARTICLE 18 - RIGHT TO PROTECTION

*Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.*

Article 18 is transposed into eight different statutes<sup>237</sup>. Prior to the Directive, a wide range of measures were available under the national law to protect victims and their family members from secondary and repeat victimisation, intimidation and retaliation as well as from physical, emotional and psychological harm. Therefore, there was no need to make amendments to the national legislation to comply with Article 18.

Under national law, measures to protect victims of crime comprise: hearing a victim in a court without the presence of a defendant (or other person) or through the use of e.g. a video conference<sup>238</sup>; restricting the presence of the public during open proceedings<sup>239</sup>; keeping a victim's contact information secret<sup>240</sup> as well as changing a residence, an identity number<sup>241</sup> or name<sup>242</sup>. In addition to the measures as mentioned above, there are other measures available to protect victims such as an order of non-disclosure<sup>243</sup>, restraining order<sup>244</sup> and criminalisation of intimidation<sup>245</sup>. Police officers have the right to undertake measures to protect individuals from offences and disturbances. Such measures include, for example, removing a person from a

237 Act on Restraining Orders, Act on the Openness of Government Activities, Act on the Publicity of Court Proceedings in General Courts, CJP, Criminal Code, Names Act, Police Act, Population Information Act.

238 CJP ch 17 ss 51, 52

239 Act on the Publicity of Court Proceedings in General Courts s 20.

240 Act on the Openness of Government Activities s 11 subs 2 para 7, s 24 subs 1 para 31.

241 Population Information Act s 12 subs 2.

242 Names Act ss 10, 32c, 32d.

243 Population Information Act ss 36, 37; If a person has reasonable grounds to suspect that his or her family's safety is threatened, the magistrate may, at his/her request, provide that his/her domicile, place of residence, address and other contact information may not be disclosed by the population Information system to others than authorities who has under the law the right to process such data. Unless otherwise provided by law, the authority to which the data on the demographic information system has been released shall not disclose the information or make it accessible to third parties. The authority shall also ensure that the information may be processed only by persons to whose duties the processing of data in question directly belongs.

244 Act on Restraining Orders.

245 Criminal Code ch 15 s 9.

place, arresting, guarding a place and conducting a security search (e.g. screening of clothing and belongings of the person)<sup>246</sup>.

According to the interviewees, the measures to protect victims laid down in national law have been applied in practice already before the Directive. Nearly all respondents of the survey considered that victims are, for the most part, treated with dignity and in a respectful manner by the authorities<sup>247</sup>. More than three quarters of the respondents indicated that victims and their family members receive adequate protection against intimidation and retaliation (78%) or protection against emotional or psychological harm (76%) only *sometimes, rarely or never*<sup>248</sup>.

However, despite various measures to protect victims granted under the national legislation, findings of the survey suggest that they are not applied effectively. For example, some interviewees pointed out that if the perpetrator doesn't comply with a restraining order, the police have in most cases limited possibilities to guarantee the victim's safety. There have also been cases where contact details of a victim having an order of non-disclosure, have not been removed from all trial documents that have been publicly available.

246 Police Act ch 2 ss 10, 12; These measures are allowed if there are reasonable grounds to believe, that a person would commit an offence against life, health, liberty, domestic premises or property, or would cause a considerable disturbance or pose an immediate danger to public order or security.

247 The large majority of the respondents suggested that victims and their family members are treated often or always with dignity and in a respectful manner by the investigating authorities (89%, n=85), prosecutors (96%, n=52) and when testifying (92%, n=90).

248 protection against intimidation and retaliation: sometimes 39%, rarely 37%, never 2%, emotional or psychological harm: sometimes 40%, rarely 36%, n=67;

## ARTICLE 19 - RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

*(1) Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.*

*(2) Member States shall ensure that new court premises have separate waiting areas for victims.*

Article 19 is transposed into the CJP<sup>249</sup>. Victims may be heard in trial behind a screen<sup>250</sup> or without the presence of a defendant or other person, if the court considers it appropriate and the procedure is necessary in order to protect the victim or a person related to him/her. National law provides for measures during court hearings but does not cover other premises where criminal proceedings take place. However, according to the interviewees, measures to avoid contact have been applied by the courts and during pre-trial investigation already before the Directive. For example, police officers have invited the parties to questionings at different times<sup>251</sup>.

Regarding requirements under paragraph 19(2), more than half (52%) of the respondents<sup>252</sup> of the survey indicated that there are separate waiting areas for the parties in court buildings. According to interviewees, this is the case in some new courthouses but not in small courts located in remote areas or in small municipalities. When this is the case, the parties have been directed into separate waiting areas when necessary. Similarly, the victims have also been brought in the court through a different route, for example through the garage. Moreover, new court buildings shall be designed to meet this requirement<sup>253</sup>.

249 CJP ch 17 s 51.

250 A removable screen (wall) can be placed in a court room to avoid eye contact between a victim and an offender.

251 The majority (83%) of the respondents (n=71) of the survey reported that appointments are arranged at different times by police officers.

252 n=94

253 Correlation table for the Victims' Directive, HE 66/2015 vp.

## ARTICLE 20 - RIGHT TO PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

*Member States shall ensure that during criminal investigations: a) interviews of victims are conducted without unjustified delay; b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; c) victims may be accompanied by their legal representative and a person of their choice; d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.*

Article 20 is transposed into three chapters of the CIA<sup>254</sup>. A criminal investigation shall be conducted without undue delay<sup>255</sup> and it may not encroach upon the rights of anyone beyond what is necessary for the achievement of the purpose of the criminal investigation<sup>256</sup>. Moreover, a criminal investigation may not cause anyone unnecessary harm or inconvenience. Following with Article 20 (b)(d) of the Directive, this "principle of minimum inconvenience" involves avoidance of unnecessary interviews of victims as well as keeping medical examinations to a minimum.

Complying with Article 20(c), the victim has the right to be accompanied by her/his legal counsel and a person of her/his choice<sup>257</sup>. If the victim is under the age of 15 years, the person responsible for his/her care and custody or other legal representative has the right to be present in the questioning. A legal representative of a minor over the age of 15 years has the right to be present during the questioning if she/he may speak on behalf of or in addition to the minor in the trial.<sup>258</sup>

The interviewees considered that requirements of Article 20 are, for the most part, well implemented in practice. Sharing the view of the interviewees, a large majority of the respondents indicated that the number of interviews of victims (83%) and medical examinations (79%) are often or always carried out only when strictly necessary for the investigation<sup>259</sup>. Notwithstanding other

254 CIA ch 3, s 11, subs 1; ch 4 s 5; ch 7 ss 12, 14.

255 CIA ch 3 s 11.

256 CIA ch 4 s 5.

257 CIA ch 7 s 12; if this does not hamper the investigation or endanger the obligation of secrecy.

258 CIA ch 7 s 14; The investigator may prohibit the presence of the legal representative in the questioning if this person is a suspect in the offence under investigation or if his or her presence may otherwise be assumed to hamper the clarification of the offence.

259 interviews: always 19%, often 63%, n=78; medical examinations: always 33%, often 46%, n=72.

aspects of protection which were evaluated rather positively in general, most (82%) respondents reported that victims are able to be accompanied by a person of their choice *only sometimes, rarely or never*<sup>260</sup>.

Two thirds (67%) of the respondents of the survey reported that interviews with victims of violent crimes are conducted often or always without unjustified delay<sup>261</sup>. However, less than half (44%) of the respondents considered that this is the case with victims of non-violent crimes<sup>262</sup>. Most respondents attributed work overload (79%) and prioritising of other cases or more serious crimes (74%) as the reasons for delays of interviews with victims. Near one fifth of the respondents mentioned also procedural requirements (23%) and delays in collaboration between authorities (20%) as reasons for such delays. Some respondents indicated that interviews have been delayed because of difficulties to reach the victim or because the victim cannot be heard due to his/her mental or physical condition.

260 sometimes 49%, rarely or never 32%, n=77.

261 Always 16% often 51%, n=89.

262 Always 8%, often 36%, n=87.

## ARTICLE 21 - RIGHT TO PROTECTION OF PRIVACY

*Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy of the victim. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.*

Article 21 is transposed into three different acts: the Act on the Openness of Government Activities (AOGA), the CIA and the Act on the Publicity of Court Proceedings in General Courts (APCP). Documents containing sensitive information on the private life of a victim, as well as information which, if granted access, would violate the rights or the memory of the victim or cause distress to those close to him/her, shall be kept secret.<sup>263</sup>

The name or picture of a person may be publicized only if necessary to clarify facts related to an offence, to arrest a suspect or to prevent a new offence<sup>264</sup>. Moreover, the court may order that the identity of the victim shall be kept secret in a criminal case that concerns a particularly sensitive aspect of his/her private life<sup>265</sup>. A trial document shall be kept secret to the extent that it contains sensitive information concerning a person's private life, health, disability and social welfare. In addition, information regarding the victim has to be kept secret, if providing that information would violate the victim's rights or offend his/her memory or persons close to him/her<sup>266</sup>. Furthermore, a court may, upon request of a party or for a special reason, decide that oral proceedings are held to the necessary extent without the presence of the public if sensitive information concerning private life, health, disability or social welfare of a person are presented in the case<sup>267</sup>.

Working of the media is regulated by the Council for Mass Media, which provides instructions for journalists<sup>268</sup>. The guidelines consider the protection of privacy of victims and call for discretion in reporting. The right to privacy also applies to public documents.

263 AOGA s 24 subs 26; The AOGA is applied in criminal investigation and prosecution proceedings.

264 CIA ch 11 s 7 subs 2.

265 APCP s 6.

266 APCP s 9.

267 APCP s 15.

268 Guidelines for Journalists and an Annex [https://www.jsn.fi/en/guidelines\\_for\\_journalists/](https://www.jsn.fi/en/guidelines_for_journalists/)



Most interviewees believe that the victims' rights to protection of privacy have been generally well respected in Finland. Four fifths (81%) of the respondents to the survey reported that the competent authorities take often or always all necessary, appropriate and lawful measures to ensure protection of victims' privacy<sup>269</sup>. A clear majority (79%) of the respondents also shared the view that existing protection measures are effective<sup>270</sup> in safeguarding the victim's privacy. Almost three fifths (58%) of the respondents indicated that protective measures are *not applied* only to victims of certain crimes<sup>271</sup>. Those holding the opposite view reported that protection measures are applied mostly to victims of violent and sexual crimes and crimes against children. Some interviewees pointed out that victims' right to privacy is not always respected in practice adequately. These cases concerned domestic violence, procurement and child abuse<sup>272</sup>.

Almost all respondents to the survey (96%) considered that competent authorities take legal measures often or always to prevent the public dissemination of any information that could lead to the identification of a child victim<sup>273</sup>. Nevertheless, a large majority (86%) of respondents<sup>274</sup> agreed with the view that the media is encouraged to adopt self-regulatory measures to ensure the victim's privacy. However, one interviewee from the police pointed out that the media has not always respected the privacy of children in cases where a child has been abused by her/his parents or the holders of parental responsibility. As an example, the informant referred to some cases in which the identity of the child victim has not been protected appropriately in media reports.

269 always 35%, often 45%, n=88.

270 rather efficient 52%, efficient 15%, n=56 (neither-nor options, n=10, not included).

271 n=65.

272 For example, one informant representing victim support professionals reported about domestic violence cases in which sensitive information about victims' private life has been presented during the oral proceeding that had been open to the public. Such situations are likely to constitute a risk of further victimisation especially when a victim is living in a small municipality where everyone knows one another. Therefore, it is essential to ensure that the victim is aware of the possibility of holding the oral proceeding without the presence of the public.

273 always 67 %, often 29 %, n=79.

274 n=50.

## ARTICLE 22 - INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

*Member States shall ensure that victims receive a timely and individual assessment to identify specific protection needs due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.*

Article 22 is transposed into the CIA. Before the Directive, a number of measures to protect victims during criminal proceedings were already available and applied during criminal proceedings. However, there was not a systematic procedure in place to assess where there was a need for specific protection measures. Thus, to comply with the requirements provided by Article 22, a new section was added in the CIA<sup>275</sup>. Under this new section, the authority investigating the crime must assess whether the victim has specific protection needs and to determine whether some protection measures should be applied during criminal proceedings to protect the victim from further victimisation. A working group assigned by the Ministry of Internal Affairs drafted a form and a handbook which provides guidelines on assessing victims' needs of protection<sup>276</sup>.

The two-step assessment procedure is carried out in cooperation with a victim during interrogation. In the first step, it is determined whether the victim has specific protection needs. Attention shall be paid in particular to the victim's personal circumstances and to the nature of the offence<sup>277</sup>. The handbook and the form designed for assessment of protection needs further specifies the circumstances that shall be paid particular attention in the context of individual assessment of victims' protection needs<sup>278</sup>. The form and the handbook imply that age under 18 years is one factor that has to be given particular attention in the individual assessment. In the second step, if specific protection needs have been identified, it is determined what measures should be applied during criminal proceedings to protect the victim from secondary and repeat victimisation, intimidation and retaliation. If personal circumstances of the victim or the nature

275 CIA ch 11 s 9 a.

276 Simanainen 2016.

277 CIA ch 11 s 9a.

278 Simanainen 2016; As relevant factors regarding personal circumstances and characteristics, the form used by police officers includes relationship/dependency between the victim and the offender, previous experiences of victimisation, age (particularly minors and older people), health status, disability, difficulties in communication, ethnic origin, religion and factors related to gender and residency status. As relevant factors related to circumstances of the crime, the form include a crime committed with a discriminatory motive, victim's experience of threat or fear and injuries suffered. The type of crime comprises sexual violence, violence in a close relationship, gender-based violence, human trafficking, organised crime, hate crime and terrorism.

of offence so imply, the pre-trial authority shall consult a prosecutor in assessing the need of measures to protect a victim in the trial.

Once the results of the assessment have been recorded in a form designed for this purpose, the form is submitted to the head investigator for consideration of possible protection measures. Changes in the victim's circumstances might require a reassessment of protection needs after the criminal investigation. Based on the results of the assessment, the prosecutor records his/her proposal for protection measures on an info-sheet submitted to the court with an application for a summons. Suggested protection measures, however, are not binding upon the court which considers those measures always on a case-by-case basis, considering the rights of the defendant.

More than two thirds (68%) of the respondents to the survey considered that victims' wishes, including protection measures, are taken into account often or always<sup>279</sup>. More than half (54%) of the respondents indicated that risk and threat assessment is carried out often or always<sup>280</sup>. Almost all respondents<sup>281</sup> reported that there is a possibility to revise the assessment later on.

The findings of the present study indicate that although in some police units the individual assessment procedure is adopted as an integral part of the criminal investigation there is still local and individual variation in the practical implementation. Around three fifths (62%) of the respondents reported that victims are provided with an individual assessment only sometimes, rarely or never<sup>282</sup>. Some interviewees believed that the main reason for inconsistent practices regarding individual assessment is the lack of adequate training<sup>283</sup>.

### MARAC - Multi Agency Risk Assessment Conferences

Multi-agency Risk Assessment Conference (MARAC) is a method where participants of a multi-agency working group share information to support victims of intimate partner and increase their safety. MARAC has its origins in UK<sup>284</sup>. In Finland, a pilot of the MARAC model was launched in 2010 to assist high-risk victims of intimate partner violence.<sup>285</sup> The aim of the MARAC is to end violence and to make it easier for victims to get help by ensuring that support is offered by the professional that first encounters them.

279 always 33%, often 35%, n=66.

280 always 16%, often 38%, n=61.

281 94%, n=50.

282 always 7%, often 32%, sometimes 45%, rarely 15%, never 1%, n=73.

283 Provision of training depends often to a large extent on one's supervisor's priorities.

284 The MARAC model was developed in Cardiff, in 2003, in response to lack of systematic risk assessment amongst agencies responding to domestic violence and the need for a forum for helping the high-risk domestic violence victims.

285 <https://rikoksantorjunta.fi/en/marac> The MARAC project was funded by the Ministry of Social Affairs and Health. The National Institute for Health and Welfare (THL) is responsible for coordinating and evaluating the project.

In the MARAC model, professionals representing, for example, the police, social services, shelters, support services and healthcare engage in collaboration to help the victim. Usually also a volunteer support person will be assigned for the victim. The underlying idea of the MARAC is to prepare a safety plan for victims of intimate partner violence to prevent recurrence of violence and to improve the safety of victims and their families. The MARAC process consists of three steps: 1) risk assessment and referral to the MARAC procedure, 2) sharing information and drawing up a personal safety plan and 3) follow-up. MARAC involves an assessment tool consisting of questions to identify high-risk cases. If the risk assessment score indicates for high-risk of violence, the MARAC process will be started by the victim's consent. The experiences obtained of the MARAC have been highly positive, and it is currently adopted in 90 municipalities across the country.

## ARTICLE 23 - RIGHT TO PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

*(1) Member States shall ensure that victims with specific protection needs may benefit from the measures. A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.*

*(2) During criminal investigations, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in premises designed or adapted for that purpose; b) interviews with the victim being carried out by or through professionals trained for that purpose; c) all interviews with the victim being conducted by the same persons; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the same sex as the victim, if the victim so wishes.*

*(3) During court proceedings, victims with special protection needs shall also have the following measures available: a) measures to avoid visual contact between victims and offenders; b) measures to ensure that the victim may be heard in the courtroom without being present; c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; d) measures allowing a hearing to take place without the presence of the public.*

Article 23 is transposed into the CIA<sup>286</sup>, the CJP<sup>287</sup> and the Act on the Publicity of Court Proceedings in General Courts<sup>288</sup>. The CIA was amended with a new section<sup>289</sup> to provide for the specific measures referred in paragraph 23(2)(a)(c)(d). Thus, interviews must be carried out in premises intended for interrogation of persons with specific protection needs. When it comes to the implementation in practice, about two thirds (65%) of the respondents of the survey reported that interviews with victims are carried out often or always in premises designed or adapted for that purpose. More than one fifth (22%) of the respondents estimated that this is the case sometimes<sup>290</sup>.

Upon the victim's request, questionings may be conducted by the same person(s) or by a person of the same gender as the victim<sup>291</sup>. In a matter concerning a sexual offence, upon requests, the interviewer shall be of the same sex as the victim. A large majority (84-85 %) of the respondents of the survey estimated that all interviews are conducted often or always by the same person<sup>292</sup>, and that all interviews with victims of sexual violence and gender-based violence are carried out by a person of the same sex as the victim<sup>293</sup>.

Regarding the requirement of paragraph 23(2)(b), criminal investigations are always carried out, in a broad sense, by trained professionals (the police, the border guard, the customs). However, national law further specifies the qualifications of an investigator only for cases involving persons under the age of 18 years. Thus, to the extent possible, investigation of minors shall be assigned to investigators particularly trained for that purpose. When necessary, the criminal investigation authority shall also consult with a physician or an other expert<sup>294</sup> on whether investigation measures may be directed at a minor<sup>295</sup>. Three quarters (74%) of the respondents of the survey indicated that interviews with victims are carried out often or always by or through professionals trained for that purpose<sup>296</sup>.

Under the CJP, to protect the victim from further victimisation during the trial, she/he may be heard behind a screen<sup>297</sup>, through the use of a video conference or by other suitable technical means of communication<sup>298</sup>. Regarding the practical implementation of these provisions, almost three quarters (73%) of the respondents to the survey indicated that victims with specific protection needs are able to benefit often or always from measures to avoid visual contact between victims

286 CIA ch 4 s 7 subs 1; ch 7 s 21.

287 CJP ch 17 ss 48, 51, 52.

288 Act on the Publicity of Court Proceedings in General Courts ss 15, 20.

289 CIA ch 7 s 21.

290 always 16%, often 49%, n= 74.

291 CIA ch 7 s 21; protection measures can be applied if they do not significantly delay the procedure or cause any other harm.

292 always 3%, often 82%, n=80.

293 always 13%, often 71%, n=76.

294 e.g. a psychologist.

295 CIA ch 4 s 7.

296 always 15%, often 59%, n=80.

297 A removable screen can be placed in a court room to avoid eye contact between a victim and an offender.

298 CJP ch 17 s 51 subs 4; s 52 (732/2015).

and offenders<sup>299</sup>. Two fifths (40%) of the respondents reported that the opportunity to be heard in the trial by using communication technology is made available often or always<sup>300</sup>. Less than half (45 %) of the respondents said that this happens sometimes.

Under the CJP, the court shall disallow irrelevant, misleading or otherwise inappropriate questions<sup>301</sup>. Hence, complying with paragraph 23(3c), the court shall deny unnecessary questions concerning the victim's private life. This provision has to be applied to all victims, not only to individuals with specific protection needs. More than half (55%) of the respondents of the survey considered that unnecessary questioning concerning the victim's private life not related to the offence are avoided often or always. Less than one third (30%) of the respondents indicated that this is the case sometimes<sup>302</sup>.

Under the Act on the Publicity of Court Proceedings in General Courts, the court may restrict the presence of the public if this is necessary to protect a victim against a threat to his/her life or health. Also, if a person below the age of 15 years is heard in the case, the court may decide that oral proceedings shall be held without the presence of the public<sup>303</sup>. To comply with Article 23, the provision mentioned afore was amended so that a hearing can take place without the presence of the public also when a person with specific need of protection, considered his/her circumstances and the nature of the offence, is heard in the criminal proceeding<sup>304</sup>. Regarding implementation in practice, two thirds (66%) of the respondents of the survey considered that proceedings without the presence of the public are made available often or always<sup>305</sup>. Nearly one third (31%) of the respondents indicated that this is the case sometimes.

In line with previous Finnish studies<sup>306</sup>, the interviewees stated that measures to protect victims during trials were for the most part available already before the Victims' Directive. Yet, due to the lack of systematic assessment of individual protection needs, these measures were not always made available to all victims who might have needed protection. The findings of the present study suggest that the new amendments to the national law have further improved the availability of protection measures. Moreover, the measures provided under national legislation seem to be, for the most part, well implemented in practice. Some informants pointed out, however, that the possibilities to benefit from the various measures depend on how adequately the individual assessment of specific protection needs is carried out by individual police officers. Due to inconsistent practices with this respect as described above (see Article 22) the protection measures allowed under the national law are not always made adequately available to meet victims needs for protection.

299 always 15%, often 58%, n=74.

300 always 10%, often 30%, n=77.

301 CJP ch 17 s 48 subs 6 (732/2015).

302 always 18%, often 38%, n=56.

303 Act on the Publicity of Court Proceedings in General Courts ch 4 s 20.

304 Act on the Publicity of Court Proceedings in General Courts ch 4 s 15 subs 6.

305 always 23%, often 43%, n=70.

306 Honkatukia 2011, Kainulainen & Saarikkomäki 2014.

With regard to victims who may have a high threshold to go to a police station for safety reasons or because of distrust of law enforcement (e.g. victims of intimate partner violence and trafficking in human beings) worth to mention is a practice where some shelters and victim support providers offer their clients an opportunity to make a police report or give their statement to the police in their premises.

## ARTICLE 24 - RIGHT TO PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

*Member States shall ensure that where the victim is a child: a) in criminal investigations, all interviews with the child victim may be audio visually recorded; b) in criminal investigations, and proceedings, competent authorities appoint a special representative for child victims where the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family; c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.*

Article 24 is transposed into the CIA and the CJP. Under the CIA, a person under the age of 18 years shall be treated in the manner required by his/her age and level of development. Particular care shall be taken so that criminal investigation measures do not cause unnecessary inconvenience at school, at work or in other environments important to the child.

To the extent possible, investigation measures directed at minors shall be assigned to investigators particularly trained in this function. When necessary, the criminal investigation authority shall consult with a physician or other expert<sup>307</sup> on whether investigation measures may be directed at a minor<sup>308</sup>. The guidance given by the National Police Board, emphasises the obligation to take into consideration the welfare and the best interest of the child in all actions<sup>309</sup>.

The court shall appoint a trustee in the criminal investigation for a child victim if there is a reason to presume that the person having custody of the child, the trustee or other legal representative cannot objectively ensure the interests of the child. If necessary, the head investigator, the public prosecutor or the social welfare authority shall apply to the court for the appointment of a trustee.

307 e.g. a psychologist.

308 CIA ch 4 s 7, subss 1, 2.

309 Children as injured parties and as witnesses in police activity and criminal investigation (Lapsi asianomistajana ja todistajana poliisitoiminnassa ja esitutkinnassa), Guideline 2020/2013/5071, The National Police Board, 20.10.2013.

The costs incurred in the appointment of the trustee are paid from State funds<sup>310</sup>.

The questioning of a victim shall be audio- and video recorded if the statement is intended to be used as evidence in criminal proceedings and the person to be questioned, due to his/her young age, cannot be heard in person without the risk of causing him/her detriment. The same also applies to a victim between the ages of 15 and 17 years who needs special protection or to a victim of a sexual offence who does not want to be heard in the criminal proceedings. The requirements stemming from the level of maturity of the person being questioned shall be taken into consideration when making decisions on methods, number of persons and other circumstances of questioning.<sup>311</sup> Correspondingly, under the CJP, video and audio recordings may be used as evidence in hearings with minors if the defendant has been reserved an opportunity to pose questions to the victim<sup>312</sup>.

If the victim is incapable of looking after his/her interests in court proceedings or if the guardian of the party is prevented from exercising his/her right to be heard in the case due to disqualification or another reason, the court may appoint a guardian for her/him for purposes of the proceedings<sup>313</sup>. Paragraph 24(2) is not transposed in national law, but the obligation imposed in that paragraph must be considered by the authorities<sup>314</sup>. Thus, in practice, persons whose age is uncertain, shall be treated as a child until shown otherwise.

Regarding the right to information, the Ministry of Justice has published a guide for parents and guardians of child victims of violent or sexual offences. The guide comprises information on the different stages of the criminal procedure and provides information on practical arrangements during criminal proceedings and on available help and support<sup>315</sup>.

In Finland, like in other Nordic countries, criminal investigations involving children have been developed by following the principles of the so called Barnhus-model in which interviews and medical examinations are conducted in a child-friendly manner<sup>316</sup>. Moreover, the interviews are conducted by highly trained police officers<sup>317</sup>. Since 2008, Finland has had five Forensic Child and

310 CIA ch 4 Section 8.

311 CIA ch 9 Section 4 (736/2015).

312 CJP ch 17 s 24 subs 3.

313 CJP ch 12 s 4 a.

314 HE 66/2015 vp p. 35.

315 For further information, see Article 4.

316 Bakketeig et al. 2012, Korkman et al. 2017; Sinkkonen & Mäkelä 2017; The basic idea of the Barnhus-model is to enhance the quality of the investigative interviews by child-friendly, interdisciplinary and multiagency approach. The model aims to protect children witnesses from stress as well as increase cooperation and knowledge sharing between professionals participating in investigations.

317 Since 2009, the Finnish National Police Board has offered police officers training on investigative interviews with children. The training comprises, among other subjects, lectures on psychology, various forms of child abuse, decision-making procedures and legal issues. The participants also receive training on employing so-called NICHD-protocol for interviews with children. The protocol is based on the research on children's memory and communicative skills, and it aims to improve the quality of investigative interviews with children. Research has shown that the quality of interviews has remarkably enhanced by employing structured investigative interview protocols. By helping professionals to conduct interviews that are more informative, the protocol is designed to promote children's wellbeing. NICHD protocol is currently used in many different countries, and it is one of the most used protocols for interviewing child witnesses. National Institute of Child Health and Human Development; see Lamb et al. 2007; Orbach et al. 2000.

Adolescent Psychiatry Units operating in University hospitals. Upon request for assistance by the police or prosecutor, forensic psychologists of these units carry out interviews with children in a child friendly environment. These cases usually concern small children and minors with disabilities.

In 2014, Finnish Government launched a “Children’s House” -project (Child Advocacy Centre, *Lastenasiintalo*) in order to develop clinical treatment and support of abused children and a child-friendly approach for investigative interviews<sup>318</sup>. The project piloted a model of using the existing professional networks in an integrative and systematic way by using the expertise of the Forensic Child and Adolescent Psychiatry and the Social Paediatric Units of the University Hospitals. To facilitate the multi-professional collaboration, a form for risk assessment was designed and tested. The form was used to support the police in choosing children in high risk to be discussed in a structured multi-professional meeting. The purpose of this two-step procedure is to improve information flow and cooperation between professionals to ensure that the best interest of the child can be approached.<sup>319</sup>

The efforts to adopt a child-friendly investigation approach seem to be successful as the interviewees unanimously indicated, that there has been a considerable improvement in the quality of interviews in recent years. The results of the survey resonate with the findings from the interviews. All respondents indicated that interviews with child victims are recorded audio-visually often, or always<sup>320</sup>. A large majority (87%) of the respondents reported that the child is appointed a special representative often or always when there may be a conflict of interests and/or the holders of parental responsibility are precluded from representing a child victim<sup>321</sup>. They also considered that where there is or could be a conflict of interests between the child victim and the holders of parental responsibility, a child victim is granted often or always legal advice and representation in proceedings in his/her own name<sup>322</sup>.

However, there have been some shortcomings too. According to some informants, due to scarce resources, investigations carried out by Child and Adolescent Psychiatry Units sometimes take a long time which has resulted in prolonging of pre-trial investigations. Moreover, although protection measures appear to be well on track, this is not always the case with older children. Since minors over 15 years of age are not always considered as children by police officers, their protection needs are not always given as much attention as might be needed<sup>323</sup>.

318 Sinkkonen & Mäkelä 2017.

319 The “Childrens house” -project was coordinated by the National Institute for Health and Welfare. On the national level, it was directed by the Ministry of Social Affairs and Health, the Ministry of the Interior (the National Police Board) and the Ministry of Justice (the Office of the Prosecutor General).

320 always 65%, often 35%, n=91.

321 always 58%, often 29%, n=86.

322 88%, always 59%, often 29%, n=59.

323 H. Askola, personal communication 9 August 2018.

## ARTICLE 25 - TRAINING OF PRACTITIONERS

*Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to enable them to deal with victims in an impartial, respectful and professional manner.*

*Member States shall request that those responsible for the training of lawyers, judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase awareness of the needs of victims.*

*Member States shall encourage initiatives enabling those providing victim support and restorative justice to receive adequate training and observe quality standards to ensure such services are provided in an impartial, respectful, and non-discriminatory manner.*

*Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.*

*Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.*

Subjects related to victims' rights have been integrated in Bachelor and Master education of the Police University College. The basic training of **police officers** (Bachelor of Police Services degree) comprises lectures under various training modules, altogether nearly two days, on victims' rights, victim support services and sensitive encountering of victims. Moreover, training on assessment of individual protection needs has been included in the curriculum of the bachelor's degree<sup>324</sup>. However, systematic additional training on this topic is currently absent<sup>325</sup>.

<sup>324</sup> Senior lecturer of the Police University College.

<sup>325</sup> Interviewees representing police forces pointed out that in addition to written guidelines, training is also needed to ensure that the requirements of the Victims' Directive will be implemented in practice. The informants also stressed the importance of systematic introductory training for new police officers on victims' rights, victim-sensitive approach and individual assessment of specific protection needs. Moreover, since possibilities to receive further training are usually highly dependent on one's superior's view of the training needs of her/his subordinates, attention should be paid on supervisors' role as ensuring that the victim-sensitive practices are followed in their units.

Specialising in investigation of offenses involving children has been used as a competence building strategy in the Finnish police forces in recent years. However, police officers working in small units located in remote areas, have fewer possibilities to access additional training than their colleagues from bigger municipalities. In some police units in remote areas, adoption of victim-oriented practices has relied exclusively on written guidelines of the National Police Board. Also, major organisational changes and staff transfers carried out by the police over recent years have resulted in competency gaps in some units<sup>326</sup>.

The Ministry of Justice is responsible for providing training for the personnel of courts and legal aid offices. It has organised training in cooperation with Rape Crisis Centre Tukinainen based on the so-called SENJA-model (Sensitiveness Model for Professionals of Jurisprudence). The aim of the SENJA-model is to provide information about the consequences of intimate partner violence and sexual abuse<sup>327</sup>. Senja-training was piloted in 2010 in cooperation with several judicial authorities and the police. In 2018, in total ten one-day training courses based on the SENJA-model has been provided for legal practitioners (**judges, prosecutors, lawyers, trustees, police officers and head investigators**) across Finland. The training covers the impact of trauma on a victim's behaviour in a criminal process, victim-sensitive practices and victim support services.

The General Prosecutor's Office is responsible for the training of **prosecutors**. The training programme for prosecutors includes a possibility of specialisation in different types of crime, such as violent and sexual offences. Since 2016, topics related to the Victims' Directive, encountering victims and assessment of individual protection needs have been included in the training schedule of prosecutors. Issues on victims' rights and needs have been included also in training packages on criminal justice.

When it comes to **higher education on law studies**, a course focusing on the position of crime victims in the criminal justice system has been available in the curriculum of law studies at the University of Turku since 2018. The course covers factors affecting crime victims' ability to act in the criminal proceedings and fulfilment of victims' rights in practice. Also, measures to improve victims' position in the criminal justice system are examined during the course.

VSF provides basic courses, additional training, guidance and support for its volunteers. Basic courses take 40-60 hours including information on, for example, the criminal proceedings, traumatic crisis, emotional support, telephone and online support as well as encountering customers<sup>328</sup>. VSF's personnel development scheme for paid workers involve further training,

<sup>326</sup> informant from the National Police Board.

<sup>327</sup> SENJA-model was created in a project carried out in 2009-2011 in cooperation with six NGOs. Training based on Senja-model was piloted in cooperation with the Ministry of Justice (lawyers), the Office of the Prosecutor General (prosecutors), the National Police Board (police officers) and the Police University College (bachelor and master studies, further training).

<sup>328</sup> Before training, a VSF's councillor will discuss with a candidate about his/her suitability for the work. VSF also checks a criminal history of candidates as required under the Act on the Investigation of the Criminal History of Volunteers Working with Children; Legal Register Centre

participation in national and international seminars and encouragement for self-directed learning, performance appraisal and counselling. VSF and some specialised victim support services provide their staff counselling to support their professional growth and occupational well-being.

VSF like many other NGOs has provided consultation and training for authorities, educational institutions and professionals from various fields across the country. Training has also been organised in cooperation with other NGOs and authorities. Many NGOs have produced training materials that are freely available on the internet. Some of these materials are aimed specifically for professionals who encounter crime victims in their work <sup>329</sup>.

Mediation officials must have an appropriate academic degree<sup>330</sup>. The introductory training for volunteer mediators takes 2-3 months (52 hours) including training sessions once a week<sup>331</sup>. The THL organizes every two years a national seminar as an additional training for volunteers. Training program for those specialising in mediation of IPV cases takes 135 hours. In 2016, the THL organised further training for mediators on the Victim Directive<sup>332</sup>.

The **National Institute of Health** and welfare has made information and training material available on its website for professionals who are likely to encounter crime victims in their work<sup>333</sup>.

A large majority of the respondents of the survey considered that victim support practitioners receive adequate training regarding victims' rights and needs. The findings of the survey indicate that in terms of training the situation is worse among lawyers, prosecutors and judges. Distribution of answers concerning training received by professionals is displayed in the table below.

Training received by professionals				
	sufficient %	insufficient %	neither/nor %	n
<b>Victim support workers</b>	92	5	3	39
<b>Police officers</b>	45	46	9	69
<b>Judges</b>	37	58	5	43
<b>Prosecutors</b>	33	53	13	30
<b>Lawyers</b>	26	69	6	35

329 As an example, an Internet site made available by Pro-tukipiste, provides materials for social- and healthcare sectors, with the aim to facilitate identification and assistance of victims of human trafficking. Brochures and animations are freely available for information sharing, training and as tools for customer work in the social- and healthcare sectors. The materials were produced in the Indicators for Dialogic Identification -project (Askelmerkit dialogiseen tunnistamiseen 2016-2017) carried out with the support of the EU's Internal Security Fund. The materials will be translated into several languages. <https://pro-tukipiste.fi/ihmiskauppa/tieto-ja-tyokaluja/>.

330 ACCCC ch 1 s 4; ch 2 ss 10; Mediation advisor is a person with the duty of supervising and monitoring the work of mediators.

331 ACCCC ch 1 s 4; ch 2 ss 10, 11; Mediators are volunteers with appropriate training who handle mediation duties under the supervision of the mediation office. Persons who have completed introductory training in mediation services and otherwise have the education, skill and experience required for the appropriate handling of the duties may act as mediators. After the introductory training, a mediator will receive guidance and support of a more experienced mediator and the conciliation office.

332 Head of development from THL; Mediator's expertise in guidance into support and follow-up services has been developed through training and visits to regional victim support services and other service providers such as social and health care services, legal aid offices and immigrant services.

333 E.g. Mediation in criminal and civil cases <https://thl.fi/en/web/thlfi-en/services/special-government-services-in-social-welfare-and-health-care/mediation-in-criminal-and-civil-cases>



## ARTICLE 26 - COOPERATION AND COORDINATION OF SERVICES

*Member States shall take appropriate action to facilitate cooperation between Member States to improve victims' access to the rights set in the Directive and such cooperation shall at least aim at: a) exchange of best practices; b) consultation in individual cases; c) assistance to European networks working on matters directly relevant to victims' rights.*

*Member States shall take appropriate action aimed at raising awareness of the rights set out in the directive, reducing the risk of victimisation, and minimizing the negative impact of crime and the risk of secondary and repeat victimisation, of intimidation and retaliation, in particular targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.*

In Finland, the legal basis of international judicial cooperation is the Act and Decree on International Legal Assistance in Criminal Matters<sup>334</sup>. The law is flexible and allows Finland to both request and grant legal assistance even in the absence of an international legal obligation<sup>335</sup>. When it comes to mutual legal assistance in cross-border situations, the most important agreements are the European Convention on Mutual Legal Assistance in Criminal Matters (1959 Convention) and the Convention on Mutual Legal Assistance in Criminal Matters between the Member States of the European Union (MLA 2000 Convention).<sup>336</sup>

### **Promoting the implementation of the Victims' Directive by cross-administrative and multi-agency working groups**

<sup>334</sup> Act on International Legal Assistance in Criminal Matters (4/1994); Decree on International Legal Assistance in Criminal Matters (13/1994).

<sup>335</sup> Finland has adopted a decentralised model for international co-operation. Hence, requests for assistance can be sent directly to the local competent authorities. The contact points who may be contacted by foreign or domestic authorities in matters concerning mutual legal assistance, Finland has named police officers, prosecutors, judges and officials from the Ministry of Justice. The European Judicial Network (EJN) facilitates mutual legal assistance between the Member States of the EU.

<sup>336</sup> Several of the international agreements on mutual legal assistance in criminal matters involve central authorities, meaning that requests may be transmitted through a specifically appointed Central Authority. In Finland, the Ministry of Justice acts as the Central Authority.

Between 2013 and 2018, the implementation of the Victims' Directive has been dealt with at the national level by five working groups appointed by diverse ministries. These working groups have brought together stakeholders and experts from various fields, including representatives of NGOs. The focus of these working groups has been on the legislative changes, funding and organising victim support services, informing victims, implementation of good practices and training. Diverse measures for implementation of the Victims' Directive have been undertaken in accordance with the proposals of these working groups<sup>337</sup>.

In addition, there have been many working groups, networks and projects that have brought together stakeholders with various professional and organisational backgrounds to promote rights and support of crime victims. In 2018, the National Police Board and the Police University College organised a roundtable meeting for representatives of ministries, authorities and NGOs with the topic "Violence and sensitivity".

### **Networking, cooperation and advocacy work carried out by NGOs**

NGOs have actively carried out advocacy work by communicating with policy-makers and authorities both at the national and local level and by cooperating with local authorities and other stakeholders. NGOs have participated in various multi-agency working groups and projects, promoted research, and participated in public debate concerning victims' rights<sup>338</sup>.

Regarding international networking and cooperation, as a member of VSE, VSF is constantly engaged in cooperation projects, initiatives and discussions. Moreover, VSF and other NGOs are members of international organisations and networks engaged in advocating the rights of crime victims. They have attended actively in international seminars, conferences, expert meetings and workshops dealing with victim' rights.

By networking with each other, civil society organisations have joined their forces to promote the position of crime victims and to create and distribute good practices at a national and international level. NGOs have supported victims' rights also by legislative initiatives and by giving statements<sup>339</sup>. Moreover, NGOs has given joint contributions to authorities.

<sup>337</sup> One example of the multi-agency networks is the Government Network for Combating Trafficking in Human Beings which brings together representatives of authorities and NGOs. Close cooperation is carried out between national and international actors. The national coordinator from the Ministry of the Interior is responsible for organising the network.

<sup>338</sup> Annual report 2017 of VSF; In 2017, VSF participated in 25 different national working groups and in total 134 regional networks and working groups. Besides, it has representatives in steering groups of various projects. At the local level, the primary focus of the advocacy work has been improving referral practices by raising awareness of support services among police officers and other actors in the field.

<sup>339</sup> Annual report 2017 of VSF; In 2017, for example, VSF has given separately and in collaboration with other organisations, in total ten written submissions to ministries and other authorities on legislative and other proposals.

A network of four NGO's called Four-leaf Clover Network (*Neliapila-verkosto*) serves as an example of NGO-networks<sup>340</sup>. The network aims to create innovative ways to support victims of human trafficking and related crimes paying particular attention to those who are not clients in the national Assistance System (see Article 8). Moreover, a collaborative project called Lighthouse (*Majakka*) aims to improve access to legal protection and support services, especially regarding specific marginalised victim groups. The project aims to reach those groups of vulnerable people who have difficulties in accessing legal protection and support services.<sup>341</sup>

### Awareness-raising

EPRAS-project (Enhancing Professional Skills and Raising Awareness on Domestic Violence, Violence against Women and Shelter Service) serves as an example of a national awareness-raising project. The project aims to enhance professionals' (social workers, police officers) knowledge on domestic violence, violence against women and shelter services<sup>342</sup>. It also aims to increase knowledge and understanding of the phenomenon among the general public and to increase the awareness on the existence and work of shelter services. The project will also develop a free internet-based training package to enhance understanding on victimisation and on victims' rights and needs, allowing for the identification of violent situations and to clarify professionals' roles in supporting victims of violence. The campaign on shelters services aimed to the general public is carried out through social media and radio. Moreover, the project provides research-based knowledge on intervention on domestic violence and training needs of professionals<sup>343</sup>.

Furthermore, VSF and other victim support organisations have initiated a number of awareness-raising activities both at national and local level. These activities include various forms of cooperation with authorities and other stakeholders, sharing information and training materials on websites and events, visiting schools as well as organising outreach work, community-based work and campaigns aimed for the general public and specific target groups.

<sup>340</sup> Victim Support Finland, Pro-tukipiste, Monika-Women Association, Finnish Refugee Advice Centre; Among other things, the network has planned to jointly organise training for interpreters and lawyers in order to create a pool of skilled professionals specialised in assistance of victims of human trafficking.

<sup>341</sup> Pakolaisneuvonta (Refugee Advice Centre), Monika Naiset (Multicultural Women's Association), HeSeta ry (organization supporting sexual and gender minority rights) and VSF; The project is funded by The Ministry of Justice, and it continues until December 2018. The project also aims to develop a cooperation model for sharing expertise between NGOs to meet the needs of clients. The project is managed by Pro-tukipiste, and it is carried out in partnership with four other NGOs.

<sup>342</sup> EPRAS-project 1.3.2017 - 31.8.2019: <https://thl.fi/en/tutkimus-ja-kehittaminen/tutkimukset-ja-hankkeet/enhancing-professional-skills-and-raising-awareness-on-domestic-violence-violence-against-women-and-shelter-services-epras>

<sup>343</sup> The online training is carried out in the area of municipalities as associate partners. The information campaign will be implemented comprehensively in a national level. The partners of the project are the National Institute of Health and Welfare as a coordinator and University of Jyväskylä and Police University of Applied Sciences. The project is funded by the Rights, Equality and Citizenship Program 2014-2020. [http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index\\_en.htm](http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index_en.htm)

## GOOD PRACTICES

This section brings together good practices that have been identified by the present report regarding the practical implementation of the Victims' Directive in Finland. These practices could be transferable and possibly adopted by other Member States.

### Increased state funding for victim support services

The findings of this report suggest that the geographical coverage and accessibility of victim support services have improved considerably in the last few years by increased State funding. Moreover, stable funding through the public service obligation imposed to VSF has enabled long-term planning and development of general support services. Availability of specialised low-threshold services has been improved by establishing services for victims of domestic violence and sexual abuse. Moreover, accessibility of shelter homes for victims of domestic violence has started to improve since the financial responsibility for shelter services was transferred to the state in 2015.

### Strengthening of cooperative structures

Already before the Directive, there has been a relatively strong tradition of cooperation and dialogue between NGOs and the national administrations. This report identified measures that have further strengthened these cooperative relationships. One of the most significant steps has been the public service obligation issued to VSF which has reinforced its official status among other stakeholders in the field. Ministries have also invited representatives of NGOs to participate in various working groups that have been engaged in promoting the practical implementation of the Victims' Directive. Such measures have strengthened the conditions for cooperation and knowledge sharing between the competent authorities and victim support agencies at both national and local levels. Thus, it appears that the expertise of victim support agencies has been made of best use for promoting the practical implementation of the Victims' Directive as well as developing and sharing good practices.

### Promoting access to support services

Some police units have made successful efforts in adopting systematic and effective practices for referring victims to support services. In these units, police officers have been encouraged to ask all victims who might benefit from support services consent for referring their contact details to victim support services. Moreover, local-level cooperation between the police and victim support agencies has increased knowledge police officers' knowledge about support services which has

facilitated the adoption of effective referral practices. In these units, support services have been much appreciated since adequate and timely support for victims enables police officers to put their resources to the best possible use.

This study also identified practices that are likely to facilitate access to support services especially regarding victims who are at risk of remaining without support services due to their particularly vulnerable position. Examples of such practices are outreach work and community-based work among sex workers and the possibility for victims of trafficking in human beings to make a police report in victim support organisation's premises instead of police station. Other examples of practices that facilitate accessibility to support services are VSF's visitor concept (provision of services in police stations, courts and shelters) and provisions of support and advice via chat or video-connection.

### Child-friendly investigation methods

The findings of this report indicate that criminal investigations of cases concerning violence and sexual abuse against children are carried out by highly skilled investigators with specialising training. Moreover, working in pairs has become widely adopted working model in criminal investigations involving child victims.

Since 2009, the National Police Board has provided training on interviews with children. The aim of the training is to develop skills in child-friendly investigation methods and it includes theoretical studies as well as personal guidance and supervision. The training is carried out for multi-professional groups involving police officers and healthcare professionals. Moreover, a prosecutor and a lawyer will share their experiences on criminal investigations involving children. According to interviewees, experiences of organising training for multi-professional groups have been very positive. Sharing knowledge and experiences between participants from various roles and professional backgrounds is likely to establish a solid foundation for the future collaboration between professionals<sup>344</sup>.

### Risk assessment tools

In this regard, it is worth mentioning the handbook created by the working group appointed by the Ministry of Internal Affairs in 2015. The purpose of the handbook and the form is to develop a structured procedure for individual assessment of specific protection needs. The handbook can also be used as a training material for police officers.

**Moreover, it is also important to mention the MARAC model which involves an assessment**

<sup>344</sup> Informant from the National Police Board.

tool consisting of questions to identify high-risk cases<sup>345</sup>. If the risk assessment score indicates for high-risk of violence, the MARAC process will be started by the victim's consent. The MARAC procedure consists of three steps: 1) risk assessment and referral to the MARAC procedure, 2) sharing information and drawing up a personal safety plan and 3) follow-up. MARAC involves a form in which results of an assessment are recorded. If the risk assessment score indicates for high-risk of violence, the MARAC procedure will be started by the victim's consent.

There are also other assessment tools adopted by healthcare professionals to identify clients who need specific support and protection due to a high risk of serious violence, harassment or stalking<sup>346</sup>.

### Multi-agency working models

This study recognised various promising multi-agency working models which bring together actors with various institutional backgrounds. Such working models are likely to create conditions that allow taking victims' needs and specific circumstances into consideration comprehensively by enabling knowledge sharing between agencies from different professional backgrounds and making best possible use of their expertise. Moreover, working in groups or as pairs is a vital source of peer support in coping with emotional distress which is known to be common among professionals who deal with traumatised individuals. Challenging situations with clients are also easier to manage in collaboration with other professionals.

Multi-agency Risk Assessment Conference called MARAC stands out as a good example of a working model where participants of a multi-agency team share information to support victims of intimate partner violence and to increase their safety. In the MARAC model, local agencies (representing, for example, the police, social services, shelters, support services and healthcare) are engaging in collaboration to prepare a safety plan for victims of intimate partner violence to prevent recurrence of violence and to improve the safety of victims and their families. Experiences of the MARAC model have been promising: in the pilot municipalities, the spiral of recurring violence was cut in more than 70 per cent of the cases. Moreover, the victims no longer felt threatened by violence and persecution<sup>347</sup>. MARAC model has been distributed across the country, and there are currently 32 teams operating in 90 Finnish municipalities.

<sup>345</sup> MARAC risk assessment form:

[https://thl.fi/documents/605877/1663634/marak\\_riskinarviointi\\_englanti.pdf/160762ea-adf4-4478-ab2f-3bd43eb13eab](https://thl.fi/documents/605877/1663634/marak_riskinarviointi_englanti.pdf/160762ea-adf4-4478-ab2f-3bd43eb13eab)

<sup>346</sup> E.g. Domestic violence enquiry and assessment form:

[https://thl.fi/attachments/kasvunkumppanit/vakivalta/THL\\_lahisuhdevakivalta\\_lomake\\_ENG.pdf](https://thl.fi/attachments/kasvunkumppanit/vakivalta/THL_lahisuhdevakivalta_lomake_ENG.pdf);

S-DASH 2009; Risk Identification Checklist For Use in Stalking and Harassment Cases: <http://www.reducingtherisk.org.uk/cms/sites/default/files/resources/risk/StalkingAndHarassmentS-DASH.pdf>

<sup>347</sup> Piispa 2016, Piispa & October 2017, see also e.g. Robinson 2006,

### Fostering professional growth and preventing vicarious trauma

VSF and many specialised victim support organisations provide their staff counselling in order to support their professional growth and occupational well-being. Some NGO networks also provide possibilities for sharing experiences and giving peer support between victim support professionals. Work counselling and peer support are considered as important means of preventing secondary traumatic stress and vicarious trauma which have been identified as potential risks for professionals who encounter traumatised individuals in their daily work. This kind of job-related support is also essential to maintain employees' ability to meet victims' needs in a sensitive manner<sup>348</sup>.

<sup>348</sup> informants from victim support organisations, see also e.g. Honkatukia 2011,

## GAPS, CHALLENGES, AND RECOMMENDATIONS

Despite the numerous successful measures that have been undertaken to promote victims' rights, this report also identified issues that need to be addressed to ensure that the practical implementation of the Victims' Directive will be followed further.

### Right to receive information and to understand

The findings of the present study indicate that lack of sufficient information is one of the most common challenges that victims face during criminal proceedings<sup>349</sup>. These issues should be given particular attention since exercising effectively one's procedural rights is highly dependent on awareness of these rights and on knowledge about how they can be exercised. Therefore, practices for ensuring that a victim is provided with sufficient and timely information should be given constant attention from the very first contact with a victim.

Given the fact that traumatic experiences are likely to impair the victim's ability to receive, understand and remember provided information, updated information should be provided in the various phases of criminal proceedings. Merely listing the rights is not enough if a victim doesn't know how these rights can be exercised in practice.

### Availability of interpretation services

The present study indicates that the right to interpretation is not fully guaranteed in practice. The most common shortcomings in this respect seem to result from the lack of qualified interpreters. Particularly in remote areas, the absence of competent interpreters can create a substantial barrier to the enjoyment of one's rights. Moreover, the shortage of high-quality interpretation services is likely to jeopardise the rights of some victim groups like victims of human trafficking, which in many respects are in a particularly vulnerable position and many times depend on translation and interpretation services to receive and provide information.

To address the lack of qualified interpreters, training programs in legal interpretation has been started recently, and a national register of legal interpreters has been established. As it is not always possible to obtain interpretation services in ad hoc situations, availability of interpretation has been promoted also by increased use of technical solutions like interpreting via telephone or videoconference. Worth to mention is also an example, in which a network of NGOs has planned

<sup>349</sup> Honkatukia 2011, Kainulainen & Saarikkomäki 2014:

to create a pool of qualified interpreters by providing training for experienced and reliable interpreters to strengthen their expertise on the specific aspects of human trafficking.

### **Referral to support services**

Observations of this report indicate that due to unawareness on available victim support services, many victims are at risk of remaining without the support of which they could benefit. There seem to be considerable variation among police officers on how effectively victims are referred to support services. Lack of effective referral procedures also concerns social and healthcare practitioners and legal counsels. Given that these professionals often have a crucial role in dealing with victims of various forms of violence, providers of these services should adopt consistent rereferral procedures and provide adequate training for all professionals who are likely to come into contact with victims of crime.

Referral procedures should be implemented taken into account that as a result of a traumatic experience the victim may become emotionally paralysed and do not necessarily recognise his/her need of support by him-/herself. Therefore, it is essential to adopt a proactive procedure where the victim who has given his/her consent, is contacted by a support provider to ask if he/she needs support.

### **Mediation in cases of intimate partner violence**

The increased number of cases of intimate partner violence (IPV) referred to mediation in recent years has raised concerns that the best interests of victims, particularly regarding safety issues, are not considered adequately. Those who are critical of the mediation in IPV cases argue that the legislation on mediation is interpreted currently rather freely, and there are not uniform and clear practices in place to safeguard victims from repeat victimisation. To address these issues, evaluation of mediation practices, guidelines and legislation has been included in the Government Action Plan for Gender Equality for 2016–2019. Moreover, the guidelines for assessment of cases will be clarified, and more specific criteria for referring clients to mediation will be created, and needs for legislative amendments will be assessed.

### **Individual assessment of specific needs of protection**

Although in some police departments individual assessment of specific protection needs has been adopted as an integral part of criminal investigation practices the present study indicates that there are still differences in how systematically this procedure is carried out by police officers. According to the informants, the main reasons for this is the lack of adequate training. Individual assessment has been included in the basic training of police officers, but it should also be provided as further training for all police officers who encounter crime victims in their work. Systematic further training on individual assessment is still lacking, however, since provision of training on this topic is the responsibility of supervisors of local police units.

### **Victims with specific protection needs**

**Victims of trafficking in human beings** and related crimes are in a particularly disadvantaged position since access to the governmental assistance system depends on one's identification as a victim of human trafficking. Many victims of human trafficking do not seek support or make a police report due to the considerable risks that the criminal proceeding might pose to their safety. Individuals who are not considered as victims of human trafficking in a criminal proceeding are excluded from the Assistance System, which is likely to result also in the loss of one's residence permit.

Given the various risks that victims of human trafficking might face while participating in criminal proceedings, it is crucial that the authorities who deal with these cases are capable of identifying human trafficking in its various forms and the risks that these victims are likely to be exposed. Furthermore, the report of the Non-Discrimination Ombudsman and the European Institute for Crime Prevention and Control, recommends drafting a special act on assistance for victims of human trafficking, providing the municipalities with instructions on applying the act and enhancing the operating conditions. Moreover, the link between assistance and criminal proceedings should be weakened through legislation. In addition, many NGOs have suggested that specialised units for investigation of trafficking in human beings should be established.

**Women with disabilities or of ethnic background** are often in a poor position regarding their access to support and help. Women with immigrant background who have been exposed to sexual violence should be taken better into account in developing of support services and in training of professionals. Additionally, the network of low-threshold services should be broadened to cover all forms gender-based violence.

Furthermore, it appears that there are no specialised support services available for victims of workplace abuse despite their considerable needs for support and assistance. Therefore, it is recommended that the specific needs of this victim group are considered in the future development of victim support services.

### **Training**

There is no doubt that significant efforts have been undertaken to develop judicial authorities and police officers skills on victims' issues. Both basic and further training on victim-centred approach have been provided for professionals working directly with crime victims. However, training has been provided, for the most part, on voluntary basis and there are still a large number of professionals lacking adequate training on victim's rights and needs. Thus, regarding training on victim-sensitive approach, challenges remain in the field of capacity building of judicial authorities and police officers.

Above all, it is crucial to promote a workplace culture that facilitates the adoption of a victim-centred approach among professionals working directly with victims of crime. Organisational values and practices are learned through socialisation at the workplace, and daily interaction with colleagues and supervisors shape them further. Therefore, it is of particular importance to recognise the role of on-the-job training to ensure that required policies become embedded as an integral part of daily work practices. For example, the requirements of the Victims' Directive should be included in the training scheme of newcomers in police departments. Moreover, supervisors have a crucial impact on how successfully new policies and approaches become embedded in daily work processes. Therefore, it is vitally important to provide with adequate training on victims' right and needs for head investigators and other actors responsible for the practical implementation of the Directive on a daily basis.

## CONCLUSION

The present national report, completed within the context of VOCIARE project, aimed at assessing the practical implementation of the Victims' Directive in Finland, through a desk research complemented by the online survey and the interviews with representatives of stakeholders working in the criminal justice system – police officers, prosecutors, lawyers, victim support professionals and administrative officials. The present report examines both the transposition of the Victims' Directive into national law as well as the practical implementation of the rights established in the Directive, identifying good practices and shortcomings.

Before the Victims' Directive entered into force, the requirements of the Directive were, to the large extent, implemented in the existing national legislation and practices of judicial authorities. For example, rights concerning participation in the criminal proceedings were granted under the existing national law. Furthermore, the measures to protect victims during criminal proceedings were already applied prior to the Directive.

Apart from the legislative amendments to the national law, working groups appointed by diverse ministries and other administrative bodies have made considerable efforts to promote the practical implementation of the Directive. Involvement of multi-agency working groups in drafting legislative and practical implementation of the Directive have also facilitated networking and cooperation between various actors in the field of victim support. Furthermore, NGOs active participation in national and local cross-administrative and multi-agency working groups and networks have created favourable conditions for cooperation and knowledge sharing between victim support practitioners and other professionals working directly with crime victims.

Furthermore, findings of this study suggest that increased resource allocation from the State budget to victim support services has enabled notable improvements regarding geographical coverage and availability of various forms of services to meet the needs of diverse groups of victim. Moreover, the public service obligation issued to Victim Support Finland has strengthened conditions for collaboration between authorities and NGOs at both national and local levels.

Regarding victims' right to protection, worth to mention are widely adopted practices to protect child victims during criminal proceedings, including competency requirements of professionals responsible for carrying out investigations involving child victims. Moreover, implementation of practices based on multi-agency working models has fostered high-quality support and protection of victims.

Regarding the rights concerning information provision, authorities and NGOs have taken notable measures to make information on victims' rights and support services available to different groups of victims by various means and in several languages. However, challenges remain particularly in ensuring that victims are provided adequate information that meets their individual needs and circumstances. Since the judicial authorities have limited possibilities to guarantee that victims are sufficiently informed in every phase of criminal proceedings, particular attention should be paid to ensure that victims are aware of their rights and possibilities to receive support, advice and legal aid from the very beginning of the proceedings.

Although a number of measures have already been adopted to improve the position of some groups of victims with specific protection needs, such as victims of trafficking in human beings and gender-based violence, this study suggests that taking into consideration the specific circumstances of these victims, further steps are still needed to ensure them sufficient protection, equal treatment and access to justice.

When it comes to training on victims' rights, this has been organised, for the most part, on a voluntary basis, and there seems to be still a large number of judicial authorities lacking adequate training. In the future, attention should be paid on the development of comprehensive and ongoing training schemes including on-the-job training and training of supervisors who are responsible of the implementation of practices that meet the requirements of the Victims' Directive.

Furthermore, professionals working in the health and social sector who are likely to come into contact with crime victims should receive adequate training on victims' needs and available support services. All agencies delivering various kind of services for crime victims should adopt policies for ensuring that victims can benefit support services that optimally meet their needs.

In conclusion, even though the position of crime victims has been relatively strong in Finland before the Victims' Directive, this report suggests that the implementation of the Directive has further promoted the awareness of victims' rights and improved victims' opportunities to benefit from their procedural rights as well as rights to information, support and protection. Although a number of steps have already been taken to put the requirements of the Victims' Directive in practice, further steps need to be taken to fully guarantee the enforcement of the rights laid down by the Directive.

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# APPENDIX 1 – CONTACT LIST OF INTERVIEWED PROFESSIONALS

#	Title	Institution
1	Chief Inspector	National Police Board
2	District Court Judge	District Court, Southwest Finland
3	District Court Judge, Department Manager	District Court, Southwest Finland
4	District Prosecutor	Prosecutor office, Eastern Finland
5	Head of Development	National Institute for Health and Welfare (THL)
6	Lawyer, Coordinator	Rape Crisis Centre
7	Lecturer in legal interpreting	Tampere Adult Education Centre
8	Lecturer in legal studies	Rovala Institut
9	Manager of Criminal investigation department	Helsinki police department
10	Ministerial Adviser	Ministry of Justice, Department of Criminal Policy
11	Police inspector	National Police Board
12	Regional Manager	Victim Support Finland (VSF)
13	Senior Adviser	Work against Trafficking, Pro-tukipiste
14	Senior lecturer	Police University College
15	Senior specialist	Ministry of justice, Department of Criminal Policy
16	Specialised Prosecutor	Prosecutor office, Inland Finland



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Implementation Analysis  
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**Victim Support  
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