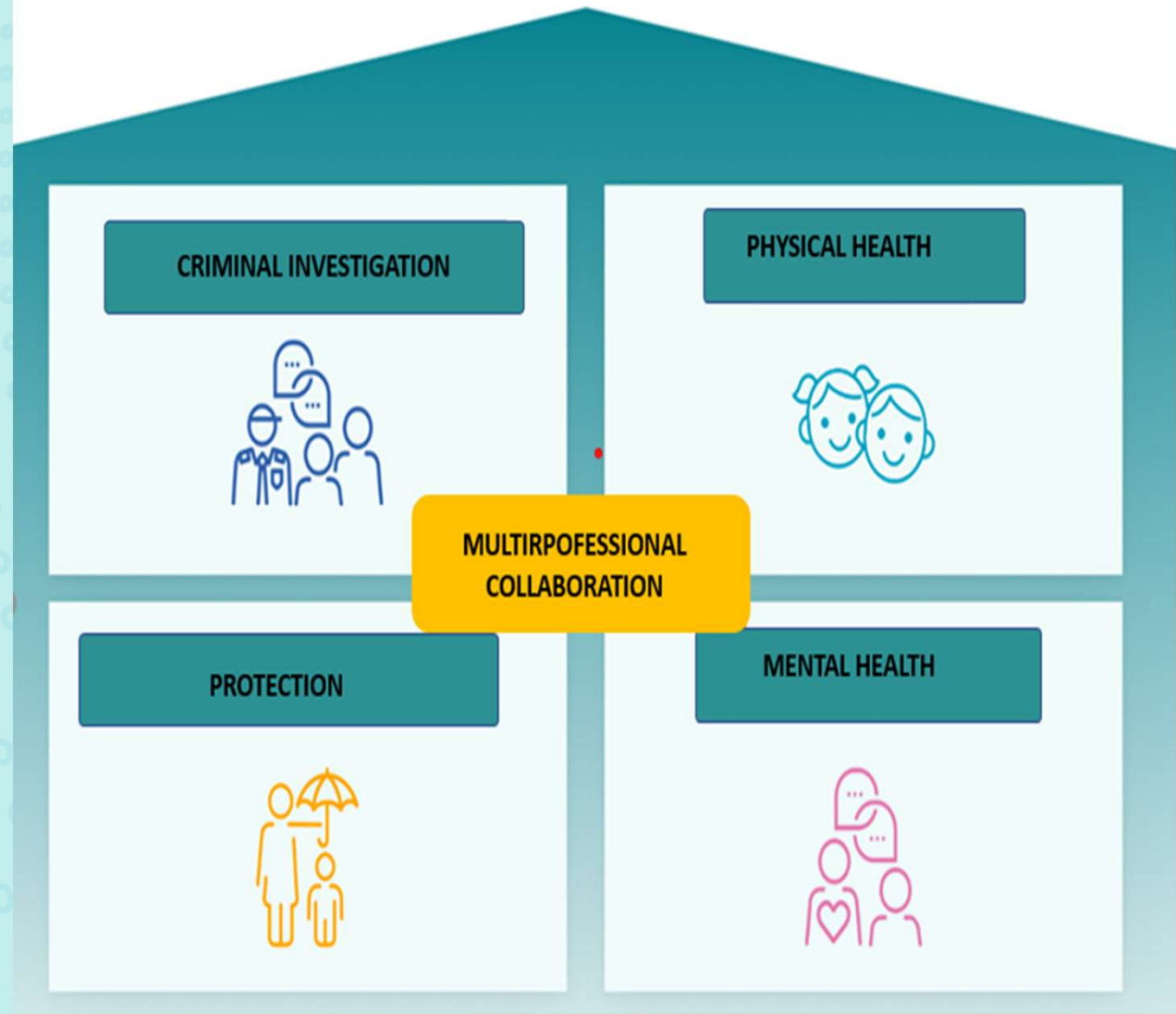


IDENTIFYING CHILDREN AS WITNESSES IN DOMESTIC VIOLENCE CASES

in Finland



Legal regulations and features in the criminal process

- Avoiding self-incrimination : “*You do not need to speak about anything that would make you or a person closely related to you appear guilty of a crime.*”
- Legal regulations enable that child could be a witness in the criminal process but it ´s rarely happening that children are positioned as such
- Child ´s statement is recorded by the police or the forensic center* and children under 15 years old don ´t normally participate the court session in the cases of domestic violence
 - The suspect can see the video before hand and make questions during the pre trial investigation
- Age limits in hearing children: 4-7 by the forensic units, 7> by police. Children over 7 years are also heard in the forensic unit if they ´ve e.g. developmental challenges that influence how they can be interviewed

*Forensic Psychiatric Center for Children and Adolescent



Identifying children in investigative processes as witnesses has challenges

- At the moment the criminal law and the practices are maybe not reflecting how harmful it is for the child to be exposed to domestic violence
- Is it best way to approach this issue from the criminal law point of view or should we strenghten for example the ways how child protection is working with families where there is domestic violence?

Legal regulations in child protection

Child´s safety is a central matter in the Finnish child protection law

§1: The objective is to protect children´s rights to a safe growth environment, to balanced and well-rounded development and to special protection.

§4: Child´s safety as a criteria when pondering child´s best interest

§38: If a child is in immediate danger or is otherwise in need of urgent placement and substitute care, the child may be placed with urgency in family care or institutional care (requires only a decision of one social worker)

§40: Children must be taken into care and substitute care must be provided for them by the municipal body responsible for social services if their health or development is seriously endangered by lack of care or other circumstances in which they are being brought up

Children are not just witnessing but also getting exposed to violence; successes and challenges

WORKING WELL

- Polices´ front-line workers identify well and it seems to be quite automatic to make a child welfare notification
- There is violence-specialised support services for children around Finland, mostly NGO´ s , and the whole family can be a client
- Family counselling units can provide support for the whole family

CHALLENGES

- Psychological forms of domestic violence, e.g. coercive control, are difficult to identify and intervene
- There is a lack of identifying children´ s exposure to violence in adults´ services
- Need for guardians´ consent for providing support for children who have experiences of domestic violence