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Claiming damages from the offender

Finland

How can I claim damages or other means of redress/satisfaction from an offender in a trial (criminal proceedings), and who should I address this claim to?

Claims for compensation resulting from a crime are usually processed as part of the same trial as for the criminal case, but they may also be separated out for processing under different proceedings.

You may ask the prosecutor to present your compensation claim for the crime in question in court. It is a good idea to inform the police of this during the preliminary investigation. The prosecutor may pursue the compensation claim on your behalf if the matter is clear and simple. If the prosecutor does not present the compensation claim, he/she will notify you in writing.

You may also pursue your claim for damages in court yourself during the proceedings for the criminal case, or it may be done on your behalf by a legal adviser.

At which point in the criminal proceedings should I present a claim?

If you claim compensation from the offender, you must report it to the police during the preliminary investigation, or at the latest to the court when the case is heard by the court.

What can I ask for in the claim and how should I present it (indicate a total amount and/or specify the individual losses, lost profits and interests)?

If you are the victim of a crime, you can claim compensation for:

property broken or lost in connection with the damage;

any medical costs necessary and other essential costs;

loss of earnings;

aches, pains and other temporary problems;

permanent problems; and

mental anguish. Compensation may be paid out for mental anguish if the act in question:

infringed your freedom, peace, honour or private life;

discriminated against you;

violated your personal integrity; or

seriously violated your human dignity in some other way.

Your close relatives may also be entitled to reasonable compensation for essential costs and loss of earnings caused to them as a result of caring for you owing to the injuries that you sustained as a result of the crime.

If you have arranged the burial of a person who died as a result of a crime, you have the right to claim compensation from the offender for the costs incurred for the burial. The parents, children and spouse of the deceased or other comparable person particularly close to the deceased also have the right to reasonable compensation for the burial costs that they have incurred.

The court cannot order anything else or more than you have claimed as the interested party. The compensation claims that you submit are therefore the upper limit of the compensation to be ordered. You also have the right to claim interest on the amount of compensation that you have claimed. If you have been summoned to clarify the matter in person in court, you have the right to obtain a daily allowance and compensation for your travel costs and loss of earnings.

Is there a specific form for such claims?

There is no specific form.

What evidence do I need to present to support my claim?

You can demonstrate the amount of the damage by presenting receipts for the expenses caused by the crime. Evidence must also be submitted for any loss of earnings, insurance excess and any travel and other costs relating to clearing up the case for which compensation is claimed.

For aches, pains and other temporary problems, as well as permanent problems, compensation is determined considering the nature and severity of the injury, the nature and duration of the care required for it, and the duration of the problem. Compensation for a permanent problem is determined considering the nature and severity of the personal injury and the age of the person suffering from the problem. Any particular worsening in the quality of life of the person suffering from the personal injury may also be taken into consideration as a factor for increasing the amount of compensation awarded. In order to prove this, you need doctors' statements explaining the nature of the injuries and the care needed for treating them.

Are there courts fees or other costs linked to my claim?

No court fees are charged for hearing the case at the district court (*käräjäoikeus*) if the compensation claim is pursued in conjunction with charges brought by the prosecutor. If compensation claims are brought as a separate civil case, a court fee is charged for hearing the case.

Can I get legal aid before and/or during the proceedings? Can I get it if I'm not living in the country where the proceedings take place?

If you satisfy the conditions for obtaining legal aid, you may obtain legal aid for both the preliminary investigation and the court proceedings. A victim of domestic violence, sexual crime or a serious crime against the life, health or freedom of the victim may have an adviser paid for from State funds. Legal aid may be obtained for cases heard by the Finnish courts, even if you do not live in Finland.

When would the criminal court dismiss or refuse to adjudicate on my claim against the offender?

If you reported during the preliminary investigation that you wanted to pursue your compensation claim yourself or using a lawyer, or if the prosecutor does not take up your claim, the district court will ask you about any compensation claims that you might have. The district court may set a deadline by which the compensation claim should be sent to it. Failing to submit a claim in writing may mean that the district court does not investigate a compensation claim that you lodge later on.

The court will reject your compensation claim if insufficient evidence is submitted to support it.

Can I appeal against such a decision or seek other means of redress/satisfaction?

If you want to appeal against the decision made by the district court, you should notify that court of your dissatisfaction within seven days of the date on which the judgment was issued. Once you have notified the court of your dissatisfaction, you may appeal against the judgment to the competent Court of

Appeal (*hovioukeus*). Your appeal letter must be sent to the district court within 30 days of the date of issue of the district court's judgment. As a general rule, you will require leave for continued consideration in order for the Court of Appeal to process the case fully.

If I am awarded damages by the court, how do I ensure the judgment is enforced against the offender and what help can I get to ensure this?

If the defendant does not voluntarily pay the compensation ordered, you may apply to have your claim enforced by a bailiff. You should send the bailiff the enforcement application and enclose with it the court decision confirming your entitlement to damages. The enforcement application is made to the bailiff for the place where the debtor lives or has a place of residence. If there are several debtors and they live in different localities, it will suffice to make an application to one bailiff. You can request more detailed guidance on applying for compensation from the enforcement office (*ulosottovirasto*). You can find contact details for the enforcement offices [here](#) (in Finnish, Swedish and English).

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