



# Rikos- ja riita-asioiden sovittelu 2010

## Medling i brott- och tvistemål 2010

## Mediation in Criminal and Civil Cases 2010

Aune Flinck  
+358 20 610 7208  
aune.flinck@thl.fi

Salla Säkkinen  
+358 20 610 7064  
salla.sakkinen@thl.fi

Tuula Kuoppala  
+358 20 610 7234  
tuula.kuoppala@thl.fi

Terveysten ja hyvinvoinnin laitos  
PL 30 (Mannerheimintie 166, Helsinki)  
00271 Helsinki  
Puhelin: + 358 20 610 6000  
www.thl.fi

# Mediation in Criminal and Civil Cases 2010

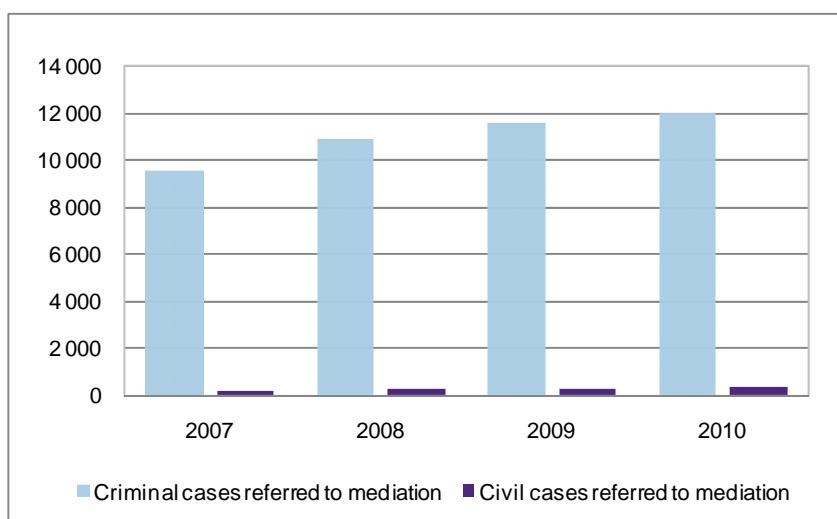
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A total of 12 313 criminal and civil cases were referred to mediation in Finland in 2010. This represented a 4 per cent increase on the previous year. The total number of mediated cases included 11 971 criminal cases and 342 civil cases. Out of all the criminal and civil cases referred to mediation, 46 per cent were violent crimes. Some 2 per cent of crimes under the Criminal Code were referred to mediation.

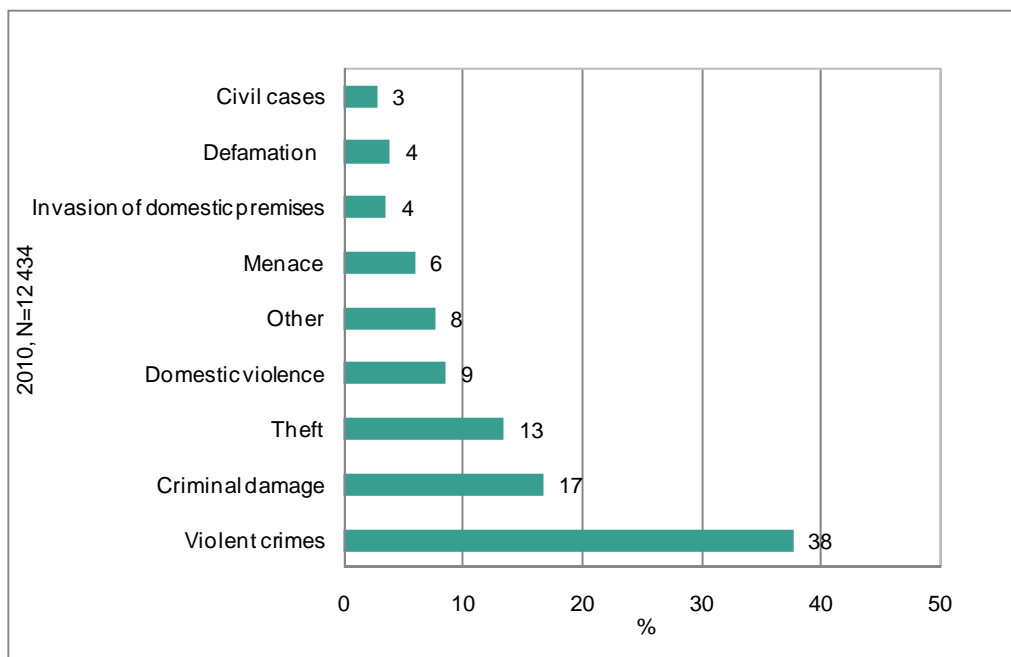
In 2010, mediation was undertaken in 71 per cent of all criminal cases referred to mediation. Out of all the cases in which mediation was undertaken, 16 per cent were discontinued.

Young offenders, in particular, participated in mediation. Just under half of all suspected offenders in mediation (48%) were under the age of 21, while some 15 per cent were under 15. The data clearly indicates that mediated offences are directed at the adult population.

**Figure 1. Criminal and civil cases referred to mediation 2007–2010**



**Figure 2. Criminal and civil cases referred to mediation 2010, %**



**Table 1. Criminal and civil cases referred to mediation, 1 Jun–31 Dec 2006, 2007-2010, % \*)**

	1.6.- 31.12.2006	2007	2008	2009	2010	2010, %
Violence	1 719	4 450	5 277	5 634	5 738	46.1
out of which domestic violence	305	775	940	1 017	1 058	8.5
Menace	122	408	594	641	736	5.9
Theft	527	1 478	1 507	1 655	1 670	13.4
Criminal damage	723	1 983	2 086	2 060	2 078	16.7
Invasion of domestic premises	154	421	384	450	440	3.5
Defamation	184	353	368	429	483	3.9
Other	282	736	789	882	947	7.6
Civil cases	38	186	244	276	342	2.8
<b>Total</b>	<b>3 749</b>	<b>10 015</b>	<b>11 249</b>	<b>12 027</b>	<b>12 434</b>	<b>100</b>

\*) The national statistics on mediation in criminal and civil cases begin from 1 June 2006, when the Act on Conciliation in Criminal and Certain Civil Cases entered into force.

The total number of criminal and civil cases referred to mediation grew by 4 per cent in 2010. The number of cases grew more slowly than in previous years. In 2009, the growth rate was 7 per cent. At the time of the drafting of the Act on Conciliation in Criminal and Certain Civil Cases, it was estimated that some 12 000 crimes would be referred to mediation each year, given an efficient organisation of the services and a close co-operation between mediation offices and authorities. This aim has now been attained, with 11 971 criminal cases and 342 civil cases brought to mediation in 2010 (Table 3).

Out of all the criminal and civil cases referred to mediation in 2010, 46 per cent were violent crimes. Aggravated assault accounted for 0.7 per cent of the criminal and civil cases referred to mediation. Criminal damage was the second most frequent type of criminal case referred to mediation, with a share of 17 per cent. Domestic violence cases accounted for some 9 per cent of all cases referred to mediation (Figure 2). Other unspecified cases accounted for 8 per cent. This category comprises any criminal cases not listed specifically on the form. The most frequent examples in the 'other cases' category include negligent bodily injury, failure to guard a animal, stealing of a motor vehicle for temporary use, or resistance to a person maintaining public order.

The percentages of criminal and civil cases referred for mediation have not changed compared to the corresponding percentages for 2009 and 2008.

Before mediation offices undertake mediation, they have to determine whether a criminal case is suitable for mediation and draw up an appealable decision in writing stating that the case is suitable for mediation. In 2010, mediation was undertaken in 71 per cent of all criminal cases referred to mediation. Cases in which mediation was discontinued accounted for 16 per cent of cases (Appendix Table 1).

Mediation in criminal and civil cases in 2010 was handled by a total of 1211 mediators, who have received training in mediation. In addition, there were 399 mediators in a reserve.<sup>1</sup>

## Referring cases to mediation

A vast majority (81%) of criminal cases referred to mediation are submitted by the police. The percentage of criminal cases referred to mediation by the police grew by 3 percentage points on 2009. Public prosecutors submitted about 15 per cent of the criminal cases to be mediated. The proportion of cases submitted for mediation by public prosecutors fell by 2 percentage points on 2009. This indicates that the distribution of labour between public prosecutors and the police has been streamlined in the sense that the police assess at the stage of pre-trial investigations whether cases are suitable for mediation and find out whether the parties are willing to volunteer for mediation. If all criteria for a suitable case are fulfilled, the police refer the case for mediation.

Under Section 13 of the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005), if the suspect or victim of a crime is underage, his/her guardian or other legal representative has the right to propose conciliation. However, only 0.1 per cent (15 cases) of proposed mediation cases are proposed by parents. The proportion of mediation cases proposed by parents in crimes involving persons under the age of 15 is low in view of the fact that crime suspects under the age of 15 account for 15 per cent (2015) of all crime suspects referred for mediation. This low figure is, however, explained by the fact that all crimes are reported to the police, which means that the police may suggest mediation and refer the case for mediation once the matter has been discussed with the guardian of an underage suspect.

Out of all criminal cases referred to mediation in 2010, 52 per cent were offences under public prosecution and 48 per cent were complainant offences. The percentage of complainant offences grew by 2 percentage points on the previous year. The number of civil cases submitted to mediation was 342, which represents some 3 per cent of all mediated cases. The proportion of civil cases out of all cases referred for mediation grew by one percentage point.

The cases referred to mediation in 2010 involved 13 230 suspected offenders and 9950 complainants. Men accounted for 79 per cent and women for 21 per cent of the suspected offenders. Men accounted for 62 per cent and women for 38 per cent of the complainants. The mediation cases involved a total of 1 530<sup>2</sup> legal persons<sup>3</sup> as complainants.

## Mediation in cases of domestic violence

In 2010, mediation went ahead in 710 of the domestic violence cases (1063) referred to mediation. Out of the domestic violence cases where mediation proceeded, 23 per cent were discontinued (160). The vast majority (79 per cent) of domestic violence cases referred to mediation are assault cases. In total, offences under public prosecution accounted for 83 per cent of domestic violence cases and complainant offences for 17 per cent. Cases of domestic violence are referred to mediation in accordance with the offence category recorded by the police; mediation offices do not

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<sup>1</sup> The reserve refers to mediators on maternity or parental leave, study leave, job alternation leave or long-term sick leave.

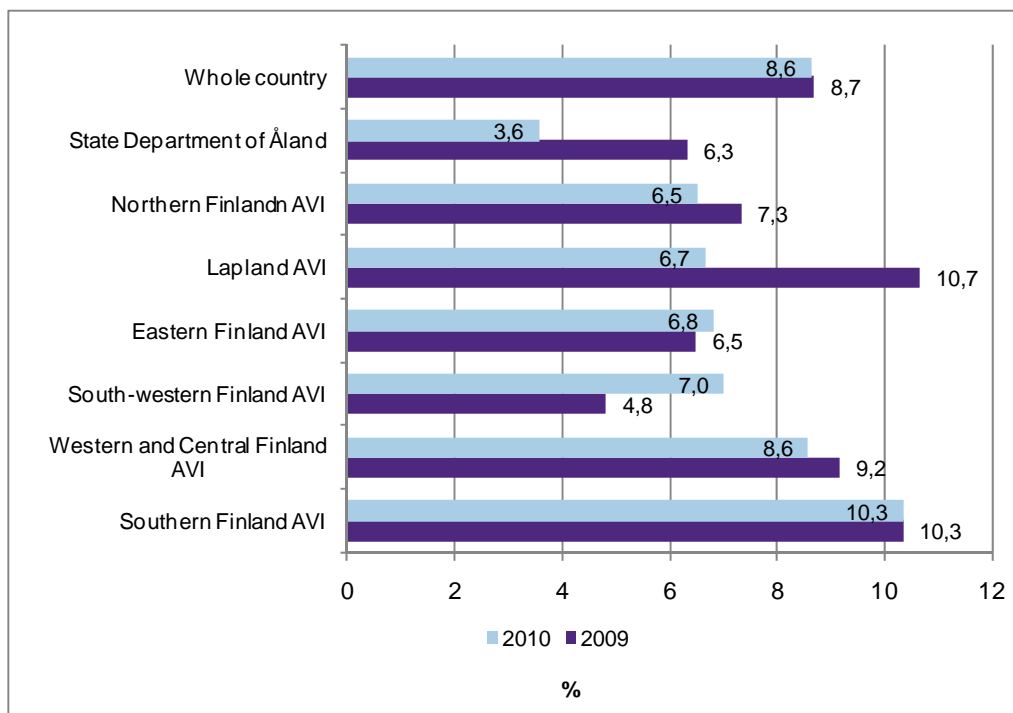
<sup>2</sup> In 2009, there were 1620 legal persons as complainants. This number was entered as 100 in the statistical report for 2009 due to an error.

<sup>3</sup> Typically, legal persons in mediation cases include housing co-operatives, insurance companies etc.

alter the category entered by the police. The three sex offences referred for mediation in 2010 were not mediated.

A majority of the cases of domestic violence, 80 per cent, were referred to mediation by the police while 20 per cent were referred by public prosecutors. Regional differences can be discerned in the mediation referral practices applied by police and public prosecutors (Figure 3).

**Figure 3. Domestic violence cases as a percentage of civil and criminal cases referred to mediation, by regional state administrative agency, 2009 and 2010, %**



Half of all cases of domestic violence referred to mediation in Finland are submitted in the district of the Regional State Administrative Agency for Southern Finland. The percentages of the other regional state administrative agencies range from less than one per cent to 23 per cent. In the regional state administrative agencies, domestic violence cases account for between 4 per cent and 11 per cent of all cases referred to mediation (Figure 3).

In 2010, most mediation cases regarding domestic violence were still initiated by the police. Mediation initiated by the police accounted for 88 per cent in the Regional State Administrative Agency for Lapland. South-western Finland accounted for the smallest percentage of cases initiated by the police, but even there, that was still nearly 71 per cent of domestic violence cases referred for mediation (Appendix Table 1).

The fact that most cases of domestic violence are referred to mediation by the police is actually based on practical reality. In most cases, the police and public prosecutors have agreed to a distribution of work at the local level. Through interrogation, the police also get first-hand information on the nature of the violence, the severity and repetition of the acts. Based on this information, the police can assess the suitability for mediation also in assault cases (an offence under public prosecution). In turn, public prosecutors may refer to mediation cases that the police have decided not to, for example due to the nature of the offence. By all accounts, this distribution of work between the police and prosecutors works at a satisfactory level.<sup>4</sup>

<sup>4</sup> Iivari 2010

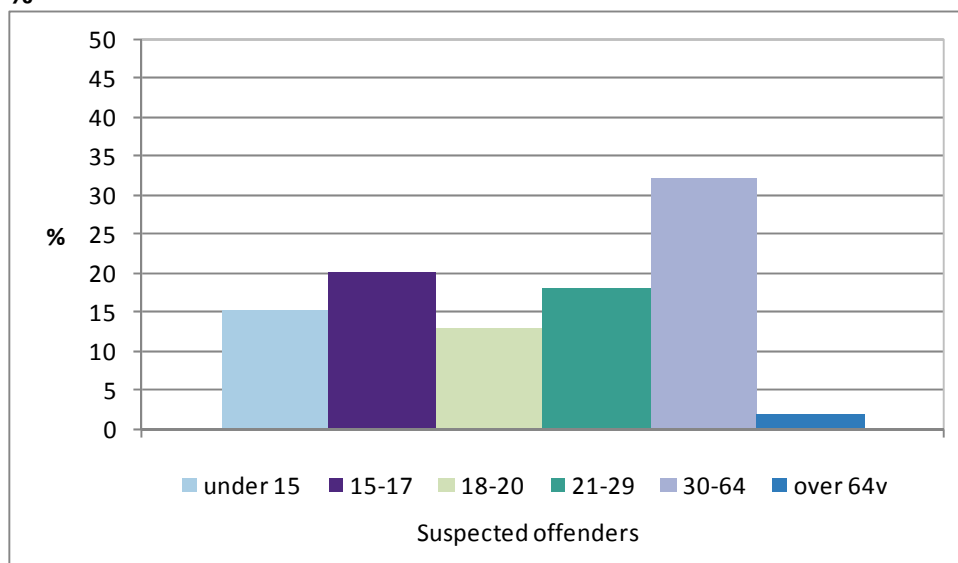
## Different age groups in mediation

Suspected offenders under the age of 15 accounted for some 15 per cent of the total in 2010. In turn, suspected offenders under the age of 21 accounted for a total of 48 per cent. The percentage of under-15-year-olds has risen slightly every year, but otherwise the age distribution of the suspected offenders is largely the same as in previous years. Of the complainants, 29 per cent were under the age of 21. The data clearly indicates that mediated offences are directed at the adult population (Figures 4 and 5).

According to an observation in the evaluation study of the implementation of the Act on Conciliation in Criminal and Certain Civil Cases<sup>5</sup>, almost all the young suspected offenders referred for mediation are suspected of a crime under the Criminal Code. There is a higher percentage of suspected offenders under the age of 21 in mediation than in the total number of persons suspected of crimes under the Criminal Code. There are five times as many under-15-year-olds in mediation as in the national crime statistics of the police. Where young people aged 15–20 are concerned, there are almost twice as many in mediation as in the total number of crimes under the Criminal Code reported to the police. In fact, mediation reaches a bigger number of young suspected offenders than the national total of young offenders suspected of crimes under the Criminal Code reported to the police (Figure 6).

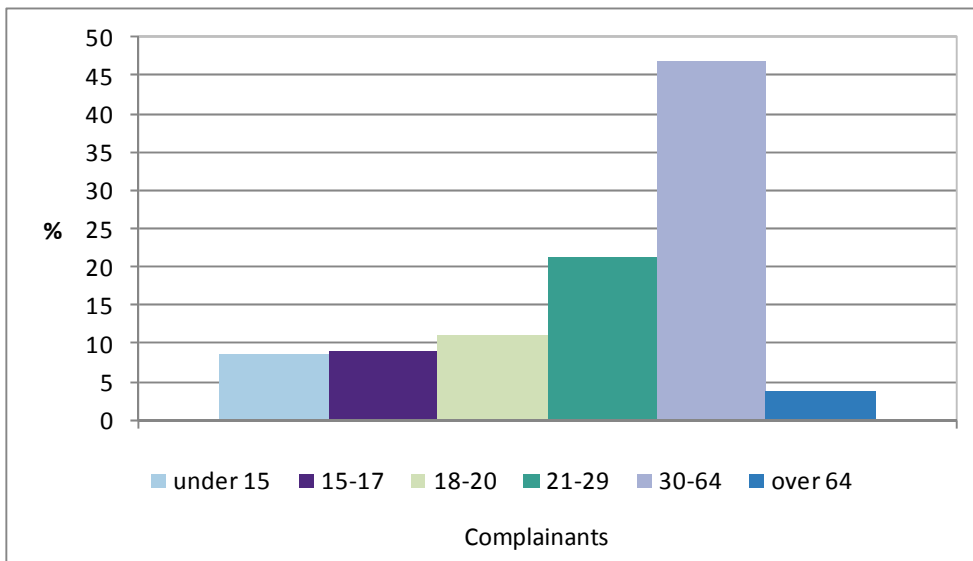
The high proportion of young suspected offenders in mediation is no coincidence. When mediation was first introduced, it was emphasised that the choice of mediation should be offered particularly to young offenders as an alternative to the criminal justice system; the dearth of alternatives offered by the criminal justice system for young offenders is part of the motivation for offering mediation to this group. According to the view of the authorities, mediation can also be a means to influence young offenders, by bringing impressionable young people face to face with their victims. Furthermore, young people under the age of 15 are specifically selected for mediation as a means of early intervention; mediation is considered to encourage young people to take responsibility and to reduce and prevent criminal behaviour. A study on young offenders and mediation by Eloheimo (2010) found that mediation offers a means of early intervention in young people's problems without labelling. According to the study, mediation has certain special development functions with regard to young offenders, chiefly development of individual meetings and the dialogical nature of mediation, improvement of preparations for mediation, the use of support persons in mediation and more efficient processes for directing young people into further services.

**Figure 4. Age distribution of suspected offenders in mediated criminal and civil cases, 2010, %**

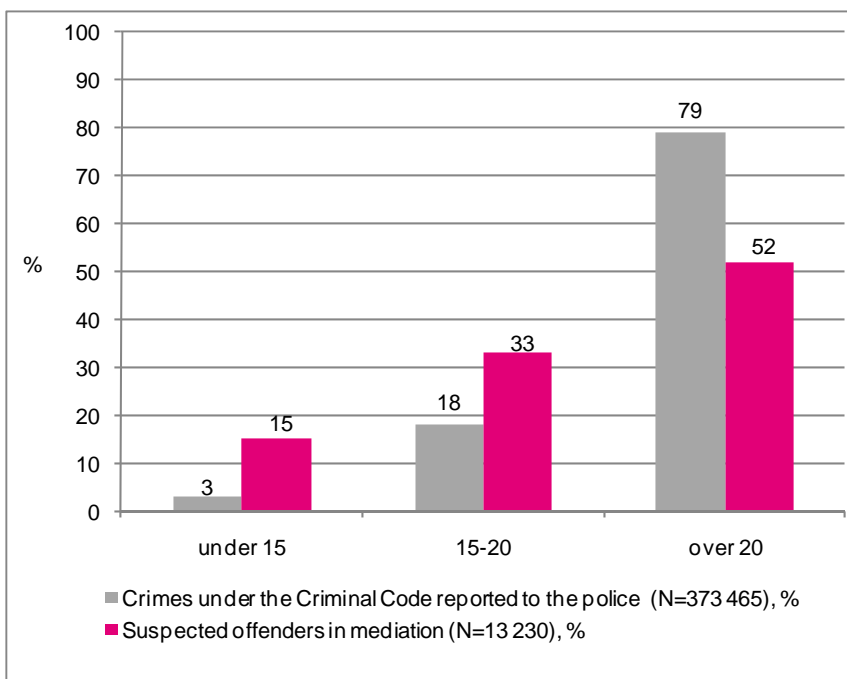


<sup>5</sup> Iivari 2010

**Figure 5. Age distribution of complainants in mediated criminal and civil cases, 2010, %**



**Figure 6. Age distribution of offenders in crimes under the Criminal Code reported to the police and suspected offenders referred to mediation, 2010, %**



Source: Offences recorded by the police. OSF, Statistics Finland.

## Mediation agreements

Agreement was reached in 82 per cent (6908) of all mediated criminal cases (8459). In 2010, agreement was reached in 83 per cent (591) of cases involving domestic violence (710). It should be noted, however, that when data collection begins at the beginning of the year, some of the mediation processes that started during the previous year are still in progress, and as a result, exact percentages cannot be obtained. The mediation process may be initiated in one year and concluded in the next.

The mediation cases undertaken during the year resulted in a total of 11 271 separate compensation settlements (Appendix Table 1). Monetary compensations accounted for 40 per cent and work compensations for 5 per cent of the different types of compensation. The combined value of the monetary and work compensations was EUR 1 940 459 (Table 2).

Altogether 55 per cent of the mediation agreements were so-called intangible settlements: apologies (36%), waivers of claims (11%), acceptable behaviour contracts (7%) and return of property (1%). The types of agreements largely follow the same distribution as in previous years.

**Table 2. Monetary value of compensations in mediated criminal and civil cases, by regional state administrative agency in 2007–2010, €**

Regional State Administrative Agency	Combined value of monetary compensations, €				Monetary value of work compensations, €				Total, €			
	2007	2008	2009	2010	2007	2008	2009	2010	2007	2008	2009	2010
Southern Finland	631 355	690 461	660 845	803 159	22 691	31 647	51 494	27 548	654 046	722 108	712 339	830 707
Southwestern Finland	134 662	213 984	240 829	178 860	7 434	8 603	5 374	6 499	142 096	222 587	246 203	185 359
Eastern Finland	293 986	286 687	273 277	349 429	23 135	7 748	15 680	20 512	317 121	294 435	288 957	369 941
Western and Central Finland	269 299	310 971	271 097	260 788	26 344	27 782	12 615	25 594	295 643	338 754	283 712	286 382
Northern Finland	122 962	194 438	174 327	174 770	16 742	10 559	21 132	6 441	139 704	204 997	195 459	181 211
Lapland	116 112	120 765	128 949	72 951	6 046	8 855	10 833	10 035	122 158	129 619	139 782	82 986
State Department of Åland	4 723	14 691	12 143	3 874	440	3 000	0	0	5 164	17 691	12 143	3 874
<b>Whole country</b>	<b>1 573 099</b>	<b>1 831 998</b>	<b>1 761 467</b>	<b>1 843 831</b>	<b>102 832</b>	<b>98 194</b>	<b>117 128</b>	<b>96 628</b>	<b>1 675 932</b>	<b>1 930 192</b>	<b>1 878 595</b>	<b>1 940 459</b>

## Differences between regional state administrative agencies

A regional analysis shows that 41 per cent of all mediated criminal cases were processed in the Province of Southern Finland. Furthermore, half of all cases of domestic violence referred to mediation in Finland are submitted in the district of the Regional State Administrative Agency for Southern Finland (Table 3).

However, an analysis of the percentage of violent crimes out of mediated cases shows clear differences between regional state administrative agencies. In Åland, violent crimes accounted for 52 per cent of mediated cases, while the lowest corresponding figure for the other districts was recorded in South-western Finland and Northern Finland; even there, however, the figure was 42 per cent (Appendix Table 1).

**Table 3. Number of cases mediated, separate offences, domestic violence and civil cases, by province in 2007–2010 \*)**

Regional State Administrative Agency	No. of cases mediated					Case type														
						Separate offences <sup>1)</sup>				Domestic violence <sup>2)</sup>				Civil cases						
	2007	2008	2009	2010	%	2007	2008	2009	2010	%	2007	2008	2009	2010	%	2007	2008	2009	2010	%
Southern Finland	2 886	3 402	3 504	3 831	43	3 326	4 021	4 182	4 498	41	419	498	493	533	50	93	81	92	123	36
Southwestern Finland	621	848	860	898	10	985	1035	1131	1103	10	94	86	59	87	8	13	28	33	50	15
Eastern Finland	1081	1248	1311	1257	14	1380	1492	1545	1481	14	50	101	112	114	11	29	51	67	78	23
Western and Central Finland	1306	1734	1571	1684	19	1827	1978	2 268	2 290	21	111	145	233	218	21	23	40	42	32	9
Northern Finland	533	732	749	863	10	667	902	913	1075	10	51	69	74	78	7	15	28	22	44	13
Lapland	360	362	407	365	4	583	451	464	436	4	48	42	57	32	3	13	13	14	13	4
State Department of Åland	38	59	56	27	0	40	47	68	25	0	2	9	5	1	0	0	3	6	2	1
<b>Whole country</b>	<b>6 825</b>	<b>8 385</b>	<b>8 458</b>	<b>8 925</b>	<b>100</b>	<b>8 808</b>	<b>9 926</b>	<b>10 571</b>	<b>10 908</b>	<b>100</b>	<b>775</b>	<b>950</b>	<b>1033</b>	<b>1063</b>	<b>100</b>	<b>186</b>	<b>244</b>	<b>276</b>	<b>342</b>	<b>100</b>

\*) Read more about mediated cases and the offences involved under Concepts and definitions.

1) In the 2007 guidelines, the offences to be mediated were reported by category. In 2008, the guidelines were specified so that offences to be mediated were to be reported based on the number of offence category case numbers recorded in the preliminary investigation material of the police.

2) The 2008 guidelines specified that domestic violence should not include other offences than those relating to homicide and bodily injury (offences against life and health).

## **Uniform procedures for mediation in cases of domestic violence**

Under section 13 of the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005), only the police and the public prosecutor have the authority to refer a case of domestic violence for mediation in Finland. Mediation of cases of domestic violence is implemented in accordance with good practices created on the basis of research information and practical knowledge, and in a uniform manner in the whole country. Mediation in domestic violence cases is only carried out by mediators who have been selected according to rigorous criteria and who have received extensive specialist training, and who further work under the supervision and guidance of professional mediation staff or as working partners with them.

When a case of domestic violence is referred for mediation, the head of the mediation office makes a separate assessment of whether the case in question is suitable for mediation, taking into account the willingness of the parties concerned, whether there has been repeated violence, the nature of the criminal offence, the state of the victim and the relationship between the parties. If, at this stage, any observation is made of repeated violence, one party pressuring the other, dismissing the offence, claiming that violence is acceptable or outright denial of violence, the case is not approved for mediation. Mediation can also be discontinued on the initiative of the mediator or the parties concerned if it becomes clear during the process that the conditions for continuing mediation are not fulfilled. Mediation involving cases of domestic violence always begins with separate meetings for the victim and the suspected offender, to ensure that the complainant is volunteering for mediation, to hear both sides and map out the parties' needs. If the conditions for mediation are fulfilled, one or more meetings where both parties are present are arranged. Mediation of cases of domestic violence also always include motivating the parties to seek further services and providing guidance to those services, in order to help the parties find a violence-free future. Mediation further includes monitoring to ensure that the mediation agreement is honoured.

A study on the implementation of the Act on Conciliation in Criminal and Certain Civil Cases<sup>6</sup> showed that 80–85 per cent of participants in mediation of domestic violence cases considered the experience a positive one. Their most favourable experiences focused on the unbiased nature of mediation and the fact that it is confidential and voluntary. They also felt that they had an opportunity in mediation to influence the end result of mediation. There were only two variables out of 15 for which participants in mediation of domestic violence cases rated their satisfaction below that of participants in mediation of other types of crime (e.g. thefts and assault). However, even with regard to these two variables, 63–70 per cent of respondents were satisfied with mediation. This indicates the positive potential inherent in mediation. However, each case of domestic violence should be assessed separately to determine its suitability for mediation and the mediation process must be implemented with care.

## **Background**

Mediation in Finland is regulated by the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005), which entered into force on 1 June 2006. According to the Act, the general supervision, management and monitoring of mediation services falls within the jurisdiction of the

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<sup>6</sup> livari 2010

Ministry of Social Affairs and Health.<sup>7</sup> The National Institute for Health and Welfare (THL) is responsible for monitoring and research concerning the mediation of criminal and civil cases and also coordinates development work. THL is also the statistical authority concerning statistics on the mediation of criminal and civil cases. Each regional state administrative agency is obliged to arrange mediation services and ensure that they are available in appropriately implemented form in all parts of its administrative district. The regional state administrative agencies are also obliged to ensure that further training is provided for mediation staff.

The costs arising from mediation are reimbursed from central government funds. The sum that is to be divided among the regional state administrative agencies is EUR 6.3 million and has remained the same since 2006. The grounds for division of the mediation funding are the regional state administrative agency's population figure, geographical area and crime statistics at the end of the year preceding the year that precedes the accounting year.<sup>8</sup>

Finland has 25 administrative districts for mediation of criminal and certain civil cases.

Mediation offices are responsible for receiving referrals to mediation, ensuring that the conditions for mediation are fulfilled, choosing mediators and maintaining co-operation with different authorities. Once a referral has arrived at the mediation office, the person in charge will issue a written decision either accepting or refusing the case for mediation on the basis of an assessment of whether the case is suitable and whether it fulfils the conditions for mediation. Criminal cases not dealt with through mediation include serious offences, complex or hard-to-solve gang-related cases, white-collar crime, drug offences and professional crime.

Penal code offences account for some 2 per cent of crimes referred to mediation. The use of mediation could be expanded. This would require increased awareness of mediation among various authorities, more uniform practices and more efficient co-operation between the authorities.

Modelling of good practices in co-operation between the authorities with regard to mediation, multicultural mediation, mediation in domestic violence cases, and children in the context of mediation of criminal and certain civil cases has been undertaken by the mediation service providers in co-operation with the National Institute for Health and Welfare. The purpose of the modelling of best practices is to attain uniform practices in the whole country and to ensure that the special needs of each client group and special issues in specific areas can be taken into account in mediation. Moreover, a description of good practices in dialogical mediation has been drawn up in a bid to ensure dialogue in the mediation process in the interests of identifying client needs and finding solutions.

The national statistics on mediation in criminal and civil cases begin from 1 June 2006, when the Act on Conciliation in Criminal and Certain Civil Cases entered into force. Before this date, statistics on mediation were collected through separate surveys.

## **Concepts and definitions**

### **Mediation in criminal and civil cases**

Mediation in criminal cases is a non-chargeable service that allows the victim of a crime and the offender to meet through an impartial mediator. Mediation provides the opportunity to discuss the mental and material harm caused to the victim by the crime and to agree on measures to redress the harm. Participation in mediation is always voluntary.

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<sup>7</sup> At the beginning of 2008, the main responsibility for the nationwide development of mediation services was transferred to STAKES, while the general supervision, management and monitoring of mediation services would still fall within the sphere of the Ministry of Social Affairs and Health.

<sup>8</sup> The Act amending the Act on Conciliation in Criminal and Certain Civil Cases (966/2010), Chapter 2, paragraph 12.

The purpose of mediation is to reduce or repair the mental and material harm caused to the victim or the parties involved. As a method of conflict and dispute resolution, the aim of mediation is to prevent and reduce crime and promote an overall conciliatory spirit.

Before mediation offices undertake mediation, they have to determine whether a case is suitable for mediation and draw up an appealable decision in writing stating that the case is suitable for mediation. During the mediation process, the mediators or the parties involved can choose to discontinue mediation if the conditions for mediation are not fulfilled or if the parties choose to do so. If the process is discontinued, the case is returned for further processing to the authority that referred it to mediation or to the body that made the initiative for mediation.

### **Crimes dealt with through mediation**

As stated in the Act on Conciliation in Criminal and Certain Civil Cases, mediation may deal with crimes that are assessed as eligible for mediation, taking into account the nature and method of the offence, the relationship between the suspect and the victim and other issues related to the crime as a whole.

### **Civil cases dealt with through mediation**

Certain interpersonal civil cases may be referred to mediation if dealing with them through mediation can be considered expedient. The most common types of cases include disagreements concerning waste sorting for recycling in housing companies or smoking on balconies.

### **Operating area**

At the regional level, mediation services are arranged by the regional state administrative agencies, of which there are six, and the State Department of Åland. The regional state administrative agencies have organised their mediation activities by setting up operating areas for mediation. There are 25 operating areas for mediation and some of these areas also have regional or branch offices. In the collection of statistical data on mediation, the data are requested by operating area.

### **Case/offence**

In the statistics on mediation in criminal and civil cases, 'cases' and 'offences' are recorded separately. The fundamental statistical unit is a case, which may comprise several different offences (criminal offence, domestic violence or some civil dispute). Cases are usually submitted to mediation offices by the police. A case may include several offence categories, such as criminal damage, theft and assault, and one or more offenders simultaneously, but in different formations. Therefore, because of the mediation process and potential agreements, cases must be divided into separate offences. In 2008, the guidelines were specified so that offences were to be reported based on the offence category case numbers recorded in the preliminary investigation material of the police.

### **Domestic violence**

The Criminal Code of Finland does not recognise the concept of domestic violence. However, domestic violence is a term used widely within social welfare and health care, and an offence that has the characteristics of an act of domestic violence is of particular interest in terms of the Act on Conciliation in Criminal and Certain Civil Cases. In connection with mediation in criminal cases, acts of domestic violence refer to violent crimes between individuals living in close relationships (i.e. family and intimate partner violence). Acts of domestic violence may involve spouses, co-habiting partners, family members, close relatives, engaged couples, divorced couples or couples about to divorce as well as partners and ex-partners. Cases of domestic violence are referred to mediation in accordance with the offence category recorded by the police.

Typical acts of domestic violence include the assault crimes referred to in Chapter 21 of the Criminal Code.

### **Mediation agreements**

A single offence is resolved through a single agreement. Mediation cases are resolved through agreements or partial agreements, or left unresolved. A partial agreement means that the parties or some of the parties have reached a partial agreement on damages or other compensation.

### **Types of compensation**

An agreement concerning a single offence can include several types of compensation depending on the willingness and needs of the parties involved. The statistics cover all types of agreement. For example, in mediation agreements, return of property and acceptable behaviour contracts may be mutually required. If the case involves two offenders, one may be obliged to pay monetary compensation and the other one may have to compensate in the form of work.

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### **Appendices**

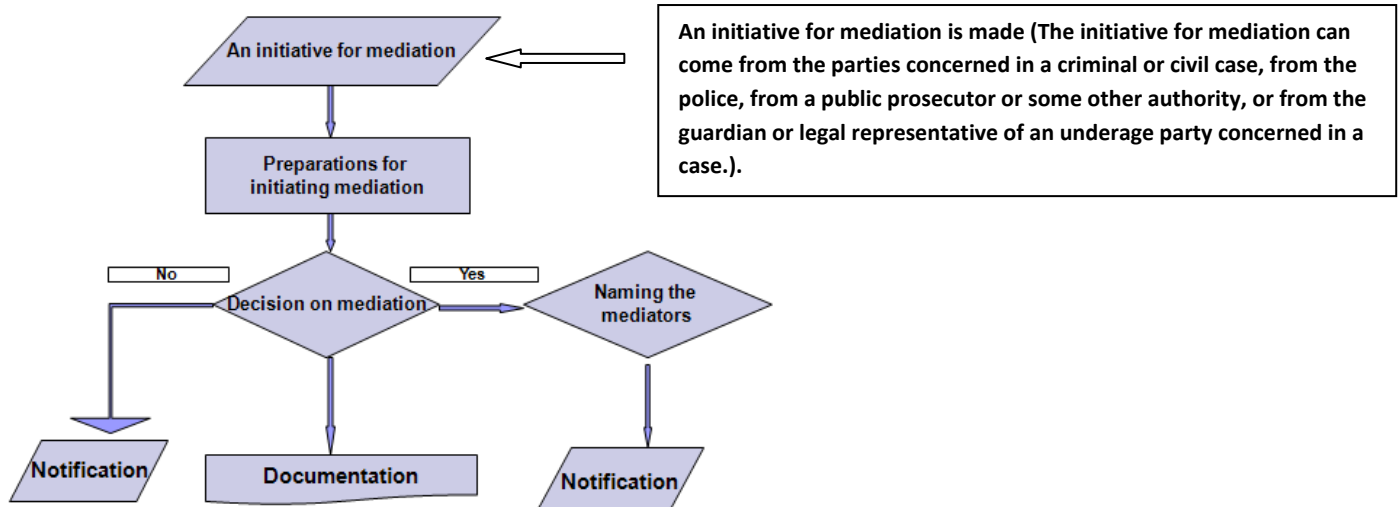
The process of mediation in criminal and civil cases

Appendix Table 1. Mediation in criminal and civil cases in all of Finland and by regional state administrative agency in 2009–2010

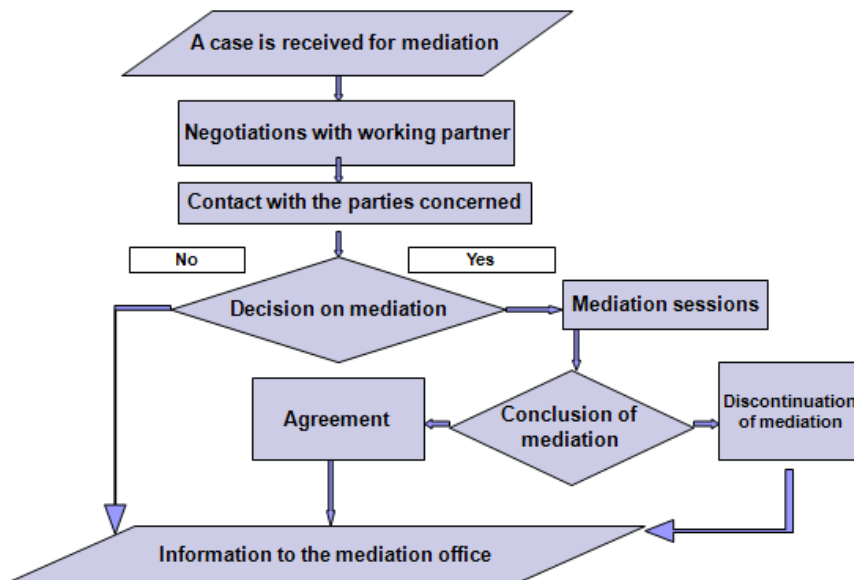
Quality report

# The process of mediation in criminal and civil cases

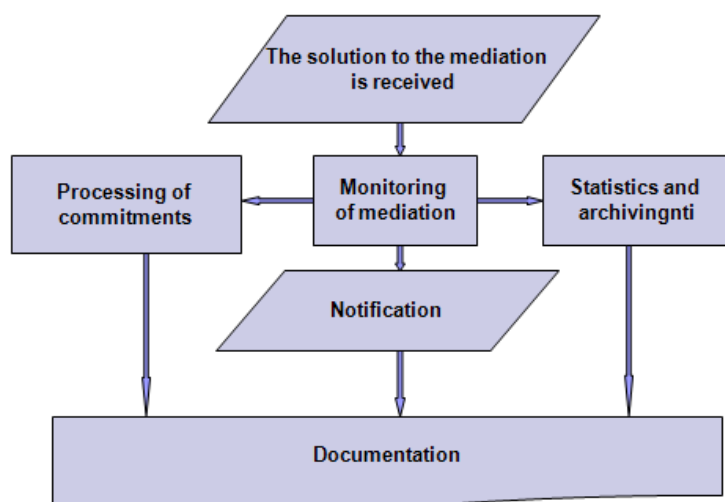
## How a case is received for mediation:



## The process of mediation:



## Conclusion of mediation



Source: Kalevi Juntunen, Regional State Administrative Agency for Western and Central Finland

Appendix Table 1. Mediation in criminal and civil cases in all of Finland and by regional state administrative agency in 2009–2010

	Whole country			Southern Finland			South-western Finland			Eastern Finland			Western and Central Finland			Northern Finland			Northern Finland			State Department of Åland		
	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%
<b>Number of cases referred to the office</b>	8 458	8 925		3 504	3 831		860	898		1 311	1 257		1 571	1 684		749	863		407	365		56	27	
Number of criminal cases referred	10 571	10 908	89	4 182	4 498	87	1 131	1 103	89	1 545	1 481	89	2 268	2 290	90	913	1 075	90	464	436	91	68	25	89
Number of referred cases of domestic violence	1 033	1 063	9	493	533	10	59	87	7	112	114	7	233	218	9	74	78	7	57	32	7	5	1	4
Number of civil cases referred	276	342	3	92	123	2	33	50	4	67	78	5	42	32	1	22	44	4	14	13	3	6	2	7
<b>Number of criminal cases and civil cases referred, total</b>	<b>11 880</b>	<b>12 313</b>	<b>100</b>	<b>4 767</b>	<b>5 154</b>	<b>100</b>	<b>1 223</b>	<b>1 240</b>	<b>100</b>	<b>1 724</b>	<b>1 673</b>	<b>100</b>	<b>2 543</b>	<b>2 540</b>	<b>100</b>	<b>1 009</b>	<b>1 197</b>	<b>100</b>	<b>535</b>	<b>481</b>	<b>100</b>	<b>79</b>	<b>28</b>	<b>100</b>
<b>Mediation activities at mediation offices during the year...</b>																								
Criminal cases started (number), total	..	7 749	71	..	3 199	71	..	711	64	..	1 319	89	..	1 480	65	..	694	65	..	325	75	..	21	84
Cases of domestic violence started (number), total	..	710	67	..	364	68	..	48	55	..	100	88	..	113	52	..	56	72	..	29	91	..	-	-
Criminal cases and cases of domestic violence started (number), total	8 034	8 459	71	3 225	3 563	71	888	759	64	1 368	1 419	89	1 524	1 593	64	689	750	65	307	354	76	33	21	81
Interrupted criminal cases (number), total	..	1 172	15	..	575	18	..	91	13	..	171	13	..	204	14	..	93	13	..	36	11	..	2	10
Interrupted cases of domestic violence (number), total	..	160	23	..	87	24	..	12	25	..	20	20	..	28	25	..	13	23	..	-	-	..	-	-
Interrupted criminal cases and cases of domestic violence (number), total	1 290	1 332	16	574	662	19	102	103	14	315	191	13	172	232	15	68	106	14	56	36	10	3	2	10
<b>Mediation agreements *</b>																								
Agreements reached in criminal cases during the year	6 107	6 254	81	2 335	2 528	79	765	644	91	1 040	918	70	1 178	1 260	85	510	647	93	251	243	75	28	14	67
Partial agreements reached in criminal cases during the year	99	63	1	42	22	1	8	9	1	17	8	1	9	7	0.5	9	13	2	14	3	1	-	1	5
Agreements reached in cases of domestic violence during the year	615	591	83	335	305	84	35	42	88	55	61	61	128	101	89	34	54	96	25	28	97	3	-	-
All agreements reached in criminal cases during the year, total	6 821	6 908	82	2 712	2 855	80	808	695	92	1 112	987	70	1 315	1 368	86	553	714	95	290	274	77	31	15	71
Agreements reached in civil cases during the year	109	122		32	43		14	15		28	32		22	10		5	17		3	5		5	-	
<b>Unresolved cases</b>																								
Criminal and civil cases left unresolved	495	621		219	341		64	60		72	108		90	61		29	28		20	21		1	2	
Cases of domestic violence left unresolved	33	46		12	19		2	6		3	7		15	13		-	-		1	1		-	-	

\* The method for calculating the number of cases that lead to mediation agreements in 2010 has been adjusted.

Appendix Table 1. Mediation in criminal and civil cases in all of Finland and by regional state administrative agency in 2009–2010

	Whole country			Southern Finland			South-western Finland			Eastern Finland			Western and Central Finland			Northern Finland			Northern Finland			State Department of Åland		
	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%
<b>Initiatives for mediation in criminal cases</b>																								
the police	8 179	8 692	81	3 165	3 479	79	898	894	81	1 372	1 323	89	1 538	1 665	74	782	948	88	381	361	83	43	22	88
a public prosecutor	1 837	1 575	15	836	660	15	191	183	17	128	119	8	502	451	20	100	94	9	74	68	16	6	-	-
parties involved	138	127	1	36	40	1	12	16	1	45	25	2	25	14	1	17	29	3	3	1	0.2	-	2	8
<i>parties involved, of which by the victim</i>	79	61		23	21		3	7		30	15		9	8		12	8		2	1		-	1	
<i>parties involved, of which by the offender</i>	62	67		15	19		9	9		15	10		17	7		5	21		1	-		-	1	
social welfare authorities	273	305	3	114	200	5	15	3	0.3	9	3	0.2	124	95	4	4	-	-	6	3	1	1	1	4
parents/custodians	20	15	0.1	11	8	0.2	3	2	0.2	-	1	0.1	2	4	0.2	4	-	-	-	-	-	-	-	-
trustees	-	3	-	-	2	0.0	-	-	-	-	1	0.1	-	-	-	-	-	-	-	-	-	-	-	-
other	61	70	1	22	28	1	12	5	0.5	15	10	1	6	20	1	6	4	0.4	-	3	1	-	-	-
Initiatives for mediation in criminal cases, total	10 508	10 787	100	4 184	4 417	100	1 131	1 103	100	1 569	1 482	100	2 197	2 249	100	913	1 075	100	464	436	100	50	25	100
<b>Initiatives for mediation in domestic violence cases</b>																								
the police	824	849	80	402	424	80	49	62	71	103	99	87	160	173	79	62	62	79	43	28	88	5	1	100
a public prosecutor	205	214	20	91	109	20	10	25	29	9	15	13	69	45	21	12	16	21	14	4	13	-	-	
Initiatives for mediation in domestic violence cases, total	1 029	1 063	100	493	533	100	59	87	100	112	114	100	229	218	100	74	78	100	57	32	100	5	1	50
<b>In a civil case, the case was submitted to mediation by</b>																								
a private person	171	207	61	57	76	62	14	25	50	45	48	62	22	18	64	18	26	59	12	12	92	3	2	100
a legal person	99	131	39	35	47	38	19	25	50	20	30	38	16	10	36	4	18	41	2	1	8	3	-	-
Civil cases submitted to mediation in total	270	338	100	92	123	100	33	50	100	65	78	100	38	28	100	22	44	100	14	13	100	6	2	100
<b>Criminal cases referred to mediation, according to offence category</b>																								
petty assault	776	864	8	347	380	8	94	103	9	110	120	8	137	150	6	45	77	7	40	34	8	3	-	-
assault	3 720	3 713	34	1 478	1 567	34	363	332	30	485	478	32	929	833	36	305	342	32	143	148	33	17	13	46
aggravated assault	75	63	1	28	18	0	9	2	0.2	16	17	1	11	16	1	6	4	0.4	4	4	1	1	2	7
robbery	46	40	0.4	24	12	0.3	1	2	0.2	6	4	0.3	7	15	1	7	5	0.5	1	2	0.5	-	-	-
theft	974	1 007	9	339	380	8	113	81	7	152	133	9	235	252	11	91	123	11	33	34	8	11	4	14
fraud/embezzlement	635	595	5	231	225	5	70	67	6	107	95	6	140	107	5	51	71	7	32	29	7	4	1	4
criminal damage	2 060	2 078	19	828	867	19	236	257	23	318	287	19	417	351	15	161	220	20	89	93	21	11	3	11
unauthorized use	46	68	1	24	32	1	1	5	0.5	7	10	1	9	6	0.3	4	14	1	1	1	0.2	-	-	-
invasion of domestic premises	450	440	4	148	170	4	63	48	4	91	63	4	82	93	4	47	39	4	16	26	6	3	1	4

Appendix Table 1. Mediation in criminal and civil cases in all of Finland and by regional state administrative agency in 2009–2010

	Whole country			Southern Finland			South-western Finland			Eastern Finland			Western and Central Finland			Northern Finland			Northern Finland			State Department of Åland		
	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%
menace	641	736	7	261	300	7	63	82	7	83	99	7	135	175	8	65	58	5	29	20	5	5	2	7
defamation	429	483	4	158	179	4	43	40	4	88	90	6	77	123	5	39	36	3	19	15	3	5	-	-
other	882	947	9	322	452	10	77	78	7	119	85	6	211	208	9	92	86	8	53	36	8	8	2	7
Criminal cases referred to mediation, according to offence category, total	10 734	11 034	100	4 188	4 582	100	1 133	1 097	100	1 582	1 481	100	2 390	2 329	100	913	1 075	100	460	442	100	68	28	100
<b>Domestic violence cases referred to mediation, according to offence category</b>																								
petty assault	134	193	18	71	113	21	6	22	25	16	13	11	26	28	13	11	12	15	3	5	16	1	-	-
assault	859	839	79	411	408	77	53	65	75	90	93	82	199	181	85	61	65	83	40	26	81	5	1	100
aggravated assault	18	23	2	9	11	2	-	-	-	3	6	5	1	4	2	1	1	1	4	1	3	-	-	-
violent sexual crimes	6	3	0.3	2	1	0.2	-	-	-	-	2	2	3	-	-	1	-	-	-	-	-	-	-	-
Domestic violence cases referred to mediation, according to offence category, total	1 017	1 058	100	493	533	100	59	87	100	109	114	100	229	213	100	74	78	100	47	32	100	6	1	100
Violent crimes, Total	5 588	5 698	46	2 346	2 498	48	525	524	42	720	729	44	1 306	1 212	47	430	501	42	234	218	45	27	16	52
<b>Type of criminal case and/or domestic violence</b>																								
Criminal case: complainant offence	4 781	5 176	48	1 885	2 171	49	561	591	54	797	752	51	897	951	42	376	494	46	245	213	49	20	4	17
Criminal case: offence under public prosecution	5 666	5 663	52	2 289	2 297	51	570	512	46	748	729	49	1 296	1 301	58	512	581	54	219	223	51	32	20	83
Domestic violence: complainant offence	165	185	17	76	116	22	5	22	25	16	13	11	32	17	8	25	12	15	10	5	16	1	-	-
Domestic violence: offence under public prosecution	893	876	83	417	418	78	54	65	75	96	101	89	201	198	92	74	66	85	47	27	84	4	1	100
<b>Number of mediators</b>																								
Number of active mediators	1 234	1 211		515	491		142	154		152	143		207	209		117	117		88	83		13	14	
Number of mediators on the reserve list	365	399		143	156		6	11		60	79		23	30		53	70		77	47		3	6	

Appendix Table 1. Mediation in criminal and civil cases in all of Finland and by regional state administrative agency in 2009–2010

	Whole country			Southern Finland			South-western Finland			Eastern Finland			Western and Central Finland			Northern Finland			Northern Finland			State Department of Åland		
	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%
<b>Parties concerned in criminal and civil cases and cases of domestic violence</b>																								
Male suspected offenders	10 355	10 835	79	4 129	4 424	78	1 008	995	71	1 487	1 500	82	2 293	2 413	82	927	1 035	80	438	420	83	73	48	91
Female suspected offenders	2 675	2 874	21	1 114	1 277	22	307	407	29	370	326	18	526	513	18	224	258	20	121	88	17	13	5	9
Suspected offenders in total	13 030	13 709	100	5 243	5 701	100	1 315	1 402	100	1 857	1 826	100	2 819	2 926	100	1 151	1 293	100	559	508	100	86	53	100
Injured parties/complainants, men	5 711	6 193	62	2 307	2 574	60	623	644	62	832	850	63	1 125	1 240	64	495	615	68	268	246	65	61	24	80
Injured parties/complainants, women	3 523	3 740	38	1 513	1 715	40	373	396	38	465	497	37	738	706	36	285	288	32	127	132	35	22	6	20
Injured parties/complainants in total	9 234	9 933	100	3 820	4 289	100	996	1 040	100	1 297	1 347	100	1 863	1 946	100	780	903	100	395	378	100	83	30	100
Injured parties, legal persons	1 620	1 530		641	645		159	122		209	212		344	296		162	168		89	79		16	8	
<b>Age of suspected offenders at the time of the act in criminal and civil cases of domestic violence</b>																								
under 15	1 876	2 015	15	813	906	16	167	213	15	202	260	14	402	315	12	233	235	19	49	69	14	10	17	30
15–17	2 684	2 654	20	1 131	1 162	21	276	271	19	294	266	15	675	602	23	192	279	22	104	63	13	12	11	20
18–20	1 760	1 709	13	649	652	12	205	205	15	269	258	14	425	349	13	118	177	14	84	65	13	10	3	5
21–29	2 413	2 379	18	884	948	17	269	230	17	390	352	20	528	502	19	212	218	17	110	109	22	20	20	36
30–64	3 935	4 239	32	1 635	1 849	33	368	427	31	629	625	35	748	824	31	339	328	26	187	181	36	29	5	9
65 and over	224	234	2	76	103	2	30	46	3	50	35	2	30	26	1	26	13	1	12	11	2	-	-	-
Suspected offenders in total, by age at the time of the act	12 892	13 230	100	5 188	5 620	100	1 315	1 392	100	1 834	1 796	100	2 808	2 618	100	1 120	1 250	100	546	498	100	81	56	100
<b>Age of complainants/injured parties at the time of the act in criminal and civil cases and cases of domestic violence</b>																								
under 15	793	857	9	398	419	10	71	103	10	87	92	7	133	132	7	66	89	10	27	22	6	11	-	-
15–17	844	882	9	319	369	9	106	105	10	89	92	7	225	188	10	74	99	11	27	24	6	4	5	17
18–20	1 047	1 101	11	411	444	10	113	107	11	174	153	11	205	231	12	84	117	13	51	48	13	9	1	3
21–29	1 913	2 104	21	781	877	20	218	233	23	257	279	21	401	429	22	161	179	20	85	92	24	10	15	52
30–64	4 385	4 642	47	1 820	2 063	48	451	406	40	658	679	50	853	913	47	367	396	43	192	177	47	44	8	28
65 and over	325	364	4	113	130	3	37	59	6	66	58	4	59	67	3	31	34	4	18	16	4	1	-	-
Complainants/injured parties in total, by age at the time of the act	9 307	9 950	100	3 842	4 302	100	996	1 013	100	1 331	1 353	100	1 876	1 960	100	783	914	100	400	379	100	79	29	100

Appendix Table 1. Mediation in criminal and civil cases in all of Finland and by regional state administrative agency in 2009–2010

	Whole country			Southern Finland			South-western Finland			Eastern Finland			Western and Central Finland			Northern Finland			Northern Finland			State Department of Åland		
	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%	2009	2010	%
<b>Forms of compensation in mediation agreements concerning criminal and civil cases and cases of domestic violence</b>																								
Monetary compensation (number)	4 435	4 523	40	1 554	1 835	40	642	573	43	776	737	53	799	733	34	415	471	36	237	166	45	12	8	27
Work compensation (number)	495	528	5	207	166	4	42	69	5	74	90	6	78	103	5	76	64	5	18	33	9	-	3	10
Return of property (number)	63	65	1	42	33	1	4	4	0	9	8	1	4	13	1	3	1	0.1	-	3	1	1	3	10
Acceptable behaviour contracts (number)	654	834	7	265	283	6	56	43	3	71	186	13	130	121	6	99	131	10	25	65	18	8	5	17
Apologies (number)	3 709	4 101	36	1 641	1 839	40	530	485	36	168	228	16	895	868	40	392	585	44	83	85	23	-	11	37
No claims/waivers of claims (number)	1 393	1 220	11	481	477	10	208	167	12	160	141	10	445	349	16	53	71	5	36	15	4	10	-	-
Forms of compensation in mediation agreements concerning criminal and civil cases and cases of domestic violence, total	10 749	11 271	100	4 190	4 633	100	1 482	1 341	100	1 258	1 390	100	2 351	2 187	100	1 038	1 323	100	399	367	100	31	30	100
Total value of monetary compensations, €	1 761 467	1 843 832	95	660 845	803 160	97	240 829	178 860	96	273 277	349 429	94	271 097	260 788	91	174 327	174 770	96	128 949	72 951	88	12 143	3 874	100
Total value of work compensations, €	117 128	96 627	5	51 494	27 547	3	5 374	6 499	4	15 680	20 512	6	12 615	25 594	9	21 132	6 441	4	10 833	10 035	12	-	-	-
Total value of all compensations, €	1 878 595	1 940 459	100	712 339	830 707	100	246 203	185 359	100	288 957	369 941	100	283 712	286 382	100	195 459	181 211	100	139 782	82 986	100	12 143	3 874	100

**Explanation of symbols**

- Magnitude nil

.. Data unavailable or too uncertain for presentation

# Mediation in criminal and civil cases

## Quality report

### Relevance of statistical data

The statistics on mediation in criminal and civil cases contain data on cases referred to mediation offices and the separate offences contained within the cases, and also on domestic violence cases and civil cases. Offences under the Criminal Code and domestic violence offences are recorded according to offence category and according to the authority making the referral to mediation. The statistics form does not ask for specific data on civil cases referred for mediation.

Data is collected on the age group and gender of parties concerned in criminal and civil cases. Data is also received on criminal cases where mediation was initiated or discontinued during the statistical year, on the number of criminal cases in mediation where agreement is reached on the forms of compensation and the sums of compensation (given in euros, EUR).

Data is submitted separately by all 25 operating areas for mediation in criminal and civil cases.

The National Institute for Health and Welfare (THL) collects the statistical data for the statistics on mediation in criminal and civil cases, and edits and publishes a statistical report once a year.

The text section of the statistical report explains the concepts and definitions used in the statistics. The concepts and definitions are also explained on the form used for collecting the statistical data.

The Report aims to provide information and numerical data on mediation in criminal and civil cases to administrators, mediation service providers, researchers and students and any others in need of such information.

The general supervision, management and monitoring of mediation services falls within the jurisdiction of the Ministry of Social Affairs and Health. The regional state administrative agencies are responsible for ensuring that services are available throughout Finland. THL compiles statistical information on mediation in criminal and civil cases, monitors and conducts research on mediation activities, and co-ordinates development efforts in the field. The work is supported by the Advisory Board on Mediation in Criminal and Civil Cases. The Board is appointed by the Government. The Board's sphere of operations is defined by Decree (267/2006, 1805/2009).

### Description of methods used in statistical research

Data is collected annually from all 25 operating areas for mediation in criminal and civil cases in Finland. Each year, the mediation offices are sent a data request form to be completed within due time.

The mediation offices supply the data in the format requested by THL using an online Webropol response form.

If an office fails to respond within due time, it will receive a reminder. The statistics are not compiled until the data needed have been received from all mediation offices. The statistics almost invariably have a coverage of 100 per cent.

### **Correctness and accuracy of data**

The statistics on mediation in criminal and civil cases provide aggregate data, which means that cross-classification is not possible. The statistics cannot cover the mediation process for a single offence. For the same reason, the results do not allow for any far-reaching conclusions to be drawn. It should also be noted that there is some uncertainty in the data. For example, the data are to some extent incomplete as regards the offence categories, the person/organisation submitting the case to mediation, and the information on the ages of parties concerned.

The data are correct in so far as they have been reported correctly. The statistics are updated and corrected retrospectively each year on the basis of the data on changes submitted by the mediation offices. This means that the annual time series data will also be changed and updated.

### **Timeliness and promptness of published data**

The statistics on mediation in criminal and civil cases are produced annually by THL. The statistics are published in June.

### **Accessibility and transparency/clarity of data**

The statistical report on mediation in criminal and civil cases is also available on THL's website at [www.thl.fi/fi/tilastot/rikossovittelu](http://www.thl.fi/fi/tilastot/rikossovittelu).

The mediation offices that provide data for the statistics receive an e-mail message on the publication of the statistical report.

### **Comparability of statistical data**

The National Institute for Health and Welfare (THL) (formerly STAKES until 31 December 2008) has collected data and produced the statistical report on mediation in criminal and civil cases since the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005) entered into force on 1 June 2006. Comparable data is available from that point onward on the number of criminal and civil cases referred to mediation offices, on offence categories, the number of people in mediation, and on the forms of compensation and sums of compensation involved.

Work is now underway to improve the data collection form, maintaining the time series data on key figures alongside new data request categories.

### **Clarity and consistency**

The statistical report contains data covering the entire country concerning the criminal and civil cases referred to mediation.