



Finland

2 - My rights during the trial

[How can I be involved in the trial?](#)

[What are my rights as a witness?](#)

[I am a minor. Do I have additional rights?](#)

[Can I receive legal aid?](#)

[How can I get protection, if I am in danger?](#)

[How can I claim damages from the offender or receive compensation from the state?](#)

[Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?](#)

[I am a foreigner. How are my rights and interests protected?](#)

[More information](#)

How can I be involved in the trial?

You will be summoned to the main hearing if your presence in court is necessary to clarify certain facts or if you have a [civil claim \(1\)](#), which is not pursued by the prosecutor.

During the trial at the District Court (court of first instance) you have the right to support the charges brought by the public prosecutor or by another victim and present new evidence in support of those charges.

After charges have been brought, you can make a civil claim against the offender, if the court permits.

You may also resume the prosecution, which has been abandoned by the public prosecutor or by another victim. In this case you need to notify the court in writing within 30 days of receiving the notice of the abandonment. If you do not resume the prosecution, you will lose your right to bring charges.

The court sessions are normally open to the public, although cases for some offences (sexual offences, etc.) can be heard “behind closed doors” (completely or partially closed to the public). You as a victim can always be present.

You can usually take part in the trial proceedings by putting questions, giving a final speech, introducing, presenting or requesting evidence, or cross-examining witnesses or expert witnesses. If you have supported the charges brought by the public prosecutor you have a similar right as the prosecutor to present evidence, etc.

If you wish to present new evidence during the main hearing, which has not been mentioned before, you have to notify the court before the main hearing and state what you intend to prove by this evidence. The evidence should thus be presented before the main hearing. You can still present new evidence during the main hearing, but in this case the main hearing might be postponed so that the offender can be fully informed of the new evidence. You may be required to pay the expenses caused to the other party by such a postponement.

You have the right to be informed about the contents of the [trial documents \(2\)](#), even those that are not public. However, there are some types of documents that may not be disclosed to parties in the trial. These may include, for example, your contact information in cases where non-disclosure is necessary to protect your safety, or trial documents containing information about the deliberations of the court.

You may be represented by an [attorney or counsel \(3\)](#). At the main hearing, your counsel can present your claims on your behalf, and refer to the facts and evidence that support them.

You may seek compensation from the offender for the costs you have incurred in relation to the trial. You need to make a request for compensation of legal costs before the end of the main hearing. If you are granted [legal aid \(4\)](#) and have been personally summoned to the court, the compensation for your travel costs is paid by the State.

Before the court, either Finnish or Swedish is used, and the court issues its decisions in Finnish or Swedish. If you do not understand the language used in court you have the right to interpretation.

What are my rights as a witness?

In Finland, as the victim of the crime you cannot be questioned as a witness. Instead, you may be heard for the purpose of collecting evidence.

The court may restrict the presence of the public during open proceedings if this is necessary to protect you or another person related to you from a threat to your or another person's life or health.

I am a minor. Do I have additional rights?

If you are **under 18 years of age** you are considered a child.

If your interests and the interests of your parents differ you will be represented by somebody else. Legal assistance is also available to you.

If there is reason to believe that you as a child are a victim of a sexual or violent crime and your statement has already been recorded on video during the pre-trial investigation, it may not be necessary to give a statement again during the trial.

If you have not reached the **age of 15 years** or if you are mentally ill the court has to consider some additional circumstances when deciding whether you may be heard: the hearing should not cause you suffering or other harm that can injure you or your development. The hearing may take place outside the court room and/or the court may appoint a [support person \(5\)](#) for you.

Can I receive legal aid?

You can receive [legal aid \(4\)](#) during the trial. You can contact the [State Legal Aid Office](#) to get information about whether you are eligible to receive legal aid and how to apply for it.

If you have minimal or no income and assets legal aid is free of charge.

If you are resident in Finland, or a citizen of a Member State of the European Union or the European Economic Area working or seeking work in Finland, you are entitled to legal aid. In addition, legal aid is available, if your case will be heard by a Finnish court of law or, if there is another special reason for legal aid to be provided.

If you receive legal aid you will not have to pay the court fees and other similar payments.

If you are a victim of domestic violence, a sexual offence or other offence of serious violence, the court may appoint an [attorney \(3\)](#) and/or a [support person \(5\)](#) for you during the pre-trial investigation and the trial, regardless of your income. The attorney will help you with the legal matters and the support person will provide psychological support. Their fees and expenses are paid by the State.

How can I get protection, if I am in danger?

In a criminal case that concerns a particularly sensitive aspect of your private life, the court may order that your identity as a victim be kept secret from the public.

In some cases you may be heard in the main hearing without appearing in person, with the use of a video conference or other appropriate technical means of communication, if the court decides that this is suitable and necessary to protect your life or health of the life or health of a person close to you.

Generally, the offender has the right to be present at the trial. However, you may be heard in the main hearing without the presence of the offender or any other person, if the court decides that this is appropriate and necessary:

- to protect your life or health, or
- if you would otherwise not reveal what you know about the case.

It is possible to restrict your contacts with the offender during the court proceedings if this is needed for security reasons. For example, a separate waiting area can be arranged for you. It is also possible to place a screen between you and the offender in the courtroom.

Police officers have the right to remove anyone who unlawfully disturbs your domestic peace or to detain in custody the person causing the disturbance. The detention could last as long as the disturbance is likely to recur, but no longer than 24 hours. Police officers can remove a person from other premises if they decide that he or she may commit an offence against your life, health, liberty, home or property.

It is also possible for you to apply for a [restraining order \(6\)](#).

How can I claim damages from the offender or receive compensation from the State?

You can claim damages from the offender by submitting a request to the court if you have not submitted your claim during the pre-trial investigation. You can request the public prosecutor to present your civil claim while the case is pending in the court of first instance. However, the chances that the prosecutor will decline your request are greater at this stage than the stage before bringing the charges. In such cases the court may allow you to present your civil claim yourself.

If the prosecutor brings charges against the offender, your [civil claim \(1\)](#) may be dealt with as part of the criminal case. The claim for damages is usually considered together with the charges, but it can also be handled in separate civil proceedings.

It is possible to receive compensation from the State for personal injury, damage to property or other financial loss caused by the crime. You need to submit an application to the [State Treasury](#). Any compensation received by you from the offender will be deducted from the State compensation. Any compensation that you have received or you are clearly entitled to receive according to other laws or an insurance policy will also be deducted.

Please consult the factsheet on compensation to victims of crime in Finland (available in [Finnish](#), [English](#) and other languages) of the European Judicial Network.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

[Mediation \(7\)](#) is usually initiated before the charges have been brought, but it is also possible during the trial even though conciliation at this stage is less common. The decision whether to refer the case to mediation is made by the local mediation office. The agreement reached through mediation may lead to waiving of the sentence or to a more lenient punishment.

During the trial, there are also opportunities to reach a settlement on your [civil claim \(1\)](#).

I am a foreigner. How are my rights and interests protected?

You have the right to an interpreter free of charge if you do not know any of the official national languages in Finland (Finnish or Swedish) well enough. Important documents may also be translated for you free of charge.

If you are a victim of human trafficking and do not live in Finland, you have the right to receive special help available to victims of human trafficking. This help may include housing, social and health services, legal counselling and assistance, security arrangements and other forms of support that you may need. There are reception centres in [Joutseno and Oulu](#) which are responsible for the administration of the services for victims of human trafficking.

The suspicion alone that you could be a victim of human trafficking is enough to allow you to benefit from these services. If you illegally reside in Finland you may be granted a reflection period and, under certain conditions, a residence permit. The most important condition is that you cooperate with the authorities to catch the persons suspected of trafficking. Before deciding whether you want to cooperate with the authorities, you may be granted a reflection period of at least 30 days and a maximum of six months.

The [Ombudsman for Minorities](#) also offers legal advice and assistance. Help is also provided by many civic organisations or associations, such as [Victim Support Finland](#), [Multicultural Women's Association - Monika](#) and [Pro Centre Finland](#).

More information:

- Act on the Publicity of Court Proceedings in General Courts 370/2007 (Laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa 370/2007; Lag om offentlighet vid rättegång i allmänna domstolar 370/2007) – in [English](#), [Finnish](#) and [Swedish](#)

- Act on the Openness of Government Activities 621/1999 (Laki viranomaisten toiminnan julkisuudesta 621/1999; Lag om offentlighet i myndigheternas verksamhet 621/1999) – in [English](#), [Finnish](#) and [Swedish](#)
- Act on Compensation for Crime Damage (Riksvahinkolaki 1204/2005; Brottskadslag 1204/2005) – in [Finnish](#) and [Swedish](#)
- Language Act 423/2003 (Kielilaki 423/2003; Språklag 423/2003) – in [English](#), [Finnish](#) and [Swedish](#)
- Sámi Language Act 1086/2003 (Saamen kielilaki 1086/2003; Samisk språklag 1086/2003) – in [English](#), [Finnish](#) and [Swedish](#)
- Legal Aid Act 257/2002 (Oikeusapulaki 257/2002; Rättshjälpslag 257/2002) – in [English](#), [Finnish](#) and [Swedish](#)
- Code of Judicial Procedure 4/1734 (Oikeudenkäymiskaari 4/1734; Rättegångs Balk 1734/4)– in [English](#), [Finnish](#) and [Swedish](#)
- Act 1015/2005 on Conciliation in Criminal and Certain Civil Cases (Laki rikosasioiden ja eräiden riita-asioiden sovittelusta 1015/2005; Lag om medling vid brott och i vissa tvister 1015/2005)– in [English](#), [Finnish](#) and [Swedish](#)
- Criminal Procedure Act 689/1997 (Laki oikeudenkäynnistä rikosasioissa 689/1997; Lag om rättegång i brottmål 689/1997) – in [English](#), [Finnish](#) and [Swedish](#)

Notes:

1. Civil Claim

If you want to obtain compensation for damages from the offender, you need to report the damages to the police and state that you wish to claim such compensation. Your civil claim must be submitted in writing to the prosecutor, preferably during the pre-trial investigation. You can also ask the prosecutor to present your claim. You need to inform the prosecutor that you wish to make a civil claim in order to reserve an opportunity to submit your claim to the court even if the prosecutor decides not to present your claim.

Compensation can be claimed, for instance, for lost or damaged property, medicine costs and doctor's fees, pain and suffering as a result of the crime, and mental anguish. You need to provide a description of the circumstances on which the claim is based. You are in principle under no obligation to present evidence for your civil claim, but without any evidence your claim will probably not be successful. You can indicate the extent of the damages by presenting the receipts for the costs you have incurred. Keep also any receipts for your insurance deductible and possible travel costs in connection with the investigation. Compensation for them, too, can be claimed from the offender.

You can present your claim yourself in the criminal case if you want to do so, or if the prosecutor does not present it on your behalf. Where possible, the claim should be filed during the pre-trial investigation. You can also present your claim yourself not as part of the criminal proceedings, but in a separate civil case. However, it is recommended that you present your civil claim as part of the criminal proceedings. Thus you will not have to pay the fees connected with starting a civil case and you will not be responsible for proving your claim (this will be done by the prosecutor as part of proving the charges).

2. Trial Document

A trial document is a document that has been submitted to the court or prepared in court for court proceedings. A trial document usually becomes public at a certain point of time, and every person has the right to receive information from a public trial document. Some trial documents, however, are confidential. For a case considered at the first instance, a trial document submitted to court generally becomes public after the oral proceedings or, if no oral proceedings are held, after a decision is issued on the principal claim. The court may order that such a trial document becomes public at an earlier stage if it is apparent that making the document public will not cause damage to the participants in the case or if there is another serious reason for making the document public. A trial document containing the decision of the court becomes public when it is issued or is made available to the parties.

3. Attorney/legal counsel

Generally, only a lawyer or another person who: has a Master's degree in law, is honest and otherwise suitable and competent for the task, may serve as an attorney or counsel, provided that he or she is not bankrupt and that his or her legal capacity has not been restricted. Unless orally retained by the party in court, an attorney shall produce a power of attorney personally signed by his or her client. A lawyer and a public legal aid attorney, as well as a prosecutor who is representing the injured and presenting the civil claim of the injured party, need not produce a power of attorney, unless the court orders otherwise.

However, a direct ascendant or descendant of the party, a sibling of the party and the spouse of the party may serve as an attorney or counsel even if he or she has not earned the degree referred to above. If you have a statutory representative (for example your custodian if you are under age) he or she might in some matters be allowed to represent you. This depends on the

issue at hand. The competence of the statutory representative is not based on the party's authorisation, but on law and authorisation by authorities.

4. Legal Aid

If you need assistance in a legal matter but cannot afford the necessary assistance, it may be provided to you, partially or fully at the expense of the State. Legal aid is available at any stage of the criminal proceedings and can cover the provision of legal advice, the necessary measures and representation before a court of law or another authority, and the waiver of certain expenses related to the case. In principle, legal aid includes all the necessary services of a legal assistant and reimbursement for necessary expenditures required in the criminal process.

The attorney can be a public legal aid attorney employed at the [State Legal Aid Office](#) or another private lawyer. If legal aid is granted to you, the State will pay the fee of the attorney in full or in part, depending on your income and available means. The work of the attorney can be compensated up to a maximum of 80 hours. However, in special cases the court may grant a dispensation from this limit.

Generally, legal aid is not provided if you have a legal expenses insurance that covers the case. Such insurance cover may be included for example in a household insurance policy, a labour union policy or a farming policy.

You can apply for legal aid at a [State Legal Aid Office](#). The legal aid office will verify your financial situation. You need to present evidence of your financial situation and information about the case for which you ask for legal aid. A public legal aid attorney employed at the legal aid office, a private lawyer or another jurist can provide legal aid.

Legal aid may be granted from the date of the application or, if the relevant criteria are met, also retroactively to cover expenses already incurred in relation to the case. Legal aid is available at all stages of the proceedings.

Legal aid is granted on the basis of your monthly available means and wealth. This is calculated through your income, expenditures and maintenance liability. The available means of your spouse are usually also taken into consideration. You as recipient of legal aid have to pay a percentage of the fee of the attorney (basic deductible). The percentage depends on your monthly available means.

If you are a single person with monthly available means under 600 euro you can be granted legal aid free of charge. When your monthly available means exceed 1,300 euro (if you are single), or 1200 euro per person (if you are in a couple), legal aid will not be granted.

5. Support person

The support person gives you psychological support during the pre-trial investigation and the trial. For example, your support person has the right to be present when you are questioned, unless the head of investigation prohibits this for important reasons related to the criminal investigation. If you meet the conditions set out in the legislation, the support person is appointed for you regardless of your income. The fee of the support person is paid by the State.

6. Restraining Order

If you feel threatened or harassed you can apply for a restraining order on the person threatening you. A restraining order means that to protect your life, health, freedom or peace, another person is ordered not to contact you. A restraining order may be imposed also when the person protected by the order and the person on whom the restraining order is imposed live in the same household.

The application can be made in writing or orally to the police or at the district court. It is the District Court that decides on the matter. A temporary restraining order, which enters into force immediately, can also be issued by a civil servant with the right to arrest a person (a senior policeman or a public prosecutor) or by the District Court.

If you are in a situation in which you are under a threat and you feel that you need a restraining order, you can get advice and help from the police, the social service authorities, the public prosecutor and voluntary organisations.

7. Mediation

Mediation in criminal cases is a service in which you and the offender are given the opportunity to meet confidentially with the help of an impartial conciliator to discuss the psychological and material harm caused to you by the offence. The conciliator will help you and the offender find a mutual agreement to redress the harm.

Mediation can only take place on a voluntary basis and it thus requires the parties' free consent. Before the parties agree to conciliation, they must be informed about their rights in relation to conciliation and their position in the conciliation process. Each party has the right to withdraw its consent to participate in mediation at any time during the conciliation process.

A voluntary lay mediator, who has received training for the task, carries out the mediation.

If the parties reach an agreement, the mediator draws up a document about it. In cases of less serious crimes the agreement may result in closing the case. The agreement may also at a later stage lead to non-prosecution, waiving of sentence or to a more lenient punishment:

- For petty offences where the prosecution lies with you a settlement reached through mediation usually closes the case. The prosecutor can no longer press charges if you have withdrawn your request for punishment. An exception to this rule may be a case where there are several offenders or victims or where the prosecution would be in the public interest.
- In criminal cases subject to public prosecution, any agreement drawn up will be taken into account when a decision is made on whether to bring charges. It is up to the prosecutor to decide whether or not to prosecute. Even if the prosecutor decides to bring charges, a successful conciliation may be taken into account when the court decides on the sentence.

Assault, theft and criminal damage are the types of crime which are especially well suited for mediation. Other types of crime can also be dealt with through mediation, if allowed by the law. In cases of serious crime, however, the possibility of mediation is normally excluded.

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Last update: 14/10/2018