LISTEN TO THE CHILD - JUSTICE BEFRIENDS
THE CHILD contract No
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**Introduction**

The **International Juvenile Justice Observatory (IJJO)** is an international Foundation of Public Interest based in Brussels (Belgium). Since its inception in 2002, the core mission of the IJJO is to defend the rights of children and juveniles in conflict with the law and at risk of social exclusion, including victims and witnesses of crime; to improve juvenile justice systems and public policies in the world; guarantee the implementation of international standards adopted by the United Nations and conduct the exchange of innovative best practices in the field. The IJJO’s activities cover all phases of action in the process of violence, from citizen security policies, social prevention of situations of risk and violence, and the administration of justice to children and young adults, to crime and penitentiary policies designed to achieve effective social integration and entry into the labour market. The Observatory’s main lines of action include research and innovation; cooperation and technical assistance; training and professional development; generation and management of innovation; awareness and advocacy.

Launched by the IJJO in 2009, the **European Council for Juvenile Justice (ECJJ)** is a network of juvenile justice institutions and experts coming from the twenty-eight Member States of the European Union. Managed from Brussels, the ECJJ produces outstanding initiatives and research thanks to the management and support of the IJJO’s secretariat and coordination. It acts as a pool of institutions composed of public administrations, civil society and universities mainly, providing and sharing knowledgeable inputs in the field of juvenile justice to assist European institutions (COE, EC, FRA among others) and policy makers in developing inspiring initiatives such as research, capacity-building and advocacy work aiming to improve the effectiveness of juvenile justice policies based on evidence.

In the last five years, the European Council for Juvenile Justice, as a knowledge sharing network, has developed research and policy papers such as the Three Green Papers on Child-Friendly Justice: ‘Measures of Deprivation of Liberty for young offenders: How to enrich International Standards in Juvenile Justice and promote alternatives to detention in Europe?’, ‘The Evaluation of the Implementation of International Standards in European Juvenile Justice Systems’ and ‘The social reintegration of young offenders as a key factor to prevent recidivism’¹. In 2013, the ECJJ published the White paper “Save money, protect society and realise youth potential: Improving youth justice systems in a time of economic crisis”². As part of its capacity-building activities, ECJJ members have the chance to follow on-line courses through the International School for Juvenile Justice. The most recent, entitled ‘Juvenile justice within Europe from an international perspective’, offered three

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¹ [http://ejjc.org/green-papers](http://ejjc.org/green-papers)

² [http://ejjc.org/ecjj-white-paper](http://ejjc.org/ecjj-white-paper)
modules discussing the ins and outs of juvenile justice (International and European standards, the issue of the minimum age of criminal responsibility, of pre-trial detention, diversion, restorative justice, social reintegration and after care, and more topics).

The International Juvenile Justice Observatory works not only to promote the rights of the children and young people in conflict with the law, but also aims to guarantee the promotion of rights of children victims of crime. IJJO believes that children victims of crime are particularly vulnerable, either through their personal characteristics or through the circumstances of the crime and should benefit from measures tailored to their situation. Therefore, one of the core missions of the organization is the establishment of the fair, effective and humane criminal justice system that respects the fundamental rights of suspects and offenders, as well as those of victims, and that is based on the principle that victims should be adequately recognized and treated with respect for their dignity.

Recently, the IJJO has been engaged into the following activities regarding the protection of the children victims of crime:

1. Meeting of Experts on the level of implementation in the different Member States of the Council Framework Decision 2001/220 / JHA - European Commission, on 18 and 19 February 2010. The International Juvenile Justice Observatory was invited to this meeting to address the specific problem of minor victims in court cases.

2. Report ‘Speeking Freely’- violence against minors in detention.

3. Project ‘Ending Violence against Children in Custody’.

The IJJO has also developed the initiatives for the protection of child victims, in particular the protection of rights of victims during criminal proceedings, prevention of violence on children in custody and prevention of child trafficking.

The positions and the priorities of IJJO in order to improve the situation of victims during criminal proceedings include:

1. Interventions in order to reduce excessive delays and pending trial, as it may cause overwhelming emotional and psychological harm for the minor victim.

2. Solve the lack of experts (including psychologists) dealing with child victims in court.

3. Development of specific protection frameworks specialized for vulnerable groups of victims, to avoid a second victimization – the cases when the child victim is confronted with the offender during his/her testimony are of major concern.


http://www.violencefreecustody.org.uk/
For the prevention of violence on children in custody the IJJO has the following initiatives:

1. Project ‘Speaking Freely’: Political and legal analysis project intended to directly involve young people that have experienced detention in the research and advocacy activities.

2. Project ‘Ending Violence against Children in Custody’ : project, designed to collect the data regarding the violence in detention in 5 European countries: Austria, Romania, Cyprus, England, Netherlands. An advocacy activity was also conducted during the project.

Finally, the initiatives of the IJJO in order to stop child trafficking include:

1. Definition of common standards that ensure the collection of sufficient and coordinated data to deal with a complex problem.

2. The best interests of the child should be a primary consideration for the Community legislation on child victims of trafficking.

3. The implementation of the legislation should be monitored on the regular basis.

Project ‘Listen to the Child – Justice Befriends the Child’

International Juvenile Justice Observatory has been engaged in the project initiated by Social Activities and Practices Institute of Bulgaria in collaboration with FONPC (Romania), ‘Il Fiore del deserto’ (Italy), ‘La Voix de l’Enfance’ (France) entitled ‘Listen to the Child – Justice Befriends the Child’. The project aims at improving the situation of child victims or witnesses of crime involved in legal proceedings through the introduction of an integrated approach towards children, based on the personalized assessment of their specific needs and which point of reference is the child’s best interest. In particular, the objectives of the project are:

- Create specialized child-friendly interviewing premises;
- To train a national specialized interviewing team;
- Create a sustainable program for continuing education for magistrates at the National Justice Institute;
- Introduce to the curriculum training program for the police officer;
- Propose Standards for hearing child victims or witnesses of crime involved in legal procedures.

The project is important for Bulgaria and Romania where there is an ongoing policy reform of justice systems, regarding the differentiation of juvenile justice systems, more attentive to respect the specificities of the children involved in legal proceedings.

Expected Results:

A major outcome will be a first time formation, of a common approach, clear methodology ad model for unifying the various psycho-social, medical, and legal researches in a holistic child assessment.
One of the goals is demonstrate through its products opportunities for basing different intervention (judicial, protection and rehabilitation) on holistic assessment and the child’s best interest. Another important goal is to prevent secondary victimization thanks a multidisciplinary approach, for building this goals a group of expert will produce specific work instruments, such as an educational toolkit (guidebook and training movie). All the materials will be made available in five languages. The project will advance the improvement of multidisciplinary and integrated practices as well as conceptualizing the practices around the child in all partner countries, as well as European Union level. An important goal is to contribute to the overall elimination of the ‘competency to testify’ assessment that is present in Bulgaria and Romania.

Managing Victims and Witnesses of Crime in Finland

I. Legal Framework for Managing a Child Victim or a Witness of Crime in Finland

In Finland, the government assistance to victims of crime is coordinated by the Ministry of Justice, the Ministry of Social Affairs and Health and the Ministry of the Interior together with the Police of Finland. Criminal cases are investigated by the police and adjudicated by general district courts, courts of appeal and the Supreme Court. The legislation applicable to criminal cases is for the most part the same for adults and children, though there are some specific provisions on children. The starting point for the treatment of children is Section 6 of the Constitution according to which children must be treated equally and as individuals, with individual personalities and characteristics, and be allowed to influence matters relating to them to a degree which corresponds to their level of development.

The Decree on Criminal Investigations and Coercive Measures provides that when questioned during a pre-trial investigation the child must be treated with due respect having regard to his or her age and level of development. Where possible, the interview should be carried out by a police officer acquainted with that task. If need be, a doctor or an expert must be consulted before the interview (section 11). The age of 15 is central to criminal proceedings regarding victims, witnesses and
offenders. In general, the participation of children under 15 years of age is limited to pre-trial investigations of a crime and children younger than that are rarely heard in court proceedings. Children as victims are legally represented by their guardians or other legal representatives. In crimes concerning a child older than 15 years of age, the child has independent or parallel rights. Child victims and child witnesses can be appointed support workers for investigations and court hearings. In addition to the Constitution, the Non-Discrimination Act provides that State officials must in all their activities foster equality and consolidate administrative and operational practices that will ensure equality in preparatory work and decision-making. The Act covers discrimination on the basis of age, ethnic or national origin, nationality, language, religion, belief, opinion, disability, sexual orientation or other personal characteristics. The Act on Equality between Women and Men prohibits discrimination based on gender. General provisions on legal assistance by counsel or defence counsel as well as other support workers also apply to vulnerable children. There are provisions concerning interpretation and also in cases of speaking or hearing disabilities. According to the Child Welfare Act (Lastensuojelulaki/ Barnskyddslag) (417/2007) Section 25 persons in the police service should inform social welfare officials of children in need of protection. In addition, the police have internal guidelines for meeting children which are drafted by their central administration. According to the Act on Checking the Criminal Background of Persons Working with Children (2002), in cases concerning work contracts of more than three months, the employer must ask the person for an extract of the criminal record if the work involves significantly raising, teaching or caring for or looking after a child or other personal contact with a minor in the guardian’s absence. Victims of crime are provided legal aid, compensation, social and health support. Moreover the interpretation is also provided for victims/witnesses of crime, which also corresponds to Articles 7 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Victims of a crime may be eligible for compensation paid from State funds for injury or damage caused by a criminal offence, such as medical costs, loss of income and personal property damaged in connection with the injury in accordance with the Act on Compensation for Crime Damage and the Tort Liability Act (2002). A child or adult victim can seek compensation from the State in cases where proceedings are delayed in accordance with the Act on Compensation for the Excessive Length of Judicial Proceedings (2009). In order to provide such compensation, the court takes various factors into account including the length of proceedings, the nature of the case (quality and extent), actions of the parties, officials and courts and the importance of the matter to the parties. Complaints can also be submitted to the Parliamentary Ombudsman and the Chancellor of Justice who oversees public authorities and officials, including their compliance with constitutional and human rights. Everyone can file a
complaint and it is possible to call for advice on how to complain. When the tasks of these two bodies overlap, a complaint will be forwarded to the authority most suitable to handle the complaint. For instance, the Chancellor of Justice supervises activities of advocates and the Parliamentary Ombudsman supervises limitations to liberty of movement and prisons.

Legal aid is given at the expense of the State to a person who needs expert assistance in a legal matter and who for lack of means cannot pay the expenses of having the matter dealt with, as provided for in the Legal Aid Act (2011) and is also in line with the Article 13 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses of the consideration of the matter.

II. The Process and the Main Aspects of the System as to Managing Child Victims or Witnesses of Crime in Finland

Criminal proceedings in Finland start with pre-trial investigation of the crime, conducted usually by the police. Anyone can report a crime to the police in one of the following ways:

- to the police patrol when it arrives at the crime scene;
- in person - at any police station (regardless of the place where the crime occurred), where the witnesses identity can be checked, and, in the case of a violent crime, his/her injuries can be documented;
- by telephone to the 112 EU emergency phone number,
- by e-mail or fax (applicable only for less serious crimes) –electronically available forms to report an offence in English, Finnish and Swedish.

Those crimes for which the prosecution rests with the injured party, the so-called ‘plaintiff crimes’, are investigated only if the injured party requests the punishment of the perpetrator. The police must conduct an investigation when there is a reason to suspect that a crime has been committed. A child can report a crime in his/her own right, and even an outsider can report a crime. If a child is accompanied by someone else when he/she reports the commission of an offence, the report is marked as being filed by the child. In the case of crimes that are considered ‘plaintiff crimes’, in general the police investigate only if the plaintiff asks for punishment. In these cases, the child’s guardian or other legal representative has the right to request such punishment. If the crime concerns property which is under the child’s administration or which concerns transactions that he
or she can make, the right to seek the perpetrator’s punishment rests with the child himself/herself. This is the case if the child is at least 15 years old and has earned property because he/she is working. Children of at least 15 years of age who have been victims of an offence and their parents/custodians both have the right to request the commencement of criminal proceedings. In some cases plaintiff crimes (such as petty assault) committed against children can be prosecuted even in the absence of the victim’s request.

According to The Criminal Investigations Decree (575/1988) Section 11, the investigation of offences involving child victims is undertaken by a police officer specialised in investigating children. The investigating officer when necessary, consults with a doctor or other specialist whether a child can be interviewed. When the police get information about a suspected crime, either through a report or in some other way, the investigating state official informs the child victim and his or her legal representatives of his/her rights and actions that can be taken. Providing information to the victims of crime from the first interaction is in full compliance with the Article 4 ‘Right to receive information from the first contact with a competent authority’ of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. The official also informs the child if there is a possibility to ask for damages from the State. If the crime is a plaintiff crime, the victim is informed that, in general, he or she needs to ask for the punishment of the crime in order for the offence to be investigated. If a plaintiff crime is investigated on the grounds of public interest, even in the absence of the victim’s request, the child victim and his or her legal representatives are informed of this. When a person is questioned as part of an investigation, he or she must be notified of his or her role in the investigation and the suspected criminal act. According to the new Criminal Investigation Act (Chapter 6 Section 1), this information needs to be also given in the invitation to the investigation. Child victims, like adults, have the right to be assisted by a legal counsel in a pre-trial investigation. In practice, this is mentioned in the invitation to the investigation sent to the victim. When a person is questioned in a pre-trial investigation, the investigating officers take care that there is interpretation at public expense in a language that the person understands and speaks well enough. Interpretation is also be provided if the interviewed person has a speech defect or other similar problem. According to the new Criminal Investigation Act, invitations and notifications are sent in a language that the person understands. In general, the district court invites parties and witnesses to court proceedings. During the court proceedings, the judges of the case are in charge of steering the proceedings. Information on how a judgment can be appealed is given with the judgment.

According to Criminal Investigations Act (449/1987) Section 39a children under 15 years of age participate only in the pre-trial investigation. The examination of children under 15 years of age is
recorded and can be used as evidence in court proceedings (where the guardians or other legal representatives exercise the rights of the child). If the child is 15 years old or above, he/she is heard in court. The general starting point is that children aged 15 or above will be represented by their custodian. As an exception, children aged 15 years or above can exercise rights together with their custodian. If the matter concerns property or another matter that a child who is aged 15 or over can administer by him/herself, he/she can exercise his/her rights alone. If the person suspected of the crime is the child’s parent or guardian or some other close relation, the child can be appointed a legal guardian (edunvalvoja) for the whole process according to the Child Welfare Act Section 22 (a similar section is included in the new Criminal Investigations Act (805/2011). The investigating officer must request the appointment of a guardian when this is the case. Other officials can also apply for the appointment of a guardian on the basis of the Child Welfare Act. According to the Child Welfare Act (417/2007), Section 25 state officials working in fields such as social services, health care and education have the duty to report cases where a child is in need of assistance and where a child is suspected of being a victim of sexual offences.

In general the contact information, such as the address of the persons that have been heard during the pre-trial investigation, is included in the notes of those conducting such investigations. But this information can be left out when inclusion would put in danger the safety, welfare or rights of child and adult victims/witnesses. If the examination of a child or adult victim/witness has been recorded, a copy of this recording cannot be given to the suspect without the victim’s/witness’ permission. The right to privacy applies to all stages of the proceedings. The criminal code contains a general prohibition of the dissemination of information violating personal privacy, applying to children as well. Similarly to adults, in some cases the examination of the child victim or witness at trial may take place after ordering the removal of certain persons, for example, the offender as according to the Code of Judicial Procedure (4/1734) Chapter 17, Section 34., or through the use of audio-visual means. Audio-visual equipment and separate rooms are available in all general courts. A child victim/witness who feels threatened or harassed by another person may seek a restraining order - a court order preventing a person from approaching or otherwise contacting the victim. The application for a restraining order is submitted either to the police or to the District Court in writing or orally. An application on behalf of the threatened person can also be submitted by the prosecuting authority, the police or a social service authority if the interested person is afraid to submit it by himself/herself. Children cannot submit such an application by themselves; but their guardians can file the application on their behalf. Civil servants may issue temporary restraining orders but full restraint orders are issued by District Courts. When it is suspected that a child has been a victim of violence at home or if the suspected offender is a family member, the police must make a child welfare report to the social welfare office. When a child or a young adult below 20 years of age
reports as a victim of a sexual or other violent crime, the police can refer him or her to health care services provided by the municipal health care centres. The Family Federation, a Finnish social and health care organisation funded since 1941, provides free support and advice for children. Other support organisations include a rape crisis centre and the Finnish Association for Mental Health (SOS crisis centre).

A child is questioned by police officers who are specialised in working with children. The investigating officer consults with a doctor or other specialist as to whether a child victim can be questioned, as provided by the Article 22 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA which obliges the Member States to ensure that victims of crime receive assessment in order to identify the specific protection needs. Also the atmosphere during the investigation should be such as to enable the child to speak freely. In addition to having the presence of their guardians, child victims and witnesses can have either an informal or appointed support worker to support them emotionally.

A court can appoint a legal counsel to a child, or adult, victim both during the investigation and at trial if they have submitted a claim against the defendant and the case concerns, for example, sexual crimes or domestic violence. The expenses for the legal counsel are covered either by the State (e.g. with respect to domestic violence) or by general legal aid. Children who are below 15 years of age and appear before the court may, in addition to a legal counsel, be allocated a so-called ‘support worker’ to provide them with mental support throughout the proceedings. A support worker can also be appointed to children aged 15 and above and adult victims if there are some special grounds requiring it, e.g. person been victim of sexual or other violent offences or offences related to life or health. In addition, the investigating authorities can allow a more informal support worker who could for instance be someone close to the victim or from Victim Support Finland. The new Criminal Investigation Act mentions explicitly that the victim has the right to have a counsel chosen by him or herself.

General rules in cases of decisions not to prosecute also apply to child victims. If the prosecutor has decided not to prosecute or the investigating authorities and/or the prosecutor have decided not to investigate or interrupt or stop investigating, the victim has the right to bring a charge, which is in full compliance with the Article 11, Paragraph 1 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. He/she also has the right to assume the prosecution if a public prosecutor or another victim has abandoned it. If the victim of the crime was killed through the offence, the surviving spouse and children have the right of the injured party to bring a charge, and if he/she does not have
any of these survivors, the parents and the siblings have the right of the victim to bring a charge. In relation to criminal proceedings, the prosecutor would bring claims on damages on behalf of the victim. The legal representatives of a child such as guardians represent the child also in relation to damages. Children of at least 15 years of age administer independently property that they have earned with work and could independently claim damages concerning that. In general the prosecutor brings the claim on damages on behalf of the child victim whether or not represented by a legal guardian. There is also the possibility to ask for damages that were caused by the offence from the State Treasury within three years from the final judgment or if the case has not been handled by a court within ten years from the crime. The State Treasury can pay damages for personal injury, and in certain cases also material damage if the damage has been caused by a convict or other person whose liberty has been restricted due to a crime, or a person who has been in detention or put into involuntary care. Also damages for legal expenses can be paid. In order to be able to ask for damages from the State Treasury the person must have reported the crime and claimed for damages if there have been court proceedings.

The participation of children who are under 15 years of age in criminal proceedings is often limited to the stage of pre-investigation to protect them from the burden of the judicial proceedings. Child victims below 15 years of age are legally represented by their guardians or other legal representatives. Children below 15 years of age can participate in the criminal proceedings as witnesses or plaintiffs if such participation is of central significance and the hearing would not cause suffering or harm to the child, injuring his/her development as according to the Code of Judicial Procedure (4/1734) Chapter 17 Section 21. If the child is below 15 years of age, in principle only the court questions the child, i.e., the other parties need to submit their questions to the court which will then address them to the child. A health care official can be asked to assess the investigation/interview recording of the child in order to properly understand the child. The court may forbid the presence of a child who is below 15 years of age in a public court hearing, if being there would harm him or her. Children aged 15 years old or above, will be heard in court. The general starting point is that children aged 15 or above will be represented by their custodian. As an exception, children aged 15 years or above can exercise rights together with their custodian. If the matter concerns property or another matter that a child who is aged 15 or over can administer by him/herself, he/she can exercise his/her rights alone.

When children under 15 years of age are questioned as witnesses, their guardians have the right to be present during the examination. If a person under 18 years of age is questioned, an interview witness must be present unless a legal representative is already present.
III. Data on the children subjected to various forms of violence

According to report on children’s and young people’s experiences of violence in Finland in 2013 (Lasten ja nuorten väkivaltakokemukset 2013, Lapsiuhritutkimuksen tuloksia 5) only a small proportion of violence and abuse of children are reported to authorities and self-reporting measures need to be implemented in order to attain a comprehensive picture of the phenomenon. During the survey 15 years old respectively, answered the questionnaire, which asked about the respondents’ experiences of general criminal violence, sibling and peer victimisation, parental corporal punishment, sexual abuse, violence and harassment connected to online activity and mobile phones, and witnessing domestic violence. The study also covered victimisation in the context of organised free-time activities, witnessing violence against family members in public, and reporting different kinds of violent acts to authorities, family members or friends.

The results indicate that violence against children is still more common and more commonly tolerated than violence against adults. However, a number of the study’s findings indicate a steady decline in the prevalence of violence since the 2000s. For instance, assaults, attempted assaults and threats have clearly decreased compared to the 2008, and peer violence is also reported less. The positive shift is evident among both 6th and 9th graders and both genders.

Attitudes towards corporal punishment have changed remarkably in recent decades and are reflected in children’s experiences of violent acts perpetrated by parents. Hair pulling remains the most common type of corporal punishment, being reported by just under half the proportion of 9th graders compared to the 2008 survey and a quarter compared to the 1988 survey. Some form of mild physical violence perpetrated by parents was reported by one in five 9th graders and just over one in ten 6th graders. In addition, compared to the 1988 and 2008 surveys emotional violence by parents has decreased considerably, but is, however, still relatively common. Violence between siblings remains the most common form of violence witnessed against other family members, and parental violence towards other children in the family was more commonly reported than violence between parents.

Despite rapid growth in the use of the internet and smartphones, internet-based harassment and violence have decreased. The ways in which children meet people and share contact information online have changed dramatically since 2008.

http://www.academia.edu/7977267/Lasten_ja_nuorten_v%C3%A4kival	akokemukset_2013_Lapsiuhritutkimuksen_tuloksia
The results regarding child sexual abuse are also mainly positive. In general, the prevalence of sexual contact with children has decreased significantly since the 1980s and, correspondingly, the number of experiences categorised as abuse have also dropped. For 9th grade girls the prevalence of abuse declined from 7% to 4% from 2008 to 2013. For boys the prevalence remained unchanged at 1%.

Violence in the context of organised free-time activities was proved to be relatively common. The prevalence of violence in organised free-time activities was found to increase with age. A total of 16% of 6th graders and one third of 9th graders reported emotional violence perpetrated by an instructor or coach. In addition, depending on school grade and gender, 3% to 5% also reported physical or sexual violence and harassment. Boys reported violence in organised free-time activities more often than girls, and this was true for all types of violence; emotional, physical and sexual.

As regards reporting violent experiences, the role of friends and family, especially the mother, as trusted persons was emphasised. The most common reason for not telling others was that the incident was not considered serious enough. However, almost one in five had not told anyone about their experiences for some other reason, for example due to fear or thinking that telling someone would not do any good. As a considerable proportion of violence experienced by adolescents occurs in close relationships – partly committed by the very people that they should be able confide in – the results stress the importance of reliable professionals in discussing and processing violent experiences.

IV. The Organizations providing support for victims/witnesses of crime in Finland

The actual victim services in Finland are organised by civic organisations. Ensuring the access to the victim support services which are free of charge corresponds to the Article 8 and 9 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

The main organisation for crime victims is “Victim support Finland”. Victim Support Finland offers practical advice and support to victims of crime including a helpline (Mon-Tue 13:00-21:00, Wed-Fri 17:00-21:00), a legal advice helpline (Mon-Thu 17:00-19:00) and support workers. Victim Support Finland provides its services on a voluntary basis in cooperation with The Federation of Mother and Child Homes and Shelters, the Finnish Association for Mental Health, the Mannerheim League of
Child Welfare, the Finnish Red Cross, the Finnish Federation of Settlements, the Finnish Association Union and the Church Council. VS guides and supports crime victims, their close ones and witnesses of crime. VS services are strictly confidential, with the approach that is client-based in all cases, meaning that the client decides on what action to take. All VS services are free of charge (except local telephone costs.) Crime victims, their close ones and witnesses may obtain a support person provided by VS when necessary. The support person can accompany the victim/witness of crime when attending police hearings or court sessions and assist in applying for restraining order or compensation. With support person victim/witness of crime may discuss about his/her experiences and consider further actions. Support persons are carefully chosen and trained volunteers. The Mannerhemin League of Child Welfare and the Red Cross also have separate helplines. There is also an on-going development project 2012-2015 that aims to increase young victims’ support. State officials working in fields such as social services, health care and education have the duty to report cases where a child is in need of child welfare to the municipal child social services. Cases where a child is suspected of being a victim of sexual offences are reported to the police.

The Federation of Mother and Child Homes and Shelters upholds 14 shelters around the Finland (in addition there exist about 20 other shelters in Finland). The shelters are service centres in which persons either suffering from or threatened with family violence can find help in overcoming a crisis. All the parties involved in the family violence situation receive attention, the primary objective being to safeguard the interests of the child at all times. The shelters are on duty round the clock. The organization also provides community care services. The community care services include:

- Alvari family welfare in the client’s home
- A Baby blues service for exhausted families with babies
- Counselling and groups for abusive men
- Family groups
- An SOS and counselling telephone service
- Discussion and action groups
- Kiddies’ clubs
- Child contact centre
- Housing services

Moreover, in Finland, there exist Organizations which provide some women-specific services:

Tukinainen – Rape Crisis Centre the support center for victims who have been sexually assaulted (NGO):

- provides help, support and guidance for persons who have been sexually assaulted, raped and/ or abused and for their families
- the therapeutic help of Tukinainen is free of charge for victims
• Tukinainen also maintains a legal consultation helpline (Juristipäivystys), which provides information and advice to victims of sexual offences and domestic violence.

• influences the professional and legal procedures, as well as the authorities and public opinion in order to decrease and prevent sexual assaults experienced by women and girls (about 90% of sexually assaulted are girls/ women)

• provides cooperation, consultation and training for professionals, authorities, organisations and educational institutions in a variety of fields

• supplements the social and health services as well as official system in its own special field, cooperate with other associations, ministries, works in Finnish network against trafficking

The centre maintains a free-of-charge emergency helpline which can be called: Mon to Fri from 9 am to 3 pm and at weekends and on holidays from 3 pm to 9 pm. Support is provided in Finnish and English.

**Monika – Multicultural Women’s Association in Finland** helps immigrant women and children who have been subjected to violence or the threat of it. Monika provides its services in English, Arabic, Dari, Spanish, Farsi, Persian, French, Swedish, Somali, Sorani, Thai, Russian and Estonian. Monika’s national on-call helpline is available 24 hours a day. The number of the on-call helpline is 09 692 2304. The organization encourages migrant women to participate actively in social issues and provides services and guidance to victims of domestic violence. Further, it actively lobbies decision makers and provide training to social and health professionals. The Organization has an expert role in addressing issues around violence towards migrant women, multiculturalism, ethnic relations, empowerment and integration.

**National Women’s Line in Finland** offers national telephone- and Internet-advice as well as peer group activity for women who suffer from violence. Women’s Line is meant for every woman and girl suffering from abuse, threats or fear. Volunteered women trained by Women’s Line answer the phone. All calls are confidential and free-of-charge.

The **Federation of Mother and Child Homes and Shelters** has also organised services for men in difficult life situations (Men’s Centre) and in dealing with their own violence. The shelters work also with children who have been victims of violence or have witnessed violence at home.

**The Finnish Association for Mental Health** provides crises assistance and support in order to prevent mental health problems and suicides.

**SOS Crisis Centre** offers short term crisis counselling and guidance in crisis situations for Finnish people and Immigrants, including asylum seekers, victims of human trafficking and undocumented immigrants. Crisis counselling is made in Finnish, Swedish, English and if necessary through an interpreter in the client’s mother tongue. Counselling is cost free and it’s possible to make the
contact anonymous. In order to make an appointment a referral is not needed, only the own experience of crisis is enough. Common reasons for the client to seek help from the SOS centre:

- Difficulties adapting to a new culture
- Marital relationship problems and family problems
- Suicidal thoughts
- Sudden losses
- Accidents, violence
- Mental health problems

At the moment, treatment and support for victims of crime is also organised by municipalities including help during crises. In addition, peer groups have been organised by municipalities and voluntary organisations. There are no provisions on the time frame of criminal proceedings specifically concerning children. However, there are general provisions on criminal proceedings such as the duty of the prosecutor to bring evidence to the court without delay, and to conduct preparatory hearings at the court and to notify charges without delay as the Criminal Procedure Act (689/1997) Chapter 1 Sections 4,6, 12 states. According to the Criminal Investigation Act, all police investigations, involving adults or children, must be conducted without unnecessary delay. In terms of ensuring a child-friendly environment, not all courts in Finland have rooms designed specifically to be child-friendly, but in these cases, normal offices could be used, rather than court rooms.

V. Managing children victims and witnesses of crime and the assessment of their needs

Based on the US Child Advocacy Centre model, and in order to improve the investigative interviews and clinical treatment and support, the Finnish government implemented a pilot Barnahuset project (Child Advocacy Centre) in 2014. The project is carried out in co-operation between the Ministry of Social Affairs and Health, the National Institute for Health and Welfare, the Ministry of the Interior and the Ministry of Justice. The ‘Children’s House’ - The Barnahuset Model provides services for child victims of sexual or other violence. This is a way of organising care for abused children in the investigation phase by bringing them to a single point where all professionals that need to be involved – health, social work, police and prosecutors – work together in a single team. It is increasingly in use across Scandinavia. In Finland’s case there is an initial test going on of the model in the Turkü region. The project provides a framework for official state cooperation, as well as a common physical space. It includes police investigation services under which the police can consult
health care and social service officials, legal and psychological examinations, somatic examinations and cooperation with child welfare authorities from the child’s municipality. Their focus is intensive forensic interviewing and formulation of case analyses. The child’s crisis treatment and need for further health care is assessed and the child is referred to further care. Also the whole family is supported and directed to further care. The house also gathers and produces research information and training for state officials. In practice, the police or the child welfare service contact the centre when abuse is alleged. The Barnahuset then calls a meeting with the police and the child welfare service. The meeting takes place at the Barnahuset with one of the staff members appointed as the child’s contact person. The reported case is then discussed and case-relevant information given by the child welfare service to the police. After the meeting the police consider how to proceed before calling another meeting to explain their decisions. The forensic interview is then planned in detail, where the police officer gains a valid information about the alleged offence and the mental health worker focuses on the child’s psychological well-being, with contact between the prosecution and the judge leading the interview.

Representatives of the judicial system, social services, child psychiatry and medical services collaborate with focus on the child’s best interest. An interrogator/interviewer from the police meets the child alone, while in another room, social secretary, lawyer and prosecutor follow the interview via monitor. Two consequences are supposed to be fulfilled; firstly that the child does not have to repeat her or his story for several persons, and secondly that the social services has an opportunity to find out about the child’s social situation and the need for immediate protection. Apart from the interest of legal system, the child’s narrative is important for the social services, as an authority with responsibility for the child’s situation, to learn about how the child’s needs should be fulfilled not only now, but also in the future.

At Barnahuset the forensic interview, medical examination and therapeutic consultations all take place under the same roof. There is a specially designed interview room that allows the interview to be recorded directly to DVD, with video links to a conference room at Barnahuset. The conference room serves as a courtroom, with all legal representatives present (judge, prosecution, defence lawyer and state-funded counsel to the complaint). The interview process and the presence of observers in the monitor room are normally explained to children in developmentally appropriate terms. The interviewer first conducts an interview in accordance with his/her professional skills and when he/she considers it complete, the interviewer takes a break to consult counsel and the judge, leaving the camera running. The judge gives both parties the opportunity to suggest topics or identify contradictions that they want investigated. The interviewer than returns to the interview room to address these issues and then consults the observers again. This process continues until the judge and counsel are satisfied. The child then leaves the interview room, meets his guardian and the
The interview is finished. The child can be re-interviewed, in which case the process will be followed, but re-interviewing is very rare. At the Barnahuset some judges also allow representatives of the child welfare service to monitor investigative interviews, however some judges exclude them from the monitoring room. The process of the interview is the following:

Step 1. **Rapport:** The interview opens with discussion of a neutral topic to relax the child and settle them in. The interviewer bridges this phase to the free narrative by stating the purpose of the interview. This should be done in a way that is age-appropriate.

Step 2. **Free narrative:** In this second phase, the child is encouraged to provide a free account of the events, with as little input from the interviewer as possible.

Step 3. **Questioning:** The aim of the questioning phase is to clarify what the child has said in his or her free narrative account. This is the time for questions addressing any evidential matters, the detail of any alleged offence and clarification (such as body parts, for example).

Step 4. **Close:** This phase consists of a summing up of the key points made by the child, along with a return to more neutral topics to allow the child some recovery time before leaving the interview.

An extended forensic interview is a multi-session structured interview. This model recognizes that some children may need more than one session to talk about allegations of abuse and increases the number of interview sessions with the child to as many as four. An extended forensic interview is generally considered for children with special developmental considerations or children who are particularly anxious or frightened.

After the forensic interview of the child, a medical doctor can (if necessary and if he or she is present) consult and physically examine the child. The findings are documented by paediatricians through the use of a colposcope, state-of-the-art equipment that records the examination on a video. The House also provides treatment services for child victims of sexual abuse and their families. The child is assessed for therapeutic purposes. Barnahuset has very good facilities for medical examinations. A gynaecologist, paediatrician and registered nurse administer the examination. Barnahuset provides assessment and treatment in the child’s home area, if requested. Then an individual treatment plan is created and provided either at the facilities or, if the child lives outside of the capital area, as near to her/his home as possible.

**VI. Training of professionals working with children victims/witnesses of crime**

There is a 3-year-lasting SENJA-project going on. Within the project, the victim sensitive approach (vulnerable victims) is instructed to the police, the prosecutors and the court personnel. The goal of the Senja sensitiveness model is to provide information about the consequences of being subjected
to domestic violence and sexual crime and to give advice to those working with crime victims in various stages of the legal process. Sensitive treatment encourages the victim to be active, makes the work of the authorities easier, prevents secondary victimisation and protects the legal rights of the victim, particularly regarding the trial. Senja-Internet pages have been published - Instructions in Finnish, Swedish and English are open – www.senjanetti.fi Instructions folders have been produced and distributed to all police stations, local prosecution offices, public legal aid offices and courts in Finland. Main tasks of SENJA-project:

- Educate employees such as police, police students, prosecutors, judges, legal aid personal, laywers who are working in proceedings and are facing sexually abused people. In the year 2010 almost 500 participants took part of the sensitivity training (until this day apr. 1000) and 300 (until this day apr. 700) of them were police officers
- Encure that Victims of sexual violence will not experience secondary traumatisation or secondary victimisation in proceedings
- Minimize the risks of the unfair trial specially concerning victims of violent crime
- Fullfill Human Rights of the victims
- Share information for victims of sexual crimes and domestic violence
  - Information of their rights and possibilities of support, information of the support organisations
  - Information of the legal process, the legal assistance, the police reporting, the police investigation, the hearing

The professionals of jurisprudence receive the training in the following topics:

- How to face a victim of sexual violence/sexual abuse
- How to face a victim of domestic violence
- How to face a victim with intellectual disabilities of domestic violence and sexual violence/sexual abuse
- How to face of a young victim of sexual violence/abuse
- How to face an immigrant victim of domestic violence and sexual violence/sexual abuse

Police officers receive a special training course concerning crimes against children every year. The course takes two weeks and it is aimed to the police officers who are specialised in investigating the aforementioned crimes. The National Police Board of Finland initiated special training for police officers and health care professionals conducting children’s interviews in the context of criminal cases as a pilot project in November 2009. Since then, the training has been continued and third training group will begin in the beginning of 2012. This training lasts for one year, and it aims at
building up the professional skills of those conducting interviews with children by means of training days and work counselling. The training consists of theoretical and special information on conducting interviews in context of criminal investigations. It also includes the supervision of work which includes personal guidance given to each participant on conducting interviews. Also the pre-trial investigation process together with available forms of cooperation between various authorities will be introduced detailing for example what kind of assistance the police may request from the health care professionals. A prosecutor and an advocate specialized in offences against children will participate and they will share their perspectives on criminal investigation in these cases. The topics also include current legislation, instructions and practice in Finland as regards investigation into abuse and assault cases. The topics of human rights and fundamental rights are included through the whole police training (Diploma in Police Studies, the Finnish Police Sergeant’s Examination, the Bachelor in Police Command and in addition to these programmes, continuing and supplementary training, including Specialist Studies). The training of practitioners working with victims and witnesses of crime is in line with the Article 25 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

Support person for the child in case of confusion or anxiety:
If the person has become a victim of sexual crime, domestic violence or an aggravated crime against his/her life, health or freedom, victim has, upon reporting the crime, the right to get a free counsel to assist him/her during the police interrogation. If he/she is already to be interrogated, the interrogation may possibly be moved to another day if the victim asks for a counsel. The counsel may be a public counsel from a legal aid office, a private lawyer or any lawyer who has the right to function in court. In addition to the counsel, victim has the right to get a free support person to assist him/her morally both during the police interrogation and during the trial. With the support person victim may freely and confidentially discuss any feelings he/she encounters. However, the support person is not in a position to give legal advice. The support person may, for example, be a friend (excluding those who are likely to be used as witnesses) or someone from the Finnish Victim Support.
Managing Victims and Witnesses of Crime in Northern Ireland

I. Legal Framework for Managing a Victim or a Witness of Crime in Northern Ireland

Over the past two decades in Northern Ireland there have been a raft of legislative and policy initiatives aimed at ensuring that child witnesses are able to give their best evidence and receive the support they need. Key amongst them has been:

- the Children’s Evidence (Northern Ireland) Order 1995, which allows for witness evidence by children to be given via video link and bars defendants from cross-examining child witnesses personally;
- the Criminal Evidence (Northern Ireland) Order 1999 which makes provisions for physical measures to reduce the stress of children giving evidence at trial, such as informal dress, screening of witnesses from the accused, live link CCTV and the use of pre-recorded interviews.
- Other developments have included: publication of a Code of Practice for Victims of Crime (NIO, 1998) and setting up the Vulnerable or Intimidated Witnesses Steering Group (VIVW).

The VIVW has a central role in managing cross-agency issues impacting on victims and witnesses across the criminal justice system and is responsible for coordinating key areas of service development and delivery. The Victim and Witness Steering Group is a sub-group of the Criminal Justice Board for Northern Ireland and is chaired by the Department of Justice. It is made up of representatives from the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland, Northern Ireland Courts and Tribunals Service, Northern Ireland Prison Service, Probation Board for Northern Ireland, Youth Justice Agency of Northern Ireland, Victim Support Northern Ireland and the NSPCC (National Society for the Prevention of Cruelty to Children). The steering reviews the outcomes of the Northern Ireland Victim and Witness Survey to get victims’ views on the criminal justice system; reviews the feedback and complaints received to identify common problems, and take necessary action to improve performance; ask Victim Support Northern Ireland and the NSPCC for feedback they have received from victims; and give the Criminal Justice Board updates on performance.

Northern Ireland Office (2007) also launched a five-year victim and witness strategy, ‘Bridging the Gap’, with the aim of enhancing the victim and witness experience of the criminal justice system by improving service delivery. Developments have included: publication of a crosscutting Victims’ Code
of Practice (DoJ, 2011b) revision of ‘Achieving Best Evidence’ guidance to include guidance on the provision of pre-trial therapy (DoJ, 2011a) and plans to introduce intermediaries to Northern Ireland as a matter of priority. ‘Co-operating to Safeguard Children’ (DHSSPS, 2006) gives the legal framework of child protection in Northern Ireland and underlines the role and responsibilities of many professional agencies.

Sexual Violence

In Northern Ireland key policy developments have included the publication of the joint DHSSPS and NIO (2008) strategy ‘Tackling Sexual Violence & Abuse: A regional Strategy 2008–2013’ and the associated actions plans which have been developed and taken forward by sub-groups of the Inter-departmental Group on Preventing Sexual Violence. The aim of this regional strategy is to implement an effective, collaborative and cohesive approach to tackling and reducing sexual violence and abuse. A major element of the support component of the strategy is to provide a sexual assault referral centre (SARC) for Northern Ireland. It is planned that this new facility will be located in the Antrim Area Hospital and will provide services to children and young people as well as adults. It is hoped that the development of a SARC in Northern Ireland will provide a supportive environment for victims, which may subsequently be used to assist in the successful prosecution of offenders.

II. The Process and the Main Aspects of the System as to Managing Victims or Witnesses of Crime in Northern Ireland

A number of organizations and agencies are involved in managing victims of crime in Northern Ireland, first and foremost Police Service of Northern Ireland (PSNI). The crime can be reported to the police in various ways through the emergency number, number for non-urgent matters, alternatively, information can be given anonymously to the independent charity Crimestoppers or third-party reporting – if the victim do not want to report the crime, someone else can report it for him/her. Police Service also gives an opportunity to victims of crime to report the crime with written statement or through a video recorded statement. When the crime has been reported, the Police Service of Northern Ireland gives the victim a Victim Information Card which provides the victim of crime with Crime Reference Number, the name and contact details of his/her investigating officer and where they are stationed. Police also provides the victim with the leaflet ‘Information for victims
of crime'. Such leaflet includes the contacts of the police (phone number and the web-site), contacts of Victim Support organizations in Northern Ireland, information about the procedure in the court, information about the possibility of further support after the trial and information about compensation. Providing information to the victims of crime from the first interaction is in full compliance with the Article 4 ‘Right to receive information from the first contact with a competent authority’ of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

The Police Service also tells the victim of crime details of the PSNI Contact Management Support Unit which the victim of crime can contact if his/her investigating officer is unavailable. If the crime is serious or sensitive, then a detective may be appointed to investigate. The police also have specially trained officers to deal with specific crime such as sexual crime, hate related incidents and domestic violence. The victim of crime is able to speak to an officer of the same sex if she/he wishes. In cases, where the victim has difficulty understanding English, or if he or she is deaf or hard of hearing, an interpreter will be called to assist. Such practice of taking into account the need of victim who do not understand or speak the language of the criminal proceeding and providing the victim with the interpreter is in full compliance with the Article 7 ‘Right to interpretation and translation’ of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Police Service of Northern Ireland updates the victim within 10 days of what we they are doing to investigate the crime and if there has been a significant change regarding the investigation e.g. when someone has been arrested for the offence or has been charged to appear in court, which is in full compliance with the Article 6, Paragraph 1 and 2 ‘Right to receive information about their case’ of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

In case of murder, manslaughter or road death, the Police appoints a Family Liaison Officer to manage communication between victim and the police investigation team. In case of child abuse or rape, the case of victim is investigated by a specialist team. When the victim applies for compensation, the Police Service of Northern Ireland gives the necessary information to the Compensation Agency and issues the relevant certificates as soon as possible. When the police have a suspect for an offence and the identity of that person is in dispute, they may wish to carry out an

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identity procedure. In this case, the victim is asked to pick out the person who he or she thinks committed the alleged offence. In order to carry out the identification procedure the police frequently uses one of several methods including a process known as Video Identification Parade Electronic Recording - commonly known as 'VIPER'. This means that the identification procedure is prepared in the form of a DVD disc and is shown to the victim by the police officer on a laptop or computer. The advantage of this electronic process is that the victim can view the DVD disc in places other than the police station.

After the crime has been reported and during the investigation procedure, the Police Service of Northern Ireland puts the victim of crime in touch with Victim Support Northern Ireland - a charity providing support to people who are victims of or have witnessed crime. The organization also gives the possibility for victims of crime to get in touch with them prior to contacting the police and provides the emergency numbers of National Supportline and local Victim Support NI office on their web-site. Victim Support NI provides the services free of charge and does not take a percentage from any award made. Ensuring the access to the victim support services which are free of charge corresponds to the Article 8 and 9 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

All Victim Support Northern Ireland staff and volunteers are carefully selected and offer the following services:

- The opportunity to speak to them in confidence about one’s experience.
- If the victim experienced a violent crime, give the information, advice and support through the Criminal Injury Compensation process.
- If the victim has to attend court, Victim Support Northern Ireland accompanies the victim throughout the process.
- Gives a victim an opportunity to visit a court before the trial, and explain what happens in court.
- Arrange a separate waiting area for the victim at the court
- After the trial has ended, Victim Support Northern Ireland continues to support the victim.

Victim Support NI also has information about other organisations offering help, such as counselling, and gives contact details to the victims of crime if they would find that helpful. This information can also be found on their website.

At the same time, the NSPCC Young Witness Service provides support and information for children and young people under the age of 18 who may have to give evidence in court, either as a victim or as a witness. The service also aims to help parents and carers support their child through the court process. NSPCC Young Witness Service usually offers support and information before, during and
after trial, including the opportunity to see the court before the trial and to practise speaking on the TV-link equipment where this will be used at trial. The Agency also assesses the needs of the witness or victim and works with other criminal justice agencies to meet those needs, as provided by the Article 22 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA which obliges the Member States to ensure that victims of crime receive assessment in order to identify the specific protection needs. At trial, the Young Witness Volunteer, or in their absence the Young Witness Worker is available to accompany the young witness into the court or TV link room. Post-trial follow-up aims to provide debriefing for the young witness and his/her parents/carers, and addresses onward referral (particularly for counselling or post-abuse treatment work). The Service also provides the court with information about the needs, wishes and feelings of the young witness. Currently NSPCC are drafting assessment documents which, if ratified by court users, will inform the court of the child’s capacity, vulnerability and needs.

Both the Witness Service and the Young Witness Service are available in all courts.

The Public Prosecution Service for Northern Ireland is the main prosecuting authority for Northern Ireland and it is committed to making sure that the best interests of the victim or witness of crime are taken into account as far as possible. In all cases, the Public Prosecution Service for Northern Ireland writes the victim of crime when they have made a decision on whether or not to prosecute. If they have decided not to prosecute, they will tell the victim why. In more serious cases, they give the detailed reasons for that decision. In all cases the victim can ask for detailed reasons to be given or ask to meet with the decision maker in the case. If the Public Prosecution Service for Northern Ireland decides not to prosecute, and the victim does not agree with that decision, he or she can ask them to review it, which is in full compliance with the Article 11, Paragraph 1 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. It can be done directly or through a nominated representative (for example, a family member, solicitor, support group or public representative). If the Public Prosecution Service for Northern Ireland decides to prosecute, the case will go to court. The victim has to give evidence if this is necessary to prove the case. The Public Prosecution Service for Northern Ireland will give a victim the information about coming to court to give evidence.

Where appropriate, the Public Prosecution Service for Northern Ireland applies for court orders, such as a Compensation Order (an order which requires the defendant to pay compensation to the victim) or a Sexual Offences Prevention Order (to protect the victim from serious sexual harm from the defendant). For certain serious offences, if the Director of Public Prosecutions considers that a
sentence given in the Crown Court is unduly lenient (not strict enough) he or she may refer the case to the Court of Appeal. During the trial the victim has an opportunity to give a statement to the court to describe what effect the crime has had on him/her, for example emotionally, medically, physically, socially (such as any resultant relationship difficulties) or financially. This is called a victim impact statement and it can be presented to the judge before sentence is passed.

Once the trial is over, the victim may still need a support or an explanation of certain parts of the case and therefore, has a possibility to contact the police investigating officer, Public Prosecution Service or Victim Support. The victim can also obtain the information about when the offender of his/her case is due to be released from prison or hospital (or, if they have been given a supervised sentence, the terms they have to keep to) he or she can contact the Northern Ireland Prison Service, the Probation Board for Northern Ireland or the Mentally Disordered Offenders’ Unit, the Department of Justice. A victim can receive details of:

- periods of temporary release granted to the offender;
- the month and year in which the offender is expected to be released from custody;
- any conditions of their release; and
- any breaches of those conditions which would result in the offender being returned to custody.

Receiving the information and details about the release/escape of the offender is in full compliance with the Article 6, Paragraph 5 ‘Right to receive information about their case’ of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

A victim or a witness of a violent crime can qualify for compensation under the NI Criminal Injuries Compensation Scheme 2009. The Compensation Agency deals with three main types of compensation: criminal injuries; criminal damage; and compensation covered under the Justice and Security (NI) Act 2007.

To qualify for criminal injuries compensation the victim or witness should report the injury to the police as soon as possible. They must also tell the police all that they know about how the injury happened and co-operate with them and in any prosecution. The initial decision taken by the Compensation Agency can be reviewed. This review will also be carried out by Agency staff. Local Victim Support office can provide victims and witnesses with help, information and ongoing support throughout the criminal injury compensation claim process. They can assist them complete the application form, help with any subsequent review application and, if an appeal is submitted, they are able to represent them at the appeal hearing.

To qualify for criminal damage compensation the victim or witness must, within 10 days of the damage happening, serve a Notice of Intention to apply for compensation on the Department of
Justice and the local police. They have to make the actual application within four months. This may be extended to a maximum of six months on written request to the Compensation Agency. They may also claim compensation for loss or damage suffered as a result of action taken under the Justice and Security (NI) Act 2007. The Compensation Agency has published guidance on the different schemes and victims can get this information from the Agency, any police station or their local Victim Support office. A court can order a defendant to pay the victim a compensation if they are found guilty of a crime against victim or victim’s property. However, the victim has to give the police full details of the loss.

III. Specific Procedures for Children Victims of Crime and the Main Differences from Procedures for Adults

Whilst a range of professionals are responsible for the provision of services to families, the role of investigating child abuse allegations ostensibly falls to social services and the police. ‘Co-operating to Safeguard Children’ provides the policy framework for child protection in Northern Ireland and outlines the roles and responsibilities of various agencies and professionals. Where there is reason to believe that a child may be suffering, or is likely to suffer, significant harm, it is the duty of health and social care trusts to make enquiries to help them decide on action needed to safeguard or promote the child’s welfare. Investigation will involve conducting an initial assessment and liaising with the family and key professionals to assess the children’s need for support and/or protection. In some instances, this may involve bringing public law proceedings under the Children Order (NI) 1995 to remove children from the care of their parents. Where there is suspicion that a crime against a child has been committed, social services must inform the police. The police have a duty and responsibility to investigate criminal offences committed against children. Their role is to:

- find out whether a crime has been committed;
- identify those responsible; and
- secure the best possible evidence for criminal proceedings.

Although differing in focus, the functions of police and social services are complementary. The police, together with social services, have responsibility for investigating allegations of child maltreatment. Depending on the nature of the allegation, they will either work together with social services to jointly investigate or will investigate a suspected criminal offence as a single agency. Current guidance suggests that almost all sexual offences and allegations of serious physical abuse and
neglect necessitate police involvement, while cases which involve purely emotional harm and less serious forms of physical abuse and neglect are normally dealt with by social services only.

Victims or witnesses under the age of 18 are entitled, subject to the discretion of the court, to certain special measures when being interviewed or giving testimony in court. The police should explain to the victim/witness about special measures and ask which ones they want. The prosecutor must also know which measures the victim/witness wants to apply to the court for and is responsible for making an application to the court. The court must satisfy itself that the special measure or combination of special measures is likely to maximise the quality of the witness evidence before granting an application. Whilst these measures are focused on achieving best evidence they nevertheless also help protect the victim/witness from secondary victimisation. There is a presumption that all child victims/witnesses will give the evidence in chief by a videorecorded statement and any other evidence by live link unless the court is satisfied that this will not maximise the quality of the child’s evidence. The child can opt out, provided the court is satisfied that not giving evidence in that way will not diminish the quality of the child’s evidence. Where a child witness does opt out, there is a presumption that the child will give evidence from behind a screen. This presumption does not apply if the court considers it would not maximise the quality of the child’s evidence. The child can opt out if the court agrees based on the application of the prosecutor.

In coming to a view about video-recorded evidence-in-chief children and/or the carers who have parental responsibility for them should be given enough information for them to come to an informed decision. Where a video recorded interview is made before a child victim’s/witness’ 18th birthday, the witness is eligible for video recorded evidence in chief and live link special measures directions after his/her 18th birthday.

A short summary of the available special measures for child victims/witnesses of crime is provided below:

- screens around the witness box to prevent the victim from having to see the defendant and the defendant from seeing the victim. However, the victim is still seen by the judge, jury, lawyers and barristers and, in some courts, the public gallery.
- giving evidence via a live TV link outside the courtroom – the victim can see the courtroom and people in the courtroom, including the defendant, can see the victim on a television screen
- giving evidence in private - members of the public and the press can be excluded from the court in some cases
- judges and barristers removing their wigs and gowns in the Crown Court to make the proceedings seem less intimidating
- a video recorded interview with the victim before the trial to be admitted by the court as the evidence - a live link or screen can be used when you are cross-examined by the defence a communicator or interpreter;
- Examination through an intermediary appointed by the court;
- Evidence given in private in sexual offence cases and cases involving intimidation;
- Aids to communications for overcoming physical difficulties with understanding or answering questions such as alphabet boards;

One of the special measures provides for vulnerable victims and witnesses, including children, to be examined through an intermediary. In implementing this special measure, both the Ministry of Justice and the Department of Justice have established formal Registered Intermediary schemes. Registered Intermediaries are professionals with specialist skills in communication. They are recruited and selected by both government departments and complete accredited training. Registered Intermediaries are subject to Codes of Practice and Ethics, and have a Procedural Guidance Manual to follow. Their function is, following an assessment of the victim/witness, to facilitate communication during the police investigation and at trial between the victim/witness and others in the criminal justice process, such as police officers and advocates. In addition to these special measures, other provisions exist to help children achieve their best evidence. For example, the defendant may not cross-examine the child in person and there are restrictions on evidence and questions about complainants’ sexual behaviour. Achieving best evidence guidance also highlights that active consideration should be given to the location of the interview and the layout of the room in which it is to take place. Providing special measures for intimidated or vulnerable victims corresponds to the Article 23, Paragraph 3 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Children as vulnerable or intimidated witnesses can also receive social support at all stages of the investigation. The Achieving Best Evidence guidance identifies three distinct roles for witness support. They are:

- Interview support provided by someone independent of the police, such as a friend or relative, but not necessarily so;
- Pre-trial support provided to the witness in the period between the interview and the start of any trial; and
- Court witness support from a person who may be known to the witness, but who is not a party to the proceedings. Support may also be given during live link testimony. Amendments to the special measures legislation made by the Coroners and Justice Act 2009 and the Justice Act (Northern
Ireland) 2011 include provision for a supporter to be present when a vulnerable or intimidated victim/witness is giving evidence in the live link room.

IV. Data and Statistics on the Number of Children Affected, as Victims or Witnesses

Number of children affected, as victims or witnesses, within the last three years.

627 Young Witnesses Supported from 1 April 2011 – 31 March 2012,

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<th>Victims</th>
<th>370</th>
<th>5-9 Years Old</th>
<th>22</th>
<th>Female</th>
<th>186</th>
<th>Sexual Offence</th>
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<tr>
<td>10-13 Years Old</td>
<td>66</td>
<td>Male</td>
<td>184</td>
<td>Physical Offence</td>
<td>237</td>
<td></td>
<td></td>
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<tr>
<td>14-17 Years Old</td>
<td>276</td>
<td>Other Offence</td>
<td>53</td>
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<th>Witnesses</th>
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<th>5-9 Years Old</th>
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<th>136</th>
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<td>Physical Offence</td>
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<td>Other Offence</td>
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<td></td>
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<tr>
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776 Young Witnesses Supported from 1 April 2012 – 31 March 2013

<table>
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<tr>
<th>Victims</th>
<th>448</th>
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<th>Female</th>
<th>202</th>
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<td>Male</td>
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<td>Physical Offence</td>
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<th>167</th>
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<td>Physical Offence</td>
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632 Young Witnesses Supported from 1 April 2013 – 31 March 2014

<table>
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<tr>
<th>Victims</th>
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<td>Witnesses</td>
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<td>5-9 Years Old</td>
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<td>145</td>
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<td>-----------</td>
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</tr>
<tr>
<td>10-13 Years Old</td>
<td>40</td>
<td>Male</td>
<td>127</td>
<td>Physical Offence</td>
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<td>Other Offence</td>
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<tr>
<td>Over 18 Years Old</td>
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<td></td>
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<td></td>
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</tr>
</tbody>
</table>

**Type of violence they are affected by**

In Northern Ireland, the PSNI records data on crimes committed against children and adults across a range of offences. Analysis of violent crimes against children recorded by the PSNI (sexual offences, offences against the person and crimes with a domestic motivation) shows that children account for a significant proportion of victims (Bunting, 2011). Between 1 April 2008 and 31 March 2010:

- 63,325 sexual offences and offences against the person were recorded by the PSNI, 19% of which (11,927) involved children and young people aged 0–17 years as victims;
- Of the 11,927 violent offences involving child victims, 18% were sexual offences (n=2194) and 82% offences against the person (n=9733);
- Sexual offences against child victims represented 56% of all sexual crime;
- Offences against the person involving child victims represented 16% of all offences against the persons.

**V. Assessment of Needs of the Child Victim/Witness of Crime**

**Informing the child about his/her rights at the assessment process**

In Northern Ireland all victims and witnesses are provided with a range of information on their rights and on the progress of the case from the moment they report a crime and throughout criminal proceedings including after judgment and sentencing. Details on what information should be provided, when the information should be provided and by whom are all set out in the Victims’ Code of Practice for victims and in the Witness Charter for witnesses. There are no specific provisions relating to children, so a child has the right receive the same information as an adult witness or victim. Nor are there provisions on how this information should be provided to a child. In Northern Ireland work has also commenced on the development of a statutory Victim Charter. The Charter will set out how victims of crime should be treated and the standards of service to be provided by the organisations in the criminal justice system. It will set out clear milestones for the provision of
information, how it will be provided and by whom. A Witness Charter will similarly be brought forward during the period of the new five year victim and witness strategy (2013-18).

Legal framework of assessment of child’s needs

A victim or witness under 18 is automatically regarded as being vulnerable and therefore eligible to be considered for special measures. The primary focus of such measures is achieving high quality evidence during interviews and when providing testimony in court, though they inevitably help to protect the child’s welfare as well. In implementing special measures a raft of policies and guidance have been developed to assist criminal justice professionals in identifying, assessing and supporting vulnerable witnesses. Key amongst these is:

- ‘Achieving Best Evidence in Criminal Proceedings : Guidance on interviewing victims and witnesses, the use of special measures, and the provision of pre-trial therapy’ (CJSNI, 2012) developed by the Department of Justice provides recommendations on how to plan and conduct the interviews with children and vulnerable and intimidated victims or witnesses of crime. It also provides detailed description of different categories of vulnerability together with prompts and behavioural indicators which can be used to identify different witness group.
- Victims’ Code of Practice (DoJ, 2011) sets out victims’ rights and agency obligations.
- ‘A guide to Northern Ireland's criminal justice system for victims and witnesses of crime’ (DoJ, 2010).
- Victim’s Charter (DoJ, 2014) - The Charter sets out the entitlements and services that victims of crime in Northern Ireland can expect to receive from a range of service providers. It will be placed on a statutory footing in late 2015.

General factors explored via an assessment prior to interview include:

- The child’s preferred name/form of address;
- The child’s ability and willingness to talk within a formal interview setting to a police officer, children’s social care worker or other trained interviewer;
- An explanation to the child of the reason for an interview;
- The ground rules for the interview;
- The opportunity to practice answering open questions;
- The child’s cognitive, social and emotional development (e.g. does the child appear to be ‘streetwise’ but in reality has limited understanding?);
- The child’s use of language and understanding of relevant concepts such as time and age (as a general rule of thumb, an intermediary may be able to help improve the quality of evidence of any

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child who is unable to detect and cope with misunderstanding, particularly in the court context, i.e. if a child seems unlikely to be able to recognise a problematic question or tell the questioner that they have not understood, assessment by an intermediary should be considered;

- Any special requirements the child may have (e.g. do they suffer from separation anxiety or have an impairment? Are they known to have suffered past abuse, or to have previously undergone an investigative interview?);
- Any apparent clinical or psychiatric problems (e.g. panic attacks, depression) that may impact upon the interview, and for which the child may require referral for a formal assessment; and
- An assessment of the child’s competency to give consent to interview and medical examination.

In case of vulnerable or intimidated witnesses or victims, the police aims to identify their needs and pass the information about identified needs to the Public Prosecution Service so they can continue to support the victim.

The police are the key criminal justice agency responsible for witness care. At the point of statement police officers are required to complete an initial needs assessment for each civilian victim and witness with the aim of providing a snapshot of victim and witness needs at the earliest stage, triggering relevant support and assisting the charging prosecutor’s decision. Post charge the Witness Care Unit has primary responsibility for victim and witness care. As well as criminal justice agencies, the witness may also be involved with a range of other voluntary and statutory organisation, depending on the nature of their needs and/or the offence. Where police or WCUs have identified a witness as vulnerable they can refer on to support agencies such as Victim Support or Witness Services. However, recognition of specific needs of the witness in relation to their vulnerability will be based on police/WCU identification of vulnerability as well as the quality information of shared with support agencies.

**Contact person a child victim or witness of crime can address in case of confusion or anxiety.**

NSPCC Young Witness Service provides support and information to young prosecution witnesses and children victims of crime, in criminal cases, in accordance with Children’s Evidence Order. The Service gives an opportunity for children to contact trained volunteers, qualified Young Witness Worker or professional counsellors with backgrounds in jobs like teaching, healthcare and social work.
VI. Examples of Best Practices in Providing Support to Victims of Crime and Violence in Northern Ireland

1. A Multi-Agency Risk Assessment Conference

A Multi-Agency Risk Assessment Conference (MARAC) is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, as well as housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. After sharing all relevant information they have about a victim, the representatives discuss options for increasing the safety of the victim and turn these into a co-ordinated action plan. The primary focus of the MARAC is to safeguard the adult victim. The MARAC will also make links with other fora to safeguard children and manage the behaviour of the perpetrator. At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. The victim does not attend the meeting but is represented by an IDVA who speaks on their behalf.

The MARAC Model

The primary focus of the MARAC is to safeguard the women survivors of abuse, while linking with other agencies to safeguard children and manage perpetrator behaviour. High-risk domestic violence is a pattern of abuse, which presents a risk of serious harm or homicide; approximately 10 percent of all domestic abuse in Northern Ireland results in serious harm and death. Only high-risk cases are referred to the MARAC given limited resources. Organizations are legally able to share information on high-risk cases, through the Information Sharing Protocol, which aims to facilitate the exchange of information for the purposes of prioritizing the safety of the domestic violence survivors and their children. Coordinated action planning is an important way of reducing the potential danger to high risk survivors and improving the safety of other family members, especially children. As every case is different, the representatives present at the MARAC discuss each situation and identify appropriate actions accordingly, which often fall within the scope of the respective mandates of the participating agencies.

Typical actions might include:

All agencies: Identifying high-risk victims through files so they can provide an enhanced and responsive service in the event of an incident.

Police: Placing the survivor’s home on ‘cocoon watch’ (a measure established with a victim’s consent), where immediate neighbours or those with a direct view of a woman’s home watch the property to prevent the risk of future trespassing or contact from the perpetrator. Any suspicious
activity is communicated to a local police officer responsible for taking further action against the perpetrator if required. Other crime prevention measures include increasing the security of a building or a survivor’s home to prevent further attacks; or providing panic alarms.

**Health:** Ensuring that the survivor is separated from the perpetrator during medical visits so that health care workers can provide confidential treatment and support to women and girls.

**Independent Domestic Violence Advisors (IDVAs):** Providing women an update on the actions to be taken by the MARAC where safe; providing ongoing psycho-social support; assisting survivors to attend legal, medical and other appointments; seek legal assistance; identify new housing and education or employment opportunities; follow-up coordination and communication with all agencies; ongoing risk assessment with survivors; and providing updates on repeat victimization to the MARAC.

**Children and Young People’s Services:** Agreeing to undertake an initial assessment of children involved in MARAC cases as appropriate; making referrals to children and adolescent mental health services; and providing additional support to the family. **Housing Authorities:** Assisting survivors to find alternative accommodation; processing applications for housing benefits and services for the homeless; and implementing safety devices on the home property.

**Education Administrators:** Sharing information with appropriate staff to support children effectively; and monitoring school performance and behavioural issues. **Probation:** Using information from MARAC for pre-sentence report writing.

**Adult services:** Making referrals to vulnerable adult teams and/or non-governmental organization support.

**Shelter:** Providing safe accommodation; and providing ongoing psycho-social, legal, referral and other support.

**Drug and Alcohol team:** Fast tracking access to specialist services and support.

**Structure and Process**

Cases can be referred to a MARAC by any frontline agency that has agreed to the Information Sharing Protocol and has undertaken a risk assessment with a survivor that determines the case meets the high-risk threshold. CAADA developed risk identification tool for determining high-risk cases, although the police and health professionals also refer high-risk survivors to the MARAC. MARACs are chaired by the Detective Inspector of the Community Safety Unit of the local borough police. The local borough police usually have a dedicated MARAC coordinator or a Domestic Violence Project Officer, who is responsible for the coordination of the MARAC partnership and administration of the monthly meetings. Independent Domestic Violence Advisors are trained specialists responsible for case management of all MARAC cases, liaising and providing a single point of contact between victims and the MARAC partner agencies, with a focus on ensuring the safety of survivors. A variety
of organizations supporting domestic abuse survivors may have an independent advisor who works
directly with survivors to assess the level of risk they are facing, provides advice and support by
discussing the range of options available to them and helps develop coordinated safety plans.
Independent advisors often work very closely with the police. During MARAC meetings, relevant
information regarding each case is shared, options for increasing the safety of the survivor are
discussed, and a coordinated action plan is created. Actions related to the police might include:
pursuing the perpetrator and working in partnership with the Advisor on engaging with survivors to
support safety planning and supporting the prosecution of the perpetrator. All agencies, including
the police, are responsible for ensuring their actions are carried out and for recording the outcome of
their actions, which are reported to the MARAC Coordinator to electronically record as actions that
have been ‘completed’ or are ‘in progress’. In the event of a Serious Case Review or Homicide
Review, this information would be requested as an indicator that all was done to help protect the
victim. This accountability has improved the practice of all agencies. The process of the MARAC starts
from case identification to the final stage of follow-up:

**Step 1. IDENTIFY:** MARAC agencies such as the local police, healthcare professionals, housing
practitioners, IDVAs, child protection, other specialist from the statutory and voluntary sectors
identify victims/survivors of domestic violence.

**Step 2. RISK ASSESS:** Once identified from domestic violence abuse, the risk identification checklist is
used to establish if the victim/survivor is at high risk of harm. If high risk, immediate safety measures
are provided to the victim/survivor.

**Step 3. REFERRAL:** Whichever agency identified the case completes the Referral form and sends it to
the MARAC Coordinator. IDVA contacts the victim/survivor to offer support and identify key risks and
fears.

**Step 4. RESEARCH:** All agencies receive MARAC meeting agenda from MARAC coordinator and
agencies research all cases in the agenda.

**Step 5. MEETING AND INFORMATION SHARING:** MARAC representative presents information at the
meeting on the agency’s referral. IDVA presents information on behalf of victim/survivor.

**Step 6. ACTION PLANNING:** Actions are volunteered on behalf of agencies and opportunities are
identified to coordinate actions with other partners. IDVA confirms that in their opinion the action is
as safe as possible.

**Step 7. FOLLOW-UP:** IDVAs liaise with partner organizations to coordinate action plan. IDVA keep
victims/survivors informed of the plan, where safe to do so. Colleagues and MARAC coordinator are
informed when actions are completed.

The costs incurred to implement the MARAC model are relatively low. The police and/or the local
authority fund the position of the MARAC Coordinator or the Domestic Violence Project Officer,
which is the only direct cost for the MARAC. The Independent Domestic Violence Advocates, who are also central to the process, may be funded from a variety of agencies and local borough funding streams. For example, Advisor teams may be resourced by a local government agency (particularly if the Advisor is based within the local police). Advisory services may also be provided by a non-governmental organization and receive funding from grant-making trusts and foundations. All MARAC representatives attend the monthly meetings, track progress on actions, and raise institutional awareness of the MARAC as part of their mandated role within their respective agency/organization; which is each agency’s in-kind contribution to the mechanism, requiring no additional funding. The Coordinator and Advisors provide free training as part of their role to all participating agencies in the MARAC, eliminating ongoing training costs resulting from staff turnover.

2. Women’s Aid- organization, providing support for women and children
victims of domestic violence

Women’s Aid is the lead voluntary organization in Northern Ireland addressing domestic violence and providing services for women and children. The Women’s Aid is made up of ten local Women’s Aid groups and Women’s Aid Federation Northern Ireland. Women’s Aid in Northern Ireland, including Women’s Aid Federation Northern Ireland and the local Women’s Aid activities include:

- **Provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.** Refuges cater for women who are alone and also those with children. Length of stay depends on each woman’s needs and those of her children. The refuges are run by and for women and children suffering domestic violence. There are currently 12 Women’s Aid refuges across Northern Ireland. The refuges are modern, well appointed buildings. Some have been purpose built. All refuges employ a team of highly skilled and trained staff to respond to needs. Child workers plan an ongoing programme of play and social activities which can help children relax and get the support they need. Many women stay in refuges more than once as part of the process of ending a relationship with an abusive partner. Refuge addresses are kept confidential to protect women’s safety. Women choose whether they wish to stay in a refuge close to their home or further away. The 24 Hour Domestic & Sexual Violence Helpline can help victims to find suitable refuge accommodation to meet their specific needs such as location, size of room, accessibility, children’s special requirements, cultural needs etc. Some Women’s Aid groups provide move-on houses as a temporary option for women and children who are preparing to move on from living in refuge. Women’s Aid provides support for women and children leaving refuge in the form of resettlement and aftercare services. Women are
assisted in moving and settling into new homes and aftercare provides ongoing support and also enables women to support one another.

- **Run the 24 Hour Domestic & Sexual Violence Helpline.** The Helpline is a 24/7 service, and is a freephone support, advice and signposting service for all women and men who have been affected by domestic or sexual violence. The Helpline is free to call from all landlines and mobile phones and is a completely confidential and caring service.

- **Provide a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.** Women’s Aid groups provide information and advice to women on legal, welfare, housing and money matters. This can also include representation at appeal tribunals and case conferences. Women’s Aid supports women through civil and criminal legal proceedings. This can include briefings on what to expect at a court hearing, meeting with court personnel before the day of a hearing and accompanying women to court, to her solicitor or barrister etc. Some courthouses provide waiting facilities for women being supported by Women’s Aid. Women’s Aid can also provide support for women and children while advocating on their behalf with other agencies, for example at case conferences. Emotional and practical support is offered with legal, welfare, housing and money matters and making safe arrangements for children.

- **Provide a range of support services to children and young people who have experienced domestic violence.** Women’s Aid provides age appropriate, specialised services and support for children and young people who experience (or are at risk of experiencing) domestic violence. Needs are responded to at all points of service delivery, including refuge and in the community. Group work, with children and young people is a valuable element of support and a range of programmes has been developed to meet the needs of children and young people. A full overview of service provision is reflected in the document entitled ‘Our Place – Safe Space: Strategy for Children and Young People’.

- **Run preventative education programmes in schools and other settings.** Women’s aid have been delivering preventative education programmes at primary and post primary levels since 1996. These programmes present an early intervention for those who may be experiencing domestic violence and also those who may be at risk. Women’s aid work with children and young people in primary and post primary schools and community settings across Northern Ireland, using creative education programmes such as Helping Hands and Heading for Healthy Relationships (H4HR). This area of work was developed in partnership with the Department of Education to ensure it complements the curriculum. *Helping Hands* is a preventative education programme,

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developed by Women’s Aid Federation Northern Ireland for primary school aged children at key stage two and three. The overall aim of the programme is to: increase children’s understanding of feeling safe and to explore and promote behaviours which will contribute to a safe environment. The objectives are to develop children’s levels of self esteem and confidence, enable children to explore and express feelings, inform children of the right to feel safe at all times, increase children’s ability in safety planning, empower children to identify their own personal support network, explore how choice of behaviour can affect the feelings of others, and identify healthy ways to manage conflict.

- **educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence**
- **advise and support agencies in the development of domestic violence policies, protocols and service delivery, and work in partnership with relevant agencies to ensure a joined up response to domestic violence.**
- **work in partnership with relevant agencies to ensure a joined up response to domestic violence.**
Conclusions

It is evident from the above research that Northern Ireland and Finland have comprehensive systems of protection for children and victims/witnesses of crime involved in criminal proceedings which are established through legislation, codes of practice, practice guidelines and policy statements and commitments. Those systems correspond to the requirements of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Moreover, those systems guarantee the appropriate treatment of children taking into account their welfare and best interests which is in line with the UN Convention on the Rights of the Child.

In Northern Ireland, with respect to the general approach taken towards children, it is clear from publications that criminal justice agencies and the government are conscious of their obligations as established under the UN Convention on the Rights of the Child and the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. The starting point is that any victim, suspect or witness under the age of 18 is effectively considered to be a child and as such subject to special measures, assistance or treatment under the youth justice system. Furthermore, the general policy taken by the government and the main services of police, prosecution and courts, is that children should be protected within the system but should be provided with sufficient opportunity to participate in the proceedings and to provide their views in accordance with abilities. From the perspective of child victims and witnesses the special needs of children are recognized and catered for through statute based protection measures as well as requirements imposed on authorities in the treatment of children. Thus child receive risk assessments, are offered measures to help them provide evidence and participate in proceedings whilst reducing secondary victimization. In implementing special measures a raft of policies and guidance have been developed to assist criminal justice professionals in identifying, assessing and supporting vulnerable victims and witnesses of crime, such as ‘Achieving Best Evidence in Criminal Proceedings : Guidance on interviewing victims and witnesses, the use of special measures, and the provision of pre-trial therapy’ (CJSNI, 2012); Victims’ Code of Practice (DoJ, 2011); ‘A guide to Northern Ireland’s criminal justice system for victims and witnesses of crime’ (DoJ, 2010); Victim’s Charter (DoJ,2014). A victim or a witness of a violent crime can qualify for compensation under the NI Criminal Injuries Compensation Scheme 2009. The Compensation Agency
deals with three main types of compensation: criminal injuries; criminal damage; and compensation covered under the Justice and Security (NI) Act 2007.

A large number of monitoring bodies exist which review the operation of criminal justice authorities and the treatment of people within the criminal justice system. In particular, the Public Prosecution Service for Northern Ireland is the main prosecuting authority for Northern Ireland and it is committed to making sure that the best interests of the victim or witness of crime are taken into account as far as possible.

In addition, victim support organizations such as Victims Support Northern Ireland and NSPCC Young Witness Service receive referrals direct from the police and are able to assist child victims whether they participate in proceedings or not. NSPCC Young Witness Service also gives an opportunity for children to contact trained volunteers, qualified Young Witness Worker or professional counsellors with backgrounds in jobs like teaching, healthcare and social work.

Where a child and family require support from coordinated action of more than one agency (e.g. education, health, housing, police) there exists the Multi-Agency Risk Assessment Conference (MARAC), a meeting, where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, as well as housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. Such conference aims to achieve effective early help by local agencies working together to:

- identify children and families who would benefit from early help;
- undertake an assessment of the need for early help; and
- provide targeted early help services to address the assessed needs of a child and their family which focuses on activity to improve significantly outcomes for the child.

Within the MARAC process local agencies discuss identified high risk cases in the local area; share information; and agree a co-ordinated action plan.

It is also worth mentioning the Women’s Aid- organization, providing support for women and children victims of domestic violence. In particular, Women’s Aid provides refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home; runs the 24 Hour Domestic & Sexual Violence Helpline; provides a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children; provides a range of support services to children and young people who have experienced domestic violence;
runs preventative education programmes in schools and other settings; educates and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence; advises and support agencies in the development of domestic violence policies, protocols and service delivery, and work in partnership with relevant agencies to ensure a joined up response to domestic violence; works in partnership with relevant agencies to ensure a joined up response to domestic violence.

Similarly in Finland, taking into consideration the policies and tools utilized by the government in order to manage children and adult victims/witnesses of crime it is clear that obligations as established under the UN Convention on the Rights of the Child and the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA are fulfilled.

The legislation for managing crime victims and witnesses is for the most part the same for adults and children, in particular: Decree on Criminal Investigations and Coercive Measures (1987); Non-Discrimination Act (2004); Child Welfare Act (2007); Act on Checking the Criminal Background of Persons Working with Children; Act on Compensation for Crime Damage and the Tort Liability Act (1974); Act on Compensation for the Excessive Length of Judicial Proceedings (2009) and Legal Aid Act. The age and level of development of the child is taken into consideration in examinations and a multi-professional approach is emphasised. The starting point of the Constitution is that children must be treated equally and as individuals, with individual personalities and characteristics, and allowed to influence matters relating to them to a degree which corresponds to their level of development. Under Finnish legislation, it is required to take into consideration the child’s age and stage of development during investigations and to provide for legal counsel and support workers as well as to appoint a legal guardian where needed. In Finnish criminal law, the best interests of the child are safeguarded through procedural rules such as allowing the use of recorded investigations as evidence. It is also possible to hear the testimony of children in court without the presence of certain persons such as the offender.

Just as in Northern Ireland, in Finland after reporting the crime children receive risk assessments, are offered measures to help them provide evidence and participate in proceedings whilst reducing secondary victimization. The investigation of offences involving child victims is undertaken by a police officer specialized in investigating children. All professionals working with the victims and witnesses of crime receive appropriate training in the framework of Senja project. Within the project, the victim sensitive approach (vulnerable victims) is instructed to the police, the prosecutors and the
Court personnel. The goal of the Senja sensitiveness model is to provide information about the consequences of being subjected to domestic violence and sexual crime and to give advice to those working with crime victims in various stages of the legal process. Sensitive treatment encourages the victim to be active, makes the work of the authorities easier, prevents secondary victimisation and protects the legal rights of the victim, particularly regarding the trial. Senja-Internet pages have been published - Instructions in Finnish, Swedish and English are open. Instructions folders have been produced and distributed to all police stations, local prosecution offices, public legal aid offices and courts in Finland. Police officers receive a special training course concerning crimes against children every year. The course takes two weeks and it is aimed to the police officers who are specialised in investigating the aforementioned crimes.

It is also worth emphasizing the Barnahuset project (Child Advocacy Centre) that was initiated in 2014. The project is carried out in co-operation between the Ministry of Social Affairs and Health, the National Institute for Health and Welfare, the Ministry of the Interior and the Ministry of Justice. The Barnahuset Model provides services for child victims of sexual or other violence. This is a way of organising care for abused children in the investigation phase by bringing them to a single point where all professionals that need to be involved – health, social work, police and prosecutors – work together in a single team. It includes police investigation services under which the police can consult health care and social service officials, legal and psychological examinations, somatic examinations and cooperation with child welfare authorities from the child’s municipality. Their focus is intensive forensic interviewing and formulation of case analyses.

In the same way as in the Northern Ireland, Victim support organizations, such as Victim Support Finland offers practical advice and support to victims of crime including a helpline and support workers, receive referrals direct from the police and are able to assist child victims whether they participate in proceedings or not. It is also worth to mention other organizations that provide the assistance to the victims of crime and violence:

- The Federation of Mother and Child Homes and Shelters - upholds 14 shelters around the Finland (in addition there exist about 20 other shelters in Finland). The shelters are service centres in which persons either suffering from or threatened with family violence can find help in overcoming a crisis.
- Tukinainen – Rape Crisis Centre the support center for victims who have been sexually assaulted.
- Monika – Multicultural Women’s Association in Finland helps immigrant women and children who have been subjected to violence or the threat of it.
- **National Women’s Line in Finland** offers national telephone- and Internet-advice as well as peer group activity for women who suffer from violence.

There are provisions on informing adults and children at different stages of the criminal proceedings. The provisions on police investigations, at which stage children are most often involved, are quite detailed and, in addition, there are police guidelines on investigating children. Multi-professional cooperation is possible for investigations. Children’s guardians, who are in practice the parents or other legal representatives, have in general the right to be present when children are being investigated. Children can also be appointed legal counsels and support persons for the entire process including appeals. The right to use one’s own language is also taken into consideration, and interpretation is paid for by the State. State officials are provided training on the criminal process involving children. For considerations of safety, the court may set a restriction order. If the victim is a child and the offender is one of the guardians, a legal guardian can be appointed, and the defendant guardian will not have the right to participate in the child’s investigation. The police must inform social welfare officials of children in need of child welfare.

Similarly to Northern Ireland, victims of a crime may be eligible for compensation paid from State funds for injury or damage caused by a criminal offence, such as medical costs, loss of income and personal property damaged in connection with the injury in accordance with the Act on Compensation for Crime Damage and the Tort Liability Act (2002). Moreover, a child or adult victim can seek compensation from the State in cases where proceedings are delayed in accordance with the Act on Compensation for the Excessive Length of Judicial Proceedings (2009).
Bibliography:


Legislation reviewed (Northern Ireland):

- Justice Act (Northern Ireland) 2011, 4 May 2011
- The Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007, 17 December 2007
- Youth Conference Rules (Northern Ireland) 2003, 18 December 2003
- Commissioner for Children and Young People (Northern Ireland) Order 2003, 27 February 2003
- Criminal Evidence (Northern Ireland) Order 1999, 12 October 1999
- Education Reform (Northern Ireland) Order 1989, 19 December 1989
- Police and Criminal Evidence (Northern Ireland) Order 1989, 2 August 1989
- Police and Criminal Evidence Act 1984, 31 October 1984
- Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, 18 February 1981
- Prison Act 1953, 19 May 1953

Legislation reviewed (Finland):
Decrees:


Acts:


■ The Act on Compensation from State Funds for the Arrest or Detention of an Innocent Person (422/1974) of 31 May 1974.


■ The Criminal Code (39/1889) of 19 December 1889.


Useful websites

Northern Ireland:

The Bar of Northern Ireland: www.barlibrary.com

Compensation Agency: www.compensationni.gov.uk

Department of Justice: www.dojni.gov.uk

Health and Social Care in Northern Ireland: www.hscni.net

Judicial Studies Board for Northern Ireland: www.jsbni.com

Law Society of Northern Ireland: www.lawsoc-ni.org

Northern Ireland Courts and Tribunals Service: www.courtsni.gov.uk

NI Direct (government services): www.nidirect.gov.uk

Northern Ireland Prison Service: www.niprisonservice.gov.uk

Police Service of Northern Ireland: www.psni.police.uk

Probation Board for Northern Ireland: www.pbni.org.uk

Public Prosecution Service: www.ppsni.gov.uk

Victim Support NI: www.victimsupportni.co.uk  (Note: VSNI has a database of organisations offering support services)

Youth Justice Agency: www.youthjusticeagencyni.gov.uk
Finland:


