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**Towards a more responsive victim-centered approach of the criminal justice system
(RE-JUST)**

FINNISH COUNTRY REPORT

Status of crime victims and current practices

Produced as part of the RE-just project funded under the JUSTICE programme of the European Commission. The purpose of the report is to provide background information and an overview of the status and rights of victims in Finland.

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1. Background

Studies indicate that how the victims of crime experience the criminal justice process, including their perception of its fairness, depends largely on how actors in the criminal justice system are aware of and work with the victim in the process. If victims are not treated sensitively, there is a risk of re-traumatisation. The purpose of the **RE-just** project, funded under the JUSTICE programme of the European Commission, is to survey best practices to improve the status of and work with victims of crime in various EU Member States, including Finland. The project also includes developing practical tools for actors in the criminal justice system to engage with victims of crime. Particular attention is given to engaging with traumatised victims. In Finland, the project is coordinated by the European Institute for Crime Prevention and Control (HEUNI), attached to the Ministry of Justice. The national partners for this project are the Office of the Prosecutor General and the Centre of Psychotraumatology at the Deaconess Institute.

This country report is the first outcome of the RE-just project. The purpose of the report is to provide background information and an overview of the status and rights of victims in Finland. The country report provides a brief description of relevant national legislation and practices (chapter 2) and describes the challenges in the criminal justice process from the victim’s perspective (chapter 3). The report finishes with final conclusions (chapter 4).

The country report is based on a review of studies, reports, statements and media articles on the subject previously published in Finland. The principal source was the final report of the ‘best practices’ working group appointed by the Ministry of Justice that sat in 2017–2018: *Uhri rikosprosessissa – ehdotus hyvistä menettelytavoista uhrien tarpeiden huomioon ottamiseksi* [A crime victim in a criminal procedure – a proposal concerning good practices for recognising the needs of victims] (Ruuskanen & Sarimo 2018). The working group had a broad representation from actors in the criminal justice system. The working group conducted two extensive surveys for their report, among courts and police departments. These are also discussed in the present report. We also asked a number of key players¹ for their views regarding how circumstances have evolved since the publication of the aforementioned final report.

¹Criminal Policy Department of the Ministry of Justice (1 person); the Office of the Prosecutor General, national project partner (10 persons); and the research department of the Police University College (1 person).

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2. National legislation and practices

The Victims' Directive was implemented in Finland through legislative amendments that entered into force in 2016 (HE 66/2015).² The most significant amendments were made to the Criminal Investigation Act, where the notification obligation of the criminal investigation authorities concerning the rights of an injured party in a criminal investigation were expanded, and provisions concerning a personal assessment to be performed for an injured party were added. The implementation of the Victims' Directive also involved enacting the Act on the Victim Surcharge (669/2015). The victim surcharge was introduced to ensure continued funding for public support services for crime victims.

The legal status of crime victims was already quite strong in Finland before the Victims' Directive entered into force. In Finland, **the victim of a crime has the status of an injured party at a trial**, meaning that the victim has the right to make demands in addition to the prosecutor. The victim may present new evidence or demand punishment for a more severe or different type of offence than the prosecutor. The victim's claims for compensation for damages may be addressed in the course of processing the criminal matter at hand. (Ruuskanen & Sarimo 2018, 16.)

An injured party has the **right to legal counsel and a support person in the criminal justice process**. Depending on the victim's income, the victim may be eligible for State aid to cover the costs of being represented by legal counsel. A court may appoint a legal counsel and a support person for the duration of the criminal investigation and subsequent trial for a victim of a sexual offence or intimate partner violence or a serious offence against the victim's life, health or freedom. In these cases, the fees of the legal counsel / support person will be paid by the State.

A crime victim must be informed of the support services available, including access to free legal aid, the right to interpretation and translation, means for protecting the victim against threats to their health or safety, and the right to receive information on the processing of the matter in the criminal investigation and at the trial. Moreover, the criminal investigation authorities are obliged to ask the injured party whether the injured party will agree to their contact information being passed on to a provider of support services. In the police guideline *Rikoksen uhrin ohjaaminen ja rikosasioiden sovittelu* [Guidance for crime victims and mediation in criminal matters] (2019), it is specified that the police must give crime victims a copy of the brochure *If You Become a Victim of a Crime*. This action must also be recorded in the examination record. Moreover, the National Police Board has stressed in its instructions that the police must always actively ask the injured party whether they may give the injured party's contact details to a provider of victim support services, such as Victim Support Finland.³

Under the Criminal Investigation Act, **a personal assessment of the injured party's need for special protection must be conducted**, i.e. it must be assessed in the criminal investigation whether special measures are required

² Amendments were made to the Criminal Investigation Act, the Code of Judicial Procedure, the Criminal Procedure Act, the Act on the Publicity of Court Proceedings in General Courts, the Imprisonment Act, the Remand Imprisonment Act, the Act on the Treatment of Persons in Police Custody, the Act on the Processing of Personal Data at the Criminal Sanctions Agency, the Act on Conciliation in Criminal and Certain Civil Cases, and the Act on the Openness of Government Activities.

³ Victim Support Finland (RIKU) is an umbrella organisation for organisations providing victim support services. The Ministry of Justice has assigned RIKU the public service obligation of providing and offering public victim support services pursuant to the Victims' Directive.

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to protect the injured party from further suffering, intimidation or retaliation during the criminal investigation or at trial. The purpose of the assessment is to identify whether the injured party is particularly vulnerable, with a view to the injured party's personal circumstances and the nature of the offence. There are detailed instructions on how to conduct the assessment of protection needs in the publication *Rikoksen uhrin suojelutarpeen arviointimenettelyn käsikirja* [Manual for the procedure for a protection needs assessment for a crime victim] (Simanainen 2016). A detailed protection needs assessment form that is used in conducting the assessment is appended to the manual. The police head investigator decides on the protection measures to be undertaken after consulting the prosecutor in the matter. A proposal on protection measures is submitted to the court by the prosecutor. However, any protection needs assessment conducted during the criminal investigation is not binding upon the court. Based on the assessment, the following steps can be taken in the criminal investigation a determination may be made to observe the following criteria in the criminal investigation: a special room meant for interview, same interviewer, interviewer of the same gender, and recording the interview on video. The following measures may be mandated for the trial: the possibility to give evidence behind a screen or without the defendant being present, or over a video link without the injured party being present in person, or to have an oral hearing behind closed doors. (Ibid. 2016.)

Special needs of underage victims are also considered in legislation. According to the Criminal Investigation Act, a person under the age of 18 shall be treated in a criminal investigation appropriately to his/her age and developmental level, and the investigation measures shall be assigned insofar as possible to investigators with special competence in such tasks. If the person interviewed is under 15 years of age, their parent, guardian or other representative has the right to be present at the interview. Interviews with an injured party can be recorded if, because of the young age of the injured party, it will probably not be possible to have them heard at the trial without a disadvantageous impact on them. Detailed instructions for authorities have been issued with regard to engaging with a child who is a crime victim. Under the guideline issued by the National Police Board (2013), when the victim is a child, the criminal investigation measures begin immediately, and an investigator with special competence in the task interviews the child. Some police departments have dedicated 'child teams' focusing on offences against children. Conversely, a guideline issued by the Office of the Prosecutor General (2013) specifies the cooperation between the police and the prosecutor in the case of suspected offences involving children. When an assault or sexual offence against a child is suspected, the aim is to coordinate official processes using the LASTA model,⁴ where judicial authorities and experts in health care and social welfare come together for a broad-based evaluation of the case (Sinkkonen & Mäkelä 2017). The guide *Lapsi rikoksen uhrina* [A child as a crime victim] (2017) published by the Ministry of Justice is intended for the parents of a child who is the victim of a violent or sexual offence, with information on the criminal justice process and advice on how to support the child.

There are provisions in the Code of Judicial Procedure that allow for **protecting the victim during court proceedings**. An audio or video interview may be entered as evidence at a trial in certain cases where the victim is vulnerable. A court may also hear a case behind closed doors under certain circumstances in order to protect the privacy of a victim, and may also rule that the trial documents and the judgment be sealed insofar as necessary. A victim may request the court to do so. A court may rule that the identity of a victim shall not be disclosed, for instance in sexual offences. A court always evaluates trial arrangements and protective measures

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on a case-by-case basis, with a view that the rights of the defence are not infringed. According to the Victims' Directive, accidental contact between victims and offenders in court premises should be prevented. A questionnaire circulated among courts by the Ministry of Justice working group revealed that while this can be managed in the majority of Finnish courts, it often requires special arrangements (Ruuskanen & Sarimo 2018, 57). The good practices working group of the Ministry of Justice conducted a survey of all Finnish courts in 2017, asking among other things whether they use a **video link over which crime victims may testify**. About 80% responded yes and about 20% responded no. Long distances and the victim's fear were equally often cited as reasons for using a video link. The principal reason for not using a video link was that the venue did not have videoconferencing equipment. In 2019, it was reported on the Finnish judicial system website (oikeus.fi) that all courts have access to video equipment.

Legislation entered into force at the beginning of 2019 to expand the right of various parties at a trial to participate in an oral hearing via a video link (423/2018, HE 200/2017). With this amendment, injured parties also have a broader right to attend a trial via a video link. It was brought up in the preparation of the aforementioned legislation that using video links can make the process more efficient and help cut costs. A video link also reduces mental strain on crime victims induced by repeated reliving of the events or encounters with the offender. This aspect, however, was not underlined in the preparation of the legislation. The victim's perspective was brought up by District Prosecutor Heli Haapalehto in an interview in RIKU magazine, where she noted that giving evidence via video link has improved the capacity of young injured parties to cope with the judicial process: "Every time that a young crime victim has to go through the events of the offence, it seems to make their mental condition worse, as the memories of the events overwhelm them." (translated from Yli-Räisänen 2019.) At the end of 2019, the Ministry of Justice appointed a working group to prepare legislation for allowing video recordings made at District Courts to be entered as evidence at the Courts of Appeal. This would mean that crime victims would not have to be heard again at the Court of Appeal; instead, their testimony could be reviewed on video. The justifications given for this reform are streamlining the appeals process, improving the evaluation of evidence and saving on costs. Another potential benefit is that injured parties would not have to be subjected to psychological stress again at the appeal stage. (Siro, 2019.)

If necessary, the authorities **provide an interpreter for the victim** into a language that the victim understands. Also, interpretation is provided in criminal investigations and at trial if the victim communicates in sign language or if interpretation is necessary due to a sensory or speech impediment of the victim. Interpreters' fees are paid by the State. Victims may request a translation of key documents in their case. A translation may be given orally in cases where legal protection of the victim does not require providing a written translation. In some cases, victims may be provided with a partial translation or summary of a document.

Crime victims have the right, if they so request, to receive information on the processing of the matter, on the time and place of the trial and on judgments issued in criminal matters. Crime victims also have the right to be informed if a criminal investigation authority decides to discontinue a criminal investigation or if a prosecutor decides to waive charges. Injured parties in cases involving an offence against their life, health, liberty or integrity, or a sexual offence, have the right, if they so request, to be informed when a prisoner or remand prisoner is released, provided that such a notification is justified in view of the severity of the offence and that such a notification is not estimated to create a hazard to the life or health of the prisoner or remand prisoner. The Criminal Sanctions Agency (2016) has issued detailed instructions on such notifications.

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In cases involving a serious threat, **victims may apply for their contact information to be declared confidential, for a non-disclosure for personal safety reasons to be put in place, for a restraining order to be imposed** or even for a change of their name or personal identity number. An application for a restraining order is processed as an urgent matter by a District Court. If the need for the restraining order is immediate, the person feeling threatened may apply for an interim restraining order to the police, a prosecutor or a District Court. Legislation allowing an inside-the-family restraining order entered into force at the beginning of 2005, meaning that it became possible to impose a restraining order when the parties involved live in the same household. In such a case, the person on whom the restraining order is imposed must leave the shared household and must not return while the restraining order is in force. Violating a restraining order is punishable by a fine or by a maximum of one year of imprisonment. Such a violation is an offence subject to public prosecution, meaning that a prosecutor is entitled to bring the matter to trial. If a person protected by a restraining order relocates to another EU Member State and feels the need to be protected there as well, that person may request a European Protection Order from the court that originally imposed the restraining order.

In criminal proceedings, victims have the right to demand that the offender **compensate them for damages**. Victims must declare such damages in the criminal investigation or at the latest in court and state whether they wish to claim compensation from the offender. Victims are entitled to claim compensation for instance for property destroyed or lost, for costs of medical care and medications, for pain and suffering caused by violence and, in certain cases, for mental anguish. The prosecutor may pursue the claim for compensation on behalf of the victim at the victim's request if the matter is simple and clear. If compensation is awarded, payment may be arranged directly with the offender, or the enforcement authorities may be asked to collect it. In some cases, compensation for damages may be obtained from the State Treasury or the Social Insurance Institution (KELA). Principally, victims of violent or sexual offences are entitled to receive compensation for their suffering out of State funds.

The Act on the Victim Surcharge was enacted to provide for a **victim surcharge**, meaning a fixed amount charged from offenders for the purpose of funding support services for crime victims in general. The revenue from victim surcharges is allocated as government grants to organisations providing victim support services.

Mediation is a procedure that is an alternative to or complementary to the criminal justice system. A settlement reached by mediation may serve as grounds for waiving charges or waiving punishment, or for imposing a less severe punishment. If a settlement cannot be reached, the prosecutor may decide to bring charges and thereby bring the matter to trial as normal. However, the prosecutor may decide to bring charges even if a settlement has been reached. Compensation for damages may also be agreed upon in the mediation process. Criminal cases can be referred to mediation if both the victim and the suspect give their consent. Mediation is free of charge and always voluntary, and parties may withdraw their consent at any time. In a case of intimate partner violence, only the authorities may initiate mediation. The National Police Board (2019) has issued instructions on which situations allow for referral to mediation and which situations call for particularly careful consideration.

Finland has implemented the requirements of the Victims' Directive in national legislation. Legislative amendments and development measures following the Directive's entry into force have strengthened the status of crime victims, but in practice the goals of the Directive have not yet been fully attained. These challenges are discussed in detail in the following chapter.

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3. Common challenges from the victim's perspective

The criminal justice process is not necessarily streamlined and straightforward from the victim's perspective, even if legislation and official instructions may make it seem so. This chapter is a brief discussion of the following problem points that emerged in various sources: 1) use of legal counsel and a support person, and providing information on this; 2) protection needs assessment; 3) interpretation; 4) restraining orders; and 5) mediation in cases of intimate partner violence. We focus particularly on challenges faced by vulnerable victims. The Victims' Directive (2012/29/EU) mandates specialist support and legal protection for "persons who are particularly vulnerable or who find themselves in situations that expose them to a particularly high risk of harm, such as persons subjected to repeat violence in close relationships, victims of gender-based violence, or persons who fall victim to other types of crime in a Member State of which they are not nationals or residents".

An injured party has the **right to legal counsel and a support person** in the criminal justice process. Individuals with a low income are entitled to apply for public legal aid. If a court appoints a legal counsel or a support person for a victim of a sexual offence, intimate partner violence or a serious offence against the victim's life, health or freedom, such aid is always free of charge. The authorities shall **inform injured parties in the criminal investigation of their right to legal counsel** and ensure that this is implemented. Studies conducted by Honkatukia (2011) and by Kainulainen & Saarikkomäki (2014) indicate that some injured parties are not aware of this right. A Ministry of Justice working group noted in its report that sometimes injured parties who would have been entitled to public legal aid appear at trial without legal counsel (Ruuskanen & Sarimo 2018, 30–31). Leena-Kaisa Åberg, executive director of Victim Support Finland, also notes that crime victims (even juvenile ones) often appear at trial without legal counsel (Kostiainen 2020), the victims not having been informed of their right to legal counsel or having been unable to comprehend this information. It would be vital to have legal counsel present to provide support already at the interview stage, but generally injured parties are not informed of their right to legal counsel or a support person until the beginning of the first interview. It would require a great deal of initiative from the victim to request that an interview already started be suspended and postponed so that the victim can be provided with legal counsel and/or a support person. It also emerged in interviews for the Improdova study at the Police University College⁵ that the police associate the need for legal counsel and a support person with a trial and do not necessarily see that the presence of legal counsel or a support person might actually have a beneficial impact on the victim's performance in interviews or help prevent secondary victimisation.

Under the Criminal Investigation Act, **victims shall be informed** that they are eligible for support and protection. Honkatukia (2011) notes that it may be difficult for victims to process information received or to know enough to ask about things related to the criminal justice process. The Ministry of Justice working group on access to information recommended that information on victims' rights should be given out as early as possible, repeatedly, and both orally and in writing (Ruuskanen & Sarimo 2018, 29). The Ministry of Justice working group on access to information (2017) prepared a brochure titled *If You Become the Victim of a Crime* to be distributed to victims. The same working group also conducted a survey of police departments that revealed that only about

⁵ The Improdova project is a Horizon-funded research project running from 2018 to 2021, managed in Finland by the Police University College. <https://www.polamk.fi/en/rdi/projects/improdova>

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40% of respondents reported that they gave out the brochure to every victim. Some police officers were not even aware that the brochure existed, or it was not available to all officers at a particular police station, or it was only given out if the victim specifically asked for it. (Ruuskanen & Sarimo 2018, 27–28.) On the basis of feedback from the working group, the police interview form was revised to include an entry on whether the aforementioned brochure has been given to the interviewee. What emerged in one interview was that the police instructions on counselling crime victims are recommendations rather than orders and that it would also be important to provide training and to reinforce local networks in addition to issuing instructions.

In Finland, **support services for victims** are principally provided by NGOs, and there are disparities in the availability of services depending on where in Finland you are (Ruuskanen & Sarimo 2018, 16, 37). Victim support services are provided for instance by Victim Support Finland, the Assistance system for victims of human trafficking, the Nollalinja telephone helpline, the Tukinainen Rape Crisis Centre, the Federation of Mother and Child Homes and Shelters and the Miessakit Association.⁶ Under the Criminal Investigation Act, the police shall, depending on the nature of the offence or the victim’s need for protection, and if the victim agrees, forward the victim’s contact information to victim support services. There are dedicated service schemes for victims of particular kinds of offence, such as human trafficking or sexual offences, and for child victims.

For victims of human trafficking, it is a particular challenge that there is a strong link in legislation between assistance and the criminal justice process, because it seems that this is what prevents victims of human trafficking from seeking assistance. According to the *Tuntematon tulevaisuus* [Unknown future] study (Koskenoja et al. 2018), the assistance system for victims of human trafficking is not very good at reaching victims who are afraid to report their experiences of abuse to the criminal investigation authorities. Moreover, the assistance system for victims of human trafficking interprets the law so that a victim will be removed from the system if the criminal matter does not progress or if a conviction for human trafficking is not attained. Thus, some victims remain excluded from assistance even when they have been willing to cooperate with the authorities if, for instance, the criminal matter does not progress for investigative or procedural reasons. (Koskenoja et al. 2018.) It has also emerged both in studies and in NGOs’ work on the ground that many of the services for crime victims are designed for individuals who are permanently resident in Finland and can speak Finnish. Therefore, it can be very challenging for instance for asylum seekers to gain access to support for crime victims (Lilja et al. 2020).

The Criminal Investigation Act requires the criminal investigation authorities to carry out a **protection needs assessment** to determine whether a victim requires special protection during the criminal investigation or the subsequent trial, and what the protective measures should be. The purpose of protective measures is to shield victims for instance from intimidation or retaliation. The personal circumstances of the victim and the nature of the offence must be considered when conducting the assessment. The report of the Ministry of Justice working group reveals that not all police departments have organised training on protection needs assessment, and Victim Support Finland also reports that not all victims of intimate partner violence or sexual offences have had a protection needs assessment carried out (Ruuskanen & Sarimo 2018, 36). On the one hand, observations made in the Improdova project by the Police University College indicate that protection needs assessments are at present carried out “mechanically” as part of the criminal investigation and that discretion on the part of the

⁶ See for instance the listing compiled by the police on bodies providing assistance to crime victims: https://www.poliisi.fi/crimes/assistance_organisations

officers involved is less relevant, because carrying out a protection needs assessment has become established practice in investigating violent and sexual offences, for instance. On the other hand, if the assessment is carried out just to get it out of the way, it may not yield a broad enough picture of the victim's actual needs. In a report on the operations of one police department (Liikkanen 2019), it emerged that not all police officers interviewed for the study were even aware of the protection needs assessment model or did not have the know-how to carry it out. Discussions with prosecutors for the report revealed that there is no uniform guidance for prosecutors regarding protection needs assessments, and therefore prosecutors' practices are not necessarily consistent nationwide. As a result, there are still regional differences in the implementation of protection needs assessments.

The criminal investigation authorities shall ensure, from the time when a report of an offence is filed, that the parties to the matter are provided with **an interpreter** if required (Ruuskanen & Sarimo 2018, 26). According to the VOIARE report on the enforcement of the Victims' Directive, this requirement is not comprehensively complied with: there are problems in finding qualified and reliable interpreters, particularly in sparsely populated areas. Moreover, in the case of rare languages and where the victims belong to a small ethnic minority, it is a challenge to find an interpreter with no personal connections to any of the parties to the matter. Interpretation problems may in the worst cases constitute an infringement of the victim's rights. (Lundell 2019.) Things to consider in interpreting include for instance that a victim of gender-based violence may find it easier to talk if the interpreter and officer are of the same gender as them (Lilja et al. 2020, 71).

A crime victim may apply for a **restraining order** to be imposed on the offender. Since 2005, it has been possible to impose a restraining order on a person living in the same household, for a maximum of three months. The police can impose an interim restraining order that enters into force immediately. A fee has been charged since 2016 for restraining order applications if they are rejected; the fee is currently EUR 260. The number of restraining order applications processed by District Courts has decreased by about one third since 2016. Even though the fee is not charged if the restraining order is imposed or if the applicant is entitled to public legal aid, several NGOs feel that the very existence of the fee has raised the threshold for applying for a restraining order (e.g. Kerkelä 2019; Åberg 2019). The GREVIO country report for Finland (2019, 53–54) also criticises how short the maximum duration of the inside-the-family restraining order is and the fact that there is a fee for the rejected restraining order application.

One of the problems identified with restraining orders is that the police are not always present when a spouse on whom a restraining order has been imposed is retrieving belongings from the couple's shared home and that this may constitute a danger to the protected individual's safety. Also, it is difficult to evaluate the circumstances in imposing a restraining order if the person against whom the application has been filed fails to attend the session. Both the individuals protected and the individuals on whom restraining orders are imposed rarely make use of legal counsel, and the individuals protected rarely make use of support persons. (Rantala & Smolej 2008.) Restraining orders are violated in multiple ways, often without leaving any evidence thereof. In sparsely populated areas where distances are great, the police often arrive after the offender has already left. The Ministry of Justice has contemplated introducing electronic surveillance in cases where a restraining order is being repeatedly violated. (Piispa & Hyppönen 2019.) According to the Government Programme of the Government of Prime Minister Sanna Marin, the legislation concerning restraining orders must be reformed so as to better safeguard the rights of the victim. The Ministry of Justice appointed a working group in 2020 for

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instance to evaluate ways of improving the effectiveness of restraining orders and to review the criteria for imposing them. (Ministry of Justice 2020.)

There are arguments both for and against **mediation** in cases of intimate partner violence. Those favouring mediation see it as empowering the victim and imposing responsibility on the offender, and as such they consider it a method that can better respond to the victim's needs. Those opposing mediation argue that it undermines the victim's safety and sense of safety, puts pressure on the victim to participate in the mediation, downplays the violence, is a one-off remedy or is of too brief duration to be a suitable method for addressing intimate partner violence. (Drost et al. 2015, 11–13.) The mediation process requires that the parties are on an equal footing, and this is seen not to be true in cases such as this; mediation is seen as beneficial solely for the offender, because participating in mediation may be regarded as a mitigating circumstance in court (Kaitue, Noponen & Slåen 2007, 51). In 2018, nine Finnish NGOs involved in violence prevention⁷ issued a joint critical statement concerning mediation in cases of intimate partner violence, considering the process as infringing upon the rights of the victim. The working group appointed by the Finnish Institute for Health and Welfare (THL) in 2019 to investigate mediation in cases of intimate partner violence noted that the mediation procedure may be retained but that the procedure itself and referrals to it should be improved to ensure that mediation will be “consistent with international treaties and obligations under all circumstances, beneficial for the parties and safe for the victims of intimate partner violence”. Most of the mediators working in Finland are volunteers. According to the THL recommendation, the mediators in cases of intimate partner violence should be professional mediators or mediators who have completed both the basic mediation course (54 h) and the specialist course in intimate partner violence (170 h). (THL 2019, 15–16.) Qvist (2018, 4, 134) noted in her doctoral dissertation on mediation in intimate partner violence that volunteer mediators are not professionals in working with violent offences and proposed that attention should be paid to improving services for helping and supporting victims of violence and violent offenders instead of referring them to mediation.

In summary, we observe that support for crime victims has improved in Finland with the implementation of the Victims' Directive. Criminal justice actors have been provided with instructions on how to engage with victims, and processes have been upgraded so as to make providing information for victims in the process as automatic as possible. The underlying factor in all of the challenges discussed above is that **the victim's perspective is not understood**. For criminal justice actors, engaging with victims is an everyday occurrence, while for the majority of victims the experience is unique. Victims find themselves in a new and often intimidating situation, and most crime victims have no knowledge of their rights. This is particularly challenging for traumatised victims, because trauma can impair functional capacity in many ways. Because of victimisation and possible traumatisation, victims are not necessarily able to process the information given to them by the authorities – especially not all at once – or to take the initiative in asserting their rights. Understanding the perspective of the victim requires an understanding of the impacts of and trauma caused by violence, and this is traditionally not included in the core professional competence of officials in the criminal justice system. In Finland, there are particular challenges in engaging with the experiences of victims of intimate partner violence. The dynamics of an intimate relationship form a difficult context for mediation and for compliance with a restraining order. By contrast,

⁷ Amnesty International Finland, Federation of Mother and Child Homes and Shelters, Lyömätön Linja Espoossa, MONIKA – Multicultural Women's Association, League of Finnish Feminists, Nicehearts, LGBTI Rights in Finland – Seta, Setlementti Tampere, Varjo support centre, Viola.
<https://ensijaturvakotienliitto.fi/wp-content/uploads/2018/12/J%C3%A4rjest%C3%B6jen-kannanotto-l%C3%A4hisuhdev%C3%A4kivallan-sovittelua-koskien-2018.pdf>

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efforts have been made to improve engagement with child victims in Finland, and good practices for this have already been developed.

4. Final conclusions

Legislative amendments and development measures following the Directive's entry into force have improved the status of crime victims in Finland, but in practice the goals of the Directive have not yet been fully attained. The criminal justice process is not necessarily streamlined and straightforward from the victim's perspective, even if legislation may make it seem so. The underlying factor in most of the challenges identified in the present survey was that the victim's perspective, including how trauma affects a victim's behaviour, is not always understood. Victims are not necessarily able to process the information given to them by the authorities – especially not all at once – or to take the initiative in asserting their rights. Being conscious of trauma when engaging with victims in the criminal justice process would facilitate the process and reduce the risk of re-traumatisation.

Procedures do cater to the needs of victims at the level of legislation and often also at the level of instructions issued, but in practice officials do not necessarily have the competence or the means for engaging properly with victims. According to the Victims' Directive, professionals working with victims must be provided with training on how to engage with victims and address their needs (Ruuskanen & Sarimo 2018, 25). Some training is in fact being provided for police officers, prosecutors and judges on specific topics such as intimate partner violence or working with child victims, but this training is not systematic. Participation in training depends on factors such as where any particular professional happens to be employed and also how active professionals themselves are in seeking training. Prosecutors in particular have an increasing need to understand the roots of trauma, i.e. what causes trauma, how it affects people in different ways and what should be considered when a traumatised person is to give evidence at a trial.

It was also brought up that many crime victims require multidisciplinary support in order to make a recovery. It is highly important that the various actors engaging with victims (police, prosecutors, legal aid, support persons, health care, etc.) understand what each of the others is doing and which services each of them can provide. Smooth multidisciplinary cooperation both helps the victim cope and facilitates the process. It is undoubtedly because of this that the good practices mentioned in the material highlighted 'one-stop shop' models where various services are brought together for victim support. These models also highlight specialisation, i.e. customising service packages around specific types of offence with special characteristics, such as sexual offences or intimate partner violence, which require specialist expertise and approaches.

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