

FRANET

Victim Support Services in the EU:  
An overview and assessment of  
victims' rights in practice

Finland, 2014

FRANET contractor: Finnish League for Human Rights  
Authors: Aaltonen, M., Sams, A., Sorjanen, A-M.

DISCLAIMER: This document was commissioned under contract as background material for a comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'Victim Support Services in the EU: An overview and assessment of victims' rights in practice'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

## 1. Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.<sup>1</sup> While phase 2 of the project was divided into two parts, focussing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

### 2.1 Scenarios

*In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c. of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).*

	Scenario	Questions	Yes	No	Description (max 1-3 sentences)
1	A female who has been beaten by her partner and calls the police	a. Do the police routinely refer the victim to a support service?	X		According to Victim Support Finland (RIKU) ( <i>Rikosuhripäivystys, RIKU / Brottsofferjouren, RIKU</i> ), in this scenario police would only refer victims to a women's refuge if they were exceptionally distressed. <sup>2</sup> However, according to the instructions of the National Police Board, the police must inform the injured party about their rights and where they can seek help without prompting. <sup>3</sup>

<sup>1</sup> Aa, S. van der et al. (2009), *Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon (see [http://www.apav.pt/vine/images/report\\_vine\\_eng.pdf](http://www.apav.pt/vine/images/report_vine_eng.pdf)).

<sup>2</sup> Interview with a high-ranking member of RIKU, 23 April 2013.

<sup>3</sup> Information obtained from the National Police Board, email 6 April 2013.

		b. If yes, please name the service(s)	-	-	The police can refer the victim to municipal social and health services, RIKU, other support services, or the local women's refuge, depending on which services are available in the area. <sup>4</sup>
		c. Do the police routinely contact this service on behalf of the victim?		X	There are regional differences in practices, and some police stations have a practice of contacting RIKU. <sup>5</sup> However, the police only contacts services with the victim's consent. <sup>6</sup>
		d. Which support service would in the end deal with such a case?	-	-	According to RIKU, possible contacts in addition to their organisation would be organisations Women's Line ( <i>Naisten linja/Kvinnolinjen</i> ) or Multicultural Women's Association ( <i>Monika-naiset Liitto Ry / Monika-naiset Rf</i> ). <sup>7</sup> It depends on the victim's wishes whether the police contacts for example the social services. <sup>8</sup>
2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?	X		According to RIKU, the police is obliged to contact child welfare, but would probably not refer the victim to victim support. <sup>9</sup> However, according to the instructions of the National Police Board, the police must inform the injured party about their rights and where they can seek help without prompting. <sup>10</sup>

<sup>4</sup> Interview with a high-ranking member of RIKU, April 2013 and the National Police Board, email 6 April 2013.

<sup>5</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>6</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>7</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>8</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>9</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>10</sup> Information obtained from the National Police Board, email 6 April 2013.

		b. If yes, please name the service(s)	-	-	The police can refer the victim to municipal social and health services, RIKU, or other support services, depending on which services are available in the area. <sup>11</sup>
		c. Do the police contact this service on behalf of the victim?		X	There are regional differences in practices, and some police stations have a practice of contacting RIKU. <sup>12</sup> However, the police only contacts services with the victim's consent. The police always files a child welfare notification to Child Welfare Services. <sup>13</sup>
		d. Which support service would in the end deal with such a case?	-	-	The social services, and additional services according to the victim's wishes. <sup>14</sup>
3	A person calls the police following a burglary in their apartment	a. Do the police routinely refer the victim to a support service?	X		According to the instructions of the National Police Board, the police must inform the injured party about their rights and where they can seek help without prompting. <sup>15</sup>
		b. If yes, please name the service(s)	-	-	The police can refer the victim to municipal social and health services, RIKU, or other support services, depending on which services are available in the area. <sup>16</sup>
		c. Do the police contact this service on behalf of the victim?		X	There are regional differences in practices, and some police stations have a practice of contacting RIKU. <sup>17</sup> However, the police only contacts services with the victim's consent. <sup>18</sup>

<sup>11</sup> Interview with a high-ranking member of RIKU, April 2013, and from the National Police Board, email 6 April 2013.

<sup>12</sup> Interview with high-ranking member of RIKU, April 2013.

<sup>13</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>14</sup> Interview with a high-ranking member of RIKU, April 2013, and from the National Police Board, email 6 April 2013.

<sup>15</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>16</sup> Interview with a high-ranking member of RIKU, April 2013 and the National Police Board, email 6 April 2013.

<sup>17</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>18</sup> Information obtained from the National Police Board, email 6 April 2013.

		d. Which support service would in the end deal with such a case?	-	-	Support organisations, depending on the victim's wishes. <sup>19</sup>
4	A person is the victim of a racist attack by a gang of youths	a. Do the police routinely refer the victim to a support service?	X		According to the instructions of the National Police Board, the police must inform the injured party about their rights and where they can seek help without prompting. <sup>20</sup>
		b. If yes, please name the service(s)	-	-	The police can refer the victim to municipal social and health services, RIKU, or other support services, depending on which services are available in the area. <sup>21</sup>
		c. Do the police contact this service on behalf of the victim?		X	There are regional differences in practices, and some police stations have a practice of contacting RIKU. <sup>22</sup> However, the police only contacts services with the victim's consent. <sup>23</sup>
		d. Which support service would in the end deal with such a case?	-	-	RIKU and possibly other organisations. <sup>24</sup>
5	An elderly person is mugged on the way home from collecting their monthly	a. Do the police routinely refer the victim to a support service?	X		According to the instructions of the National Police Board, the police must inform the injured party about their rights and where they can seek help without prompting. <sup>25</sup> However, according to RIKU, elderly people find it hard to contact services by themselves even when referred to them, and it would be better to contact services on their behalf. <sup>26</sup>

<sup>19</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>20</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>21</sup> Interview with a high-ranking member of RIKU, April 2013 and from the National Police Board, email 6 April 2013.

<sup>22</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>23</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>24</sup> Interview with a high-ranking member of RIKU, April 2013 and from the National Police Board, email 6 April 2013.

<sup>25</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>26</sup> Interview with a high-ranking member of RIKU, April 2013.

	pension and is in urgent need of financial assistance	b. If yes, please name the service(s)	-	-	The police refers the victim primarily to municipal social services, as well as to RIKU, or other support services, depending on which services are available in the area. <sup>27</sup>
		c. Do the police contact this service on behalf of the victim?		X	There are regional differences in practices, and some police stations have a practice of contacting RIKU. <sup>28</sup> However, the police only contacts services with the victim's consent. <sup>29</sup>
		d. Which support service would in the end deal with such a case?	-	-	According to RIKU, the Finnish Association of the Shelters for the Aged ( <i>Suomen vanhusten turvakotiyhdistys ry, Suvanto ry/Föreningen for skyddshem for äldre</i> ) might deal with such a case. <sup>30</sup> Concerning livelihood, the social services would handle the case. <sup>31</sup>
<b>6a</b>	In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.			X	Vulnerable groups are taken into account in police training, for example persons with disabilities or hearing impaired persons. However, there are no specific measures in place. <sup>32</sup>
<b>6b</b>	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.			X	There are very few clients with disabilities with RIKU, and there are no special measures in addressing their needs. <sup>33</sup>
<b>7a</b>	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status <sup>34</sup> ? If yes, describe them. If no, please provide a justification/explanation.		X		There are instructions by the National Police Board on how to deal with possible victims of human trafficking and on how to identify a victim of trafficking. Victims of human trafficking can be granted a reconsideration period by the police or the border control, so that they can recover from their experiences before applying for a residence permit. <sup>35</sup>

<sup>27</sup> Interview with a high-ranking member of RIKU, April 2013 and information obtained from the National Police Board, email 6 April 2013.

<sup>28</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>29</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>30</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>31</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>32</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>33</sup> Interview with a high-ranking member of RIKU, April 2013.

<b>7b</b>	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status <sup>36</sup> ? If yes, describe them. If no, please provide a justification/explanation.	X		There are measures in place in RIKU to identify victims of human trafficking, and clients without legal immigration status are referred to the “Paperless” services ( <i>Paperittomat</i> ) or to the Helsinki Deaconess Institute ( <i>Diakonissalaitos/ Diakoni-institut</i> ). <sup>37</sup>
<b>7c</b>	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?		X	All clients are provided services regardless of their immigration status. RIKU can be contacted anonymously. <sup>38</sup>
<b>8</b>	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?		X	RIKU provides support to all people who consider themselves victims of a crime. <sup>39</sup>
<b>9</b>	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?		X	No, all clients are treated equally. <sup>40</sup>
<b>10a</b>	In reference to part ‘c’ of questions 1-5, in the event that police contact victim support services on the victim’s behalf, is there an automatic transfer of the victim’s data? <sup>41</sup>	X		The victim’s name and contact details as well as a brief description of the crime is delivered to RIKU by email. <sup>42</sup> All data pertaining to a crime is never transferred. <sup>43</sup>
<b>10b</b>	If the answer to 10a above is yes, is the police obliged to obtain the victim’s permission/consent for the data transfer?	X		The police only contacts RIKU with the victim’s consent. <sup>44</sup> The victim’s consent is asked before transferring any information. <sup>45</sup>

<sup>34</sup> Please note that that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is ‘migrants in an irregular situation.’ For the purposes of these guidelines however, reference will be made to ‘migrants with illegal residency status.’

<sup>35</sup> Information obtained from the National Police Board, email 6 April 2013.

<sup>36</sup> Please note that that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is ‘migrants in an irregular situation.’ For the purposes of these guidelines however, reference will be made to ‘migrants with illegal residency status.’

<sup>37</sup> Interview with a high-ranking member of RIKU, April 2013. See also the “paperless” website: [www.paperittomat.fi/](http://www.paperittomat.fi/).

<sup>38</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>39</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>40</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>41</sup> For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

Interview with a high-ranking member of RIKU, April 2013.

<sup>43</sup> Information obtained from the National Police Board, email 6 April 2013.

10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?	X	A wide array of legislation regulates the transfer of victim's data: Act on the Openness of Government Activities (21.5.1999/621) ( <i>Laki viranomaisten toiminnan julkisuudesta/ Lag om offentlighet i myndigheternas verksamhet</i> ), the Criminal Investigations Act (30.4.1987/449) ( <i>Esitutkintalaki / Förundersökningslag</i> ), The Police Act (7.4.1995/493) ( <i>Poliisilaki/Polislag</i> ) and the Child Welfare Act (13.4.2007/417) ( <i>Lastensuojelulaki/Barnskyddslag</i> ) when children and families are concerned.
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## 2.2 Institutional aspects: role of state in victim support structure

In the following section, please complete/verify the information requested in the following tables, placing your country in the appropriate category, or, where information is provided, checking the accuracy of the information and revising as necessary (i.e. by moving your country name from the incorrect column to the correct column along with a justification).

### 2.2.1 Models of generic victim support

Generic victim support organisations are for the present purposes defined as “**not limited to helping a particular type of victim of crime**”. With the above definition in mind, please:

a) Review the list and short description of structure of generic victim support organisations operational in your country provided for in Annex 2 and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned. **Countries listed in Annex 2 shaded in green (and in category ‘A’ below) have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should provide a short list (in Annex 2) of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.**

b) Place your country in one of the following categories (A, B, C, D or E) and provide an explanation about why your country should be placed in that group. For each group, one example has been provided for guidance purposes. If your country is one of the examples provided, please review and revise the information as necessary, placing your country in a different group if the information provided is incorrect. **Please delete all examples from your response and insert your country name in only ONE column.** (Note: only country codes are listed. For full country names, please refer to Annex 1).

<sup>44</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>45</sup> Information obtained from the National Police Board, email 6 April 2013.

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national level. The main provider or structure is state run and state funded	C: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run but relies strongly on state funding	D: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run and does not rely strongly on state funding	E (OTHER) – if you cannot place your country in any of the other categories, please describe
		FI		
		Explanation/justification:		
		<p>The main organisation providing victim support in Finland is Victim Support Finland (RIKU) (<i>Rikosuhripäivystys</i>, RIKU / <i>Brottsofferjouren</i>, RIKU); a national NGO that offers legal, practical and emotional support and advice to victims of crime. In 2012, 21 % of the organisation's funds were provided by the state through the Ministry of Justice and the Ministry of the Internal Affairs, 69 % was provided by Finland's Slot Machine Association (RAY) (<i>Raha-automaattiyhdistys / Penningautomatföreningen</i>)<sup>46</sup>, 8 % provided by municipalities, and a small amount of funding is obtained from private donations, seminar</p>		

<sup>46</sup> The main purpose of Finland's Slot Machine Association (RAY) (*Raha-automaattiyhdistys / Penningautomatföreningen*) is to raise funds through gaming operations to promote Finnish health and welfare. The profits from RAY's games are used for promoting health and social welfare in Finland by distributing funding annually to various health and social welfare organisations based on applications. RAY is closely linked to the government: The Executive Committee is formed by seven representatives elected by the Finnish Government. The fund allocation is guided by policies created by RAY's Executive Committee and a result agreement prepared with the Ministry of Social Affairs and Health. The final decision on the funding is made by the Finnish Government.

		fees and subscription fees of the Victim Support magazine. <sup>47</sup>		
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<sup>47</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen toimintakertomus 2012).

## 2.2.2 Public coordination of victim support services

Please answer the following questions by completing the tables. Two examples have been provided (for questions 1 & 2) for guidance purposes. **Please delete all examples from your response and insert your country name in only ONE column.** If your country is one of the examples provided, please review and revise the information as necessary. Please provide references to the full name of the Ministry or body in question in both English and the national language (Note: only country codes are listed. For full country names, please refer to Annex 1).

1. Please specify (by placing an 'X' in the relevant columns) which ministry or ministries have a role in victim support provision. In addition, please provide a short explanation in the comments field.						
	Ministry of Justice	Ministry of Social Affairs and Health	Ministry of Labour/Social Affairs	Ministry of Internal Affairs	Any other	COMMENTS
FI	X	X		X		The Ministry of Justice ( <i>oikeusministeriö / justitieministeriet</i> ), the Ministry of Social Affairs and Health ( <i>sosiaali- ja terveystieteiden ministeriö / social- och hälsovårdministeriet</i> ) and the police section of the Ministry of Internal Affairs ( <i>sisäministeriö / inrikesministeriet</i> ) have expert representatives in the board of directors of RIKU. The Ministry of Justice ( <i>oikeusministeriö / justitieministeriet</i> ) and the Ministry of Internal Affairs ( <i>sisäministeriö / inrikesministeriet</i> ) fund about 21 % of RIKU's activities. <sup>48</sup>
2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.						
FI	No Ministry has the lead for advancing victim protection, and every Ministry tackles different aspects within its competences. The Ministry of Justice ( <i>oikeusministeriö / justitieministeriet</i> ), the Ministry of Social Affairs and Health ( <i>sosiaali- ja terveystieteiden ministeriö / social- och hälsovårdministeriet</i> ) and the police					

<sup>48</sup> Victim Support Finland (*Rikosuhrripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (*Rikosuhrripäivystyksen toimintakertomus 2012*).

	section of the Ministry of Internal Affairs ( <i>sisäministeriö / inrikesministeriet</i> ) have expert representatives in the board of directors of the generic victim support organisation RIKU.
3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)	
	There is no legal basis for victim support services in Finland. The Legal Aid Act (257/2002) ( <i>oikeusapulaki / rättshjälpslag</i> ) stipulates that free legal assistance should be available to victims of serious crime and that court proceedings should be free of cost.

### 2.2.3 Funding:

Please answer the following questions by completing the tables. Please note that countries that do not have generic victim support service providers (i.e. that fall within category 'A' under question 2.2.2) should not answer questions c & e. For questions g-k, if your country does not have a generic victim support structure in place, please respond to the question with respect to a specialised area of victim support. **Please select one of the two specialised areas of victim support you focused on in your phase 2 country report to the FRA (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'. If you choose to take another area, provide a short justification for why you have chosen that area.**

**Important for all:** Whether you answer questions g-k with respect to an organisation providing generic victim support or an organisation providing specialised victim support, please choose the biggest organisation (in terms of the organisation that receives most funding, helps most victims nationwide etc.).

For the year 2012, please specify the exact amount of funding:	Amount (in EURO)
a Budgeted by the state for compensation	18 000 000 <sup>49</sup>
b Paid out by the state for compensation	15 900 000 <sup>50</sup>
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)	290 000 <sup>51</sup>
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	Special support services do not receive financial support for this activity from the state budget. The financial support comes mainly from RAY and depends on the application and actives of the organisation. See f.
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).	290 000 <sup>52</sup>
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	In 2012 Rape Crisis Centre Tukinainen received 550 000 euros from RAY as a general, non-allocated support.  The Women's Line received 160 000 euros from RAY in order to provide national phone and internet services for

<sup>49</sup> Information obtained from Legal Affairs of State Treasury, email 17 April 2013.

<sup>50</sup> Information obtained from Legal Affairs of State Treasury, email 17 April 2013.

<sup>51</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen vuosikertomus 2012).

<sup>52</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen vuosikertomus 2012).

			victims.
<b>Reimbursement by the state of expenses incurred</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b>
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.		X	
h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement (e.g. per victim?).		X	RIKU is not reimbursed for expenses incurred through the provision of support to victims.  The only exception is its work on victims of human trafficking: when contracted with the reception centre of Joutseno, RIKU is reimbursed. However, these cases are rare. <sup>53</sup>
i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's nationality (yes or no) and provide a short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?		N/A	
j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.		N/A	
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.		X	There are no structural factors in the funding. The only factor is practical: the number of languages that RIKU provides services is limited. In case victims speak English, there are no restrictions. <sup>54</sup>

#### 2.2.4 Capacity:

<b>For the year 2012, please specify the number of victims of crime that:</b>	<b>No of persons:</b>
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<sup>53</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>54</sup> Interview with a high-ranking member of RIKU, April 2013.

a Applied for compensation from state sources.	4 891 <sup>55</sup>
b Received compensation from state sources.	7 024 (number of all decisions made in 2012, including decisions not to grant compensation). <sup>56</sup>
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	<p>The services of RIKU can be divided in three categories.</p> <p>1 738 victims of crime received personal support from a support person.</p> <p>5 212 victims called the victim helpline.</p> <p>Duty officer from legal helpline answered 327 phone calls and answering machine 1 564 calls.<sup>57</sup></p>
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	<p>The helpline of Women's Line answered 1 379 calls in 2012. Net aid service of Women's Line received 188 questions relating to violence in 2012.<sup>58</sup></p> <p>Rape Crisis Centre Tukinainen received 1 198 calls in 2012. The staff of Tukinainen met personally with 147 customers in its crisis work in 2012. The internet support service received messages from 120 individuals.<sup>59</sup></p>

### 2.2.5 Official/academic studies on victims

Have any official or academic studies been published in your country in the last 5 years on the following (note: please provide a full reference for the study (following the FRA style guidelines) and provide a link if available online):

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under reporting of crime?	X		Oikeuspoliittinen tutkimuslaitos, <i>Crime Trends 2011</i> (Rikollisuustilanne 2011). Oikeuspoliittisen	Contains information on the number of crimes, hidden criminality and the functions of the control system.

<sup>55</sup> Information obtained from Legal Affairs of State Treasury, email 17 April 2013.

<sup>56</sup> Information obtained from Legal Affairs of State Treasury, email 17 April 2013. The State Treasury does not compile statistics on positive and negative decisions. Only the number of all decisions made in 2012 is recorded.

<sup>57</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*, RIKU) (2013), *Annual Report 2012* (Rikosuhripäivystyksen vuosikertomus 2012).

<sup>58</sup> Women's Line (*Naisten Linja / Kvinnolinjen*) (2013), *Annual Report 2012* (Naisten Linjan vuosikertomus 2012).

<sup>59</sup> Rape Crisis Centre Tukinainen (*Raiskauskriisikeskus Tukinainen / Våldtektskriscentralen Tukinainen*) (2013), *Annual Report 2012* (Raiskauskriisikeskus Tukinainen vuosikertomus).

		<p>tutkimuslaitoksen tutkimuksia 262, Helsinki, Oikeuspoliittinen tutkimuslaitos.</p> <p>Available in Finnish at: <a href="http://www.optula.om.fi/1347273211906">www.optula.om.fi/1347273211906</a></p>	<p>The propensity to report crimes to the police has increased: Offense against the person is reported four times more often than in 1980 and in crimes against property the propensity has doubled.</p>
Studies on under reporting of crime?	X	<p>Niemi, J. and Sahramäki, I. (2012) <i>Hate crime reported to the police in 2011</i> (Poliisin tietoon tullut viharikollisuus Suomessa 2011), Poliisiammattikorkeakoulun raportteja, Tampere, Poliisiammattikorkeakoulu.</p> <p>Available in Finnish at: <a href="http://yhdenvertaisuus-fi-bin.directo.fi/@Bin/04529d9e65a51cb2ea291405bb669dc/b/1367319658/application/pdf/240291/Niemi%20%26%20Sahram%C3%A4ki%202012.%20Poliisin%20tietoon%20tullut%20viharikollisuus%20Suomessa%202011.pdf">http://yhdenvertaisuus-fi-bin.directo.fi/@Bin/04529d9e65a51cb2ea291405bb669dc/b/1367319658/application/pdf/240291/Niemi%20%26%20Sahram%C3%A4ki%202012.%20Poliisin%20tietoon%20tullut%20viharikollisuus%20Suomessa%202011.pdf</a></p>	<p>The annual reports on hate crime reported to the police refer to the phenomenon of underreporting.</p> <p>According to the report, it is possible that while the crime is reported to the police, the motive behind it is not. Some vulnerable groups may find it difficult to tell the police about hate motive behind the crime.</p>
Studies on under reporting of crime?	X	<p>Siren, R., Aaltonen, M. and Käriäinen J. (2010) <i>Experiences of violence 1980-2009. The results of a national victim survey</i> (Suomalaisten väkivaltakokemukset 1980-2009. Kansallisen uhritutkimuksen tuloksia), Oikeuspoliittisen tutkimuslaitoksen tutkimustiedonantoja 103, Helsinki, Oikeuspoliittinen tutkimuslaitos.</p> <p>Available in Finnish at: <a href="http://www.optula.om.fi/Etusivu/Julkaisut/1266334264756">www.optula.om.fi/Etusivu/Julkaisut/1266334264756</a></p>	<p>Although most of violence remains hidden, the more serious incidents of violence usually come into the attention of the police.</p> <p>A police investigation was conducted in 15 per cent of incidences of violence involving at least one strike. In crimes against property police investigation was conducted in 32 per cent of the cases.</p> <p>Men report violent incidents to the police more often than women.</p>
Other national studies related to victims of crime  (Socioeconomic differences)	X	<p>Aaltonen, M. (2013) <i>Socioeconomic differences in crime and victimization. A Register-Based study</i>, National Research Institute of Legal Policy Research Report 263, Helsinki, National Research Institute of Legal Policy Research.</p>	<p>Study focuses on socioeconomic differences in crime and violent victimization among young adults aged 19–30 by using a register-based sample of the general population.</p> <p>One of the sub-studies compared socioeconomic differences in victimization in register-based data and survey data.</p>

			Available in English at: <a href="http://www.optula.om.fi/Etusivu/Julkaisut/1347274812986">www.optula.om.fi/Etusivu/Julkaisut/1347274812986</a>	Socioeconomic differences in both datasets were highly sensitive to the seriousness of the violence measured: the more serious the measured violence, the greater the differences were.
Other national studies related to victims of crime  (Victims in criminal process)	X		Honkatukia, P. (2011) <i>Victims in the criminal process – vulnerability, services and treatment</i> (Rikosuhrit oikeusprosessissa – haavoittuvuus, palvelut ja kohtelu), Oikeuspoliittisen tutkimuslaitoksen tutkimuksia 252, Helsinki, Oikeuspoliittinen tutkimuslaitos.  Study in Finnish and summary in English available at: <a href="http://www.optula.om.fi/Etusivu/Julkaisut/1290610276900">www.optula.om.fi/Etusivu/Julkaisut/1290610276900</a>	The study analyses the criminal process from the crime victims' point of view. Part of the study is an analysis of survey responses from victims who have contacted the victim services in order to gain information on who contacts these services, what kind of support or help is needed, and how those who contact services feel they have been treated by authorities in the criminal process.  Most of the victims who contact the services were middle-aged women. Young males, especially, were nearly absent from the clientele of the support services. Nearly 90 per cent of the help seekers had spoken about the incident with a relative or a friend; almost as many had contacted other services or authorities.
Other national studies related to victims of crime  (Children)	X		Ellonen, N., Kääräinen J., Salmi V. and Sariola H. (2008) <i>Violence against children and adolescents in Finland</i> (Lasten ja nuorten väkivaltakokemukset), Poliisiammattikorkeakoulun raportteja 71/2008, Tampere, Poliisiammattikorkeakoulu.  Study in Finnish and summary in English available at: <a href="http://www.optula.om.fi/Etusivu/Julkaisut/1224166673193">www.optula.om.fi/Etusivu/Julkaisut/1224166673193</a>	The study was conducted as a nationally representative sample survey of 12- and 15-year-old year pupils in Finnish and Swedish-speaking comprehensive and lower secondary schools.  The main finding is that violence against children is a frequent occurrence in Finland. Approximately a quarter of the respondents report having been subjected to an assault or attempted assault. A comparison with adult crime victimisation survey results reveals that children are exposed to considerably higher levels of violence than adults.
Other national studies related to victims of crime  (Women)	X		Lehti, M. (2009) <i>Women as victims of homicide</i> (Naiset henkikirosten uhreina 2002-2007), Oikeuspoliittisen tutkimuslaitoksen verkkokatsauksia 11/2009, Helsinki, Oikeuspoliittinen tutkimuslaitos.  Available in Finnish at: <a href="http://www.optula.om.fi/1247667027206">www.optula.om.fi/1247667027206</a>	According to the study based on the data of monitoring system of homicide, the homicide mortality rate among women has decreased during the present decade.  The mortality rate related to homicide is not evenly distributed among women, since disadvantaged women as well as women outside the work force are more often victims.

## 2.3 Victim Helplines

Please complete the information in the following table, providing details on whether the country has a national victim support helpline, who funds it, operates it etc. Where the answer is 'no', please provide a short justification or explanation of the situation in the comments field. For example, for question 3, if the helpline does not operate 24 hours a day, 7 days a week, place an X in the 'No' column and specify the operating hours under 'Comments'. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-15), please answer the question directly in the 'Comments' field. Please provide information for 2012. Where this is not possible, please provide a justification and give data for the latest year possible.

		Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.	X		Auttava puhelin (Helpline) (+358) 203-16116 Helpline is run by RIKU.
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').		X	Monday-Tuesday 13.00-21.00 and Wednesday-Friday 17.00-21.00, Summer operating hours (18.6.-12.8.2012): Monday-Thursday 17.00-21.00. <sup>60</sup>
3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X		
4	Is the helpline free of charge?		X	From a landline: 8,28 c / call + 7 c / min (incl. VAT) From a mobile phone: 8,28 c / call + 17 c / min (incl. VAT) <sup>61</sup>
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X		
6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')		X	RIKU, a national NGO that offers legal, practical and emotional support and advice to all victims of crime.
7	Is the helpline funded by the state?	(Partly)		The funds for the helpline come from the overall funding of RIKU.  In 2012, 21 % of the organisation's funds were provided by the state through the Ministry of Justice and the Ministry of the Internal Affairs, 69 % was provided by RAY, 8 % provided by municipalities, and a small amount of funding is obtained from private donations, seminar fees and subscription fees of the Victim Support magazine. <sup>62</sup>

<sup>60</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen toimintakertomus 2012); Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*), available at [www.riku.fi/sitenews/view/-/nid/148/ngid/1/](http://www.riku.fi/sitenews/view/-/nid/148/ngid/1/).

<sup>61</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*), available at [www.riku.fi/fi/palvelut/auttava+puhelin/](http://www.riku.fi/fi/palvelut/auttava+puhelin/).

<sup>62</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen toimintakertomus 2012); Interview with high-ranking member of RIKU, April 2013.

8	Is the international EU victim support telephone number 116-006 available? <sup>63</sup> If no, provide a justification and/or specify whether plans to implement this are underway.		X	<p>The number in Finland is assigned to the Finnish Federation of Settlements (<i>Suomen Setlementtiliitto</i>) that coordinates RIKU at the moment.</p> <p>The number is not operational at the moment, because RIKU has not been granted funding for it. The idea is to keep seeking funding for the line, so that the current helpline 0203 16116 (subject to charge) would be switch to 116-006 (free of charge). However, no concrete plans for applying funding exist at the moment. <sup>64</sup></p>
<b>Comments</b>				
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.	The Helpline offers counselling and support (mostly in Finnish) in relation to criminal matters. Victims can talk to someone who understands how a crime affects the victim. Trained volunteers attend the calls. They listen, discuss and if necessary redirect the callers. Helpline can be contacted anonymously. <sup>65</sup>		
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'	There was no separate budget for the helpline (6 000 - 7 000 € were budgeted for the phone costs). <sup>66</sup>		
11	How many people were employed to run the helpline in 2012?	The helpline is run by 4 regional offices and approximately 30 trained volunteers attend the calls. <sup>67</sup>		
12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	<p>The helpline (auttava puhelin) itself is only operated as a phone-line.</p> <p>Nevertheless, RIKU offers also face-to-face assistance, text message service (RIKumobii<sup>68</sup>), legal advice phone-service and online-message-service (Rikunet). Moreover, RIKU is active in social media: chat forum "Suomi24" (Finland24) and Facebook. <sup>69</sup></p>		

<sup>63</sup> In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

<sup>64</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen toimintakertomus 2012); Information obtained from interview with high-ranking member of RIKU, April 2013; Interview with a high-ranking member of RIKU, April 2013.; European Commission, available at: [http://ec.europa.eu/information\\_society/activities/116/countries/index\\_en.htm](http://ec.europa.eu/information_society/activities/116/countries/index_en.htm).

<sup>65</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*), available at [www.riku.fi/fi/victim+support/](http://www.riku.fi/fi/victim+support/) and [www.riku.fi/fi/palvelut/auttava+puhelin/](http://www.riku.fi/fi/palvelut/auttava+puhelin/); Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) general information leaflet (yleisesite), available at: [www.riku.fi/fi/toimintaesitteet/](http://www.riku.fi/fi/toimintaesitteet/).

<sup>66</sup> Interview with a high-ranking member of RIKU, May 2013.

<sup>67</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>68</sup> This service is part of a project of Ehyt ry (an association for substance abuse prevention).

<sup>69</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen toimintakertomus 2012).

13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?	The helpline (auttava puhelin) itself is only operated as a phone-line.
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers etc.)	The helpline is attended by trained volunteers. <sup>70</sup>
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	<p>The helpline received 5212 calls in 2012 of which 1177 were attended, 2335 were made outside the operating hours (attended by answering machine) and 1700 were not attended (the line was busy).</p> <p>Legal advice attended 327 calls; the automatic answering service was used 1562 times.</p> <p>All together 2000 messages went through Rikumobil. Rikunet answered to 248 messages.<sup>71</sup></p>

<sup>70</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*), available at [www.riku.fi/fi/palvelut/auttava+puhelin/](http://www.riku.fi/fi/palvelut/auttava+puhelin/).

<sup>71</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen toimintakertomus 2012).

## 2.4 Obligation of police to provide information

		Yes	No	Comments (max 2-3 sentences)
1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		According to the Criminal Investigations Act ( <i>Esitutkintalaki / Förundersökningslag</i> , 30.4.1987/449), 29 §, victims must be informed about their right to be appointed legal assistance or a support person.
2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?		X	There is no mention of an obligation to provide information on compensation to victims in the Criminal Investigations Act ( <i>Esitutkintalaki / Förundersökningslag</i> , 30.4.1987/449). <sup>72</sup>  During a hearing, the police asks victims about their claims for compensation, and whether they want the prosecutors to present these claims in trial. There is a form on compensation claims that can be filled at this point, or the claims for compensation can be presented by the victim's legal counsel at a later stage in the proceedings. <sup>73</sup>
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		According to section 29 of the Criminal Investigations Act ( <i>Esitutkintalaki / Förundersökningslag</i> , 30.4.1987/449), the person who is heard during the investigations must always be informed about their role in the preliminary investigation. The injured party and their legal representative must be informed about the obligation to testify and the threat of penalty decreed for false statements. The injured party must be informed about their right to be appointed legal assistance or a support person.
4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)?	X		According to section 37 of the Criminal Investigations Act ( <i>Esitutkintalaki / Förundersökningslag</i> , 30.4.1987/449), the person being heard has a right to use their own language, and the administrative body responsible for the preliminary investigation must provide interpretation services free of cost.

<sup>72</sup> No translation in English available.

<sup>73</sup> The Finnish Association for Mental Health (*Suomen mielenterveysseura / Föreningen för Mental Hälsa i Finland*) and Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren, RIKU*) (2007): *A practical legal guide to victims of violent crime* (Käytännön oikeusopas väkivaltarikoksen uhreille), available at: [www.riku.fi/fi/oppaita/oikeusopas/](http://www.riku.fi/fi/oppaita/oikeusopas/); Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus.

5	Are victims notified about their right to receive information about:			
	(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;	X		According to section 47 of the Criminal Investigations Act (Esitutkintalaki / Förundersökningslag, 30.4.1987/449), the head of investigation must take care that the injured parties and persons heard during the preliminary investigation as parties to the case are informed without delay about a decision not to proceed with or to end an investigation. The police has no obligation to inform the victim about a decision not to prosecute the offender, as this is made by the prosecution services.
	(b) the time and place of the trial, and the nature of the charges.		X	The police has no role in informing the victim about the time and place of the trial, nor about the nature of the charges. This information can only be provided after the preliminary investigation phase and the police does not participate in that phase of the proceedings.
	(c) any final judgment in a trial		X	The police has no role in informing the victim about the final judgement in a trial since the police does not participate in that phase of the proceedings.

## 2.5. Training of practitioners on dealing with victims of crime

Please complete the information in the following table, selecting either 'yes' or 'no' and providing a short explanation in the comments field. Where 'Yes' or 'No' answers are not applicable, 'NA' has been inserted. In these instances, please answer the question directly in the 'comments' field.

With respect with how to deal with victims of crime, Is systematic training of the following categories of professionals who come into contact with victims of crime carried out (if yes, please indicate under 'comments' the nature of the training and whether it is on dealing with all victims or just certain categories of victims (e.g. victims of domestic violence):				
		Yes	No	Comments (max 2-3 sentences)

1	Police	X	<p>There is basic training on supporting the victims of violent crime (providing information on support and advice services) and redirecting the victims of domestic violence.<sup>74</sup> There is a 10-hour training period on dealing with victims of sex crime and domestic violence that includes a lecture by RIKU (2 hours) and the materials of Senja-project (see below 2.5.5.) Moreover, a victim of crime is invited to speak about his/her experiences. Furthermore, attention is paid to dealing with victims of crime with an immigrant background.<sup>75</sup></p> <p>In updating training, the victim's viewpoint is dealt in conjunction with the training on sex crime investigation and crimes against children.<sup>76</sup></p>
2	Prosecutors	X	<p>The Finnish Prosecution service provides training for prosecutors. The training is voluntary, although the prosecutors specialising in certain themes, for example crimes committed against children or women, have to take part on all the courses organised on those particular matters.</p> <p>The courses on sex and violent crimes (offences against the person) as well as on domestic violence are held so that the basic course and advance course alternate yearly. These courses touch on the theme of dealing with victims of crime; however, there are no separate lectures on the matter.<sup>77</sup></p>

<sup>74</sup> Police College of Finland (*Poliisiammattikorkeakoulu / Polisyrkeshögskolan*), Study Guide 2012-2013, 129 & 137, available at: [www.polamk.fi/opintoopas2012/index.html](http://www.polamk.fi/opintoopas2012/index.html).

<sup>75</sup> Information obtained from a Senior Teacher of The Police College of Finland, May 2013 and interview with a high-ranking member of RIKU, April 2013.

<sup>76</sup> Information obtained from a Senior Teacher of The Police College of Finland, 13 May 2013.

<sup>77</sup> Information obtained from a member of the training team of the Office of the Prosecutor General, April 2013.

3	Judges	X		<p>The Ministry of Justice organises training for judges and court staff on dealing with victims of crime. The information obtained from 2010-2013 show that training has been organised regularly in cooperation with RIKU and the Senja-project (see below 2.5.5.). These training events have dealt with victims of crime in general, but special emphasis has been given to victims of sex crime and domestic violence. There has been the possibility to attend the trainings via video from all district courts.</p> <p>In addition, victims of crime are dealt with in conjunction with larger criminal justice “training packages” that are mainly aimed at judges, but also the court registry staff can participate in them, as well as prosecutors and legal counsellors. Furthermore, victims of crime have been addressed in the training organised on expert-assisted mediation of custody disputes.<sup>79</sup></p>
4	Court staff	X		<p>The Ministry of Justice organises training for judges and court staff on dealing with victims of crime. The information obtained from 2010-2013 show that training has been organised regularly in cooperation with RIKU and the Senja-project (see below 2.5.5.). These training events have dealt with victims of crime in general, but special emphasis has been given to victims of sex crime and domestic violence.</p> <p>In addition, victims of crime are dealt with in conjunction with larger criminal justice “training packages” that are mainly aimed at judges, but also the court registry staff can participate in them, as well as prosecutors and legal counsellors. Moreover, the court registry staff is trained yearly on arranging the court sessions from the point of view of the victim.<sup>80</sup></p>
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they			A lecture (approx. 2 hours) by RIKU on dealing with victims of crime is included in the police basic training. <sup>81</sup>

<sup>79</sup> Information obtained from a member of the training team at the Ministry of Justice, April 2013.

<sup>80</sup> Information obtained from a member of the training team at the Ministry of Justice, April 2013.

	provide input through lectures; they fund the training; they organise and run the training themselves etc.)			During 2009-2010 Senja (sensitivity training for the professionals of jurisprudence) -project coordinated by Rape Crises Centre Tukinainen organised training on dealing with victims of crime (especially with victims of domestic violence and sex crime). Police officers (also students), prosecutors, judges and legal counsellors took part in the trainings. Moreover, the project produced material <sup>82</sup> for the professionals available in internet and on print. <sup>83</sup>
6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training,			RIKU organises basic course (30 hours) for its volunteers. However, the lawyers (specialised in criminal proceedings) attending the legal advice service are not obliged to take part in the basic training. Moreover, regular work counselling and updating training is provided for the volunteers (minimum 6 times a year). The support persons (who support victims personally e.g in court/at the police station) go through a 40-hour training. The personnel (contracted) in RIKU are encouraged to get updating training and many do participate in training on different kind of themes, e.g. violence against women, legal matters, sex crimes and witness support. However, there is no obligatory training. <sup>84</sup>
7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)	NA	NA	

## 2.6 Rights of victims in criminal proceedings

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. In cases where your country has already been placed in a particular category as

<sup>81</sup> Interview with high-ranking member of Victim Support Finland, April 2013.

<sup>82</sup> Sensitiveness Model for Professionals of Jurisprudence, Rape Crisis Centre Tukinainen (*Raiskauskeskus Tukinainen/Väldtäktscentralen Tukinainen*), available at <http://senjanetti.fi/en>.

<sup>83</sup> The Federation of Mother and Child Homes and Shelters (*Ensi- ja turvakotien liitto / Förbundet för mödra- och skyddshem*), available at [www.ensijaturvakotienliitto.fi/liitto/yhteistyol](http://www.ensijaturvakotienliitto.fi/liitto/yhteistyol); Rape Crisis Centre Tukinainen (*Raiskauskeskus Tukinainen/Väldtäktscentralen Tukinainen*), available at [www.tukinainen.fi/index.php?option=com\\_content&view=article&id=64&](http://www.tukinainen.fi/index.php?option=com_content&view=article&id=64&).

<sup>84</sup> Interview with high-ranking member of Victim Support Finland, April 2013; Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*), available at [www.riku.fi/fi/koulutus/](http://www.riku.fi/fi/koulutus/).

an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary.

### 2.6.1 Definition of victim

Please provide a definition of the term victim in your country:

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	The term "victim" is not directly defined in legislation. In criminal justice context term "complainant" is used in the place of "victim". However, neither "complainant" is directly defined in legislation. In legal terminology complainant is a person whose object of legal protection has been violated. <sup>85</sup>
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	There is no direct definition for "vulnerable victims" in legislation. However, it is referred to in Criminal Code ( <i>Rikoslaki / Strafflag</i> , 39/1889) in conjunction with the characteristics of sexual abuse and aggravated trafficking in human beings as a person "whose capacity to defend him/herself is essentially impaired".  In addition, Act on the applicant's international protection at the reception ( <i>Laki kansainvälistä suojelu hakevan vastaanotosta/ Lag om mottagande av personer som söker internationellt skydd</i> , 746/2011) links "vulnerability" to a person's age and physical and psychological state.  Moreover, vulnerability has been defined in scholar writing on the type of crime, as well as on personal characteristics like age and social status. <sup>86</sup>
3	Are parents, children, other family members, same sex partner & first responders included under the main definition of the term victim? If not, are they included as 'indirect' victims or similar?	There is no definition for indirect victims in the legislation. In scholar writing indirect victimisation has been linked to familiars of the victim and to professionals working with victims, such as social workers, health care professionals, victim support volunteers etc. <sup>87</sup>

### 2.6.2. Decision not to prosecute

With regard to victims' rights to review a decision not to prosecute, please answer the following:

	Yes	No	Comments (Max word count 80 words)
If the prosecutor decides to discontinue a case, does the victim have the right to file for a review of the decision not to prosecute?	X		If the prosecutor makes a decision not to prosecute, and there is grounds to believe that the prosecutor has made an error, the injured party has a right to file a complaint to the Office of the Prosecutor General, who can then decide to assign the consideration of charges to another prosecutor. <sup>88</sup>

<sup>85</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrin rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 7, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)]; Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 173.

<sup>86</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrin rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 12 & 14-15, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)]

<sup>87</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrin rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 14, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)].

<sup>88</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 138.

Who undertakes this review?	NA	NA	The Office of the Prosecutor General, who can then order the consideration of charges to be conducted by another prosecutor. <sup>89</sup>
Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?	X		<p>The complainant has a secondary right of action in relation to the prosecutor. The Criminal Procedure Act (<i>Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål</i> (11.7.1997/689))<sup>90</sup>, as amended by Act no. 455/2011, stipulates that the injured party can prosecute a crime when a prosecutor has made a decision not to prosecute, or has decided that no preliminary investigation shall be conducted, or that it will be discontinued.</p> <p>The Criminal Procedure Act (<i>Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål</i> (11.7.1997/689)), as amended by Act no. 455/2011, stipulates that the injured party must notify the court about the new prosecution in writing in 30 days from the time they were notified about the decision not to prosecute.</p>
Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?		X	<p>There is no hotline provided by the prosecutor's office.</p> <p>No information of such a helpline can be found on the prosecutor's website (<a href="http://www.oikeus.fi/4337.htm">www.oikeus.fi/4337.htm</a>) nor is it mentioned in other reference material.</p>

### 2.6.3. Right to be heard

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Some examples have been provided.

	Yes	No	Comments (Max word count 80 words)
Do victims have a right to be heard during criminal proceedings?	X		<p>The Constitution of Finland (<i>Suomen perustuslaki / Finlands grundlag</i>, 731/1999), section 21 stipulates that the right to be heard during legal proceedings shall be laid down by an Act.</p> <p>According to the section 7 of the Criminal Procedure Act (<i>Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål</i> (11.7.1997/689)), the injured party must be heard during the main hearing.</p>
Do victims have a right to supply evidence during criminal proceedings?	X		<p>The victim, or the injured party, has a right to the supply evidence during proceedings. The evidence should be included in the application for a summons. (Chapter 5 Section 3 of the the Criminal Procedure Act (<i>Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål</i> (11.7.1997/689))).</p> <p>The section 16 of the Criminal Procedure Act (<i>Laki</i></p>

<sup>89</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 138.

<sup>90</sup> Unofficial translation: [www.finlex.fi/en/laki/kaannokset/1997/en19970689.pdf](http://www.finlex.fi/en/laki/kaannokset/1997/en19970689.pdf)

			<i>oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål (11.7.1997/689)</i> stipulates that the court should be notified about new evidence before a hearing if possible, or else the hearing might have to be postponed.
Is there a right for vulnerable victims to be questioned & testify in court in a protected manner – e.g. are screens in place when victims testify/video link available or other measures to separate victim from accused? Please specify whether this applies to all victims or just certain categories of victims (please specify):	X		Sections 34 § and 34 a § of the Code of Judicial Procedure ( <i>Oikeudenkäymiskaari / Rättegångs Balk</i> , 1.1.1734/4), as amended by Act no. 360/2003 <sup>91</sup> , stipulate that in cases of serious crimes, the injured party can be heard without the presence of the defendant.  Vulnerable victims and victims who are afraid have a right to be heard without meeting the accused and testify in a protected manner, usually arranged by the use of screens in the court room or conducting the hearing in a separate room with audio connection to the main room. <sup>92</sup> Children under 15 years old at the time of trial are usually not heard during trial, but a videotaped preliminary investigation hearing is presented. <sup>93</sup>

#### 2.6.4 Rights of victims at trial

The International Criminal Court (ICC) has created a special unit for victims and witness to provide support before, during and after the trial. Services are delivered by professionals who are often salaried employees of the court, and includes persons with expertise in trauma, including trauma from sexual violence. When providing testimony victims may also have support from family members, psychologists or legal representatives. These specialists are also able to advise prosecutors on appropriate security arrangements for victims and the court must take measures to protect the safety, physical and psychological well-being, dignity and privacy of victims. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be confidential. The statute also calls for the court to establish principles relating to “reparations to victims, including restitution, compensation and rehabilitation” and to establish a trust fund which “works for victims by mobilizing people, funding opportunities for the benefit of victims and implementing court-ordered reparations awards.”

*With the example of the ICC special victims’ unit in mind, please answer the following questions, choosing ‘yes’ or ‘no’ and providing a short description. If the answer is no, please provide a justification. Where ‘Yes’ or ‘No’ answers are not applicable (i.e. questions 2-4), ‘NA’ has been inserted. In these cases, please answer the question directly in the ‘Description/justification’ field.*

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?		X	There is no unit or services providing support. The bailiffs have a role in informing victims (e.g. about the time and pace of the trial)

<sup>91</sup> Unofficial translation in English: [www.finlex.fi/fi/laki/kaannokset/1734/en17340004.pdf](http://www.finlex.fi/fi/laki/kaannokset/1734/en17340004.pdf)

<sup>92</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrin rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 98, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)].

<sup>93</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrin rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 103-104, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)]; Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 141.

				as well as taking care of general arrangements in the court on the day of trial (e.g. guidance of the victims, providing interpreters). <sup>94</sup>
2	Is there a separate waiting area for victims at court?		X	The majority of courthouses do not have a separate waiting area, but some newer courthouses have special waiting area for victims and witnesses. <sup>95</sup>
3	Is special seating reserved for victims at trial?		X	No special seating for victims.
4	What other services are available?	NA	NA	The victim can have mental support during trial from a support person, who can be a volunteer, relative or a familiar person. The Legal Aid Act ( <i>Oikeusapulaki / Rättshjälpslag</i> , 257/2002) stipulates that victims are also entitled to legal support and free legal counsel depending on their economic means. The victims of serious violent crime or sexual crime can be granted a legal counsel at the expense of the state regardless of their economic means.
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?	NA	NA	Victim support persons are usually volunteers from RIKU. <sup>96</sup>  The legal assistance and counselling provider can be chosen by the victim.
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?	(Possible)		Both victim support persons and legal counsels can provide advice and information on the victim's wishes concerning the trial to prosecutors. However, there are no established practices about this.
7	Do they provide advice to judges with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?	(Possible)		Both victim support persons and legal counsels can provide advice and information on the victim's wishes concerning the trial to judges. However, there are no established practices about this.

<sup>94</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrít rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 96, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)].

<sup>95</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrít rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 97-98, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)].

<sup>96</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrít rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 108, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)].

8	Are the rights and protections that should be afforded to victims mentioned in the founding law (e.g. a statute) establishing the court?		X	The Constitution of Finland ( <i>Suomen perustuslaki / Finlands grundlag</i> , 731/1999) establishes the courts of general jurisdiction that hear criminal cases in Finland, and does not mention rights of the victims.
9	Do victims have the right to be accompanied by support persons during the trial?	X		Section 3 of the Criminal Procedure Act ( <i>Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål</i> (11.7.1997/689)), as amended by the Act no. 243/2006, stipulates that a support person with adequate qualifications can be assigned to a victim in need of support. The support person can be present during preliminary investigation as well as the trial.
10	Can victims access & copy trial records	X		Act on the Openness of Government Activities ( <i>Laki viranomaisten toiminnan julkisuudesta/ Lag om offentlighet i myndigheternas verksamhet</i> ) (21.5.1999/621) guarantees the right to access records to all parties to a case, including the victim as the injured party. In practice, the victim can ask for a copy of the judgement from the court. <sup>97</sup>

<sup>97</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrit rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 90, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)].

### 2.6.5 Legal aid for victims:

Experts consider provision of legal advice the area where there is most room for improvement in the area of victim support activities, with significant advances needed to ensure free and easily accessible legal advice for all victims. With this in mind, please answer questions 1 -5 in the table below selecting only **one option** (a, b, c or d) for each question and providing a description under 'comments'. **Please specify what criteria, if any, entitle a victim to avail of certain categories of legal aid. There may be several criteria (as in the example below – please be as detailed as possible. If none of the descriptions match the situation in your country, please choose 'd' and provide a short explanation of the situation.**

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims; e.g. only victims of serious crime, only victims who are nationals of that country etc. (please specify which victims are entitled to such advice):	C: Subject to other criteria; e.g. an economic 'means test' (please specify):	D: Other (please specify)
1. Free legal advice	Place X in appropriate column			X	
	Comments:			Legal aid (provided by the state) is available in any sort of legal matter. Legal aid can include legal advice and/or legal representation. Legal aid is provided to persons whose municipality of residence is in Finland and to persons domiciled or habitually resident in another Member State of the European Union (EU) or the European Economic Area (EEA). <sup>98</sup>  Legal advice is subject to economic means and legal	

<sup>98</sup> Legal Aid Act (*Oikeusapulaki/ Rättshjälpslag*, 257/2002), available at: [www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf](http://www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf); Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/en/index/publications/esitteet/oikeusapu.html](http://www.om.fi/en/index/publications/esitteet/oikeusapu.html).

				<p>expenses insurance. Legal advice is not given to a person that has legal expenses insurance that covers the matter in question. Nevertheless, it is possible to get legal aid to cover the deductible of legal expenses insurance, if the person in question would otherwise be entitled to free legal aid. Legal advice is provided free of charge to a person whose means (after deductions) are under 600 € /month, persons whose means vary between 800-1300 € have to pay a certain percentage of the legal aid (20-75%) depending on the means. The expenses of legal advice/aid are covered up to 80 hours per legal matter. A person whose available means per month are over 1300 € is not entitled to public legal advice. In addition, the means of the spouse have an effect on the possibility to receive public legal advice. A legal aid charge of 70 euros is collected of all persons receiving some type of legal aid except from those entitled to legal aid free of charge.<sup>99</sup></p> <p>Minor legal advice is granted free of charge without means-testing.<sup>100</sup></p>	
<b>2. Free legal representation</b>	Place X in appropriate column			X	
	Comments:			<p>Legal representation (provided by the state) is subject to economic means and legal expenses insurance. Legal aid/representation is not given to a person that has legal expenses insurance that covers the matter in question. Nevertheless, it is possible to get legal aid to cover the</p>	

<sup>99</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at: [www.om.fi/en/index/publications/esitteet/oikeusapu.html](http://www.om.fi/en/index/publications/esitteet/oikeusapu.html).

<sup>100</sup> Legal Aid Act (*Oikeusapulaki/ Rättshjälpslag*, 257/2002), available at: [www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf](http://www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf).

				<p>deductible of legal expenses insurance, if the person in question would otherwise be entitled to free legal aid. Legal representation is provided free of charge to a person whose means (after deductions) are under 600 € /month, persons whose means vary between 800-1300 € have to pay a certain percentage of the legal aid (20-75%) depending on the means. The expenses of attorney are in most cases covered up to 80 hours. A person whose available means per month are over 1300 € is not entitled to legal aid. In addition, the means of the spouse have an effect on the possibility to receive public legal representation. A legal aid charge of 70 euros is collected of all persons receiving some type of legal aid except from those entitled to legal aid free of charge <sup>101</sup></p> <p>In criminal proceedings, a person can be entitled to free legal aid (public defender) in certain circumstances<sup>102</sup> regardless of his/her economic means. The victims of serious violent crime or sexual crime can be granted a trial counsel at the expense of the state, regardless of their economic means.<sup>103</sup></p>	
<b>3. Exemption from court fees</b>	Place X in appropriate column			X	
	Comments:			<p>A person receiving legal aid is exempt from court fees.<sup>104</sup></p> <p>If a case in district court is subject to public prosecution, no fees are claimed. <sup>105</sup></p>	

<sup>101</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/en/index/publications/esitteet/oikeusapu.html](http://www.om.fi/en/index/publications/esitteet/oikeusapu.html).

<sup>102</sup> Depending on the victim's age or other personal qualities. Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 147.

<sup>103</sup> Finland, Ministry of Justice and judicial administration (*oikeusministeriö/oikeuslaitos, justitieministeriet/rättsväsender*), available at [www.oikeus.fi/8852.htm](http://www.oikeus.fi/8852.htm); Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 147.

<sup>104</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at: [www.om.fi/en/index/publications/esitteet/oikeusapu.html](http://www.om.fi/en/index/publications/esitteet/oikeusapu.html).

<sup>105</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at: [www.om.fi/fi/index/julkaisut/esitteet/rikosjutunkasittelykarajaoikeudessa/maksutjakorvaukset.html](http://www.om.fi/fi/index/julkaisut/esitteet/rikosjutunkasittelykarajaoikeudessa/maksutjakorvaukset.html).

<b>4. Exemption from or reimbursement for expenses related to interpretation and/or translation</b>	Place X in appropriate column			X	
	Comments:			<p>A person receiving legal aid (provided by the state) is exempt from interpretation and translation costs.<sup>106</sup></p> <p>In accordance with the Criminal Investigation Act (<i>Esitutkintalaki / Förundersökningslag, 427/2003</i>) a person being heard in criminal investigation has a right to interpreter free of charge. The Criminal Procedure Act Act (<i>Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål, 1997/689</i>) states that a complainant has a right to an interpreter free of charge in a case that is handled by the prosecution. Moreover, the translation of the verdict and the decision of the court is provided free of charge in these cases. (The authorities have the obligation to use Finnish and Swedish in court in accordance with the Language Act (<i>kielilaki / språklag, 423/2003</i>)). Moreover, Sámi has to be used in court in specific parts of the country in accordance with Sámi Language Act (<i>Saamen kielilaki / Samisk Språklag, 1086/2003</i>).<sup>107</sup></p>	
<b>5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings</b>	Place X in appropriate column		X		
	Comments:		The victims of crime can claim for damages (such as loss of earnings and travel expenses) during court proceedings. Primary		

<sup>106</sup> Legal Aid Act (*Oikeusapulaki/ Rättshjälpslag, 257/2002*), available at: [www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf](http://www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf); Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at: [www.om.fi/en/index/publications/esitteet/oikeusapu.html](http://www.om.fi/en/index/publications/esitteet/oikeusapu.html).

<sup>107</sup> Criminal Investigations Act (*Esitutkintalaki / Förundersökningslag, 427/2003*); Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål, 1997/689*) available at [www.finlex.fi/en/laki/kaannokset/1997/en19970689.pdf](http://www.finlex.fi/en/laki/kaannokset/1997/en19970689.pdf); Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at: [www.om.fi/fi/index/julkaisut/esitteet/kielilaki/asiankasittelykieli.html](http://www.om.fi/fi/index/julkaisut/esitteet/kielilaki/asiankasittelykieli.html).

		<p>he offender is liable for paying the damages. Moreover, damages can be claimed from the State Treasury. In some instance also the insurance companies and Kela (the Social Insurance Institution of Finland) can pay damages/compensation. The possibilities to receive damages vary, as well as the amounts paid. The State Treasure usually pays compensation/damages only for personal injuries (such as loss of earnings up to 140 € per day) and material damages connected to personal injuries. If the Treasury pays damages, it can also pay the legal counsellor's expenses (to a reasonable extent) or it can pay the deductible of legal expenses insurance.<sup>108</sup></p> <p>If the victim has to be present at the trial, he/she has the right to apply for reimbursement of expenses from the state (daily allowance, travel expenses and reimbursement for the loss of earnings.)<sup>109</sup></p> <p>A witness who has been called by a complainant who has been</p>		
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<sup>108</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 144, 147; Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html).

<sup>109</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 139-140.

			<p>granted public legal aid or by a public prosecutor to testify can receive reimbursement for travel and accommodation costs and loss of earnings, as well as daily allowance, from the state. If the witness has been called to testify by a complainant that has not been granted public legal aid, the complainant is responsible for paying the reimbursement for the witness.<sup>110</sup></p> <p>On specific grounds, a person that is especially closely associated with the injured party can receive compensation from the state for all reasonable and necessary costs and loss of income (up to 140 €/ per day) of the care of the injured party and for other measures that they have carried out as a result of the injury.<sup>111</sup></p> <p>An employer is compensated by the state for the salary or other comparable remuneration paid by the employer to the injured party during the period of disability to work.<sup>112</sup></p>	
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<sup>110</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/fi/index/julkaisut/esitteet/todistajanaoikeudenkaynnissa/Todistajallemaksettavatkorvaukset.html](http://www.om.fi/fi/index/julkaisut/esitteet/todistajanaoikeudenkaynnissa/Todistajallemaksettavatkorvaukset.html).

<sup>111</sup> Finland, State Treasury (*Valtiokonttori/ Statskontoret*), available at [www.statetresury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages/What\\_will\\_be\\_compensated/Personal\\_injury](http://www.statetresury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages/What_will_be_compensated/Personal_injury).

<sup>112</sup> Finland, State Treasury (*Valtiokonttori/ Statskontoret*), available at [www.statetresury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages/What\\_will\\_be\\_compensated/Personal\\_injury](http://www.statetresury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages/What_will_be_compensated/Personal_injury).

	The state	A victim support service	Both	Other (explain)	
<b>2. Who provides legal aid? place 'X' in one column only)</b>	X	X / RIKU offers guidance in questions related to individual's legal rights. <sup>113</sup>			

<sup>113</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*), available at [www.riku.fi/fi/victim+support/](http://www.riku.fi/fi/victim+support/).

## 2.7 Compensation

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer: e.g. for question 2.7 (2), please select 'Yes' or 'No' and under comments, specify what measures victims can ask for during criminal proceedings. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary; i.e. by moving your country from the 'Yes' column to the 'No' column and vice versa.

	Victims' rights with regard to compensation	Yes	No	Comments and sources (max 2-3 sentences)
1	Do victims have the right to ask for compensation during criminal proceedings?	X		<p>During the preliminary investigation hearing, the police asks victims about their claims for compensation, and whether they want the prosecutors to present these claims in trial. There is a form on compensation claims that can be filled at this point, or the claims for compensation can be presented by the victim's legal counsel at a later stage in the proceedings.<sup>114</sup></p> <p>In general, compensation must be requested from the offender in court. If the offender has not been apprehended or the case has remained unsolved, compensation can be requested directly from the State Treasury without a court decision.<sup>115</sup></p>
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?			<p>The victims can claim damages, such as reimbursement for expenses. Nevertheless, compensation/damages can mainly be claimed from the State Treasury only for personal injuries (and material damage connected to personal injuries).<sup>116</sup></p> <p>If the victim has to be present at the trial, he/she has the right to apply for reimbursement of expenses (daily allowance, travel expenses and</p>

<sup>114</sup> Koivukangas, J. (ed.) (2007) A practical legal guide to victims of violent crime (Käytännön oikeusopas väkivaltarikoksen uhreille, The Finnish Association for Mental Health (Suomen mielenterveysseura / Föreningen för Mental Hälsa i Finland) and Victim Support Finland (Rikosuhripäivystys RIKU / Brottsofferjouren), Helsinki, Jv-Paino OY, available at: [www.riku.fi/fi/oppaita/oikeusopas/](http://www.riku.fi/fi/oppaita/oikeusopas/); Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus.

<sup>115</sup> Finland, Ministry of Justice (oikeusministeriö / justitieministeriet), available at [www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html).

<sup>116</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 143-144; Finland, Ministry of Justice (oikeusministeriö / justitieministeriet), available at [www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html).

				reimbursement for the loss of earnings.) <sup>117</sup>  The victim can apply for a restraining order. <sup>118</sup> Before the court hearing the victim can request to use separate waiting area. In some cases the victim can request to be situated behind a mirror class or screen in the court room. <sup>119</sup>
3	Is compensation paid by the offender?	X		Primary the offender is liable for paying the damages. <sup>120</sup>
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?		X	The Ministry of Justice is looking into the possibility of establishing such a fund and the Minister of Justice has taken a positive stand to it. <sup>121</sup>
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?	-	-	There is no victims of crime fund.
6	Is compensation paid by the state?	X		Victims of crime are entitled to receive compensation from the State Treasury. Nevertheless, state-funded compensation is secondary, and the compensation received from other instances is reduced from the amount paid pay the state. <sup>122</sup> The state-funded compensation is generally only paid for personal injuries, for example, medical treatment, pain and suffering, a permanent handicap or mental anguish, as well as loss of earnings. <sup>123</sup>
7	Will the State advance payment of the compensation if the	X		The victim can request compensation from the State

<sup>117</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 139–140.

<sup>118</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 147; Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at

[www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/lahestymiskielto.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/lahestymiskielto.html)

<sup>119</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 141.

<sup>120</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 144.

<sup>121</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at

[www.om.fi/fi/index/ajankohtaista/tiedotteet/2013/02/oikeusministerihenrikssonkansainvalisenarikosuhripaivanarikoksenuhrienasemaonpa\\_rannettava.html](http://www.om.fi/fi/index/ajankohtaista/tiedotteet/2013/02/oikeusministerihenrikssonkansainvalisenarikosuhripaivanarikoksenuhrienasemaonpa_rannettava.html); Information obtained from a high-ranking official of Victim Support Finland, April 2013.

<sup>122</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at

[www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html)

<sup>123</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at

[www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html); (Finland) State Treasury (Valtiokonttori/ Statskontoret), available at [www.statetresury.fi/en-](http://www.statetresury.fi/en-US/Citizens%20and%20Communities/Compensation%20and%20benefits/Crime%20damages/What%20will%20be%20compensated/Personal%20injury)

[US/Citizens and Communities/Compensation and benefits/Crime damages/What will be compensated/Personal injury](http://www.statetresury.fi/en-US/Citizens%20and%20Communities/Compensation%20and%20benefits/Crime%20damages/What%20will%20be%20compensated/Personal%20injury)

	offender does not pay? Under which conditions?			Treasure even before claiming it from the offender. <sup>124</sup>
8	Does a compensation order exist?	X		The court can oblige the offender to pay compensation. The court decision is distrainable. However, the State Treasure can deviate from the court decision, especially when it concerns compensation for pain and suffering, permanent handicap or mental anguish. <sup>125</sup>
9	Do prosecutors have the power to mediate between the offender and the victim?	X		In Finland, generally, the offender, the complainant, the police or the prosecutor can refer a case to mediation. The actual mediation is carried out by trained volunteer mediators. <sup>126</sup> Compensation can be determined through mediation. <sup>127</sup>
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?	X		In general, the prosecution must attempt to obtain compensation, if the victim requests it. <sup>128</sup>  In practice, however, the prosecution usually claims the damages only in clear cases in place of the victim. In claiming compensation for non-physical damages the victim usually must be present to justify the claim. <sup>129</sup>
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?	X		The prosecution must take into consideration the public and private interest in decision to prosecute. In assessing the importance of private interest the prosecution must pay attention to the extent of the damage, the economic standing of the parties and the complainant's

<sup>124</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html).

<sup>125</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html)

<sup>126</sup> Finland, Ministry of Justice and judicial administration (*oikeusministeriö/oikeuslaitos, justitieministeriet/rättsväsende*), available at [www.oikeus.fi/17727.htm](http://www.oikeus.fi/17727.htm).

<sup>127</sup> National Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos / Institutet för Hälsa och Välfärd*), available at [www.thl.fi/fi\\_FI/web/fi/aiheet/tietopaketti/sovittelu](http://www.thl.fi/fi_FI/web/fi/aiheet/tietopaketti/sovittelu).

<sup>128</sup> Finland, Ministry of Justice and judicial administration (*oikeusministeriö/oikeuslaitos, justitieministeriet/rättsväsende*), available at [www.oikeus.fi/4033.htm](http://www.oikeus.fi/4033.htm).

<sup>129</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 144; Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrin rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 93, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)].

				possibility to receive compensation. <sup>130</sup>
12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?	X		In accordance with the Criminal Code ( <i>Rikoslaki / Strafflag 39/1889</i> ) the grounds for reducing the punishment include reconciliation between the perpetrator and the injured person, other attempts of the perpetrator to prevent or remove the effect of the offence. In addition the grounds for mitigating the punishment include another consequence to the perpetrator of the offence or the sentence. <sup>131</sup>
13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	X		In general, compensation must be requested from the offender in court. If the offender has not been apprehended or the case has remained unsolved, compensation can be requested directly from the State Treasury without a court decision. <sup>132</sup> The compensation must be requested from the State Treasury within 3 years after the non-appealable judgment has been given. If the offender has not been apprehended, but on the strength of the crime investigation the crime has occurred, the victim must claim for compensation within 10 years. <sup>133</sup>  Criminal charges must be brought within certain time limits (depending on the type/length of the penalty) <sup>134</sup>
14	Do third country nationals have the right to apply for compensation?	X		In accordance with the Act on Compensation for Crime Damage ( <i>Rikosvahinkolaki/ Brottsskadelag 1204/29.12.2005</i> ) compensation is not paid by the state (for crimes committed in Finland), if the person sustaining the injury or damage is not at the time of lodging the application, and was not at the time

<sup>130</sup> Office of the Prosecutor General (Valtakunnansyyttäjänvirasto / Riksåklagarämbetet), available at

[www.vksv.oikeus.fi/Etusivu/VKSnohjeet/Syyttamattajattaminen/PageVKS20074Syyttamattajattamispaatoksenlaatiminenjasial](http://www.vksv.oikeus.fi/Etusivu/VKSnohjeet/Syyttamattajattaminen/PageVKS20074Syyttamattajattamispaatoksenlaatiminenjasial)

<sup>131</sup> Criminal Code (*Rikoslaki / Strafflag 39/1889*), available at: [www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf](http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf)

<sup>132</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at

[www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html](http://www.om.fi/en/index/publications/esitteet/josjoudutrikoksenuhriksi/korvaukset.html).

<sup>133</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 144-145.

<sup>134</sup> Finland, Ministry of Justice and judicial administration (*oikeusministeriö/oikeuslaitos, justitieministeriet/rättsväsender*), available at [www.oikeus.fi/17719.htm](http://www.oikeus.fi/17719.htm).

			<p>of the offence, a domiciled in Finland or in another European Union member state, and if the connection of the damage to Finland is tenuous in other respects.<sup>135</sup> However, if the connection of the damage to Finland is clear, for example the offender is a Finnish citizen or EU-citizen, compensation can be paid by the state even if the victim was not domiciled in Finland at the time of the offence and at the time of lodging the application.<sup>136</sup></p> <p>In accordance with the Act on Compensation for Crime Damage (<i>Rikosvahinkolaki/ Brottsskadelag</i> 1204/29.12.2005 ) if the crime has been committed outside Finland, the victim of a crime can be paid compensation by the state for personal injury and suffering if the victim at the time of the offence had place of residence in Finland and he/she was staying outside Finland do to work or studies or other related matter.<sup>137</sup></p>
15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?	X	<p>In accordance with the Act on Compensation for Crime Damage (<i>Rikosvahinkolaki / Brottsskadelag</i> 1204/29.12.2005) compensation is not paid by the state (for crimes committed in Finland), if the person sustaining the injury or damage is not at the time of lodging the application, and was not at the time of the offence, a domiciled in Finland or in another European Union member state, and if the connection</p>

<sup>135</sup> (Finland) State Treasury (*Valtiokonttori/ Statskontoret*), available at [www.statetresury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages/When\\_can\\_compensation\\_be\\_paid\\_from\\_government\\_funds](http://www.statetresury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages/When_can_compensation_be_paid_from_government_funds); Act on Compensation for Crime Damage (*Rikosvahinkolaki/ Brottsskadelag* 1204/2005), available at [www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf](http://www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf).

<sup>136</sup> Information obtained from a lawyer at the State Treasury, May 2013.

<sup>137</sup> Act on Compensation for Crime Damage (*Rikosvahinkolaki/ Brottsskadelag* 1204/2005), available at [www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf](http://www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf).

				<p>of the damage to Finland is tenuous in other respects.<sup>138</sup> However, if the connection of the damage to Finland is clear, for example the offender is a Finnish citizen or EU-citizen, compensation can be paid by the state even if the victim was not domiciled in Finland at the time of the offence and at the time of lodging the application.<sup>139</sup></p> <p>In accordance with the Act on Compensation for Crime Damage (<i>Rikosvahinkolaki/ Brottskadslag</i> 1204/29.12.2005) if the crime has been committed outside Finland, the victim of a crime can be paid compensation by the state for personal injury and suffering if the victim at the time of the offence had place of residence in Finland and he/she was staying outside Finland do to work or studies or other related matter.<sup>140</sup></p>
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?	X		<p>In accordance with the Act on Compensation for Crime Damage (<i>Rikosvahinkolaki/ Brottskadslag</i> 1204/29.12.2005) suffering caused by offence is compensated by the state to victim of a sexual crime and to a person whose personal liberty has been otherwise violated through a criminal offence (e.g. unlawful deprivation of liberty, unlawful threat).<sup>141</sup></p> <p>Property damage is compensated by the state if the damage has been caused for example by a prisoner, a person who has been involuntarily</p>

<sup>138</sup> Finland, State Treasury (*Valtiokonttori/ Statskontoret*), available at [www.statetresury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages/When\\_can\\_compensation\\_be\\_paid\\_from\\_government\\_funds](http://www.statetresury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages/When_can_compensation_be_paid_from_government_funds); Act on Compensation for Crime Damage (*Rikosvahinkolaki/ Brottskadslag* 1204/2005), available at [www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf](http://www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf).

<sup>139</sup> Information obtained from a lawyer at the State Treasury, May 2013.

<sup>140</sup> Act on Compensation for Crime Damage (*Rikosvahinkolaki/ Brottskadslag* 1204/2005), available at [www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf](http://www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf).

<sup>141</sup> Act on Compensation for Crime Damage (*Rikosvahinkolaki/ Brottskadslag* 1204/2005), available at [www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf](http://www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf); Finland, State Treasury (*Valtiokonttori/ Statskontoret*), available at [www.statetresury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages/What\\_will\\_be\\_compensated/Suffering](http://www.statetresury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages/What_will_be_compensated/Suffering).

				<p>institutionalised or a child taken into custody etc., in certain circumstances.<sup>142</sup></p> <p>Moreover, discretionary compensation for property damage or financial loss can be received if the property damage is significant (at least 2000 €) and its occurrence have been influenced by the victim's helplessness due to age, illness, disability or other comparable reason.<sup>143</sup></p>
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## 2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?	X		RIKU is a member of the organisation Victim Support Europe (VSE). The member organisations work together to provide cross-border referral for victims resident in other state. <sup>144</sup> Crime victims are referred to victim support services in their country of residence if they exist. <sup>145</sup>
2	Can victims of crime report crimes in their own country if the crime was committed in another state?	X		Section 2 of the Act on Preliminary Investigation and Coercive means ( <i>Asetus esitutkinnasta ja pakkokeinoista/ Förordning om förundersökning och tvångsmedel</i> , 17.6.1988/575), stipulates that if the injured party files a report of a crime committed in another state, the police must transfer the report and the claims of the injured party to the other state's competent authority if the injured party could not have reported the crime in the state in question, or if the crime is severe.
3	Are victim support services made available to all victims, regardless of legal status,			RIKU provides services for nationals of other states. RIKU can be contacted

<sup>142</sup> Finland, State Treasury (*Valtiokonttori/ Statskontoret*), available at [www.statetresury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages/What\\_will\\_be\\_compensated/Property\\_damage\\_and\\_financial\\_loss](http://www.statetresury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages/What_will_be_compensated/Property_damage_and_financial_loss); Act on Compensation for Crime Damage (*Rikosvahinkolaki/ Brottskadelag* 1204/2005, available at [www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf](http://www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf)).

<sup>143</sup> Finland, State Treasury (*Valtiokonttori/ Statskontoret*), available at [www.statetresury.fi/en-US/Citizens\\_and\\_Communities/Compensation\\_and\\_benefits/Crime\\_damages/What\\_will\\_be\\_compensated/Property\\_damage\\_and\\_financial\\_loss](http://www.statetresury.fi/en-US/Citizens_and_Communities/Compensation_and_benefits/Crime_damages/What_will_be_compensated/Property_damage_and_financial_loss); Act on Compensation for Crime Damage (*Rikosvahinkolaki/ Brottskadelag* 1204/2005, available at [www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf](http://www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf)).

<sup>144</sup> Kjöllman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 168-169.

<sup>145</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*): RIKU Magazine 2/2010, page 33. Available at: [www.riku.fi/fi/riku-lehti/](http://www.riku.fi/fi/riku-lehti/)

	country of origin or nationality?	X		anonymously and regardless of legal status. <sup>146</sup>
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.			RIKU has translated the general information about the organisation and its functions in 19 languages, available on their website at <a href="http://www.riku.fi/fi/etusivu/">www.riku.fi/fi/etusivu/</a> and <a href="http://www.riku.fi/fi/lisaa++more/">www.riku.fi/fi/lisaa++more/</a> .
5	Is information made available to victims in different languages by the police? If yes, which languages?	X		The police has basic information about their work on their website in Russian, Estonian, German, Spanish, French, Mandarin Chinese, Vietnamese, Somali, Turkish, Kurdish (Sorani), Albanic and Arabic. <sup>147</sup>
6	Is information made available to victims in different languages by victim support services? If yes, which languages?	X		RIKU has translated the general information about the organisation and its functions in 19 languages, and offers information on its website in Mandarin Chinese, Somali, Estonian, Russian, Arabic, Thai, Turkish, German, Spanish, French, Norwegian, Polish, Kurdish, Vietnamese, Farsi, Serbo-Croatian, Burmese, Hebrew, Portuguese and English in addition to Swedish and Finnish. <sup>148</sup>
7	Do victim support services offer interpretation or translation services? If yes, in which languages?		X	RIKU does not offer interpretation or translation services, despite recognising the need for them, because of lack of funds. Clients can be attended in Finnish, Swedish, English and Russian. <sup>149</sup>
8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international consultative forums or conventions etc.)	X		RIKU is a member of the organisation Victim Support Europe (VSE), whose member organisations co-operate cross-nationally in victim support. <sup>150</sup>
<b>Description (max 2-3 sentences per question)</b>				
9	What is the mechanism for victims to apply for compensation once they are back in their own country?			Victims can be paid compensation from state funds in case they are a resident of Finland or another EU member state, or when the perpetrator is a resident of

<sup>146</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 110-111.

<sup>147</sup> The website of the Police, available at [http://poliisi.fi/poliisi/home.nsf/pages/index\\_eng](http://poliisi.fi/poliisi/home.nsf/pages/index_eng)

<sup>148</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*, RIKU), available at: [www.riku.fi/fi/etusivu/](http://www.riku.fi/fi/etusivu/) and [www.riku.fi/fi/lisaa++more/](http://www.riku.fi/fi/lisaa++more/)

<sup>149</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*, RIKU) (2012): *Työtä erojen yli – Rikosuhripäivystyksen Ulrik-projekti 2007-2011* (Work across differences – Ulrik Project by Victim Support Finland 2007-2011), 34, 39. Can be uploaded as a pdf-file in: [www.riku.fi/binary/file/-/id/92/fid/1311/](http://www.riku.fi/binary/file/-/id/92/fid/1311/)

<sup>150</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 168-169.

		Finland or another EU state, or when the crime has other strong connection to Finland. <sup>151</sup>  Compensation is applied for during trial. After a decision to pay compensation has been made, the victim fills out an application to the State Treasury ( <i>Valtiokonttori / Statskontoret</i> ) for compensation to be paid.
10	What is the number of victims accessing victim support services who are non-nationals of the state?	In 2010, there were 286 contacts made to RIKU by non-nationals of Finland, and 165 non-nationals were in a client relationship with RIKU. This was a significant increase from the respective numbers of 203 and 110 in 2009, possibly as a result from RIKU's development project Ulrik that took place in 2007-2011 and targeted non-national crime victims. <sup>152</sup>
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	RIKU has translated the general information about the organisation and its functions in 19 languages, available on their website in <a href="http://www.riku.fi/fi/etusivu/">www.riku.fi/fi/etusivu/</a> and <a href="http://www.riku.fi/fi/lisaa++more/">www.riku.fi/fi/lisaa++more/</a> .
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?	Victims' privacy is always considered, but there are no specific measures regarding cross border victims. <sup>153</sup>

## 2.9. The role of volunteerism in victim support

From the research carried out in phases 1 & 2, one of the most striking features of the more robust generic victim support systems in Europe is the crucial role played by volunteers.

**With this in mind, please provide an overview (max 500 words) of the tradition of volunteerism in the area of the victim of support in your country; i.e. outlining whether such a culture exists, what is the historical background for why it does or does not exist; how is the situation changing and focusing on any discernible trends; explaining also the typical profile of volunteers who work in the field - e.g. well educated? Professional background - working in a particular field (e.g. legal, social work); typical tasks? (E.g. provision of legal/psychological advice? Or restricted to informing victims of rights etc.). How many hours a week do volunteers typically give of their time? Are numbers of volunteers increasing or decreasing?**

<sup>151</sup> Information obtained from a lawyer at the State Treasury, 2 May 2013; State Treasury (*Valtiokonttori / Statskontoret*) web page "When can compensation be paid from government funds?", available at: [www.statetresury.fi/en-US/Citizens and Communities/Compensation and benefits/Crime damages/When can compensation be paid from government funds](http://www.statetresury.fi/en-US/Citizens%20and%20Communities/Compensation%20and%20benefits/Crime%20damages/When%20can%20compensation%20be%20paid%20from%20government%20funds)

<sup>152</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*, RIKU) (2012): Työtä erojen yli – Rikosuhripäivystyksen Ulrik-projekti 2007-2011 (Work across differences – Ulrik Project by Victim Support Finland 2007-2011), 53. Can be uploaded as a pdf-file from: [www.riku.fi/binary/file/-/id/92/fid/1311/](http://www.riku.fi/binary/file/-/id/92/fid/1311/)

<sup>153</sup> Information obtained from a high-ranking member of RIKU, email 22 April 2013.

RIKU had about 292 volunteers in 2012, an increase of 10 volunteers from 282 in 2011. 63 of these 292 (22 %) volunteers were new in 2012. In 2011, 282 volunteers provided 17 065 work hours. There were 28 paid employees, 15 of which worked full-time and the rest part-time, and who in 2012 worked a total of 19.55 person-years. The volunteers delivered the bulk of RIKU's services to approximately 27 000 client contacts in 2012.<sup>154</sup> In addition to volunteers and paid employees, there were 15 professional contact persons working part-time for RIKU in addition to their positions in other organisations, and whose employers let them use part of their work hours in working for RIKU. These contact persons do not get paid by RIKU for their work.<sup>155</sup>

RIKU began its activities in 1994 and was strongly based on volunteerism from the beginning. Volunteers provide personal support services, give phone counselling, answer questions in social media and internet discussion forums, answer clients' inquiries in the *Rikunet*-web service ([www.rikunet.fi](http://www.rikunet.fi)), and do outreach work in public events. Volunteers who work as support persons are provided training of 40 hours when they begin their work, and then on yearly supplement training. Volunteers who work with other tasks get 30 hours of training, except for volunteers who work with legal phone counselling, who are not required to attend training. However, the volunteers who give legal phone counselling must have a degree in Law and experience in criminal cases. All volunteers make a commitment to RIKU on a yearly basis. However, volunteers can take a break from volunteering for personal reasons if needed and agreed upon.<sup>156</sup> There are no specific requirements for volunteers except for the requirement that all volunteers must be mature adults and be suitable for the tasks. Many volunteers have background in social services or health care services, but RIKU does not collect data on the volunteers' background.<sup>157</sup> Volunteers are chosen based on a written application, a phone interview and a face-to-face interview. Most of the interaction with clients takes place during the office hours of the day, thus volunteers are expected to be available at those times, as a support person should be available to support the victim during the whole course of legal proceedings, from the filing of a report of an offense to the trial.<sup>158</sup> Volunteers are provided supervision of work and continuing training during their volunteering.<sup>159</sup>

For the moment, the ratio of volunteers to employees is well balanced, but there is a need for more funds that has resulted in queue for RIKU's support services. According to the executive director of RIKU, there cannot be more volunteers without more paid personnel to coordinate their work and train them. There has also been recent discussion about the lack of marketing of RIKU's services; however nationwide marketing would be insensible, as there are no resources for responding to possible augmentations in demand. There are however regional differences in demand for RIKU's services, as there is most demand in the capital region and big cities, and more need for marketing in remote areas with less demand for victim support.<sup>160</sup>

<sup>154</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystysten toimintakertomus 2012) and interview with a high-ranking member of RIKU, email 22 April 2013.

<sup>155</sup> Information obtained from a high-ranking member of RIKU, email 22 April 2013.

<sup>156</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*): RIKU Magazine 1/2011, 3. Available at [www.riku.fi/fi/riku-lehti/](http://www.riku.fi/fi/riku-lehti/) & Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) website 'Koulutus' (training) in: [www.riku.fi/fi/koulutus](http://www.riku.fi/fi/koulutus) and interview with a high-ranking member of RIKU, April 2013.

- a. If there is no tradition of volunteerism in the area of the victim of support in your country, please outline (in max 500 words) any recent initiatives or attempts in the area of victim support to encourage a greater culture of volunteerism.

NA

## 2.10. The tradition of social work

In max 400 words, please provide an overview of whether there is a tradition of social work in your country, and if so, in what way (if any) is it linked to the victim support services structure in your country. In your answer, please include the level of education of a typical social worker (e.g. is university or third level education necessary?).

In Finland, social workers get university level education, and can go on from a Master's degree to a licentiate or a PhD degree in social work. Social workers education has been university level since 1970.<sup>161</sup>

However, in Finland, 20 % of social workers are unqualified, which is significantly more than for example in other Nordic Countries, as unqualified substitutes and fixed-term employees are quite common in Finland. In Finland, an overwhelming majority of social workers are female.<sup>162</sup> For example, in the municipality of Helsinki in 2011, 90 % of employees in the social and health sectors were female.<sup>163</sup> Social workers predominantly work for municipalities, as the municipalities are responsible for providing social services to their inhabitants.

Social services are not directly linked to victim support service structure in Finland. Victim support is mainly provided by non-governmental organisations. A significant proportion of volunteers have a background in social work, but this is not a requirement.<sup>164</sup>

## 2.11. Promising practices in the area of victim support

From the following list of promising practices (detailed explanations found under Annex 1), please identify whether there is a similar practice in your country (yes or no) and provide a brief explanation/description. If you have identified other promising practices not similar to the ones presented here, please provide details under '16' – 'Other promising practices'.

	Promising practice	Does a similar practice exist in your	Short description of the practice in your country, outlining similarities; differences etc. If there is no such practice, please provide
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<sup>157</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>158</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*): RIKU Magazine 1/2011, 8. Available at: [www.riku.fi/fi/riku-lehti/](http://www.riku.fi/fi/riku-lehti/)

<sup>159</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 16.

<sup>160</sup> Interview with a high-ranking member of RIKU, April 2013.

<sup>161</sup> Sosnet - Finnish National University Network for Social Work's web page "Sosiaalityön koulutuksen lainsäädännöllinen perusta" (*The legislative framework of social work education*): available at [www.sosnet.fi/Peruskoulutus/Koulutuksen\\_lainsaadannollinen\\_perusta.iw3](http://www.sosnet.fi/Peruskoulutus/Koulutuksen_lainsaadannollinen_perusta.iw3)

<sup>162</sup> Saarinen, A., Blomberg, H. & Kroll, C.: Liikaa Vaadittu? Sosiaalityöntekijöiden kokemukset työnsä kuormittavuudesta ja ristiriitaisuudesta Pohjoismaissa. (*Too much to ask? Social workers' experiences on their work load and contradictions in Nordic Countries*). Published in: *Yhteiskuntapolitiikka* 77/2012., 408-409. Available at: [www.thl.fi/attachments/yp/2012/4/saarinen.pdf](http://www.thl.fi/attachments/yp/2012/4/saarinen.pdf)

<sup>163</sup> The personnel report of the Municipality of Helsinki from 2011, available at:

[www.hel.fi/wps/wcm/connect/f84782804aad2954963bffd4af519c57/Henkrapasu2011.pdf?MOD=AJPERES&CACHEID=f84782804aad2954963bffd4af519c57](http://www.hel.fi/wps/wcm/connect/f84782804aad2954963bffd4af519c57/Henkrapasu2011.pdf?MOD=AJPERES&CACHEID=f84782804aad2954963bffd4af519c57)

<sup>164</sup> Interview with a high-ranking member of RIKU, April 2013.

		country?		a justification for this (e.g. this is not an issue; it is dealt with in other ways; it is a gap that still needs to be addressed)
		Yes	No	
1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région</i> (LU, FR, DE, BE) published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.		X	This is a gap that still needs to be addressed. However, RIKU's Ulrik-project aims at improving the services of crime victims with a foreign background. Moreover, RIKU is a part of Victim Support Europe. <sup>165</sup>
2	Assistance to tourist victims of crime: e.g. In Ireland, the Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.		X	This is a gap that still needs to be addressed. However, Victim RIKU's Ulrik-project aims at improving the services of crime victims with a foreign background, including persons who are visiting Finland. <sup>166</sup>
3	Schemes for compensatory fines to help fund support services: In addition to other funding sources, several EU Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).		X	The Ministry of Justice is looking into the possibility of establishing such a fund and the Minister of Justice has taken a positive stand to it. <sup>167</sup>
5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.	X		A support person can be provided by RIKU to accompany the victim when attending police hearings or court sessions. <sup>168</sup>
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.			RIKU offers legal assistance. (Lawyers attend the phone service Mon-Thu 17-19, the cost of the call is landline: 8,28 c/call + 7 c/min, mobile 8,28 c/call + 17 c/min.) <sup>169</sup>  The state can offer legal assistance free of charge depending on the means of the victim. Moreover, legal assistance by the state is not provided to a person that has valid legal expenses insurance. However, minor legal advice is granted free of charge without means-testing. <sup>170</sup>

<sup>165</sup> Victim Support Finland (*Rikosuhripäivystys, RIKU / Brottsofferjouren*), available at [www.riku.fi/fi/victim+support/ulrik+project/](http://www.riku.fi/fi/victim+support/ulrik+project/).

<sup>166</sup> Victim Support Finland (*Rikosuhripäivystys, RIKU / Brottsofferjouren*), available at [www.riku.fi/fi/victim+support/ulrik+project/](http://www.riku.fi/fi/victim+support/ulrik+project/).

<sup>167</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/fi/index/ajankohtaista/tiedotteet/2013/02/oikeusministerihenrikssonkansainvalisenarikosuhripaivanarikoksenuhrienasemaonpa\\_rannettava.html](http://www.om.fi/fi/index/ajankohtaista/tiedotteet/2013/02/oikeusministerihenrikssonkansainvalisenarikosuhripaivanarikoksenuhrienasemaonpa_rannettava.html); Information obtained from a high-ranking member of Victim Support Finland, April 2013.

<sup>168</sup> Victim Support Finland (*Rikosuhripäivystys, RIKU / Brottsofferjouren*), available at [www.riku.fi/fi/victim+support/](http://www.riku.fi/fi/victim+support/).

<sup>169</sup> Victim Support Finland (*Rikosuhripäivystys, RIKU / Brottsofferjouren*), available at [www.riku.fi/fi/palvelut/juristin+puhnevonta/](http://www.riku.fi/fi/palvelut/juristin+puhnevonta/).

<sup>170</sup> Legal Aid Act (*Oikeusapulaki/ Rättshjälpslag, 257/2002*); Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/en/index/publications/esitteet/oikeusapu.html](http://www.om.fi/en/index/publications/esitteet/oikeusapu.html).

				Municipalities are responsible for providing social and health services for the inhabitants. Moreover, for example the Finnish Association For Mental Health has a crisis helpline. <sup>171</sup>
7	Some countries have legal clinics that provide free legal assistance to victims of crime.			The Finnish Bar Association organises legal clinics in 11 cities in Finland. The clinics are usually situated at libraries and they operate once a week for few hours. <sup>172</sup>
8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the Victim Support fund has a website and a smart phone app to guide victims to support organisations.	X		
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).		X	There is no "Victim's charter" that would combine all the relevant information available. However, for example Victim Support Finland, Ministry of Justice and the State Treasury have produced brochures directed at victims of crime. Moreover, the police gives the complainant a summary of his/her rights and a list of support instances during the hearing of the complainant. <sup>173</sup>
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.	X		RIKU offers witness support services at the district courts and Courts of appeal of Vaasa and Rovaniemi. Moreover, RIKU has a "visitor-practice" which means that the staff visits shelter homes, police stations and courts regularly and meets the clients there. Furthermore,

<sup>171</sup> The Finnish Association for Mental Health (*Suomen mielenterveysseura / Föreningen för Mental Hälsa i Finland*), available at [www.mielenterveysseura.fi/en/sos\\_crisis\\_centre](http://www.mielenterveysseura.fi/en/sos_crisis_centre).

<sup>172</sup> The Finnish Bar Association (*Suomen asianajajaliitto / Finlands Advokatförbund*), available at [www.asianajajaliitto.fi/asianajatoiminta/asianajajapaivystys](http://www.asianajajaliitto.fi/asianajatoiminta/asianajajapaivystys).

<sup>173</sup> Information obtained from the National Police Board, email 6 April 2013.

				starting from next autumn one member of the staff will be present at the police station in Pasila (Helsinki) one day a week. <sup>174</sup>
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.		X	The system for victim assistance is operational in Finland. The victims of human trafficking are entitled to receive assistance and protection. The Joutseno and Oulu Reception Centres are responsible for the administration of the system for victim assistance. <sup>175</sup>
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.		X	This is a gap that still needs to be addressed.
13	Police forces in <b>England and Wales</b> have policies on dealing with repeat victimisation. An example of such a policy is the Thames Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998): <b>Sample Extract from the policy:</b> <b>1. Rationale</b> 1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, domestic violence and hate crime. 1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative. 1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...]. <sup>176</sup>		X	MARAK-method (multi-professional risk assessment), originally from England, is applied in some police districts in Finland in cases of domestic violence. The aim of the project is to identify the persons at high risk of domestic violence, to prevent the repeat victimisation etc. The multi-professional group draws a security plan for the victim of domestic violence (or a person under the threat of domestic violence) and makes proposals for action. The victim gets a support person for the duration of the process. <sup>177</sup>
14	Many countries have practices in place to respect the rights of victims during court proceedings, particularly			Before the court hearing the victim can request to use

<sup>174</sup> Victim Support Finland (*Rikosuhripäivystys, RIKU / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystysten (RIKU) Toimintakertomus 2012); Interview with a high-ranking member of Victim Support Finland, April 2013.

<sup>175</sup> The National system for Victim Assistance (*Suomen kansallinen ihmiskaupan uhrien auttamisjärjestelmä / hjälpsystemet för människohandelns offer*) available at : [www.humantrafficking.fi/in\\_english](http://www.humantrafficking.fi/in_english)

<sup>176</sup> <http://www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf>

<sup>177</sup> National Institute for Health and Welfare (*Terveysten ja hyvinvoinnin laitos / Institutet för Hälsa och Välfärd*), available at [www.thl.fi/fi\\_FI/web/kasvunkumppanit-fi/tyon/menetelmat/marak](http://www.thl.fi/fi_FI/web/kasvunkumppanit-fi/tyon/menetelmat/marak); Information obtained from the National Police Board, email 6 April 2013.

	with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).			separate waiting area. In some cases the victim can request to be situated behind a mirror glass or screen in the court room. Moreover, the trials can be conducted behind closed doors in some cases, for example in sex crime cases. <sup>178</sup>
15	In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)		X	This could be a useful practice also in Finland.
16	<b>Other promising practices:</b> please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.	NA	NA	

## 2.12 Role of the victim in practice

When it comes to perceiving or conceptualising victims of crime, certain ideal types or models can be distinguished. Based on your research and responses so far, please choose one from the following 4 descriptions of the role of the victim in the criminal justice system of your country (if possible indicating the most common view of legal practitioners (judges, prosecutors, lawyers) in your country. (If you believe that there are different perceptions of victims depending on various types of criminal offences, please consider cases of violent crimes.):

	Please choose the most appropriate description of how the victim is perceived in the criminal justice system	Place X in the appropriate box (choose only one)	Explanation (maximum word count 200)
1	The victim is seen essentially as a witness.		
2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim compensation within the framework of criminal proceedings.		
3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.		
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.	X	In criminal justice context term "complainant" is used in place of a "victim". In legal terminology complainant is a person whose object of legal protection has been violated. <sup>179</sup>

<sup>178</sup> Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 141-142.

<sup>179</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrin rikosprosessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 7, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)]; Kjällman, P. (ed.) (2011): *A handbook for a crime victim* (Rikoksen uhrin käsikirja), Jyväskylä, PS-kustannus, 173.

				Victims of crime are dealt in conjunction with various Acts, among other things victims of crime have the right to claim compensation, they can be assigned a support person and public legal aid can be provided for them. Moreover, victims can actively participate in criminal proceedings and they have a secondary right of action in relation to the prosecutor. <sup>180</sup>
In the new EU Victims' Directive, the Commission refers to the varying roles of victims in criminal proceedings in each Member State as being determined by one of the following criteria. <sup>181</sup> With regard to the following descriptions, please choose 'yes' or 'no' for each concerning the role of the victim in the criminal justice system of your country, and provide a short explanation.				
	Description of victims' role in EU Directive	Yes	No	Explanation (maximum word count 200)
1	The national system provides for a legal status as a party to criminal proceedings;	X		In Finland, a victim of crime (complainant) is an official party to the proceedings. <sup>182</sup>
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness	X		The victim can actively participate in criminal proceedings, for instance in accordance with the section 7 of the Criminal Procedure Act ( <i>Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål</i> (11.7.1997/689)), the injured party must be heard during the main hearing.
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a legal status as a party to the criminal proceedings.	X		The complainant has a secondary right of action in relation to the prosecutor. Section 14 of the Criminal Procedure Act ( <i>Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål</i> (11.7.1997/689)) <sup>183</sup> , as amended by the Act no. 45572011, stipulates that the injured party can prosecute a crime when a prosecutor has made a decision not to prosecute, or has

<sup>180</sup> The Criminal Procedure Act (*Laki oikeudenkäynnistä rikosasioissa / Lag om rättegång i brottmål* (11.7.1997/689)), amendment 15 § (13.5.2011/455) & 3 § (31.3.2006/243); Legal Aid Act (*Oikeusapulaki/ Rättshjälpslag*, 257/2002); vahingonkorvauslaki/ skadeståndslag (412/1974), Act on Compensation for Crime Damage (rikosvahinkolaki/ Brottskadslag, 1204/2005), Employment Accidents Act tapaturmavakuutuslaki/ lag om olycksfallsförsäkring, 608/1948), Health Insurance Act sairausvakuutuslaki/ Sjukförsäkringslag, 1224/2004).

<sup>181</sup> See Recital 20 Of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

<sup>182</sup> Honkatukia, P. (2011): *Victims in the Criminal Process – Vulnerability, Services and Treatment* (Uhrigt rikosprocessissa – haavoittuvuus, palvelut ja kohtelu), Helsinki, Hakapaino Oy, 75, [available at [www.optula.om.fi/1290610276900](http://www.optula.om.fi/1290610276900)]; Kjällman

<sup>183</sup> Unofficial translation: [www.finlex.fi/en/laki/kaannokset/1997/en19970689.pdf](http://www.finlex.fi/en/laki/kaannokset/1997/en19970689.pdf)

				decided that no preliminary investigation shall be conducted, or that it will be discontinued.
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## IMPORTANT:

In accordance with question 2.2.1b, if you have identified your country as belonging to category 'A'; please respond only to questions 3.3 and 3.4 of part B.

In accordance with question 2.2.1b, if you have identified your country as belonging to any category other than 'A'; please respond only to questions 3.1 – 3.3 of part B.

## 2 Part B:

### 3.1 Establishment of generic victim support organisations\*<sup>184</sup>

#### 3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

In 1991 "The violence division" of the Council for Gender Equality (parliamentary advisory council) put forward in its report the idea of establishing victim support services. The report emphasised "victim-centred" approach: helping the victim and focusing on the human rights of the victim. The division organised an event for the officials and associations in which the Swedish model of victim support was presented. Moreover, the police department of the Ministry of Interior was visited by the Swedish Victim Support organisation.<sup>185</sup>

In 1993 The Ministry of the Interior called together representatives from The Ministry of Social Affairs and Health, Ministry of Justice, State Treasury and few associations (for example The Federation of Mother and Child Homes and Shelters, Finnish Red Cross, Mannerheim League for Child Welfare) to talk about victim support. From the beginning it was clear that the Ministries wanted victim support to be carried out by associations. A working group was set on the matter and Victim Support Finland began its activities in 1994.<sup>186</sup>

<sup>184</sup> Questions marked with \* should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1)

<sup>185</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö / social och hälsovårdsministeriet*) The themes and phases of Council of Gender Equality - 40 years of history (TANE:n aiheet ja vaiheet – Tasa-arvoasiain neuvottelukunta 40 vuotta), available at: [www.tane.fi/c/document\\_library/get\\_file?folderId=332637&name=DLFE-5601.pdf](http://www.tane.fi/c/document_library/get_file?folderId=332637&name=DLFE-5601.pdf); Interview with high-ranking official of Victim Support Finland, April 2013.

<sup>186</sup> Interview with a high-ranking member of Victim Support Finland, April 2013.

### 3.1.2 Where did the money come from to support this first attempt?

During the first year of activities (1994) RIKU received funding through Police-TV (a program run on national TV) that promoted the service in its programs and collected contributions from the viewers. For the second year (1995) the Finnish Red Cross was granted funding for RIKU by the Finland's Slot Machine Association (RAY).<sup>187</sup>

### 3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

During the 1980s international conventions and CEDAW-committee drew attention to violence against women. Finland gave its first report to CEDAW in 1989. In consequence, the issues raised by CEDAW influenced the establishment of "violence division" in the Council for Gender Equality in 1990. The division organised a seminar presenting mainly the practices of other Northern Countries (which were seen more advanced) to violence against women. Furthermore, a large-scale report on the matter was published and the idea of establishing victim support services was presented in 1991. The division criticised the predominant approach in Finland, in which domestic violence was treated as a disorder within the family and was handled mainly with couple and family therapy. Thus, the starting point for developing victim support in Finland was much influenced by the concern on domestic violence and violence against women. Moreover, the Swedish model of association-based victim support was an important forerunner.<sup>188</sup>

### 3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.	X		RIKU evaluates its own work with the help of client satisfaction surveys, the number of clients, other client feedback and online surveys for volunteers, employees and other people involved in Victims Support Finland. <sup>189</sup> Volunteers attend in certain number of trainings and receive work counselling. Moreover, employees are encouraged to get updating training. <sup>190</sup>

<sup>187</sup> Interview with a high-ranking member of Victim Support Finland, 23 April 2013.

<sup>188</sup> Finland, Ministry of Social Affairs and Health (*Sosiaali- ja terveystieteiden ministeriö / Social och Hälsovårdsministeriet*) The themes and phases of Council of Gender Equality - 40 years of history (TANE:n aiheet ja vaiheet – Tasa-arvoasiain neuvottelukunta 40 vuotta), available at: [www.tane.fi/c/document\\_library/get\\_file?folderId=332637&name=DLFE-5601.pdf](http://www.tane.fi/c/document_library/get_file?folderId=332637&name=DLFE-5601.pdf); Interview, with a high-ranking member of Victim Support Finland, April 2013.

<sup>189</sup> Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen toimintakertomus 2012); Interview with a high-ranking member of RIKU, April 2013.

<sup>190</sup> Interview with a high-ranking member of RIKU, April 2013.

### 3.2 Personnel (professional staff and volunteers)\*:

Taking the below as an example, please provide information with regard to professional staff and volunteers working in the area of generic victim support in 2012 (if more than one organisation dealing with generic victim support please produce a separate table for each organisation).

Country	Name of organisation	Professional staff		Volunteers		
		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work
Finland	RIKU <sup>191</sup>	28	10 full-time employees (hours depending on the collective agreement on work hours), 18 part-time employees (20-80% work time)	292	data not available	data not available

### 3.3 Services provided by the state:

From the below list, please answer 'yes' or 'no' if the following general services are provided directly by the state free of charge to victims and provide a short description – **to be answered by all.**

Services provided to victims by the state (free of charge)	Yes	No	Description
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<sup>191</sup> All data in this section is obtained from: Victim Support Finland (*Rikosuhripäivystys / Brottsofferjouren*) (2013), *Annual Report 2012* (Rikosuhripäivystyksen toimintakertomus 2012);

<p>a Free legal advice by courts or free legal assistance</p>	<p>X</p>	<p>Legal aid provided by the state is available in all legal matters. Legal aid can include legal advice and/or legal representation. Legal aid is provided to persons whose municipality of residence is in Finland and to persons domiciled or habitually resident in another Member State of the European Union (EU) or the European Economic Area (EEA)<sup>192</sup></p> <p>Legal advice is subject to economic means and legal expenses insurance. Legal advice is provided free of charge to a person whose means are under 600 € /month and persons whose means vary between 800-1300 € have to pay a certain percentage of the legal aid (20-75%) depending on the means. The expenses of legal advice/aid are covered up to 80 hours per legal matter. A person whose available means per month are over 1300 € is not entitled to public legal advice. In addition, the means of the spouse have an effect on the cost of legal advice. Legal aid charge of 70 euros is collected of all persons receiving some type of legal aid except from those entitled to legal aid free of charge.<sup>193</sup> Minor legal advice is granted free of charge without means-testing.<sup>194</sup></p>
<p>b Free health/psychological assistance (e.g. crisis intervention centres)</p>	<p>X</p>	<p>Municipalities are responsible for providing all social and health services for their inhabitants and have varying practices on crisis intervention.</p>
<p>c Emergency financial assistance</p>	<p>X</p>	<p>There is no state structure providing emergency financial assistance to crime victims. However, the state provides social assistance for persons with insufficient resources, granted by the municipality's social services. There is usually a delay of several days from the application to the receipt of social assistance, however in case of an emergency; an expedited decision can be made.<sup>195</sup></p>

<sup>192</sup> Legal Aid Act (*Oikeusapulaki/ Rättshjälpslag*, 257/2002), available at: [www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf](http://www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf); Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/en/index/publications/esitteet/oikeusapu.html](http://www.om.fi/en/index/publications/esitteet/oikeusapu.html).

<sup>193</sup> Finland, Ministry of Justice (*oikeusministeriö / justitieministeriet*), available at [www.om.fi/en/index/publications/esitteet/oikeusapu.html](http://www.om.fi/en/index/publications/esitteet/oikeusapu.html).

<sup>194</sup> Legal Aid Act (*Oikeusapulaki/ Rättshjälpslag*, 257/2002), available at: [www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf](http://www.finlex.fi/en/laki/kaannokset/2002/en20020257.pdf).

<sup>195</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö / social- och hälsovårdsministeriet*), available at: [www.stm.fi/toimeentulo/tuet\\_ja\\_etuudet/toimeentulotuki](http://www.stm.fi/toimeentulo/tuet_ja_etuudet/toimeentulotuki).

d Court accompaniment/support services		x	Crime victims have a right to a support person during proceedings. The victims are provided support services by RIKU as volunteer work, but a support person can also be a relative or a familiar. The state does not provide for paid support services or court accompaniment services.
e Other (specify)			

### 3.4 (Failed) Attempts to establish national generic victim support service provider\*\*196

Please describe whether there has ever been any attempt to establish a generic victim support service organisation in your country, specifying the year in which it was established and who attempted it (i.e. state or non-state actor). Why did it not succeed? If you cannot identify such an attempt, please explain the absence of the establishment of such an organisation (historical reasons etc.) and identify whether there is any discussion at government level/media etc. concerning the need to establish/improve services for victims.

N/A
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### Annex 1 – Country codes

Code	Name of country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece

<sup>196</sup> \*\*This question should ONLY be answered by countries falling into category 'A' (in accordance with question 2.2.1).

<b>ES</b>	Spain
<b>FI</b>	Finland
<b>FR</b>	France
<b>HR</b>	Croatia
<b>HU</b>	Hungary
<b>IE</b>	Ireland
<b>IT</b>	Italy
<b>LT</b>	Lithuania
<b>LU</b>	Luxembourg
<b>LV</b>	Latvia
<b>MT</b>	Malta
<b>NL</b>	The Netherlands
<b>PL</b>	Poland
<b>PT</b>	Portugal
<b>RO</b>	Romania
<b>SE</b>	Sweden
<b>SI</b>	Slovenia
<b>SK</b>	Slovakia
<b>UK</b>	United Kingdom

## Annex 2 –list of generic victim support organisations by country

In accordance with question 2.2.1a, please review the list and short description of structure of generic victim support organisations operational in your country and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned.

**Countries shaded in green have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations.** These countries should please provide a short list of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.

	Name/short description of organisation(s)
AT	In every of Austria’s nine provinces ( <i>Bundesländer</i> ), branches of national organisations and local victim support organisations are operative. Weisser Ring (NGO) is currently the largest general victim support organisation operating in Austria. Today, the White Ring operates out of a federal office in Vienna and nine branches in all Austrian provinces, as well as 14 representation offices at regional level.
BE	Bureaux d’assistance aux victimes; Victim’s reception service in each of the 27 judicial districts and at the community level, assistance to victims is organized through Centres for Victims of Crime;
BG	
CY	The Social Welfare Services which is the only umbrella service providing support to various victim “groups”, the rest of the initiatives are targeted on specific victim “groups” and are under the non-governmental sector. However, the services provided by the SWS are targeted mainly towards victims of domestic violence and victims of trafficking.
CZ	The Probation and Mediation Service (“PMS”); the White Circle of Justice
DE	The largest volunteer victim support service (operating nationwide) is the Weisser Ring e.V. In Berlin, Hamburg, Lower Saxony, Saxony, Mecklenburg-Western Pomerania and Hesse independent victim support charities (Opferhilfe e.V) run local offices. A nationwide coverage of professional victim support services does not exist, although a number of the professional support services are organised under the auspices of the umbrella organisation Working Group of Victim Support in Germany ‘ado’. In many states (Bavaria, Baden-Württemberg, Bremen, Saarland, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia) generic professional victim support services as described above do not maintain offices. Here volunteer support services fill this gap.
DK	The Victim Support in Denmark (VID) (Offerrådgivningen, OID). The general victim support service in Denmark consists of 33 different general local entities with VID as their umbrella organisation.
EE	The citizen-initiated Union of Support to Victims of Crime “Victim Support” (Kuriteoohvrite Toetamise Uhing “Ohvriabi”), founded in 1994. It is still the only organisation that provides support to victims of crime in general, without specialisation to any type of victim group.
EL	
ES	The management of the Offices for Support to Victims of Crimes (Oficinas de Asistencia a las Víctimas de Delitos, OAV) is the responsibility of regional governments having the Spanish government used the ability to “set up management agreements entrusted with the Autonomous Communities and local Corporations”. In Spain, these are the only victim support services that can be considered to have a generic character because of dealing with many sorts of victims particularly since this very year.

<b>FI</b>	In 1994, Victim Support Finland (Rikosuhripäivystys / Brottsofferjouren) began its activities. It was the first organisation to offer victim support services and still is the only organisation providing services to victims of various different types of crimes, as most other third sector actors specialise in providing assistance to certain specific victim groups.
<b>FR</b>	The National Institute for Victims and Mediation (L'Institut national d'aide aux victimes et de médiation, INAVEM) was established in 1986 to promote greater coherence and activity for victim support services. Since June 2004, the INAVEM has had the status of federation, representing member associations ( <a href="http://www.inavem.org">www.inavem.org</a> ). Services for victims (services d'aide aux victimes, SAV) are members of the INAVEM. 150 associations are adherents to the INAVEM and provide psychological, logistic, financial and legal support to victims .
<b>HR</b>	County Court level: There are special departments for victim and witness support (Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama), established at the following seven county courts as part of the court administration: Zagreb, Split, Rijeka, Osijek, Zadar, Vukovar, Sisak. Special departments provide victim and witness support in trials for all criminal offences.
<b>HU</b>	Metropolitan and county offices of the Victim Support Service. There are also a few NGOs that operate in the field of victim support. The White Ring Association is specialised in assisting victims of any crime and it provides similar services as the state agency, however the scope of its activities is rather limited due to financial burdens
<b>IE</b>	Various non-governmental victim support organisations – e.g. the Federation for Victim Assistance (10 branches); Support After Crime Services; ITAS.
<b>IT</b>	
<b>LT</b>	
<b>LU</b>	In Luxembourg there are few generic victim support organisations, as typically, each organisation is tasked with clear missions and has clear responsibilities. They are two; Waisse rank Service d'aide aux victimes du parquet general. Other organisations offer assistance to victims of a particular type of violence.
<b>LV</b>	
<b>MT</b>	Victim Support Malta (VSM).
<b>NL</b>	Victim Support Netherlands (VSN) ( <i>Slachtofferhulp Nederland</i> , SHN).
<b>PL</b>	Support Network for Victims of Crimes (consisting of 16 regional support centres); social welfare centres ( <i>ośrodki pomocy społecznej</i> ), crisis intervention centres ( <i>ośrodki interwencji kryzysowej</i> ) or the support centres ( <i>ośrodki wsparcia</i> ), which offer support for people in various crisis situations.
<b>PT</b>	Portuguese Association for Victim Support ( <i>Associação Portuguesa de Apoio à Vítima</i> , APAV) - 15 victim support offices located throughout the country.
<b>RO</b>	
<b>SE</b>	The Swedish Association for Victim Support ( <i>Brottsofferjouernas Riksförbund</i> , BOJ) is the national umbrella organisation for victim support services with about 100 local victim service centres in Sweden.
<b>SI</b>	
<b>SK</b>	Non-governmental organizations are virtually the only active players in the field of victim support services. <i>Pomoc obetiam násilia</i> is the leading victim support service provider.
<b>UK</b>	Victim Support (England and Wales) Victim Support (Scotland) Victim Support (Northern Ireland)

**Annex 3 –list of specialised areas of victim support chosen in phase 2  
(for countries with no generic victim support organisations)**

<b>BG</b>	Domestic violence and stalking and trafficking in human beings.
<b>EL</b>	Domestic violence and stalking and trafficking in human beings.
<b>IT</b>	Trafficking in human beings and sexual abuse of children
<b>LT</b>	Domestic violence and stalking and trafficking in human beings.
<b>LV</b>	Sexual abuse of children and stalking and trafficking in human beings.
<b>RO</b>	Sexual abuse of children and stalking and trafficking in human beings.
<b>SI</b>	Domestic violence and stalking and trafficking in human beings.